
FENWICK SOLAR FARM

Fenwick Solar Farm
EN010152

Environmental Statement

Volume III Appendix 6-1: Legislation, Policy and Guidance (Climate Change)

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1. Introduction

1.1 Purpose of this Appendix

- 1.1.1 This Environmental Statement (ES) appendix identifies and describes the legislation, policy and supporting guidance considered relevant to the preliminary assessment of the likely significant effects of the Scheme on climate change.
- 1.1.2 Legislation and policy are considered at national and local levels.
- 1.1.3 This appendix does not assess the Scheme against legislation and policy. Instead, the purpose of considering legislation and policy is twofold:
 - a. To identify legislation and policy that could influence the sensitivity of receptors (and therefore the significance of effects) and any requirements for mitigation; and
 - b. To identify legislation and policy that could influence the methodology used within the Environmental Impact Assessment (EIA) assessment which is presented in the Environmental Statement (ES). For example, a policy may require the assessment of an impact or the use of a specific methodology.
- 1.1.4 The relevant legislation and policy will be assessed within the Planning Statement. The following sections identify and describe the legislation, policy and supporting guidance considered specifically relevant to the climate change assessment.

2. National Legislation, Policy and Guidance

2.1.1 Legislation, planning policy and guidance relating to climate change, and pertinent to the Scheme, comprises:

2.2 International Law

2.2.1 United Nations Framework Convention on Climate Change Paris Agreement (UNFCCC) (Ref. 1). The Paris Agreement is an agreement within the UNFCCC setting out an international framework for mitigation of greenhouse gas (GHG) emissions, the adaptation to climate change effects and the financing of such works. It requires all signatories to set a target, known as a nationally determined contribution (NDC), against which to commit their climate change mitigation efforts to keep global warming well below 2°C this century and pursue efforts to limit global warming to 1.5°C. The agreement contains a 'ratchet' mechanism by which NDCs must be strengthened every five years. The UK updated its NDC in the September 2022. Under Article 7, the Paris Agreement also requires all signatories to engage in adaptation planning and implementation.

2.2.2 UK NDC to the UNFCCC (Ref. 2). In 2020 the UK communicated its new NDC to the UNFCCC. Within this, the UK has committed to reducing GHG emissions by at least 68% by 2030 compared to 1990 levels.

2.3 National Legislation and Regulation

2.3.1 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017: Section 5(2) and Schedule 4, clauses 4 and 5 sets out that an EIA should describe and assess (in an appropriate manner and in light of each individual case) the direct and indirect significant effects of the Scheme on the climate.

2.3.2 The Climate Change Act (2008) and Climate Change Act (2050 Target Amendment Order 2019) (Ref. 4). The Climate Change Act 2008 set a legally binding target for the UK to reduce its GHG emissions from 1990 levels by at least 80% by 2050. This target is supported by a legally binding five-year 'Carbon budgets' system and an independent body to monitor progress, the Climate Change Committee (CCC). The UK carbon budgets restrict the amount of GHG emissions the UK can legally emit in a defined five-year period. The Act was amended in 2019 to revise the existing 80% reduction target and legislate for Net Zero emissions by 2050 (through the Climate Change Act 2008 (2050 Target Amendment) Order 2019);

- a. The Carbon Budgets Order 2009 (Ref. 5). This sets the carbon budget totals for the First (2008-2012), Second (2013-2017) and Third (2018-2022) Carbon Budget periods;
- b. Carbon Budget Order 2011 (Ref. 6). This Order sets the carbon budget total for the Fourth (2023-2027) Carbon Budget period;
- c. Carbon Budget Order 2016 (Ref. 7). This Order sets the carbon budget total for the Fifth (2028-2032) Carbon Budget period; and
- d. The Carbon Budget Order 2021 (Ref. 8). This sets the carbon budget total for the Sixth (2033-2037) Carbon Budget period.

- 2.3.3 The UK is currently developing, alongside the Climate Change Committee, its 7th Carbon Budget, which is expected to be released in early 2025.

