

Policy Evidence Report

Policy 3: Meeting Waste Management Needs

**Hertfordshire Minerals and Waste
Local Plan 2040**

Hertfordshire County Council



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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 sets 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 Policy 3: Meeting Waste Management Needs in the emerging Minerals and Waste Local Plan. It also contains a reasoning for the changes made to the policy between the Draft Plan publication and the Proposed Submission Plan publication.

2. National Policy Context

2.1. The National Planning Policy Framework (NPPF 2021) and National Planning Practice Guidance (PPG) provide the basis of national planning policy, along with the National Planning Policy for Waste (October 2014).

2.2. The NPPF says little about planning for waste, as this is predominantly covered by the NPPW, however there are two paragraphs of relevance:

- Paragraph 4 states that '*The [National Planning Policy] Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste*'.
- Paragraph 20 also states that '*Strategic Policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for... infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)*'.

2.3. The PPG contains its own section dedicated to waste, from which the following is relevant:

- *‘Waste Planning Authorities play a role in implementing the following Articles of the EU Waste Framework Directive (2008/98/EC) in England:*
 - *Article 4: Waste Hierarchy*
 - *Article 13: Protection of human health and the environment*
 - *Article 16: Principles of proximity and self-sufficiency*
 - *Article 28: Waste Management Plans*
 - *Article 34: Periodic Inspections’*

(Paragraph: 004 Reference ID: 28-004-20141016)

Although the NPPG states the above, the UK has now left the European Union. These articles were transposed into UK legislation and also appear in the Waste (England and Wales) Regulations 2011 as outlined below.
- *‘Waste Planning Authorities are also obligated to have regard to the principles of Self-Sufficiency and proximity (‘the proximity principle’) when exercising planning functions’ (Paragraph: 006 Reference ID: 28-006-20141016).*
- *The PPG states what local plans should deliver: ‘The Local Plan relating to waste should identify sufficient opportunities to meet the identified needs of an area for the management of waste, aiming to drive waste management up the Waste Hierarchy. It should ensure that suitable sites and areas for the provision of waste management facilities are identified in appropriate locations.’ (Paragraph: 011 Reference ID: 28-011-20141016)*
- *‘Opportunities for land to be utilised for waste management should be built into the preparatory work for Local Plans, to the level appropriate to the local planning authorities planning responsibilities. For example:*
 - *suitable previously-developed land, including industrial land, provides opportunities for new waste facilities and priority should be given to reuse of these sites. It is important for waste to be considered alongside other land uses when looking at development opportunities*
 - *as reviews of employment land are undertaken, it is important to build in the needs of waste management before releasing land for other development or when considering areas where major regeneration is proposed*
 - *the integration of local waste management opportunities in new development should be integral to promoting good urban design*
 - *facilitating the co-location of waste sites with end users of waste outputs such as users of fuel, low carbon energy/heat, recyclates and soils.’*

(Paragraph: 018 Reference ID: 28-018-20141016)

2.4. In addition to the waste requirements set out in the NPPF and PPG, the National Planning Policy for Waste 2014 (NPPW) is of particular relevance to this policy. The following points are highlighted:

- Paragraph 3 – *‘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.'

- Paragraph 4 – *'Waste planning authorities should identify, in their Local Plans, sites and/or areas for new or enhanced waste management facilities in appropriate locations. In preparing their plans, waste planning authorities should:*
 - *identify the broad type or types of waste management facility that would be appropriately located on the allocated site or in the allocated area in line with the waste hierarchy, taking care to avoid stifling innovation (Appendix A);*
 - *plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant;*
 - *consider opportunities for on-site management of waste where it arises;*
 - *consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities. Where a low carbon energy recovery facility is considered as an appropriate type of development, waste planning authorities should consider the suitable siting of such facilities to enable the utilisation of the heat produced as an energy source in close proximity to suitable potential heat customers;*
 - *give priority to the re-use of previously-developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages.'*
- Paragraph 5 – *'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 extent to which the site or area will support the other policies set out in this document;*
 - *physical and environmental constraints on development, including existing and proposed neighbouring land uses, and having regard to the factors in Appendix B to the appropriate level of detail needed to prepare the Local Plan;*
 - *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.'*

