

# Policy Evidence Report Vision and Objectives

**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 Policy Evidence Report provides a context and justification for the formation of the Vision and Objectives in the emerging Minerals and Waste Local Plan.

## 2. National Policy Context

- 2.1. The National Planning Policy Framework (NPPF 2021) and national Planning Practice Guidance (PPG) provide the basis of national planning policy.
- 2.2. The following points within the NPPF relate to the Vision and Objectives:
  - Paragraph 153 states that ‘plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.’
  - Paragraph 154 states that ‘new development should be planned for in ways that:
    - a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
    - b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the

sustainability of buildings should reflect the Government's policy for national technical standards.'

- Paragraph 174 explains that '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); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'
- Paragraph 190 states that 'plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats ... '.
- Paragraph 209 states that 'it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.'
- Paragraph 210 states that 'planning policies should ... b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously; c) safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked); d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place; e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material; 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 ... '.

- Paragraph 211 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 ... e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions ... '.
- Paragraph 213 explains that 'minerals planning authorities should plan for a steady and adequate supply of aggregates by: a) preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources) ... '.

### 2.3. PPG includes a number of relevant sections:

- '... 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.'

*Minerals Paragraph: 017 Reference ID: 27-017-20140306*

- 'The most appropriate form of site restoration to facilitate different potential after uses should be addressed in both local minerals plans, which should include policies to ensure worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place, and on a site-by-site basis following discussions between the minerals operator and the mineral planning authority.'

*Minerals Paragraph: 037 Reference ID: 27-037-20140306*

- 'Waste and mineral planning authorities need to take account of flood risk when allocating land for development. They should prepare their plan policies with regard to any available Strategic Flood Risk Assessments. The location of Mineral Safeguarding Areas and site allocations, in particular in relation to sand and gravel workings which are often located in functional floodplains, need to be identified. It is possible to explore benefits, such as restoring mineral working located in flood risk areas to increase flood water storage, which can also enhance the natural environment. Partnership working on joint Strategic Flood Risk Assessments offers the best opportunity to identify and realise these opportunities.'

*Flood Risk and Coastal Change Paragraph: 008 Reference ID: 7-008-20140306*

- ‘Plan-making may need to consider:
  - how to help protect and enhance local surface water and groundwater in ways that allow new development to proceed and avoids costly assessment at the planning application stage. For example, can the plan steer potentially polluting development away from the most sensitive areas, particularly those in the vicinity of drinking water supplies (designated source protection zones or near surface water drinking water abstractions)
  - where an assessment of the potential impacts on water bodies and protected areas under the Water Environment Regulations 2017 may be required, consider the type or location of new development
  - whether measures to improve water quality, for example sustainable drainage schemes, can be used to address impacts on water quality in addition to mitigating flood risk’.

*Water Supply, Wastewater and Water Quality Paragraph: 006 Reference ID: 34-006-20161116*

- Plan-making may need to consider:
  - the sufficiency and capacity of wastewater infrastructure
  - the circumstances where wastewater from new development would not be expected to drain to a public sewer
  - the capacity of the environment to receive effluent from development in different parts of a strategic policy-making authority’s area without preventing relevant statutory objectives being met

*Water Supply, Wastewater and Water Quality Paragraph: 007 Reference ID: 34-007-20140306*

2.4. The National Planning Policy for Waste (NPPW) also includes several relevant points:

- Paragraph 3 states that ‘waste planning authorities should prepare Local Plans which identify sufficient opportunities to meet the identified needs of their area for the management of waste streams. In preparing Local Plans, waste planning authorities should: ... drive waste management up the waste hierarchy ... recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal ... ’.
- Paragraph 5 explains that ‘waste planning authorities should assess the suitability of sites and/or areas for new or enhanced waste management facilities against each of the following criteria: ...
  - the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport; and
  - 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.’

- Paragraph 8 states that ‘when determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that: the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities; ... ’.

