

Stonestreet Green Solar

Environmental Statement

Volume 4: Appendices

Chapter 15: Climate Change

Appendix 15.1: Climate Change Legislation, Planning Policy and Guidance

PINS Ref: EN010135

Doc Ref. 5.4

Version 1

June 2024

APFP Regulation 5(2)(a)

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009



Table of Contents

1.1	Introduction	2
1.2	Legislation	2
1.3	Planning Policy	3
1.4	Guidance	6
	References	8

Appendix 15.1: Climate Change Legislation, Planning Policy and Guidance

1.1 Introduction

- 1.1.1 This appendix provides a summary of the key legislation, policy and guidance relevant to the climate change assessment.

1.2 Legislation

EIA Regulations

- 1.2.1 The EIA Regulations¹ include a requirement for the assessment of development on the environment in relation to climate change as follows:
- 1.2.2 *'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.'*
- 1.2.3 To meet this requirement the assessment is required to assess a) the impact of the project on climate change, and b) the vulnerability, or resilience of the project to future climate change.

Climate Change Act 2008

- 1.2.4 The Climate Change Act 2008² sets legally binding targets for reducing GHG emissions, in particular carbon dioxide ('CO₂'). As originally enacted, the Climate Change Act 2008 required the SoS to ensure that the net carbon account for the year 2050 is at least 80% lower than the 1990 baseline in the United Kingdom ('UK').
- 1.2.5 The Climate Change Act 2008 also established the Climate Change Committee ('CCC'), which is responsible for advising the UK government on GHG emissions targets and reporting on progress made towards them.
- 1.2.6 In May 2019, the CCC recommended a new GHG emissions target for the UK: a 100% reduction ('net zero') in GHG by 2050. The Climate Change Act 2008 (2050 Target Amendment) Order 2019³, which came into force on 27 June 2019, amended the Climate Change Act 2008 to substitute the 80% target for 100%. This is now the over-arching carbon reduction target for the Government. Carbon budgets set incremental limits on the amount of GHG emissions for the UK over a defined five-year period.
- 1.2.7 To date six Carbon Budgets have been set with the 4th⁴, 5th⁵ and 6th⁶ Carbon Budgets coinciding with the Project.

1.3 Planning Policy

National

1.3.1 There are three National Policy Statements relating to energy generation. These are:

- NPS EN-1⁷ which relates to the overarching policy on Energy,
- NPS EN-3⁸ which relates to policy on Renewable Energy Infrastructure, and
- NPS EN-5⁹ which relates to policy on Electricity Network Infrastructure.

National Policy Statement (NPS) for Energy (EN-1) (November 2023)

1.3.2 NPS EN-1 recognises the UK's target to cut greenhouse gas emissions to net zero by 2050. Paragraph 3.3.20 confirms that wind and solar are the lowest cost ways of generating electricity and that *"a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar"*. The NPS identifies a number of renewable energy technologies, including solar PV and in paragraph 3.3.58 states that there is a need for all these types of infrastructure and that this it is urgent for these to be brought forward as soon as possible.

1.3.3 Alongside the development of wind and solar, paragraphs 3.3.25 to 3.3.27 of NPS EN-1 highlight the need for energy storage to maximise the usable output from intermittent low carbon generation (e.g., solar and wind), reduce the total amount of generation capacity needed on the system, provide a range of balancing services, and reduce constraints on the networks to help defer or avoid the need for costly network upgrades as demand increases.

1.3.4 Section 5.3 of the NPS EN-1 makes clear that all applications for energy infrastructure should include a whole life GHG assessment as part of the Project's ES.

1.3.5 In terms of Climate Resilience, Section 4.10 of NPS EN-1 sets out generic considerations that applicants and the Secretary of State should take into account to help ensure that renewable energy infrastructure is safe and resilient to climate change, and that necessary action can be taken to ensure the operation of the infrastructure over its estimated lifetime. Section 4.10 of NPS EN-1 advises that the resilience of the Project to climate change should be assessed in the ES accompanying an application. For example, the impact of increased risk of drought as a result of higher temperatures should be covered in the water quality and resources section of the ES. The assessment of climate resilience will identify all applicable future climate risks (which will include drought) and assess the resilience of the Project to the climate hazard taking into account embedded mitigation.

National Policy Statement for Renewable Energy Infrastructure (NPS EN-3) (November 2023)

1.3.6 NPS EN-3 covers 'significant onshore renewable energy generating stations', specifically addressing solar PV generation.

1.3.7 The NPS EN-3 Section 2.10 recognises solar farms as one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation worldwide. It provides support for large scale solar development, by stating that: *“The government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by 2050. As such solar is a key part of the government’s strategy for low cost decarbonisation of the energy sector”* (Paragraph 2.10.9). The NPS carries on to state that *“Solar farms are one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation”* (Paragraph 2.10.13).

