



The countryside charity
North Yorkshire

PO Box 189
York
YO7 9BL
www.cprenorthyorkshire.co.uk
Tel: 07983 088120
Email: info@cprenorthyorkshire.co.uk

Branch President
The Lord Crathorne KCVO
Branch Chair
Mr S White

Authority: Hambleton District Council

Type of consultation: Policy

Full details of application/consultation: Local Plan Hearing Statement

Type of response: Written Statement

Date of Submission: 1st October 2020

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

Please note, CPRE has undergone a national rebrand and whilst the charity, ethos and motivation remains the same – CPRE will now be known as 'CPRE – The Countryside Charity'

All CPRE North Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

Comment

CPRE North Yorkshire ('CPRENY') welcomes the opportunity to provide a written statement for the Examination in Public of the Hambleton District Local Plan having previously responded to various stages of the Plan preparation.

CPRENY rely on comments made at previous consultation stages in relation to the draft Local Plan. This statement specifically relates to matter one as set out by the Inspector in the published Matters, Issues and Questions.

Matter 1 – Compliance with the Act and Regulations

- 1.1 The Plan is neither consistent with national policy, nor legally compliant, with specific regard to the Climate Act 2008 as amended by Statutory Instrument 1056, NPPF 2019 Para 148 and thus ultimately paragraph 35d (*ibid.*).
- 1.2 All Local Plans must embed a comprehensive, net-gain approach to addressing the climate, ecological and resilience challenges facing us all. Specifically, we contend that Plans should set out a high-level, strategic commitment, that all new development (residential/commercial/mixed-use) should provide five key outcomes;
 - net zero/negative carbon;
 - net gain for biodiversity;
 - net gain for walking and cycling as modal share;
 - net improvement to flood risk;
 - net gain for access to green/open space.
- 1.3 NPPF 2019 para 148 states that the planning system should “*help to shape places in ways that contribute to radical reductions in greenhouse gas emissions..*” The crucial phrase here is ‘shaping places’, because this highlights the need for the interventions to be spatial and designed to transform the pattern of development and movement within Hambleton district to make it better equipped for a low-carbon future. Since shaping places is what a Local Plan sets out to do, then compliance with NPPF requires that it should act, and it must do so measurably.
- 1.4 The Plan does not do this at present. Its place-shaping policies instead reinforce the tendency of development in the district – especially employment development – to become more dispersed and more dependent on carbon intensive activities, such as by private vehicular movements (for example, to access allocated site LEB3).
- 1.5 Policy E3 of the draft Local Plan refers to a requirement a ‘biodiversity offsetting metric’ to demonstrate a proposal will deliver a net gain for biodiversity. In theory, whilst no other mention is made of this in the supporting textural justification, the requirement to deliver for a net gain to biodiversity in line with the provisions of the NPPF is supported. However, it is unclear as to which biodiversity offsetting metric is to be used? Should this be DEFRA’s, an applicant’s own or is the Council intending to produce such a tool?
- 1.6 The TCPA & RTPi document Planning for Climate Change (2018) (para 2.2.1) sets out the legal position succinctly, as referenced in our representations:

“Local planning authorities are bound by the legal duty set out in Section 19 of the 2004 Planning and Compulsory Purchase Act, as amended by the 2008 Planning Act, to ensure that, taken as whole, plan policy contributes to the mitigation of, and adaptation to, climate change. This powerful outcome-focused duty on local planning clearly signals the priority to be given to climate change in plan-making. In discharging this duty, local authorities should

consider paragraph 94 of the NPPF [note this refers to NPPF2012, para 94 being equivalent to NPPF2019 para 148] and ensure that policies and decisions are in line with the objectives and provisions of the Climate Change Act 2008 (Section 1) (discussed below) and support the National Adaptation Programme. For the sake of clarity, this means that local plans should be able to demonstrate how policy contributes to the Climate Change Act target regime, and this, in turn, means understanding both the baseline carbon dioxide emissions and then the actions needed to reduce emissions over time – which, in turn, means that annual monitoring reports should contain ongoing assessments of carbon performance against the Climate Change Act target.”

1.7 Any reasonable interpretation of this combination of legal and policy requirements would lead to a Local Plan that, as a minimum, committed to:

- Commitment to a quantified carbon reduction target for the district;
- A high-level strategic policy outlining how the Plan will contribute to delivering that target;
- Suitable monitoring arrangements.

1.8 These minimum provisions are all conspicuously absent from the Hambleton Local Plan.

1.9 It is worth emphasising that these minimum requirements are not only CPRE’s interpretation but are supported across the highest level of the planning profession. TCPA, RTPI and ClientEarth together produced a Law and Policy Briefing in September 2019 (link shown below) which states:

“Plan policies must be ‘designed to secure’ the outcomes in question, which requires a number things in practice. In respect of emissions (‘mitigation’), these include:

- *A robust assessment of the potential for local policy to achieve local emissions reductions over the plan period, taking into account the UK’s net zero commitment under the Climate Change Act;*
- *A local target set in accordance with that potential;*
- *An assessment of proposed policies’ consistency with that target; and*
- *A monitoring framework using relevant indicators to track the performance of adopted policies...”*

<https://www.rtpi.org.uk/media/1566/planningforclimatechangelawandpolicybriefing2019.pdf>

1.10 It is alarming that there is not even a strategic policy for climate change. There is plenty of precedent for such policies in Local Plans: for example the adopted Bradford Core Strategy has a commendable one, as the second strategic policy in the whole Plan (Policy SC2) and the partial review of that strategy further strengthens it (link below).

