

HERTSMERE BOROUGH COUNCIL

Climate Change and Sustainability

Interim Planning Policy Position Statement



November 2020

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Appendix 1 – Net zero and carbon off-setting

Summary. This document is an interim position statement, providing clarifications to certain planning policies in light of material considerations which have arisen since the current Local Plan was adopted. These policy clarifications should be taken into account by developers when preparing planning applications and by those determining planning applications (and appeals) in relation to climate change and sustainability issues until the new Local Plan is adopted.

1. Introduction - role of this guidance

Hertsmere Borough Council declared a Climate Emergency in September 2019. The Council is committed to achieving carbon neutrality as soon as possible and no later than 2050. In light of the urgency regarding the climate agenda, this position statement has been produced to provide clarifications on existing sustainability and climate change policies until the new Local Plan (2018-36) and any supplementary documentation is fully adopted. Given the urgent need to ensure the introduction of measures to meet both government and local Climate Change commitments, the Council considers it both prudent and necessary to publish this position statement which clarifies how Hertsmere as the Local Planning Authority (LPA) will interpret its existing development plan policies in the context of updated material considerations and circumstances until the new Local Plan is published and subsequently adopted.

This position statement sets out the requirements which Hertsmere as LPA will seek on relevant applications for planning permission in order to deliver on the requirements set out in the adopted Core Strategy (2013) and the Site Allocations and Development Management Policies (SADMP) (2016), the National Planning Policy Framework (NPPF) (2019), Climate Change and Sustainability Strategy (Hertsmere Borough Council) and the Government's recent commitments and emerging priorities on climate change.

Its contents will be kept under review with any necessary amendments and clarifications made after the new Local Plan is published (scheduled for Spring 2021).

2. Existing policy position

The development plan in force in the area comprises of the Hertsmere Local Plan Core Strategy (2013), Elstree Way Corridor Area Action Plan (2015) and the Site Allocations and Development Management Policies document (SADMP) (2016). The plan sets out a range of relevant policies, regarding or impacting upon the climate change agenda. The principal policies relating to climate change and sustainability are outlined in Table 1 below in summary format. A status column has been added against each policy, setting out whether or not further policy clarifications are required to take into account any material considerations which have arisen since the policy was originally adopted. Where a policy clarification is not required, the existing policy will remain as written until the new Local Plan is published, at which point, requirements in the emerging Local Plan will start to carry weight in the determination of planning applications, in accordance with paragraph 48 of the National Planning Policy Framework (NPPF). Where clarifications are indicated as being required in the status column, details of those changes or revisions are provided in section 4 of this report.

Table 1: Existing Local Plan climate change related policies and summary status

Local Plan adopted policy	Summary	Status / notes
Policies SP1 Creating sustainable development and SP2 Presumption of favour of sustainable development	Proposals should seek to ensure improvements to the economic, social, and environmental conditions in the area.	Policy to be applied as written until the new Local Plan is published, at which point emerging, revised Local Plan policies will carry weight.
Policy CS12 Enhancement of the natural environment	All development proposals must conserve and enhance the natural environment.	Policy to be applied as written until the new Local Plan is published, at which point emerging, revised Local Plan policies will carry weight.
Policy CS16 Environmental impact of development	Seeks to avoid the creation of unacceptable environmental risk from development proposals, which should take into account Hertfordshire’s Sustainability Guide.	Clarifications proposed – see section 4 below.
Policy CS17 Energy and CO2 Reductions	Applies the Code for Sustainable Homes Standard to new residential development, and non-residential development to Part L of the Building Regulations. Decentralised, renewable or low carbon energy sources are advocated.	Clarifications proposed – see section 4 below
CS18 Access to Services	New developments should contribute to the aim of achieving fair access to key community facilities and creating a more sustainable environment.	Clarifications proposed – see section 4 below.
Policy SADM10 - Biodiversity and habitats	Seeks to protect sites of importance for ecology, geology and biodiversity.	Clarifications proposed – see section 4 below
Policies SADM11 Landscape Character and SADM12 Trees, Landscaping and Development	These policies seek to protect existing landscape character, trees and hedgerows.	Clarifications proposed – see section 4 below
Policies SADM13 Water environment, SADM14 Flood risk and SADM16 Watercourses	<p>These policies seek to protect and restore watercourses and other parts of the environment linked to water.</p> <p>New development should normally be located in Flood Zone 1 and not permitted in Zone 3b. The risk of flooding will be reduced by locating development within areas of lower flood risk. Development must protect, conserve and improve watercourses</p>	Policies to be applied as written until the new Local Plan is published.

