

Policy Evidence Report

Policy 20: Health and Wellbeing

**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 20: Health and Wellbeing 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 20:
 - Paragraph 8 outlines the three key objectives of the NPPF to achieve sustainable development, one of which is: ‘b) a social objective – to support strong, vibrant and healthy communities ... that reflect current and future needs and support communities’ health, social and cultural well-being ... ’.
 - Paragraph 92 states: ‘Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: ... c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.’
 - Paragraph 130 states that ‘planning policies should ensure that developments: ... 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 ... ’.
 - 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, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. 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 ... ’.

- Paragraph 210 explains that planning policies should ‘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 ... ’.
- Similarly, paragraph 211 states: ‘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 ... ’.

2.3. The PPG includes a number of relevant sections:

- ‘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

- ‘Local planning authorities can ensure that waste is handled in a manner which protects human health and the environment through testing the suitability of proposed sites, both in developing their Local Plans and in considering individual planning applications ... Other ways in which they can deal with this include:
 - putting in place suitable planning conditions, and adequate enforcement and monitoring
 - working closely with Environmental Health colleagues
 - consultation with Public Health England and the Environment Agency (which is mandatory in certain cases) for advice on public health matters and pollution control
 - ensuring land raising or landfill sites are restored to beneficial after-uses (e.g. agriculture, biodiversity, forestry, amenity) at the earliest opportunity and to high environmental standards.

Waste, Paragraph: 005 Reference ID: 28-005-20141016

2.4. The National Planning Policy for Waste (NPPW) also includes a number of relevant points.

- Paragraph 1 states that ‘positive planning plays a pivotal role in delivering this country’s waste ambitions through ... helping to secure the re-use, recovery or

disposal of waste without endangering human health and without harming the environment ... '.

- Paragraph 7 states that when determining applications, 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 ... '.
- Appendix B (Locational Criteria) states the considerations that must be given by a waste planning authority:
 - 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*

2.5. The Waste (England and Wales) Regulations 2011 includes an objective 'to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use.' (Schedule 1, Part 1, (1)).

Under this objective (Schedule 1, Part 1, (3)), the document states:

- 'To ensure that waste management is carried out without endangering human health, without harming the environment and, in particular—
 - (a) without risk to water, air, soil, plants or animals;
 - (b) without causing a nuisance through noise or odours; and
 - (c) without adversely affecting the countryside or places of special interest.'

3. Local Context

3.1. Hertfordshire County Council is the Public Health Service for Hertfordshire. Public Health's priority is promoting and protecting the health of Hertfordshire's residents.

3.2. Hertfordshire Public Health have produced a Health and Wellbeing Planning Guidance document 2017. The purpose of this document is to aid planning professionals, both local authorities and developers in the delivery of healthy developments and communities by increasing local capacity, knowledge of health and wellbeing and the

relationship to spatial planning issues, setting out the key principles and aspirations of the Hertfordshire County Council's Public Health department.

- 3.3. In addition to this, Hertfordshire County Council produces a Health Impact Assessment Position Statement 2019. This position statement outlines Hertfordshire County Council's stance on Health Impact Assessments (HIAs) in relation to planning. The statement sets out thresholds and categories in order to determine the need for a HIA and a methodology for carrying out the assessment. Within this, minerals and waste developments are included:

'Waste

Proposals for waste management as detailed below

- landfill of waste other than inert waste
- Thermal treatment of waste, or chemical treatment of waste
- Hazardous waste management installations
- Composting of waste over 10,000 tonnes green waste per annum
- Anaerobic digester
- Super household waste recycling centre

The above is not an exhaustive list. As waste management evolves additional types of waste facilities may be added to the above list.'

'Minerals

- New rail aggregate depots
- New minerals workings where the surface area of the workings is being increased
- Other permanent infrastructure such as coated stone plants or ready mix plants.'

