



Climate Change Topic Paper Update

October 2022



Dover District **Local Plan**
Supporting document



1. Introduction

- 1.1 In 2018 Dover District Council started work on a Local Plan Review. The new District Local Plan to 2040 aims to be aspirational and deliverable, with clear, unambiguous policies. It will provide a positive vision for the future and will address the housing needs and economic, social and environmental priorities of the district covering the period to 2040.
- 1.2 Preparation work has been undertaken in accordance with the requirements of the Planning and Compulsory Purchase Act 2004, the Strategic Environmental Assessment Directive (European Directive 2001/42/EC as transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive), the National Planning Policy Framework (NPPF) 2021, National Planning Practice Guidance and the local context and evidence base. The Planning Advisory Service (PAS) Local Plan Route Mapper Toolkit 2019 has provided useful guidance throughout.
- 1.3 In order to inform the Local Plan Review process, which includes a review of existing local plan policies, an extensive programme of stakeholder engagement has been undertaken. At the start of the review process a series of workshops was organised to gather initial thoughts on a vision, objectives and policies for the District and to re-examine the Council's land allocation process. The focus of these workshops was on a fully participative process with a wide-ranging group of invited stakeholders. One of the key overarching aspirations that came out of such early consultation exercises was a desire for a more streamlined Local Plan, with, for example, supporting text in the document kept to a minimum. As a result, it was decided that much of the background evidence and other contextual information which support the policies within the Plan will be set out in a series of Topic Papers. This evidence will then be summarised succinctly in the text of the Plan itself. In this way the Local Plan 2040 will be easy to use and accessible to all users of the planning system in the district.
- 1.4 This Topic Paper is one in a series that set out the policy context and evidence base that has informed the drafting of each of the chapters of the Dover District Local Plan 2040 as they have been prepared. Each Topic Paper presents the relevant national and local planning legislation, policy and guidance as well as other background information, including stakeholder engagement outcomes, monitoring of usage of existing policies, that forms the evidence base for the relevant section of the new Plan. For further information on individual pieces of evidence, links are provided to the full documents as appropriate.
- 1.5 The information in the Topic Papers will be updated as and when necessary and will form a key part of the Local Plan Evidence Base that will be relied on at the Local Plan Examination.

1.6 The issues covered by this Climate Change Topic Paper are as follows:

Background

- Background to Climate Change issues
- Flood Risk
- Sustainable Design and Construction
- Coastal Change Management Areas

Evidence Base

- Policy Context – National, Regional and Local
- Usage of existing Dover development plan policies
- Stakeholder Engagement and Feedback
- Sustainability issues

Conclusions

- Local Plan 2040 preferred policy approach

Background

2. Background

- 2.1 Climate Change is now a legal requirement of the development plan making process. Section 19(1A) of the Planning and Compulsory Purchase Act 2004 provides 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.'

This legal obligation, introduced through the Planning Act 2008 alongside the Climate Change Act 2008, makes climate mitigation and adaptation central principles of plan-making. (By contrast the requirement to have a five year housing land supply, for example, is not a legal one). By law therefore development plan policies must be 'designed to secure', the mitigation of, and adaptation to, climate change. This requires a number of 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 (i.e. for reporting at least annually as part of the Annual Monitoring Report process).

- 2.2 These legal duties are also supported by national planning policy and guidance. In particular Chapter 14 of the National Planning Policy Framework (NPPF) 2021 states that The planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions and take a proactive approach to mitigating and adapting to climate change, in line with the objectives and provisions of the Climate Change Act 2008.¹

- 2.3 The following parts of the Climate Change section of Planning Practice Guidance (PPG) also provide clear support for a comprehensive and proactive approach to assessing the climate impact of local planning policy:

'In addition to supporting the delivery of appropriately sited green energy, effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases. Addressing climate

¹ NPPF (2019) Paras 152 and 153 (including footnote 53)

change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan making and decision-taking. To be found sound, Local Plans will need to reflect this principle.' (Paragraph 001)

'Section 19(1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans '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'. This will be a consideration when a Local Plan is examined. The Climate Change Act 2008 establishes a legally binding target to reduce the UK's greenhouse gas emissions by at least 80% in 2050 from 1990 levels.' (Paragraph 002)

- 2.4 In June 2019 this target was strengthened, through the Climate Change Act 2008 (2050 Target Amendment) Order 2019, to commit the UK to reaching net zero greenhouse gas emissions by 2050.

'Every area will have different challenges and opportunities for reducing carbon emissions from new development such as homes, businesses, energy, transport and agricultural related development.

■ *Robust evaluation of future emissions will require consideration of different emission sources, likely trends taking into account requirements set in national legislation, and a range of development scenarios.*

■ *The distribution and design of new development and the potential for servicing sites through sustainable transport solutions, are particularly important considerations that affect transport emissions. Sustainability appraisal should be used to test different spatial options in plans on emissions.'* (Paragraph 007)

- 2.5 Dover District Council declared a Climate Emergency at its Full Council meeting of 29 January 2020, following the decision of its Cabinet on 4th November 2019 that there is a need for urgent action, given the serious impact of climate change globally. The Council has set up a cross party Climate Change Member Working Group, which will prepare a strategy and action plan, with the aspiration that DDC will become a net zero carbon emitter by 2030. In addition, the Council has pledged to help support the wider community so that the district can become carbon neutral by 2050. It also supports the Kent Environment Strategy and Kent Fuel Poverty Strategy, and is a signatory to the Emissions Reduction Pledge 2020. Officers have also been working with Kent partners on a draft Energy and Low Emissions Strategy.

- 2.6 Changes to the climate will bring new challenges to this district's built and natural environments. Hotter, drier summers may have adverse health impacts and may exacerbate the adverse environmental effects of air and water pollution. The UK Climate Projections show that in 2050 the climate in the South East will be warmer with wetter winters and drier summers than at present. Specifically:
- Under medium emissions, the increase in winter mean temperature is estimated to be 2.2°C; it is unlikely to be less than 1.1°C and is very unlikely to be more than 3.4°C.

