

Policy Evidence Report

Policy 3: Meeting Waste Management Needs

**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 creation of Policy 3: Meeting Waste Management Needs 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. Sustainable development is a key theme throughout the NPPF. The following point within the NPPF relates to Policy 3:
 - Paragraph 20 states that 'Strategic Policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for... infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)'.
- 2.3. The PPG contains its own section dedicated to waste, from which the following is relevant:
 - Waste Planning Authorities play a role in implementing the following Articles of the EU Waste Framework Directive (2008/98/EC) in England:
 - Article 4: Waste Hierarchy
 - Article 13: Protection of human health and the environment
 - Article 16: Principles of proximity and self-sufficiency
 - Article 28: Waste Management Plans

- Article 34: Periodic Inspections
(Paragraph: 004 Reference ID: 28-004-20141016)
Although the NPPG states the above, the UK has now left the European Union. These articles were transposed into UK legislation and also appear in the Waste (England and Wales) Regulations 2011 as outlined below.
- Waste Planning Authorities are also obligated to have regard to the principles of Self-Sufficiency and proximity ('the proximity principle') when exercising planning functions (Paragraph: 006 Reference ID: 28-006-20141016).
- The PPG states what local plans should deliver: 'The Local Plan relating to waste should identify sufficient opportunities to meet the identified needs of an area for the management of waste, aiming to drive waste management up the Waste Hierarchy. It should ensure that suitable sites and areas for the provision of waste management facilities are identified in appropriate locations.' (Paragraph: 011 Reference ID: 28-011-20141016)
- 'Opportunities for land to be utilised for waste management should be built into the preparatory work for Local Plans, to the level appropriate to the local planning authorities planning responsibilities. For example:
 - suitable previously-developed land, including industrial land, provides opportunities for new waste facilities and priority should be given to reuse of these sites. It is important for waste to be considered alongside other land uses when looking at development opportunities
 - as reviews of employment land are undertaken, it is important to build in the needs of waste management before releasing land for other development or when considering areas where major regeneration is proposed
 - the integration of local waste management opportunities in new development should be integral to promoting good urban design
 - facilitating the co-location of waste sites with end users of waste outputs such as users of fuel, low carbon energy/heat, recyclates and soils.'
 (Paragraph: 018 Reference ID: 28-018-20141016)

2.4. In addition to the waste requirements set out in the NPPF and PPG, the National Planning Policy for Waste 2014 (NPPW) is of particular reference to this policy. The following points are highlighted:

- Paragraph 3 – '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.'
- Paragraph 4 – 'Waste planning authorities should identify, in their Local Plans, sites and/or areas for new or enhanced waste management facilities in

appropriate locations. In preparing their plans, waste planning authorities should:

- identify the broad type or types of waste management facility that would be appropriately located on the allocated site or in the allocated area in line with the waste hierarchy, taking care to avoid stifling innovation (Appendix A);
 - plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant;
 - consider opportunities for on-site management of waste where it arises;
 - consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities. Where a low carbon energy recovery facility is considered as an appropriate type of development, waste planning authorities should consider the suitable siting of such facilities to enable the utilisation of the heat produced as an energy source in close proximity to suitable potential heat customers;
 - give priority to the re-use of previously-developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages.'
- Paragraph 5 – '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 extent to which the site or area will support the other policies set out in this document;
 - physical and environmental constraints on development, including existing and proposed neighbouring land uses, and having regard to the factors in Appendix B to the appropriate level of detail needed to prepare the Local Plan;
 - 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.'

2.5. As mentioned above, the EU Waste Framework Directive was transposed into UK law under the Waste (England and Wales) Regulations 2011. Schedule 2 part 1 of the Regulations (6d) states that a local plan must include 'sufficient information on the

location criteria for site identification and on the capacity of future disposal or major recovery installations, if necessary’.

2.6. The Our Waste, Our Resources: A Strategy for England was produced in 2018 to...

The strategy primarily discusses the need to make more sustainable use of our resources and how this can be achieved using various case studies. The strategy states that ‘we cannot increase resource efficiency without the right waste infrastructure.’