1.3.8 Section 2.4 of NPS EN-3 addresses climate change adaption and resilience. This directs to policy within EN-1. Specifically in regard to Solar PV, paragraph 2.4.11 states that: *“Solar photovoltaic (PV) sites may also be proposed in low lying exposed sites. For these proposals, applicants should consider, in particular, how plant will be resilient to: increased risk of flooding; and impact of higher temperatures.”*

National Policy Statement (NPS) for Electricity Networks Infrastructure (NPS EN-5) (November 2023)

1.3.9 NPS EN-5 relates to any above ground electricity line where nominal voltage is expected to be 132kV or above with a length greater than 2km which is not a replacement line and not exempted. Paragraph 1.6.4 of NPS EN-5 states that other kinds of electricity infrastructure (including underground cables at any voltage and associated infrastructure such as substations and converter stations) will be covered by this NPS if it constitutes associated development for which consent is sought along with a nationally significant infrastructure projects such as a generating station.

1.3.10 Paragraph 2.3.2 states that as climate change is likely to increase risks to the resilience of some infrastructure, including flooding, applicants should set out to what extent the proposed development is expected to be vulnerable and how it has been designed to be resilient to:

- flooding, particularly for substations that are vital to the network; and especially in light of changes to groundwater levels resulting from climate change;
- the effects of wind and storms on overhead lines;
- higher average temperatures leading to increased transmission losses;
- earth movement or subsidence caused by flooding or drought (for underground cables).
- coastal erosion – for the landfall of offshore transmission cables and their associated substations in the inshore and coastal locations respectively.

National Planning Policy Framework (December 2023)

1.3.11 The National Planning Policy Framework (NPPF, December 2023)¹⁰ also provides guidance on climate change, specifically Section 14: Meeting the challenge of

climate change, flooding and coastal change. Paragraphs 158 and 159 provide guidance in relation to adaptation, mitigation and climate change resilience; Paragraph 160 supports the increased use and supply of renewable and low carbon energy, and Paragraph 163 provides guidance to local planning authorities in determining planning applications for renewable and low carbon development, and states that *“local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions; b) approve the application if its impacts are (or can be made) acceptable”*.

Regional

- 1.3.12 KCC recognised the UK climate emergency in 2019 and committed to reducing GHG emissions for the whole county to net zero by 2050¹¹. Specifically, KCC state that:

“We recognise the UK environment and climate emergency and will continue to commit resources and align its policies to address this. Through the framework of the Energy and Low Emissions Strategy, we will facilitate the setting and agreement of a target of Net Zero emissions by 2050 for Kent and Medway. We will, by May 2020, set an accelerated target with associated action plan for its own estate and activities including those of its traded companies using appropriate methodologies. In addition, we will deliver a Kent and Medway Climate Change Risk and Impact Report and develop and facilitate adoption of a subsequent Kent and Medway Climate Change Adaptation Implementation Plan by the end of March 2020.”

Local

- 1.3.13 The following ABC Local Plan¹² policies are relevant to the GHG and resilience assessment:

- Policy ENV6 – Flood Risk.

- 1.3.14 This policy states that proposals for new development should contribute to an overall flood risk reduction. Development will only be permitted where it would not be at an unacceptable risk of flooding on the site itself, and there would be no increase to flood risk elsewhere. This policy is relevant to the development’s resilience to climate change.

- Policy ENV9 – Sustainable Drainage

- 1.3.15 This policy requires that all new developments are designed to mitigate and adapt to the effects of climate change. This policy is relevant to the development’s resilience to climate change.

- Policy ENV10 – Renewable and Low Carbon Energy.

- 1.3.16 This policy requires that planning applications for proposals to generate energy from renewable and low carbon sources will be permitted provided that:

- a) *The development, either individually or cumulatively does not result in significant adverse impacts on the landscape, natural assets or historic assets, having special regard to nationally recognised designations and their setting, such as AONBs, Conservation Areas and Listed Buildings;*
- b) *The development does not generate an unacceptable level of traffic or loss of amenity to nearby residents (visual impact, noise, disturbance, odour);*
- c) *Provision is made for the decommissioning of the infrastructure once operation has ceased, including the restoration of the site to its previous use; and,*
- d) *Evidence is provided to demonstrate effective engagement with the local community and local authority.*

- Policy ENV11 – Sustainable Design and Construction – Non-residential.

1.3.17 This policy states that all major non-residential development will achieve BREEAM ‘Very Good’ standard, with at least a 40% improvement in water consumption against the baseline performance of the building, unless demonstrated not to be practicable.

