

Duty to Cooperate Statement

**Hertfordshire Minerals and Waste
Local Plan 2040**

Hertfordshire County Council



July 2022

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Hertfordshire Minerals and Waste Local Plan

Hertfordshire County Council is preparing a new Minerals and Waste Local Plan for the area, which, when adopted, will replace the currently adopted minerals and waste documents as follows:

- Minerals Local Plan Review 2002-2016 (adopted March 2007)
- Mineral Consultation Areas in Hertfordshire Supplementary Planning Document (SPD) (adopted November 2007)
- Waste Core Strategy and Development Management Policies Development Plan Document (DPD) 2011-2026 (adopted November 2012)
- Waste Site Allocations DPD 2011-2026 (adopted July 2014)
- Employment Land Areas of Search SPD (adopted November 2015)

The Council had been reviewing the adopted Plans through the preparation of a separate Minerals Local Plan, Waste Local Plan and Waste facilities Design Guide Supplementary Planning Document (SPD). In December 2021 the Council agreed to formally withdraw those emerging Plans and SPD, and bring together the work done so far into a single Minerals and Waste Local Plan (the Plan).

Whilst the Plan is essentially a new Plan, and the previous emerging Plans were formally withdrawn¹, the Plan does not start from scratch, rather it builds on the work done so far with the previous emerging Plans. This Duty to Cooperate Statement therefore establishes how the Council has complied with the requirements of the Duty throughout the preparation of the Plan, including through the earlier work on the now withdrawn emerging Plans.

The council has also prepared a Draft Statement of Common Ground (SoCG), which will detail agreements with relevant stakeholders on strategic cross-boundary matters relating to the Plan. The SoCG, along with this Statement, will be updated as plan preparation progresses.

Introduction

Owing to changes in the Planning and Compulsory Purchase Act 2004 brought about from the Localism Act 2011, Local Planning Authorities (LPAs), including minerals and waste

¹ In accordance with Regulation 27 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

planning authorities, are required to cooperate with LPAs and other relevant bodies throughout the preparation of the Local Plan documents.

The Town and Country Planning (Local Planning) (England) Regulations 2012 (Part 2, Section 4) lists the prescribed bodies for the purposes of the 2004 Act:

- the Environment Agency;
- Historic England
- Natural England;
- the Mayor of London
- the Civil Aviation Authority
- Homes England
- Clinical Commissioning Groups (now Integrated Care Boards)
- the National Health Service Commissioning Board
- Office of Rail and Road
- Transport for London
- each Integrated Transport Authority
- the local Highways Authority
- the Marine Management Organisation
- Local Enterprise Partnership
- Local Nature Partnerships

Areas of cooperation

The Council has been and is continuing to cooperate with relevant statutory and non-statutory bodies throughout the Plan making process to date. This cooperation is important in helping to develop the emerging Plan and to ensure that strategic cross-boundary matters, as well as other matters of common concern, are properly addressed.

East of England Aggregate Working Party

Minerals Planning Authorities (MPAs) are required to participate in the operation of Aggregate Working Parties (WPs), and to take into account the advice of those AWP, when preparing their Minerals Local Plans, including in the preparation of their Local Aggregate Assessments (LAAs).

In line with this requirement therefore, the county council, as MPA for the area, participates in the operation of the East of England Aggregates Working Party (AWP), which meets several times annually and is made up of other MPAs in the East of England Region, as

well industry representatives, the Mineral Products Association and the Marine Management Organisation.

Minutes of meetings held by the AWP, along with copies of the AWP's Annual Monitoring report and the AWP's Terms of Reference, can be found on the following website <https://davidjarvis.biz/east-of-england-awp>.

East of England Waste Technical Advisory Body

The National Planning Policy for Waste (NPPW) requires Waste Planning Authorities (WPAs) to work collaboratively in groups with other WPAs. The County Council, as WPA for the area, participates in the operation of the East of England Waste Technical Advisory Body (WTAB).

The WTAB meets several times annually and is made up of East of England WPAs and other stakeholders such as the Environment Agency.

