

Evidence Report Evidence Base and Miscellany

**Hertfordshire Minerals and Waste
Local Plan 2040**

Hertfordshire County Council



Supporting Regulation 22(c)(iii)(iv)

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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 will set the overall spatial framework and development management policies for sustainable minerals and waste management development in Hertfordshire.

1.3. This Evidence Report provides an overview of and response to the main issues raised during the Regulation 18 consultation relating to some of the supporting evidence base, such as the Sustainability Appraisal, as well as other miscellaneous comments.

2. Minerals & Waste Local Plan Policy

2.1. The Draft Minerals and Waste Local Plan (MWLP) 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 Plan and its supporting documents.

2.2. The supporting documents covered by this Evidence Report include the following:

- Sustainability Appraisal
- Habitats Regulations Assessment
- Minerals Site Selection Report
- Local Aggregates Assessment
- Waste Needs Assessment
- Other Evidence Base and Miscellany

2.3. The section below is structured around the various evidence base documents, and summarised the main issues raised in connection with each, along with the Council's response.

3. Main Issues Raised

Sustainability Appraisal

3.1. During the Regulation 18 consultation, 3 representations were made in relation to this document. The main points of these are summarised below:

- a) There is no reference to statutory sites in Objective 8 of the SA. Please add to the criteria to help determine whether the Objective is/ could be met;
 - *A Biodiversity Net Gain goal and adherence to the mitigation hierarchy.*
 - *Protect and enhance sites of biodiversity value across the borough (LNR, LWS, etc)*
- b) There is no key to explain the scoring in Figure 3.
- c) The scoring in Figure 10 against LNR's/ LWSs for Hatfield Aerodrome is questioned.
- d) The meaning of the conclusion drawn at paragraph 6.3 of the report is questioned. Do the conclusions mean that land will be restored to agricultural use in preference to priority habitats after extraction? If so, meeting BNG will be more difficult, making this preferred policy at odds with government objectives and biodiversity policies.

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

- a) Biodiversity Gain is now a legal requirement, so no change is required to the Objectives. With regards to the second point concerning the protection and enhancement of biodiversity, the Council will amend the SA criterion accordingly.
- b) A key can be seen at Figure 9 of the SA June 2022.
- c) The score has been transposed from the Mineral Site Selection Report August 2018. Figure 9 of the Sustainability Appraisal Report June 2022 provides a key which demonstrates how the scores have been transposed. Hatfield Aerodrome scored a 'Positive' against LNR's/ LWSs in the Mineral Site Selection Report August 2018. When transposing this score using the transposed system, the site scores a +/++ .
- d) Extraction sites will be encouraged to be restored to agricultural use where the use of the land prior to extraction was agricultural. Any proposal will be required to deliver a minimum 10% gain in biodiversity, in accordance with The Environment Act. There is no conflict with paragraph 6.3 which relates to Policy 17: Soils and Agricultural Land.

Habitats Regulations Assessment

3.3. During the Regulation 18 consultation, 3 representations were made in relation to this document. The main points of these are summarised below:

- a) Bittern from the Lee Valley SPA use both Stanstead Innings and the HMWT reedbed on the south of the A414. The presence of Bittern at the Stanstead Innings and the HMWT reedbeds needs to be addressed and considered within the HRA in the context of impacts which could arise from air pollution generated by minerals and waste traffic.
- b) Phragmites australis is present within 200m of the A414, along northern side of the Lee Valley SPA, and near the perimeter ditch. This could have a bearing on the assessment results and needs to be considered within the HRA.

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

- a) The HRA has been updated and this has been considered, including more up-to-date transport emissions assumptions.
- b) The HRA has been updated and this has been taken into consideration.

Minerals Site Selection Report

3.5. During the Regulation 18 Consultation several comments were made in connection with the Minerals Site Selection Report. A summary of the main issues is as follows:

- a) Out of date site assessment methodology
- b) The Site Selection Methodology used to support the Plan is flawed in that 9 potential sand and gravel sites were omitted from the process because of 'lack of information'. Also, the assessment of Briggens Estate overlooked 4 key elements of the environmental impacts which would have lowered its ranking (impacts on local wildlife site, Village 7, landscape cherished views and Green Belt openness). These errors must be rectified and all the Sites reassessed.
- c) Standon Parish Council would ask that both MLPCS015 AND MLPCS007 are removed from the plan given the very high risk of damage to the SSSI Plashes Wood, and that any unauthorised works are prevented.
- d) The site selection report does not appear to have been updated since 2018 and therefore does not report that an application to extract minerals extraction on MAS02 was rejected at an Inquiry.
- e) The latest Sustainability Appraisal (SA) is dated June 2022 yet the latest MSSR is dated August 2018. It is presumed, therefore, that the frequent references in the latter to the SA are referring to a previous SA. The documents should make clear if the outcomes of both SAs are identical, and if not, explain any difference.