- Under medium emissions, the increase in summer mean temperature is estimated to be 2.8°C; it is unlikely to be less than 1.3°C and is very unlikely to be more than 4.6°C.
 - A changing climate may place pressure on some native species and create conditions suitable for new species, including invasive non-native species.
- 2.7 There is no doubt that the planning system has an important role to play in responding to the climate change emergency. Planning can make a major contribution to both mitigating and adapting to climate change through decision-making on the location, scale, mix and character of development. Local Plans, with a lifespan of up to 20 years, have a key role to play as they set out the policies with which all development coming forward in the District will have to comply and include the allocation of new land for development, land allocations which are required to take account of sustainability principles as well as issues such as rises in sea levels. In preparing Local Plans, formulating planning policy and determining planning applications, as a planning authority Dover District Council must take account of relevant legislation, national policy and guidance relating to climate change.
- 2.8 The construction methods and composition of buildings can help reduce the effects of climate change and ensure better adaptability to changing circumstances. To date, such issues have been primarily addressed through the Building Regulations, which are intended to protect people's safety, health and welfare in and around buildings, in addition to improvements in the conservation of fuel and power, protect and enhance the environment and promote sustainable development. However, it is recognised that the planning process now has an increasingly urgent role to play in ensuring that the design of all new development incorporates clear measures to reduce vulnerability to the impacts of climate change and to reduce greenhouse gas emissions.
- 2.9 The issue of climate change affects many areas of planning policy development as well as development management work. The preparation of the new Local Plan has sought to take account of such issues as seeking to ensure that development in the District minimises global warming, in order to ensure that the country meets its 2050 net carbon target, and that new development adapts to the current climate emergency whilst protecting, conserving and enhancing the natural environment. To meet such ambitions, there will not be a single stand-alone policy in the Local Plan that addresses climate change, instead the issue will be embedded and integrated into Local Plan objectives and policies throughout the Plan.
- 2.10 The Government publishes data on the CO₂ emissions per capita in each local authority that are deemed to be within the influence of local authorities. Kent is committed to reducing greenhouse gas emissions by 34% by 2020 and 60% by 2030 from a 2005 baseline (current progress is a 21% reduction since 2005). In the context of planned growth of Kent's population and housing development, additional low carbon and appropriate renewable energy infrastructure, as well as an increase in uptake of energy efficiency initiatives, will be needed to ensure

Kent meets its targets and benefits from the opportunities for innovation in these sectors. Some 80% of the housing stock that will be used over the next few decades is already in place and so opportunities to retrofit energy technologies and support a change to low carbon lifestyles will be key to supporting residents in reducing costs and improving energy security.

- 2.11 The latest available data shows that CO2 emissions per capita in Dover fell by 28.9% between 2005 and 2013 although this masks widely different falls in the three broad sectors measures: Industry and Commercial -40.7%, Domestic -14% and Transport -11.8%.
- 2.12 It is also important to recognise that climate change issues facing the district cannot be tackled solely in the Local Plan. In order to be effective, climate change and adaptation needs to be incorporated into other strategies and documents that the Council is responsible for preparing, including the Corporate Plan, and the Housing Strategy.
- 2.13 In this respect this Topic Paper cannot cover the full breadth of climate change issues. Instead, it focuses on mitigation measures (particularly in relation to energy use and generation), adaptation and resilience, as well as issues, including flooding, which the climate emergency will have a direct impact on and which is central to decisions on the allocation of land for development and the preparation of development planning policies for the period to 2040.

Flood Risk

- 2.14 Kent has the highest risk of local flooding of all local authorities in England and surface water flooding is estimated to affect 76,000 properties in Kent, of which approximately 60,000 are residential. Kent is also currently estimated to have approximately 64,000 properties at risk of river and coastal flooding, of which approximately 46,000 are residential.
- 2.15 Flood risk to Dover District is dominated by tidal flooding, although the settlements of Dover and Sandwich have an additional risk from fluvial flooding, from the River Dour and River Stour respectively. The risk of flooding varies across the District. The coastal settlements of Sandwich, Deal and Dover are all, to some degree, at risk of flooding from the sea. This is the case in particular for areas of land to the north of Deal where the coastal defense structures are at greatest risk of breaching. The River Stour and River Dour present a fluvial risk of flooding to the settlements bordering these rivers. The centre of the district is in parts low lying, and the varied topography throughout the district can present a risk of surface water flooding to both rural and urban communities alike.
- 2.16 In lower lying areas of the District, groundwater is another primary source of flooding, as a result of the predominant chalk geology. The Council's updated Strategic Flood Risk Assessment provides information on all sources of flooding, together with a detailed means of appraising development allocation sites and

existing planning policies, against the risks posed by flooding over this coming century.

Sustainable Design and Construction

- 2.17 Heating and powering buildings is responsible for a third of carbon emissions in the UK. As part of Dover's commitment to becoming a net zero carbon emitter within the lifetime of the Dover Local Plan 2040, and carbon neutral by 2050, it is therefore imperative that the design and construction of all new buildings during the Plan period demonstrably include climate change adaptation and mitigation measures.
- 2.18 Paragraph 154 of the NPPF (2021) requires that new development should be planned in ways which reduces vulnerability to the impacts of climate change and reduce greenhouse gas emissions. Paragraphs 155 and 156 state that Plans should help to increase the use and supply of renewable and low carbon energy and heat and support community initiatives in this regard, while paragraphs 157 and 158 provide guidance for planning authorities in determining planning applications for renewable and low carbon development and advises that all new development should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 2.19 Detailed national guidance on sustainable design and construction and embodying climate change adaptation and mitigation measures in new building is set out in the National Design Guide (2019). This Guide outlines and illustrates the government's priorities for well-designed places in the form of ten characteristics, including 'Resources'. It emphasises that well-designed places and buildings conserve natural resources including land, water, energy and materials and should identify measures to achieve mitigation, primarily by reducing greenhouse gas emissions and minimising embodied energy, and adaptation to anticipated events, such as rising temperatures and the increasing risk of flooding.
- 2.20 Land should be used efficiently to help adaptation by increasing the ability for CO² absorption, sustaining natural ecosystems, minimising flood risk and the potential impact of flooding, and reducing overheating and air pollution. New developments should have a layout, form and mix of uses that reduces their resource requirement, including for land, energy and water, are fit for purpose and adaptable over time, reducing the need for redevelopment and unnecessary waste, and use materials and adopt technologies to minimise their environmental impact. They should maximise the contributions of natural resources such as sun, ground and wind, and include passive measures for light, temperature, ventilation and heat, as well as make use of renewable energy infrastructures, such as photovoltaic arrays, ground source heat pumps and district heating systems, to reduce demand for non-sustainable energy sources.

