

Policy Evidence Report

Policy 16: Landscape and Green Infrastructure

**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 16: Landscape and Green Infrastructure 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 16:
 - Paragraph 20 – *‘Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for: ... conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.’*
 - Paragraph 135 – *‘Planning policies and decisions should ensure that developments: ... c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)’.*
 - Paragraph 180 – *‘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) ... ‘.*

- Paragraph 181 – *‘Plans should: ... take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.’*
- Paragraph 192 – *‘... Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications.’*

2.3. The PPG includes a number of relevant sections:

- a) *‘The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include: ... visual impact on the local and wider landscape; landscape character ... impacts on nationally protected landscapes (National Parks, the Broads and Areas of Outstanding Natural Beauty) ... ’.*

Minerals, Paragraph: 013 Reference ID: 27-013-20140306

- *‘A site-specific landscape strategy to accompany applications for either a new site or any significant extension to an existing working site should include:

 - *defining the key landscape opportunities and constraints;*
 - *considering potential directions of working, significant waste material locations, degrees of visual exposure etc;*
 - *identifying the need for additional screening during operations;*
 - *identifying proposed afteruses and options for the character for the restored landscape’**

Minerals, Paragraph: 059 Reference ID: 27-059-20140306

- *‘The National Planning Policy Framework is clear that plans should recognise the intrinsic character and beauty of the countryside, and that strategic policies should provide for the conservation and enhancement of landscapes. This can include nationally and locally-designated landscapes but also the wider countryside.*

Where landscapes have a particular local value, it is important for policies to identify their special characteristics and be supported by proportionate evidence. Policies may set out criteria against which proposals for development affecting these areas will be assessed. Plans can also include policies to avoid adverse impacts on landscapes and to set out necessary mitigation measures, such as appropriate design principles and visual screening, where necessary. The cumulative impacts of development on the landscape need to be considered carefully.’

Natural Environment, Paragraph: 036 Reference ID: 8-036-20190721

- *‘For a designated landscape, the relevant management plan will contain further information on the area’s particular character and beauty.*

Where appropriate, landscape character assessments can be prepared to complement Natural England's National Character Area profiles. Natural England provides guidance on undertaking these assessments.

To help assess the type and scale of development that might be able to be accommodated without compromising landscape character, a Landscape Sensitivity and Capacity Assessment can be completed.

To demonstrate the likely effects of a proposed development on the landscape, a Landscape and Visual Impact Assessment can be used.'

Natural Environment, Paragraph: 037 Reference ID: 8-037-20190721

- *'Green infrastructure opportunities and requirements need to be considered at the earliest stages of development proposals, as an integral part of development and infrastructure provision, and taking into account existing natural assets and the most suitable locations and types of new provision.'*

Natural Environment, Paragraph: 008 Reference ID: 8-008-20190721

2.4. Appendix B, Locational Criteria of the National Planning Policy for Waste (NPPW) also states landscape and visual impacts as a consideration in the preparation of local plans:

- *'c. landscape and visual impacts
Considerations will include (i) the potential for design-led solutions to produce acceptable development which respects landscape character; (ii) the need to protect landscapes or designated areas of national importance (National Parks, the Broads, Areas of Outstanding Natural Beauty and Heritage Coasts) (iii) localised height restrictions.'*

3. Local Context

3.1. Hertfordshire County Council has a Landscape Advisory Service. The service produces a series of Landscape Character Assessments that cover the county. The distinctive character and special qualities of Hertfordshire's landscape are described in these Landscape Character Assessments. Landscape policies in Local Plans should refer to these to ensure sensitive siting and design of development that minimises harm to the character of Hertfordshire's landscape.

3.2. Hertfordshire County Council also has a Green Infrastructure Strategy (Aug 2022) which replaced the former Strategic Green infrastructure Plan 2011. The Strategy *'presents a picture of the strengths and weaknesses of Hertfordshire's current green infrastructure network. It also identifies priorities, mechanisms and an overarching vision to provide green infrastructure enhancements, with the aim of delivering a more resilient and healthier Hertfordshire'*¹.

¹ <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/landscape/landscape.aspx#strategy>

3.3. Hertfordshire is comprised of a rich variety of landscapes, each with its own distinct character and 'sense of place'. Across the county there are several landscape designations and landscape scale initiatives that have strong landscape objectives:

- The Chilterns Area of Outstanding Natural Beauty;
- The Lee and Colne Valley Regional Parks;
- Watling Chase Community Forest;
- Heartwood Forest;
- Registered parks and gardens and other landscapes of historic interest; and
- Landscapes of local value.

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 16: Landscape and Green Infrastructure. The policy read as follows:

Policy 16: Landscape and Green Infrastructure

Development proposals should conserve and enhance landscape character, quality, visual amenity and green infrastructure networks. Proposals will be supported where it can be demonstrated that throughout the lifetime of the development (including restoration where appropriate):

- a) there are no unacceptable landscape and visual effects;
- b) any unavoidable landscape and visual effects have been minimised through appropriate mitigation;
- c) valued landscapes are protected and enhanced;
- d) continued improvements will be made which provide long term benefits to the wider ecological networks and green infrastructure; and
- e) the landscape is conserved and enhanced and the highest practicable environmental standards are achieved.

Development proposals should, where appropriate, assess the landscape character, quality and visual effects of the development through a full Landscape and Visual Impact

Assessment or Landscape Visual Appraisal, with reference to current Landscape Character Assessments, green infrastructure strategies and management plans for the area.

Any major* development proposals within or adjacent to the Chilterns Area of Outstanding Natural Beauty (AONB), or which are likely to have an adverse impact on it, will not be permitted unless in exceptional circumstances, and where it is clearly demonstrated that there is an overriding public interest.