2.7. The Waste Management Plan 2021 aims to fulfil the requirements of the Waste

(England and Wales) Regulations 2011. The document states that ‘the network must enable waste to be disposed of, or be recovered, in one of the nearest appropriate installations’. It also states that ‘the network shall be designed in such a way as to enable a movement towards the aim of self-sufficiency in waste disposal and the recovery of waste.’

3. Local Context

3.1. Hertfordshire County Council has produced a Waste Needs Assessment as part of the evidence base for the emerging MWLP. The assessment quantifies the need for additional waste management capacity in the county and will help to justify the allocation or exclusion of potential waste sites/areas of search and shape policies in the plan. The assessment is available on the website.

3.2. The County Council has also produced a Local Authority Collected Waste Spatial Strategy (May 2021). The document highlights the need for new and improved waste management facilities in the county to sustainably manage the growing quantity of waste being produced. The report also states which waste streams need further provision and the preferences of the authority as to how this might be carried out. This document is also available to view on the county council’s website.

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 Policy which this Evidence Report relates to has been formulated from one or more relevant policies in those previous emerging Plans, and takes into account the representations received at those previous stages of consultation.

Draft Waste Local Plan

4.2. The Draft Waste Local Plan was published for a ten-week Regulation 18 consultation from 11 January 2021 to 19 March 2021. This document included Strategic Policy 1: Waste Management Facilities in Hertfordshire. The policy read as follows:

Strategic Policy 1: Waste Management Facilities in Hertfordshire

In line with the capacity gap report and in order to achieve net self-sufficiency, waste development proposals which move waste up the hierarchy and subject to the other policies in this plan should ideally be located within the AGAs, as identified on the policies map, and are acceptable in principle at the following locations:

- Sites with planning permission for waste development;
- Strategic sites;
- Industrial areas (excluding open air composting);
- Employment Land (B2/B8 uses, excluding open air composting)

In addition to the locations listed above, and subject to Green Belt policy where applicable, rural locations may be acceptable in principle for waste facilities (e.g. open air composting).

In all cases, applicants must demonstrate that the proposed use is compatible with neighbouring uses.

- 4.3. During the Regulation 18 consultation, 28 representations were made in relation to this policy. The main issues are summarised below:
- a) The AGAs are too broad of an approach: they may not be suitable for all waste streams and are too imprecise to provide a strategic framework or inform the waste management industry where facilities may be located. With this broad approach it is not seen how the council will meet its capacity requirements.
 - b) The AGAs presented are not yet refined as they do not take into account other locational specific criteria such as emerging housing sites or protected biodiversity sites. It would be difficult to protect this land for waste management development.
 - c) The AGAs define areas outside of the plan area which is not under the remit of Hertfordshire County Council.
 - d) This policy should make direct links to other plan policies to ensure that waste development proposals take into account other issues than just the location.
 - e) This policy should list the strategic sites to avoid doubt and accord with paragraph 16 of the NPPF. The definition of a strategic site compared to a site with planning permission should be added for clarity.

- f) The policy could capture other projects such as the enhancement of derelict land requiring fill as part of restoration to a beneficial afteruse.
- g) It is unclear how these AGAs relate to the Hertfordshire Local Authority Collected Waste Spatial Strategy.
- h) The policy should clarify what is meant by the term 'compatible' as this could lead to contention during decision making. Further textual clarity within the policy would also be desired.
- i) The policy does not allow for the development or operation of water recycling centres, therefore the following text is proposed within the bulleted list: 'Sewage Treatment Works: proposals relating to existing, new or extended sewage treatment works are supported in principle subject to addressing the development criteria in Policy x'.

A separate policy should be included within the plan focused on water recycling centres with the following proposed text:

- i. 'Proposals for new sewage treatment capacity or proposals required for operational efficiency, whether on existing Sewage Treatment Works (STWs) or elsewhere (with such proposals including the improvement or extension of existing STWs, new STWs, provision of supporting infrastructure including renewable energy) or the co-location of STWs with other waste management facilities will be supported in principle particularly where the increased capacity is required to support sustainable development identified in the Local Plan.
 - ii. Proposals for such development must demonstrate that operations would not have unacceptable impacts in accordance with other policies in this plan.'
- j) There is no indication as to what types of facilities are required to support the desired self-sufficiency or targets set out in the capacity gap report, therefore the conclusions from the capacity gap report should be included within the plan.
- k) The following reference in Strategic Policy 1 'should ideally be located within the AGAs, as identified on the policies map' could be amended to remove the 'as identified on the policies map' reference and the 'following locations' list could include 'strategic sites for growth as set out in emerging and adopted Local Plans'.
- l) The first paragraph of the policy should be presented as a bulleted list for ease of reading and clarity.
- m) The policy should forecast when new waste management facilities will be required across the plan period.
- n) It is requested that the policy make further provision for open windrow green waste composting facilities as this is a shortfall as identified by the Capacity Gap Report. It is also requested that the site at Blackbirds Farm be included within the policy or as a strategic site for this reason.
- o) The list of acceptable locations could be expanded to include:
 - Within existing or planned industrial or employment land
 - Within redundant farm or forestry buildings and their curtilages or hard standings

- Within or adjoining sewage treatment works
- Within existing or adjoining waste management sites
- Within suitable previously developed land
- Within an active quarry or active landfill operation.

4.4. As a result of the issues raised, the council's response is as follows:

- a) The AGAs as identified on the Policies Map were intended to be indicative of the general areas where waste management development may be suitable, i.e. the main towns in the County. The Council accepts this has caused some confusion and has revised the approach to growth areas, instead identifying those settlements by name within the policy itself.
- b) The approach to identifying AGAs has been revised and instead the policy now identifies specific locations where future waste management development may be acceptable.
- c) The AGAs were intended as an indication of the general areas where waste management might be appropriate. They were denoted as equally sized circles based on the centre most point of the settlements. In some cases this meant that the AGAs extended beyond the plan area boundary. This way of denoting the settlements has now been changed to address this issue.
- d) The Plan should be read as a whole, therefore it is not necessary to cross-reference to other policies.
- e) The Council has amended its approach to the safeguarding of sites and as such now considers all existing waste management sites and those with the benefit of planning permission to be subject to the same safeguarding approach. The Plan therefore no longer identifies certain sites as strategic. The specific facilities are not listed within the policy but are defined on the policies map and are listed in the annual Authority Monitoring Report.
- f) Proposals for the restoration of land to a beneficial after-use would be considered under other policies, such as Policy 12: Landfill Excavation or Policy 13: Restoration, Aftercare and After-use.
- g) The AGAs, and therefore the approach to steer applications for waste management development to the most appropriate locations, are not related to the Local Authority Collected Waste Spatial Strategy, which is a separate document prepared by the Waste Disposal Authority and which is concerned with one particular waste stream.
- h) The term compatible is subjective and depends on the nature of the existing facility and the proposed development, and will be determined on a case by case basis taking into account all other factors in the planning balance.
- i) Water Recycling Centres are covered under a new Policy 22: Water Recycling Sites.
- j) This policy does not wish to constrain development by specifying the type of facility/development that would be acceptable in each location. The policy is technology neutral. Any proposal will be subject to the other policies in the plan.

Each proposal will need to be determined on its merits. The policy now states what the waste management needs are based on waste management method.

- k) The policy wording has been amended and reworded, as such the first sentence of the policy is no longer the same. The policy no longer uses AGAs and instead identifies the particular settlements and locations where waste management development may be suitable.
- l) The policy has been amended and now lists the settlements by name, rather than use AGAs.
- m) The policy now shows the different points in the plan period and the waste management needs, by waste management method, that are required at those various points.
- n) The policy has been amended to state where open air composting sites would be suitable in principle. The Plan does not allocate specific locations, nor does it wish to constrain development by stating the type of facility/development that would be acceptable in each location. All existing or permitted waste management sites are now safeguarded.
- o) List of acceptable locations has been revised.

5. Alternative Reasonable Options

5.1. The following alternative options have been considered (and fully assessed in the Sustainability Appraisal Report):

- Option 1 – A policy that supports proposals which would increase waste management capacity where gaps are identified and guides future waste management development towards the most appropriate locations in the county (preferred)
- Option 2 – A policy similar to Option 1, which also supports proposals for new waste management development on identified Allocated Sites
- Option 3- A policy with a similar approach to Option 1 but one which does not seek to steer waste management development to specific areas, allowing for more flexibility

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 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.

6.2. Any representations received on this policy at the Regulation 18 consultation stage will be carefully considered by the county council and used to inform any changes to the policy wording as appropriate.

6.3. 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.