- 2.21 Given that the selection of materials and the type of construction influence how energy efficient a building or place can be and how much embodied carbon it contains the National Design Guide advises that proposals for new development use materials carefully to reduce their environmental impact. This may be achieved in many different ways, for instance through materials that are locally sourced, high thermal or solar performance, or through designs based on the typical dimensions of materials in order to reduce waste.

Coastal Change Management Areas

- 2.22 Coastal Change Management Areas (CCMAs) have been identified as a key coastal planning tool and as a coastal planning authority the Dover Local Plan is required to take account of such a planning tool. Policies and guidance to support this approach are set out in the National Planning Policy Framework and its associated Planning Practice Guidance. They are to be defined in Local Plans as areas likely to be affected by coastal change, such as physical change to the shoreline through erosion, coastal landslip, permanent inundation or coastal accretion. CCMAs are designated along extensive stretches of the district's coastline between its border with Folkestone and Hythe District Council to the south west and the town of Deal.
- 2.23 The NPPF maintains that local planning authorities should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast. They should identify as a CCMA any area likely to be affected by physical changes to the coast, and be clear as to what development will be appropriate in such areas and in what circumstances, as well as making provision for development and infrastructure that needs to be relocated away from CCMAs.
- 2.24 A CCMA should only be defined where rates of shoreline change are significant over the next 100 years, taking account of climate change. They should not need to be defined where the accepted Shoreline Management Plan (SMP) policy is to hold or advance the line (maintain existing defences or build new defences) for the whole period covered by the plan, subject to evidence of how this may be secured. Local planning authorities should demonstrate that they have considered SMPs, which provide a largescale assessment of the risks associated with coastal processes, and should provide the primary source of evidence in defining the CCMA and inform land allocation within it.
- 2.25 The coastlines and seas of Dover District fall within the South East Marine Plan (2021) area and both the South and the South East Inshore SMPs. Draft Policy SE-CC-3 of the South East SMP Consultation Draft January 2020 aims to ensure that proposals do not exacerbate coastal change, enabling communities to be more resilient and able to adapt better to coastal erosion and flood risk where identified. It also supports proposals that do not compromise existing adaptation measures, which will enable improvement of the resilience of coastal

communities to coastal erosion and flood risk. Proposals that cannot avoid, minimise and mitigate significant adverse will not be supported.

Evidence Base

3. Policy Context

- 3.1 It is important to recognise that the evidence base on climate change is very dynamic and, in addition, that the evidence base that has informed this Topic Paper crosses over a number of other chapters in the Local Plan. Furthermore, risk and vulnerability will change over time, in relation for example, to flood plains and sea level rises.

International

EVIDENCE BASE

- European Directive 2009/28/EC
- United Nations Paris Climate Change Agreement (2015)
- European Floods Directive (2007)
- European Energy Performance of Buildings Directive (2010)

- 3.2 Under EU Directive 2009/28/EC, the UK is committed to supplying 15% of its energy requirement (including electricity, heat and energy powering transport) from renewable sources by 2020. It is not clear whether the UK is currently on track to meet this target, but it did meet the interim target set for the period covering 2013 and 2014. There is no specific local target that the District should be aiming to meet, but it is implicit that the Local Plan should assist in meeting such national commitments.
- 3.3 The United Nations Paris Climate Change Agreement (2015) is the core international agreement on climate change. The signatories of this international agreement pledged to keep global temperature rises this century well below 2 degrees Celsius above pre-industrial levels.
- 3.4 The European Floods Directive (2007)² is a European wide framework for the assessment and management of flood risk, aiming at the reduction of the adverse consequences for human health, the environment, cultural heritage and economic activity. The European Energy Performance of Buildings Directive

² Under the EU Withdrawal Act (2019) all EU legislation and directives have been carried over into UK law following the country's withdrawal from the EU.

(2010) promotes the energy performance of buildings and building units. It requires the adoption of a standard methodology for calculating energy performance and minimum requirements for energy performance.

National

EVIDENCE BASE

- Planning and Compulsory Purchase Act 2004
- NPPF (2021) paragraphs 152 –173
- The Planning and Energy Act 2008
- The Climate Change Act 2008
- Flood and Water Management Act 2010
- The UK Renewable Energy Strategy 2009
- Energy Performance of Building Directive 2010
- Housing Standards Review 2015
- Electric Vehicle Charging in Residential and Non-Residential Buildings (consultation draft) 2015
- Future Homes (consultation draft) 2019
- Building Regulations (2022)

- 3.5 As set out in paragraphs 2.1 to 2.4 of this Topic Paper, Section 19 of the 2004 Planning and Compulsory Purchase Act, as amended by the 2008 Planning Act, places a legal duty on Local Authorities to ensure that Local Plan policies contribute to the mitigation of, and adaptation to, climate change.

