



Town and Country Planning Act 1990, Section 77

Town and Country Planning (Inquiries Procedure) (England) Rules 2000

The Proposed Development of Land to the West of Omega South and  
South of the M62 Bold, St Helens

# Topic Statement

## CLIMATE CHANGE

Planning Application Reference  
P/2020/0061/HYBR

Planning Inspectorate Reference  
APP/H4315/V/20/3265899

## **1. INTRODUCTION**

- 1.1 Topic Statements have been prepared to inform the Secretary of State on the matters identified in the Inspector's case management notes which are not addressed in the Council's main proofs of evidence. This Topic Statement is concerned with the climate change.

## **2. THE APPLICATION**

- 2.1. The applicant has not included a specific chapter on climate change in the submission. However, climate change has been taken into account in a number of areas including the climate change impact on storm intensity and thus flood protection and mitigation measures.

## **3. TECHNICAL REVIEW OF THE APPLICATION**

- 3.1 A full description of the representations is set out in the Committee Report.

### **Representations by MEAS**

- 3.2 Chapter 17 Cumulative Impacts. Climate has been scoped out of the inter-project cumulative effects assessment on the basis that this topic has not been included within the assessments conducted for the two committed developments. Whilst it may not be possible to undertake a quantitative assessment, I advise that as a minimum a qualitative assessment of impacts should be undertaken, particularly as St Helens Council declared a Climate Emergency in 2019.
- 3.3 Renewable Energy; The Environmental Statement includes a chapter on climate (Chapter 16). The developer has committed to 2600m<sup>2</sup> photovoltaic panels as well as 10m<sup>2</sup> of solar thermal systems. In addition, they are proposing heat pumps in a limited number of areas. At least 10% of the energy demand is to met by renewable and/or other low carbon energy sources, to comply with Paragraph 4 of Policy LPA13 of the emerging St. Helens Borough Local Plan 2020-2035. As a minimum, the requirements of Policy LPA13 should be complied with and this can be secured by a suitably worded condition.

### **Representations by The Environment Agency**

- 3.4 The Environment Agency initial objection on 31<sup>st</sup> March 2020 stated land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.
- 3.5 This is supported by the National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Such networks may also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the river basin management plan. They proposed conditions and amendments to overcome their objection.

## **Representations made by the Countryside Development and Landscape**

- 3.6 The Councils Countryside Development and Landscape officer comment on 18<sup>th</sup> February 2020 stating the Council has recently declared a Climate Change Emergency and as such I do not believe we should be supporting the removal of long established, mature woodland, particularly protected woodland, as even though there is a net gain in area of woodland shown as being planted it would take until the new woodland fully matured before there was any gain (or even neutral effect) of carbon sequestration (probably hundred years or so after the carbon neutral date of 2040 set out in this declaration).

## **Representations made by Natural England**

- 3.7 Natural England commented on 4<sup>th</sup> February 2020 stating the proposed development is within an area that Natural England considers important as part of a landscape scale network of wetland habitats that act as stepping stones for wildlife. As such, Natural England would encourage the protection and enhancement of wetland habitats and associated terrestrial habitats into this development which can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. We strongly encourage you to share this advice with the applicant to maximise opportunities to incorporate green infrastructure and biodiversity enhancements during the development of the detailed proposal. The development provides opportunities to secure biodiversity net gain for nature and local communities, as outlined in paragraphs 9, 109 and 152 of the NPPF.

## **4. REPRESENTATIONS BY WARRINGTON COUNCIL**

- 4.1 Warrington Council have made representations on 12<sup>th</sup> August 2020. Warrington Development Management Committee considered the above application and the adjacent authority consultation on 5<sup>th</sup> August 2020 and resolved to offer no objections to the application described above subject to the following requirements:
- A commitment to explore opportunities to reduce the developments impact upon climate change.
- 4.2 Conditions recommended include a construction environmental management plan and travel plan.

## **5. OTHER REPRESENTATIONS ABOUT CLIMATE CHANGE**

- 5.1 A full description of the representations is set out in the Committee Report. The main issues raised are summarised as follows:
- In the age of climate change, we need more trees
  - Development adding to carbon footprint.

