

Policy Evidence Report

Policy 19: Protection and Enhancement of Amenity

**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 19: Protection and Enhancement of Amenity 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 19:
 - Paragraph 8 states the three overarching objectives for achieving sustainable development. The social objective states: ‘to support strong, vibrant and healthy communities, ... by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being ...’.
 - Paragraph 130 explains that planning policies should ensure that developments: ‘a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; ... 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); ... and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.’

- Paragraph 185 states: ‘Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment ... In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.’
- Paragraph 210 states that planning policies should: ‘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’.

2.3. The PPG includes some relevant information:

- The planning system controls the development and use of land in the public interest and ... this includes ensuring that new development is appropriate for its location – taking account of the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution.
Minerals, Paragraph: 012 Reference ID: 27-012-20140306

2.4. The National Planning Policy for Waste also includes a number of relevant points:

- Paragraph 7 states that waste planning authorities should ‘consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies ... ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located ...’
- The locational criteria in Appendix B of the document encourages waste planning authorities to consider the following areas:
 - a. protection of water quality and resources and flood risk management
 - b. land instability
 - c. landscape and visual impacts
 - d. nature conservation
 - e. conserving the historic environment
 - f. traffic and access
 - g. air emissions, including dust
 - h. odours
 - i. vermin and birds
 - j. noise, light and vibration

- k. litter
- l. potential land use conflict

3. Local Context

- 3.1. Hertfordshire residents enjoy a relatively good quality of life with high levels of employment, access to services and recreation, and a range of high quality built and natural environments. These all contribute to the county's amenity, which is an important consideration in planning. A broad range of features contribute to amenity, including land uses such as private/public gardens, sports fields, country paths and an extensive public Rights of Way network. There are also natural features which further contribute, including mature trees and water bodies.
- 3.2. There are sensitive receptors in the county which will be impacted by varying degrees to amenity issues caused by mineral and waste development. This policy therefore seeks to protect these receptors from impacts such as light, noise, and air pollution (e.g. dust).
- 3.3. In December 2017, a Joint Strategic Needs Assessment was created on air quality within Hertfordshire. This found that in 2011, Hertfordshire had a higher mean concentration of fine particulate matter than England and whilst in 2015, both Hertfordshire and England's mean concentration had fallen; Hertfordshire was still higher than England's average.

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 18: Protection and Enhancement of Amenity. The policy read as follows:

Policy 18: Protection and Enhancement of Amenity

Proposals for mineral extraction and associated development will be permitted where they are accompanied by an assessment which clearly demonstrates that consideration has been given to amenity, which includes the natural, built and historic environment, public health and safety, and quality of life. The assessment must show that:

- proposals will not cause any unacceptable adverse impacts or harm to amenity;
- appropriate mitigation measures have been incorporated to
- conserve amenity; and
- where possible, enhancements have been made to amenity.

- 4.3. During the Regulation 19 consultation, 5 representations were made in relation to this policy however only two representations directly related to this policy. The main points of these are summarised below:
- a) The policy should consider the effects and protection from dust in relation to sensitive research installations. The following text is suggested:
 - i. *'... which includes the natural, built and historic environment, public health and safety, research installations sensitive to dust, and quality of life ...'*
 - b) The plan does not have a current and up to date assessment in relation to public health and safety, and quality of life in regard to the cumulative impact of the allocated sites.
- 4.4. The county council's response to the representations received is stated below:
- a) The policy has been amended to cover the impacts of dust.
 - b) The Plan is accompanied by a Sustainability Appraisal/Strategic Environmental Assessment, which assesses the impacts (including cumulative impacts) of the policies in the Plan, and also the reasonable alternatives.

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 10: Protection and Enhancement of Amenity. The policy read as follows:

Non-Strategic Policy 10: Protection and Enhancement of Amenity

Waste development proposals will be permitted where it can be clearly demonstrated by an assessment that consideration has been given to amenity, which includes the natural, built and historic environment, public health and safety, and quality of life. The assessment must show that:

- proposals will not cause any unacceptable adverse effects or harm to amenity;
- appropriate mitigation measures have been incorporated to conserve amenity; and
- where appropriate, enhancements have been made to amenity.

4.6. During the consultation on the Draft Waste Local Plan, this policy received 7 representations. Generally, they were in support of the inclusion of this policy. The points raised are summarised below:

- a) The inclusion of 'public health and safety' is considered an overlap with Strategic Policy 9: Health and Wellbeing.
- b) The policy should be strengthened to require assessments to show amenity enhancements '*where such potential exists*' rather than '*where appropriate*'.
- c) The policy could be strengthened to state the assessments that would be required by an application and give direction to how the developments might protect and enhance amenity.
- d) The policy should reference potential olfactory impacts of development.
- e) 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) This policy considers that public health and safety is a key factor of 'amenity' and therefore, it is referenced within the policy. Other factors such as the natural, built and historic environment also overlap with other policies. An assessment for the protection of amenity should take into account all of these factors, whilst according with other relevant plan policies.
- b) Throughout the NPPF, it is stated that, within plan policy, these factors should be conserved/maintained and where appropriate enhanced. It is not appropriate for an application to include enhancements to the amenity of neighbouring land/property in all cases. The potential for this would be judged at the planning application stage.
- c) The policy requires assessments to, where appropriate, show how that can enhance amenity.
- d) The policy has been amended to make specific reference to the olfactory effects of development.
- e) The policy requires an assessment for every development proposal. This assessment would be dealt with at the application stage. To accord with national policy amenity 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 policy which requires consideration of the protection and enhancement of amenity through an assessment
- Option 2 – A policy similar to Option 1 but which lists specific amenity considerations which any assessment must have regard to
- Option 3 – A policy similar to Option 2 but requiring further consideration of the effects of traffic movements beyond the application site (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 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.