National Planning Policy Framework

- 3.6 Local plan policies must be positively prepared, justified, effective and consistent with national policy and legislation. The NPPF (2021) sets out the overarching planning policy framework, supported by Planning Practice Guidance (PPG).
- 3.7 Paragraph 8 of the NPPF makes clear that ‘mitigating and adapting to climate change’ is a core planning objective. To be in conformity with the NPPF, Local Plans should reflect this principle, ensuring that planning policy clearly and comprehensively deals with climate change mitigation and adaptation. The NPPF also highlights climate change as a key part of strategic planning policy which local authorities are legally obliged to set out in their local plans (see paragraph 20 NPPF).
- 3.8 The NPPF (in paragraph 153 and accompanying footnote 53) expects LPAs to adopt proactive strategies to mitigate and adapt to climate change, in line with the Climate Change Act 2008 and Section 19 of the 2004 Planning and Compulsory Purchase Act. This has the effect of making the objective of an 80% reduction in carbon dioxide emissions by 2050 clearly relevant to the discharge of the duty on planning authorities to shape policy which reduces carbon dioxide emissions. As

a result, planning authorities will need to understand their carbon profile, and their policy should support 'radical' reductions in carbon dioxide emissions. While the presumption in favour of development is a key objective of the NPPF, the presumption in favour does not apply to development in areas subject to flood risk or coastal erosion, where policies in the NPPF suggest that development should be restricted.

- 3.9 Paragraph 154 of the NPPF states that new development should be planned in ways which reduces vulnerability to the impacts of climate change and reduce greenhouse gas emissions. Paragraphs 157 -158 deal with individual development and emphasises the importance of low carbon development.
- 3.10 In terms of the implications of the NPPF for planning for climate change, there are four headline issues:
- The revisions made to the NPPF in 2021 retain the key link between planning policy and the provisions of the Climate Change Act 2008. This means all local plans must set a carbon dioxide emissions reduction target and lay out clear ways of measuring progress on carbon dioxide emissions reduction.
 - Guidance for viability testing has been rebalanced, creating more opportunity for policy that might address climate change.
 - There still appears to be confusion about the scope of planning authorities to set ambitious targets beyond the Building Regulations on energy efficiency.
 - There is nothing to stop local plans adopting requirements for on-site renewable energy generation.

The Planning and Energy Act 2008

- 3.11 The Planning and Energy Act 2008 sets out powers for local authorities to require a proportion of the energy need related to new development to be sourced in the locality of the development, through renewable or low-carbon generation. This enables what is known as the 'Merton Rule' based on an approach pioneered by the London Borough of Merton, which can in turn be used to develop zero-carbon policy. The focus of such policy can be broader than an individual site so as to enable area-based solutions for example, through district heating. It also enabled local authorities to require standards for energy efficiency in new buildings beyond those in the Building Regulations. However, in 2015 the energy efficiency requirements were repealed, to effectively make the Building Regulations the sole authority regarding energy efficiency standards for residential development and leaving local authorities no longer able to set their own energy efficiency standards.

The Climate Change Act 2008

- 3.12 The Climate Change Act 2008 sets out to ensure that the net UK carbon account for the year 2050 is at least 80% lower than the 1990 baseline. It requires that emissions of carbon dioxide and other greenhouse gases are reduced and that

climate change risks are prepared for. The Act also establishes the framework to deliver on these requirements.

- 3.13 The Act supports the UK's commitment to urgent international action to tackle climate change. Through the Climate Change Act, the UK government has set a target to significantly reduce UK greenhouse gas emissions by 2050 and a path to get there. The Act also established the Committee on Climate Change (CCC) to ensure that emissions targets are evidence-based and independently assessed. In addition, the Act requires the Government to assess the risks and opportunities from climate change for the UK, and to prepare for them. The CCC's Adaptation Sub-Committee advises on these climate change risks and assesses progress towards tackling them.
- 3.14 The Climate Change Act requires the government to set legally-binding 'carbon budgets' to act as stepping stones towards the 2050 target. A carbon budget is a cap on the amount of greenhouse gases emitted in the UK over a five-year period. Budgets must be set at least 12 years in advance to allow policy-makers, businesses and individuals enough time to prepare.
- 3.15 The CCC advises on the appropriate level of each carbon budget. The budgets are designed to reflect a cost-effective way of achieving the UK's long-term climate change objectives. The first five carbon budgets have been put into legislation and run up to 2032. Once a carbon budget has been set, the Climate Change Act places an obligation on the Government to prepare policies to ensure the budget is met.

Flood and Water Management Act 2010

- 3.16 The Flood and Water Management Act 2010 addresses the threats of flooding and water scarcity. Under the Flood Risk Regulations 2009, the Environment Agency is responsible for managing flood risk from main rivers, the sea and reservoirs. This Act is important as lead local flood authorities are responsible for local sources of flood risk.
- 3.17 Measures are set out to ensure that risk from all sources of flooding is managed more effectively. This includes: incorporating greater resilience measures into the design of new buildings, utilising the environment in order to reduce flooding, identifying areas suitable for inundation and water storage to reduce the risk of flooding elsewhere, rolling back development in coastal areas to avoid damage from flooding or coastal erosion and creating sustainable drainage systems (SuDS).

Energy Performance of Buildings Directive 2010

- 3.18 This Directive contains an obligation for all new buildings to be "nearly zero energy" by 2020. Nearly zero energy is defined in the directive as "a building that has a very high energy performance. The nearly zero or very low amount of energy required should be covered to a very significant extent by energy from renewable sources, including energy from renewable sources produced on-site or nearby.

Housing Standards Review 2015

- 3.19 Following the Housing Standards Review consultation in 2013, the government produced a written ministerial statement in March 2015 which withdrew the Code for Sustainable Homes standard and with it the net zero carbon goal for new residential development. Although it reaffirmed the Government's commitment to the national Zero Carbon homes standard, to date that has not been reintroduced. However, uplifts in the Building Regulations in June 2022 has required new standards which provide stepping stones to the programmed reductions in carbon emissions from new buildings to meet such an objective.

Electric Vehicle Charging in Residential and Non-Residential Buildings 2019

- 3.20 In July 2019 the Government published a consultation document on electric vehicle charging in residential homes and non-residential buildings. In summary the consultation stated:
- Every new residential building with an associated car parking space must have a charge point for electric point for electric vehicles – including buildings undergoing a material change of use into a dwelling;
 - Every residential building undergoing major renovation with more than 10 car parking spaces must have one charge point and cable routes for electric vehicle charge points in every car parking space;
 - Every new non-residential building and every non-residential building undergoing major renovation with more than ten car parking spaces must have one charge point and cable routes for an electric vehicle charge point for one in five spaces; and
 - There must be at least one charge point in existing non-residential buildings with more than 20 car parking spaces by 2025.
- 3.21 Subject to the outcome of the public consultation exercise, it was intended that the above requirements would be incorporated through amendment of the existing English Building Regulations (2010) and that these changes would come into force by the middle of 2020. The changes relating to existing non-residential buildings with more than 20 car parking spaces would be brought into law through transposing of the European Union Energy Performance of Building Directive.