Local Plan adopted policy	Summary	Status / notes
Policy SADM15 - Sustainable Drainage Systems	New development should include sustainable drainage measures in particular on all major applications.	Policy to be applied as written until the new Local Plan is published, at which point emerging, revised Local Plan policies will carry weight.
Policy SADM17 - Water supply and waste water	Development must demonstrate that there is adequate waste water capacity to serve the development. Water efficiency measures should be incorporated into the development.	Policy to be applied as written until the new Local Plan is published, at which point emerging, revised Local Plan policies will carry weight.
Policy SADM19 Waste water in new development	Requires the integrated provision for recycling and waste in new developments.	Policy to be applied as written until the new Local Plan is published, at which point emerging, revised Local Plan policies will carry weight.
Policy SADM20 Environmental pollution and development	Development should not result in adverse impacts to public health or wellbeing.	Clarifications proposed – see section 4 below
Policy SADM30 - Design principles	Development should make a positive contribution to the built and natural environment, recognise and complement its the particular local character and result in a high quality design.	Clarifications proposed – see section 4 below
Transport policies. CS24 Accessibility to services and employment, SADM38 The Road Hierarchy SADM39 Transport Development Areas SADM40 Highway and Access Criteria for New Development	Development will be directed to the appropriate category of road, based on the amount of traffic generated. Major trip generating development should be focused on town centres and other defined areas and development should be accessed by a range of modes including public and other sustainable modes.	Policies to be applied as written until the new Local Plan is published at which point emerging, revised Local Plan policies will carry weight. While transport and traffic policies and their related standards will have impacts upon climate change, in particular on carbon and particulate emissions and on the design and layout of developments, no revisions or clarifications are proposed to transport related policies at this time as their general aims – such as encouraging a modal shift away from private vehicles, or that priority should be given to pedestrians - is considered sufficient.

Local Plan adopted policy	Summary	Status / notes
		Please also refer to policy CS18 Access to Services in section 4 below.

3. Recent changes to legislation and guidance

Amendments to Climate Change Act 2008

In June 2019, Parliament passed an amendment to legislation which requires the government to reduce the UK's net emissions of greenhouse gases by 100% relative to 1990 levels by 2050, having previously been 80%. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 was an important factor behind the Council's decision to declare a climate emergency and the subsequent preparation of a Climate Change and Sustainability Strategy and Action Plan. It is considered to be relevant to the preparation of this position paper and material to the determination of planning applications.

Housing Standards Review

In 2015 the Housing Standards Review reported the withdrawal of the Code for Sustainable Homes. The exception to the change was energy performance where local authorities could continue to require building standards higher than Building Regulations up to the equivalent of Code for Sustainable Homes Level 4 'until commencement of amendments to the Planning and Energy Act 2008'.

The amendments would have removed the ability of local authorities to require energy performance standards for new homes that are higher than Building Regulations and were intended to be enacted at the same time as a Building Regulations uplift 'set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4'.

After the 2015 General Election the planned Zero Carbon Homes policy and Building Regulations uplift were cancelled and the powers to amend the 2008 Act not been enacted. Ministerial correspondence in October 2018 from the Minister for Housing, Communities and Local Government stating that:

"The Government has no current plans to commence Section 43 of the Deregulation Act 2015. Local authorities may include in their local plans policies which set reasonable requirements for new development to meet higher energy performance standards than those required in building regulations. Policies must not be inconsistent with relevant national policies. The Written Ministerial Statement of 25 March 2015 set out relevant national policy."

National Planning Policy Framework

The National Planning Policy Framework was updated in February 2019 and confirms at paragraph the following:

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

Paragraph 150 'New development should be planned for in ways that ...

...

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.'

Paragraph 153 requires that *'In determining planning applications, local planning authorities should expect new development to:*

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

In 2019 the government announced a new commitment that the UK will be a net zero emitter of greenhouse gases by 2050 following the recommendations of the Committee on Climate Change in Net Zero: The UK's contribution to stopping global warming published May 2019.

