

NPF4 Planning Guidance: Climate Mitigation and Adaptation

Climate Change and Environmental Impact Assessment (EIA)

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Coverage of the presentation

Climate change adaptation and mitigation (emissions reduction) in EIA

- existing **guidance** and its application
- reflections from **current practice**
- **where next?**



Current requirements

Schedule 4, paragraph 5 of the EIA Regulations requires:

"A description of the likely significant effects of the development on the environment resulting from, inter alia:....

(f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change"

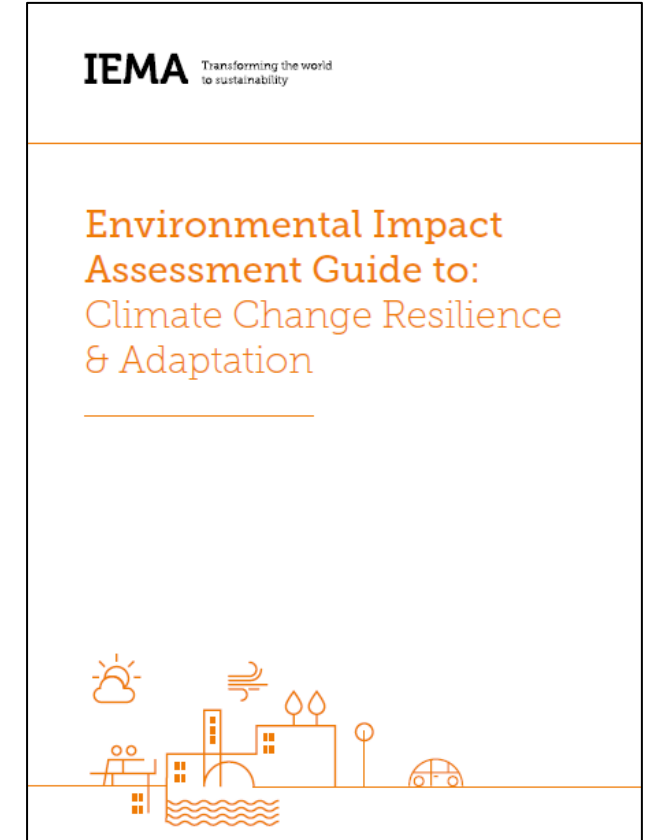


Climate Change Adaptation and Resilience

Current guidance

Two considerations:

- the **vulnerability** of the Project to climate change
- any implications of climate change for the predicted impacts of the project, as assessed by the other topic specialists (**‘in-combination climate effects’**)
 - e.g. could climate change mean that a non-significant effect on water availability in 2024 becomes a significant effect in 2044?



Key Principles

Adopt a **design led** approach rather than end of line mitigation

Adopt a **precautionary** approach to assessment

Include a clear **characterisation of future climate** in EIAR/ES, including extreme events

Don't rule out effects occurring at the **construction** stage

*“If the project could be affected by climate change impacts or extreme weather events to such an extent that the **project was potentially no longer viable**, then the design should be changed or the project stopped” – a likely significant effect*

Thoughts on current practice

Project resilience:

- Flooding/extreme events?
- Water scarcity/wildfires - planting can be critical for mitigation/enhancement?
- Overheating?

In-combination climate effects:

- How can you not?!
- Don't be too quick to scope out but don't overcomplicate either....

Climate Change Mitigation: Emissions Reduction

Current guidance

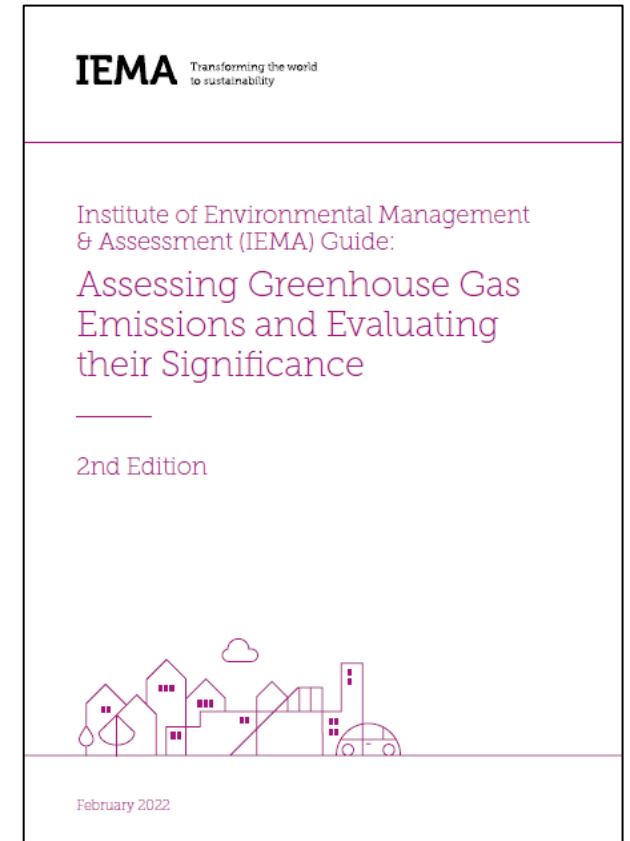
All projects contribute to climate change – largest **inter-related cumulative** effect