### **3. Local Context**

- 3.1. Each year the County Council produces the Local Aggregates Assessment (LAA). This document sets out the current level of aggregate supply and demand for Hertfordshire and calculates the current landbank of sand and gravel. The LAA is a key document in informing the allocation of sites and the need for additional mineral resources over the plan period.
- 3.2. The County Council is also responsible for producing a Local Transport Plan (LTP). The LTP4 includes Policy 5: Development Management which states that *‘the county council will to work with development promoters and the district and borough councils to: a) Ensure the location and design of proposals reflect the LTP Transport User Hierarchy and encourage movement by sustainable transport modes and reduced travel demand ... ’*.
- 3.3. In 2020 the County Council produced a Sustainable Hertfordshire Strategy which details the Council’s goals in Leading, Enabling and Inspiring not only its own operations but the operations of the businesses and residents within the county. In particular, to enable and inspire a more sustainable county, the following ambitions are set out:
  - Net zero greenhouse gas county before 2050
  - Our communities are ready for future climates
  - Improve wildlife in our land and water by 20% by 2050
  - Clean air for all by 2030
  - Increase resource efficiency threefold in the County by 2050

### **4. Minerals & Waste Local Plan Policy**

- 4.1. Prior to the publication of the emerging MWLP, the Council was preparing separate Minerals and Waste Plans, which were at differing stages of production. The emerging Minerals Local Plan (MLP) was published for a Regulation 19 Proposed Submission consultation in 2019, and the emerging Waste Local Plan (WLP) was published for a

Regulation 18 Draft Plan consultation in 2021. These emerging Plans have now been brought together into a single MWLP. The Vision and Objectives which this Evidence Report relates to have been formulated from the Vision and Objectives in those previous emerging Plans, and take into account the representations received at those previous stages of consultation.

## Proposed Submission Minerals Local Plan 2019

4.2. The Proposed Submission Minerals Local Plan was published for a ten week Regulation 19 consultation from 14 January 2019 to 22 March 2019. The section read as follows:

### Vision

Throughout the Plan period, Hertfordshire will continue to provide a steady and adequate supply of sand and gravel to enable local economic growth and support wider and national supply obligations. This will be achieved by permitting sand and gravel reserves within Hertfordshire for extraction and supporting clay extraction to supply specialist brickworks.

The supply of naturally occurring mineral resources of sand, gravel and clay will be conserved for future generations. This will be achieved by employing the sustainable use of minerals by using resources effectively and utilising the supply of alternative materials in construction projects. Prior extraction in cooperation with interested parties will be expected before other development takes place on land.

The sustainable use of minerals will minimise impacts and maximise improvements on the natural, built and historic environments and human health now and in the future. The effects on climate change will be managed as part of mineral development.

High quality restoration and subsequent management of mineral sites will be carried out as early as possible to conserve and enhance the character and quality of Hertfordshire's landscape and environments. Opportunities for outdoor recreation, net gain in biodiversity, improved agricultural land and water management will be delivered.

- Obj1. To enable sustainable local economic growth by ensuring a steady and adequate supply of minerals across the county to meet the requirements of the Local Aggregate Assessment.
- Obj2. To conserve sand, gravel and clay resources for current and future generations and ensure the continued use of mineral infrastructure.
- Obj3. To encourage the sustainable use of minerals which includes utilising secondary and recycled aggregates, extracting minerals prior to other development taking place, and using minerals in construction on the land from

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|       | which they are extracted.  |
| Obj4. | To promote/encourage the sustainable transport of minerals by road, rail and water, including the safeguarding of railheads.   |
| Obj5. | To protect people from harm, positively contribute to local residents' health and the natural, built and historic environments.  |
| Obj6. | To ensure that mineral development addresses and minimises the impacts it will have on climate change and how climate change may impact upon it.   |
| Obj7. | To positively contribute to the natural, built and historic environments with high quality, progressive and expedient restoration to achieve a beneficial after-use. The after-use will protect and enhance the environment, including agricultural land, landscape and biodiversity improvements. |
| Obj8. | To provide benefits for health and wellbeing through positively planned restoration of extraction sites which improve and enhance the county's green infrastructure offer for recreation and physical activity.  |

