



Dorset  
Council



# Planning for climate change

Interim guidance and position statement

December 2023



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# 1. Dorset Council Planning for Climate Change - Interim Guidance and Position Statement

## 1.1. Introduction

**1.1.1.** This interim guidance and position statement seeks to clarify existing planning policy requirements within the Dorset Council area in relation to planning for the climate and ecological emergency.

**1.1.2.** The statement provides commentary on the weight given to climate change in decision making and sets out what Dorset Council expects from planning applications, given current policy. The statement focusses on new built development and proposals for stand-alone renewable energy generation schemes and is intended to be in place until the adoption of the new Dorset Council Local Plan.

**1.1.3.** This statement primarily relates to issues associated with the climate emergency. Whilst it is recognised that climate change and biodiversity loss are intrinsically interlinked, the latter is not specifically addressed in this document as it is considered to be well covered by existing policy frameworks and guidance. Should there be a future need to clarify the council's position on ecological matters pertaining to climate change, this will be done as a further piece of work.

### Why do we need a guidance statement?

**1.1.4.** There is clear scientific evidence to show that climate change is happening and is due to human activity. Atmospheric carbon dioxide (CO<sub>2</sub>) is now at its highest level in at least 2 million years, with global emissions in 2022 just shy of 2019's record level. Average global temperatures have risen by 1.2°C on pre-industrial levels, with 2011-20 more likely than not the hottest period in 125,000 years. This is causing a huge increase in the severity and likelihood of weather extremes like heatwaves, floods and wildfires – with 50-75% of people globally facing 'life threatening' extreme heat by then end of the century.

**1.1.5.** The IPCC's 2018 special report<sup>1</sup> confirms that global warming is likely to reach 1.5°C between 2030 and 2052 if it continues at the current rate which will have severe impacts on our climate. Coupled with increasing fuel costs which will impact people's quality of life, there is a need to act as soon as possible in addressing climate change.

### The policy response

**1.1.6.** The UK is a signatory to the 2015 Paris Agreement, which commits to halving global emissions from 2010 levels by 2030. In 2019, UK Parliament declared an environment and climate emergency and Government made a statutory commitment to cut UK emissions by 100% of 1990 levels, and thereby reach net zero, by 2050.<sup>2</sup> It has also pledged that by 2030 it will protect at least 30% of land and seas and halt species loss that and committed to developing a new national adaptation programme.

**1.1.7.** Dorset Council declared a climate and ecological emergency in 2019, and our Natural Environment, Climate & Ecology Strategy (NECES) sets a clear vision for the council

<sup>1</sup> [Summary for Policymakers — Global Warming of 1.5 °C \(ipcc.ch\)](https://www.ipcc.ch/report/sr15/)

<sup>2</sup> Climate Change Act 2008 (2050 Target Amendment) Order 2019

and wider Dorset to rapidly become carbon neutral, nature positive and resilient.<sup>3</sup> The latest progress report<sup>4</sup> showed that the county's emissions had been reduced by 18% from 2017 (excluding agriculture and waste). This is good progress, but to stay within our carbon budget we still need to cut our emissions by over half by 2030 – and we need to speed up the rate of our emission cuts.

**1.1.8.** Locally we must therefore act on each of the three pillars of climate change, biodiversity loss, and environmental resilience. The Strategy has sustainable development and construction as one of its nine missions.



### The role of planning for sustainable development

**1.1.9.** Achieving truly sustainable development is central to addressing climate change. Plan making and decision-taking for future development play a vital role in climate change mitigation, by influencing greenhouse gas emissions, and adaptation, by increasing resilience to climate change. Addressing climate change is one of the core land use planning principles that is expected to underpin both plan-making and decision-taking.<sup>5</sup>

**1.1.10.** Planning ensures development is suitably located, taking into account travel and flood risk, it protects our natural assets, enables place making and the integration of green infrastructure, and can support the delivery of appropriately sited renewable energy and sustainable buildings. These considerations all factor into responding to the climate emergency and benefit public health.

**1.1.11.** The most important and impactful planning consideration is the location of development. This is achieved through the local plans (and neighbourhood plans) by the establishment of settlement hierarchies and the allocation of sustainable sites for development. Optimising the development potential of sites located in sustainable areas with easy access to facilities and services, and not in open countryside, immediately reduces the need for car use and can promote active travel.<sup>6</sup> In turn this reduces carbon emissions from

<sup>3</sup> Natural Environment, Climate & Ecology Strategy 2023-25 Refresh

<sup>4</sup> <https://moderngov.dorsetcouncil.gov.uk/documents/s31424/Appendix%20A%20-%20CEES%20Progress%20report%20-%20Autumn%202022.pdf>

<sup>5</sup> Planning Practice Guidance – Climate Change Paragraph 001

<sup>6</sup> A new Government agency, Active Travel England, has responsibility for enhancing active travel infrastructure and will be made a statutory consultee on major planning applications in the future.

transport. Well-designed places will respond to their context, creating character and community and working positively to address environmental issues affecting climate.<sup>7</sup>

**1.1.12.** The first, and most important, consideration for an applicant and those determining a planning application, therefore, will be whether the proposal is in a sustainable location and consequently whether it minimises the need to travel, particularly by car. By doing so, this is a key step in taking the climate emergency into account.

**1.1.13.** Since this principle is well established and embedded in policy and decision making, this statement provides guidance on what can be achieved thereafter in terms of on-site action that can be taken to reduce carbon emissions and help with adaptation to the changing climate.

**1.1.14.** The NECES recognises that: *‘Reducing energy use and increasing use of renewable energy in buildings ... is the single largest part of both the council and county-wide carbon footprint and one of the most challenging areas requiring significant investment by organisations and individuals across Dorset.’*<sup>8</sup>

**1.1.15.** In relation to sustainable design and construction, the NECES sets out an aim for new buildings to be net zero, nature positive and resilient in location, orientation, design and construction - cutting energy use, enabling sustainable travel, boosting the value of our natural assets, and limiting vulnerability to climate change. Furthermore, there is a clear objective to boost deployment of renewable generation.

## **Purpose and scope of this statement**

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**1.1.16.** Existing adopted planning policy was drafted by the former district and borough councils with the clear intention of improving the sustainability credentials of proposals and providing a policy steer on sustainable design and construction. However, the plans were adopted several years ago, and the climate and ecological emergency policy agenda has moved on significantly. In particular there is now a statutory net zero target and there has been a shift in emphasis within national policy, plus the declaration of a climate and ecological emergency by Dorset Council.

**1.1.17.** The climate emergency is increasingly recognised as a material consideration in decision-making and appeals.<sup>9</sup> As such, in April 2021 the Secretary of State recognised that “the scale and urgency of the climate change emergency is such that tackling climate change is a material consideration to which significant weight should be attached.”<sup>10</sup> This interim guidance and position statement therefore seeks to respond to changes that have taken place nationally and locally since the current local plans were adopted.

**1.1.18.** Adopted local plans do not specifically allocate land for renewable energy development, however applications for such schemes have been coming forward over recent years, mainly in the form of solar farms. As progress towards carbon neutrality happens it is likely that applications for renewable energy schemes will increase, putting pressure on Dorset’s environmental designations. Therefore, it is considered necessary to

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<sup>7</sup> National Design Guide – Paragraph 36

<sup>8</sup> Climate and Ecological Emergency Strategy Progress Report (Autumn 2021)

<sup>9</sup> APP/K1128/X/20/3252613, APP/K1128/W/20/3252623. Appeal by Mr David Holloway against South Hams District Council

<sup>10</sup> APP/V2255/W/19/3233606 Secretary of State decision. Appeal by Quinn Estates Ltd and Mulberry Estates (Sittingbourne) Ltd against Swale Borough Council

clarify the council's position on such developments and their impacts to ensure the coherence of our approach to tackling both the climate and ecological emergencies together.

**1.1.19.** The new Dorset Council Local Plan will play a key role in delivering sustainable development, taking into account the wide-ranging factors that culminate to address climate change and ensure effective place making. However, with a proposed adoption date of 2026, there is a need to clarify the council's position prior to adoption of the new Local Plan to ensure that opportunities for addressing climate change are maximised as new development is brought forward.