- 2.5. As mentioned above, the EU Waste Framework Directive was transposed into UK law under the Waste (England and Wales) Regulations 2011. Schedule 2 part 1 of the Regulations (6d) states that a local plan must include '*sufficient information on the location criteria for site identification and on the capacity of future disposal or major recovery installations, if necessary*'.
- 2.6. The Our Waste, Our Resources: A Strategy for England was produced in 2018. The strategy primarily discusses the need to make more sustainable use of our resources and how this can be achieved using various case studies. The strategy states that '*we cannot increase resource efficiency without the right waste infrastructure.*'
- 2.7. The Waste Management Plan 2021 aims to fulfil the requirements of the Waste (England and Wales) Regulations 2011. The document states that '*the network must enable waste to be disposed of, or be recovered, in one of the nearest appropriate installations*'. It also states that '*the network shall be designed in such a way as to enable a movement towards the aim of self-sufficiency in waste disposal and the recovery of waste.*'

3. Local Context

- 3.1. Hertfordshire County Council has produced a Waste Needs Assessment as part of the evidence base for the emerging MWLP. The assessment quantifies the need for additional waste management capacity in the county and will help to justify the allocation or exclusion of potential waste sites/areas of search and shape policies in the plan. The assessment is available on the website at hertfordshire.gov.uk/mwlp.
- 3.2. The County Council, as Waste Disposal Authority, has also produced a Local Authority Collected Waste Spatial Strategy (LACWSS) (May 2021). The document highlights the need for new and improved waste management facilities in the county to sustainably manage the growing quantity of waste being produced. The report also states which waste streams need further provision and the preferences of the authority as to how this might be carried out. This document is also available to view on the county council's website.

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 policy 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 Policy 3: Meeting Waste Management Needs. The policy read as follows:

Policy 3: Meeting Waste Management Needs

Development proposals which would increase waste management capacity will be supported in principle where they meet an identified need* and where they seek to move the management of waste up the waste hierarchy. The table below sets out the current need according to waste management type:

		2020	2025	2030	2035	2040
Preparing for re-use and recycling	Materials recycling (LAC, C&I)	0.271	0.219	0.137	0.050	0.027
	Composting (LAC, C&I)	-0.005	-0.050	-0.079	-0.110	-0.120
	Inert recycling (CD&E)	-0.045	0.026	0.009	0.008	0.028
Other Recovery	Treatment & energy recovery (LAC, C&I)	0.111	-0.010	-0.036	0.001	-0.021
	Soil treatment (CD&E)	0.008	0.006	0.006	0.006	0.008
	Inert recovery (CD&E)	0.547	0.488	0.277	-0.638	-0.582
	Hazardous recovery & treatment	0.039	0.038	0.036	0.034	0.031
Disposal	Non-hazardous (LAC, C&I, CD&E)	-0.500	-0.280	-0.109	-0.097	-0.079
	Hazardous Incineration	-0.001	-0.001	-0.001	-0.001	-0.001
	Hazardous landfill	-0.004	-0.008	-0.009	-0.009	-0.010

Figures are in million tonnes (Mt) and are not cumulative. Negative figures denote an identified need. This table is updated annually in the Authority Monitoring Report.

Proposals for new waste management development (subject to the separate headings below) will be supported in principle only within the following locations:

- Waste Management Sites (WMS); or
- land allocated for employment[†] in the Development Plan; or
- existing employment land[†] within the development limits[‡] of the following settlements (or new major settlements):

Abbots Langley	Bushey	Hoddesdon	Stevenage
Baldock	Cheshunt	Letchworth	Tring
Berkhamsted	Harpenden	Potters Bar	Ware
Bishop's Stortford	Hatfield	Rickmansworth	Watford
Borehamwood	Hemel Hempstead	Royston	Welwyn Garden City
Broxbourne	Hertford	St Albans	Knebworth
Buntingford	Hitchin		

Where it can be clearly demonstrated, through proportionate evidence, that the above locations are not available or suitable, then proposals may be acceptable outside but

adjacent to the development limits of the above settlements. Such proposals must accord with other policies in this Plan, and preference should be given to derelict or previously developed land where available.

