

Policy Evidence Report

Policy 16: Landscape and Green Infrastructure

**Hertfordshire Minerals and Waste
Local Plan 2040**

Hertfordshire County Council



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

June 2022

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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 16: Landscape and Green Infrastructure 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 Policy 16:
 - Paragraph 20 – ‘Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for: ... conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.’
 - Paragraph 130 – ‘Planning policies and decisions should ensure that developments: ... c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)’.
 - Paragraph 174 – ‘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) ... ‘.

- Paragraph 175 – ‘Plans should: ... take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.’
- Paragraph 186 – ‘... Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications.’

2.3. The PPG includes a number of relevant sections:

- a) ‘The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include: ... visual impact on the local and wider landscape; landscape character ... impacts on nationally protected landscapes (National Parks, the Broads and Areas of Outstanding Natural Beauty) ... ’.

Minerals, Paragraph: 013 Reference ID: 27-013-20140306

- ‘A site-specific landscape strategy to accompany applications for either a new site or any significant extension to an existing working site should include:
 - defining the key landscape opportunities and constraints;
 - considering potential directions of working, significant waste material locations, degrees of visual exposure etc;
 - identifying the need for additional screening during operations;
 - identifying proposed afteruses and options for the character for the restored landscape’

Minerals, Paragraph: 059 Reference ID: 27-059-20140306

- ‘The National Planning Policy Framework is clear that plans should recognise the intrinsic character and beauty of the countryside, and that strategic policies should provide for the conservation and enhancement of landscapes. This can include nationally and locally-designated landscapes but also the wider countryside.

Where landscapes have a particular local value, it is important for policies to identify their special characteristics and be supported by proportionate evidence. Policies may set out criteria against which proposals for development affecting these areas will be assessed. Plans can also include policies to avoid adverse impacts on landscapes and to set out necessary mitigation measures, such as appropriate design principles and visual screening, where necessary. The cumulative impacts of development on the landscape need to be considered carefully.’

Natural Environment, Paragraph: 036 Reference ID: 8-036-20190721

- ‘For a designated landscape, the relevant management plan will contain further information on the area’s particular character and beauty.’

Where appropriate, landscape character assessments can be prepared to complement Natural England's National Character Area profiles. Natural England provides guidance on undertaking these assessments.

To help assess the type and scale of development that might be able to be accommodated without compromising landscape character, a Landscape Sensitivity and Capacity Assessment can be completed.

To demonstrate the likely effects of a proposed development on the landscape, a Landscape and Visual Impact Assessment can be used.'

Natural Environment, Paragraph: 037 Reference ID: 8-037-20190721

- 'Green infrastructure opportunities and requirements need to be considered at the earliest stages of development proposals, as an integral part of development and infrastructure provision, and taking into account existing natural assets and the most suitable locations and types of new provision.'

Natural Environment, Paragraph: 008 Reference ID: 8-008-20190721

2.4. Appendix B, Locational Criteria of the National Planning Policy for Waste (NPPW) also states landscape and visual impacts as a consideration in the preparation of local plans:

- 'c. landscape and visual impacts
Considerations will include (i) the potential for design-led solutions to produce acceptable development which respects landscape character; (ii) the need to protect landscapes or designated areas of national importance (National Parks, the Broads, Areas of Outstanding Natural Beauty and Heritage Coasts) (iii) localised height restrictions.'

3. Local Context

3.1. Hertfordshire County Council has a Landscape Advisory Service. The service produce a series of Landscape Character Assessments that cover the county. The distinctive character and special qualities of Hertfordshire's landscape are described in these Landscape Character Assessments. Landscape policies in Local Plans should refer to these to ensure sensitive siting and design of development that minimises harm to the character of Hertfordshire's landscape.

3.2. Hertfordshire County Council also has a Strategic Green infrastructure Plan 2011. The plan contains the following:

- Provides an overview of existing strategic green infrastructure assets within the County, including consideration of assets and proposals which are significant for national and sub national/regional green infrastructure planning;
- Sets out an assessment, at the strategic level, of the ability of green infrastructure to provide multiple environmental and social and, in some cases economic, functions;
- Considers opportunities for enhancement and creation of green infrastructure;

- Outlines a series of potential projects to deliver multiple functions and benefits, and
- Provides advice on taking green infrastructure proposals.

3.3. Hertfordshire is comprised of a rich variety of landscapes, each with its own distinct character and ‘sense of place’. Across the county there are several landscape designations and landscape scale initiatives that have strong landscape objectives:

- The Chilterns Area of Outstanding Natural Beauty;
- The Lee and Colne Valley Regional Parks;
- Watling Chase Community Forest;
- Heartwood Forest;
- Registered parks and gardens and other landscapes of historic interest; and
- Landscapes of local value.

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.

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. This document included Policy 16: Landscape and Green Infrastructure. The policy read as follows:

Policy 16: Landscape and Green Infrastructure

Proposals for mineral extraction, associated development and reclamation must take into account the existing landscape and green infrastructure, and should protect and/or enhance the landscape character, quality, visual amenity and green infrastructure.

