

## APPENDIX 7.2

# POLICY, GUIDANCE AND LEGISLATION

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## **European Legislation**

### ***European Union (EU) EIA Directive 2011/92/EU***

- 1.1 The most relevant legal framework at the European level is the European Union (EU) EIA Directive 2011/92/EU (EU Directive, 2011), which places a requirement upon projects anticipated to have significant effects on the surrounding environment and communities to make a formal assessment of these effects.

### ***EIA Directive 2014/52/EU***

- 1.2 The amended EIA Directive 2014/52/EU (EU Directive, 2017) identifies the important role that the EIA process can play in assessing climate change impacts and risks. It states that EIAs shall identify, describe and assess the direct and indirect significant effects of climate, and the risk of major accidents and/or natural disasters that are relevant to the project, including those caused by climate change.

### ***European Commission Guideline on reporting climate-related information***

- 1.3 The European Commission (EC) has prepared guidance (European Commission, 2019) to help Member States improve the way in which climate change is integrated within EIAs carried out under the Directive. This guidance includes climate change related guidance for screening and scoping, analysing evolving baseline trends, identifying alternative and baseline measures, monitoring and adaptive management. The amended Directive states that the vulnerability of projects to climate change should also be assessed within the EIA process. The EC guidance on integrating climate change into EIA recommends that alternatives and potential mitigation measures are considered at the planning and design stages to ensure, amongst other things, that projects are resilient to the impacts of climate change.

### ***European Commission Guidance on Integrating Climate change and Biodiversity***

- 1.4 There are also several publications by the EC and academic institutions addressing climate change impacts for certain EIA topics, including agriculture, ecology, landscape, water and health (European Commission Topic Guidance, 2013). The publications provide background information on climate change impacts in Europe and suggest suitable potential mitigation measures.
- 1.5 The amended Directive states that the vulnerability of projects to climate change should also be assessed within the EIA process. The EC guidance on integrating climate change and biodiversity into EIA (European Commission Topic Guidance, 2013) recommends that alternatives and measures are considered at the planning and design stages to ensure, amongst other things, that projects are resilient to the impacts of climate change. It highlights a shift in thinking to account for possible long-term risks within environmental assessments, and the role of resilience in this shift. The EIA process is well placed to aid this progression, showing how a changing baseline can affect a project over time.

### ***European Commission Guidance on climate proofing infrastructure 2021-2027***

- 1.6 The EU has also released sector-specific guidance on the interface between climate change and infrastructure (European Commission Climate and Infrastructure, 2021) , including projected impacts

and resilience levels. This working document accompanies the Communication 'An EU strategy for adaptation to climate change' and provides further background material supportive of the narrative and arguments put forward in the Communication.

### ***The IPCC's Fifth Assessment Report***

- 1.7 The IPCC's Fifth Assessment Report (AR5) (IPCC, 2014) strengthened its statement on human influence being the dominant cause of the observed global average temperature increases from very likely (>90% certain) in the previous assessment report (Fourth Assessment Report (AR4) (IPCC, 2007)) to extremely likely (95–100% certain).

### ***IPCC Sixth Assessment Report***

- 1.8 The Intergovernmental Panel on Climate Change (IPCC)'s Sixth Assessment Report (AR6) comprises three Working Group contributions: Working Group I (the physical science basis), Working Group II (impacts, adaptation and vulnerability) (IPCC Working Group II, 2022) and Working Group III (mitigation) (IPCC Working Group III, 2022), and The and a Synthesis Report. The Synthesis Report integrates the three Working Group reports as well as the findings from the three cross-Working Group Special Reports prepared during this assessment cycle: Special Report on Global Warming of 1.5°C (SR15, 2018), Special Report on Climate Change and Land (SR Climate, 2019), and Special Report on the Ocean and Cryosphere in a Changing Climate (SROCC, 2019).

### ***The United Nations Paris Agreement***

- 1.9 A global climate agreement—the Paris Agreement (UN, 2016)—was adopted at the 21st Conference of the Parties (COP21) and was subsequently ratified by the UK in November 2016. A central aim of the Paris Agreement is to strengthen the global response to climate change by limiting the global temperature increase this century to below 2 degrees Celsius above pre-industrial levels, and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius. To achieve this aim, the Paris Agreement additionally sets a target for net zero global carbon emissions in the second half of this century. The IPCC's Special Report on Global Warming of 1.5 degrees Celsius (IPCC, 2022) (SR15) states that limiting the risk of global warming to 1.5 degrees Celsius requires a step change in adaptation and mitigation investments, policy instruments, accelerated innovation and behavioural change.