Chapter 6 of the report identifies key near term actions to deliver this commitment including major improvements to the energy efficiency of buildings, a switch to low-carbon heating and improved infrastructure and uptake of electric vehicles. Section 6.1 of that report highlights the extent of the change to the heating demands and carbon emissions of an average household which will be required.

Future Homes Standard consultation

In 2019 the government undertook a Future Homes Standard consultation on enhanced Building Regulations to help pave the way for enhanced building energy performance. That include proposals on how changes to Building Regulations can drive down the carbon footprint of homes built after 2025. This will include changes to the ventilation and efficiency requirements as well as the role of councils in getting the best energy standards from developers. Proposals involve technologies such as air source heat pumps and the latest generation of solar panels to help drive down the cost of heating and tackle climate change. The Future Homes Standard proposed that gas boilers and other fossil-fuel heating systems are phased out from new homes.

The government expects that an average home built the Future Homes Standard will have 75-80% lower carbon emissions than one built to Approved Document Part L 2013. The government's original intention was to introduce a meaningful but achievable uplift to energy efficiency standards in 2020 as a stepping-stone to the Future Homes Standard making new homes more energy efficient and future-proofing them in readiness for low-carbon heating systems. The Council responded to the consultation broadly welcoming the proposed changes. However, at the time of producing this paper, the government have not responded to the consultation exercise and not published any uplifted standards.

Hertsmere's position

Following Hertsmere Council's declaration of a Climate Emergency in September 2019¹ the Council have prepared and adopted a Climate Change and Sustainability Strategy and Action Plan (October 2020) (CCSSAP). Those documents detail how carbon neutrality will be achieved and resilience to climate change built in the borough. The action plan deals with how the Council may reduce its own emissions, but also how the Council can influence land use and the impacts from residents and local businesses.

Hertsmere Borough Council considers that the 2015 Housing Standards Review is now clearly outdated. The relevant national planning policy is now set out within the NPPF (2019) and through

¹ <http://www5.hertsmere.gov.uk/democracy/ielssueDetails.aspx?IId=35307&Opt=3>

the Government’s commitments towards Net Zero by 2050. Until the Future Homes Standard is published by the government, the Council will encourage applicants to explore and then adopt ‘stretch targets’ for their schemes, in particular for major developments. These would be expected to go further than Part L 2013 to demonstrate to what extent they would be meet enhanced standards, including potentially net-zero carbon on site. Please note that net-zero on site can only be a target rather than an absolute requirement, until the new Local Plan is published.

4. Application of existing policies in the current context

The primary adopted policies relating to or impacting upon climate change are outlined in section 2 above. In light of material changes since adoption of the existing Local Plan, where a clarification is required in relation to that policy, it has been re-provided below in Table 2 below. Column 1 of that table re-provides the policy – either in whole or just the relevant extract. Column 2 provides the clarification or interpretation required in light of the climate emergency and changes to material considerations since the Local Plan was adopted. Column 3 summarises the justification for the clarification proposed.

Some of the policy clarifications in Table 2 below are already requirements – for example compliance with national policy or existing Building Regulations, while others are targets which the Council will work with developers in order to help achieve them. While the following clarifications do not arise from adopted Local Plan policies, applicants are encouraged to strive for and work towards achieving the outcomes of these policy clarifications, given the nature of the climate emergency and its re-emphasis in both national and local priorities.

The Council are of the view that the original aim or intent of the adopted policies remains as is, even where clarifications are recommended. These policy clarifications provide a focus on those matters which will have the most impact in responding to the nature of the climate emergency since the current Local Plan was adopted. In most instances these policy clarifications will apply only to those applications above the size threshold contained in section 5 of this document.

Table 2: Proposed clarifications to existing Local Plan climate change related policies