**1.1.20.** The Interim Guidance and Position Statement focuses on sustainable design and construction in relation to new build development, and proposals for stand-alone renewable energy generation schemes.

**1.1.21.** The principal purposes of the statement are to:

- highlight existing local plan policies that require or encourage developments to mitigate and adapt to climate change and ensure these policies are being applied consistently in tackling the climate emergency;
- underline that climate change is a material consideration in determining planning applications;
- ensure that planning decisions are, as far as possible, supporting the council's Natural Environment, Climate & Ecology Strategy;
- introduce a sustainability checklist to be submitted alongside relevant planning applications; and
- ensure that we are maximising opportunities to address the climate emergency through decision making wherever practicable.

**1.1.22.** The council's position on sustainable design and construction forms Position Statement 1 of this document. The council's position statement on renewable energy development forms Position Statement 2 of this document.

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## Status

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**1.1.23.** The interim guidance and position statement is not in itself planning policy and is not part of the statutory development plan. Instead, it is non-statutory guidance, underlining that tackling climate change is a material consideration in decision making.

**1.1.24.** The statement identifies how the requirements of development plan policy may be interpreted in assessing development proposals. A Sustainability Checklist has been prepared to assist applicants in addressing climate change through their proposals and to encourage best practice.

**1.1.25.** The statement is intended to be a useful resource for planning officers, councillors who sit on planning committees, and applicants. The statement should be read in conjunction with the development plan as a whole<sup>11</sup>. It is intended that this position statement will be in place until the adoption of the new Dorset Council Local Plan. Further work will be undertaken in the development of the Local Plan on addressing the many factors that play a role in tackling and adapting to climate change.

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<sup>11</sup> The development plan includes the adopted local plans for the area: the Purbeck Local Plan Part One (adopted 2012), North Dorset Local Plan Part One (adopted 2016), East Dorset and Christchurch Local Plan Part 1 – Core Strategy (adopted 2014), West Dorset and Weymouth & Portland Local Plan (adopted 2015) and the Swanage Local Plan (adopted 2017), as well as any neighbourhood plans that are 'made'.

**1.1.26.** The statement will be kept under review in light of any changes to national policy. The implementation of the proposed checklist will also be monitored and used to inform the development of the new Local Plan.

**1.1.27.** It is recognised that transport and the location of developments are important factors in addressing climate change. However, whilst settlement hierarchies and spatial strategies of adopted local plans all require development to be sustainably located, with access to suitable and sustainable transport, the council's wider transport policies are mainly covered separately, for example within the Local Transport Plan<sup>12</sup> and related strategies. An overview of the context and framework for consideration of ecological and transport issues is set out in Appendix A.

**1.1.28.** Environmental adaptation, as a key 'pillar' in achieving resilience to climate change, is interlinked with the sustainable design of development. Dorset's Natural Environment, Climate and Ecology Strategy recognises the need to build resilience to current and future climate change as an integral part of its approach. Resilience in the built environment is essential and this must be a central consideration in planning for future development. Section 2 of the statement draws on the local policy framework, setting out how this should be addressed through sustainable design and construction, including through green infrastructure and sustainable drainage.

## **Why not wait for future standards on energy performance of new buildings?**

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**1.1.29.** Since the adoption of the existing local plans covering the Dorset Council area, there have been changes to Building Regulations<sup>13</sup> including improving ventilation, introducing a new overheating requirement, and requiring new homes to produce 30% less carbon dioxide than previous standards.<sup>14</sup> Whilst this will clearly provide benefits, the uplifts will not in themselves result in the 'ultra-low' energy performance<sup>15</sup> needed to result in carbon neutral development.

**1.1.30.** Additionally, the Government aims to implement Future Homes and Buildings Standards by 2025. The standards will comprise further amendments to the Building Regulations and will ensure new homes produce 75-80% less carbon emissions than homes delivered under pre 2022 regulations.

**1.1.31.** The South-West Energy Hub suggests that councils that have declared a climate emergency may need to take supplementary action prior to the proposed legislative changes for a number of reasons. Interim uplifts fall short of or are only comparable to current best practice and, due to the Future Homes standards covering the same scope as Building Regulations, key net zero elements such as unregulated operational energy use and

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<sup>12</sup> <https://www.dorsetcouncil.gov.uk/roads-highways-maintenance/transport-planning/local-transport-plan>

<sup>13</sup> Changes to Part L (Conservation of Fuel and Power) and Part F (Ventilation) of the Building Regulations were announced in December 2021 and came into force in June 2022. Two new Approved Documents were also introduced – Part O (Overheating) and Part S (Infrastructure for Charging Electric Vehicles).

<sup>14</sup> Government has separately stated that it intends to amend the Regulations to improve standards for the digital capability of new builds. This will play an important role in cutting journeys, which will be necessary alongside the shift to active, public and low carbon modes of travel. Government's September 2022 consultation confirms proposals to require developers to ensure that all new builds have gigabit capable infrastructure and (subject to cost cap) a gigabit-capable connection (or the next fastest broadband connection if it exceeds the cost cap).

<sup>15</sup> Ultra-low levels of energy performance are considered to be the lowest possible to enable a development to be net-zero in its operation

embodied carbon would not be included, and so the resulting buildings will likely not be truly net zero carbon, or net zero ready.<sup>161718</sup>

**1.1.32.** It is intended that the Dorset Council Local Plan will consider a local policy approach to improve on the Future Homes and Buildings Standards. The Local Plan is the correct forum to develop any local policy in collaboration with relevant stakeholders and will be subject to independent examination. Given the timetable for its preparation however, it could be several years before the Dorset Council Local Plan can be used in decision making and until any new national standards are required through legislation.

## 1.2. Overarching policy context in relation to climate change

**1.2.1.** There are currently five adopted local plans in the Dorset Council area. The adopted local plan policies form part of the development plan for their respective areas. Approved neighbourhood plans also form part of the development plan. Planning applications must be determined in accordance with the development plan for the area, unless material considerations indicate otherwise.<sup>19</sup> National policy forms a material consideration in decision making. Decision makers must identify the appropriate policies in the development plan along with relevant material considerations. Weight is afforded to each issue by the decision maker.

### Legislative Context

#### Planning and Compulsory Purchase Act (2004) and Planning Act (2008)

**1.2.2.** The Planning Act 2008 introduced an amendment to the Planning and Compulsory Purchase Act 2004 at Section 19 (1A) stating 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 adaption to, climate change.' This is a statutory requirement.

#### Climate Change Act 2008

**1.2.3.** The Climate Change Act 2008 introduced a target to reduce UK carbon emissions by 80% of the 1990 baseline by 2050. This was subsequently amended in 2019 to a 100% reduction by 2050 (i.e. a net zero target). The most recent national carbon budget of June 2021 set a further statutory milestone target for reducing emissions by 78% by 2035. Paragraph 153 and footnote 53 of the National Planning Policy Framework states 'Plans should take a proactive approach to mitigating and adapting to climate change in line with the objectives and provisions of the Climate Change Act 2008.'

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<sup>16</sup> Development can be considered to achieve operational net zero if its energy use (power and heat) is wholly sourced by renewable energy, whether supplied via the electricity grid or onsite. In lieu of the full decarbonisation of the electricity grid a development which is capable of fully meeting its power and heating needs from the electricity grid may be considered operationally 'net zero ready'. Development that is wholly net zero would take into account operational use and embodied carbon associated with its construction.

<sup>17</sup> [WoE-net-zero-new-build-policy-evidence- 1.3.pdf \(swenergyhub.org.uk\)](#)

<sup>18</sup> The Future Homes Standards work towards realising Government's road map for industry to achieve 'net zero ready' homes by 2025 (with consultation expected in 2023 and legislation in 2024), but this terminology denotes homes with the potential (without further retrofitting) to have net zero *operational* emissions once the grid decarbonises.

