

# **East Herts Council Non-Key Decision Report**

**Date: 22 February 2021**

**Report by: Councillor Jan Goodeve – Executive Member for Planning and Growth**

**Report title: Hertfordshire Waste Local Plan 2021 – East Herts Council’s Response to Consultation**

**Ward(s) affected: All**

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## **Summary**

- Hertfordshire County Council (HCC) is consulting on a new Waste Local Plan. The new Plan sets the vision, objectives and spatial strategy for waste planning in Hertfordshire up to 2036. The consultation runs from Monday 11 January 2021 and closes on Friday 19 March 2021. This report sets out a proposed East Herts Council response to the consultation.

**RECOMMENDATIONS FOR DECISION: That in respect of the Hertfordshire Waste Local Plan 2021, Hertfordshire County Council be advised that East Herts Council:**

- (a) Welcomes the publication of the Waste Local Plan 2021;**
- (b) Generally supports the framework of policies and related reasoned justification contained within the Waste Local Plan 2021;**
- (c) Submits the representations within the table at Appendix A to this report as its response to key issues raised in the Waste Local Plan 2021 consultation.**

## **1.0 Proposal(s)**

- 1.1 The purpose of this report is to advise members about Hertfordshire County Council's (HCC) consultation on its Draft Waste Local Plan 2021, which closes on Friday 19 March 2021, and to agree this Council's response.
- 1.2 The new Waste Local Plan will replace the current adopted Waste Core Strategy and Development Management Policies Development Plan Document (DPD) (November 2012), the Waste Site Allocations DPD (July 2014) and the Employment Land Areas of Search Supplementary Planning Document (SPD) (November 2015).
- 1.3 The new Plan sets out the vision, objectives and spatial strategy for waste planning in Hertfordshire up to 2036, providing the basis for a longer term spatial strategy that complements the county council's Local Authority Collected Waste Spatial Strategy (2016) and accompanying Annex (2019).
- 1.4 Working with its partners and the local community, the county council will use the Waste Local Plan to ensure the provision of appropriately located facilities to meet Hertfordshire's waste management needs.
- 1.5 The Waste Local Plan has to demonstrate that it accords with national policies which are set out in the National Planning Policy Framework (NPPF) and the National Planning Policy for Waste (NPPW) and that it relates to the distinctive context of Hertfordshire.
- 1.6 The NPPW states the requirement for Waste Planning Authorities to drive waste up the Waste Hierarchy, recognising the need for a mix of types and scale of facilities. In particular it recognises the positive contribution that waste management can bring to the development of sustainable communities.

## **2.0 Background - The Need to Plan for Waste**

- 2.1 Waste is produced by everybody in everyday life across the entire county; this includes individuals, households, businesses and organisations. The management of this waste relates to the activities required to deal with this waste from its generation to its final disposal. Historically, this has involved the collection of waste and its subsequent transportation for disposal at landfill sites.
- 2.2 Nowadays, there is a much greater focus on the environmental impacts of waste generation and the importance of using resources efficiently. This has had an impact on the waste management industry which has undergone significant changes. It has evolved to become a wide-ranging, high-tech industry encompassing numerous innovations. Aspects include opportunities for residents to separate waste prior to kerbside collections, efficient transportation of materials, use of advanced mechanical recycling facilities and even use of waste as a renewable energy source.
- 2.3 The substantial generation of waste and the increased focus on the importance of its management means that an appropriate network of waste management facilities should be planned for.
- 2.4 The local authorities in Hertfordshire have different responsibilities relating to the management of waste. The 10 district and borough councils have responsibility as Waste Collection Authorities. They are obliged to implement waste collection services for households and as part of these services, must facilitate the separation of recyclable materials prior to collection.
- 2.5 Hertfordshire County Council is the Waste Disposal Authority (WDA). It has responsibility to operate a series of Household Waste Recycling Centres, (HWRCs) of which there are currently

17 located around the county, with four in East Herts. The HWRCs offer residents another option to separate and dispose of their household waste.