Existing Local Plan policy	Policy application	Justification
<p>Policy CS16 Environmental impact of development <i>The Council will work with key partners, including the Environment Agency and Natural England, to ensure that development proposals do not create an unacceptable level of risk to occupiers of a site, the local community and the wider environment. Development proposals should take account of the policy recommendations of the Councils SFRA and the guidance set out in the jointly produced guidance of the Hertfordshire Planning Authorities 'Building Futures' the Hertfordshire Guide to Promoting Sustainability in Development.</i></p>	<p>Applicants are requested to go further than not to create an 'unacceptable level' of risk – but to make a positive contribution towards the area, its bio-diversity alongside climate change adaptation and mitigation.</p>	<p>To comply with the Council's Declaration of a Climate Emergency and Climate Change and Sustainability Strategy which states that '<i>...ensuring sustainable and zero carbon new developments with compensatory improvements to greenbelts, protecting and enhancing greenbelts, open spaces and biodiversity, and building climate change resilience</i>' and to accord with wording in the NPPF, including Para 20 d) <i>conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.</i></p>
<p><i>Proposals will be required to incorporate sustainability principles, minimising their impact on the environment and ensuring prudent use of natural resources by measures including:</i> <i>i) avoiding development in the floodplain and close to river corridors unless the requirements of the sequential and exceptions tests have been met and flood prevention/mitigation measures are in place as required by the Environment Agency;</i></p>	<p>Applicants are requested to take full account of and positively design for sustainability, net zero carbon emissions, mitigation of climate change and building climate change resilience.</p>	<p>Climate Change and Sustainability Strategy states '<i>In order to achieve net-zero carbon emissions, the following principles will be embedded in all aspects of the functioning and development of the borough: reducing consumption, minimising waste, switching to renewable forms of energy, switching to active, public and sustainable forms of transport and reducing the need to travel overall, implementing principles of circular economy, buying and consuming local produce,</i></p>

Existing Local Plan policy	Policy application	Justification
<p>ii) improving water efficiency by reducing water consumption through measures such as water saving devices in line with the Code for Sustainable Homes and BREEAM as a minimum requirement;</p> <p>iii) incorporating the use of Sustainable Urban Drainage Systems (SUDS) where appropriate and where required by the Flood and Water Management Act 2010 to help reduce the risk of flooding;</p> <p>iv) ensuring that pollutants are minimised (including emissions to air, water, soil, light and noise);</p> <p>v) remediating land affected by instability and contamination, and maintaining appropriate distance from establishments containing hazardous substances;</p> <p>vi) ensuring efficient use is made of natural resources through their layout, design and construction, including locally sourced</p>	<p>Rather than the Code for Sustainable Homes which has been withdrawn, applicants should work towards to the relevant Building Regulations standard.</p> <p>Developments for schemes above the size threshold in section 5 of this paper</p>	<p><i>ensuring sustainable and zero carbon new developments with compensatory improvements to greenbelts, protecting and enhancing greenbelts, open spaces and biodiversity, and building climate change resilience.'</i></p> <p>NPPF para 149 <i>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.</i></p> <p>The Code for Sustainable Homes was replaced with the Building Regulations in 2015 so is no longer relevant or applicable.</p> <p>At para 8c) the NPPF states <i>an environmental objective is to contribute to protecting and</i></p>

Existing Local Plan policy	Policy application	Justification
<p><i>materials where possible in line with the requirements of BREEAM on sustainable design;</i></p> <p><i>vii) achieving reduced levels of energy consumption and the use of energy from renewable resources;</i></p> <p><i>viii) making provision for waste minimisation and recycling within the development during the construction phase and following occupation; and</i></p> <p><i>ix) development proposals must demonstrate that they accord with Policy CS12 and that any adverse effects can be overcome</i></p>	<p>will be expected to take steps to reduce the impact of construction materials and have regards to the utilisation of sustainable or recyclable materials, such as those which are responsibly sourced, with low embodied carbon, low overall environmental impacts, durability, recycled content, local availability and / or which help maximise building performance in their designs.</p> <p>Applicants are requested to positively consider how they might strive for net-zero carbon emissions on site.</p> <p>Applicants are encouraged to prepare a Climate Change and Energy Statement illustrating how the proposed development minimises energy</p>	<p><i>enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</i></p> <p>NPPF para 204 states planning policies should b) <i>take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously.</i></p> <p>Climate Change and Sustainability Strategy states <i>All new developments to use construction materials that comply with defined sustainability standards, such as sustainable material, recyclable content and low embodied carbon</i></p> <p>Consideration as to how net-zero carbon on site, or offsetting it where that cannot be achieved, will be encouraged in order to demonstrate compliance with para 148 of the NPPF – the planning system should “<i>help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability</i></p>