<https://www.bradford.gov.uk/Documents/planningStrategy/Core%20Strategy%20Partial%20Review/Scoping%20Report//Core%20Strategy%20Partial%20Review%20Scoping%20Report.pdf>

1.11 One specific modification to the Bradford Core Strategy SC2 (part 7) in the partial review is as follows: *“Reduce emissions and improve air quality by working with partners to make walking, cycling and the use of public transport a first choice for all, as well as ensuring that road transport emissions reductions are integrated into decision-making. Requiring new development to be located and/or position in sustainable, well-connection locations in a way that minimises emissions as well as limits its occupants’ exposure to poor air quality.”*

1.12 Such a policy may be challenging, but it is nevertheless a necessary policy for both climate response and public health. There is no credible reason for Hambleton not to make high-level commitments of this kind.

1.13 We note that Hambleton District Council have not declared a Climate Emergency. However, in light of the overwhelming evidence that exists regarding the subject and the fact that the national Government has also declared a Climate Emergency (May 19) it is CPRE North Yorkshire’s opinion that this, alongside the provisions in the NPPF, requires the Council to act accordingly in the preparation of their Local Plan. Calderdale Council has inserted a 60% carbon reduction target commitment as a modification to its Submission Draft Local Plan,

following the declaration of a Climate Emergency (para 10.2 of the table). It is considered that Hambleton could follow suit in order to ensure the Local Authority plays its part in the required reduction.

<https://www.calderdale.gov.uk/v2/sites/default/files/CC57-List-of-Proposed-Modifications.pdf>

- 1.14 The submitted Local Plan makes an obvious omission in relation to the potential to shape places for climate response: it offers no analysis of the spatial strategy. The key issue we have consistently identified with Hambleton's spatial strategy, regarding climate impact, are as follows:
- An economic growth strategy based well above the required 'need' as evidenced by the HEDNA which will result in large volumes of road traffic;
 - An employment land strategy that is explicitly linked to sites with negligible opportunity for employees to access new jobs by means other than private car;
- 1.15 No evidence is provided to show that development aspirations for Hambleton based on alternative, less transport-intensive spatial options have been evaluated. In this context it is also important to note that nationwide reductions in transport emissions, arising from take-up of ultra-low-emission vehicles, will deliver the majority of their carbon impact beyond the plan period, and do not in any case qualify as plan-related – i.e. spatial – mitigation measures. Any meaningful transport emission reductions achieved within the plan period can only arise from reductions in car traffic and take-up of walking and cycling.
- 1.16 The recently adopted Harrogate Borough Local Plan (a neighbouring authority) includes, amongst other goals a reduction in carbon dioxide emissions by 57% by 2030 in response to the UK the Climate Change Act (2008) sets a legal framework to deliver an 80% reduction in greenhouse gas emissions below 1990 levels by 2050 (paragraph 7.17). Included within the Local Plan is a section dedicated to climate change (CC) – although many policies and justifications refer to it to ensure it is embedded within the strategic direction of the Local Plan. Within the CC section, policy CC4 sets specific criteria and instructions for all new development in relation to reducing carbon emissions including (amongst others) requiring all new development to incorporate Passive design measures and the production of an energy statement, dependent on the size of development.
- [https://www.harrogate.gov.uk/downloads/file/5509/housing_transport_and_infrastructure_and_climate_change - chapters 5 6 and 7](https://www.harrogate.gov.uk/downloads/file/5509/housing_transport_and_infrastructure_and_climate_change_-_chapters_5_6_and_7)
- 1.17 It is inexplicable that the Local Plan makes no attempt to support these goals, and proposes a spatial strategy that is explicitly, road-infrastructure orientated.
- 1.18 Whilst it just might be technically possible to implement the proposed spatial strategy whilst also meeting a high-level carbon reduction target, there are three fundamental flaws in the Plan that rule out that possibility:
- No carbon reduction target commitment against which to measure implementation;
 - No recognition in the Plan of the carbon implications of the spatial strategy;
 - No high-level policy in the Plan that specifically seek to address these implications.
- 1.19 The draft Local Plan mentions Climate Change as a cross cutting issue within paragraph 2.42 relating to Cross Boundary Issues and the Duty to Cooperate. However, no tangible evidence has been presented in the Local Plan that this is being addressed by the Planning Authority, other than via flood risk and air quality policies, the mechanisms contained in which have been required in Local Plans for some time.
- 1.20 The Council's Statement of Consultation (PD03 para 6.57) sets out the overall response to a question on Sustainable Development in the Preferred Options Draft Plan "*The view was that climate change, the role of agriculture and neighbourhood plans are not adequately covered in the preferred option.*" It is unclear, how in reality the issue of Climate Change was addressed or altered in the Publication Draft version as a result of this, if at all? Table 8.1 within this document does not show this – nor are comments recorded within it from statutory

consultees showing how climate change is a cross-cutting issue (CPRENY absolutely concur that it is for the avoidance of doubt) and as such, how the Plan has been amended to reflect this fact.

- 1.21 In conclusion, no carbon reduction target is put forward, no attempt has been evidenced to shape places to achieve radical reductions in emissions, and there is no demonstration that spatial strategy is informed by any ambition to mitigate climate change. Therefore, the draft Hambleton Local Plan is at odds with the Climate Change Act and inconsistent with NPPF 2019 para 148 and as such must be found to be unsound within the provisions of paragraph 35d.