The Future Homes Standard: Changes to Part L and Part F of the Building Regulations for new dwellings

- 3.22 In October 2019 the Government set out the first stage of a two-part consultation about proposed changes to the Building Regulations. It also covers the wider impacts of Part L for new homes, including changes to Part F (ventilation), its associated Approved Document guidance, airtightness and improving as-built performance of the constructed home.
- 3.23 In December 2021 June 2022 the Government introduced changes to the Building Regulations as stepping stones to the Future Homes and Future Building Standards. Under these new Regulations, which include a new Regulation (Part O) addressing overheating and a new Part S requiring all residential new builds to have preparatory

work completed for the future installation of an electric vehicle charging point, CO2 emissions from new build homes must be at least 3031% lower than current standards and emissions from other new buildings, including offices and shops, must be reduced by at least 27%. These interim measures come into force from June 2022 providing a new way of measuring energy efficiency has been introduced alongside the 2022 Building Regulations, using a new performance metric, to support the move away from reliance on fossil fuels and to deliver more carbon savings and lower bills for the householder, whilst acknowledging resultant higher build costs.

- 3.24 Local authorities have the power to set local energy efficiency standards that go beyond the minimum standards set through the Building Regulations, through the Planning and Energy Act 2008. However, it is considered that implementation of the Future Homes and Future Building Standards in the early years of the Local Plan, as is the Government's stated intention, coupled with the 2022 uplift in the Building Regulations in respect of reducing carbon emissions from new building, will deliver significant and meaningful contributions to securing a low carbon future for the district and to mitigating and adapting to the harmful effects of climate change in accordance with Strategic Policy SP1 of this Plan and that therefore local energy efficiency standards are not necessary at the present time. Introducing additional requirements is also likely to have a significant impact upon viability of development in parts of the District, which needs to be balanced against other policy requirements in this Plan

The UK Renewable Energy Strategy 2009

- 3.25 This strategy sets out the ways in which the country will tackle climate change by reducing CO2 emissions through the generation of a renewable electricity, heat and transport technologies.

Regional

EVIDENCE BASE

- Kent Environment Strategy 2016
- Kent and Medway Energy and Low Emissions Strategy 2019
- Water for Sustainable Growth Study 2017
- Growing the Garden of England: A strategy for environment and economy in Kent 2011
- River Stour Catchment Flood Management Plan 2009

The Kent Environment Strategy 2016

- 3.26 In recognition that Kent faces unprecedented growth and change over the coming decades, the Kent Environment Strategy recognises and addresses the challenges and opportunities that this will bring.
- 3.27 Working together through the strategy and across sectors, the task of the Environment Strategy is to continue to support economic growth, whilst protecting and enhancing the

natural and historic environment and creating and sustaining communities that are vibrant, healthy and resilient.

- 3.28 The Kent Environment Strategy sets the following targets in relation to climate change mitigation and adaptation:
- Reduce emissions across the county by 34% by 2020 from a 2012 baseline (2.6% per year)
 - More than 15% of energy generated in Kent will be from renewable sources by 2020 from a 2012 baseline
 - Reduce the number of properties at risk from flooding

Kent and Medway Energy and Low Emissions Strategy 2019

- 3.29 The strategy's vision is that by 2050 the county will have reduced emissions to zero, eliminating poor air quality, reducing fuel poverty and delivering an affordable, clean and secure energy supply for Kent and Medway. The strategy looks at the link between the supply of energy for housing, industry and transport and air quality, recognising that reducing emissions from the former will lead to improvements in the latter by creating a multi-agency approach.

Water for Sustainable Growth Study 2017

- 3.30 Kent County Council (KCC) commissioned the Water for Sustainable Growth Study study to assess the impact of growth in the study area on the water environment, and to identify sustainable measures required to manage water environment impacts to 2031 and beyond. The study aims to support spatial planning decisions as well as the strategic planning of water services infrastructure by water companies in the medium to long term.
- 3.31 The study draws from, and supports, other related strategic planning studies completed for the study area, including the Kent Spatial Risk Assessment for Water 2 completed in 2014 and the concurrent Growth and Infrastructure Framework study (2017).
- 3.32 Dover District is one of the most water scarce areas in the UK and therefore will be disproportionately affected by climate change, particularly with regards to water scarcity. It is appropriate therefore, in such circumstances, that Dover District the introduction of higher standards than Building Regulations is considered. The age profile of the existing stock, and the fact that most of the current stock will still be in use in 2050 means that Dover District will not achieve significant reductions in carbon emissions and water use unless the existing stock is transformed.

Growing the Garden of England 2011

- 3.33 Growing the Garden of England is a strategy for environment and economy in Kent. It seeks to ensure that a future sustainable community strategy helps to achieve a high quality Kent environment that is low carbon, resilient to climate change, and has a

thriving green economy at its heart. The Strategy is organised into three themes and ten priorities:

- Living 'well' within our environmental limits – leading Kent towards consuming resources more efficiently, eliminating waste and maximising the opportunities from the green economy:
- Make homes and public sector buildings in Kent energy and water efficient, and cut costs for residents and taxpayers.
 - Ensure new developments and infrastructure in Kent are affordable, low carbon and resource efficient.
 - Turn waste into new resources and jobs for Kent.
 - Reduce the ecological footprint of what we consume.
- Rising to the climate change challenge – working towards a low carbon Kent prepared for and resilient to the impacts of climate change:
 - Reduce future carbon emissions.
 - Manage the impacts of climate change, in particular extreme weather events.
 - Support the development of green jobs and business in Kent.
- Valuing our natural, historic and living environment – optimising the real economic and social benefits of high environmental quality while protecting and enhancing the unique natural and built-in character of Kent:
 - Utilise the full social and economic potential of a high quality natural and historic environment in Kent.
 - Conserve and enhance the quality of Kent's natural and heritage capital.
 - Ensure that Kent residents have access to the benefits of Kent's coast, countryside, green space and cultural heritage.