Existing Local Plan policy	Policy application	Justification
<p><i>by appropriate alleviation and mitigation, which are capable of being secured through planning conditions or an obligation in accordance with Policy CS21.</i></p> <p>Policy CS17: Energy and CO2 Reductions <i>All new residential developments will be required to achieve the following levels of the Code for Sustainable Homes (Code) as a minimum as and when successive updates to Part L of the Building Regulations become mandatory:</i></p> <ul style="list-style-type: none"> • 2010 - Code level 3 • 2013 - Code level 4 once updates to Part L come into effect. 	<p>demand, maximises energy efficiency, generates renewable energy and as a last option offsets unavoidable carbon emissions. See also policy CS17 and Appendix 1.</p> <p>Rather than the Code for Sustainable Homes which has been withdrawn, applicants should work towards the relevant Building Regulations standard.</p>	<p><i>and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.</i></p> <p>Climate Change Strategy and Action Plan states <i>'In order to achieve net-zero carbon emissions, the following principles will be embedded in all aspects of the functioning and development of the borough: reducing consumption, minimising waste, switching to renewable forms of energy, ... zero carbon new developments with compensatory improvements to greenbelts...'</i></p> <p><i>All future domestic/non-domestic developments to be built to high energy efficiency standards...leading up to zero carbon standards.</i></p> <p><i>Require onsite or offsite deployment of renewable energy for all new developments in line with the energy hierarchy</i></p> <p>The Code for Sustainable Homes was replaced with the Building Regulations in 2015 so is no longer relevant or applicable. The Future Homes Standard consultation on enhanced Building Regulations aimed to help</p>

Existing Local Plan policy	Policy application	Justification
<ul style="list-style-type: none"> • 2016 - Code level 5 once updates to Part L come into effect. All new non-domestic development will be expected as a minimum to achieve CO2 emissions reductions in-line with the Building Regulations Part L. This requirement will not come into effect until successive updates to Part L of the Building Regulations become mandatory: • 2010 - 25% reduction in the Building Emission Rate compared to the Target Emission Rate defined by Part L of the Building Regulations (2006). • 2013 - 44% reduction in the Building Emission Rate compared to the Target Emission Rate defined by Part L of the Building Regulations (2006) (reductions above 70% can be delivered using allowable solutions). • 2019 - Zero Carbon - no additional requirement. <p>The Council will further encourage all <i>new development or major refurbishment to incorporate energy from decentralised and renewable or low carbon sources</i>. All large scale development will be required to incorporate on-site renewable energy generation, unless it is not feasible or viable or alternative decentralised and renewable, low carbon sources can be identified.</p>	<p>Applicants are requested to positively consider how they might strive for net-zero carbon emissions on site. See also Policy CS16 and Appendix 1.</p>	<p>pave the way for enhanced building energy performance including how changes to Building Regulations can drive down the carbon footprint of homes built after 2025. The government’s original intention was to introduce a meaningful but achievable uplift to energy efficiency standards in 2020 as a stepping-stone to the Future Homes Standard making new homes more energy efficient and future-proofing them in readiness for low-carbon heating systems. Climate Change and Sustainability Strategy states <i>All future domestic new developments to be built to high energy efficiency standards ..., leading up to zero carbon standards.</i> <i>All future non-domestic developments to be built to high energy efficiency standards... leading up to zero carbon standards.</i></p> <p>In order to meet requirements of the NPPF including para 8 – achieving sustainable development <i>means the planning system has three objectives, including environmental, with a requirement to move to a low carbon economy</i> and para 148 that <i>the planning system should support the transition to a low carbon future in a changing climate.</i></p>

Existing Local Plan policy	Policy application	Justification
<p><i>The Council will also permit new development of sources of renewable energy generation subject to:</i></p> <ul style="list-style-type: none"> • <i>local designated environmental assets and constraints, important landscape features and significant local biodiversity;</i> • <i>minimising any detriment to the amenity of neighbouring residents and land uses; and</i> • <i>meeting high standards of sustainable design and construction</i> 	<p>The Council will encourage new development of sources of renewable or sustainable energy generation subject to existing policy caveats.</p>	<p>To accord with para 8c) of the NPPF) an environmental objective – <i>to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy</i> and para 148 which states the planning system should ‘<i>...support renewable and low carbon energy and associated infrastructure</i>’.</p> <p>Climate Change and Sustainability Strategy states <i>Sustainable and zero carbon new developments with compensatory improvements to the green belt</i></p> <p><i>Require onsite or offsite deployment of renewable energy for all new developments in line with the energy hierarchy.</i></p>
<p>Policy CS18 Access to services</p> <p><i>The Council will work with local service providers to facilitate and promote their land use and buildings requirements through the identification of mixed-use and other development opportunities in the Site Allocations DPD. The Council will also require new development to contribute to the Community Strategy aim of achieving fair access to key community facilities and the wider</i></p>	<p>Residential developments of 5 dwellings or more will be encouraged to be sited and designed so they have access within a 20 minute walk - or make provision for if not – to key local services, in particular a local newspaper</p>	<p>Para 91 of the NPPF states ‘Planning policies and decisions should aim to achieve healthy, inclusive and safe places which...c) <i>enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports</i></p>