In all cases, development proposals must clearly demonstrate how they have addressed the locational criteria contained within Appendix 2: Waste Facilities Location and Design Guidance.

Certain types of waste management development may not be suitable in the locations identified above. The following list identifies additional requirements and/or restrictions for specific waste management methods:

Anaerobic Digestion:

Owing to the differing nature and scale of anaerobic digestion facilities, including their feedstocks and outputs, the locational suitability of such proposals will be determined on a case-by-case basis.

Composting:

Proposals for open air composting will not be supported in the locations identified above, unless if for a) the site is in a rural location. Other rural locations may be supported in principle.

Hazardous Waste Management:

Proposals for new hazardous waste management facilities, either treatment or disposal, will not be supported, unless it can be clearly demonstrated, through an assessment of need, that the facility is required to meet wider growth proposals, and in the case of treatment, will move waste up the waste hierarchy.

Inert Landfill:

Proposals for the deposit of inert waste to land in areas other than MDS or MAS, will only be supported where it can be clearly demonstrated that:

the proposals will not prejudice the current or future restoration of any MDS or MAS; or the proposals are required for engineering works and would substitute for the use of primary aggregates.

Inert Recycling:

Proposals for the recycling of inert wastes within Mineral Development Sites (MDS) or Mineral Allocation Sites (MAS), and which are temporary in nature, will be supported in principle, where they relate to the restoration of the site.

Non-Hazardous Landfill:

Proposals for the deposit of non-hazardous waste to land will not be supported.

Water Recycling:

Any development proposals relating to new or existing Water Recycling Centres will be considered under Policy 22: Water Recycling Sites.

*Need could be that which is identified in the latest Authority Monitoring Report, or through an appropriate needs assessment submitted in support of the application.

†Employment land means land classified as B2 or B8 in The Town and Country Planning (Use Classes) Order 1987 (as amended).

‡Development limits form the edge of a settlement and are defined on the Policies Map for the area. Where they are not defined, they will constitute the edge of the built form of the settlement.

4.3. During the Regulation 18 consultation, 37 representations were made in relation to this policy. The main issues of these are summarised below:

- a) The movement of waste across administrative boundaries will have implications for meeting net carbon zero targets. What is the data on the impact of transport movements on air quality and sustainable travel?
- b) Securing contracts to process waste outside of the county is not in line with the proximity principle.
- c) It is unclear how, in the absence of site allocations, the Waste Planning Authority will achieve waste self-sufficiency.
- d) Reference to co-location needs to be included.
- e) The area around Colney Heath, West Hatfield and Smallford has more waste sites, waste processing sites and landfill sites than any other area in Hertfordshire. The policy requires amending to protect communities from the harm resulting from excess waste and mineral sites within a small area.
- f) The Plan should acknowledge the incompatibility of the waste land use at Birchall Lane with the emerging development that will take place around it. The Plan should be amended to make positive provision for the relocation of Birchall Lane to a comparable site(s). This could be achieved through the identification of an allocated site or adaptation of key policies to broaden the scope for bringing forward a planning application on well-located unallocated land outside of a settlement boundary. Also, the Mineral Development Site designation on Birchall Lane should be removed to reduce the degree of conflict with the Development Plan.
- g) The policy fails to acknowledge that there will be significant growth coming forward in the Gilston Area (10,000 new homes) and does not identify the potential for waste facilities to be in the Gilston Area.
- h) It is not clear from the wording of draft Policy 3 what the sequential preference for new waste management development is. Suggested amendment to draft Policy 3 as follows: *“Proposals for new waste management development (subject to the separate headings below) will be supported in principle only within the following locations, in sequential order of preference...”*