GHG emissions should **always** be considered and reported but at **varying degrees of detail** depending on the project

Focus on **proportionate assessment** to avoid undue burden

A **life cycle type approach** should be adopted, considering pre-construction, construction, operation, decommissioning

Mitigation ideally should be **embedded** through the project life (generally earlier is better)

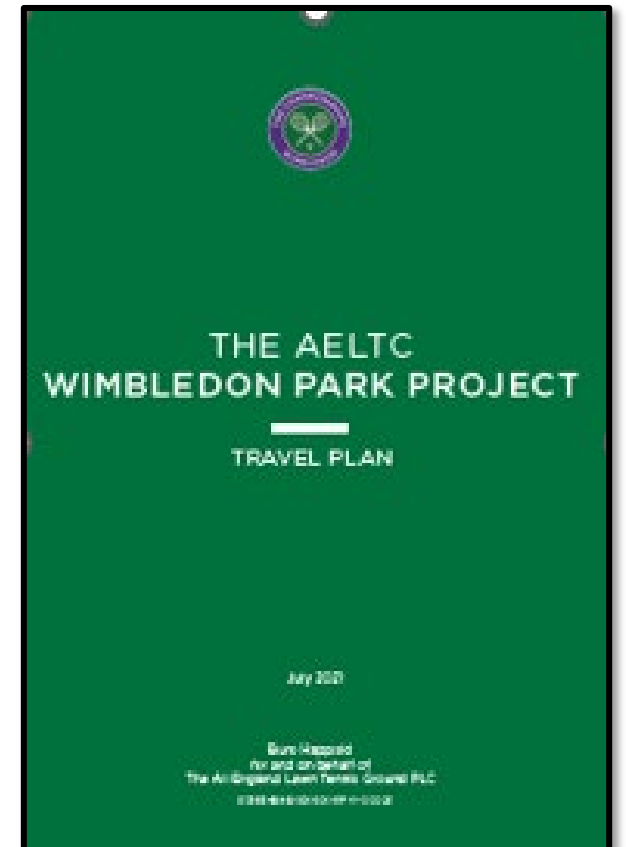
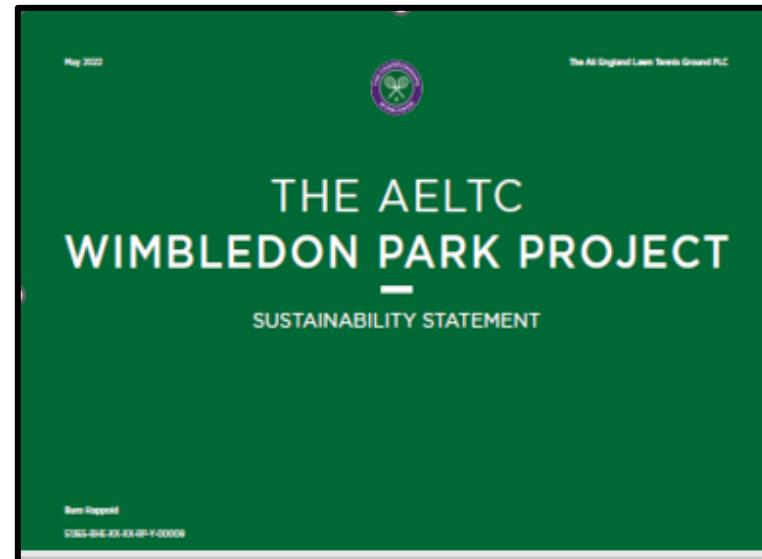
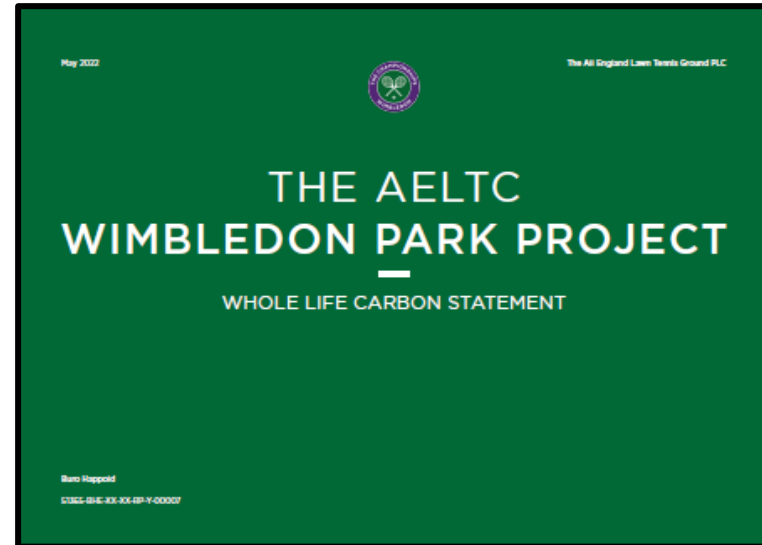
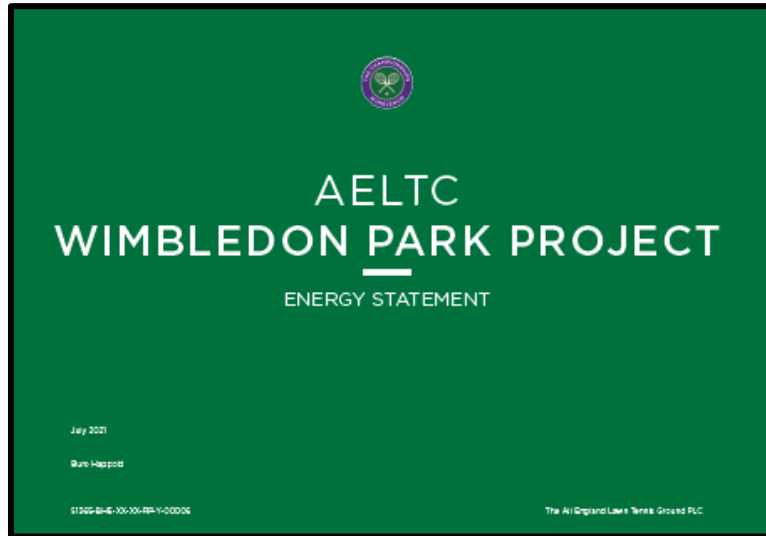