## **6. POLICY**

- 6.1 Relevant planning policy is the following:

- National Planning Policy Framework paragraphs 149 to 154.
- National Planning Practice Guidance – Climate Change.
- St Helens Core Strategy CP1: Ensuring Quality Development in St Helen’s

- 6.2 The Climate Change Act (CCA) 2008 came into force on 26<sup>th</sup> November 2008. The CCA imposed a duty on the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 80% lower than the 1990 baseline<sup>1</sup> (s.1(1)). The Secretary of State has a discretionary power by Order (“*may*”) to amend this percentage or to provide a different baseline year (s.2(1)).
- 6.3 Before making such an order, the Secretary of State must obtain and take into account the advice of the Committee on Climate Change (s.3(1)(a)). The Committee must publish its advice (s.3(3)). The Secretary of State has amended the target through the CCA 2008 (2050 Target Amendment) Order 2019, which substitutes 100% for 80%. Accordingly, from 27<sup>th</sup> June 2019, there has been a duty on the Secretary of State to ensure that the net carbon account for the UK is 100% lower than the 1990 baseline.
- 6.4 The CCA establishes the Committee on Climate Change (s.32). Its membership is prescribed (sched 1). The Committee is under a statutory duty to advise the Secretary of State on (a) whether the 80% target for 2050 should be amended; (b) if so: what the amended percentage should be (s.33(1)). The Committee must also give advice to the Secretary of State on (s.34(1)):
- The level of the carbon budget for the period (in the context of a duty on the Secretary of State to set 5 yearly carbon budgets);
  - The extent to which the carbon budget should be met (i) by reducing the amount of net UK emissions of targeted GHG or (ii) by the use of carbon units;
  - The respective contributions towards meeting the carbon budget for the period that should be made by different sectors of the economy: and
  - The sectors of the economy in which there are particular opportunities for contributions to be made towards meeting the carbon budget through reductions in emissions.
- 6.5 The Committee must also report on (a) the progress towards meeting the carbon budgets that have been set under Part 1 (the target for 2050); (b) the further progress which is needed; and (c) whether those budgets and those targets are likely to be met. The Secretary of State must lay before Parliament a response to the points raised by each report of the Committee (s.36).
- 6.6 The Paris Agreement was signed in 2015 (and ratified in 2016). The Paris Agreement seeks to enhance and implement the UN Framework Convention on Climate Change, adopted in 1992 (art 2(1)). It aims to strengthen the global response to climate change by *inter alia* holding the increase in the global average temperature to well below 2°C above pre-industrial levels and “*pursuing efforts*” to limit the temperature increase to 1.5°C above pre-industrial levels, recognising that this would significantly reduce the risks and impacts of climate change (art. 2(1)(a)).

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<sup>1</sup> As defined in s.1(2)

- 6.7 Each Party must prepare and maintain successive nationally determined contributions which it intends to achieve. Parties shall pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions (art 4(2)).
- 6.8 The Paris Agreement does not impose a legally binding target on each specific contracting party to achieve any specified temperature level by 2050<sup>2</sup>. Rather, it contains an ambition: to “*pursue efforts*” to limit temperature increases to 1.5°C above pre-industrial levels.
- 6.9 In the light of that statutory background:
- a. The Climate Change Committee have not suggested a moratorium on road-based logistics development;
  - b. The Secretary of State has not suggested (in any response to the Climate Committee Reports) that there is a moratorium on road-based logistics;
  - c. NPPF paragraphs 80 and 82 continue to give significant weight to road-based logistics development;
  - d. The NPPG (22<sup>nd</sup> July 2019) considers the delivery of road-based logistics to be “critical”;
  - e. *Decarbonising Transport* (March 2020) post-dates the amendment to the CCA 2008 target. It has been published in response to the climate emergency. It does not set out a moratorium on road-based logistics. Rather, it commences a pathway to meeting that target;
  - f. It is the *Transport Decarbonisation Plan* which will set out the policies and plans to tackle transport emissions from the logistics sector. It is due to be published in Spring 2021 (delayed from Nov 2020);
  - g. *Decarbonising Transport* specifically addresses emissions from HGV’s (at paragraph 39). It does not suggest anywhere that road-based logistics should be refused. Rather, it considers the solution to be the decarbonisation of vehicles to be the answer, with associated benefits for air quality;
  - h. The Department of Trade recognise the benefits of international trade through shipping (95% of UK trade is via shipping), which is considered to be one of the most carbon efficient modes of transport (3.32). The Department of Trade do not favour reducing international trade to address carbon emissions. Rather, they favour an international approach which aims for zero emission ships by 2050 (3.35);
- 6.10 There is no “in principle” objection to this development on climate change grounds. Indeed, this was the conclusion of the Secretary of State very recently in the Eddie Stobart Appeal<sup>3</sup>. There is no evidential basis on which to reach a different conclusion.