<sup>19</sup> Planning and Compulsory Purchase Act 2004



**1.2.4.** The statutory and national policy requirements outlined above place a specific duty on local planning authorities in this regard and the key importance of climate change in preparing local plans is evident.

### Planning and Energy Act 2008

**1.2.5.** The Planning and Energy Act 2008 introduced a power for local planning authorities to set policies ‘imposing reasonable requirements for – (a) a proportion of energy used in development in their area to be energy from renewable sources in the locality of the development; (b) a proportion of energy used in development in their area to be low carbon energy from sources in the locality of the development; (c) development in their area to comply with energy efficiency standards that exceed the energy requirements of building regulations.’

**1.2.6.** There is common confusion on whether local areas can exceed national standards for energy efficiency since the Deregulation Act 2015 set a prospective amendment (c), but which is not yet in force.<sup>20</sup> The Minister at that time stated that Local Plans couldn’t exceed national standards once the amendment came into force, which was then expected to be timed for the launch of the planned national ‘zero carbon homes’ policy. However, that policy was subsequently cancelled so the amendment remains prospective. Government have subsequently clarified<sup>21</sup> that local areas *can* still set higher local energy efficiency standards and that it does not intend to bring the amendments into force in the immediate term.

### Levelling Up and Regeneration Act (LURA)

**1.2.7.** The Levelling Up and Regeneration Bill was introduced into Parliament in May 2022 and received Royal Assent on 20 October 2023, at which point it became law.

**1.2.8.** The Act includes a requirement that regard must be had to the need to mitigate, and adapt to, climate change in the preparation or modification of national development management policy.

## National policy context

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**1.2.9.** National policy relevant to climate change includes:

- National Planning Policy Framework<sup>22</sup>
- National Planning Policy for Waste
- Written Ministerial Statement of 25 March 2015
- Written Ministerial Statement 18 June 2015
- Written Ministerial Statement of 1 July 2021
- Net Zero Strategy & Heat and Buildings Strategy

National policy is supported by the Planning Practice Guidance and the National Design Guide.

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<sup>20</sup> <https://www.legislation.gov.uk/ukpga/2015/20/section/43>

<sup>21</sup> [The Future Homes Standard: changes to Part L and Part F of the Building Regulations for new dwellings - GOV.UK \(www.gov.uk\)](#)

<sup>22</sup> It should be noted that parts of the NPPF and PPG specifically relevant to climate change are included below in order to summarise the national planning policy context. Other parts of the NPPF provide policy on matters such as environmental and amenity considerations and how these are to be taken into account in the balance of considerations, alongside climate change and zero carbon.

## National Planning Policy Framework (NPPF)

**1.2.10.** Achieving sustainable development is embedded in the NPPF with the role of the planning system being to deliver development in an economically, socially and environmentally sustainable manner. The NPPF emphasises that responding to climate change is central to the three dimensions of sustainable development.

**1.2.11.** Section 14 of the NPPF sets out how the planning system should help to meet the challenge of climate change. Paragraph 152 specifically states:

*'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.'*

On resilience and adaptation, Paragraphs 153 and 154 further elaborate that:

*'Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.'*

*New development should be planned for in ways that:*

- a) *avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*
- b) *can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.'*

**1.2.12.** At paragraph 157 the NPPF sets out the expectation that new development should 'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

**1.2.13.** There is a clear intention that development should be designed to reduce emissions and, as well as through locating development sustainably, this should be through improving energy efficiency and reducing overheating. There is also a clear intention that adaptation must be incorporated into the design of development. This should be through measures such as green infrastructure, water efficiency of buildings and sustainable drainage.

**1.2.14.** It is also evident that renewable energy development has an important role to play in addressing climate change through supporting transition to a low carbon future.

**1.2.15.** Paragraph 155 states that:

*'To help increase the use and supply of renewable and low carbon energy and heat, plans should:*

- a) *provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts);*
- b) *consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and*
- c) *identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.'*

**1.2.16.** In determining applications for renewable and low carbon energy development Paragraph 158 of the NPPF is key, stating that '*...local planning authorities should:*

- a) *not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) *approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.'*
- c) *in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.*

### National Planning Policy for Waste

**1.2.17.** Paragraph 8 states that local planning authorities should, to the extent appropriate to their responsibilities, ensure that new non-waste development makes sufficient provision for waste management, including through providing adequate storage facilities, and that the handling of waste arising from the construction and operation of development maximises reuse and recovery opportunities and minimises off-site disposal.

**1.2.18.** This means that the construction and operation of new development should drive waste management up the waste hierarchy, meaning (in order of priority): prevention (using less materials and extending product life), reuse (cleaning, repairing and refurbishing), recycling (turning waste into new products), waste recovery and disposal. This includes, for example, making provision for householders to separate waste to encourage recycling and that construction should make use of use of recycled materials on site. These actions are an important part of climate change mitigation, reducing the need for new materials.

### Written Ministerial Statement of 25 March 2015

**1.2.19.** The Written Ministerial Statement (WMS) revoked the Code for Sustainable Homes, stating that policies should not require compliance with any level of the Code.

**1.2.20.** In relation to decision-making, it confirmed that existing policies referring to the Code, could continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard. It also notes that decisions on solar installations should give consideration to impacts on the natural and historic environment and the quality of agricultural land.

## Written Ministerial Statement of 18 June 2015

**1.2.21.** The [written ministerial statement](#) HCWS42 made on 18 June 2015 restricted wind energy from being implemented unless the area was identified as suitable for such development in a Local or Neighbourhood Plan. This was subsequently included in footnote 54 of the NPPF, which now states that following consultation, it should be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.

## Written Ministerial Statement of 1 July 2021

**1.2.22.** The written ministerial statement made on 1 July 2021 (UIN HCWS140) focuses on reducing water demand, setting out measures Government will be taking to reduce personal water consumption. In terms of water efficient homes, local authorities are encouraged to adopt a minimum building standard of 110 litres per person per day in all new builds where there is a clear local need, such as in water stressed areas. This is in comparison to the minimum building standard of 125 litres per person per day,<sup>23</sup> and requires the installation of more efficient fixtures and fittings.

**1.2.23.** Although this standard is not within local policy and will be considered through the emerging Dorset Council Local Plan, this commitment raises the profile/importance of addressing water efficiency through development.

## National Design Guide

**1.2.24.** The National Design Guide illustrates how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice. It has guidance on resources, stating that:

Well-designed places and buildings conserve natural resources including land, water, energy and materials. Their design responds to the impacts of climate change by being energy efficient and minimising carbon emissions to meet net zero by 2050. It identifies 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.

**1.2.25.** The Guide goes on to advise on following the energy hierarchy<sup>24</sup>, careful selection of materials, and construction techniques and maximising resilience to climate change. 'Good design' therefore includes design that addresses and responds to climate change.

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<sup>23</sup> Building Regulations (2010) Part G2 (36) states the potential consumption of wholesome water by persons occupying a dwelling must not exceed 125 litres per person per day' or the optional requirement of 110 litres per person per day if that is specified in the development's planning permission.

<sup>24</sup> Energy hierarchy: reducing the need for energy through passive measures including form, orientation and fabric; using energy efficient mechanical and electrical systems, including heat pumps, heat recovery and LED lights; and maximising renewable energy especially through decentralised sources, including on-site generation and community-led initiatives.

**1.2.26.** The Guide should be taken into account by local authorities when making decisions.<sup>25</sup> It should therefore be used to inform proposals wherever possible in order to achieve good design.

### Planning Practice Guidance (PPG)

**1.2.27.** The PPG expands on national policy and in relation to climate change, reminds us that effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gas emissions and increase resilience to climate change impact through the location, mix and design of development.

**1.2.28.** Notable points include guidance on what planning can do to mitigate climate change. These are:

- Reducing the need to travel and providing for sustainable transport
- Providing opportunities for renewable and low carbon energy technologies
- Providing opportunities for decentralised energy and heating
- Promoting low carbon design approaches to reduce energy consumption in buildings, such as passive solar design
- Retrofitting and adapting historic (i.e. traditionally-constructed) buildings in a way consistent with their conservation

**1.2.29.** The PPG provides an array of guidance on how sustainable design and construction can be used for developments in order to mitigate and adapt to climate change, as well as offering guidance on how the impact of climate change should be taken into account in decision making. The PPG also provides useful information and guidance relating to renewable energy development, and relevant considerations for their determination.