- i) The Plan should reference the Spatial Strategy (LACWSS) for Waste or include the outcomes of the waste strategy within the new Plan to provide a clear picture of existing facilities/ existing need against projected need and measures on how to meet future demand through expanding sites or buildings new sites.
- j) Within Policy 3, it would be helpful to understand if there are areas within the County that have deficits and whether HCC is intending to expand existing waste sites or deliver new waste sites to manage the anticipated growth. North Herts District Council have had conversations with the council about including a new waste site on BA11 and this should be included within Policy 3 as a way of demonstrating how the council is going to resolve the waste facility deficits.
- k) Consideration to a joint facility that could serve Gilston Garden Town residents of Hertfordshire and Essex should be explored.
- l) As currently worded this policy could be interpreted to prevent the movement of waste up the waste hierarchy and provide an effective cap on the waste management capacity to be provided, which in turn, runs contrary to ensuring net self-sufficiency. This specific issue arises owing to a lack of definition of the term 'need', and as such is open to interpretation. It is suggested that the Council may wish to consider the wording of the policy to ensure that sufficient capacity is provided to achieve net self-sufficiency, whilst also moving waste up the waste hierarchy. The Council will also wish consider paragraph 7 of National Planning Policy for Waste (bullet point 1), which states that waste planning authorities should only expect applicants to demonstrate quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan etc.. Policy 3, as written, turns this into a circular requirement, where the applicant must demonstrate need to be in compliance with the Plan. Text similar to "developments that provide additional capacity identified in the table below and as updated through the Council's monitoring reports etc. will be supported" may be more appropriate.
- m) Under the heading of Inert Landfill the policy is ambiguous in cases of the disposal and/or deposit of waste within MDS or MAS. In a scenario where a quarry or minerals allocation is not taken forward, this policy would, beyond the topic of moving waste up the waste hierarchy, be silent on the topic of landfill or land-raising operations. Additional text or alterations to the text to cater for that scenario may be appropriate. A footnote or supporting text directing the reader to the requirements of Policy 13 (Restoration, Aftercare and After-use), may also be helpful in deterring creative proposals that change the nature of a restoration proposal into a disposal operation.
- n) As identified in the table in Policy 3, there is an identified need for inert waste disposal in the later period of the Plan. In the Waste Needs Assessment, it is stated that this need can be accommodated through minerals restoration, but this is not articulated in the Plan. To demonstrate net self-sufficiency, this will need to be demonstrated within the Plan itself.
- o) It is assumed that any existing capacity for use of inert material at existing minerals sites was accounted for in the Waste needs Assessment (2022), and

therefore any additional capacity will need to be provided at the identified MAS sites. In providing this capacity there is tension between criterion g) of Policy 13: Restoration, Aftercare and After-use which requires minimum necessary of inert material to be used in restoration, and Policy 3: Meeting Waste Management Needs, which does not actively support the disposal of inert material and seeks to be restrictive outside of Minerals Development Site (MDS) and Minerals Allocation Site (MAS), and requires additional capacity provided by those sites.

- p) There is no reference to any provision for low level radioactive waste (LLW) within the Draft Minerals and Waste Local Plan or the Waste Needs Assessment. There should not be a default position of exporting these wastes to existing facilities in West Cumbria, such as the Low-Level Waste Repository (LLWR) at Drigg. It would be helpful to understand the level of LLW arisings that Hertfordshire anticipates needing to plan for and what management facilities they are relying on to accommodate this. Is material currently sent to the LLWR in Cumbria or elsewhere?
- q) It is proposed that it may be beneficial to add an additional criteria where new waste management development will be supported in principle, suggested as follows: - *where it is demonstrated that there is a need for waste management capacity that cannot be fulfilled under criteria a), b) and c) above, proposals to establish new waste management development on under developed and/or derelict land will be supported in principle, subject to compliance with the remainder of the Plan.*
- r) Reword the Anaerobic Digestion, Composting and Inert Landfill sections to limit the number of anaerobic digestion and composting units and landfill sites in any one area.
- s) The table included in the policy excludes reference to inert waste disposal. This is a major part of the waste needs for the county and should be included rather than masked within the “Other Recovery” section. Equally, within this policy the section on “Inert Landfill” should also refer to other permanent deposit of waste on land such as recovery.
- t) The Plan will not deliver sufficient waste management capacity to manage the tonnage of non-hazardous waste Hertfordshire produces. There is a clear need for Hertfordshire to increase its capacity to dispose of and/or recover its non-hazardous waste once existing contracts expire. There will always be a need to recover and/or dispose of a proportion of waste generated in Hertfordshire. This should be recognised in the policy.
- u) It is not clear if the policy expects the capacity of existing waste facilities outside the Plan area, (with which long term contracts with HCC have been agreed) to be included when identifying a need. The capacity from facilities outside the Plan area should not be included when calculating need.
- v) It is not clear why the table has been included in policy 3 and whether it includes the capacity available from sites outside the Plan area.
- w) Policy 3 is too extensive, and the individual elements should be separated out into different policies that are more specifically linked to (a) capacity for waste

management development and (b) locations and sites for waste management with specific policies for the different waste streams such as (i) construction, demolition and excavation waste development (ii) liquid waste and wastewater management etc.

