

Policy Evidence Report

Policy 27: Aerodrome Safeguarding

**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 27: Aerodrome Safeguarding 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 27:
 - Paragraph 110 states: *'Planning policies should ... f) recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy.'*
- 2.3. The National Planning Policy for Waste (2014) contains a Locational Criteria (Appendix B) which states:
 - *'In testing the suitability of sites and areas in the preparation of Local Plans and in determining planning applications, waste planning authorities should consider the factors below. They should also bear in mind the envisaged waste management facility in terms of type and scale ... i. vermin and birds Considerations will include the proximity of sensitive receptors. Some waste management facilities, especially landfills which accept putrescible waste, can*

attract vermin and birds. The numbers, and movements of some species of birds, may be influenced by the distribution of landfill sites. Where birds congregate in large numbers, they may be a major nuisance to people living nearby. They can also provide a hazard to aircraft at locations close to aerodromes or low flying areas. As part of the aerodrome safeguarding procedure (ODPM Circular 1/20035) local planning authorities are required to consult aerodrome operators on proposed developments likely to attract birds. Consultation arrangements apply within safeguarded areas (which should be shown on the policies map in the Local Plan). The primary aim is to guard against new or increased hazards caused by development. The most important types of development in this respect include facilities intended for the handling, compaction, treatment or disposal of household or commercial wastes.'

2.4. The town and country planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002, while being entirely relevant to this policy, includes the following key points:

- *Annexe 1 - the circular: 'A local planning authority, before granting permission for the development of land forming the site of or in the neighbourhood of an aerodrome, technical site or military explosives storage area for which a safeguarding map has been furnished to the authority, shall, to the extent specified on such a safeguarding map in relation to particular parts shown thereon, consult the consultee.'*
- *Aerodrome safeguarding maps: "Birdstrike" hazard – 'In order to protect aerodromes against these hazards, safeguarding maps include, in addition to the requirements related to the height of buildings and structures, a dotted circle, with a 13 kilometre radius in the case of civil aerodromes and an eight mile (about 12.87 kilometre) radius in the case of military aerodromes, centred on the safeguarded aerodrome reference point to indicate the area within which developments likely to attract birds require similar consultation. Local planning authorities are required to consult the relevant consultee before granting planning permission for any development within the relevant radius of an officially safeguarded civil or military aerodrome which is likely to attract birds. Whether or not a development is likely to attract birds will depend on a number of factors. A local planning authority will need to consider not only the individual potential bird attractant features of a proposed development but also whether the development, when combined with existing land features, will make the safeguarded area, or parts of it, more attractive to birds or create a hazard such as bird flightlines across aircraft flightpaths.'*
- *Aerodrome safeguarding maps: Other aviation uses – 'In order to protect aerodromes against the hazards which would arise from other aviation uses, the 13 kilometre or eight mile radius dotted circle referred to in paragraph 9 is also relevant to these uses. Local planning authorities are required to consult the relevant consultee before granting any application connected with an aviation use*

within a 13 kilometre radius of an officially safeguarded civil aerodrome or within an eight mile radius of an officially safeguarded military aerodrome. Examples of applications connected with an aviation use include applications for development at an existing aerodrome and applications for the use of a site other than an aerodrome for the purposes of flight or as a drop zone for parachuting. Article 129 of the Air Navigation Order 2000 defines flight.'

- *Incorporation of safeguarded areas into development plans – 'Local plans and unitary development plans should include a policy stating that officially safeguarded areas have been established for a particular airport or technical site, that certain planning applications will be the subject of consultation with the operator of that aerodrome or technical site and that there may be restrictions on the height or detailed design of buildings or on development which might create a bird hazard, as described in this Circular. The outer boundary of safeguarded areas should be indicated on proposals maps accompanying local plans and unitary development plans. A plan should state why an area has been safeguarded and that it is neither the responsibility nor the proposal of the local planning authority.'*

3. Local Context

- 3.1. Hertfordshire's Local Transport Plan 4 (LTP4) was adopted in 2018. The plan discusses the access to and development of the major airports surrounding the Plan Area.
- 3.2. Hertfordshire has two major civil airports adjacent to its borders, London Stansted to the east and London Luton to the west, plus Heathrow a relatively short distance of under 20 miles from the south-west of the county. London Gatwick, London City and Birmingham International are also notable destinations for Hertfordshire residents given their accessibility by both rail and road from the county.
- 3.3. The government has outlined the importance of airport growth in terms of the economy in its Aviation Policy Framework (2013). Consequently, airport expansion proposals are widespread across the region's main airports, with plans underway for both Luton and Stansted to add to their passenger capacity.
- 3.4. The council recognises the importance of smaller, local privately owned airfields to the economy, leisure, training and emergency needs. These provide much needed connectivity for business travellers and locations in and outside of Hertfordshire.

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 27: Aerodrome Safeguarding Areas. The policy read as follows:

Policy 27: Aerodrome Safeguarding Areas

Aerodrome Safeguarding Areas are officially safeguarded areas that have been established around designated airports and technical sites and are shown on the Policies Map for the area.

Proposals for Minerals and Waste Management development which fall within Aerodrome Safeguarding Areas will only be permitted if they can clearly demonstrate that they pose no unacceptable risk to aviation safety. Where this cannot be demonstrated, or where the risks are uncertain, development will likely be refused.

Where a risk of bird strike has been identified, the Council may require the implementation of an approved Bird Management Plan.

- 4.3. During the Regulation 18 consultation, one representation was made in relation to this policy. The content of this is summarised below:
- a) The MOD welcome Policy 27 and would wish to provide representations as and when appropriate in the drafting and consultation stages of restoration and aftercare of all mineral extraction and landfill sites within Statutory Safeguarding Zones. Policy wording that alerts developers to this potential would be welcomed.
- 4.4. The council's response to the representation is as follows:
- a) Comments noted and welcome. Aerodrome Safeguarding Areas should be shown on any adopted Policies Map, and this Policy will form part for the Development Plan for the area, so developers should be alerted to the relevant safeguarding zones.

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 restricts development within Aerodrome Safeguarding Areas that may pose a risk to aviation safety
- Option 2 – A policy similar to Option 1 but which includes the requirement for a Bird Management Plan where the risk of bird strike has been identified (preferred)

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.