River Stour Catchment Flood Management Plan 2009

3.34 This management plan presents an overview of the flood risk across the river Stour catchment and recommends ways of managing the risk now and over the next 50 to 100 years. The District of Dover falls within five of the nine sub-areas outlined in the Plan but principally mostly within the 'Isle of Thanet and Rest of Catchment' sub-area. The following analysis is relevant in preparing the Dover Local Plan 2040:

- **Nailbourne and Little Stour:** Areas of low, moderate or high flood risk where flood risk is currently being managed effectively but further action is required to keep pace with climate change.
- **Lower Stour:** Areas of low to moderate flood risk where action is being taken to store water and manage run-off in locations that provide overall flood risk reduction or environmental benefits.
- **Sandwich Bay:** Areas of low to moderate flood risk where flood risk is currently being managed effectively.
- **Dour and Pent:** Areas of low, moderate or high flood risk where flood risk is currently being managed effectively but further action is required to keep pace with climate change.
- **Isle of Thanet and the rest of catchment:** Areas of little or no flood risk.

Local

EVIDENCE BASE

- Dover District Council Corporate Plan 2020 - 2024
- Dover District Core Strategy 2010
- Dover Strategic Flood Risk Assessment 2019
- Dover Strategic Flood Risk Assessment Addendum 2021
- Dover Mid Town Flood Modelling 2020
- Review of Coastal Change Management Areas in Dover District 2018

Dover District Council Corporate Plan 2020 - 2024

- 3.35 The Dover District Corporate Plan 2020 – 2024 is the main strategic document of the Council, providing a framework for the delivery of its services and a clear statement of the Council’s vision and priorities. It provides the context for all other Council strategies and plans. Of the four Corporate Objectives, the third is Climate Change, Environment & Assets a cleaner sustainable environment:

Support the wider climate change agenda to facilitate a better environment for everyone. Support the development and protection of our environment and open spaces, making the most of our enviable landscapes, heritage and assets and making our parks destinations of activity, recreation and community.

District Core Strategy (2010)

- 3.36 The current local planning policy that addresses climate change mitigation and adaption is found in the Core Strategy (Policy CP5). This Policy requires new development to incorporate renewable energy measures, as well as energy and water efficiencies. At the time of preparing the Core Strategy, the Government’s preferred system for measuring the performance of new homes was the national Code for Sustainable Homes (2006). The Code included six levels with mandatory requirements at each regarding energy and water usage, materials, surface water run-off and waste. It also covered the categories of pollution, health and well-being (which incorporates Lifetime Home Standards), management and ecology but with flexibility over which standards to choose to achieve a specific Code rating. The attainment of higher Code levels required the incorporation of renewable energy production and implies a move towards higher density development. The Government’s intention was to bring in the Code's energy and water standards into force through stepped changes to the Building Regulations (to achieve level 3 from 2010, level 4 from 2013 and level 6, zero carbon, from 2016).
- 3.37 With regard to non-residential buildings the national Sustainable Construction Strategy (2008) set out an ambition for all new domestic buildings to be zero carbon by 2019. The Core Strategy acknowledges that, at the time of writing, the Building Research Establishment Environmental Assessment Method (BREEAM) - a voluntary

scheme that covers the management, health and wellbeing, energy, transport, water, materials and waste, land use and ecology and pollution aspects of non-residential building performance. - was the most comprehensive assessment tool that was available to judge non-residential buildings.

- 3.38 Once the Core Strategy was adopted, planning applications were required to demonstrate how they would comply with the standards in Policy CP 5 through the development of energy and water strategies in a Design and Access Statement. However, in 2015, the Government officially announced that as part of its work to remove 'red tape' in the housebuilding sector the Code for Sustainable Homes would be abolished. The changes were a culmination of the Housing Standards Review in 2015, which aimed to reduce the cost and complexity of building homes in England and stop the 'pick and mix' approach to housing standards by different local authorities in England. The Government were concerned that the Code for Sustainable Homes allowed Council's to adopt their own sustainability levels as a planning requirement for new residential development, with code level 3, 4, 5 or 6 as potential planning conditions.
- 3.39 At the time of making the announcement to abolish the Code for Sustainable Homes, the Government were clear that elements of the code would be incorporated into changes to the Building Regulations. To date this has not happened. As a direct result of this Government announcement, the Council has been unable to implement the first part of Core Strategy Policy CP 5 but it has still been operating the second part of the policy in relation to new non-residential development over 1,000 square metres gross floorspace permitted being required to meet BREEAM very good standard.

Dover Strategic Flood Risk Assessment 2019

- 3.40 The Strategic Flood Risk Assessment (SFRA) for the District produced in 2019 provides a clear picture of the potential risks associated with flooding within the Dover district and outlines the requirements with regard to ensuring that these risks are managed in a sustainable way into the future.

4 Usage of existing policies

- 4.1 As noted above the Government's decision to abolish the Code for Sustainable Homes in 2015 has left the Council unable to implement the first part of Policy CP 5 but it has still been operating the second part of the policy in relation to new non-residential development over 1,000 square metres gross floorspace permitted being required to meet BREEAM very good standard. Policy CP5 does not feature in the results of analysis of the most frequently used policies on planning application decisions or in appeal decisions in this district.