- x) The Plan needs to include a policy entitled 'locations and sites for waste management' and that this would be the key policy for setting out how the waste planning authority would achieve its proposed spatial strategy.
- y) Policy 3 recognises the potential for allocated or existing employment land to be fitting locations for some waste operations. However, this is unlikely to secure many waste sites as the employment land will have been allocated to meet the district councils identified employment needs and these locations will also likely be targeted by housing developers, especially given the emphasis placed on the use of previously developed land for residential purposes.
- z) The spatial strategy proposed does not make sufficient provision for or identify sufficient opportunities for waste sites. Option 2 (as set out in section 5 of the Policy Evidence Report Policy 3: Meeting Waste Management Needs) should be the preferred approach as it would provide some certainty around providing new waste management sites in sustainable locations whilst also providing some flexibility for locations to come forward that meet the defined locational requirements.
- aa) In conjunction with allocating sites, to achieve the full requirements of the NPPW a broader range of possible locations should be identified to build upon the three set out in a) to c) of Policy 3.
- bb) The sites put forward in response to the Call for Sites were dismissed due to issues around deliverability. This conclusion is inaccurate. If the issue surrounding deliverability is reconsidered it could be likely that some of the previously allocated sites could be considered suitable for allocation.
- cc) Roehyde should be allocated within the Plan. Allocating the site would, once the relevant Local Plans are adopted, remove the site from the Green Belt but in the meantime its allocation would provide a recognised consideration meaning it would give potential waste operators more certainty regarding planning success.
- dd) Given the inaccuracies in the capacity for green waste composting identified in the June 2022 Waste Needs Assessment, it is considered likely that the future need for such facilities is a considerable under-estimate. These figures should be reviewed.
- ee) It would be far more useful for the Plan to identify specific locations considered suitable for green waste composting, one of which should be Blackbirds Farm.
- ff) Most of the Regional Park within Hertfordshire County is designated as Green Belt. Along its western boundary the Regional Park lies in close proximity to the urban areas of Broxbourne, Hoddesdon and Ware including a number of industrial sites and employment land; considered in the draft Plan as suitable areas for the location of waste facilities. Although outside the Regional Park and the Green Belt the development or expansion of waste facilities within these areas would have the potential to impact significantly on the openness, ecology

and general public enjoyment of the Park, given its proximity. This would need to be a consideration in the early stages of any waste proposal planning application and reference should be made to the proximity issue in justification text under Policy 3.

gg) The following text could be inserted into the supporting text for Policy 3 to state that recycled aggregate cannot always be used as a direct substitute for primary aggregate: *“Whilst the resultant material is typically lower grade, recycled inert material can still often act as a substitute for freshly excavated material.”*

hh) The policy states, “Proposals for the deposit of non-hazardous waste to land will not be supported”. It is questioned whether the plan makers believe this level of predetermination is appropriate.

