

Policy Evidence Report

Policy 20: Health and Wellbeing

**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 20: Health and Wellbeing 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 20:
 - Paragraph 8 outlines the three key objectives of the NPPF to achieve sustainable development, one of which is: *'b) a social objective – to support strong, vibrant and healthy communities ... that reflect current and future needs and support communities' health, social and cultural well-being ...'*
 - Paragraph 96 states: *'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: ... c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.'*
 - Paragraph 135 states that *'planning policies should ensure that developments: ... f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users ...'*

- Paragraph 191 states: *'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life ...'*
- Paragraph 216 explains that planning policies should *'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 ...'*
- Similarly, paragraph 217 states: *'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...'*

2.3. The PPG includes a number of relevant sections:

- *'The planning system controls the development and use of land in the public interest and ... this includes ensuring that new development is appropriate for its location – taking account of the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution. Minerals, Paragraph: 012 Reference ID: 27-012-20140306*
- *'Local planning authorities can ensure that waste is handled in a manner which protects human health and the environment through testing the suitability of proposed sites, both in developing their Local Plans and in considering individual planning applications ... Other ways in which they can deal with this include:*
 - *putting in place suitable planning conditions, and adequate enforcement and monitoring*
 - *working closely with Environmental Health colleagues*
 - *consultation with Public Health England and the Environment Agency (which is mandatory in certain cases) for advice on public health matters and pollution control*
 - *ensuring land raising or landfill sites are restored to beneficial after-uses (e.g. agriculture, biodiversity, forestry, amenity) at the earliest opportunity and to high environmental standards.*

Waste, Paragraph: 005 Reference ID: 28-005-20141016

2.4. The National Planning Policy for Waste (NPPW) also includes a number of relevant points.

- Paragraph 1 states that *‘positive planning plays a pivotal role in delivering this country’s waste ambitions through ... helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment ...’*.
- Paragraph 7 states that when determining applications, waste planning authorities should *‘consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies ...’*.
- Appendix B (Locational Criteria) states the considerations that must be given by a waste planning authority:
 - a. *protection of water quality and resources and flood risk management*
 - b. *land instability*
 - c. *landscape and visual impacts*
 - d. *nature conservation*
 - e. *conserving the historic environment*
 - f. *traffic and access*
 - g. *air emissions, including dust*
 - h. *odours*
 - i. *vermin and birds*
 - j. *noise, light and vibration*
 - k. *litter*
 - l. *potential land use conflict*

2.5. The Waste (England and Wales) Regulations 2011 includes an objective *‘to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use.’* (Schedule 1, Part 1, (1)).

Under this objective (Schedule 1, Part 1, (3)), the document states:

- *‘To ensure that waste management is carried out without endangering human health, without harming the environment and, in particular—*
 - (a) without risk to water, air, soil, plants or animals;*
 - (b) without causing a nuisance through noise or odours; and*
 - (c) without adversely affecting the countryside or places of special interest.’*

3. Local Context

- 3.1. Hertfordshire County Council is the Public Health Service for Hertfordshire. Public Health's priority is promoting and protecting the health of Hertfordshire's residents.
- 3.2. Hertfordshire Public Health have produced a Health and Wellbeing Planning Guidance document 2017. The purpose of this document is to aid planning professionals, both local authorities and developers in the delivery of healthy developments and

communities by increasing local capacity, knowledge of health and wellbeing and the relationship to spatial planning issues, setting out the key principles and aspirations of the Hertfordshire County Council's Public Health department.

- 3.3. In addition to this, Hertfordshire County Council produces a Health Impact Assessment Position Statement 2019. This position statement outlines Hertfordshire County Council's stance on Health Impact Assessments (HIAs) in relation to planning. The statement sets out thresholds and categories in order to determine the need for a HIA and a methodology for carrying out the assessment. Within this, minerals and waste developments are included:

Waste

Proposals for waste management as detailed below:

- *landfill of waste other than inert waste*
- *Thermal treatment of waste, or chemical treatment of waste*
- *Hazardous waste management installations*
- *Composting of waste over 10,000 tonnes green waste per annum*
- *Anaerobic digester*
- *Super household waste recycling centre*

The above is not an exhaustive list. As waste management evolves additional types of waste facilities may be added to the above list.

Minerals

- *New rail aggregate depots*
- *New minerals workings where the surface area of the workings is being increased*
- *Other permanent infrastructure such as coated stone plants or ready mix plants.*

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 20: Health and Wellbeing. The policy read as follows:

Policy 20: Health and Wellbeing
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Proposals for minerals and waste management development will be supported where it can be clearly demonstrated:

- a) that the potential health impacts have been assessed;
- b) that mitigation measures have been incorporated where necessary;
- c) how the proposals could, where appropriate, offer enhanced access to the natural environment; and
- d) how the development (including restoration where appropriate) contributes to positive health and wellbeing outcomes.

Where development proposals meet the thresholds defined in the Council's approved Position Statement on Health Impact Assessment (HIA), or where they are required to prepare an Environmental Impact Assessment, a HIA must be submitted in accordance with that approved Position Statement.

4.3. During the Regulation 18 consultation, 4 representations were made in relation to this policy. The main issues of these are summarised below:

- a) The final paragraph of the policy should be removed as it exceeds national policy and guidance in the need to provide HIAs. It is considered that the EIA process will cover this requirement.
- b) It is considered that the policy requires a HIA with all development despite the merits of its case.
- c) It is suggested that criterion a) be amended to read: ~~that the~~ **all** potential health impacts ~~have been~~ **must be identified as well as** assessed.
- d) Regarding requirement b), applying at least the minimum buffer discussed above and making this accord with Policy 2 Site Specific Requirement v would be a significant mitigation measure, although others might still be needed if circumstances dictated.
- e) It is suggested that the thresholds in the Council's approved Position Statement on Health Impact Assessment are stated for clarity and completeness.
- f) There is no reference in the NPPF or PPG for the need to contribute to "positive" health and wellbeing outcomes and therefore it is suggested that the following (from NPPF paragraph 92c) replace that statement: ~~'positive health and wellbeing outcomes~~ **support of healthy lifestyles'** (now paragraph 96c in the NPPF Dec 2023).

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

- a) The County Council has produced a Position Statement on Health Impact Assessments, as it deems the requirements under EIA are not robust enough, therefore inclusion of this requirement within the policy is considered appropriate.
- b) A HIA is only required for developments which meet the thresholds in the Council's approved Position Statement on HIA

- c) It may not be possible to identify all potential health impacts associated with a development, nor to assess them, therefore it is appropriate for criterion a) to remain as currently worded
- d) This is specific to allocation MAS01 and is more appropriately dealt with under the Site Brief for that Policy
- e) The thresholds are stated within the County Council's Position Statement, which is referenced within the policy. By referencing the Position Statement, rather than the thresholds, it means that if the thresholds in the Position Statement change, the policy will not become out of date
- f) The NPPF at paragraph 8 states the planning system must secure net gains across 3 objectives, the second one being the social objective, where it makes reference to supporting 'communities' health, social and cultural wellbeing'. Therefore the policy wording to 'contribute to positive health and wellbeing outcomes' is appropriate.

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 proposals that address health impacts and seek improvements where appropriate
- Option 2 – A policy similar to Option 1 but which provides specific criteria for consideration and requires the submission of a Health Impact Assessment in accordance with the Council's Position Statement on HIA (preferred)
- Option 3 – A more restrictive policy which requires HIA for all developments

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.