

Appendix 15.3 – Legislation, Policies and Agendas Context

- 15.3.1 This appendix identifies and describes legislation, policy and guidance of relevance to the assessment of the potential climate impacts associated with the construction and operation of the Proposed Development. Legislation, policy and other relevant guidance has been considered on international, national and local levels.

International Legislation and Agendas

- 15.3.2 The international and legislative framework for the consideration of climate change and GHG emissions established the basis for the approach to the assessment methodology. The legislative background is briefly set out below, along with the approach to the legislative requirements through policy.

Kyoto Protocol

- 15.3.3 This is an international agreement which is linked to the United Nations Framework Convention on Climate Change (UNFCCC) and was signed in Kyoto, Japan in December 1997. This agreement committed its Parties to set internationally binding emission reduction targets. Under Article 4 of the Kyoto Protocol, the EU created an Effort Sharing Regulation that requires the setting of individual binding GHG emission reduction targets for each of its Member States. The current Effort Sharing Decision (ESD) commits the UK to a 37% reduction in greenhouse gas (GHG) emissions for the period 2021 to 2030 (Regulation (EU) 2018/842, 2018)¹.

Paris Agreement

- 15.3.4 The Paris Agreement² sets out a global framework to avoid dangerous climate change by limiting global warming to well below 2 degrees Celsius (°C) and pursuing efforts to limit it to 1.5°C. It also aims to strengthen countries' ability to deal with the impacts of climate change and support them in their efforts.
- 15.3.5 The Paris Agreement is the first-ever universal, legally binding global climate change agreement, adopted at the Paris climate conference ('COP21') in December 2015.
- 15.3.6 The EU and its Member States are among the 190 Parties signed to fulfilling the obligations of the Paris Agreement. The EU formally ratified the agreement on 5 October 2016, thus enabling its entry into force on 4 November 2016. For the agreement to enter into force, at least 55 countries representing at least 55% of global emissions had to deposit their instruments of ratification.

¹ European Environment Agency (2018) Regulation (EU) 2018/842. Available from: <https://www.eea.europa.eu/policy-documents/regulation-eu-2018-842>

² United Nations Climate Change (2015): The Paris Agreement. Available from: <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>

Directive 2011/92/EU on the Assessment of the Effects of Certain Public and Private Projects on the Environment (the EIA Directive)

- 15.3.7 European Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (the EIA Directive³) provides the overarching legislative framework for assessing the significance of impacts and effects from schemes on the environment.
- 15.3.8 Under an amendment to the EIA Directive (2014/52/EU⁴), EIAs must now identify, describe and assess the direct and indirect significant effects of a project on climate (Article 3). It also stipulates that the information to be included within the ES should include *“the impact of the project on climate (for example the nature and magnitude of GHG emissions) and the vulnerability of the project to climate change”* (Annex IV). This Directive has been fully transposed into UK law through the EIA Regulations 2017¹.

The United Nations 2030 Agenda for Sustainable Development

- 15.3.9 In October 2015, the United Nations set out the 17 Sustainable Development Goals within their 2030 agenda⁵.
- 15.3.10 The UN is *“determined to protect the planet from degradation, including through sustainable consumption and production, sustainably managing its natural resources and taking urgent action on climate change, so that it can support the needs of the present and future generations.”*
- 15.3.11 Goal 13 is as follows: *“Take urgent action to combat climate change and its impacts.”* This is with the caveat of *“acknowledging that the United Nations Framework Convention on Climate Change is the primary international, intergovernmental forum for negotiating the global response to climate change.”*
- 15.3.12 To do this, it was proposed to *“integrate climate change measures into national policies, strategies and planning”* and *“improve education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning.”*

National Planning Policy

UK Sustainable Development Strategy 2005

- 15.3.13 In March 2005, the UK Government set out its Sustainable Development Strategy⁶ to *“enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.”*

³ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the Assessment of The Effect of Certain Public and Private Projects on The Environment. Available from: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0092>

⁴ Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the Assessment of The Effect of Certain Public and Private Projects on The Environment (2014). Available from: <https://eurlex.europa.eu/legalcontent/EN/TXT/PDF/?uri=CELEX:32014L0052&from=EN>

⁵ United National General Assembly (2015) The 2030 Agenda for Sustainable Development Available from: <https://documents.un.org/doc/undoc/gen/n15/291/89/pdf/n1529189.pdf>

⁶ HM Government (2005) Securing the future delivering UK sustainable development strategy Available from: <https://assets.publishing.service.gov.uk/media/5a78a0eae5274a277e68e375/pb10589-securing-the-future-050307.pdf>

- 15.3.14 To deliver this, the Government stated that they will need to work closely with devolved administration to ensure effective delivery of sustainable development, including in relation to climate change.
- 15.3.15 This also set out one of the UK's International Priorities for Sustainable Development as "progress towards internationally agreed commitments to tackle climate change."