### ***The 26th Conference of the Parties (COP26)***

- 1.10 2021 saw the staging of the 26th Conference of the Parties (COP26) in Glasgow. COP26 updated national plans for climate action, known as National Determined Contribution (NDC), under the five-year ratchet mechanism introduced under the Paris Agreement. The UK's new NDC will see the nation reduce carbon emissions by 68% by 2030, compared to 1990 levels. The new NDC is set at a level commensurate with long term national commitments on decarbonisation and is informed by work undertaken by the UK Climate Change Committee (CCC).

## **National**

### ***The UK Climate Change Risk Assessment***

- 1.11 The UK Climate Change Risk Assessment (CCRA) (CCRA, 2022) was published in January 2022. This is the third CCRA to be published since the 2008 Climate Change Act which requires the UK Government to publish a UK-wide climate change risk assessment every 5 years. The CCRA 2022

summarises observed and projected climate changes in the UK and categorises risks into urgency categories allowing for prioritisation of adaptation programmes. Potential risk mitigation measures are divided into sectors including natural environment and assets, infrastructure, business and industry, people and the built environment, and international dimensions, as well as cross-cutting issues. The report identified strong evidence that even under low warming scenarios the UK will be subject to a range of significant and costly impacts unless significant further action is taken now.

### ***The UK Adaptation Reporting Power***

- 1.12 The UK Adaptation Reporting Power (ARP) first and second rounds of reports (DEFRA, 2018) include the identification and examination of risks and impacts relevant to water, health and wellbeing, and natural environment, which are relevant for a range of EIA topics. The UK ARP grants the Government power to request organisations to report on their climate change related risks and to set out proposals for adapting to these risks.

### ***The Adaptation Sub-Committee***

- 1.13 The Adaptation Sub-Committee (ASC) reports to Parliament (Climate Change Committee, 2012) on the Government's progress in preparing the UK for the impacts of climate change, by delivering the National Adaptation Programme. The first ASC report to Parliament highlights that flooding remains one of the most serious current and future risks to the UK and that there is a need to consider the impacts on health from current and future high temperatures.

### ***The Planning Practice Guidance***

- 1.14 The Planning Practice Guidance section on climate change (Planning Practice Guidance, 2021) focuses on the integration of adaptation and mitigation approaches within the planning process. It includes guidance on approaches to support sustainable development via 'win-win' solutions. This guidance introduces and defines the concept of green infrastructure as 'a network of multifunctional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities'.

### ***The Environment Agency advice of climate change and flood risk assessments***

- 1.15 The latest Environment Agency advice on climate change and flood risk assessments (Flood Risk Guidance, 2022) provides the climate change allowances and peak rainfall intensities to be considered in the assessment of climate change resilience. Similarly, Government guidance to local planning authorities on integrating adaptation and mitigation approaches to produce 'win-win' solutions that support sustainable development are also relevant for this assessment.

### ***The Climate Change Act 2008***

- 1.16 The Climate Change Act 2008 (2050 Target Amendment) Order 2019 (CCA, 2008) came into force in June 2019 and requires a 100% reduction in carbon emissions by 2050 (i.e. net-zero carbon emissions). To ensure that regular progress is made towards the net-zero target a series of carbon budgets are set by the Climate Change Committee (CCC). The CCC was established in 2008 and is the UK's independent advisor on tackling climate change. It sets targets, advises on areas of research and investment, and monitors progress against the carbon budgets, which are legally binding.

### ***The Climate Change Committee Sixth Carbon Budget***

- 1.17 The sixth carbon budget (CCC, 2020) was published in January 2021 and is a landmark budget as it's the first budget responding to the Government's more challenging net zero target. The sixth carbon budget sets the UK's net carbon emissions limit at 965 million tonnes of carbon dioxide equivalent (MtCO<sub>2</sub>e) between 2033-2037, a 78% reduction from 1990 to 2035. It sets out a range of measures to reduce emissions from surface access, including the need to shift journeys onto lower-carbon modes of transport. In June 2021 Government enshrined the sixth carbon budget into law.

### ***The National Planning Policy Framework***

- 1.18 The National Planning Policy Framework (NPPF) (NPPF, 2021) was most recently updated in July 2021 with the purpose of planning to achieve sustainable development. Paragraphs 152-173 specifically address climate change with paragraph 152 stating: "The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas 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." The NPPF states that planning should support the transition to a low carbon future in a changing climate, and to achieve this should seek ways to radically reduce greenhouse gas emissions, actively support energy efficiency improvements and use nationally described standards when setting any local requirements for a building's sustainability.