5 Community Engagement

Feedback from 2018 workshops

- 5.1 In order to inform the Local Plan Review process, a series of workshops were set up in 2018 to obtain initial thoughts on a new vision and objectives for the District, and to reconsider how allocations for new housing are made. The focus of the events was on a fully participative process with small group discussions and plenary clustering of outcomes. The first workshop held at The Ark, Dover on 11th July 2018 and involved members of the District Council Leadership Team. The second workshop held at The Ark, Dover on 17th July 2018 involved a wide-ranging group of invited stakeholders.
- 5.2 A third workshop held at The Ark, Dover on 12th October 2018 and involved stakeholders with a special interest in policies related to Development Management. The aim of the workshop was to give representatives an opportunity to review and discuss the existing local plan policies (Dover District Local Plan, Core Strategy, Land Allocations Local Plan) and suggest additional policies. Participants attended 3 rounds of small group discussions.
- 5.3 With regard to meeting the challenge of climate change, flooding and coastal change the following Key Findings emerged from these engagement exercises:
- Need to mitigate and adapt to the forecasted impact of climate change
 - Focus on flood risk, renewable resources and ecosystem services
 - Encourage creative design to reduce the risk of building in flood risk areas
 - Transform Dover into a low carbon district
 - Focus on energy efficiency

Kent Local Plan Climate Change Workshop 28th November 2019

- 5.4 Given that Local Planning Authorities have a significant role to play in mitigating and adapting to climate change and that climate change is therefore a key issue in the Dover Local Plan 2040 it was felt appropriate that the review and preparation of the new Local Plan paid particular attention to the issue of climate change. In order to address this issue appropriately and to ensure that climate mitigation and adaption are central and embedded into the principles in the new Local Plan, officers from the Regeneration and Delivery team enlisted the assistance of the Royal Town Planning Institute (RTPI) and the Town & Country Planning Association (TCPA).
- 5.5 Owing to the fact the solutions to climate change mitigation and adaption are recognised by the NPPF as a key Duty to Co-operate issue (given that nearly all solutions to climate change require joint working to be undertaken across local administrative boundaries) it was agreed that the best way to tackle this important issue was on a collaborative Kent-wide basis. By taking this approach, Councils could pull resources together and understand if there were any joint studies that could be undertaken on a County wide basis and to understand how different Councils were intending to tackle climate change issues in their Local Plans and learn from best practice.

- 5.6 This process started with a broad discussion on the latest publication by the TCPA 'Rising to the Climate Crisis: A Guide for Local Authorities on Planning for Climate Change' (2018) with Planning Policy Officers from across the county at the Kent Planning Policy Forum (KPPF) which is hosted by Kent County Council and held on a bi-monthly basis. This was followed by an interactive session on climate change issues with the assistance of the Royal Town Planning Institute and The Town & Country Planning Association.
- 5.7 Dover District Council hosted a Kent-wide Local Plan Climate Change workshop on the 28th November 2019 in Dover Town Hall which was attended by planning officers from across Kent, representatives from the RTPI, the Town and Country Planning Association, the Environment Agency, Climate Earth, Kent County Council and a number of other relevant organisations. The outcomes from this Local Plan workshop and list of attendees are available on the DDC website.

6. Sustainability Issues

- 6.1 In 2017 Dover District Council commissioned LUC to carry out the Sustainability Appraisal incorporating Strategic Environmental Assessment (SEA) of the new Local Plan for Dover District (the Dover District Local Plan to 2040). This process is designed to consider and communicate the significant sustainability issues and effects of emerging Plans and Policies, including their alternatives. It informs the plan-making process by helping to refine the contents of such documents, so that they maximise the benefits of sustainable development and avoid or at least minimise the potential for adverse effects.
- 6.2 The 2018 Scoping Report³ provides the context for, and determines the scope of, the Sustainability Appraisal/SEA of the review of the Local Plan and sets out the framework for undertaking the later stages of the SA/SEA. The Scoping Report starts by setting out the policy context of Dover Local Plan 2040, before describing the current and likely future environmental, social and economic conditions in the District. This contextual information is used to identify the key sustainability issues and opportunities that the New Local Plan can address. The key sustainability issues and opportunities are then used to develop a framework of SA Objectives used to appraise the likely significant effects of the constituent parts of the Local Plan, including strategic policies, site allocations and development management policies.
- 6.3 With regard to Climate Change, the key sustainability issues facing Dover District are identified in the SA Scoping Report as follows:
- Hotter, drier summers expected under climate change have the potential for adverse effects on human health. A New Local Plan offers another opportunity to update the District's approach to managing the effects of the changing climatic and associated weather events, particularly in the design of new buildings and green infrastructure.

³ Dover District Council New Local Plan, Sustainability Appraisal Scoping Report, LUC (February 2018)

- Climate change is likely to impact upon habitats and thereby biodiversity. The sensitivities of these networks can be managed effectively through the New Local Plan and any associated update to the Council's Green Infrastructure Strategy.
- Flood risk to Dover District is dominated by tidal flooding, particularly to the north of Deal, where the coastal defence structures are at greatest risk of breaching. The expected magnitude and probability of significant fluvial, tidal ground and surface water flooding is increasing in the District due to climate change. The New Local Plan offers an opportunity to contribute further to mitigate the potential effects of any coastal flooding and help the District's communities adapt to the increased likelihood of significant weather events in the future.
- The District has an obligation to contribute to the national carbon reduction targets through the generation of low carbon and renewable energy, including decentralised energy networks, and encouraging energy efficiency measures in new and existing buildings

6.4 The likely significant effects of the constituent parts of the Local Plan will therefore be assessed against the following SA Objectives:

SA 7: To avoid and mitigate flood risk and adapt to the effects of climate change.

SA 8: To mitigate climate change by actively reducing greenhouse gas emissions.

Conclusions

7. Preferred Local Plan Policy Approach

7.1 The need to mitigate against, and to adapt to the effects of climate change is recognised by this Council, as demonstrated by its declaration of a climate emergency in January 2020. Climate Change is occurring faster and with more intensity than predicted only a decade ago. Under the Planning and Compulsory Purchase Act 2004, the Planning Act 2008 and the Climate Change Act 2008, the Council has a legal obligation to make climate mitigation and adaptation central principles of plan-making. Specifically, the Council has a legal duty to include within its development plan "*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.*"⁴

7.2 As this Topic Paper sets out, it is also clear from community and other stakeholder consultation exercises that have been held during the drafting of the regulation 18 Draft Local Plan, that there is a local desire for climate change mitigation and adaption policies to be at the heart of the emerging Dover District Local Plan .