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

- a) The Department for Business, Energy & Industrial Strategy (DBEIS) provides data on local and regional emissions (including emissions arising from transport). A useful summary of the emissions in Hertfordshire has been extracted from DBEIS data and included within the Sustainability Appraisal Scoping Report June 2022 (CD-03a Sustainability Appraisal Scoping Report (Jun 2022)), which was published as a supporting document alongside the Draft Minerals and Waste Local Plan July 2022. See Page 52 of the report.
- b) The Council, in its role as Waste Disposal Authority (WDA), has a statutory duty to ensure the appropriate disposal of the county’s Local Authority Collected Waste (LACW). The Council has tried to deliver an energy from waste facility within the county, with the purpose of treating the county’s residual LACW in-county. Both planning applications for the energy from waste facility were refused by the Secretary of State. The WDA has secured contracts for the management of the county’s residual Local Authority Collected Waste up to the year 2039. This approach ensures the continued management of the county’s residual LACW, via the most sustainable means available.
- c) It is accepted that for many Waste Planning Authorities, achieving self-sufficiency is not possible. Some waste streams require specialist facilities, for which it is not economically viable to have in every Waste Planning Authority area. The Council does however achieve overall net self-sufficiency, meaning that the total waste management capacity in the county across all waste streams exceeds the waste arisings.
- d) The Council accepts the suggestion to include specific reference to the benefits of co-location and will amend the policy and supporting text accordingly.
- e) This is covered by other policies in the Plan, such as those relating to health and wellbeing, protection and enhancement of amenity, cumulative impacts, and transport. In determining planning applications for waste or mineral development, all applicable policies of the Plan will be applied.

- f) The Policy provides sufficient flexibility to allow for the relocation of existing waste management facilities. The council also agrees to remove the Mineral Development Site designation from Birchall Lane.
- g) Whilst Gilston (or any other named planned development) is not explicitly referred to, the Policy does however support (in principle) the provision of new waste management development in such locations. It is for the Local Planning Authority (in this case East Hertfordshire District Council), to ensure appropriate waste provision is made at Gilston, as set out in the NPPW *'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that [...] new, non-waste development makes sufficient provision for waste management'*.
- h) The Policy does not set a sequential preference, and it is unclear why one would be set or what the justification for it would be. Policy 3 is intended as a flexible criteria-based policy which will support a range of different waste management facility types in the most appropriate locations.
- i) The LACWSS is prepared by the Waste Disposal Authority and relates to the management of Local Authority Collected Waste. The Minerals and Waste Local Plan is supported by a comprehensive Waste Needs Assessment which looks at overall need for all the different waste streams and establishes a policy framework within which planning applications for new waste management capacity can come forward. The Minerals and Waste Local Plan identifies, on the Policies Map, the network of Recycling Centres and Waste Transfer Stations in the county.
- j) The county's waste needs are not calculated in a way which would provide insight into deficits within focused areas of Hertfordshire, rather they are calculated for the county as a whole. The council's Waste Management Unit, as the Waste Disposal Authority, is responsible for ensuring appropriate management of the county's Local Authority Collected Waste (LACW). The LACWSS and supporting Annex highlights the deficits in the Recycling Centre network as well as planned improvements (such as expansions) and areas of the county in need of new Recycling Centre provision. The Waste Planning Authority is aware of the ongoing discussions concerning BA11. Criterion b) of Policy 3 supports in principle new waste management development within areas such as BA11. The council will add a reference to the LACWSS into the supporting text and include additional text to explain how the delivery of improvements to the Recycling Centre network is a separate process.
- k) The Plan has identified future waste management needs based on projected housing and other growth, and provides an appropriate policy framework for such facilities to come forward in the future to meet those needs. The Council as the Waste Disposal Authority will respond to location specific demand accordingly.
- l) The Council accepts this point and will update the definition of need in the policy for clarity and consistency with the NPPW.

