

Policy Evidence Report

Policy 1: Climate Change

**Hertfordshire Minerals and Waste
Local Plan 2040**

Hertfordshire County Council



For information about this document please contact:

Minerals and Waste Planning Policy
Spatial Planning Unit
Hertfordshire County Council
Tel: +(44) 01992 556227
Email: MineralsandWaste@hertfordshire.gov.uk
hertfordshire.gov.uk/mwlp

Spatial Planning Unit CHN216
Hertfordshire County Council
County Hall
Hertford
SG13 8DN

If you require assistance interpreting or translating this document, please contact 0300 123 4040.

1. Introduction

- 1.1. Hertfordshire County Council is reviewing its adopted Minerals Local Plan, Waste Local Plan and supporting documents. These comprise the following documents (with adoption date):
 - Minerals Local Plan Review (March 2007)
 - Minerals Consultation Areas SPD (November 2007)
 - Waste Core Strategy and Development Management Policies DPD (November 2012)
 - Waste Site Allocations DPD (July 2014)
 - Employment Land Areas of Search SPD (November 2015)
- 1.2. The documents listed above are to be replaced by a single Minerals and Waste Local Plan (MWLP) covering the period to 2040. The new MWLP sets the overall spatial framework and development management policies for sustainable minerals and waste management development in Hertfordshire.
- 1.3. This Policy Evidence Report provides a context and justification for the creation of Policy 1: Climate Change in the emerging Minerals and Waste Local Plan. It also contains a reasoning for the changes made to the policy between the Draft Plan publication and the Proposed Submission Plan publication.

2. National Policy Context

- 2.1. The National Planning Policy Framework (NPPF 2023) and National Planning Practice Guidance (PPG) provide the basis of national planning policy.
- 2.2. Sustainable development is a key theme throughout the NPPF. The following points within the NPPF relate to Policy 1:
 - Paragraph 7 explains that *'the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'*.
 - Paragraph 9 states that *'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area'*.

- Paragraph 10 states that *‘So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development’.*
- Paragraph 11.a) explains that *‘all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects’.*
- Paragraph 20 states that Strategic Policies should include *‘planning measures to address climate change mitigation and adaptation’.*
- Paragraph 158 states 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 temperatures⁵⁶. 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’.*
- Paragraph 159 states the ways in new development should be planned for:
 - 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.’*

2.3. The PPG contains its own section dedicated to climate change. This document explains that *‘there is a statutory duty on local planning authorities to include policies in their Local Plan designed to tackle climate change and its impacts’* (Paragraph: 001 Reference ID: 6-001-20140306). The PPG section on climate change primarily focuses on the adaptation and resilience to climate change in new builds, although this can be relevant to minerals and waste development.

2.4. The Climate Change Act 2008 creates a framework for meeting targets for the reduction of greenhouse gas emissions and carbon production by 2050. The Act also contains a section on the impacts of and adaptation to climate change.

- 2.5. In addition, the Net Zero Strategy: Build Back Greener 2021 contains a set of policies and proposals in order to keep the UK on track to meet decarbonisation targets and ultimately net zero.
- 2.6. The Minerals and Waste Local Plan must also take into account the Planning and Compulsory Purchase Act 2004. Section 19 (1A) of this act states that local plans must include policies related to climate change: *'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 adaptation to, climate change'*.

3. Local Context

- 3.1. Hertfordshire County Council is committed to the implementation of sustainability across all council services and operations throughout the county. The County Council declared a climate emergency in July 2019 and following this, the Sustainable Hertfordshire Strategy 2020 was produced (revised March 2023) which sets out the Council's sustainability ambitions for its operations and services.
- 3.2. In addition to this, the Hertfordshire County Council Corporate Plan 2019-2025 has an aim to limit the impact of climate change and to deliver a more environmentally sustainable county.
- 3.3. The plan area of Hertfordshire experiences a below average level of rainfall and relies on groundwater to supply rivers and wetlands. These characteristics make the county potentially vulnerable to climate change. The county's high quality natural environment, including a large expanse of Green Belt and many important protected habitats, are also potentially vulnerable to the effects of climate change such as increased flood risk and changes in weather patterns.

4. Minerals & Waste Local Plan Policy

- 4.1. The Draft Minerals and Waste Local Plan was published for a Regulation 18 public consultation from 22 July to 31 October 2022. During the consultation period, members of the public, industry and other bodies were invited to comment on the policies within the Plan. This report shows the draft policy as published within the Draft Plan document, along with the main issues raised and the council's response to them.

Minerals and Waste Local Plan Draft Plan 2022

- 4.2. The Regulation 18 Draft Plan document included Policy 1: Climate Change. The policy read as follows:

Policy 1: Climate Change

Proposals for minerals and waste management development must demonstrate how they have incorporated mitigation measures to minimise future effects of climate change and how adaptation and resilience measures to potential climate change have been incorporated into the design.