- 2.6 The county council is also the Waste Planning Authority (WPA) for Hertfordshire which is a separate role to that of the WDA. As WPA, the county council must prepare a Waste Local Plan to manage all waste streams.

### **Commenting of the Waste Local Plan 2021**

- 2.7 The county council has prepared the Waste Local Plan 2021 taking account of representations submitted in response to the Waste Local Plan Initial Consultation document (2018) as well as ongoing engagement with stakeholders including statutory consultees, the ten Hertfordshire district and borough councils, and adjoining authorities.
- 2.8 The county council would like as a wide a response as possible to their consultation. Stakeholders include the waste industry, other commercial enterprise, landowners, individuals, district/borough councils, town/parish councils, neighbourhood forums, conservation and environmental groups and other community and interest groups.
- 2.9 The purpose of publishing a Regulation 18 planning document is for consultees to submit comments on the document regarding the vision, objectives, policies and sites identified within it. As such, consultees should consider whether the draft Plan provides a strategy to meet the area's waste needs and enables the delivery of sustainable development in line with national waste planning policy.
- 2.10 The Plan is being published for consultation for a ten-week period starting at 9am on Monday 11 January 2021 and ending at 5pm on Friday 19 March 2021.
- 2.11 Proposed representations on the key issues raised in the

Waste Local Plan 2021 consultation can be found within the table at **Appendix A** to this report.

### **3.0 Reason(s)**

- 3.1 The representations set out in **Appendix A** seek to ensure that East Herts Council makes a meaningful response to the consultation, providing support for policies where appropriate and recommending amendments to either strengthen or correct a policy position.
- 3.2 Generally the framework of policies and related reasoned justification contained within the Waste Local Plan 2021 are supported.
- 3.3 In particular, the principle of the 'Proximity Principle' which aims to minimise the environmental impact and cost of the transportation of waste is welcomed.
- 3.4 The move from a 'linear economy' to a 'circular economy' which aims to eliminate waste and increase resource efficiency is also welcomed.

### **Vision and Objectives**

- 3.5 The overall vision and strategic objectives for Hertfordshire are supported. The vision has been developed through consultation with key partners and stakeholders. The vision statement and objectives provide a high level strategy for Hertfordshire establishing priorities to deliver a sustainable future for waste management. This includes planning positively to achieve net self-sufficiency by 2036, moving towards accomplishing zero avoidable waste.

### **Waste Management**

- 3.6 In line with national policy, the county council must ensure that there are sufficient opportunities for waste facilities to come forward over the plan period. This can be done through

the identification of sites and/or areas across the county. This is in line with the approach set out in the NPPW.

- 3.7 The Waste Local Plan does not therefore dictate the precise location of new facilities; instead it seeks to ensure that there are sufficient opportunities identified which will enable the provision of a broad range of locations of varying sizes for waste management facilities within the county.
- 3.8 In line with the proximity principle, the strategy is to locate these new facilities in those areas where there is pressure for growth. Strategic Policy 1 (and the key diagram) identifies Anticipated Growth Areas (AGAs). These areas provide a flexible approach to the identification of sites for new waste management facilities nearby areas that are anticipated to experience growth. Bishop's Stortford, Buntingford, Hertford and Ware are all identified as AGAs. Harlow is also identified as an adjoining authority AGA. Potential sites for new facilities in these locations could include sites with planning permission for waste development; strategic sites; industrial areas; employment land; and rural locations subject to Green Belt policy.
- 3.9 The flexible approach set out in Strategic Policy 1: Waste Management Facilities in Hertfordshire is welcomed and the Council would wish to be appropriately engaged in any future discussions regarding the location of any new waste management facilities in the district. The Council notes that both the Bishop's Stortford Household Waste Recycling Centre (HWRC) and the Buntingford HWRC are identified as being unsuitable to provide service in the long term due to parking, capacity and accessibility issues, and as such it is likely that at least one new facility will be required in the district during the plan-period. Site identification for any potential new facility will therefore be vital to ensuring that the required infrastructure for residents is available in the future. In particular the Council welcomes the discussion had to date about the development

of a 'super site' recycling centre, similar to the Ware facility, to serve the Bishop's Stortford area, and supports an ongoing dialogue with the county council moving forward.