The group provides technical advice to WPAs on the preparation and development of their Waste Local Plans, as well as producing evidence base work to be used in support of those plans, such as establishing suitable methodologies for the calculation of waste arisings and regional and sub-regional waste management capacity.

The WPAs as members of the WTAB have agreed to plan towards achieving net self-sufficiency with regards to the management of waste arising in their respective authority areas, and this agreement is set out in a Memorandum of Understanding (March 2019).

London Waste Planning Forum

Similar to the East of England WTAB, the WPAs comprising the London Borough's also meet through the London Waste Planning Forum (LWPF). Owing to Hertfordshire's proximity to London and the movements of waste between authority areas, Hertfordshire also participates in the LWPF, both as WPA for Hertfordshire, and as a representative of the East of England WTAB.

Cooperation with Districts and Boroughs

Hertfordshire is a two-tier authority area and consists of the county council plus 10 District and Borough councils, who are responsible for all planning functions not covered by the county council (such as minerals and waste). The Districts and Boroughs are as follows:

- Broxbourne Borough Council
- Dacorum Borough Council
- East Hertfordshire District Council
- Hertsmere Borough Council
- North Hertfordshire District Council
- St Albans City and District Council
- Stevenage Borough Council
- Three Rivers District Council
- Watford Borough Council
- Welwyn Hatfield Borough Council

The Minerals and Waste Plan will form part of the overall Development Plan for the area, and can and should be used, where appropriate, in the determination District and Borough planning applications. Non-mineral and waste related development can have an impact on the minerals and waste management development in the county, and vice versa. It is important therefore that regular cooperation takes place between the authorities.

The Minerals and Waste Planning Policy team hold specific Duty to Cooperate meetings with each of the 10 individual Councils every six months. These meetings cover relevant developments taking place in the area, as well as plan making progress and the impact of changes to other policy and legislation.

In addition to these meetings, the Minerals and Waste Planning Policy team are also members of the Hertfordshire Planning Groups (HPG). The HPG Development Plans group consists of Planning Policy Officers from each of the councils within Hertfordshire, and the HPG Development Management group consists of Development management Officers from each of the councils. Each group meets four times a year.

Cooperation with Waste Planning Authorities

Waste management is a strategic cross-boundary matter, with wastes of various types moving between Waste Planning Authority (WPA) areas, sometimes over considerable distances. Hertfordshire County Council cooperates with other Waste Planning Authorities regarding the movement of such wastes, sending out a survey each year to all WPAs who import waste from, or export waste to, Hertfordshire.

Details regarding the flows of wastes are identified through analysis of the Environment Agency's Waste Data Interrogators which are published each year. Not all waste movements however should be deemed 'strategic'. The East of England WTAB has agreed the follow strategic waste management flow levels:

- Non-hazardous waste 5,000 tonnes per annum
- Inert wastes² 10,000 tonnes per annum
- Hazardous waste 100 tonnes per annum

Any waste movements exceeding the above levels are considered strategic when responding to Duty to Co-operate requests from other WPAs. It is accepted however that some WPAs operate with different thresholds and therefore what may not be a strategic movement for Hertfordshire, may be for another WPA (and vice versa). As a result, Hertfordshire contacts all WPAs, with movements of waste between themselves and Hertfordshire, regardless of the amount. When cooperating on these matters, WPAs will generally look to identify:

- whether the identified waste management movements between WPAs are correct
- if the sites identified as recipients of the waste flows are still operational within the authority area
- whether there is any reason for discontinuation of the waste movements in the future
- whether there are additional comments to be considered with regards to the authority area waste management movements.

As a strategic cross-boundary matter, the movement of wastes between WPAs is also a matter covered by the Statement of Common Ground (SoCG), to which some of the WPAs will be signatories. The current SoCG (July 2022) is the first draft and therefore contains no signatories yet, however the next iteration, intended to be published alongside the Proposed Submission Regulation 19 Minerals and Waste Local Plan, will show which WPAs have indicated agreement on these matters.