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<sup>2</sup> Plan B (and others) v SoS BEIS and CCC [2018] EWHC 1892 (Admin) at para 30 (CD 6.14)

<sup>3</sup> See CD 3.16 – Secretary of State Decision Letter paragraphs 40 and 44, MR 401/402 and AR 160-162)

## **7. ASSESSMENT**

- 7.1 Policy CP1 of the CS requires new development to minimise consumption of energy and incorporate renewable and low carbon energy generation. An initial target of 10% decentralised and renewable or low carbon energy, subject to feasibility and viability, will be sought on non-residential schemes above 1,000m<sup>2</sup>. Use of local and recycled building materials and achievement of a BREEAM rating of at least "very good" for non-residential development is also stated.
- 7.3 The applicant has submitted a BREEM and sustainability assessment. The assessment has been structured in accordance with the desire to achieve an energy efficient development and to provide mitigation measures to reduce the greenhouse emission.
- 7.4 The ES identifies the sensitivity of climate as high. The ES has looked at embodied carbon (carbon emissions associated with materials production, transport and assembly); construction transport; operational building emissions (associated with the energy used for heating, cooling, lighting and ventilation); and operational transport. The comparison between the baseline scenarios with the scenarios including the development provides the magnitude of impact and the significance of the effects.
- 7.5 The ES explains there is currently no guideline for assessing the magnitude of impact of construction and operational phases, therefore the Royal Institute of British Architects (RIBA) 2030 Climate Challenge target of 143,535 carbon dioxide equivalent (tCO<sub>2</sub>e) metric has been used to assess the magnitude of impact for the embodied carbon. The embodied carbon generated by the proposed development is 121,550 tCO<sub>2</sub>e which is below the RIBA 2030 target.
- 7.6 In terms of embodied carbon, construction transport, operational building and operational transport associated with the proposed development, the ES states the magnitude of change, following mitigation, would be negligible. Therefore, there is likely to be a minor adverse residual effect on climate (not significant) following the implementation of mitigation measures. The mitigation measures proposed include less energy intensive materials, use of local suppliers to minimise transport-related emissions, a CEMP designed to minimise impacts of the proposed construction work such as a waste management plan, the use of renewable technologies and a travel plan.
- 7.7 The ES also identifies enhancement opportunities which include electric vehicle charging points for freight vehicles, which the applicant has agreed to supply, in support of policy CP1 of the Core Strategy. The proposed elevations do not show any solar panels on the buildings, although this is indicated as a goal within the ES. The curved roof of the full element means this may not be practical, but there may be opportunities on the outline element. The scheme does propose a sustainable drainage scheme proposing surface water run-off to existing watercourses which again supports policy CP1 in resource management.
- 7.8 The proposal will incorporate some energy saving measures however there would nonetheless the impact on climate change is still adverse and has to be considered in the planning balance.

## **8. OVERALL SUMMARY AND CONCLUSION ON CLIMATE CHANGE**

- 8.1 Limited harm to land drainage would be caused as suitable mitigation have been proposed. Contributions towards bio-diversity net gain and loss of woodland are proposed along with the energy saving methods.