### Net Zero Strategy & Heat and Buildings Strategy

**1.2.30.** The 2021 Net Zero Strategy contains multiple commitments relevant to planning, including the ambition to ban the sale of new gas boilers and for new heating appliances to be low carbon by 2035; a commitment to more onshore wind, solar and other renewables for grid decarbonisation by 2035; and on transport, a recommitment to ending the sale of fossil-fuelled cars by 2030 alongside funding for integrated bus networks, zero emission transport infrastructure, and an ambition for half of all town/city journeys to be cycled or walked by 2030. It also set ambitions for improving reporting on embodied carbon in buildings and exploring the potential of maximum embodied carbon levels in the future.

**1.2.31.** The accompanying Heat and Buildings Strategy highlights the importance of energy performance and fabric-first approaches as a first step to decarbonising heat. It notes that heat pumps and heat networks are proven scalable interventions for new builds which are preferable to future retrofitting, and that a third of the target of 600,000 per year heat pump installations should be delivered by 2028. It also notes that strategic choices on the role of hydrogen in heating will be made by 2026 suggesting that it is most likely to play a role in areas with appropriate storage facilities (like gas import facilities and salt caverns) but

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<sup>25</sup> Statement UIN HCWS1840 made on 1 October 2019 Written statements - Written questions, answers and statements - UK Parliament states that 'The National Design Guide is also capable of being a material consideration in planning applications and appeals, meaning that, where relevant, local planning authorities should take it into account when taking decisions. This should help give local authorities the confidence to refuse developments that are poorly designed'.

unlikely to be suitable elsewhere where heat pumps and heat networks are likely better options. It also notes the necessity of local authorities developing Local Area Energy Plans with key stakeholders.

## Conclusions

**1.2.32.** The intention of national policy and guidance is clear in that climate change is a central consideration in planning. Dorset Council considers climate change is an important part of the planning balance in decision making. As a matter that should be taken into account in deciding a planning application, it is a material consideration in the planning process.

## Local policy and development plan context in relation to climate change

**1.2.33.** The adopted local plans covering the Dorset Council area are: the Purbeck Local Plan Part One (adopted 2012), North Dorset Local Plan Part One (adopted 2016), East Dorset and Christchurch Local Plan Part 1 – Core Strategy (adopted 2014), and the West Dorset and Weymouth & Portland Local Plan (adopted 2015) and the Swanage Local Plan (adopted 2017). The Bournemouth, Christchurch, Poole and Dorset Waste Plan (adopted 2019) is also relevant to climate change. There are also a number of neighbourhood plans which form part of the development plan and a number of adopted supplementary planning documents.

**1.2.34.** The AONB Management Plans, whilst not part of the development plan, also include relevant policies for the Dorset and Cranborne Chase Areas of Outstanding Natural Beauty.

**1.2.35.** Reviews of the adopted local plans have reached different stages, the most advanced of these being the Purbeck Local Plan 2018-2034 which is currently at examination. All other plan reviews ceased production in 2019 when Dorset Council became a unitary authority. Since that date, a draft of the Dorset Council Local Plan was produced for consultation.

**1.2.36.** The adopted local plans all incorporate strategic objectives to address climate change. There are a number of specific policies in the adopted local plans that are relevant to climate change. The relevant objectives and policies are listed in [Appendix B](#)<sup>26</sup> of this statement. Appendix B also provides some commentary on each relevant policy, outlining how Dorset Council interprets them and how a planning application should respond to the policy.

**1.2.37.** There was a clear intention from each of the former districts and boroughs in their plans to work towards addressing climate challenge through improving the sustainability credentials of development as well as enhancing green infrastructure, improving resilience against flooding, reducing car reliance, and encouraging renewable energy. This intention continues with Dorset Council.

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<sup>26</sup> Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction - <https://modern.gov.dorsetcouncil.gov.uk/documents/s32668/AppendixAofAppendix1AdoptedLocalPlanpoliciesandobjectivesrelatingtoclimatechange.pdf>

## 2. Sustainable design and construction

### 2.1. Policy context - sustainable design and construction

#### Local policy and development plan context in relation to sustainable construction and design

**2.1.1.** Sustainable design and construction delivers development that both helps to mitigate climate change and is resilient to climate change. This means that a development would incorporate measures to minimise carbon emissions, water consumption and waste through both the construction and operation of the building(s). As our climate is already being affected, buildings need to be well adapted and resilient to this. This includes incorporating interrelated measures that assist a development in being resilient to flooding, overheating and drought at both at the building and development scale, from rainwater harvesting to green infrastructure and sustainable drainage schemes.

**2.1.2.** The following adopted policies place a requirement on proposals to incorporate sustainable design and construction into their development:

- Purbeck Local Plan - Policy D
- West Dorset, Weymouth and Portland Local Plan – Policy ENV13
- Christchurch and East Dorset Core Strategy Part 1 (2014) – Policy ME3
- North Dorset Local Plan Part 1 – Policy 3
- Bournemouth, Christchurch, Poole & Dorset Waste Plan – Policy 22

**2.1.3.** There are also adopted policies specifically relating to green infrastructure and sustainable drainage as follows:

- Purbeck Local Plan – Policy GI
- West Dorset and Weymouth and Portland Local Plan – Policy ENV3; Policy ENV5
- Christchurch and East Dorset Core Strategy Part 1 (2014) – Policy HE4; Policy ME6
- North Dorset Local Plan Part 1 – Policy 15 and Policy 13
- Swanage Local Plan – Policy SGI

**2.1.4.** There is clear intention from each of the former district/borough councils in these policies to encourage sustainable construction and design in the face of climate change.

**2.1.5.** There are a number of neighbourhood plans that also have relevant policies and the AONB Management Plans also contain relevant policies supporting sustainable design and construction, including for Cranborne Chase Policy PT21 and for Dorset AONB Policy C3.

**2.1.6.** In relation to energy performance of new development, the adopted local plans vary in their prescriptiveness and in their applicability to size and type of development as outlined in Appendix B. They are largely not up to date with national policy, as they either don't set targets, or refer to outdated standards, but they concur on their general aim to provide high energy efficiency in buildings.

**2.1.7.** With reference to point b) of NPPF paragraph 154, all adopted policies apart from that in the West Dorset and Weymouth & Portland Local Plan specifically require reduction in carbon emissions through a design approach, such as by meeting various stated standards. The West Dorset, Weymouth and Portland policy wording is broader, generally stating that

new buildings and alterations/extensions are expected to achieve high standards of environmental performance. The supporting text for the West Dorset, Weymouth and Portland policy however sets out design related methods that may be appropriate for doing this and asks for the submission of a sustainability statement.

**2.1.8.** In some cases, the stated standards are out of date, such as the Lifetime Homes Standard (Purbeck) and Code for Sustainable Homes (East Dorset). North Dorset reflects national policy in stating that development should meet current national standards for energy performance. Orientation of buildings is only specifically mentioned in policy in the East Dorset Local Plan and the Wareham Neighbourhood Plan.

**2.1.9.** Water efficiency is specifically covered in North Dorset's and Christchurch and East Dorset's policies, whilst West Dorset's policies refer to rainwater harvesting in the supporting text to Policy ENV13.

**2.1.10.** Minimising waste is a requirement of the Bournemouth, Christchurch, Poole & Dorset Waste Plan (2019) which forms part of the development plan for the area. Policy 22 requires the consideration of waste from new developments with minimising waste a requirement for all major development and this is applicable across the Dorset Council area

**2.1.11.** All the former districts and boroughs have adopted policy relating to provision of green infrastructure, sustainable drainage and active travel. Such measures, along with other adaptation measures and wider considerations such as biodiversity net gain, are important in enabling development that is well adapted and resilient to climate change.