### ***The Climate Change National Adaptation Programme and the Third Strategy for Climate Adaptation Reporting (DEFRA)***

- 1.19 The Climate Change National Adaptation Programme and the Third Strategy for Climate Adaptation Reporting (DEFRA Adaptation, 2018) was produced by the Department for Environment, Food and Rural Affairs (Defra) and launched in 2018. The plan sets out the UK Government's response to the second CCR assessment. Section 3.4.4 of the NAP highlights the economic and strategic value of the Strategic Road Network (SRN) in the UK and notes the implications of risks to severance and safety posed by climate change.

## **Local**

### ***Cambridge City Council (CCC) Climate Change Strategy 2021-2026***

- 1.20 Cambridge City Council (CCC) have produced a Climate Change Strategy covering 2021-2026 (Cambridge City Council, 2018). CCC have identified the following objectives for this Climate Change Strategy, focusing on the areas where local authorities have most scope to influence carbon emissions:
- Reducing emissions from the City Council buildings, land, vehicles, and services
  - Reducing energy consumption and carbon emissions from homes and buildings in Cambridge
  - Reducing emissions from transport in Cambridge
  - Reducing consumption of resources, reducing waste, and increasing recycling in Cambridge
  - Promoting sustainable food

- Supporting Council services, residents and businesses to adapt to the impacts of climate change

### **Draft North East Cambridge Area Action Plan**

1.21 The Draft North East Cambridge Area Action Plan (2020) (NE Cambridge Action Plan, 2020), sets out the planning policy framework that will guide the process of developing a new North East Cambridge city district.

1.22 The North East Cambridge Area Action Plan remains at an early stage in its preparation and is entirely dependent on a successful DCO process and, therefore, can only be afforded negligible weight in the determination of planning applications.

1.23 Relevant policies refer to the following:

1.24 Policy 2.c. states:

*Development at North East Cambridge must support the transition to a net zero carbon society. Development must minimise carbon emissions associated with operational energy and construction, including materials, as well as wider emissions, for example those associated with transport. Development must be supported by decentralised renewable and low carbon energy combined with smart approaches to energy infrastructure including energy storage.*

1.25 Policy 2.f. states:

*All major new development must take into consideration the embodied carbon associated with materials using the RICS Whole Life Carbon approach or successor documents. Development must be designed to maximise resource efficiency and identify, source and use environmentally and socially responsible materials, giving consideration to circular economy principles and design for deconstruction.*

### **The South Cambridgeshire Local Plan**

1.26 The South Cambridgeshire Local Plan sets out the planning policies and land allocations to guide the future development of the district up to 2031. It includes policies on a wide range of topics such as housing, employment, services and facilities, and the natural environment.

1.27 The application site forms part of the allocation within the South Cambridgeshire Local Plan, under Policy SS/4, for 'high quality mixed-use development, primarily for employment within Use Classes B1, B2 and B8 as well as a range of supporting uses, commercial, retail, leisure and residential uses (subject to environmental conditions)'.

1.28 Policy CC/1: Mitigation and adaptation to Climate change states:

*Planning permission will only be granted for proposals that demonstrate and embed the principles of climate change mitigation and adaptation into the development. Applicants must submit a Sustainability Statement to demonstrate how these principles have been embedded into the development proposal. The level of information provided in the Sustainability Statement should be proportionate to the scale and nature of the proposed development.*

1.29 Policy CC/3: Renewable and Low Carbon Energy in New Developments states:

*Proposals for new dwellings and new non-residential buildings of 1,000m<sup>2</sup> or more will be required to reduce carbon emissions by a minimum of 10% (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) through the use of on-site renewable energy and low carbon technologies.*

1.30 Policy CC/4: Water Efficiency states:

*All new residential developments must achieve as a minimum water efficiency equivalent to 110 litres per person per day*

1.31 Policy HQ/1: Design Principles states:

*(k) Ensure developments deliver flexibility that allows for future changes in needs and lifestyles, and adaptation to climate change;*

*(l) Mitigate and adapt to the impacts of climate change on development through location, form, orientation, materials and design of buildings and spaces;*

1.32 Policy NH/4: Biodiversity states:

*(7) Climate change poses a serious threat to biodiversity and initiatives to reduce its impact need to be considered.*

1.33 Policy TI/2 Planning for sustainable transport states:

*(1) Development must be located and designed to reduce the need to travel, particularly by car, and promote sustainable travel appropriate to its location.*

#### ***Greater Cambridge Sustainable Design and Construction Supplementary Planning Document***

1.34 The Greater Cambridge Sustainable Design and Construction Supplementary Planning Document (Greater Cambridge Planning, 2020) provides guidance on energy and carbon reduction in relation to planning applications and application requirements. This includes the requirements set out in the South Cambridge Local Plan referenced above.

