

Policy Evidence Report Vision and Objectives

**Hertfordshire Minerals and Waste
Local Plan 2040**

Hertfordshire County Council



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

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1. Introduction

- 1.1. Hertfordshire County Council is reviewing its adopted Minerals Local Plan, Waste Local Plan and supporting documents. These comprise the following documents (with adoption date):
- Minerals Local Plan Review (March 2007)
 - Minerals Consultation Areas SPD (November 2007)
 - Waste Core Strategy and Development Management Policies DPD (November 2012)
 - Waste Site Allocations DPD (July 2014)
 - Employment Land Areas of Search SPD (November 2015)
- 1.2. The documents listed above are to be replaced by a single Minerals and Waste Local Plan (MWLP) covering the period to 2040. The new MWLP will set the overall spatial framework and development management policies for sustainable minerals and waste management development in Hertfordshire.
- 1.3. This Policy Evidence Report provides a context and justification for the creation of the Vision and Objectives in the emerging Minerals and Waste Local Plan. It also contains a reasoning for the changes made to the section between the Draft Plan publication and the Proposed Submission Plan publication.

2. National Policy Context

- 2.1. The National Planning Policy Framework (NPPF 2023) and national Planning Practice Guidance (PPG) provide the basis of national planning policy.
- 2.2. The following points within the NPPF relate to the Vision and Objectives:
- Paragraph 158 states that *'plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure'*.
 - Paragraph 159 states that *'new development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green*

infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards'.

- Paragraph 180 explains that *'planning policies and decisions should contribute to and enhance the natural and local environment by:*
 - *a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
 - *b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
 - *c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
 - *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;*
 - *e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
 - *f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate'.*
- Paragraph 196 states that *'plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats ... '.*
- Paragraph 215 states that *'it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation'.*
- Paragraph 216 states that *'planning policies should ...*
 - *b) so far as practicable, 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;*
 - *c) safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this*

should be avoided (whilst not creating a presumption that the resources defined will be worked);

- *d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;*
- *e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;*
- *f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality ... '.*
- Paragraph 217 states that *'in considering proposals for mineral extraction, minerals planning authorities should ...*
 - *b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality ...*
 - *e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions ... '.*
- Paragraph 219 explains that *'minerals planning authorities should plan for a steady and adequate supply of aggregates by: a) preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources) ... '.*

2.3. PPG includes a number of relevant sections:

- *'... Mineral planning authorities should include appropriate policies in their minerals local plan, where appropriate, to ensure that the cumulative impact of a proposed mineral development on the community and the environment will be acceptable. The cumulative impact of mineral development is also capable of being a material consideration when determining individual planning applications'.*

Minerals Paragraph: 017 Reference ID: 27-017-20140306

- *'The most appropriate form of site restoration to facilitate different potential after uses should be addressed in both local minerals plans, which should include policies to ensure worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place, and on a site-by-site basis following discussions between the minerals operator and the mineral planning authority'.*

Minerals Paragraph: 037 Reference ID: 27-037-20140306

- *‘Waste and mineral planning authorities need to take account of flood risk when allocating land for development. They should prepare their plan policies with regard to any available Strategic Flood Risk Assessments. The location of Mineral Safeguarding Areas and site allocations, in particular in relation to sand and gravel workings which are often located in functional floodplains, need to be identified. It is possible to explore benefits, such as restoring mineral working located in flood risk areas to increase flood water storage, which can also enhance the natural environment. Partnership working on joint Strategic Flood Risk Assessments offers the best opportunity to identify and realise these opportunities’.*

Flood Risk and Coastal Change Paragraph: 008 Reference ID: 7-008-20140306

- *‘Plan-making may need to consider:*
 - *how to help protect and enhance local surface water and groundwater in ways that allow new development to proceed and avoids costly assessment at the planning application stage. For example, can the plan steer potentially polluting development away from the most sensitive areas, particularly those in the vicinity of drinking water supplies (designated source protection zones or near surface water drinking water abstractions)*
 - *where an assessment of the potential impacts on water bodies and protected areas under the Water Environment Regulations 2017 may be required, consider the type or location of new development*
 - *whether measures to improve water quality, for example sustainable drainage schemes, can be used to address impacts on water quality in addition to mitigating flood risk’.*