**2.1.12.** Although there are differences between the policies of the former district and borough councils, the emphasis on climate change is evident.

### Sustainability statement and checklist

**2.1.13.** Section 39 of the new Dorset Council National and Local List Requirements<sup>27</sup> (the Local List), adopted on 1 October 2022, states that a sustainability statement is required to support planning applications for most new buildings to demonstrate how sustainable design and construction has been addressed, including reducing energy consumption and carbon emissions, minimising waste and increasing recycling, conserving water resources, incorporating green infrastructure and sustainable drainage minimising pollution, maximising the use of sustainable materials and adaptation to climate change.

**2.1.14.** In order to clarify how applications can address the various criteria of the policies listed above, Dorset Council has prepared a sustainability checklist that should be completed to inform the preparation of the sustainability statement. Please refer to the *Interim Guidance Note – Sustainability statement and checklist for planning applications*.

**2.1.15.** The checklist incorporates questions to reflect the matters outlined in section 39 of the Local List that should be addressed in a sustainability statement. It incorporates best practice objectives relating to energy performance and water efficiency, as well as questions to identify more established practices for example relating to sustainable drainage, green infrastructure, use of materials, and access to active travel. It can be used to help guide the preparation of planning applications submitted to the Council and its aim is to inform the design process by highlighting matters that are best considered at the outset of the process,

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<sup>27</sup> <https://www.dorsetcouncil.gov.uk/documents/35024/282235/New+Validation+Checklist+-+V1.1+Final+-+1+October+2022.pdf/c281a77c-d6ae-991e-e90e-e535a0f9804a>



such as building orientation. Considering these matters from the outset is a much more cost effective and time efficient approach than addressing such matters later on or at the building stage. Including sustainable design and construction measures will also result in benefits for the occupiers of buildings, such as through lower energy bills.

**2.1.16.** Whilst the sustainability checklist outlines best practice, the questions within it will act as prompts to applicants rather than placing any additional requirement beyond adopted local plan policies. Therefore, best practice objectives detailed within the checklist that are not already required by existing adopted policies will not be considered mandatory. It should be noted that achieving net zero or net zero ready development is not currently a policy requirement. Proposals that don't meet net zero standards cannot be refused on this basis.

**2.1.17.** The intention is to enable the applicant to demonstrate the capability of the development to meet energy and other sustainability objectives and so enable the decision maker to assess how the application responds to the climate emergency through sustainable design and construction. Decision makers will be able to clearly see what has/hasn't been taken into consideration or incorporated and why. Submitted sustainability statements and accompanying checklists will feed into the Council's evaluation of development proposals under adopted planning policies. This is to assist in ensuring that climate change is taken into consideration alongside other policy requirements and material considerations such as any impact on landscape and heritage and incorporation of affordable housing.

**2.1.18.** The checklist will be used proportionately in relation to the scale and nature of the proposed development. It is intended that the checklist will be updated in parallel with the progress of the Dorset Council Local Plan, the emerging Purbeck Local Plan, and any relevant updates to national policy.

## **Retrofitting existing buildings**

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**2.1.19.** Householder applications, and certain non-residential proposals are exempt from the requirement to submit a sustainability statement as set out in the [Local List](#). Consideration of sustainable design and construction and completion of the sustainability checklist is still however encouraged for these types of proposal.

**2.1.20.** For proposals relating to listed buildings, please refer to the Council's additional guidance: '[Listed buildings and energy efficiency - What you can do for climate change](#).' It should be noted that installations relating to renewable energy on listed buildings and within conservation areas will be assessed against national and local planning policy on heritage assets. Listed building and/or conservation area consent may be required for works to such buildings or within such designated areas.

## **Demonstrating sustainable design and construction measures**

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**2.1.21.** Measures identified within a submitted sustainability statement and checklist will need to be suitably demonstrated within the application documents. In some cases, it may be appropriate to include relevant information on the application drawings, and in other cases as part of submitted reports and assessments.

**2.1.22.** In relation to the energy efficiency of buildings, updates to Building Regulations in 2022 (under Part L) included the requirement for builders to complete a Building Regulations Part L (BREL) report at the design stage, as well as at the completion stage of a development. This is to help demonstrate that a building's as-built energy performance

matches its designed performance, whilst detailing the proposed measures through which energy efficiency will be achieved. Additionally, a building's Energy Performance Certificate (EPC) will state a property's 'primary energy use' and 'space heating demand'. The method of recording predicted energy use presented in a BREL report, and an EPC (kWh/m<sup>2</sup> per year) is similar to that used for the best practice objectives as detailed in the sustainability checklist. Therefore, where practicable a predicted EPC or BREL report should be submitted alongside the checklist to demonstrate the projected energy use of a proposed building. For proposals where it is not possible to provide this level of information, applicants should describe the measures being proposed to achieve energy efficiency in their development.

**2.1.23.** Other tools are also available for modelling the energy use of a building, which allow more accurate predictions of potential 'unregulated' energy use arising from day to day use<sup>28</sup>. Products such as CIBSE (Chartered Institution of Building Services Engineers) TM54, the Passive House Planning Package (and similar) can be used, and associated reports should be submitted to accompany the Sustainability Checklist.

## 2.2. Position Statement 1 - Sustainable design and construction

1. Climate change will be given significant weight as a material consideration in the balance when determining planning applications, in line with the legislative and national policy context. In considering the planning balance, regard will be had to Dorset Council's declaration of a climate emergency and its Natural Environment, Climate and Ecology Strategy.
2. The National Design Guide should be reflected in development proposals. Design that reflects the Design Guide, incorporating measures set out to address climate change mitigation and adaptation, will be viewed positively as part of the overall planning assessment against the development plan and relevant material considerations.
3. The Interim Guidance Note – Sustainability statement and checklist for planning applications is supplementary to this statement and sets out how Dorset Council is encouraging applicants to respond to climate change by incorporating sustainable design and construction measures into their proposals. Applicants should submit a Sustainability Statement, supported by a completed Sustainability Checklist, as a means of providing supporting information that is relevant to the existing adopted policies identified in Appendix B.<sup>29</sup> The sustainability statement and checklist will assist applicants in demonstrating how sustainable design and construction measures have been included in a proposed scheme and the information will be used by the local planning authority to assess how the application responds to the climate emergency. This will help the local planning authority to consider the level of weight that can be given to the low carbon credentials of a development, and the

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<sup>28</sup> Unregulated energy use is less accurately captured by the Building Regulations process - See SW Energy Hub - Net Zero New Buildings - [WoE-net-zero-new-build-policy-evidence- 1.3.pdf \(swenergyhub.org.uk\)](https://www.swenergyhub.org.uk/woe-net-zero-new-build-policy-evidence-1.3.pdf)

<sup>29</sup> Householder applications, and certain non-residential proposals are exempt from this requirement. The full list of exemptions can be found within the Local List. Consideration of sustainable design and construction is still however encouraged for these types of proposal. For proposals relating to listed buildings, please also refer to the council's additional guidance: '[Listed Buildings and energy efficiency - What you can and can't do for climate change.](#)'

contribution it is making towards national and local objectives for addressing climate change.

4. The degree to which a proposal incorporates measures to achieve the best practice objectives set out in the checklist will be considered. Where sustainable design and construction measures are proposed in order to meet the best practice objectives, this will be viewed positively as part of the overall planning assessment against the development plan and relevant material considerations.

## 3. Renewable energy development

**3.1.1.** This section relates to standalone renewable energy<sup>30</sup> generation schemes such as solar farms and their associated infrastructure, localised and community energy schemes, battery storage infrastructure, as well as wind energy development.

**3.1.2.** Other types of development that may be relevant to this statement are:

- electric vehicle charging stations (where there might be an element of renewable energy provision);
- proposals relating to the installation of renewable heating technologies such as ground and air source heat pumps; and
- development proposing other sources of renewable energy, such as hydro-electric power, tidal energy, and geothermal energy.