Cooperation with Mineral Planning Authorities

The Council cooperates with other Mineral Planning Authorities (MPAs) with links to the plan area through cross-boundary movements of minerals. As well as cooperating through the Aggregate Working Party, the council cooperates with other MPAs on an ongoing basis. In February 2022 the council sent out letters to all MPAs who observe movements of mineral either to or from Hertfordshire, based on the 2019 National Aggregate Monitoring Survey.

² These include Construction, Demolition and Excavation Wastes

The council sought to establish if there were any reasons why the movement of these minerals may cease in the future and to clarify the data from the survey. This is especially important for movements of crushed rock, of which Hertfordshire has no domestic supply.

Statement of Common Ground

Under the National Planning Policy Framework (NPPF), Minerals and Waste Planning Authorities are required to prepare a Statement of Common Ground (SoCG) alongside the preparation of their Local Plans. The NPPF states that for Local Plans to be found 'sound' they must be "*deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground*".

Additionally, SoCGs should be prepared in accordance with the approach set out in Planning Practice Guidance (PPG), which defines a Statement of Common Ground as:

"...a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It documents where effective co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries..."

In July 2022 the Council published its Minerals and Waste Local Plan Draft Plan³. Alongside this document, the Council published its first Draft SoCG. The document seeks agreement from the relevant signatories on one or more of the six matters identified below:

- Matter 1: The Provision of Minerals
- Matter 2: Safeguarding of Minerals
- Matter 3: Safeguarding Mineral and Waste Infrastructure
- Matter 4: Meeting Waste Management Needs
- Matter 5: Net Self-Sufficiency
- Matter 6: Implementing the Waste Hierarchy

A full list of the signatories to these matters can be found in the Statement of Common Ground (July 2022)⁴. The SoCG will be updated and republished as the Plan progresses, showing which signatories have agreed to which matters.

³ under regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

⁴ As this is the first draft of the SoCG, the published document (July 2022) has not yet need signed

Other Areas of Cooperation

The Council is also involved in a range of other areas of cooperation with different groups and stakeholders. Some of this may be regular, relating to specific projects, and some more ad-hoc.

For example, for a number of years, the Council has been part of a waste sub-working group connected with the expansion plans at Luton airport. The group has met on several occasions and discusses matters concerning projected waste arisings both from increased passenger numbers and from construction work, including landfill remediation work.

Other areas of involvement include responding to statutory Local Plan and Neighbourhood Plan consultations, and commenting on District and Borough planning applications and applications for development in adjoining authority areas.

Draft Plan

This Statement has been published alongside the Minerals and Waste Local Plan Draft Plan, which is being consulted on over a 10 week period from July 2022. Over 3,000 individuals and organisations have been written to directly informing them of the consultation and seeking their views.

As stated earlier, the Draft Plan is the culmination of work already undertaken through the preparation of the now withdrawn Minerals Local Plan, Waste Local Plan and waste Facilities Design Guide Supplementary Planning Document (SPD). The Minerals Local Plan had reached Regulation 19 stage, and the Waste Local Plan had been consulted on under Regulation 18.

Both the previous Plans therefore had undergone extensive consultation through the statutory consultation processes, as well extensive cooperation through the other areas of cooperation as outlined in this Statement. The Draft Plan is supported by a series of Policy Evidence Reports (one for each Policy), which outline the main issues which were raised against each policy through the recent consultations on the withdrawn Plans, along with the council's response to each of those issues.

Following the Regulation 18 consultation on the Draft Plan, these Policy Evidence Reports will be updated to show what issues have been raised through consultation and how the council will address those issues.

Conclusion

Hertfordshire County Council, through the preparation of the Minerals and Waste Local Plan, and through the preparation of the prior emerging separate Minerals Local Plan and Waste Local Plan (which have formed the foundation of the Plan), has and continues to engage constructively, actively and on an ongoing basis with many stakeholders on matters of shared concern, both within the county, and those of a cross-boundary nature. This Statement will be updated as the Minerals and Waste Local Plan progress.