Water Supply, Wastewater and Water Quality Paragraph: 006 Reference ID: 34-006-20161116

- *‘Plan-making may need to consider:*
 - *the sufficiency and capacity of wastewater infrastructure*
 - *the circumstances where wastewater from new development would not be expected to drain to a public sewer*
 - *the capacity of the environment to receive effluent from development in different parts of a strategic policy-making authority’s area without preventing relevant statutory objectives being met’.*

Water Supply, Wastewater and Water Quality Paragraph: 007 Reference ID: 34-007-20140306

2.4. The National Planning Policy for Waste (NPPW) also includes several relevant points:

- Paragraph 3 states that *‘waste planning authorities should prepare Local Plans which identify sufficient opportunities to meet the identified needs of their area for the management of waste streams. In preparing Local Plans, waste planning authorities should: ... drive waste management up the waste hierarchy ...*

recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal ...’.

- Paragraph 5 explains that *‘waste planning authorities should assess the suitability of sites and/or areas for new or enhanced waste management facilities against each of the following criteria: ...*
 - *the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport; and*
 - *the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential*’.
- Paragraph 8 states that *‘when determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that: the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities; ...*’.

3. Local Context

- 3.1. Each year the County Council produces the Local Aggregates Assessment (LAA). This document sets out the current level of aggregate supply and demand for Hertfordshire and calculates the current landbank of sand and gravel. The LAA is a key document in informing the allocation of sites and the need for additional mineral resources over the plan period.
- 3.2. The County Council is also responsible for producing a Local Transport Plan (LTP). The LTP4 includes Policy 5: Development Management which states that *‘the county council will to work with development promoters and the district and borough councils to: a) Ensure the location and design of proposals reflect the LTP Transport User Hierarchy and encourage movement by sustainable transport modes and reduced travel demand ...*’.
- 3.3. In 2020 the County Council produced a Sustainable Hertfordshire Strategy (updated March 2023) which details the Council’s goals in Leading, Enabling and Inspiring not only its own operations but the operations of the businesses and residents within the county. In particular, to enable and inspire a more sustainable county, the following ambitions are set out:

- Net zero greenhouse gas county before 2050
- Our communities are ready for future climates
- Enhance nature across Hertfordshire's land and water by 20% by 2050
- Cleaner air for all by 2030
- Increase resource efficiency in the County by 2050

4. Minerals & Waste Local Plan Policy

4.1. The Draft Minerals and Waste Local Plan was published for a Regulation 18 public consultation from 22 July to 31 October 2022. During the consultation period, members of the public, industry and other bodies were invited to comment on the policies within the Plan. This report shows the draft section as published within the Draft Plan document, along with the main issues raised and the council's response to them.

Minerals and Waste Local Plan Draft Plan 2022

4.2. The Regulation 18 Draft Plan document included the following Vision and Objectives:

Vision

Throughout the plan period to 2040, Hertfordshire will continue to provide a steady and adequate supply of minerals to meet identified needs and to support local economic growth. The supply of naturally occurring minerals will be conserved through the use of safeguarding, by promoting the use of secondary and recycled aggregates, and by encouraging the prior extraction of mineral before other forms of development.

Minerals development will adopt a high quality, restoration-led approach, with sites being restored at the earliest opportunity, conserving and enhancing the character and quality of Hertfordshire's landscapes and environments.

The existing network of waste management facilities will be safeguarded, and new facilities will be supported using a flexible approach to meet waste management needs, driving waste up the waste hierarchy, embracing new technologies that reduce carbon emissions, and aiming towards achieving net waste self-sufficiency.

Developments will be designed to mitigate the effects of and on climate change, with a focus on promoting waste reduction, reuse, and the recycling of materials, thereby minimising the need for disposal as part of a more circular approach to materials use.

Sustainable options for the transportation of minerals and waste will be safeguarded and encouraged. Development will seek to protect human health and amenity, protect and

enhance wildlife habitats through biodiversity gain, preserve agricultural land, and conserve and enhance the natural, built and historic environments, whilst balancing minerals and waste management needs.