2.4 National Planning Policy

- 2.4.1 National Policy Statements (NPS) set out the policy framework for national significant infrastructure projects (NSIPs) progressed under the Planning Act 2008. They also include reasons for the policy that has been set out in the Statement and explanations as to how the policy takes account of wider government policy, including that relating to the mitigation of, and adaptation to, climate change. Overarching National Policy Statement for Energy (NPS EN-1) (November 2023) (Ref. 9), includes in respect of climate change:
- a. Section 2.2 in respect of the UK's goals for net zero emissions and their relevance to energy infrastructure;
 - b. Paragraphs 4.6.13 and 4.10.9 in relation to climate impacts and adaptation;
 - c. Paragraphs 4.1.3 to 4.1.4 in relation to adverse effects and benefits; and
 - d. Paragraphs 4.10.3 and 5.8.5 in relation to climate projections, flood risk and the importance of relevant mitigation.
- 2.4.2 National Policy Statement for Renewable Energy Infrastructure (EN-3) (November 2023) (Ref. 9) with particular reference to:
- a. Section 2.4 on climate change adaptation and resilience; and
 - b. Paragraph 2.4.11 regarding the specific risks for Solar Photovoltaic Generation from future increased flood risk and high temperatures.
- 2.4.3 National Policy Statement for Electricity Networks Infrastructure (NPS EN-5) (November 2023) (Ref. 11) with particular reference to:
- a. Section 2.3 regarding NPS EN-1 (November 2023) and the importance of climate change resilience.
- 2.4.4 The National Planning Policy Framework (NPPF) (December 2023) summarises the Government's planning policies for England and how these are expected to be applied. While the NPS are the primary policy for new NSIPs like this Scheme, the NPPF is still referred to as broader context of the Government's expectations in respect of planning applications. Paragraphs 150 and 153 address the reduction of carbon dioxide (CO₂) emissions through design and reduced energy consumption; and Paragraphs 155 to 165 address climate projections, associated flood risk and adaptation.

2.5 Local Planning Policy

- 2.5.1 Key local planning policy includes the Doncaster Local Plan 2015-2035 (2021) (Ref. 12) and supporting documents such as the Barnsley, Doncaster and Rotherham Joint Waste Plan (Ref. 12). The specific policies in the Doncaster Local Plan which address climate considerations include:
- a. Policy 26 (Green Infrastructure Policy);
 - b. Policy 57 (Flood Risk Management); and
 - c. Policy 58 (Low Carbon and Renewable Energy, Strategic Policy).

- 2.5.2 The policies within these documents identify the need to consider and, where appropriate, mitigate GHG emissions associated with new development. They specify that new development should aim for reduced or zero-carbon development by incorporating renewable or low-carbon energy sources and maximising energy efficiency where practicable and should build in resilience to projected climate change impacts.
- 2.5.3 Where required, relevant Neighbourhood Plans and Supplementary Planning Documents (SPDs)/Guidance (SPGs) will be considered. This chapter has considered the Doncaster Local plan (Ref. 12) and Barnsley, Doncaster and Rotherham Joint Waste Plan (Ref. 13) as Local Planning Policy.

2.6 International Guidance

- 2.6.1 The World Business Council for Sustainable Development and World Resources Institute GHG Protocol guidelines (Ref. 14) set out internationally accepted GHG accounting and reporting standards.

2.7 National Guidance

- 2.7.1 Planning Practice Guidance, Climate Change (Ref. 15) guidance describes how to identify suitable mitigation and climate adaptation measures to incorporate into the planning process, stating that: *“Effective spatial planning is an important part of a successful response to climate change as it can influence the emission of greenhouse gases... Planning can also help increase resilience to climate change impact through the location, mix and design of development.”*
- 2.7.2 Net Zero Strategy (Ref. 16) strategy sets out policies and proposals for decarbonising all sectors of the UK economy to meet a net zero target by 2050. One of the key policies is for the UK to be entirely powered by clean energy sources (predominantly solar and wind) by 2035.
- 2.7.3 Publicly Available Standard (PAS) 2080:2023 (Ref. 17) is a global standard for managing infrastructure carbon. The framework considers the whole value chain, aiming to reduce carbon and reduce cost through more intelligent design, construction, and use.
- 2.7.4 Institute of Environmental Management and Assessment (IEMA) Environmental Impact Assessment Guide to: Assessing Greenhouse Gas Emissions and Evaluating their Significance (Ref. 18) provides the latest guidance on addressing GHG emissions assessment and mitigation in EIA.
- 2.7.5 IEMA Environmental Impact Assessment Guide to: Climate Change Resilience and Adaptation (Ref. 19) provides a framework for the consideration of climate change resilience and adaptation in EIA and includes case studies of emerging good practice.