Using the guidance: test of significance

*“The crux of significance is not whether a project emits GHG emissions, nor even the magnitude of GHG emissions alone, but whether it contributes to **reducing GHG emissions relative to a comparable baseline consistent with a trajectory towards net zero by 2050**”*

1. A project that follows a ‘**business-as-usual**’ or ‘**do minimum**’ approach which is not compatible with the UK’s net zero trajectory results in a **significant adverse** effect.
2. A project that is **compatible with the trajectory** results in a **minor adverse** effect that is not significant.
3. A project that goes **substantially beyond** the reduction trajectory has a **negligible** effect that is not significant.
4. A project that causes GHG emissions to be **avoided or removed** from the atmosphere has a **beneficial** effect that is **significant**.

Thoughts on current practice: the number crunching



Research into coverage of GHG emissions in EIA :quantification of emissions

Two quantified baseline GHG emissions (at a national level)

Seven included a quantified assessment of construction phase emissions

Six included some degree of quantification of operational emissions

Two quantified emissions during the decommissioning phase

...and qualitative approaches

<https://www.climateexchange.org.uk/>

climateXchange

Scotland's centre of expertise connecting
climate change research and policy

(More) thoughts on current practice

Assumptions about 'embedded' mitigation

Over reliance on national carbon budgets – 'less than 1%'

Emerging case law:

- **EWHC 1221 (Admin) (23 May 2022)**: cumulative effects of GHG in combination with other projects
- **EWHC 171 (Admin) (31 January 2023)**: failure to deal with non-CO2 emissions
- ***R (on the application of Finch on behalf of the Weald Action Group) v Surrey County Council and others* [2024] UKSC 20**: definition of indirect effects



Where next?

Where next?

Need to improve on **inconsistency** in practice

Need to get better at:

- **quantifying emissions**
- determining **compatibility with net zero** trajectories

Divergence from **Environmental Outcome Reporting**?