Existing Local Plan policy	Policy application	Justification
<p><i>goal of creating a safer and more sustainable environment. New proposals will be assessed against their impact on existing local infrastructure, services and resources and where necessary, new provision of required key community facilities should be made as part of the development in consultation with the local community and local service providers and in order to meet or fund any infrastructure impact, having regard to the provisions of Policy CS21.</i></p>	<p>or grocery shop, a primary school and a park or other form of public open space.</p>	<p><i>facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling’ and para 104 which states ‘Planning policies should: a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities’</i></p> <p>Refer also to Hertfordshire Country Council’s Local Transport Plan 4 (2018) which seeks to accelerate the transition from a car based to a more balanced approach which caters for all forms of transport and seeks to encourage a switch from the private car to sustainable transport wherever possible.</p> <p>Climate Change and Sustainability Strategy states <i>In order to achieve carbon neutrality, the following principles will be embedded in all aspects of the functioning and development of Hertsmere...switching to active, public and sustainable forms of transport and reducing the need to travel overall.</i></p> <p><i>Ensure strategic housing allocations in new Local Plan are within walking (or cycling) distance of key supporting facilities</i></p>

Existing Local Plan policy	Policy application	Justification
		<i>Encourage local food production by making land available for allotments in urban areas, schools, care homes and new developments</i>
<p>Policy SADM10 - Biodiversity and Habitats <i>Sites of Special Scientific Interest (SSSI), Regionally Important Geological Sites (RIGS), Local Nature Reserves (LNR) and Local Wildlife Sites are identified on the Policies Map. Development that would adversely affect any such site or a protected species (UK or European Law, or identified for conservation by the Hertfordshire Biodiversity Action Plan) will not normally be permitted in accordance with legislation and planning policy guidance.</i></p> <p><i>The Council will expect developers to avoid significant harm to sites of importance for ecology, geology and biodiversity by relocating their proposed development</i> <i>(i) on an appropriate alternative site, or</i> <i>(ii) elsewhere within the same site (where the harm would be avoided).</i> <i>Where this cannot be achieved, planning permission will be refused unless:</i> <i>(i) adequate mitigation measures can be employed, which will outweigh the harm caused; or, as a last resort</i></p>	<p>Applicants will be expected to demonstrate more than ‘avoid significant harm’, but to take positive steps to protect, enhance and improve sites of - and opportunities for - ecology, geology and biodiversity. Applicants for major developments will be encouraged to demonstrate how they can work towards a positive bio-diversity net gain on site.</p>	<p>To accord with wording in the NPPF (para 8c) - to achieve sustainable development, and environmental aim is to ‘...<i>helping to improve biodiversity, using natural resources prudently</i>’ and para 170 <i>Planning policies and decisions should contribute to and enhance the natural and local environment by:</i> <i>a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils...</i></p>

