

INTEND TO PUBLISH LONDON PLAN

THE CLIMATE EMERGENCY AND AIR QUALITY

With “climate emergency” being the Oxford English Dictionary’s word of 2019 and ClientEarth’s legal challenge requiring Councils to set evidence-based carbon reduction targets, it is no surprise that climate change features throughout the New London Plan objectives and policies. [Many Councils](#) have also now formally declared a climate emergency and are introducing specific policies and actions. Air quality, too, has had its fair share of press coverage, including the proven detrimental health effects that high levels of pollutants have, particularly on vulnerable groups including children and the elderly. Whilst some progress has been made, including the introduction of the Ultra-Low Emission Zone (ULEZ), many parts of London still regularly exceed national limits for nitrogen dioxide and fine particulate matter and certainly exceed the more stringent World Health Organisation recommendations.

There is no question that these issues need tackling, but rather than just being a costly constraint to development and a tick box exercise, focus should be on win-win solutions. This is important because air quality and climate change are linked to many other planning and development concerns including design, health, transport and accessibility, flood risk and drainage etc. Both are strategic, transboundary issues and not unique to London. We have commented on the Mayor’s lack of engagement with the wider South East in our [earlier note](#). Cross-boundary cooperation is critical if we are to address climate change effectively.

The introduction to the Plan acknowledges air pollution and climate change to be amongst the unprecedented challenges that need to be dealt with. Stated ambitions include making London a zero-carbon city by 2050 and with clean air for future generations to breathe. It also claims to be more ambitious and focused than previous iterations.

We have reviewed the Plan to see if it lives up to its ambitions and how it will assist in helping the UK achieve its 2050 NetZero target and reduce air pollution. Importantly, does it facilitate a holistic, solution-focused approach for communities and the environment rather than just placing an additional burden on developers?

Climate Change Mitigation

The key policy for climate change mitigation is S12 “*Minimising greenhouse gas emissions*”. It requires major development to be net zero-carbon, which would be expected given the UK’s NetZero commitment. The well-established energy hierarchy is retained, with an addition – “*be seen*”. This requires the monitoring, verification and reporting on energy performance. A detailed energy strategy is required that demonstrates how the zero-carbon target will be met within the framework of the energy hierarchy. A minimum on-site reduction of at least 35% beyond Building Regulations (for both residential and non-residential uses) is required for major development. Residential development should achieve 10%, and non-residential development should achieve 15% through energy efficiency measures alone. The policy acknowledges the pace of change in construction techniques and states that the emissions reduction targets will increase over time in future iterations of the London Plan.

Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:

- 1) through a cash in lieu contribution to the borough’s carbon offset fund, or
- 2) off-site provided that an alternative proposal is identified, and delivery is certain.

Boroughs must establish and administer a carbon offset fund. More details on this are provided in the Plan. New development is however, expected to get as close as possible to zero-carbon on-site, rather than relying on offset fund payments to make up any shortfall in emissions. We agree that to stand any chance of meeting the UK’s 2050

NetZero goal, the emphasis should be on on-site solutions, however this may not always be possible. In terms of cash contributions, so far there is little evidence that Councils are ringfencing this money and spending it on meaningful carbon reduction projects.

Whilst developers will be familiar with energy strategy requirements, where the Plan presents a step change from its predecessors is that it requires unregulated carbon emissions to be considered. This includes emissions not covered by the Building Regulations. Such emissions are more difficult and uncertain to calculate because they concern emissions from processes outside the direct control of an Applicant and their design team. These include those associated with cooking and small appliances.

Guidance will be critical in helping developers and their design teams comply with the new energy targets. The London Energy Transformation Initiative (LETI) is due to publish the Climate Emergency Design Guide early this year. This will define the approach, benchmarks and targets for achieving NetZero carbon in operation. It should be noted that this excludes construction stage emissions, which will need to be considered in Whole Life-Cycle Carbon Assessments required for developments referable to the Mayor. Such an assessment requires the calculation of embodied carbon emissions (i.e. those associated with raw material extraction, manufacture and transport of building materials and construction) and emissions associated with maintenance, repair and replacement as well as dismantling, demolition and eventual material disposal. It should be noted, however that the Plan does not set targets for construction carbon emissions.

It is probable that calculating whole life carbon and unregulated emissions will cause a few headaches for developers, consultants and officers alike. For example, major outline planning applications retain considerable flexibility for future determination and there is often little information on end users, exact construction materials and the lifestyle that end users will adopt. We believe that such assessments would need to be heavily based on assumptions and “worst case scenarios” with an outline carbon reduction strategy and commitments made, to be followed through and fleshed out at later stages of design. The use of benchmarked data can help to start with, but it will only be through post-occupation monitoring and logging of data with the GLA that a database will be built up to provide more accurate data to inform future assessments Section 106 and planning conditions will need to reflect this. There is much research out there to demonstrate that sustainable design and building saves money in the long run, but the upfront cost of the assessment and monitoring work is likely to seem to some as just another expensive hoop to jump through.