Proposals for mineral extraction and associated development will be permitted where it can be demonstrated that throughout the life time of the development (including restoration):

- there are no unacceptable landscape and visual effects;

- any unavoidable landscape and visual effects have been minimised through appropriate mitigation;
- valued landscapes are protected and enhanced;
- continued long term improvements are made to the wider ecological networks and green infrastructure; and
- after reclamation, the landscape is conserved and enhanced and the highest practicable environmental standards are achieved.

Proposals must assess the landscape character, quality and visual effects of the development through a full Landscape and Visual Impact Assessment with reference to current landscape character assessments, green infrastructure strategies and management plans for the area.

- 4.3. During the Regulation 19 consultation, 6 representations were made in relation to this policy including support for its contents. The main points of these are summarised below:
- a) Improvements to the wider ecological networks and green infrastructure can be issues of land ownership/control and cannot always be in the gift of the applicant.
 - b) Mineral works within PA1 which fall within the Green Belt would cause destruction of the landscape which cannot comply with Policy 16. Part of PA1 is under the designated area of the emerging Hunsdon Area Neighbourhood Plan. This plan is also proposing to designate this section of Green Belt as Local Green Space which would protect it from development.
 - c) Include a separate policy in the MLP on the AONB or at least a separate section within the landscape policy. As there is a policy on Green Belt there should also be one for the Chilterns AONB. The policy fails to meet NPPF paragraphs 171 and 172 and therefore, more weight should be given to the Chilterns AONB in the MLP. This would demonstrate HCC's statutory duty under section 85 of the Countryside and Rights of Way Act 2000 and the general duty of public bodies.
- 4.4. The county council's response to the above representations is as follows:
- a) Applications cannot propose to act outside of the application boundary, however improvements to ecological networks and green infrastructure on-site will aim to offer improvements off-site, for example helping to link up ecological networks.
 - b) Mineral operations are regarded as temporary developments, as the land is restored and often improved once the mineral has been extracted. The NPPF states that mineral extraction is not inappropriate within the green belt provided that it preserves the openness and does not conflict with the purpose of including land within it.
 - c) A new section has been added to the policy to explicitly cover the Chilterns AONB.

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. This document included Non-strategic Policy 12: Landscape and Green Infrastructure. The policy read as follows:

Non-Strategic Policy 12: Landscape and Green Infrastructure

Waste development proposals should conserve and enhance the landscape character, quality, visual amenity and green infrastructure networks.

Waste development proposals will be permitted where it can be demonstrated that throughout the lifetime of the development:

- there are no unacceptable landscape and visual effects;
- any unavoidable landscape and visual effects have been minimised through appropriate mitigation;
- valued landscapes are protected and enhanced;
- continued improvements will be made which provide long term benefits to the wider ecological networks and green infrastructure; and
- the landscape is conserved and enhanced and the highest practicable environmental standards are achieved.

Proposals must assess the landscape character, quality and visual effects of the development through a full Landscape and Visual Impact Assessment or Landscape Visual Appraisal with reference to current Landscape Character Assessments, green infrastructure strategies and management plans for the area.

- 4.6. During the consultation on the Draft Waste Local Plan, this policy received 6 representations, including some support for the inclusion of this policy. The points raised are summarised below:
- a) The policy should include text to reference the creation of new wildlife corridors throughout the lifetime of the development. The suggested text is offered to be appended to the 4th bullet point:
'with particular attention to continuity of, and setting up new, wildlife corridors'
 - b) The policy should mention and offer greater protection for the Chilterns AONB and refer to its management plan.
 - c) The requirement to undertake appropriate site assessments must be considered on a site-by-site basis. It is suggested that more flexibility needs to be built into these policies to take account of site-by-site circumstances.
- 4.7. The county council's response to the above representations is as follows:
- a) The creation of wildlife corridors would be included in the set of assessments and criteria required under Policy 15: Biodiversity and Geodiversity. Whilst

landscape and green infrastructure does encompass ecological networks, the requirement to conserve and enhance habitats and wildlife does not fall within the remit of this policy.

- b) Whilst Non-Strategic Policy 12: Landscape and Green Infrastructure did not specifically refer to the Chilterns AONB, it is identified within the supporting policy text along with reference to the hierarchy of sites. The Council does however recognise the importance of the AONB and the policy wording has been amended to reflect this.
- c) The policy requires an assessment for every development proposal. This assessment would be dealt with at the application stage. To accord with national policy landscape and green infrastructure is an important aspect that must be considered by all proposals.

5. Alternative Reasonable Options

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

- Option 1 – A criteria-based policy consistent with national policy, which includes the requirement for proposals to be supported by either a Landscape and Visual Impact Assessment or a Landscape Visual Appraisal
- Option 2 - A policy similar to Option 1 but which provides greater protection for the Chilterns AONB (preferred)
- Option 3 – A less restrictive policy, requiring consideration only of general criteria relating to visual and other effects

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.