

# Policy Evidence Report

## Policy 1: Climate Change

**Hertfordshire Minerals and Waste  
Local Plan 2040**

**Hertfordshire County Council**



Supporting Regulation 22(c)(iii)(iv)

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**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](mailto:MineralsandWaste@hertfordshire.gov.uk)  
[hertfordshire.gov.uk/mwlp](http://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 will set 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.

## 2. National Policy Context

- 2.1. The National Planning Policy Framework (NPPF 2021) 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 153 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 temperatures<sup>53</sup>. 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 154 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 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. Prior to the publication of the emerging MWLP, the Minerals and Waste Plans were separate documents at differing stages of production. The Minerals Local Plan (MLP) was published for a Regulation 19 proposed submission consultation in 2019 whereas the Waste Local Plan (WLP) was published for a Regulation 18 draft consultation in 2021. As such, the policies within this report relate to those stages of the separate plans, along with the representations received.

#### **Proposed Submission Minerals Local Plan 2019**

- 4.2. The Proposed Submission Minerals Local Plan (PSMLP) was published for a ten week Regulation 19 consultation from 14 January 2019 to 22 March 2019. This document included Policy 1: Sustainable Development and Policy 2: Climate Change. Both policies have been incorporated into Policy 1: Climate Change of the emerging MWLP and read as follows:

### **Policy 1: Sustainable Development**

The county council will take a positive approach that reflects the presumption in favour of sustainable development as contained in the NPPF when considering development proposals.

The county council will grant planning permission for mineral extraction, associated development and reclamation where proposals accord with the policies in the Development Plan and will refuse proposals that conflict with the Development Plan unless material considerations indicate otherwise.

Where there are no policies relevant to the proposal or the relevant policies are out of date at the time of making the decision, the county council will grant planning permission unless material considerations indicate otherwise, taking into account:

- any adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; and
- specific policies in the NPPF that indicate development should be restricted.

- 4.3. During the Regulation 19 consultation, 9 representations were made in relation to this policy. A mixture of support and objection was raised in relation to this policy. The majority of the issues raised related to how this policy interacts with other themes and policies in the plan. The main issues of these are summarised below:
- The extraction proposed at Preferred Area 1 would not meet the requirements of this policy.
  - The strategic aggregate policies within the plan are not consistent with Policy 1.
  - This policy should require prior extraction of minerals unless there are exceptional circumstances.
- 4.4. Policy 1: Sustainable Development no longer appears within the emerging MWLP. As mentioned above, elements of the policy have been incorporated into emerging Policy 1: Climate Change. Furthermore, Sustainable Development is a key principle running through the NPPF and therefore is incorporated throughout the emerging MWLP, removing the need for a standalone policy.

### **Policy 2: Climate Change**

Proposals for mineral extraction, associated development and reclamation must demonstrate how they have incorporated multifunctional mitigation measures to minimise future impacts of climate change and how adaptation and resilience measures to potential climate changes have been incorporated into the design.

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.

Measures will vary depending on the particular circumstances of each proposal but should have regard, although not be limited, to:

- location, setting and orientation;
- renewable energy;
- minimising greenhouse gas emissions;
- efficiency of processing plant and equipment;
- on-site water efficiency;
- reducing flood risk;
- restoration and after-use; and
- the use and production of secondary and recycled aggregates.

4.5. This policy has a focus on how a developer must plan for and take account of climate change within minerals developments. The reasons for the inclusion of this policy are the NPPF and other legislation as outlined above in section 1.

4.6. During the Regulation 19 consultation, no representations were made in relation to this policy and therefore no changes were made as a result of this.

### **Draft Waste Local Plan 2021**

4.7. The Draft Waste Local Plan was published for a ten week Regulation 18 consultation from 11 January 2021 to 19 March 2021. This document included Strategic Policy 3: Climate Change. The policy read as follows:

#### **Strategic Policy 3: Climate Change**

Waste development proposals must demonstrate how they have incorporated multifunctional 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.

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. Measures will vary depending on the particular circumstances of each proposal and should take account of the following as a minimum:

- location, setting and orientation;

- renewable energy (use and creation);
- minimising greenhouse gas emissions;
- efficiency of plant and machinery;
- on-site water efficiency;
- reducing flood risk;
- the use and production of secondary and recycled aggregates; and
- maintain and enhance ecosystem services.

4.8. During the consultation on the Draft Waste Local Plan, this policy received 4 representations. Generally, they were in support of the inclusion of this policy. The main issues raised are summarised below:

- a) A further two points are to be added to the bullet point list within the policy to take into account 'minimising energy loss' and providing 'adequate ventilation'.
- b) The criteria listed in the policy should reflect that waste management proposals can vary in size and scale.
- c) The policy wording should be strengthened such that the contents of a Climate Change Statement is not able to be interpreted.

4.9. The representations received on this policy have been considered in the creation of Policy 1: Climate Change within the emerging MWLP. The council has considered the issues in the following ways:

- a) Energy loss and ventilation are covered under the general criteria of reducing greenhouse emissions. Specific requirements relating to these measures are covered under Policy 11: Sustainable Design and Resource Efficiency.
- b) The Council accepts that proposals will vary in size and scale, however the Policy acknowledges that measures will vary depending on the particular circumstances. Size and Scale are covered in Policy 11: Sustainable Design and Resource Efficiency. The Policy has however been amended to state that the bulleted measures should be addressed on a proportionate basis.
- c) The policy identifies factors which must be included within a Climate Change Statement, without being too prescriptive, and states that account should be had on a proportionate basis.

## 5. Alternative Reasonable Options

5.1. The following 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 Draft 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 18 consultation stage will be carefully considered by the county council and used to inform any changes to the policy wording as appropriate.
- 6.3. This Policy Evidence Report was written to support the Draft Plan (Regulation 18) consultation. The next iteration of this report, to be published in support of the Proposed Submission (Regulation 19) version of the Plan, will summarise the main issues arising from the Regulation 18 consultation and will form part of the Regulation 22 statement, as set out by the Town and Country Planning (Local Planning) (England) Regulations 2012.