- f) The use of either alphanumerical codes or site names in the MSSR does not aid effective scrutiny. Titles should be consistent throughout. This could usefully be amended in the next iteration.
- g) The SA refers to internationally and nationally protected sites, irreplaceable habitats, priority habitats and species and local wildlife sites as site assessment criteria. All benefit from differing degrees of protection. In contrast, the MSSR simply adopts 'biodiversity protection' to capture this important information. However, I could find no explanation of how the two categories relate to each other or how the differing levels of protection are accommodated in any decision-making. This potentially allows impacts to be over- or under-estimated. This should be clarified.

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

- a) The Minerals Site Selection Report (MSSR) has been updated and can be found in the Core Document Library at hertfordshire.gov.uk/mwlp.
- b) The MSSR has been updated, including the scoring of all of the proposed mineral extraction sites. This has not resulted in any change to the proposed allocations in the Plan.
- c) The two sites in question are not proposed as allocations in the Plan, but were assessed through the call for sites process, and reassessed in 2023/24.
- d) The MSSR has been updated to reflect changes since 2018. The Site Brief for MAS02 has also been amended to reflect this.
- e) The August 2018 Site Selection Report is referring to the SA which was undertaken to support the Minerals Local Plan which was withdrawn in December 2021 (document name: 'PE-09g Sustainability Appraisal of Withdrawn Minerals Local Plan (Dec 2018)'). An SA was undertaken to support the Draft Minerals and Waste Local Plan (CD-04 Sustainability Appraisal Report (Jun 2022)). It is not appropriate for the MSSR to detail reasons for the differences between the SAs. The outcomes of these SAs are naturally going to be different, given that they support two different plans. The MSSR has been refreshed as will the SA ahead of the next publication stage of the Plan.
- f) Alphanumerical codes were used in the August 2018 MSSR as a means of attributing site reference numbers to each site, whilst also identifying that the site was (at the time the MSSR was prepared) newly submitted to the council and not one of the three existing Preferred Areas. To maintain consistency in approach, the updated MSSR has used the same alphanumerical system, and this is consistent throughout the document. Many of the sites identified in the August 2018 MSSR have been re-assessed through the updated MSSR and therefore it makes sense to keep the same referencing system to avoid confusion.
- g) The MSSR covers biodiversity protection through assessing the mineral sites against a range of environmental criteria, such as: 'International and national ecological designations', 'Local Nature Reserves and/or Local Wildlife Sites' and

‘BAP Priority Species or Habitats’. Please see the Sieve 3 criteria of the MSSR. In terms of decision-making, any proposal for mineral or waste development will be determined against the Policies of the MWLP (once the Plan is adopted). Policy 15: Biodiversity and Geodiversity, is clear on the different levels of protection afforded to the different types of designated biodiversity sites.

Local Aggregates Assessment

3.7. During the Regulation 18 Consultation several comments were made in connection with the Local Aggregates Assessment. A summary of the main issues is as follows:

- a) It is crucial to determine what assumptions are made about “future growth projects” as set out in the LAA as these directly affect alternative supply options and requirements. We believe that the level of growth anticipated by Hertfordshire County Council (HCC) is inappropriately high and should take account of recent changes in context and decisions made since the published analysis.
- b) The Draft Plan is supported by the 2021 Local Aggregates Assessment (LAA) which is based on 2020 data as its main source of supporting information. Although this is an improvement on the withdrawn 2019 draft Minerals Local Plan which we criticised for using out of date assessments, it means that the 2020 data does not take account of issues arising from both Brexit and the Covid-19 pandemic which may impact significantly on future levels of need for sand and gravel.
- c) The conclusion in para. 8.2 of the LAA that “it is recognised that the current stock of sand and gravel reserves in Herts is insufficient to meet future demands” is not justified due to the uncertainty of future demand.

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

- a) The LAA has been fully updated since the Draft Plan consultation, and has been endorsed by the East of England Aggregate Working Party.
- b) The LAA has been updated and now (at the time of writing) covers 2022 data.
- c) The future demand must be based on the 10-year sales average, as stipulated by the NPPF, with any deviation from this needing to be justified. The conclusion therefore is valid, the Council clearly has an insufficient stock of permitted reserves.