Existing Local Plan policy	Policy application	Justification
<p><i>(ii) adequate compensatory measures will be provided and the benefits of the development are clearly shown to outweigh the harm to the natural environment.</i></p> <p><i>The acceptability of any development proposal will further be assessed with regard to:</i></p> <p><i>(i) the level of impact that the development proposal would have on the ecological interest of the habitat concerned and the wider ecological network;</i></p> <p><i>(ii) the opportunity available to create, incorporate, enhance, or restore habitats or biodiversity as part of the development;</i></p> <p><i>(iii) arrangements for the future maintenance and management of the wildlife or habitat affected by the proposal;</i></p> <p><i>(iv) the detailed design of the proposal including its conformity with the Biodiversity, Trees and Landscape SPD.</i></p>		<p><i>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.</i></p> <p>Refer also to the Council’s CCSAAP at section 7 which includes proposals for bio-diversity net gain.</p> <p>The Environment Bill proposes that once enacted, it will become mandatory for developers to provide biodiversity net gain in respect of any new development that results in habitat loss or degradation.</p> <p>Climate Change and Sustainability Strategy states <i>In order to achieve carbon neutrality, the following principles will be embedded in all aspects of the functioning and development of Hertsmere...ensuring sustainable and zero carbon new developments with compensatory improvements to greenbelts, protecting and enhancing greenbelts, open spaces and biodiversity, and building climate change resilience</i></p> <p><i>Mitigate against climate change impacts (flooding, extreme weather events, storms, high</i></p>

Existing Local Plan policy	Policy application	Justification
<p><i>The Council will work in partnership with the Hertfordshire Local Nature Partnership, Hertfordshire Environmental Records Centre, the Wildlife Trust and Natural England to minimise the impacts on biodiversity, habitats and geodiversity in Hertsme</i></p>	<p>Developers will be expected to work with local and other partners to minimise impacts of and maximise opportunities for biodiversity, habitats and geodiversity.</p>	<p><i>winds and heat waves) by safeguarding and enhancing greenbelt and other open spaces</i></p> <p><i>Implement mandatory biodiversity net gain for all new developments</i></p>
<p>Policies SADM11 Landscape Character and SADM12 – Trees SADM11 - Development will be managed to help conserve, enhance and/or restore the character of the wider landscape across the borough. Individual proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition, including as described in the Hertfordshire Landscape Character Assessments. The location and design of development and its landscaping will respect local features and take opportunities to enhance habitats and green infrastructure links. Landscaping schemes should use native species which are appropriate to the area. SADM 12 (policy extract only – it has not been reproduced in full) - Planning permission will be refused for development which would result in the loss, or likely loss, of: (i) healthy, high quality trees subject to a Tree Preservation Order; or</p>	<p>The Council wish to see proposals for real and significant landscape and green infrastructure improvements integrated to all planning applications.</p> <p>Green infrastructure should be integrated as a key component of all schemes but in particular for major developments. Developers will be expected to include proposals for the management and maintenance of such infrastructure as part of their proposals.</p>	<p>To accord with principles contained in the NPPF, including para 20 d) that strategic planning policies should set <i>an overall strategy for conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.</i></p>

Existing Local Plan policy	Policy application	Justification
<p><i>(ii) any healthy, high quality trees and/or hedgerows that make a valuable contribution to the amenity or environment of the area in which they are located.</i></p> <p><i>If development is approved which would result in the removal of trees and/or hedgerows, equivalent and appropriate replacement planting will be required.</i></p>		
<p>Policy SADM20 - Environmental Pollution and Development</p> <p><i>Development should not result in any adverse impact to public health or wellbeing, or significantly add to contamination or pollution, taking into account the situation following any mitigation and remediation measures. Development proposals will be judged against the principles below and any future Contaminated Land, Air Quality or Noise and Vibration SPD (introductory section of the policy included here).</i></p>	<p>Development should, in most instances, help improve local environmental conditions such as contamination and pollution.</p>	<p>To accord with wording in the NPPF, including para 170 e) <i>Development should, wherever possible, help to improve local environmental conditions.</i></p>
<p>Policy SADM30 - Design Principles</p> <p><i>Development which complies with the policies in this Plan will be permitted provided it:</i></p> <p><i>(i) makes a positive contribution to the built and natural environment;</i></p> <p><i>(ii) recognises and complements the particular local character of the area in which it is located, and</i></p> <p><i>(iii) results in a high quality design.</i></p> <p><i>In order to achieve a high quality design, a development must:</i></p> <p><i>(i) respect, enhance or improve the visual amenity of the area by virtue of its scale, mass, bulk, height, urban form; and</i></p> <p><i>(ii) have limited impact on the amenity of occupiers of the site, its neighbours, and its surroundings in terms of outlook, privacy, light, nuisance and pollution.</i></p>	<p>In addition to criteria i) ii) and iii) an additional iv) criteria is required</p> <p>iv) The Council will expect all new development, appropriate to the scale of works proposed, to incorporate appropriate design, technological, landscape and ecological solutions aimed at achieving net zero carbon emissions, incorporate sustainability and build resilience against climate change and its impacts, such as</p>	<p>As required in NPPF para 148 It should help to <i>'shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience'</i>; and para 149 <i>'Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts...'</i></p> <p>Climate Change and Sustainability Strategy states <i>In order to achieve net-zero carbon emissions, the following principles will be embedded in all</i></p>