⁴ Section 19(1A) of the Planning and Compulsory Purchase Act 2004

- 7.3 A proactive approach to mitigating and adapting to climate change will therefore underpin the vision and strategic objectives of the Regulation Dover District Local Plan. A Strategic Policy of the Plan will be based on a stated objective of planning for radical reductions in greenhouse gas emissions across the district during the Plan period and for the delivery of development which contributes to the mitigation of and adaptation to the forecast changes in our climate.
- 7.4 Policies will be drafted to ensure that the District is best placed to meet its commitment to becoming a zero carbon emitter by 2030 and to be carbon neutral by 2050.

Reducing Carbon Emissions

- 7.5 The governments preferred option is to deliver a 31% reduction in carbon emissions through the Future Homes Standard, as they consider it would support the move away from reliance on fossil fuels, deliver more carbon savings and result in lower bills for the householder, whilst acknowledging it has higher build costs.
- 7.6 In June 2022 the Government introduced changes to the Building Regulations as stepping stones to the Future Homes and Future Building Standards. Under these new Regulations, which include a new Regulation (Part O) addressing overheating and a new Part S requiring all residential new builds to have preparatory work completed for the future installation of an electric vehicle charging point, CO₂ emissions from new build homes must be at least 31% lower than current standards and emissions from other new buildings, including offices and shops, must be reduced by at least 27%. A new way of measuring energy efficiency has been introduced alongside the 2022 Building Regulations, using a new performance metric, to support the move away from reliance on fossil fuels and to deliver more carbon savings. The Local Plan will reflect this current position.
- 7.7 Local authorities have the power to set local energy efficiency standards that go beyond the minimum standards set through the Building Regulations, through the Planning and Energy Act 2008. However, it is considered that implementation of the Future Homes and Future Building Standards in the early years of the Local Plan, as is the Government's stated intention, coupled with the 2022 uplift in the Building Regulations in respect of reducing carbon emissions from new building, will deliver significant and meaningful contributions to securing a low carbon future for the district and to mitigating and adapting to the harmful effects of climate change in accordance with Strategic Policy SP1 of this Plan and that therefore local energy efficiency standards are not necessary at the present time. Introducing additional requirements is also likely to have a significant impact upon viability of development in parts of the District, which needs to be balanced against other policy requirements in this Plan.
- 7.6 The preferred approach is to continue to require non-residential development to meet BREEAM Very Good, instead of requiring higher standards of sustainability, which may place an undue burden on the viability of new commercial development in the District. This has been tested within the Local Plan Viability evidence and considered to be deliverable when taken in combination with other policy requirements, including affordable housing.

Sustainable Design and Construction

- 7.7 Sustainable design and construction can make an important contribution to delivering sustainable development and addressing climate change. Given this, having considered the evidence, opportunities and policy context within Dover, the preferred approach is to include a policy on sustainable design and construction to assist in the delivery of the Council's target of achieving net zero carbon by 2050. This is considered to represent the most appropriate method for setting out a set of clear principles that each development will need to consider and will assist in the effective management of development in the District. The preferred approach aligns most appropriately with national legislation.

Renewable and Low Carbon Energy

- 7.8 Increasing the proportion of renewable and low carbon energy generated is one of the ways Dover District can contribute to the government's target of net zero greenhouse gas emissions by 2050. Given this, having considered the evidence, opportunities and policy context within Dover, the preferred approach is to include a policy on renewable and low carbon energy to assist in the delivery of this target. This is considered to represent the most appropriate method for setting out a set of clear principles that each development will need to consider and will assist in the effective management of development in the District. The preferred approach aligns most appropriately with national legislation.

Sustainable Transport

- 7.9 Promoting sustainable transport in the District will make a positive contribution to meeting the Council's commitments to mitigating and adapting to climate change. The new Local Plan can therefore either adopt a local approach to managing this issue and include a policy to ensure that new development provides the opportunity to maximise the use of the sustainable transport modes of walking, cycling, and the use of public and community transport, and opportunities for people with disabilities to access all modes of transport, or instead rely on the National Planning Policy Framework, and Planning Practice Guidance when providing planning advice and determining planning applications for development in the District. A further option would be to specify the individual sustainable transport measures which should be provided on each allocation.
- 7.10 The option to not have a specific policy covering this issue but rather to consider planning applications against the NPPF and Planning Practice Guidance, is considered to provide an insufficient level of guidance for applicants and officers. Given this the preferred approach is to include a policy on sustainable transport. This is considered to represent the most appropriate method for setting out a set of clear principles that each development will need to consider and will assist in the effective management of development in the District. The preferred approach aligns most appropriately with national legislation and most effectively addresses the issues outlined above.

Water Resources, Flood Risk and Coastal Change

- 7.11 With regards to water efficiency, the council can either adopt the minimum standard in the National Technical Standards and Building Regulations of 125 litres/person/day, or if the Council has sufficient evidence it can require new dwellings to meet the tighter building regulations optional requirement of a maximum usage of 110 litres/person/day. Given the clear evidence that Dover is in a water stress area, it is most appropriate to adopt the second option in the Plan. Recent Local Plan examinations have confirmed that Local Plan policies cannot require a higher efficiency standard than Building Regulations require.
- 7.12 In respect of flood risk, surface water management and coastal change the council can either adopt a local approach to managing these issues and include policies in the Plan to ensure that flood risk and coastal change is managed effectively and sustainably as part of the planning process, or rely on the National Planning Policy Framework, and Planning Practice Guidance. Given that the Strategic Flood Risk Assessment highlights that a number of areas in the District are at risk of flooding from a variety of different sources the preferred option is to adopt a local approach. This allows the Council to effectively manage this issue at a local level through the policies in the Local Plan.

Carbon Sequestration

- 7.13 Tree planting is recognised by the Government as being one of the main ways to sequester carbon and that the UK can achieve carbon neutral status by 2050. Given this, the preferred approach to support this initiative at a local level is to have a policy to facilitate and require both tree planting and protection. This is considered to represent the most appropriate method for setting out a set of clear principles that each development will need to consider and that will assist in the effective management of development in the District.