Objectives

1. Ensure a steady and adequate supply of minerals to meet demand and protect mineral resources and infrastructure
2. Encourage the appropriate location of and safeguard waste management facilities, including wastewater
3. Encourage the sustainable use of materials, including the use of secondary and recycled aggregates, and the prior extraction of mineral before other development takes place
4. Promote and encourage sustainable waste management facilities and practices
5. Ensure that mineral and waste management development addresses and minimises the impacts of and contributions towards climate change through appropriate mitigation and built-in resilience measures
6. Encourage the greater use of sustainable transport for the movement of minerals and waste, e.g. by road, rail and water
7. Protect and positively contribute towards human health and wellbeing
8. Protect and enhance the natural, built and historic environment
9. Protect against flooding and safeguard water quality and quantity
10. Recognise the importance of the minerals and waste sector in the local and wider economy as a generator of employment and its provision of infrastructure which supports businesses and communities

4.3. During the Regulation 18 consultation, 14 representations were made in relation to this section. The main points of these are summarised below:

- a) Objection to the ranking of Objectives. Sustainability and the welfare of Herts residents should be ranked higher than ensuring a steady supply of gravel.
- b) The Environment Act 2021 is likely to be more integral to planning in the future. It may be worth considering biodiversity net gain in your "objectives" (in the same way you have considered climate change)

- c) It is necessary to include 'achieving net self-sufficiency in meeting waste needs' within the Vision
- d) A commitment to net zero carbon should be added to the Vision
- e) Protection of the Chilterns Area of Outstanding Natural Beauty (AONB) and the Green Belt should be added to the Objectives
- f) Suggested text in bold: Throughout the plan period to 2040, **the Council will maintain through a plan-led, collaborative approach the principles of Sustainable Development.** Hertfordshire will continue to provide a steady and adequate supply of minerals to meet identified needs **to provide infrastructure, building and goods and to support sustained** local economic growth **having regard to the Local Aggregate Assessment and any appropriate regional working party guidance.** The supply of naturally occurring minerals will be conserved through the use of **appropriate** safeguarding **policies to protect known mineral resources from in appropriate development and land uses,** by promoting the use of secondary and recycled aggregates, and by encouraging the prior extraction of mineral before other forms of development. **Sustainable mineral and mineral-related development will be approved without delay when in accordance with this Plan.**
- g) A second paragraph is proposed to be included within the Vision: **"Hertfordshire will continue to be a major producer and will seek to utilise the indigenous production capacity of the county within the County itself, with continued delivery of minerals and waste sites to meet the needs of the County. A steady and adequate supply of sand and gravel will be provided, and Plan provision will also be made for chalk and brick clay"**.
- h) The 5th paragraph of the Vision needs to recognise the safeguarding of existing sites, to ensure consistency with Paragraph 216 c) of the NPPF, 2023
- i) The opening objective should be a positively worded objective on Sustainable Development. Suggested wording as follows: **"To meet the principles of Sustainable Development set out in Section 2 of the NPPF taking into consideration the presumption in favour of sustainable schemes that deliver minerals and waste solutions, whilst protecting quality of life of residents and occupiers, and also protecting the natural, built and historic environment"**
- j) Objective 6 proposed to be amended. Suggested text in bold: "Encourage the greater use of sustainable transport for the movement of minerals and waste, e.g. by road, rail and water **and where this is not possible seek to deliver sites which have close proximity to the primary road network"**.
- k) The lack of a climate change Objective seems to conflict with the strength of the wording in Section 4 of the plan.
- l) The delivery of biodiversity net gains and for those habitats to be functioning as intended and with longevity should be incorporated into the Vision. Suggested wording: 'Minerals development will adopt a high quality, restoration-led approach, with sites being restored at the earliest opportunity, conserving and enhancing the character, **biodiversity and ecosystem function** and quality of Hertfordshire's landscapes and environments.'

