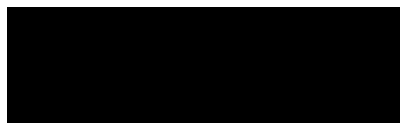




22 February 2021



info@wealdactiongroup.org.uk

Rt Hon Robert Jenrick MP  
Secretary of State  
Ministry of Housing, Communities and Local Government  
2 Marsham Street  
London SW1P 4DF

Dear Minister

### **Climate change and national planning policy**

I am writing to you about an incompatibility between national planning policy and climate policy which is undermining the UK's chances of meeting our Paris Agreement commitments and our Net-Zero obligation.

In December 2020, the Prime Minister spoke of the need to: *"protect our entire planet – our biosphere – against a challenge far worse, far more destructive even than the coronavirus... to defend the Earth against the disaster of global warming."*

He is quite right – yet planning policy is hindering our ability to rise to the challenge the Prime Minister spoke of. Under the current policy regime, mineral planning authorities considering applications for onshore oil and gas planning developments are not assessing indirect greenhouse gas emissions.

I recently sought a judicial review which raised this issue (R (Sarah Finch) vs Surrey County Council), supported by the Weald Action Group. I argued that when considering the application for oil production at Horse Hill, Surrey County Council should have assessed the environmental impact of the use of the oil. The planned development could result in the production of a volume of oil which, when combusted, would release more than 10 million tonnes of carbon dioxide equivalent over a 20-year period. This is clearly inconsistent with the recognition that we are in a climate emergency, our national Net Zero carbon emissions target and the UN's dire warning of the need to cut fossil fuel production by 6% a year.

This case was unsuccessful; the judge, the Hon Mr Justice Holgate, concluded that there is no requirement to include emissions from the use of the oil produced (which fall under the Scope 3 category) in the Environmental Impact Assessment process. He said: *"there is no requirement [for the Council] to assess matters which are not environmental effects of the development or project. In my judgment the scope of that obligation does not include the environmental effects of consumers using (in locations which are unknown and unrelated to the development site) an end product which will be made in a separate facility from materials to be supplied from the development being assessed."* I have lodged an appeal.

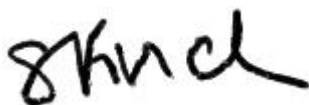
I am concerned that if the UK is to rise to the challenge of climate change and meet our Net Zero target, while showing leadership to other nations, this policy and legal lacuna must be addressed. It is open to you, in light of the High Court's decision, to take decisive action. Three actions are needed urgently:

1. The Government needs to give clear guidance that Scope 3 emissions must be included in Environmental Impact Assessment. This can be done easily and swiftly by updating the web-based Planning Policy Guidance. Paragraph 040 could be amended to state that all applications involving fossil fuel extraction must include, within an Environmental Statement, an assessment of the emissions from combustion of the fossil fuel.
2. There needs to be a decisive break with pre-Net Zero energy policy. The NPPF should be amended so that the broadly worded support for mineral development no longer extends to fossil fuel extraction (at any stage, be it exploration or production).
3. The Government needs to take urgent policy action and bring forward its Net Zero strategy, alongside the other policies called for by the Committee on Climate Change in its Sixth Carbon Budget documents. This must include properly empowering mineral planning authorities to make decisions in line with the Net Zero obligation – ie, making it clear that the action necessary to meet that target is not just for central government, but also requires local authorities to act and to make planning and other regulatory decisions in light of the Net Zero obligations – both the 2050 target and also crucially the intermediate targets around 2030 and 2035.

In his letter to you of 29 January 2021 about your decision not to call in the recent decision of Cumbria County Council to grant planning permission to a new Cumbrian coal mine, Lord Deben, Chairman of the Climate Change Committee made a similar point. He said: "*This decision also highlights the critical importance of local councillors and planning authorities considering fully the implications of their decisions on climate targets. In this regard, I would ask that we discuss the provision of guidance to local authorities. The CCC stands ready to provide whatever advice you feel is needed.*"<sup>iii</sup>

We know that if unchecked, climate change threatens the collapse of our civilisations and the extinction of much of the natural world. We must make all the changes necessary to ensure this does not become reality – and that means empowering planning authorities to assess all greenhouse gas emissions from a proposed development, and to refuse those with unacceptable climate impacts.

I look forward to your response.



Sarah Finch, on behalf of the Weald Action Group

cc: Jeremy Pocklington, Permanent Secretary, MHCLG  
Lord Deben, Chairman, Climate Change Committee  
Chris Stark, Chief Executive, Climate Change Committee

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<sup>i</sup> <https://www.bbc.co.uk/news/science-environment-55276769>

<sup>ii</sup> <https://www.bailii.org/ew/cases/EWHC/Admin/2020/3566.html>

<sup>iii</sup> <https://www.theccc.org.uk/publication/letter-deep-coal-mining-in-the-uk>