## 3.2. Policy context – Renewable energy development

### Local and national policy for renewable energy development

**3.2.1.** The following adopted local plan policies cover proposals for renewable energy development, whilst setting criteria for their assessment and acceptability:

- Purbeck Local Plan – Policy REN
- West Dorset and Weymouth & Portland Local Plan – Policy COM11
- Christchurch and East Dorset Core Strategy Part 1 – Policies ME4 and ME5
- North Dorset Local Plan Part 1 – Policy 22

**3.2.2.** In respect of paragraph 155 of the NPPF all of the adopted local plans are positive in their policy and strategy approach to renewable energy development, however none of the plans specifically identify suitable areas for such development.

**3.2.3.** In determining applications for renewable and low carbon energy development Paragraph 158 of the NPPF is key, stating that '*...local planning authorities should:*

- a) *not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) *approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale*

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<sup>30</sup> Renewable energy is energy produced from sources like the sun and wind that are naturally replenished and do not run out – <https://www.energy.gov/eere/renewable-energy>.

*projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.'*

**3.2.4.** Through criterion a) the justification for renewable energy development is clear in the context of the need to tackle climate change. With reference to criterion b) all of the adopted plans set out approaches and criteria for ensuring that the impacts of renewable energy development are, or can be made, acceptable.

**3.2.5.** Generally, impacts addressed in local plan policies for renewable energy developments comprise those relating to:

- Landscape, including National Landscapes<sup>31</sup> (Areas of Outstanding Natural Beauty: AONB), Heritage Coast, and locally valued landscapes
- Heritage assets
- Amenity (such as impacts of noise, flicker, vibration)
- Ecology, such as designated wildlife sites
- Radar technology and communications
- Highway safety and capacity

**3.2.6.** Applicants will need to submit supporting assessments in relation to impacts, including clearly set out schedules of mitigation, in order to demonstrate that impacts are, or can be made acceptable.

**3.2.7.** Proposals will also be considered against a range other planning policies, including, where relevant, local and national planning policies relating to development within the Green Belt.

**3.2.8.** The PPG includes useful guidance relating to renewable energy developments, including guidance specific to solar farm developments, their normally temporary nature, and the potential to mitigate visual impacts.

**3.2.9.** The relevant AONB Management Plans covering the council area include policies relating to renewable energy development. These include policies PT16 and SRC10 of the Cranborne Chase AONB Management Plan, and policy C3 of the Dorset AONB Management Plan.

## **Public and community benefits**

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**3.2.10.** Renewable energy, and its generation of heat or electricity, is considered a public benefit due to its contribution to reducing greenhouse gases. The NPPF states under paragraph 158 that it should be recognised that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Significant weight will therefore be given to the public benefits of any such proposal.

**3.2.11.** Other benefits of renewable energy schemes may include:

- Public benefits resulting from the provision of local renewable and low carbon energy, for example, through a district heating network.
- Local economic benefits, such as the creation of jobs and investment in the local economy.
- Environmental enhancements

**3.2.12.** The public and other benefits of renewable energy development will be weighed against the impacts of a scheme. Whilst there is not a requirement for applicants to

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<sup>31</sup> Areas of Outstanding Natural Beauty (AONB) have been renamed National Landscapes as of 22.11.23. Legislation and the NPPF still refer to AONB currently.

demonstrate overall need for renewable energy developments, the benefits of schemes will need to suitably outweigh any adverse impacts (including cumulative impacts). The benefits should be clearly set out by applicants in terms of the proposed level of energy generation, local economic benefits, and any environmental enhancements. Community benefits, such as community ownership shareholding or community benefit funds, can also be set out however they are not a material consideration.<sup>32</sup>

## Planning policy for wind energy

**3.2.13.** Paragraph 158 of the NPPF contains an important footnote<sup>33</sup> relating specifically to onshore wind energy development. The footnote establishes a requirement for onshore wind developments to be allocated within the development plan or supplementary planning document, that planning impacts identified by the local community have been addressed, and for a proposal to have community support. None of the adopted plans identify areas as suitable for large scale wind energy development. Consideration will be given to this through the preparation of the Dorset Council Local Plan.

## Grid capacity and connectivity

**3.2.14.** The capacity of the electricity grid, and the proximity and availability of a grid connection can be a significant factor in locating a renewable energy development. Forming connections where the electricity infrastructure is constrained can be costly and potentially prohibitive to development. Therefore, applicants may need to justify the proposed location of a development through submission of details explaining how grid capacity and connection has informed the site selection, including a viability assessment of alternative options and locations.

## Designated landscape and heritage impacts

**3.2.15.** There are legal duties with regards to nationally designated landscapes and heritage assets.<sup>34</sup> Accordingly, regard must be given to the conservation and enhancement of a national landscape's (AONB's) natural beauty, special regard must be given to listed buildings and their settings and special attention given to conservation areas. Great weight is attributed to the conservation of designated landscapes and heritage assets) through national policy and the relevant sections of the NPPF should be taken into account (Sections

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<sup>32</sup> [R \(on the application of Wright\) \(Respondent\) v Resilient Energy Severdale Ltd and Forest of Dean District Council \(Appellants\) \(supremecourt.uk\)](#)

<sup>33</sup> Footnote 54 of the NPPF reads: 'Except for applications for the repowering and life-extension of existing wind turbines, a planning application for wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan or a supplementary planning document; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.'

<sup>34</sup> Section 85 (1) *Countryside and Rights of Way Act 2000* – In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. Section 66 (1) *Planning (Listed Buildings and Conservation Areas) Act 1990* - In considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) *Planning (Listed Buildings and Conservation Areas) Act 1990* - In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

15 - Conserving and enhancing the natural environment and Section 16 - Conserving and enhancing the historic environment).

**3.2.16.** Adopted local plan policies vary in their wording and implied permissiveness in terms of impacts of renewable energy schemes, and what may be deemed 'acceptable'. Adopted policies on the protection of the environment will be relevant to the assessment of impacts of any proposal.

### Designated landscapes

**3.2.17.** In relation to nationally designated landscapes, approximately 56% of the Dorset Council area is covered by its two AONB designations, and paragraphs 176 and 177 of the NPPF state:

*176. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas... The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*

*177. When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

**3.2.18.** In line with Paragraph 176, the Council will apply great weight to the conservation and enhancement of its AONB designations when assessing planning applications for renewable energy development. Within the AONB, proposals will need to demonstrate that the scale and extent, and therefore any harmful impact, has been limited. Within an AONB's setting, it should be demonstrated that a development has been sensitively located and designed to minimise impacts.

**3.2.19.** For major development within the AONB, full consideration in respect of criteria a) to c) will be required by the decision maker in order to assess whether exceptional circumstances for the proposal can be demonstrated, and whether the development would be in the public interest.

**3.2.20.** Footnote 60 of the NPPF outlines that whether a development is major is 'a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined'. Schemes smaller than the NPPF glossary definition of 'major' can therefore be classed as such. Standalone schemes for solar farms within the AONB are likely to be considered 'major' due to their normally significant land-take and potential for visual and

landscape impacts, whereas smaller installations on existing buildings are unlikely to be considered major.

**3.2.21.** In relation to assessing the need for a development (in relation to criterion a of paragraph 177), paragraph 158 of the NPPF is clearly relevant as it states that demonstration of an overall need for a renewable energy scheme would not be required. However, given the protected nature of the AONB landscape, demonstration of the benefits of a scheme should be provided with an application in order to inform the weighing of the benefits against any harm to the AONB. The context of the climate emergency and the need to tackle climate change will be relevant to the assessment, along with any local economic benefits that such developments may provide.

**3.2.22.** Assessment of an application against criterion b) of paragraph 177 will be informed in part by the proximity and availability of connection to the electricity grid, as the costs associated with forming new connections and upgrading infrastructure to accommodate development can be significant and potentially prohibitive to a development. Consideration will also be given to other constraints affecting areas outside the AONB, such as those associated with heritage assets, ecological designations, urban areas, and agricultural land. Furthermore, under NPPF paragraph 176 the council must have regard to the setting of the AONB when assessing proposed development outside of the designation, and this will also be a factor when assessing the availability of alternative areas for development.