Climate Change and Sustainable Energy Act 2006

- 15.3.16 The Climate Change and Sustainable Energy Act⁷ made provision about the reduction of emissions of greenhouse gases and compliance with building regulations relating to emissions of greenhouse gases.
- 15.3.17 Its principal purpose was to "*enhance the United Kingdom's contribution to combating climate change.*"

UK Climate Change Act

- 15.3.18 The Climate Change Act 2008⁸ established a legal requirement for an 80% reduction in the GHG emissions of the UK economy by 2050 in comparison to a 1990 baseline. The Act also created the Committee on Climate Change, with a responsibility for:
- Setting five-year carbon budgets, covering successive periods of emissions reduction to 2050;
 - Advising and scrutinising the UK Government's associated climate change adaptation programmes; and
 - Producing a national adaptation plan for the UK Government to implement.
- 15.3.19 In June 2019, the target was revised to achieve 100% reduction on 1990 levels (net zero) GHG emissions by 2050⁹, and a requirement was set that domestic emissions are reduced by no less than 3% each year.
- 15.3.20 In line with the recommendation from the Climate Change Committee, the UK's sixth Carbon Budget¹⁰ set a target in law to cut GHG emissions by 78% by 2035, which will help the government to achieve its objective of reaching net zero emissions by 2050.
- 15.3.21 The existing UK carbon budgets are used to determine significance of GHG emissions from the Proposed Development.

The Clean Growth Strategy

- 15.3.22 In 2017, the UK Government released the Clean Growth Strategy¹¹ to cover growing the national

⁷ UK Government (2006) Climate Change and Sustainable Energy Act (2006) Available from: <https://www.legislation.gov.uk/ukpga/2006/19/data.pdf>

⁸ HM Government (2008) Climate Change Act 2008. Available at: <http://www.legislation.gov.uk/ukpga/2008/27/introduction>

⁹ The Climate Change Act 2008 (2050 Target Amendment) Order 2019 (Statutory Instrument 2019 No.1056)

¹⁰ UK Government (2021) The Carbon Budget Order 2021. Available from: <https://www.legislation.gov.uk/uksi/2021/750/contents/made>

¹¹ UK Government (2017) Clean Growth Strategy Available from: <https://assets.publishing.service.gov.uk/media/5ad5f11ded915d32a3a70c03/clean-growth-strategy-correction-april-2018.pdf>

income, whilst reducing GHG emissions.

15.3.23 The strategy sets out policies and proposals to accelerate clean growth by:

- Developing world leading Green Finance capabilities:
- Improving business and industry efficiencies:
- Improving homes' energy efficiency;
- Shifting to low carbon transport; and
- Enhancing the benefits and value of our natural resources.

A Green Future: 25 Year Environment Plan

15.3.24 The 25 Year Environment Plan¹² from the UK Government in 2018 sets out a plan to mitigate and adapt to climate change by:

- *"Continuing to cut greenhouse gas emissions including from land use, land use change, the agriculture and waste sectors and the use of fluorinated gases;*
- *Making sure that all policies, programmes and investment decisions take into account the possible extent of climate change this century: and*
- *Implementing a sustainable and effective second National Adaptation Programme."*

Town and Country Planning (Environmental Impact Assessment) Regulations 2017

15.3.25 The EIA Regulations 2017¹³ were enshrined in UK legislation in line with EU Directive 2014/52/EU. This Directive amended EU Directive 2011/92/EU, which sets out how to undertake an Environmental Impact Assessment.

15.3.26 These include a requirement for the assessment of development on the environment with relation to climate change, where effects could be significant: *"The EIA must identify, describe, and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the Proposed Development...climate"* and *"A description of the likely significant effect of the proposed development on the environment resulting from, inter alia: ...(f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change"*

Building Regulations

15.3.27 Part L1A¹⁴ 'Conservation of fuel and power in new dwellings' of the Building Regulations determines the energy efficiency and carbon emission standards required for new dwellings. The requirements detailed within these standards that are relevant to this chapter include those for:

¹² UK Government (2018) A Green Future: Our 25 Year Plan to Improve the Environment Available from: <https://assets.publishing.service.gov.uk/media/5ab3a67840f0b65bb584297e/25-year-environment-plan.pdf>

¹³ UK Government (updated 2020) Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations') Available from: <https://www.legislation.gov.uk/ukxi/2017/571/2020-12-24>

¹⁴ UK Government (2010) 'The Building Regulations – L1A Conservation of fuel and power in new dwellings'. Available from: <https://assets.publishing.service.gov.uk/government/building-regulations/PartL1A>

- Insulation values of buildings elements;
- The allowable area of windows, doors and other opening;
- The air permeability of the structure;
- The heating efficiency of boilers;
- Hot water storage and lighting;
- Mechanical ventilation and air conditioning systems;
- Space heating controls;
- Airtightness testing of larger buildings; and
- Requirements for Carbon Index ratings.