* Major planning applications are those defined in Part 1(2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015

4.3. During the Regulation 18 consultation, 9 representations were made in relation to this policy. The main issues of these are summarised below:

- a) It is suggested that the policy states how it will address smaller developments in the AONB.
- b) The term 'valued landscape' should be defined.
- c) It is considered necessary to reference NPPF (2021) paragraph 177 (now paragraph 183 in NPPF Dec 2023) which sets out the major development test in areas of designation including AONBs.
- d) The policy should be amended to reflect time scale of development. The term 'temporary' should be defined and, exceeding this, semi-permanent/permanent development should require a significantly higher level of assessment and safeguarding.
- e) It is suggested that criterion c) be amended to include reference to '**designated landscapes**' to recognise that these are areas designated for having high landscape value.
- f) It is recommended that greater emphasis be included for provision of natural greenspace within this policy.
- g) It is suggested that the policy name be amended to read 'Policy 16: **Landscape Local Character** and Green Infrastructure' in line with National Planning Policy Framework and to reflect approach in the Minerals & Waste Design Guide.
- h) The policy wording should be ordered into distinct thematic sections, starting with more strategic matters, as follows:
 - local character (landscape/townscape)
 - green and blue infrastructure
 - valued landscapes
 - other assets and important features
 - landscape strategy – mitigation and enhancement
- i) It is suggested that reference to non-landscape matters within the policy should be removed and a catch all statement be included to highlight importance of an integrated approach including reference to historic environment/ecology/surface water management.

- j) Various changes to policy wording have been suggested as follows:
 'Development proposals should conserve and enhance **local** landscape ~~/townscape character, quality, visual character, visual amenity,~~ and green infrastructure networks. Proposals will be supported where it can be demonstrated that throughout the lifetime of the development **life-cycle** (including restoration ~~where appropriate~~):
- a) there are no unacceptable landscape and visual effects;
 - b) any unavoidable landscape and visual effects have been minimised **as far as possible** through appropriate mitigation;
 - c) valued landscapes **and important features and views** are protected and enhanced;
 - d) ~~continued improvements will be made which provide~~ **the delivery of** long term benefits to the wider ecological networks and green infrastructure; and
 - e) ~~the landscape is conserved and enhanced and~~ the highest practicable environmental standards are achieved.

Development proposals should, where appropriate ~~required~~, **provide** assess the landscape character, quality and visual effects of the development through a full Landscape and Visual Impact Assessment/**Appraisal** ~~or Landscape Visual Appraisal~~, with reference to **the current Landscape Character Assessments, green infrastructure strategies and any other landscape planning/management plans that are relevant to the site and surrounding** for the area. **This should inform a landscape and visual mitigation and enhancement strategy.**

Any major* development proposals within or adjacent to the Chilterns Area of Outstanding Natural Beauty (AONB), or which are likely to have an adverse impact on it, will not be permitted unless in exceptional circumstances, and where it is clearly demonstrated that there is an overriding public interest.

* Major planning applications are those defined in Part 1(2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015'

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

- a) Minerals and Waste Development falls under the definition of Major Development within The Town and Country Planning (Development Management Procedure) (England) Order 2015. Therefore, it is considered appropriate that the policy reference this type of development.
- b) The term 'valued landscape' is contained within the NPPF paragraph 180. The Landscape Institute states that '*our understanding of landscape value is still*

*evolving*². It is for the decision taker to assess the value of any landscape in the planning balance. The Landscape Institute has provided some guidance (Technical Guidance Note 02/21) which may assist decision takers. CPRE Hampshire also provide a useful Briefing Note (Sep 2021) on the subject. As the understanding is still evolving it is not felt appropriate to try and provide a definition within the policy.

- c) It is considered that the policy aligns with paragraph 177 of the NPPF (2021) (now paragraph 183 in NPPF Dec 2023) and even goes further to define what is meant by 'major development'. It is not felt necessary to reference the relevant section of the NPPF.
- d) The policy does not refer to the timescale of development as this will be specific to a development proposal; rather all development, regardless of timescale, is referenced. The winning and working of minerals is classed as temporary development, it is not the place of this policy to define 'temporary development'.
- e) The policy aims to protect all 'valued landscapes'. It is considered that using the term 'designated' would limit this protection to areas with only a formal designation status. The term 'valued landscapes' is consistent with the NPPF. Separate consideration is provided within the policy for the Chilterns AONB designated landscape.
- f) It is considered that natural greenspace is adequately covered using the term 'green infrastructure'.
- g) It is considered that the use of the term 'landscape' is more appropriate as it specifically relates to the scope of the policy. The consideration of the local character is adequately covered within the requirement for a Landscape and Visual Impact Assessment/Appraisal.
- h) It is not felt necessary to restructure the policy as such, and references to 'townscape' are perhaps less appropriate to minerals and waste management development.
- i) The conservation of the natural environment is a key part of the conservation and enhancement of landscape and green infrastructure; therefore it is considered appropriate that the policy refer to these matters.
- j) Several of the suggested changes to the policy wording will be accepted and the policy amended accordingly.

5. Alternative Reasonable Options

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

² [LI publishes new guidance for assessing landscape value outside national designations - Landscape Institute](#)

- Option 1 – A criteria-based policy consistent with national policy, which includes the requirement for proposals to be supported by either a Landscape and Visual Impact Assessment or a Landscape Visual Appraisal
- Option 2 - A policy similar to Option 1 but which provides greater protection for the Chilterns AONB (preferred)
- Option 3 – A less restrictive policy, requiring consideration only of general criteria relating to visual and other effects

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.