

Policy Evidence Report

Policy 26: Cumulative Impacts

**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 26: Cumulative Impacts 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 26:
 - Paragraph 111 states that ‘development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’
 - Paragraph 185 goes on to state that ‘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.’
 - 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 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’.

2.3. The PPG section on Minerals states:

- ‘Some parts of a mineral planning authority area may have been subjected to successive mineral development (such as aggregate extraction or surface coal mining) over a number of years. 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.’

Paragraph: 017 Reference ID: 27-017-20140306

2.4. The National Planning Policy for Waste (NPPW) explains that:

- ‘when determining waste planning applications, waste planning authorities should: ... consider the likely impact on the local environment and on amenity’.
- Waste planning authorities should assess proposals against ‘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.’

3. Local Context

3.1. Both minerals and waste developments can have significant impacts upon the environment and local communities. These impacts can be magnified by multiple sites in close proximity, by individual sites which cause numerous significant effects, or by the extended working of a site resulting in many years of activity in one location.

3.2. The multiple impacts that may arise from minerals and waste developments and operations can accumulate to present overall negative effects on the surrounding areas. National policy is very clear that cumulative effects should be a material consideration and that environmental criteria should be set out to ensure that permitted operations do not have unacceptable adverse impacts on the environment.

3.3. Hertfordshire has a rich environment comprising the natural, built and historic environment which must be protected. Beyond the environment, some minerals or waste development can be located nearby settlement and therefore, human health and general amenity must be protected from the impacts of the development.

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 13: Cumulative Impact. The policy read as follows:

Policy 13: Cumulative Impact

Proposals for mineral extraction, associated development and reclamation will be permitted where the cumulative impact would not result in unacceptable adverse impacts on the environment of an area or on the amenity or health of a local community, either in relation to the collective effects of different impacts of an individual proposal or in relation to the effects of a number of developments occurring either concurrently or successively.

Proposals will need to take into account the potential cumulative impacts and demonstrate that appropriate mitigation has been incorporated with regards to the following potential matters:

- natural environment;
- built environment;
- historic environment;
- human health and general amenity;
- transport Networks; and
- aviation safety.

4.3. During the Regulation 19 consultation, 10 representations were made in relation to this policy, mostly relating to the inclusion of allocated sites within the plan. The main points of these are summarised below:

- a) The policy should be expanded to include protection for research facilities from dust emissions.
- b) There are concerns over the grouping of Specific Sites at Hatfield.

- c) There are concerns over the cumulative impact of the Preferred Area 1 alongside the proposed Gilston housing allocation adjacent.
- d) Concern is raised over the loss of Rights of Way around the Specific Sites

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

- a) The issue of dust in relation to a specific facility would be an issue dealt with within planning conditions. It would not be appropriate to include this specific matter under the policy on cumulative impacts.
- b) The Specific Sites, now changed due to varying planning statuses, are intended to be worked in phases such that the sites will not be extracting material simultaneously.
- c) Any proposal for minerals development will need to accord with the plan policies and demonstrate that there will be no unacceptable impacts caused by the workings.
- d) Matters concerning Rights of Way are covered in Policy 25: Public Rights of Way.

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 5: Cumulative Effects. The policy read as follows:

Strategic Policy 5: Cumulative Effects

Waste development proposals will be permitted where it can be demonstrated that the cumulative effect would not result in unacceptable adverse effects on the environment of an area or on the amenity or health of a local community. Effects may arise in relation to the collective impacts of different effects of an individual proposal or in relation to a number of developments occurring either concurrently or successively.

Proposals will need to take account of the potential cumulative effects and demonstrate that appropriate mitigation has been incorporated with regard to the following potential matters:

- natural environment;
- built environment;
- historic environment;
- human health and general amenity;
- transport networks; and
- aviation safety.

4.6. During the consultation on the Draft Waste Local Plan, this policy received 4 representations. Generally, they were in support of the inclusion of this policy. The points raised are summarised below:

- a) The policy should include '*cultural sensitivity*' as an additional matter to be considered within the bullet point list.

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

- a) The criteria 'human health and general amenity' relates to the effects and experiences of people and would cover cultural sensitivity.

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 minerals and waste proposals where it can be demonstrated that the cumulative impact would not result in unacceptable adverse effects on the environment of an area, or on the amenity or health of a local community (preferred)
- Option 2- No Policy. Rely on other policies in the Plan that deal with 'effects', along with National Policy

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.