Infrastructure Carbon Review

- 15.3.28 In 2013, the UK government published the Infrastructure Carbon Review¹⁵ which aimed to “*release the value of lower carbon solutions and to make carbon reduction part of the DNA of infrastructure in the UK*”. This review highlighted the importance of assessing GHG emissions early in the lifecycle of an infrastructure scheme when there is the greatest carbon reduction potential.
- 15.3.29 To help achieve the objectives within the Infrastructure Carbon Review, the British Standards Institution (BSI) produced a ‘Carbon management in infrastructure’ (PAS 2080:2016¹⁶) document in 2016. The standards within this document can help new developments to achieve the following climate change-related objectives:
- Reduced carbon and reduced cost infrastructure; and
 - Effective carbon management in infrastructure to make an important contribution towards tackling climate change and leave a positive legacy for future generations.

National Planning Policy Framework

- 15.3.30 The Revised National Planning Policy Framework (NPPF¹⁷) (December, 2024) sets out the core planning principle of “moving to a low carbon economy”: Chapter 9: Promoting Sustainable Transport, encourages the pursuit of “...opportunities to promote walking, cycling and public transport” and states that “*Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.*”
- 15.3.31 In accordance with NPPF Chapter 14: Meeting the challenge of climate change, flooding and coastal change; “*the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks*

¹⁵ HM Treasury (November, 2013); Infrastructure Carbon Review.

¹⁶ British Standards Institution (2016) Carbon management in infrastructure. Available from: <https://shop.bsigroup.com/products/carbon-management-in-infrastructure>

¹⁷ Ministry of Housing, Communities and Local Government (December, 2024) National Planning Policy Framework. Available at: <https://assets.publishing.service.gov.uk/media/675abd214cbda57cacd3476e/NPPF-December-2024.pdf>

and coastal change.” It should also help to: “shape places in ways that contribute to radical reductions in GHG emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

Sales of New Petrol and Diesel Cars to End in the UK by 2030

- 15.3.32 On November 18th 2020, the UK Government announced that the UK will stop selling new diesel and petrol (gasoline) cars and vans from 2030¹⁸. The vehicle ban represents an acceleration of prior targets; UK authorities had previously said the sale of new petrol and diesel vans and cars would end in 2040:
- Step 1 will see the phase-out date for the sale of new petrol and diesel cars and vans brought forward to 2030; and
 - Step 2 will see all new cars and vans be fully zero emission at the tailpipe from 2035.
- 15.3.33 Between 2030 and 2035, new cars and vans can be sold if they have the capability to drive a significant distance with zero emissions (for example, plug-in hybrids or full hybrids), and this will be defined through consultation.
- 15.3.34 As the policy is not yet enshrined in legislation, to ensure the phase-out dates are met and to support interim carbon budgets, the Department for Transport intends to publish a green paper on the post-EU regulatory regime for CO₂ emissions from new road vehicles. This will consider both overall fleet efficiency and how to best deliver the transition to 100% zero emission sales for cars and vans. A consultation on the phase-out of new diesel heavy goods vehicles (HGVs) to put the UK in the vanguard of zero emission freight will also be launched.

Electric Vehicle Charging Points

- 15.3.35 On the 22nd November 2021, the UK Government announced that all “new homes and buildings such as supermarkets and workplaces...will be required to install electric vehicle charge points from next year”. Furthermore, “As well as new homes and non-residential buildings, those undergoing largescale renovations which leaves them with over 10 parking spaces will be required to install electric vehicle charge points”¹⁹.
- 15.3.36 This legislation is being introduced with a view to preparing the UK for 2030 when the sale of new petrol and diesel cars will end.

¹⁸ UK Government (2020) Government takes historic step towards net-zero with end of sale of new petrol and diesel cars by 2030. Available from: <https://www.gov.uk/government/news/government-takes-historic-step-towards-net-zero-with-end-of-sale-of-new-petrol-and-diesel-cars-by-2030>

¹⁹ Department for Business, Energy & Industrial Strategy (2021) ‘PM to announce electric vehicle revolution’ Available from: <https://www.gov.uk/government/news/pm-to-announce-electric-vehicle-revolution>