**3.2.23.** Potentially reasonable areas of search for assessing the scope of developing outside the designated area will be informed by the scale of the proposed scheme, and availability of suitable grid connection opportunities. Applicants will need to set out within their proposal clear reasoning for an application's AONB location, including any consideration of grid capacity and other constraints. Where the costs of a grid connection may be a prohibiting factor for locating a development outside the AONB, this should be demonstrated through submission of details explaining how grid capacity and connection has informed the site selection, for example with evidence that the preferred connection point is necessary due to specific capacity issues. An up-to-date viability assessment of forming a connection should be prepared as evidence.

**3.2.24.** Options for meeting the need in a different way will likely be limited as alternative sources of renewable energy (such as wind energy) are constrained in the council area by existing planning policy. However, alternative approaches may include considering the potential for a number of smaller scale developments rather than a single large scale scheme. To inform assessment of a proposal against criterion b) applicants should include with a planning application an assessment of alternative sites and options.

**3.2.25.** Consideration of criterion c) of paragraph 177 will require a case-by-case assessment for each proposal. Potential detrimental effects on the environment may include those associated with the landscape, heritage, agriculture, ecology, and the public rights of way network. Applicants will be required to submit with a planning application relevant assessments of potential environmental impacts (including cumulative impacts), which should include clear schedules of mitigation and methods of moderation. These issues will be considered through consultation with specialists as part of the planning application process and considered against relevant local plan policies.

### Heritage assets

**3.2.26.** In relation to the historic environment, paragraph 199 of the NPPF states that:

*‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’*

**3.2.27.** Paragraph 200 makes clear that *‘any harm to, or loss of, the significance of a designated heritage asset from its alteration or destruction, or from development within its setting should require clear and convincing justification...’* and paragraph 201 goes on to state that where there will be substantial harm to a designated heritage asset, *‘local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.’* Under paragraph 202, any ‘less than substantial harm’ should be weighed against the public benefits of the scheme, and under paragraph 203 impacts on a non-designated heritage asset will be a material consideration in the determination of an application.

**3.2.28.** Public benefits are referred to above and include the contribution renewable energy proposals make in terms of reducing greenhouse gas emissions. The imperative to tackle climate change, as recognised in legislation and policy, and the benefits provided in this respect may outweigh harm, but this will be assessed on a case-by-case basis.

**3.2.29.** Whilst significant weight will be given to the public benefits of a renewable energy proposal, great weight will be given to the conservation of designated heritage assets, and the higher the level of designation, the greater that weight will be. The public benefits of a proposal will be balanced against the significance and level of harm to a designated heritage asset and its setting. For proposals that would result in substantial harm to a designated asset, that harm is unlikely to be outweighed by the benefits of renewable energy since such harm should be exceptional (for grade II designations) or wholly exceptional (for the highest designations<sup>35</sup>).

**3.2.30.** For a proposal that is judged to result in less than substantial harm, the level of this harm will also be considered, and it may be appropriate to consider a scale of less than substantial harm with assessment of where on this scale the harm is judged to fall. Proposals should demonstrate that harm to an asset or its setting has been mitigated as far as practicable.

## **Development within the Green Belt**

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**3.2.31.** Proposals falling within the South East Dorset Green Belt will need to be assessed to determine their impact on its openness and permanence. Paragraph 147 of the NPPF states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to state that *‘local planning authorities should ensure that substantial weight is given to any harm to the Green Belt’* and that very special circumstances will not exist unless *‘the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’* Further to this, paragraph 151 identifies that *‘elements of many renewable energy projects will comprise inappropriate development’*, that very special circumstances for such a scheme will need to be demonstrated by applicants,

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<sup>35</sup> Scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens and World Heritage Sites.



and that ‘*such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.*’

**3.2.32.** Therefore, when considering applications for renewable energy development within the Green Belt, the Council will generally regard them as inappropriate development.<sup>36</sup> Applicants will need to provide clear demonstration of the benefits of a scheme (including the wider environmental benefits) within their application documents, and these will be considered in the context of the harm identified. Levels of harm will be informed by the resulting impact on the openness and permanence of the Green Belt, including views of the development from the public realm, and the effects of existing surrounding development and infrastructure, such as roads. In order to demonstrate very special circumstances, the benefits of a proposal will need to be significant, clearly outweighing the harm caused by a development. Applicants will be expected to undertake an alternative site search to demonstrate that there are no suitable alternative sites outside the Green Belt location. A suitable area of search will be informed by the scale of the proposed scheme, and the availability of suitable grid connection opportunities may also be a consideration.

### Temporary nature of development

**3.2.33.** According to the renewable energy industry solar panels are generally guaranteed for 20-25 years and designed to last at least 25-30 years<sup>37</sup>, (up to 50 years with modern improvements in technology)<sup>38</sup>. When approved, solar farm schemes are generally granted on a temporary basis, which is partially informed by the lifetime of the technology. This temporary lifetime is a factor to be considered in the planning balance. However, landscape and environmental impacts, as well as impacts on agricultural land, will also be an important consideration when establishing an appropriate time limit to any planning permission.

**3.2.34.** Whilst appeal decisions have highlighted that the impacts of shorter temporary periods may be acceptable,<sup>39</sup> temporary schemes could still have landscape and environmental impacts that would persist for the lifetime of the development, and in this context a longer period such as 40 years is a considerable amount of time, i.e. it is in the order of half a human lifetime. Mitigation can in itself have an adverse impact and any mitigation required (for example, for landscape impacts) would need to be in place for the proposed period. Therefore, where the proposed temporary period of a scheme extends to longer periods, its temporary nature is unlikely to be given significant weight in the planning balance.

Where proposals are granted on a temporary basis, appropriate site restoration must be considered, and this would be secured by condition. It should be noted that whilst a scheme may be secured as ‘temporary’ through a planning condition, an application to extend the life of the development, or for a similar development on a site could be made in the future. Any such application would be considered on its own merits, but in the context of a different baseline – with development already on the ground.

<sup>36</sup> This reflects the approach taken by Inspectors in appeal decisions, for example APP/T3725/W/23/3317247 - Land to the west of the A46, Sherbourne, Warwick

<sup>37</sup> <https://www.greenmatch.co.uk/blog/2015/01/the-lifespan-of-solar-panels>

<sup>38</sup> <https://www.renewableenergyhub.co.uk/main/solar-panels/how-long-do-solar-panels-last/>

<sup>39</sup> Appeal Ref: APP/R3325/W/16/3142550 Land off Old Bowden Way, Milborne Port, Somerset

## Impact on agricultural land

**3.2.35.** The impact on agricultural land should also be considered in the context of the temporary nature of development, particularly where a proposed scheme would be sited on higher grade agricultural land.

**3.2.36.** Some adopted plan policies reflect matters highlighted in the WMS March 2015, and Planning Practice Guidance in relation to impacts on higher quality agricultural land. The main thrust of the guidance and WMS is to protect best and most versatile land (land in grades 1, 2 and 3a of the Agricultural Land Classification), direct development towards lower classifications, and require justification for any siting of proposals on higher classifications. This is also reflected in the NPPF footnote 58, which states *'Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.'* Appeal decisions have referenced impacts on the productivity of agricultural land, covering issues such as the loss of the best and most versatile agricultural land over longer temporary periods<sup>40</sup>.

**3.2.37.** Any proposal sited on best and most versatile agricultural land should be justified by compelling evidence<sup>41</sup> and it should be demonstrated that there are no suitable poorer quality areas available in the surrounding area<sup>42</sup> to avoid the loss of such land.<sup>43</sup> Natural England have published provisional Agricultural Land Classification maps<sup>44</sup> however these do not differentiate between classification grades 3a and 3b. Therefore, where a proposal is located on grade 3 land, relevant assessments should be undertaken by the applicant to establish whether the land would be classed as grade 3a or 3b.

**3.2.38.** In some cases, a shorter period of time may well reduce impacts to an acceptable degree, however assessment should be made on a site-by-site basis. It should be noted that a solar farm may not entirely remove an agricultural site from productivity, as in some cases a site can still be grazed whilst it is in use as a solar farm.