- m) The wording 'Seek to' within the Vision is weak and should be improved to tighten goals
- n) Objective 1 needs additional wording to ensure it properly complies with the NPPF to protect "known" mineral resources and infrastructure
- o) The vision the council had set out is now outdated. Due to the Covid pandemic and the economic crisis the country is now facing, which will no doubt have a negative effect on the proposed local economic growth on which the council based its original vision.
- p) The Vision claims it will "protect human health and amenity, protect and enhance wildlife habitats through biodiversity gain, preserve agricultural land and conserve and enhance the natural, built historical environments". This will not be possible by digging up and extracting minerals from the ground.
- q) The current Vision seeks to "*protect human health and amenity, protect and enhance wildlife habitats through biodiversity gain, preserve agricultural land, and conserve and enhance the natural, built and historic environments, whilst balancing minerals and waste management needs*". The intention is supported but it is noted that the Government have mandated that new development should result in net biodiversity gain. It is considered that this should be brought out within the Vision and/or the Strategic Objectives, as well as relevant policy.
- r) It is considered that Objective 1 would benefit from being re-drafted to mirror the drafting of Objective 2 so that it is specifically stated that mineral resources and infrastructure will be safeguarded. It is further questioned whether there is meant to be any distinction between Objectives where matters will be 'ensured' and 'encouraged'
- s) It is suggested that Objective 9 is changed to: 'Protect and enhance the quality and functioning of watercourses and their buffer zones'.

4.4. The council's response to the main issues is as follows:

- a) The Objectives are not ranked in any particular order.
- b) The objectives are overarching and cover broad themes. The Environment Act sets a legal requirement for a 10% minimum net gain in biodiversity, therefore no need to set this as an objective.
- c) The vision aimed 'towards' achieving net self-sufficiency, recognising that whilst the county does have an overall surplus in waste management capacity, for some waste streams there is a shortfall which is unlikely to be filled. It is accepted however that the approach taken in the East of England by other Waste Planning Authorities, is to '*plan for the management of an amount of waste which is equivalent to the amount arising in that Waste Local Plan area*'. As the Council is a net importer of waste therefore, it meets this definition, and so the Vision will be amended accordingly.
- d) The Plan seeks to align with the Sustainable Hertfordshire Strategy which seeks for Hertfordshire to be a net zero greenhouse gas county by 2050. Other policies

in the Plan, e.g. Policy 1: Climate Change, further help towards achieving the goal of net zero.

- e) Objective 8 seeks to protect and enhance the natural environment. It is not practical to list all areas where specific protections should be sought. Policy 16: Landscape and Green Infrastructure contains specific provisions for the Chilterns AONB.
- f) Some of the suggested wording changes have been accepted by the Council and the vision will be amended accordingly.
- g) It is not necessary to include this additional wording to the vision. Hertfordshire's production will be based on a proportionate and regularly updated evidence base (though the Local Aggregates Assessment) using national guidelines on aggregate provision. The vision refers to supply of minerals, which would include chalk and brick clay. No change therefore required.
- h) It is accepted that existing minerals sites and other infrastructure need safeguarding (and indeed are safeguarded through policies in the Plan), therefore reference to this in the vision is appropriate, and amendments will be made accordingly.
- i) The objectives taken as a whole support the NPPF principles of sustainable development, no change therefore is required.
- j) Comments noted, however this is specifically covered under Policy 24: Transport. It is not necessary to add this to the Objective, which is intended to be overarching.
- k) This is covered under Objective 5 and in the vision.
- l) This is already covered within the vision.
- m) Changing the phrase 'seek to' to an imperative would not recognise the fact that some forms of development may have some adverse impacts on wildlife, amenity etc. (even if temporary in nature), therefore it is felt that the current wording is appropriate.
- n) Point noted and change will be applied.
- o) Comments noted however no change is proposed to the vision
- p) The negative impacts of minerals development (often temporary in nature) are outweighed by the positive impacts, through site restoration, biodiversity gain, and providing the essential materials the economy needs.
- q) The Council agrees, and reference to biodiversity gain will be removed from the relevant sections of the Plan
- r) The Council agrees with the comment and the necessary change will be made to Objective 1
- s) The objective is not only concerned with watercourses, therefore no change required to the Objective

5. Conclusion

- 5.1. This Policy Evidence Report demonstrates the justification for the inclusion of this section in the emerging Minerals and Waste Local Plan Proposed Submission Plan. It summarises the national policy context and local context, along with the main issues raised through previous consultation and how the council has addressed those issues.
- 5.2. Any representations received on this section at the Regulation 19 consultation stage will be submitted alongside the Local Plan to the Secretary of State as part of the examination process.
- 5.3. This Policy Evidence Report was written to support the Proposed Submission Plan (Regulation 19) consultation. This report forms part of the Regulation 22 statement, as set out by the Town and Country Planning (Local Planning) (England) Regulations 2012.