1.3.18 ABC committed to Ashford Borough becoming carbon neutral by 2030, with an 80% reduction by 2025¹³.

1.4 Guidance

1.4.1 The following guidance is relevant to the Lifecycle GHG assessment of the Project:

- IEMA Guidance on Assessing Greenhouse Gas Emissions and Evaluating their Significance¹⁴ (‘IEMA Guidance’). This guidance sets out advice on scoping, measuring whole life GHG emissions including assessment of their significance in the context of EIA.
- The Greenhouse Gas Protocol Corporate Accounting and Reporting Standard (GHG Protocol)¹⁵. This guidance sets out definitions of emission categories and approaches for their measurement and reporting.
- Publicly Available Standard (PAS) 2080: 2023 – Carbon Management in Buildings and Infrastructure¹⁶. This document provides guidance on scoping and measuring whole life GHG emissions from infrastructure.
- Committee on Climate Change, Net Zero Technical Report¹⁷. This document sets out guidance on future decarbonisation pathways for meeting the UK’s 2050 net zero target
- Committee on Climate Change, Sixth Carbon Budget¹⁸. This document sets out advice on the UK’s 6th carbon budget.
- HM Government, Net Zero Strategy: Build Back Greener¹⁹. This document sets out the government’s policies and strategies for meeting the 6th Carbon Budget and 2050 target.

- HM Government, Carbon Budget Delivery Plan²⁰. This document provides further details on the government's policy and strategy for meeting its 2050 net zero target.
- Royal Institution of Chartered Surveyors (RICS): Whole life carbon assessment for the built environment²¹. This document provides guidance on assessing GHG emissions associated with the built environment.
- British Standard EN15978:2011 - Sustainability of Construction Works²². This document provides guidance on GHG emissions associated with construction works.
- ABC, Climate Change Strategy June²³. This document sets out ABC's climate change strategy and targets.
- Kent and Medway, Energy and Low Emission Strategy (2020)²⁴. This document sets out KCC's priorities and approach for delivering its 2050 net zero target.

1.4.2 The following guidance is relevant to the Climate Change Resilience assessment of the Project:



- IEMA Environmental Impact Assessment Guide to Climate Change Resilience and Adaptation²⁵. This document sets out guidance for assessing climate resilience risks in the context of EIA.
- The UK Climate Projections 2018 ('UKCP18')²⁶. This resource provides projections of future climate change forecasts for the UK under different future emissions scenarios.
- Met Office UK (2022) UK Climate Projections: Headline Findings²⁷. This document provides a summary of future climate change projections in the UK at a regional and national level. It is supported through a key results spreadsheet that sets out key probabilistic climate data at a regional level²⁸
- The National Adaptation Programme (NAP) and the Third Strategy for Climate Adaptation Reporting²⁹. This document sets out government's response to the second Climate Change Risk Assessment (CCRA), showing the actions government is, and will be, taking to address the risks and opportunities posed by a changing climate. It forms part of the five-yearly cycle of requirements laid down in the Climate Change Act 2008 to drive a dynamic and adaptive approach to building our resilience to climate change.
- UK Climate Change Risk Assessment 2022³⁰. This report fulfils the requirement of the Climate Change Act 2008 for the government to lay before Parliament a five-yearly assessment of the risks for the UK of current and predicted impacts of climate change.

References

- 1 HMSO (2017). The Infrastructure Planning (Environmental Impact Assessment) Regulations (2017). Available at: <https://www.legislation.gov.uk/ukxi/2017/571/contents/made>. Accessed: March 2024.
- 2 HMSO (2008). Climate Change Act 2008. Available at: <https://www.legislation.gov.uk/ukpga/2008/27/contents>. Accessed: March 2024.
- 3 HMSO (2019). The Climate Change Act 2008 (2050 Target Amendment) Order 2019. Available at: <https://www.legislation.gov.uk/ukdsi/2019/9780111187654>. Accessed: March 2024.
- 4 HMSO (2011). The Carbon Budget Order 2011. Available at: <https://www.legislation.gov.uk/ukxi/2011/1603/made>. Accessed: March 2024.
- 5 HMSO (2016) The Carbon Budget Order 2016. Available at: <https://www.legislation.gov.uk/ukxi/2016/785/contents/made>. Accessed: March 2024.
- 6 HMSO (2021) The Carbon Budget Order 2021. Available at: <https://www.legislation.gov.uk/ukxi/2021/750/contents/made>. Accessed: March 2024.
- 7 Department of Energy Security & Net Zero (2023). Overarching National Policy Statement for Energy (EN-1). Available at: <https://assets.publishing.service.gov.uk/media/65a7864e96a5ec0013731a93/overarching-nps-for-energy-en1.pdf>. Accessed January 2024.
- 8 Department of Energy Security & Net Zero (2023). National Policy Statement for Renewable Energy Infrastructure (EN-3). Available at: <https://assets.publishing.service.gov.uk/media/65a7889996a5ec000d731aba/nps-renewable-energy-infrastructure-en3.pdf>. Accessed January 2024.
- 9 Department of Energy Security & Net Zero (2023). National Policy Statement for Electricity Networks Infrastructure (EN-5). <https://assets.publishing.service.gov.uk/media/65a78a5496a5ec000d731abb/nps-electricity-networks-infrastructure-en5.pdf>. Accessed January 2024.
- 10 Department for Levelling Up, Housing and Communities (2023). National Planning Policy Framework. Available at: https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf. Accessed December 2023
- 11 Kent County Council (2019). Climate Emergency Statement. Available at: <https://www.kent.gov.uk/environment-waste-and-planning/climate-change/climate-emergency-statement>. Accessed: March 2024.
- 12 Ashford Borough Council (2019). Ashford Local Plan 2030. Available at: <https://www.ashford.gov.uk/media/jw3nbvq1/adopted-ashford-local-plan-2030.pdf>. Accessed: March 2024.