#### ***Cambridgeshire County Council CUPSE: Net Zero Cambridge report***

1.35 The Cambridgeshire County Council CUPSE: Net Zero Cambridge report (CUPSE, 2019) presents the historic carbon emissions for Cambridgeshire and Peterborough, the baseline and net zero emissions forecasts for various sectors, options for achieving negative emissions through afforestation and how the country could close the gap towards net zero.

## ***South Cambridgeshire District Council's (SCDC) Zero Carbon Strategy and Action Plan***

- 1.36 Regarding South Cambridgeshire, South Cambridgeshire District Council's (SCDC) Zero Carbon Strategy and Action Plan, outlines how SCDC are supporting the district to halve emissions by 2030 and reduce them to zero by 2050.

## **Other Relevant Standards and Guidance**

### ***Institute of Environmental Management and Assessment (IEMA) Environmental Impact Assessment Guide to Climate Change Resilience and Adaptation;***

- 1.37 The Institute of Environmental Management and Assessments (IEMA) published guidance on climate change resilience and adaptation in 2020 (IEMA EIA, 2020) in response to the requirements specified in the amended Directive. This guidance describes an approach to integrating climate change adaptation and resilience assessments into the EIA process in the UK.

### ***IEMA Environmental Impact Assessment Guide to Assessing Greenhouse Gas Emissions and Evaluating their Significance and upcoming updates to this guidance;***

- 1.38 This guidance (IEMA GHG, 2022) was developed by IEMA to assist practitioners with addressing carbon emissions assessment and mitigation in EIA. It complements IEMA's earlier guide on Climate Change Resilience and Adaptation and builds on the Climate Change Mitigation and EIA overarching principles. The update builds on the earlier 2017 guidance to reflect climate change policy changes and the UK's net zero 2050 target.

### ***IEMA's Principles on Climate Change Mitigation and EIA;***

- 1.39 IEMA published guidance principles in 2010 on assessing climate change and carbon in EIA (IEMA CCR, 2010) including assessment principles and EIA hierarchy for managing project related carbon Emissions.

### ***RICS (2017) Whole Life Carbon Assessment for the built environment (1st edition);***

- 1.40 RICS Professional statement (RICS, 2017) sets out a whole life carbon approach to assessing carbon emissions associated with buildings, covering both the embodied and operational emissions over the whole life of the asset. The Professional Statement standardises whole life carbon assessment and enhances consistency in outputs provided by specific practical guidance.

### ***The Publicly Available Specification 2080 (PAS 2080) on carbon management in infrastructure.***

- 1.41 PAS 2080:2016 (PAS, 2022) Carbon Management in Infrastructure provides a common framework for all infrastructure sectors and value chain members on how to manage whole life carbon when delivering infrastructure assets.

### ***British Standard EN 15978:2011***

- 1.42 BS EN 15978:2011 (BS, 2011) is the standard for Sustainability of construction works and assessment of environmental performance in buildings.

## ***Future Buildings Standard***

1.43 The Future Building Standard (FBS) comprises a newly-launched consultation principally focused on delivering improved energy and carbon performance of non-domestic buildings. The consultation was on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for non-domestic buildings and dwellings; and overheating in new residential buildings. The consultation ran from 18th January 2021 to 13th April 2021.

## ***Building Regulations Part L 2021***

1.44 To act as a step change toward the FBS in 2025, the Approved Document's Part L1 2021 and Part L2 2021 were publicly released on the 15th December 2021 and will come into force on the 15th June 2022. Part L 2021 will act as an interim update to the Future Home Standard and Future Building Standards which are expected to come into full application by 2025. The main updates to Part L 2021 include the following:

- Local planning authorities will retain powers to set higher energy efficiency targets than building regulations.
- A new non-domestic building built to Part L 2021 standards (NCM 2021) will deliver a 27% reduction in CO2 emissions on average across the new non-domestic building mix relative to Part L 2013.
- Primary energy target introduced and Fabric Energy Efficiency target retained.

1.45 Residential developments built to Part L 2021 will emit 31% less CO2 on average respectively than those built to previous standards (Part L 2013).

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