

CPRE Sussex – Representation on MM48

Strategic Policy 6: Climate Change

CPRE Sussex objects to MM48. The modification is not necessary to achieve consistency with national policy and materially weakens the principal climate-change policy in the Plan.

THE PROPOSED CHANGE

As submitted, criterion 1 of Strategic Policy 6 requires:

“Development proposals will only be supported where they include measures which contribute to achieving net zero carbon emissions across the District by 2050 at the latest.”

MM48 replaces “contribute to achieving” with “support the transition to”. The stated reason is “to align with national policy”.

This is part of a wider pattern of changes in MM11, MM16, MM17, MM45 and MM46 replacing outcome-directed language such as “achieve”, “meet” and “contribute to” with “support the transition to”. However, MM48 is particularly important because it changes the operative requirement of Strategic Policy 6.

NATIONAL POLICY DOES NOT REQUIRE THIS CHANGE

CPRE Sussex recognises the Government's move towards a clearer, rules-based planning system, with nationally consistent development-management policies and less unnecessary duplication or local variation. However, this does not remove the responsibility of local plans to address climate change strategically.

Nor are the expressions “support the transition to net zero” and “contribute to” climate-change mitigation alternatives in national policy. They perform different functions.

The NPPF describes the overall objective as supporting the transition to net zero, while also requiring planning to shape places in ways that contribute to radical reductions in greenhouse gas emissions. The Government's climate plan-making policy similarly requires development plans to take a proactive approach to climate mitigation and supporting the transition to net zero, including spatial strategies which help contribute to radical reductions in greenhouse gas emissions.

National policy therefore continues to use “contribute” to describe the practical action expected from planning alongside the wider objective of supporting the transition to net zero.

LEGAL COMPLIANCE – SECTION 19(1A)

This distinction is important because section 19(1A) of the Planning and Compulsory Purchase Act 2004 requires development plan documents, taken as a whole, to:

“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.”

Government Planning Practice Guidance confirms that this statutory requirement is a consideration when a Local Plan is examined.

The submitted wording of Strategic Policy 6 closely reflects that statutory purpose: development must include measures which “contribute to achieving” the District's net-zero objective. MM48 replaces this with the less definite requirement that measures merely “support the transition to” net zero.

CPRE Sussex does not suggest that this wording change alone necessarily places the Plan in breach of section 19(1A), which applies to the Plan taken as a whole. However, the statutory duty reinforces the need for the Plan's principal climate policy to secure an effective contribution from development to climate-change mitigation. No justification has been demonstrated for weakening that requirement.

THE INSPECTOR'S COMMENTS DO NOT REQUIRE THE CHANGE

The Inspector identified a specific national-policy problem in relation to Strategic Policy 7: requirements for building energy performance going beyond Building Regulations. That issue provides a proper basis for modifying provisions which conflict with national technical standards.

It does not provide a basis for weakening the strategic purpose of Policy 6. MM48 does not prescribe a particular building-energy standard. It establishes the contribution which development is expected to make towards the District's climate objective.

CPRE Sussex therefore considers that the Council has extended the national-policy constraint beyond the issue identified by the Inspector.

CONCLUSION AND MODIFICATION SOUGHT

CPRE Sussex supports the principle that generic development-management requirements should not unnecessarily duplicate national policy. That does not justify weakening the Local Plan's strategic requirement for development to contribute to climate-change mitigation.

MM48 is not necessary to achieve consistency with national policy. National policy itself distinguishes between the overall objective of supporting the transition to net zero and the contribution which plans and development should make to reducing greenhouse-gas emissions.

CPRE Sussex therefore asks the Inspector not to make this element of MM48 and to retain the submitted wording of Strategic Policy 6 criterion 1:

“Development proposals will only be supported where they include measures which contribute to achieving net zero carbon emissions across the District by 2050 at the latest.”

SUSTAINABILITY APPRAISAL

The Sustainability Appraisal should assess the effect of MM48 as a substantive change to the effectiveness of Strategic Policy 6. The submitted policy requires development to “contribute to achieving” net zero, whereas MM48 requires it only to “support the transition to” net zero.

The SA has previously identified the Plan's climate policies as measures intended to secure positive effects in relation to climate-change mitigation and adaptation. If the Council considers these formulations to have materially the same effect, that should be demonstrated. If, as CPRE Sussex considers, the modified wording provides a weaker requirement, the resulting reduction in the effectiveness of the Plan's principal climate-change policy should have been identified and assessed.

The SA therefore reinforces the need for the Council to demonstrate that MM48 is justified and does not diminish the Plan's contribution to climate-change mitigation.