Existing Local Plan policy	Policy application	Justification
	flooding, extreme weather events, heat and cold waves.	<i>aspects of the functioning and development of the borough: reducing consumption, minimising waste, switching to renewable forms of energy, switching to active, public and sustainable forms of transport and reducing the need to travel overall, implementing principles of circular economy, buying and consuming local produce, ensuring sustainable and zero carbon new developments with compensatory improvements to greenbelts, protecting and enhancing greenbelts, open spaces and biodiversity, and building climate change resilience.</i>

5. Conclusion

This position statement is a material planning consideration – to be taken into account when determining planning applications (and appeals) until the new Local Plan is published under Regulation 19. Although it will then continue to be material to the determination of planning applications, the emerging Local Plan will start to carry additional weight, including those policies relating to climate change.

This paper sets out how the Council as local planning authority is seeking to interpret adopted planning policy in light of material planning changes as outlined above and the very pressing nature of climate change.

In order to comply with existing policies and the clarifications included in this paper, all applications which exceed the following thresholds will be expected to be accompanied by a Climate Change and Energy Statement:

- i) the development of five or more residential units,
- ii) the creation of 500 square metres or above of additional floor-space for non-residential development; or
- iii) change of use and refurbishment projects of 1,000 square metres or above.

If required, the contents of this document will be reviewed when the new Local Plan is published and the Council's intentions regarding the intended future policy approach is confirmed.

This position statement provides the updated context and other information to applicants, in particular how adopted policy should be interpreted in relation to climate change matters following updates to the National Planning Policy Framework and both national and local commitments relating to climate change. As such, it should be given significant weight in reaching planning decisions.

Appendix 1 – Net zero and carbon off-setting

As outlined as clarifications required to policies CS16 and 17 above, applicants are encouraged to consider how schemes can strive for a target in new development of net zero carbon on-site. Unless it can be demonstrated otherwise, new development above the thresholds included in section 5 will be expected to set a target for net zero carbon on-site.

All new development should make the fullest contribution to minimising carbon dioxide emissions, through a range of design, technological, landscape and ecological measures, in accordance with the following energy hierarchy:

- i) Be lean: use less existing energy
- ii) Be clean: supply and use energy efficiently
- iii) Be green: use renewable energy

All applications above the threshold indicated in section 5 should be supported by a site-specific, **Climate Change and Energy Statement** and will be expected to demonstrate how the proposed development minimises energy demand through choice of location, land utilisation, passive and active design features, and transport connections.

The Council will expect proposals for such developments to design proposals in accordance with stringent targets for building design and construction techniques as advocated by the highest national relevant standard – for example BREEAM (target of very good or above - for non-residential), national planning policy, or equivalent requirements in force at the time of application submission.

However, the Council acknowledge that there may be circumstances where net zero carbon cannot be reasonably achieved on site, and any residual carbon shortfall would need to be offset. In such cases, the Council will work with applicants in order to review whether any residual carbon shortfall can be monetised and ring fenced to be used for local carbon offset projects to secure carbon reductions in the vicinity of the application site, or where that is not possible, elsewhere in the Borough. The exact mechanism to secure this will be considered on a case by case basis, but could be achieved via carbon offset funds secured via s106 legal agreements, which would be ring fenced for these purposes.

All funding secured for carbon offsetting would be used to achieve carbon emission reductions or mitigation in the borough via design, landscape, ecological and technological solutions including projects for the existing building stock through energy efficiency or renewable energy schemes. Such projects could be delivered either by the Council or in partnership with relevant third parties.

Until the new Local Plan has been adopted, the Council advocate the rate for carbon offsetting at £60 per tonne of residual carbon (or other equivalent greenhouse gases) which is based on the rate used by the Greater London Authority and linked to the current adopted London Plan 2016. This is a nationally recognised non-traded price of carbon and is also the Zero Carbon Hub price.