- 13 Ashford Borough Council website (2024). Climate Change section. Available at: <https://www.ashford.gov.uk/environmental-concerns/climate-change/>. Accessed: March 2024.
- 14 IEMA (2022). Assessing Greenhouse Gas Emissions and Evaluating their Significance. 2nd Edition. Available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR010056/TR010056-001649-Climate%20Emergency%20Planning%20and%20Policy%20-%20Appendix%20A%20-%20IEMA%20Guide-%20Assessing%20Greenhouse%20Gas%20Emissions%20and%20Evaluating%20the%20Significance,%20Version%202,%20Feb%202022.pdf>. Accessed: March 2024.
- 15 World Resources Institute, World Business Council for Sustainable Development (2001). The Greenhouse Gas Protocol, A Corporate Accounting and Reporting Standard. World Resource Institute, Revised Edition.
- 16 BSI (2023). Publicly Available Standard (PAS) 2080: 2023 Carbon Management in [REDACTED]
- 17 CCC (2019). Net Zero, Technical report. Available at: [REDACTED].
- 18 CCC (2021). Sixth Carbon Budget. Available at: [REDACTED]
- 19 Department for Energy Security and Net Zero, and Department for Business, Energy & Industrial Strategy. (2021). Net Zero Strategy: Build Back Greener. Available at: <https://www.gov.uk/government/publications/net-zero-strategy>. Accessed: March 2024.
- 20 Department for Energy Security and Net Zero (2023). Carbon Budget Delivery Plan. Available at: <https://www.gov.uk/government/publications/carbon-budget-delivery-plan>. Accessed: March 2024.
- 21 RICS (2017). Whole life carbon assessment for the built environment. 1st edition. Available at: [REDACTED]
- 22 BSI, (2011). EN15978: Sustainability of construction works. Assessment of environmental performance of buildings. Calculation method.
- 23 Ashford Borough Council (2022), Climate change strategy and climate action plan, Appendix 2. Available at: <https://www.ashford.gov.uk/media/ixcn5c3e/climate-change-guidance-for-development-management-dec-2022.pdf>. Accessed: March 2024.
- 24 Kent and Medway (2020), Energy and Low Emission Strategy, Meeting the climate change challenge. Available at: <https://www.kent.gov.uk/about-the-council/strategies-and-policies/service-specific-policies/environment-and-waste-policies/environmental-policies/kent-and-medway-energy-and-low-emissions->

strategy#:~:text=The%20Kent%20and%20Medway%20Energy,economic%20recovery%20across%20the%20county. Accessed: March 2024.

- 25 IEMA (2020). Environmental Impact Assessment Guide to: Climate Change Resilience & Adaptation. Available at: 

- 26 Met Office UK, (2018). UK Climate Projections. Available at: <https://www.metoffice.gov.uk/research/approach/collaboration/ukcp>. Accessed: March 2024.
- 27 Met Office UK, (2022). UK Climate Projections: Headline Findings. Available at: https://www.metoffice.gov.uk/binaries/content/assets/metofficegovuk/pdf/research/ukcp/ukcp18_headline_findings_v4_aug22.pdf. Accessed: March 2024.
- 28 Met Office UK (2022). Key results Spreadsheet. Available at: <https://www.metoffice.gov.uk/binaries/content/assets/metofficegovuk/pdf/research/ukcp/ukcp18-key-results.xlsx>. Accessed January 2024
- 29 Department for Environment, Food & Rural Affairs (Defra) (2018). The National Adaptation Programme (NAP) and the Third Strategy for Climate Adaptation Reporting. Available at: <https://www.gov.uk/government/publications/third-national-adaptation-programme-nap3>. Accessed: March 2024.
- 30 Department for Environment. Food & Rural Affairs (2022). UK Climate Change Risk Assessment 2022. Available at: <https://www.gov.uk/government/publications/uk-climate-change-risk-assessment-2022>. Accessed: March 2024.