

# Policy Evidence Report

## Policy 14: Green Belt

**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 14: Green Belt 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.

2.2. The following points within the NPPF relate to Policy 14:

- Paragraph 143 states the five purposes of the Green Belt:  
*'a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'*
- Paragraph 145 states: *'Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period...'*

- Paragraph 146 states: *'Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development...'*
- Paragraph 150 explains that *'local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.'*
- Paragraph 152 states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'*
- Paragraph 155 explains that *'certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
  - a) mineral extraction;*
  - b) engineering operations;*
  - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
  - d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
  - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
  - f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.'*

2.3. The PPG contains a section specifically detailing the role of the Green Belt within the planning system:

- *'Where it has been demonstrated that it is necessary to release Green Belt land for development, strategic policy-making authorities should set out policies for compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land'*.

*Paragraph: 002 Reference ID: 64-002-20190722*

2.4. The National Planning Policy for Waste 2014 states:

- *'Paragraph 6 - Green Belts have special protection in respect to development. In preparing Local Plans, waste planning authorities, including by working collaboratively with other planning authorities, should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development. Local planning authorities should recognise the particular locational needs of some types of waste management facilities when preparing their Local Plan'*.

### 3. Local Context

- 3.1. Over half of the land area of Hertfordshire is designated as Metropolitan Green Belt and therefore, there is a need to preserve its openness.
- 3.2. In addition to the need to protect the Green Belt, there is also an opportunity to enhance its beneficial use, for example following the restoration of minerals sites. Mineral extraction proposals that are restoration-led can be used to enhance Hertfordshire's Green Belt. The county council will plan positively to enhance the beneficial use of the Green Belt through opportunities that provide access, outdoor sport, recreation, retain and enhance landscapes, visual amenity and biodiversity, and repair damaged and derelict land.
- 3.3. Minerals can only be worked where they are found, and this must be considered when determining mineral proposals within the Green Belt, noting that the winning and working of minerals is not inappropriate in the Green Belt.
- 3.4. As much of the county falls within the Green Belt, this limits the availability of land outside of it for uses such as waste management. Such proposals within the Green Belt will need to demonstrate very special circumstances.

### 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 14: Green Belt. The policy read as follows:

**Policy 14: Green Belt**

Proposals for the winning and working of minerals within the Green Belt, including restoration, will be acceptable in principle, provided that, throughout the lifetime of the development, they preserve its openness and do not conflict with the purposes of including land within it.

Restoration proposals will be particularly supported where they enhance the beneficial use of the Green Belt, improve access to it, and improve the character and amenity value of the landscape including improvements to biodiversity.

Proposals for minerals related development\* or for new or extensions to existing waste management facilities within the Green Belt, will be required to demonstrate very special circumstances sufficient to clearly outweigh the harm to the Green Belt, together with any other harm identified.

In considering waste management proposals within the Green Belt, the following criteria will be taken into account as material considerations:

- a) the allocation status of the site in the Development Plan;
- b) the availability of alternative suitable non-Green Belt sites;
- c) the availability of previously developed land within the Green Belt;
- d) the location of the proposal in relation to the source of the waste (proximity principle)
- e) the specific site characteristics and design;
- f) the wider economic and environmental benefits of sustainable waste management, including the need for a range of facilities;
- g) the duration, level of activity and mitigation measures proposed; and
- h) any specific locational advantages of the proposed site.

\*minerals related development refers to activities other than those associated directly with extraction and restoration, such as 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.

4.3. During the Regulation 18 consultation, 13 representations were made in relation to this policy. The main issues of these are summarised below:

- a) It is suggested that the policy be strengthened to ensure that any new waste management applications in the Green Belt are required to demonstrate that the need for the facility cannot be met from existing and already proposed sites and that there are no suitable non-Green Belt alternative locations.
- b) It is stated that the policy should include an aspect of timescale, and with this, require a higher level of assessment for those developments with a longer timescale.
- c) The vast majority of Colney Heath parish is in the Green Belt but has more quarries, waste sites and processing sites than any other area in Herts. The policies need to be more balanced to provide protection in areas where harm is being already caused.

- d) It is argued that the term 'mineral extraction' be expanded in this context to include associated/ancillary development (including engineering works) as neither are inappropriate in the Green Belt.
- e) Associated development in relation to mineral extraction and its visual impact on openness is often incorrectly used as a reason to refuse mineral development in the Green Belt. Policy 14 should provide further clarity to avoid incorrect interpretation of this Policy.
- f) It is stated that the expansion of minerals and waste development outside of the Green Belt can have potential adverse impacts on it and therefore, the policy should reference the issue of proximity.
- g) It is considered useful to reference improvements to the setting of cultural heritage assets where they enhance the use of the Green Belt.
- h) It is stated that this policy should include a requirement to consider the cumulative impact of multiple minerals and waste developments within proximity. Where there are multiple sites, this should be an adverse effect and additional sites should not be supported.

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

- a) It is considered that this point is adequately covered by the criteria within the policy.
- b) Mineral extraction is considered a temporary use of land, with the land being restored after extraction has occurred. It would be difficult to justify additional policy restrictions on development owing to timescale, provided the mineral extraction preserved the openness and did not conflict with the purposes of the greenbelt.
- c) The cumulative impact of proposed development will be a consideration of any future planning application for minerals or waste management development, and this is covered under Policy 26: Cumulative Impacts.
- d) The policy refers to the 'winning and working' of minerals being acceptable in principle in the greenbelt. Other ancillary development (such as concrete batching) may not be appropriate in the greenbelt, and this is covered by the policy criteria and referenced in the policy footnote. No change therefore required.
- e) The Policy accords with National Policy, in that mineral extraction (i.e. activity associated with the winning and working of minerals) is not inappropriate in the greenbelt. Other forms of development, including that associated with mineral extraction, may conflict with the purposes of including land within the greenbelt, and therefore should demonstrate very special circumstances. Each planning application is different and therefore needs to be judged in the planning balance.
- f) The policy only refers to development proposals within the greenbelt, and the five purposes which it serves. Proposals outside of the greenbelt which may have an impact on any of these five purposes would be dealt with on their merits

and using other policies within the Plan, such as Policy 16: Landscape and Green Infrastructure.

- g) The character and setting of cultural heritage assets is covered under Policy 18: Historic Environment, which includes the requirement to produce a Heritage Statement with details of any contribution made by an asset's setting.
- h) Cumulative impacts of multiple minerals and waste developments in proximity are covered under Policy 26: Cumulative Impacts.

## **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 which supports mineral extraction in principle whilst ensuring the openness of the Green Belt is protected. Other development must demonstrate very special circumstances
  - Option 2 – A similar policy to Option 1 but which provides detailed criteria which must be taken into account as material considerations (preferred)
  - Option 3 – A similar policy to Option 2, but which is more restrictive, requiring all forms of development to demonstrate very special circumstances

## **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.