

Policy Evidence Report

Policy 26: Cumulative Impacts

**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

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 26: Cumulative Impacts 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 26:
 - Paragraph 115 states that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*
 - Paragraph 191 goes on to state that *'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.'*
 - 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 that *‘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 section on Minerals states:

- *‘Some parts of a mineral planning authority area may have been subjected to successive mineral development (such as aggregate extraction or surface coal mining) over a number of years. Mineral planning authorities should include appropriate policies in their minerals local plan, where appropriate, to ensure that the cumulative impact of a proposed mineral development on the community and the environment will be acceptable. The cumulative impact of mineral development is also capable of being a material consideration when determining individual planning applications.’*

Paragraph: 017 Reference ID: 27-017-20140306

2.4. The National Planning Policy for Waste (NPPW) explains that:

- *‘when determining waste planning applications, waste planning authorities should: ... consider the likely impact on the local environment and on amenity’.*
- Waste planning authorities should assess proposals against *‘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.’*

3. Local Context

3.1. Both minerals and waste developments can have significant impacts upon the environment and local communities. These impacts can be magnified by multiple sites in close proximity, by individual sites which cause numerous significant effects, or by the extended working of a site resulting in many years of activity in one location.

3.2. The multiple impacts that may arise from minerals and waste developments and operations can accumulate to present overall negative effects on the surrounding areas. National policy is very clear that cumulative effects should be a material consideration and that environmental criteria should be set out to ensure that permitted operations do not have unacceptable adverse impacts on the environment.

3.3. Hertfordshire has a rich environment comprising the natural, built and historic environment which must be protected. Beyond the environment, some minerals or waste development can be located nearby settlement and therefore, human health and general amenity must be protected from the impacts of the development.

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 26: Cumulative Impacts. The policy read as follows:

Policy 26: Cumulative Impacts

Development proposals will be permitted where it can be demonstrated that the cumulative impact would not result in unacceptable adverse effects on the environment of an area, or on the amenity or health of a local community.

Proposals must adequately take account of potential cumulative effects and demonstrate how appropriate mitigation has been incorporated into the scheme design. Particular regard should be had to the following matters:

- a) natural, built and historic environment;
- b) human health and general amenity;
- c) transport networks; and
- d) aviation safety.

Effects may arise in relation to the collective impacts of different effects of an individual proposal or in relation to a number of developments occurring either concurrently or successively.

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) More detail is required to make the policy clear to all interested parties
- b) A new policy is required to avoid having all the quarries and waste disposal sites within one small area. The policy must include landfill sites as well as other waste processing sites. The negative impacts from both quarrying and waste management must be brought together in one policy. It is recommended that the policy includes:
 - That both the quarry sites together with any related processing facilities are included.

- To determine if a possible cumulative impact could occur the distance from existing communities is clearly stated:
 - This should be a minimum of 1,000m to the edge of the community boundary.
 - Some indication of the size of the community may be required to avoid one or two remote dwellings preventing mineral extraction.
 - A threshold of 20 dwellings within the community is recommended and not just any dwellings within 1,000m.
- c) The current wording ‘concurrently or successively’ is too vague and open to very wide interpretation and thus potential manipulation. It is recommended that timescales are clearly stated. The time should be variable depending on the length of time the site has been operational.

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

- a) The suggestion is noted.
- b) The Plan proposes to allocate 3 mineral extraction sites but does not propose to allocate waste management sites. There are no active landfill sites in the county. Planning applications for mineral and waste management development will be dealt with on their merits, therefore it is not appropriate to specify minimum distances to residential dwellings. The council does not consider it necessary to include a further policy.
- c) The range of potential effects of one or more developments occurring is too great to apply specific timescales, and any decision must be taken on its merits. No change therefore is proposed 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 policy which supports minerals and waste proposals where it can be demonstrated that the cumulative impact would not result in unacceptable adverse effects on the environment of an area, or on the amenity or health of a local community (preferred)
- Option 2- No Policy. Rely on other policies in the Plan that deal with ‘effects’, along with National Policy
- Option 3 – A more prescriptive policy, which establishes specific minimum distances between minerals and waste management development and residential dwellings

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.