- m) The Council accepts the potential ambiguity here and will amend the policy wording accordingly, to ensure that the deposit of inert waste to land within a MAS or MDS should only be as part of an approved restoration scheme.
- n) The supporting text will be amended to clarify this point.
- o) Policy 13 supports the use of inert material for restoration (and makes no mention of 'minimum' amounts). This does not conflict with Policy 3 which only restricts the use of inert material in areas 'other than' mineral extraction sites.
- p) The comments are noted. The latest data from the Environment Agency do not indicate any movements of waste between Hertfordshire and West Cumbria. Higher activity waste is not produced in Hertfordshire, and Low-Level Waste is dealt with through other waste streams, such as clinical wastes, at existing facilities. The supporting text will however be updated to address the matter.
- q) The policy provides for proposals to come forward on derelict or previously developed land, it is therefore felt that no change is required to the policy.
- r) The policy does not support new landfill capacity. Proposals for anaerobic digestion and/or composting facilities will be dealt with on a case by case basis taking account of all other policies in the Plan, e.g. those associated with landscape, amenity and human health.
- s) As set out in the Waste Needs Assessment, inert waste recovery includes the beneficial deposit of inert waste to land as part of mineral restoration. It is not felt that this waste stream is masked by inclusion within this category, as the deposit of inert waste to land as part of a mineral restoration scheme is classed as a recovery operation, rather than disposal. Any other proposal for the deposit of inert waste to land is covered by the policy.
- t) The Plan recognises the shortfall in capacity for the management of non-hazardous waste, this is covered in the supporting text. The policy provides a flexible framework to support new waste management facilities to deal with this waste stream. Taking account of existing facilities and existing contracts to deal with this waste stream (which run potentially up to 2039), it is not deemed appropriate to allocate specific sites for this.
- u) The Plan has not taken account of capacity outside of the county when calculating, hence the recognition in the policy of a shortfall in the area of non-hazardous waste management.
- v) It is felt that the table provides a useful snapshot of the waste capacity position in the county at the point of preparation/adoption of the Plan, whilst informing the reader/decision maker that the figures will be updated annually in the Authority Monitoring Report. It does not include capacity outside the plan area.
- w) Comments noted, however Plans should be succinct and it is felt that the policy achieves this. Splitting the policy out would unnecessarily create more policies in the Plan.
- x) The current policy achieves this.
- y) It is felt that the policy identifies a sufficient range and type of locations to accommodate new waste management facilities, whilst also recognising that for

many waste types there is no identified need for further capacity over the plan period.

- z) The Plan explains why the allocation of sites to meet waste management needs is not an appropriate approach, therefore Option 1 below remains the most appropriate policy option.
- aa) The NPPW requires Waste Planning Authorities to identify sites and/or areas, therefore the policy meets the requirements of the NPPW. It is unclear how a broader range of potential locations can be achieved without allocating sites (which is not justified). Consideration was had to including Use Class E(g) in the definition of employment land within the policy, however it was felt that conflicts may arise associated with the permitted development right to change from Class E to C3 residential.
- bb) The Spatial Strategy for Waste explains the call for sites process in detail and the justification for dismissing the suggested sites. The lack of identified waste management capacity need obviates the requirement to allocate sites.
- cc) The Plan does not allocate sites for future waste management, according with the an up-to-date assessment of need.
- dd) The Waste Needs Assessment has been updated and the capacity gaps for composting have reduced further. The Plan will of course be monitored annually, including composting capacity, providing any necessary trigger to address potential future concerns in this area.
- ee) Green waste composting may be suitable in a vast array of locations, and so the identification of specific sites is not necessary. The policy provides the framework to support new composting facilities in appropriate locations.
- ff) Comments noted. The Plan supports the location of waste management facilities 'in principle'. Proposals for waste management facilities in any location will need to be assessed against all other policies in the Plan, as well as those in the wider Development Plan. Lee Valley Regional Park is afforded a high level of protection under Policy 15 for example, given its SPA and RAMSAR status.
- gg) Similar wording will be added to the supporting text of Policy 3.
- hh) Hertfordshire's last non-hazardous landfill ceased accepting waste in 2020. To deal with the continued non-hazardous waste arisings for Hertfordshire, the Council tried to deliver an energy from waste facility, which would move the treatment of waste up the waste hierarchy and away from disposal. See response b) for more information. Given the secured contracts there will be no need for non-hazardous landfill.

5. Alternative Reasonable Options

- 5.1. The following reasonable alternative options have been considered (and fully assessed in the Sustainability Appraisal Report):

- Option 1 – A policy that supports proposals which would increase waste management capacity where gaps are identified and guides future waste management development towards the most appropriate locations in the county (preferred)
- Option 2 – A policy similar to Option 1, which also supports proposals for new waste management development on identified Allocated Sites
- Option 3- A policy with a similar approach to Option 1 but one which does not seek to steer waste management development to specific areas, allowing for more flexibility

6. Conclusion

- 6.1. This Policy Evidence Report demonstrates the justification for the inclusion of this policy 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.
- 6.2. Any representations received on this policy at the Regulation 19 consultation stage will be submitted alongside the Local Plan to the Secretary of State as part of the examination process.
- 6.3. 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.