Climate Change Adaptation / Resilience

This is a cross-cutting theme throughout the Plan. Many of the design policies, requirements for sustainable drainage and green infrastructure / urban greening are relevant. These policies should promote good practice and holistic mitigation solutions such as providing people with open space for recreation and health benefit, reducing reliance on the car, promoting biodiversity and providing attenuation for extreme rainfall events. Policy SI 4 “*Managing heat risk*” establishes design requirements to minimise adverse effects of increased average temperatures and severe hot weather events. This is critical for health and wellbeing in a changing climate.

Multipurpose solutions are supported as they have a higher cost benefit. The focus on environmentally informed and future-proofed design should protect developers’ investment, reducing the need for costly retrofitting and late design changes. We believe that identifying climate as a risk to be managed throughout the design process will pay dividends in the end – not just in terms of increasing the chance of planning permission but in terms of the value of built assets. This is in the context of the finance sector increasing their consideration of climate related risks to investments and a public increasingly aware of the climate crisis and holding business to account.

Air Quality

There is a plethora of new requirements under Policy SI1 "*Improving Air Quality*". Acknowledging the link between poor air quality and poor health, developments are required to be air quality neutral as a minimum (i.e. no worsening of air quality), with air quality positive proposals preferred (i.e. a betterment on existing air quality). It is acknowledged that it may not always be possible for developments to achieve Air Quality Neutral standards or to acceptably minimise impacts using on-site measures alone. If a development can demonstrate that it has exploited all relevant on-site measures, offsetting payments may be acceptable. S106 agreements would need to account for this although there is, as yet, no guidance from the GLA on offsetting payments. We will monitor this.

The policy departs from previous requirements in advocating a more iterative and proactive approach. Major development proposals must be informed by a preliminary Air Quality Assessment with further assessments undertaken during scheme evolution. Transport-related sources of emissions and plant emissions must be considered. Previously, plant emissions modelling was often scoped out, particularly where high efficiency gas boilers were proposed.

Air Quality Management Areas (AQMA) are distinguished from a new designation, Air Quality Focus Areas (AQFA). These are locations that not only exceed EU standards for nitrogen dioxide but have high human exposure. These are based on GLA modelling forecasts and not intended to replace AQMA. It is stated that developers will need to consider both designations. How this will work in practice is not defined but it is probable that both designations will be considered as key constraints in preliminary Air Quality Assessments for major development.

Like climate change, the Plan features air quality as a cross-cutting theme and good design and connectivity policies should serve to reduce building and transport emissions leading to a reduction in pollutant levels over time. The transboundary nature of air quality and climate change is understood and, in particular, Policy SD2 Collaboration in the wider South East (which is discussed in detail in our [earlier note](#)) commits the Mayor to working to find solutions to these strategic concerns, amongst others including housing and infrastructure, the location of which are key determinants in progress towards tackling climate change and poor air quality. We welcome this and how well different authorities work together on these strategic issues will be critical to success.

Aviation

Despite the Inspector's recommendation to remove it, the Plan, at Policy T8 Aviation confirms that the Mayor will continue to oppose any expansion of Heathrow Airport unless it can be shown that no additional noise or air quality harm would result. The Environmental Impact Assessment Scoping Report for the Development Consent Order (DCO) application for the Heathrow expansion discusses how the Environmental Statement will comply with the various requirements to assess climate change mitigation and adaptation including whole life carbon, direct and indirect emissions from construction. Given that greenhouse gas emissions are not limited to specific geographic boundaries the spatial scope for the operational phase assessment will be the wider context of the UK carbon budgets and climate change obligations. It remains to be seen how a meaningful conclusion on environmental cost and its significance will be reached.

What's the verdict?

There is no doubt that the new London Plan raises the bar in terms of low carbon design, air quality and carbon emissions assessment and reporting. There is a step change in requiring environmentally led and iterative design and assessment. Some will argue that the policies do not go far enough, however.

With the Future Homes Building Regulations Part L standard (out for consultation until 7th February this year), London Boroughs' own policies relating to other standards such as BREEAM and the new assessment requirements concerned with energy and air quality in the London Plan, it would seem that there are many, sometimes repetitive and/or

contradictory boxes to tick. With climate change assessment in particular being fairly new to planning, developers, their consultant teams, London Boroughs and the GLA will be in uncharted waters. We are advising clients on how to embed climate mitigation and adaptation strategies into their projects, so that they are resilient to the changing regulatory and policy context – and indeed, the changing climate. It is inevitable that this will be a steep learning curve but there is now no doubt that it is essential to protect investment and the longevity of the communities we are seeking to build

To make the most of the opportunity, not just to tackle air quality and climate change, but to embody innovation in development to give better value for developers and communities, collaboration between developers, private and public sector organisations, will be essential. This will include academia, councils, healthcare professionals and the public.

Air quality and climate change are complex, cross-boundary issues and cannot be tackled with siloed thinking.