

# Policy Evidence Report

## Policy 12: Landfill Excavation

**Hertfordshire Minerals and Waste  
Local Plan 2040**

**Hertfordshire County Council**



**For information about this document please contact:**

Minerals and Waste Planning Policy  
Spatial Planning Unit  
Hertfordshire County Council  
Tel: +(44) 01992 556227  
Email: MineralsandWaste@hertfordshire.gov.uk  
[hertfordshire.gov.uk/mwlp](http://hertfordshire.gov.uk/mwlp)

Spatial Planning Unit CHN216  
Hertfordshire County Council  
County Hall  
Hertford  
SG13 8DN

If you require assistance interpreting or translating this document, please contact 0300 123 4040.

# 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 12: Landfill Excavation 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 2023) and National Planning Practice Guidance (PPG) provide the basis of national planning policy. Given that this practice is still new and infrequent, there is little national policy on operating a landfill excavation operation. Being a waste development however, it must comply with the protection, conservation and mitigation measures outlined in national policy.
- 2.2. The PPG section on Waste states:
- *‘Local planning authorities can ensure that waste is handled in a manner which protects human health and the environment through ... ensuring land raising or landfill sites are restored to beneficial after-uses (eg agriculture, biodiversity, forestry, amenity) at the earliest opportunity and to high environmental standards.’*  
*Paragraph: 005 Reference ID: 28-005-20141016*
  - *‘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 ...’.*  
*Paragraph: 011 Reference ID: 28-011-20141016*

- 2.3. The National Planning Policy for Waste states that *'positive planning plays a pivotal role in delivering this country's waste ambitions through: - delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy ...'*.
- 2.4. The government's Resources and Waste Strategy - Our Waste, Our Resources: A Strategy for England (2018) has a strong focus on new and innovative technologies to manage our waste. The strategy states that: *'Landfilling has been a mainstay of waste management for over a century. Sites vary widely by age and waste composition. Waste already deposited in landfill will continue to pose a risk to the environment for many years. We commissioned a scoping study into ways we can deal with the issues legacy landfills create and will be undertaking research and analysis to support new approaches to landfill aftercare management. We are also working with industry, local authorities, and other partners, to provide clarity around surrender criteria, explore potential alternative sources of revenue, and optimise passive landfill management technologies.'*

### **3. Local Context**

- 3.1. More than 750 historic landfill sites are recorded in Hertfordshire by the Environment Agency and therefore there is opportunity for developments to come forward upon them. The landfill sites are in varying conditions with a range of materials disposed of within them; this could be inert, non-inert and hazardous wastes. Some of these historic landfill sites are now areas of new or proposed developments as a result of re-restoration works.
- 3.2. Landfill excavation can restore a site to a quality sufficient to develop upon and can provide valuable spaces for development in line with District or Borough Local Plans. The excavated material, providing it is inert and uncontaminated, can be sent to aggregate recycling facilities or reused on site.
- 3.3. There is no local policy regarding landfill excavation given that it is a practice not yet seen within Hertfordshire. However, the opportunities it presents and the growing potential for an operation to come forward have led to the inclusion of this policy within the Plan.

### **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 12: Landfill Excavation. The policy read as follows:

### **Policy 12: Landfill Excavation**

Development proposals for the excavation and re-restoration of historic landfill sites will only be permitted where it can be clearly demonstrated that:

- a) the lack of intervention poses unacceptable adverse risks to the natural, built or historic environment and/or human health; or
- b) excavation is required to enable a beneficial after-use (including built development) to take place on the site; or
- c) the material to be excavated is identified as a viable resource and its removal and processing would result in significant improvements to the environment.

Landfill excavation for any purpose must ensure that:

- d) excavated waste will be moved up the waste hierarchy (unless in order to meet a), this would pose similar risks);
- e) landfill gas utilisation has been maximised;
- f) effective leachate monitoring and where necessary, treatment, continues; and
- g) any significant ecological interest which may have developed on a previously restored site will be addressed through mitigation or compensation, as appropriate.

Proposals will be required to submit a feasibility assessment to establish the following: ground investigations, contamination, final destination of excavated waste, and the ongoing management of existing infrastructure associated with the landfill.

4.3. During the Regulation 18 consultation, 2 representations were made in relation to this policy. The main raised is summarised below:

- a) It is stated that the policy should include a further set of criteria to ensure that landfill extraction can be considered, in instances, together with material infilling and that the latter is not constrained if it is the best option alone. The criteria should support development proposals solely for the re-restoration of historic landfill sites:

- **‘re-restoration is required to provide recreational, commercial, ecological or agricultural enhancement to under developed or derelict land, and that such enhancements create a benefit that outweighs the harm of the proposals;**
- **that the amount of materials used to create such enhancement, is the minimum amount of material necessary, and is essential to the fulfilment of the proposal end use.’**

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

- a) The policy already supports the re-restoration of historic landfill for the suggested purposes (criterion b). Where infill may be required as part of such operations, other policies in the Plan cover this (namely Policy 13: Restoration, Aftercare and After-Use). No change therefore is required to the policy.

## 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 criteria-based policy to deal with proposals for landfill excavation and re-restoration (preferred)
- Option 2 – A more restrictive policy, which restricts landfill excavation to the purposes of safeguarding human health and the environment only
- Option 3 – A policy which is less restrictive, allowing for example the disposal of excavated waste into other landfill

## 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.