- 4.3. During the Regulation 19 consultation, 16 representations were made in relation to this section. The main points of these are summarised below:
- a) The term 'require' should be used in place of 'encourage' to strengthen the wording of this section.
  - b) The following wording is suggested to clarify how mineral resources will be conserved for future generations:  
 'The supply of naturally occurring mineral resources of sand, gravel and clay will be conserved for future generations. This will be achieved by identifying mineral safeguarding areas, and by employing the sustainable use of minerals by using resources effectively and utilising the supply of alternative materials in construction projects. Prior extraction in cooperation with interested parties will be expected before other development takes place on land.'
  - c) The Vision does make adequate reference to the historic environment. The third paragraph of the Vision could be clarified to state whether the sustainable use of minerals includes the actual extraction element of the process. The words 'extraction and' before use in the third paragraph of the Vision.
  - d) The following textual amendments to the Objectives are proposed in order to add clarity and reflect national policy:
    - Objective 2: 'To conserve by safeguarding sand, gravel and clay resources for current and future generations and ensure the continued use of mineral infrastructure.'
    - Objective 4: 'To promote/encourage the sustainable transport of minerals by road, rail and water, including the safeguarding of railheads and added value processing operations.'
  - e) The phrase 'protected and where appropriate enhanced' should be used to be consistent with national policy within the Objectives.
  - f) The vision needs to include clear reference to the safeguarding mechanisms to ensure conservation for future generations. This would be more aligned with

paragraph 204 c of the NPPF and paragraph: 002 Reference ID: 27-002-20140306 of the Minerals PPG and as such meeting the tests for soundness. The first paragraph of the Vision should integrate more closely with the definition of sustainable development under Section 4 of the NPPF.

- g) The Vision states that 'prior extraction in co-operation with interested parties will be expected before other development takes place on land.' There are many reasons that it may not be appropriate to extract mineral reserves prior to development. The vision, objectives and policies of the Plan should reflect this more pragmatic approach to potential minerals extraction
- h) Objective 1 should be reworded to state: '... to meet the requirements of Hertfordshire, in the context of an updated LAA'. The LAA is intended to reflect that need.
- i) The Objectives need to include safeguarding of railheads to ensure the ability to import hard rock resources. This ensures a transparent approach on the vital importance of the railheads and associated ancillary assets in meeting minerals and specifically hard rock supply.
- j) It is suggested that an additional objective to safeguard ancillary minerals development is included. This would be more aligned with paragraph 204e of the NPPF and paragraph: 006 Reference ID: 27-002-20140306 of the Minerals PPG and as such meeting the tests for soundness.

4.4. The county council's response to the representations received is stated below:

- a) The Vision and Objectives constitute overarching aims for the Plan and are not policies. The requirements in the Plan are contained within the relevant plan policies.
- b) The suggested wording has been reflected within the Vision.
- c) The Vision has been updated to make specific reference to the Historic Environment. The use of the word 'development' covers the multiple stages of a mineral operation.
- d) The safeguarding of mineral resources is covered within the Vision. Objective 1 relates to protecting mineral resources. Sub-objective 1.2, as outlined in the Sustainability Appraisal (SA), 'ensure[s] that mineral sterilisation is minimised through the use of Mineral Safeguarding Areas'. Sub-objective 1.4 'ensure[s] the continued operation of minerals infrastructure through safeguarding'.
- e) The wording in the Objectives has been updated to better reflect this.
- f) The Vision has been updated to better reflect the safeguarding requirements within national policy.
- g) The Vision states that prior extraction is 'promoted'. It is recognised that it may not always be appropriate to prior extract before other development however, this is further dealt with by the relevant plan policies.
- h) The objectives do not reference the LAA, however this is referenced directly in policy wording.
- i) The safeguarding of minerals and waste infrastructure is no longer contained within the Objectives, rather it is considered within the Vision and under Policy 4:

Site Safeguarding and Consultation Areas. It is also referenced in the sub-objectives in the SA, sub-objective 1.4 'ensure[s] the continued operation of minerals infrastructure through safeguarding'.