Measures will vary depending on the particular circumstances of each proposal but should, on a proportionate basis, take account of the following as a minimum:

- a) location, setting and orientation;
- b) renewable energy (use and creation);
- c) minimising greenhouse gas emissions;
- d) efficiency of plant, machinery and buildings;
- e) on-site water efficiency;
- f) managing flood risk;
- g) restoration and after-use (where appropriate);
- h) the use and production of secondary and recycled aggregates; and
- i) maintaining and enhancing ecosystem services.

Applicants should submit details and reasoning of any measures that have been considered and included within a Climate Change Statement, having regard to relevant legislation and guidance.

4.3. During the Regulation 18 consultation, 10 representations were made in relation to this policy. The main issues of these are summarised below:

- a) It is suggested that the Policy could be more specific in relation to net zero carbon.
- b) Priority should be given to the use of nature-based solutions, which can achieve significant additional benefits for biodiversity, green infrastructure and associated health and wellbeing benefits, enhanced landscapes and soil resources.
- c) The first Policy paragraph should be consistent with those targets outlined within Sustainable Hertfordshire's Strategy and Action Plan.
- d) It is advised that reference should be made to Natural England's Climate Change Adaptation Manual - NE751.
- e) Paragraph 4.10 should refer to the sustainability standards 'where appropriate', as some minerals and waste developments do not include buildings that need to adhere to BREEAM standards.
- f) The following change to criterion a) is suggested as this is the only criterion which does not explicitly say how it relates to climate change:

'a) location, setting and orientation **for minimising energy use / GHG production;**'

- g) The following change is suggested to the Policy wording: 'incorporated mitigation measures to ~~minimise~~ **mitigate** future effects of climate change'
- h) Amend paragraph 4.14 Restoration and After-use, to acknowledge that biodiversity gains can be realised before restoration phases, such as through boundary treatments.
- i) The Policy should mention the protection of water resources.
- j) It is suggested that the Policy should also acknowledge the value of soil-based carbon sequestration and how this will be affected by the mineral abstraction process.
- k) It is considered that the Climate Change Policy would benefit from mentioning that the policy is related to all new development, not just new development sites. For example, "*Proposals for minerals and waste management development (including extensions and existing sites)*".

4.4. The council's response to the main issues is as follows:

- a) The Plan aligns with the Sustainable Hertfordshire Strategy which has the ambition of being a net zero greenhouse gas county by 2050.
- b) The type of measures that are appropriate will vary depending on the particular proposal. The policy criteria allow for nature-based solutions to be implemented.
- c) The Plan Policies are consistent with the Sustainable Hertfordshire Strategy, with each Policy in the Plan linking to one or more of the specific Ambitions set out in the Strategy.
- d) Comment noted. The supporting text will be amended to include specific reference to the NE's Climate Change Adaptation Manual.
- e) Comment noted and paragraph will be changed accordingly.
- f) It is considered to be taken as read that all the criteria within the policy relate specifically to climate change, as this is the basis of the policy, therefore no change required to the policy.
- g) It is the mitigation measures which minimise the future effects, rather than the mitigation measures mitigating future effects. The policy will be reworded however for clarity as follows "...incorporated ~~mitigation~~ measures to ~~minimise~~ mitigate future effects..."
- h) Comments noted and supporting text will be amended accordingly
- i) It is considered that the need to protect water resources is adequately covered within Policy 21: Water Management.
- j) Soils can play a vital role in storing carbon, especially peat soils. Although Hertfordshire has very little peat soils, other soils do provide sequestration benefits. A requirement will be added to Policy 17: Soils and Agricultural Land.
- k) The Council feels that the policy as currently worded applies to all minerals and waste management development proposals, not just those for new sites, therefore no change required to the policy.

5. Alternative Reasonable Options

5.1. The following reasonable alternative options have been considered (and fully assessed in the Sustainability Appraisal Report):

- Option 1 – A policy setting a clear framework for applicants, requiring proposals to demonstrate mitigation, adaptation and resilience measures against future effects of climate change (preferred)
- Option 2 – A more generalised policy than Option 1, which would result in applicants placing a greater reliance on National Policy to guide planning applications

6. Conclusion

6.1. This Policy Evidence Report demonstrates the justification for the inclusion of this policy in the emerging Minerals and Waste Local Plan Proposed Submission Plan. It summarises the national policy context and local context, along with the main issues raised through previous consultation and how the council has addressed those issues.

6.2. Any representations received on this policy at the Regulation 19 consultation stage will be submitted alongside the Local Plan to the Secretary of State as part of the examination process.

6.3. This Policy Evidence Report was written to support the Proposed Submission Plan (Regulation 19) consultation. This report forms part of the Regulation 22 statement, as set out by the Town and Country Planning (Local Planning) (England) Regulations 2012.