2.8 References

- Ref. 1 UNFCCC (2015). The Paris Agreement. Available at: https://unfccc.int/sites/default/files/english_paris_agreement.pdf. [Accessed 14 December 2023].
- Ref. 2 UNFCCC (2022). UK's Nationally Determined Contribution. Available at: <https://unfccc.int/sites/default/files/NDC/2022-09/UK%20NDC%20ICTU%202022.pdf>. [Accessed 14 December 2023].
- Ref. 3 His Majesty's Stationary Office (HMSO) (2017). The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. Available at: <https://www.legislation.gov.uk/uksi/2017/572/contents/made>. [Accessed 14 December 2023].
- Ref. 4 His Majesty's (HM) Government (2008). Climate Change Act 2008. Available at: <https://www.legislation.gov.uk/ukpga/2008/27/contents>. [Accessed 14 December 2023].
- Ref. 5 HMSO (2009). The Carbon Budgets Order 2009. Available at: <https://www.legislation.gov.uk/uksi/2009/1259/contents/made>. [Accessed 14 December 2023].
- Ref. 6 HMSO (2011). Carbon Budget Order 2011. Available at: <https://www.legislation.gov.uk/uksi/2011/1603/made>. [Accessed 14 December 2023].
- Ref. 7 HMSO (2016). Carbon Budget Order 2016. Available at: <https://www.legislation.gov.uk/uksi/2016/785/contents/made>. [Accessed 14 December 2023].
- Ref. 8 HMSO (2021). The Carbon Budget Order 2021. Available at: <https://www.legislation.gov.uk/uksi/2021/750/contents/made>. [Accessed 14 December 2023].
- Ref. 9 Department of Energy Security and Net Zero (DESNZ) (2023). National Policy Statement for Energy. Available at: <https://assets.publishing.service.gov.uk/media/65bbfbd709fe1000f637052/overarching-nps-for-energy-en1.pdf>. [Accessed 1 February 2024].
- Ref. 10 DESNZ (2023). National Policy Statement for Renewable Energy Infrastructure. Available at: <https://assets.publishing.service.gov.uk/media/65a7889996a5ec000d731aba/nps-renewable-energy-infrastructure-en3.pdf> [Accessed 1 February 2024].
- Ref. 11 DESNZ (2023). National Policy Statement for Electricity Networks Infrastructure. Available at: <https://assets.publishing.service.gov.uk/media/65a78a5496a5ec000d731abb/nps-electricity-networks-infrastructure-en5.pdf>. [Accessed 1 February 2024].
- Ref. 12 City of Council (2021). Doncaster Local Plan 2015 – 2035. Available at: <https://www.doncaster.gov.uk/services/planning/local-plan>. [Accessed 14 December 2023].
- Ref. 13 Barnsley, Doncaster and Rotherham Councils (2012). Barnsley, Doncaster and Rotherham Joint Waste Plan. Available at:

- <https://www.doncaster.gov.uk/services/planning/barnsley-doncaster-rotherham-joint-waste-plan>. [Accessed 14 December 2023].
- Ref. 14 World Business Council for Sustainable Development and World Resources Institute (2001). The GHG Protocol: A Corporate Accounting and Reporting Standard. Available at: <https://ghgprotocol.org/sites/default/files/standards/ghg-protocol-revised.pdf>. [Accessed 14 December 2023].
- Ref. 15 Ministry of Housing, Communities and Local Government (2018). Planning Practice Guidance for Climate Change (2019 update). Available at: <https://www.gov.uk/guidance/climate-change>. [Accessed 14 December 2023].
- Ref. 16 Department for Business, Energy and Industrial Strategy (BEIS) (2021). Net Zero Strategy: Build Back Greener. Available at: <https://www.gov.uk/government/publications/net-zero-strategy>. [Accessed 14 December 2023].
- Ref. 17 BSI (2016). Guidance Document for PAS 2080. Available at: https://www.ice.org.uk/media/vm0nwehp/2023-03-29-pas_2080_guidance_document_april_2023.pdf. [Accessed 14 December 2023].
- Ref. 18 IEMA (2022). Environmental Impact Assessment Guide to: Assessing Greenhouse Gas Emissions and Evaluating their Significance – Second Edition.
- Ref. 19 IEMA (2022). Environmental Impact Assessment Guide to: Climate Change Resilience and Adaptation. Available at: <https://www.iema.net/resources/reading-room/2020/06/26/iema-eia-guide-to-climate-change-resilience-and-adaptation-2020>. [Accessed 14 December 2023].



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