- j) This point is covered by sub-objective 1.4 of the SA, 'ensure[s] the continued operation of minerals infrastructure through safeguarding'.

## **Draft Waste Local Plan 2021**

4.5. The Draft Waste Local Plan was published for a ten week Regulation 18 consultation from 11 January 2021 to 19 March 2021. The section read as follows:

### **The Hertfordshire Vision**

Through engagement with the community and working in partnership with other waste and planning authorities, Hertfordshire will be waste aware and achieve net self-sufficiency by 2036, moving towards accomplishing zero avoidable waste.

Hertfordshire County Council will ensure the implementation of the Waste Hierarchy, promoting waste reduction, reuse and recycling, therefore minimising waste needing final disposal as part of the 'circular economy'.

The Plan will work to resolve the county's capacity gap for local authority collected waste, commercial and industrial waste and construction, demolition and excavation waste. In accordance with the Duty to Cooperate, the county council will engage with relevant authorities, including London, to monitor waste movements, both into and out of the county.

There will be a flexible and supportive plan-based approach towards waste management facilities, embracing modern technologies that reduce carbon emissions. Sustainable development will be achieved through the use of sustainable transport links, protection of human health, protection and enhancement of the County's wildlife habitats, and natural, built and historic environments. Through this a healthy community environment in Hertfordshire will be maintained.

### **Strategic Objectives:**

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| SO1 | Support the prevention and minimisation of waste generation in line with the Waste Hierarchy, and where waste cannot be avoided, maximise the recovery value from waste;                               |
| SO2 | Promote the provision of well-designed, modern and efficient facilities (including co-location) that drive waste management practices up the Waste Hierarchy and which reduce residual waste disposal; |

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| SO3  | Promote the location of well-situated waste facilities (including waste water) to ensure minimal harm to human health, and the protection and enhancement of Hertfordshire's wildlife habitats, and natural, built and historic environments; |
| SO4  | Encourage the increased and efficient use of recycled waste materials in Hertfordshire (for example as aggregate) in line with the Waste Hierarchy and the Hertfordshire Waste Partnership;   |
| SO5  | Encourage the location of appropriate waste facilities as close as practicable to the origin of waste;  |
| SO6  | Support sustainable low-emissions modes of transport, and reduce the dependency on road transport, through the promotion of navigable water and rail as the principal means of waste and related transportation;                              |
| SO7  | Cooperate with all partners in the county and beyond to encourage integrated waste planning, aligning with other local and waste plans;   |
| SO8  | Recognise the importance of the waste sector in the local and wider economy as a generator of employment and its provision of infrastructure which supports businesses and communities;   |
| SO9  | Work with all relevant waste authorities to manage the equivalent of the county's own waste arisings (to achieve net self-sufficiency); and   |
| SO10 | Support the provision of waste facilities that demonstrate the ability to mitigate negative contributions towards, and the resilience to adapt to the potential impacts of climate change.  |

4.6. During the consultation on the Draft Waste Local Plan, this section received 22 representations. The points raised are summarised below:

- a) This section should clarify how HCC will ensure the implementation of the Waste Hierarchy, promoting waste reduction, reuse and recycling, therefore minimising waste needing final disposal as part of the circular economy and to what timetable/at what cost/using what funding sources.
- b) The Vision does not state that to achieve net self-sufficiency and to resolve the county's capacity gap it will aim to make adequate provision to manage the relevant waste streams by, for example, allocating specific sites.
- c) The details of quantities and origins of wastes stated in Objective 9 should be clearly stated.
- d) The role of the waste management sector in dealing with climate change should be further emphasised in the Vision.
- e) There is concern that with the requirement for housing growth, the ability to retain and develop new waste management facilities within the county will be put at risk.
- f) It is considered that promotion alone will not enable the implementation of the Waste Hierarchy.
- g) It is considered that the Vision should include reference to the Chilterns AONB and the Green Belt. It could also reference the threat of climate change and the Government target of zero carbon by 2050, and waste reduction and recycling

as key parts of that. The Strategic Objectives should also address the same issues.

- h) A further paragraph within the Vision is suggested:  
'The Plan will provide for flexibility whilst still maintaining a Plan led approach to the delivery of waste management facilities, which is sympathetic to the Waste Hierarchy. The colocation of complementary waste facilities and nonwasted developments (for example at minerals sites) will be encouraged, where appropriate, to facilitate synergies in waste management and transport.'
- i) It is suggested that Strategic Objective 1 could include the following wording:  
'...encouraging the use of waste as a resource, such as considering it as a potential source of heat and energy, or when considering habitat and amenity land creation in the sustainable restoration of mineral workings.'
- j) It is suggested that Strategic Objectives 2 could be strengthened to set out examples of sustainable co-location which could include for the use of parts of existing mineral workings, or the re-development of brownfield legacy sites historically associated with minerals extraction.
- k) The Objectives should include a paragraph regarding adequate safeguarding.
- l) The 'flexibility' offered in the final paragraph of the Vision should be clarified in order to avoid interpretation.

4.7. The county council's response to the above representations is as follows:

- a) The Vision refers to driving waste up the waste hierarchy and the Plan's policies set out how this will be achieved.
- b) The Vision is broad and over-arching, it states the council will work towards achieving net self-sufficiency, and the policies in the Plan provide the detail of how this will be achieved.
- c) This Objective has not been carried forward into the MWLP, however details of quantities and origins of waste are set out in the Plan and the supporting Waste Needs Assessment.
- d) The need to address climate change has been further emphasised within the Vision.
- e) The Vision creates the aim to support new waste management facilities in a flexible manner. The relevant plan policies offer a mechanism for the implementation and safeguarding of new waste management proposals.
- f) The Vision is broad and over-arching, the policies in the Plan seek to help with the implementation of the waste hierarchy.
- g) The Vision is broad and over-arching, the Chilterns AONB and the Green Belt are given specific consideration and protection within specific policies of the plan. For example, Policy 14: Green Belt and Policy 16: Landscape and Green Infrastructure.
- h) The contents of the suggested paragraph (waste hierarchy, flexibility of approach and waste transport) are present within the updated vision.
- i) The use of secondary and recycled material is stated within the new Objective 3.

- j) The objectives do not specifically reference co-location, this is however covered in the Plan policies.
- k) The need to safeguard waste management facilities is an objective of the Plan.
- l) The new Vision retains the term 'flexible approach', as the Vision is broad and over-arching, however this approach is clarified within the policies in the Plan, namely Policy 3.

## **5. Conclusion**

- 5.1. This Policy Evidence Report demonstrates the justification for the inclusion of the Vision and Objectives in the emerging Minerals and Waste Local Plan Draft 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.
- 5.2. Any representations received on the Vision and Objectives at the Regulation 18 consultation stage will be carefully considered by the county council and used to inform any changes to their wording as appropriate.
- 5.3. This Policy Evidence Report was written to support the Draft Plan (Regulation 18) consultation. The next iteration of this report, to be published in support of the Proposed Submission (Regulation 19) version of the Plan, will summarise the main issues arising from the Regulation 18 consultation and will form part of the Regulation 22 statement, as set out by the Town and Country Planning (Local Planning) (England) Regulations 2012.