Waste Needs Assessment

3.9. During the Regulation 18 Consultation several comments were made in connection with the Waste Needs Assessment. A summary of the main issues is as follows:

- a) The table on page 48 (WNA) suggests that in total Blackbirds Farm has planning permission for a capacity of 47,000tpa. That figure is double the permitted capacity. If the higher figure has been used to assess the capacity gap as set out in the table supporting Policy 3 in the Draft Plan July 2022 then it will have resulted in a significant under estimate in the need for additional capacity. This needs to be rectified.
- b) It is our opinion that the capacity assessment currently drafted in the WNA 2022 is partial and incomplete. In being so, it misrepresents the true picture of capacity
- c) It is considered that the Waste Needs Assessment contains inaccuracies and is incomplete, thus making incorrect conclusions regarding capacity within the county.
- d) The methodologies used in the Waste Needs Assessment to forecast future waste needs are considered to be appropriate.

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

- a) The higher figure has not been used to assess the capacity gaps.
- b) The Waste Needs Assessment has been updated, and capacity gaps have generally fallen.
- c) It is not clear what inaccuracies or incompleteness is being referred to here, however the Waste Needs Assessment has been updated (and can be found at hertfordshire.gov.uk/mwlp).
- d) Comments noted and welcomed.

Other Evidence Base and Miscellany

3.11. During the Regulation 18 Consultation several comments were made in connection with other Evidence Base documents and miscellaneous matters. A summary of the main issues is as follows:

- a) The evidence and justification for identifying the SCAs at their current size is presented within the Plan and its evidence base.
- b) The SFRA (and subsequent addendum) do not assess opportunities through restoration, possibilities to de-culvert and increase of flood storage. It should be stated whether this responsibility should fall upon the applicant or county council assessment.
- c) The Plan should include compensation measures for property owners who would be affected by nearby or adjacent proposals.
- d) The process of making a comment is difficult and non-accessible for some residents. The response form is considered poorly designed, limiting responses to certain points/paragraphs. It is also considered that the document itself is

complex and that residents would benefit from a non-technical summary document or executive summary.

- e) Minor changes were proposed to the plan such as the inclusion of a full glossary and the regularisation of footnotes wherever a document is referenced.
- f) The Harlow Mill railhead should be referenced as a potential location to contribute to sustainable transport objectives linking to MAS01 and the HGGT proposals.
- g) 'Plans and decisions should apply a presumption in favour of sustainable development'. It is proposed that this principle needs to be clearly demonstrated at the outset of the Plan with an overarching sustainable development policy provided at the end of Section 3.
- h) It is recommended that the Key Diagram includes key transport corridors (rail and road), along with the locations of existing mineral extraction sites and better definition of development centres in relation to existing and proposed minerals and waste sites.
- i) It is considered that the Plan should make reference to the Lee Valley Regional Park that recognises the statutory requirements of the Lee Valley Regional Park Act 1966 (the Park Act) and the remit of the Authority. It is stated that the Authority's Park Development Framework and the area proposals contained within should also be referenced.
- j) On page 27. Sustainable Hertfordshire Strategy: Ambition, it is stated that the phrase 'Improve nature in the county by 20% by 2050' could be improved and clarified through the addition of the following: **'Minimising impacts on, and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'**.
- k) It was asked if the routes for the minerals transport vehicles to/from these sites (MAS') could be considered and documented as part of the document.

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

- a) The consultation area distances are a standard distance used by many Minerals and Waste Planning Authorities (MWPAs). They are only consultation buffers, they do not prohibit development, they just ensure that the MWPA is consulted.
- b) This is not the function of the SFRA
- c) This is not something a Local Plan would cover
- d) Planning is a technical discipline. It is not clear how a non-technical summary could cover (summarise) everything in the Plan, i.e. all 27 policies and 4 appendices. It is also necessary to ask respondents which part of the document they are commenting on, otherwise the Council will not know.
- e) Comments noted
- f) This facility is outside of the plan area and is ultimately up to the operator of the site to secure appropriate means of onward transportation of minerals. Policy

24: Transport seeks to encourage sustainable modes of transport and for proposals to justify their use of the road network.

- g) Following the publication of the first NPPF, Plans often included a policy on sustainable development, however this is not necessary now, as plans should be read as a whole, and sustainability should run right through a plan, as it does with the NPPF. Inspectors are not looking for plans to contain a policy on sustainable development any more.
- h) Comments noted, and will be considered taken forward
- i) The Plan will be updated to reflect this
- j) This is one of the Ambitions of the Sustainable Hertfordshire Strategy, and is not something which the Minerals and Waste Local Plan can change.
- k) Quarries have a long lifespan, so it is therefore not possible to detail all potential routes quarry traffic could take to and from market over such a timeframe.

4. Conclusion

- 4.1. This Evidence Report demonstrates the main issues raised against these supporting documents in the emerging Minerals and Waste Local Plan. It also summarises how the council has addressed those issues within the Regulation 19 consultation.
- 4.2. Any representations received on this section (supporting evidence base and miscellaneous comments) at the Regulation 19 consultation stage will be submitted alongside the Local Plan to the Secretary of State as part of the examination process.
- 4.3. This 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.