## 3.3. Position statement 2 – renewable energy development

1. Climate change will be given significant weight as a material consideration in the balance when determining planning applications (in line with the legislative and national policy context). In considering the planning balance, regard will be had to Dorset Council's declaration of a climate emergency and its Natural Environment, Climate and Ecology Strategy.
2. The public benefits of renewable energy schemes, in respect of their contribution to meeting targets of renewable energy generation,<sup>45</sup> will be given significant weight as a material consideration in the balancing of all relevant issues when determining planning applications. The public benefits of contributing to a reduction in

<sup>40</sup> Appeal Ref: APP/K2610/W/21/3278065 - Land north of The Street, Cawston, Norfolk NR11 7QR

<sup>41</sup> As required by WMS, dated 25 March 2015 (Statement UIN HCWS488)

<sup>42</sup> The scope of which to be determined on a case-by-case basis.

<sup>43</sup> See Appeal Decision APP/F1040/W/22/3313316

<sup>44</sup> Details available at: <https://naturalengland-defra.opendata.arcgis.com/datasets/Defra::provisional-agricultural-land-classification-alc-england/about>

<sup>45</sup> Those set out within the Council's adopted Natural Environment, Climate and Ecology Strategy and as set out within the Climate Change Act 2008.

greenhouse gas emissions and achieving climate change targets will be appropriately balanced against any harm arising from a development, with reference to the requirements of national and local planning policies. As such:

- a. Through supporting assessments and any appropriate mitigation, applicants will need to demonstrate that any impacts of schemes have been minimised.
  - b. Any benefits of a proposal should be set out as part of the application. Whilst there is not a requirement for applicants to demonstrate overall need for renewable energy developments the benefits of schemes will need to suitably outweigh any adverse impacts.
3. Where the siting of a development is informed by grid connection and capacity, applicants will need to justify the proposed location through submission of details explaining how this has informed the site selection, including a viability assessment of alternative options and locations.
4. The lifetime of a proposed development will be a material consideration in decision making, balanced with a scheme's proposed benefits and its potential impacts. Whilst the proposed lifetime of a development will be taken into account, the temporary nature of proposals with longer development lifetimes (e.g. more than 25 years) is unlikely to be given significant weight in the planning balance, as in these cases the impacts associated with the development will take effect over a significant period of time (e.g. for a 40 year permission).
5. Where an application may affect the best and most versatile agricultural land, its proposed location will need to be fully justified, with a sequential approach taken in order to protect the best and most versatile agricultural land.
6. For applications within the AONB:
  - a. The decision maker will need to determine whether a proposal qualifies as 'major development', however large scale, stand-alone renewable energy developments will likely be considered as such.
  - b. In the case of major development, applicants will need to demonstrate that exceptional circumstances and overall public interest exist for the development, and the context of the Climate and Ecological Emergency will be a consideration in this assessment.
  - c. In line with paragraph 177 of the NPPF, applicants will also need to evaluate the scope of meeting the need outside the AONB, as well as showing that detrimental effects on the environment, landscape and recreational opportunities can be mitigated to an acceptable degree.
  - d. Applicants will need to demonstrate the public (and other) benefits of a proposed scheme, and this will inform the weighing of benefits against any harm to the AONB landscape.
7. Where designated heritage assets are affected, great weight will be given to their conservation. The significance of the asset will be considered, as well as the level of harm. Regard will also be given to the reversible and temporary nature of such proposals, notwithstanding criterion 4.
8. In order to demonstrate very special circumstances for development proposals sited within the Green Belt, the benefits of the proposal (including the wider

environmental benefits of the renewable energy development) will need to be demonstrated by applicants as significant and must clearly outweigh the potential harm caused.

9. Larger scale wind energy development proposals will be considered unacceptable given the current national policy context<sup>46</sup> and given that currently there are no suitable areas for this type of development identified within the development plan.

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<sup>46</sup> This will remain that case up until either a change in national policy or a development plan document identifying such sites is formally adopted in line with statutory consultation processes. It is recognised that the current national planning policy position in relation to onshore wind energy development will potentially be subject to changes in association with the Levelling Up and Regeneration Act. Therefore, the Council's position on such developments will be reviewed accordingly should changes occur.

## Appendix A - Other considerations

There are many aspects of planning that contribute towards addressing climate change. A brief overview of how the ecological emergency and travel are addressed through planning in Dorset is set out below.

### Ecological emergency

Addressing the ecological emergency requires protecting, enhancing, creating and restoring our natural habitats to secure biodiversity and the wider ecosystem services they provide. There are legal protections for many local habitats and species and public authorities like Dorset Council have a legal duty to conserve and enhance biodiversity.<sup>47</sup> Furthermore, the Environment Act 2021 requires that all planning permissions (with a few exemptions) will have to deliver at least 10% biodiversity net gain. This is expected from January 2023 for most development, other than exemptions and small sites. This is an approach that aims to leave the natural environment in a measurably better state than it was beforehand.

Planning applications must be supported by appropriate ecological information, as required by regulations and as is set out in paragraph 21 of the Local List as well as our Ecology Guidance for Planning Applications.<sup>48</sup> The Dorset Biodiversity Appraisal Protocol<sup>49</sup> sets out how the council addresses impacts on biodiversity from planning applications. Impacts and mitigation in relation to biodiversity, as well as how a proposal enhances biodiversity, are given thorough consideration as part of the decision-making process, in accordance with adopted local plan policies. The requirement for delivery of 10% biodiversity net gain will be a mandatory condition of planning permission in England, as introduced by Environment Act (2021). The Council has published Biodiversity Net Gain Guidance for Applicant and Agents.<sup>50</sup>

### Transport

In rural areas like Dorset, cars are the default mode of travel. Dorset has some of the highest levels of car ownership nationally and only around one per cent of journeys are made on public transport. To address the climate and ecological emergency, and to reach zero carbon, fossil fuel use in the transport sector will need to be eliminated. This will not be as simple as just switching to different fuels or energy sources. It will require significant changes in attitudes, planning and infrastructure, economic incentives, and political and institutional changes. In the Council area, there will need to be a significant shift towards active travel, public transport, and electric vehicles.

The spatial strategies and settlement hierarchies of the adopted Local Plans aim to reduce the need for car travel by locating the majority of development at the most sustainable locations, and the Local Transport Plan (LTP) for the area sets the strategy for the management, maintenance, and development of the area's transport system, as well as explaining how improved transport will be delivered. Goal 2 of the LTP relates to tackling climate change, through reducing greenhouse gas emissions from travel and transport, increasing the use of lower carbon transport modes, and maximising greener fuel vehicle technology. The council has also adopted an electric vehicle strategy which focuses on the

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<sup>47</sup> Under s40 of the Natural Environment and Rural Communities Act 2006 ("the NERC Act") as amended by the Environment Act 2021.

<sup>48</sup>

<https://www.dorsetcouncil.gov.uk/documents/35024/0/Ecology+guidance+for+planning+applications.pdf/342fdc7f-e963-1b2b-51f6-4a95a9fcb7f>

<sup>49</sup> That may require surveying, impact assessments, a biodiversity plan or completion of a biodiversity checklist depending upon the site size.

<sup>50</sup> [Biodiversity Net Gain Guidance for Applicants and Agents \(dorsetcouncil.gov.uk\)](https://www.dorsetcouncil.gov.uk/documents/35024/0/Biodiversity+Net+Gain+Guidance+for+Applicants+and+Agents.pdf/342fdc7f-e963-1b2b-51f6-4a95a9fcb7f)

delivery of public electric vehicle charging infrastructure to help enable a shift from petrol and diesel car ownership to use of electric vehicles.

For planning applications, the council's Local List requirements (section 40) set out that applications for proposals which will generate significant amounts of traffic or movement will require submission of a transport assessment and travel plan. Through this, applicants need to show how the proposals are maximising opportunities for sustainable transport, and how the transport implications of the development are going to be managed to ensure the minimum environmental, social and economic impacts.