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 19: Health and Wellbeing. The policy read as follows:

Policy 19: Health and Wellbeing

Where appropriate, proposals for mineral extraction, associated development and reclamation will be permitted where it can be clearly demonstrated:

- that the potential health impacts have been adequately assessed;
- how the proposals offer enhanced access to the natural environment; and
- how the reclamation will contribute to positive health and wellbeing outcomes.

- 4.3. During the Regulation 19 consultation, 7 representations were made in relation to this policy including support and several comments regarding the plan's site allocations. The main points of these are summarised below:
- a) It may not in all circumstances be possible, practical or safe to provide enhanced access to a site post restoration.
 - b) This policy duplicates the contents of several other plan policies.
- 4.4. The county council's response to the above representations is as follows:
- a) The Council recognises that it may not be possible, practical or safe to provide enhanced access to a site post restoration. The policy wording has been amended to reflect this.
 - b) Health and wellbeing is a relevant consideration in planning policy documents as stated in national policy. The policy does include elements of other policy concepts, however these are presented and used in a different context.

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 Strategic Policy 9: Health and Wellbeing. The policy read as follows:

Strategic Policy 9: Health and Wellbeing

Waste development proposals will be permitted where it can be clearly demonstrated (via a HIA):

- that the potential health impacts have been assessed;
- mitigation measures have been incorporated where necessary;
- how the proposals could offer enhanced access to the natural environment; and
- how the development contributes to positive health and wellbeing outcomes.

In line with the County Council's approved position statement; where proposals are required to prepare an Environmental Impact Assessment, a Health Impact Assessment

should be submitted to adequately assess both the potential positive and negative impacts of the development on human health.

- 4.6. During the consultation on the Draft Waste Local Plan, this policy received 10 representations. Generally, they were in support of the inclusion of this policy. The points raised are summarised below:
- a) The policy should make reference to the indirect impacts on health and wellbeing.
 - b) The requirement for a HIA could cause issues for a larger development which attracts a large number of objections.
 - c) To be in line with the council's HIA Position Statement, the policy should specify the types of waste facilities requiring a HIA.
 - i. *'Waste development proposals which are anticipated to have impacts on health and wellbeing will be permitted where it can be clearly demonstrated (via a HIA):'*
 - ii. ***Footnote: 'For the purposes of the policy this would include proposals for: landfill of waste other than inert waste, Thermal treatment of waste, or chemical treatment of waste, Hazardous waste management installations, Composting of waste over 10,000 tonnes green waste per annum, Anaerobic digester and Super household waste recycling centre.'***
 - d) The policy should be strengthened by including further requirements and methodology on how to prepare and submit a HIA. The following wording is suggested:
 - i. *'the developer must ensure that the Health Impact Assessment is prepared by competent experts;*
 - ii. *the Health Impact Assessment must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts; and*
 - iii. *the developer seeks clarification from Hertfordshire Public Health and the LPA during the scoping stage to ascertain which quality assurance framework will be used to assess their HIA.'*
 - 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) The 'potential health impacts' as stated in the policy can refer equally to direct and indirect impacts, therefore no change to the policy is required.
 - b) Larger developments potentially have a greater need for a HIA owing to the fact that the potential impacts could be greater in number and scale. The number of objections received by a development proposal do not impact the requirements for assessment set out within planning policy.

- c) The Council's HIA Position Statement outlines some of the types of facility that would require HIA, there is no need to duplicate that list within the policy itself. As technologies advance, the list of facilities in the Position Statement may change, yet the policy will still be valid and will not become out of date.
- d) The Position Statement includes guidance on the methodology for carrying out a HIA, there is no need to duplicate this in policy.
- e) To be in line with the Council's approved HIA position statement, all developments requiring an Environmental Impact Assessment must also submit a HIA.

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 supports proposals that address health impacts and seek improvements where appropriate
 - Option 2 – A policy similar to Option 1 but which provides specific criteria for consideration and requires the submission of a Health Impact Assessment in accordance with the Council's Position Statement on HIA (preferred)
 - Option 3 – A more restrictive policy which requires HIA for all developments

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.