### **Safeguarding Existing Waste Management Facilities**

- 3.10 The importance of safeguarding existing waste management facilities is noted. Local planning authorities are required to ensure that non-waste related developments do not prejudice the implementation of the waste hierarchy and/or the efficient operation of existing facilities or site and areas allocated for waste management. Strategic Policy 2: Safeguarding Waste Management Facilities is therefore crucial in ensuring that these are not lost to other types of development.

### **Climate Change**

- 3.11 It is agreed that climate change should be taken into account at all stages of the planning process in order to secure reductions in greenhouse gas emissions and provide resilience to the impacts of climate change. In particular, the requirement under Strategic Policy 3 to submit a Climate Change Statement which explains how measures to minimise and mitigate against climate change have been considered is supported.

### **Green Belt**

- 3.12 The importance of the Green Belt is acknowledged in the Plan, with Strategic Policy 4 seeking to uphold the protection of Hertfordshire's Green Belt. The Plan does however state that it is expected that some development will need to be considered in the Green Belt. In these instances, where applications for waste management facilities in the Green Belt do come forward they will be required to demonstrate 'very special circumstances' sufficient to outweigh the harm to the Green Belt.

### **Cumulative Effects**

- 3.13 Waste developments can have significant impacts on the

environment and local communities, which can be magnified by multiple sites in close proximity. Strategic Policy 5 requires proposals to take account of potential cumulative effects in order to ensure that any impacts that may arise from waste development would not result in unacceptable adverse effects on the environment of an area or on the amenity or health of a local community.

### **Beneficial Use of Residual Inert Material**

- 3.14 Mindful of the significant growth that is planned across Hertfordshire, Strategic Policy 6 seeks the beneficial use of residual inert material. Overall the Plan aims to reduce the proportion of Construction Demolition and Excavation (CD&E) waste produced in the county that is sent to landfill.

### **Transport**

- 3.15 It is well known that there is a heavy reliance in Hertfordshire on road transport for the movement of people and goods. Whilst it is recognised that more sustainable modes may not always be feasible, the position set out in Strategic Policy 7, which requires proposals for waste development to seek to use sustainable transport as a priority and where possible is welcomed. It is however suggested that the policy could be strengthened by referencing the county council's own Local Transport Plan (LTP) (2018-2031). This document provides the framework and long term vision to guide all future transport planning activity in the county. Policy 1 in the LTP sets out a transport user hierarchy which supports the creation of built environments that encourage greater and safer use of sustainable transport modes.

### **Health and Wellbeing**

- 3.16 The Plan recognises that health and wellbeing should be a key consideration when waste planning decisions are made. As such Strategic Policy 9 requires a Health Impact Assessment (HIA) to be undertaken for waste development proposals. This will ensure that the potential health impacts have been



assessed and mitigation measures incorporated where necessary. The HIA would also need to show how the proposals could offer enhanced access to the natural environment; and demonstrate how the development contributes to positive health and wellbeing outcomes.

### **Amenity Protection**

- 3.17 The importance of protecting amenity is acknowledged in the Plan. The supporting text to Non-Strategic Policy 10 requires that noise is fully appraised in a Noise Impact Assessment; that a Dust Assessment Study may be required; that an Environmental Impact Assessment may be required (which would cover amongst other things air quality considerations and light pollution); and that a Health Impact Assessment may also be appropriate. These are very specific requirements which are not subsequently required by Non-Strategic Policy 10 which simply requires that 'an assessment' has given consideration to amenity. It is therefore considered that this Policy could be strengthened.

### **Biodiversity**

- 3.18 Hertfordshire contains many special landscape and natural features. Whilst protecting priority species and habitats is important, if biodiversity is to be genuinely enhanced, the conservation of all wildlife and habitats needs to be at the centre of development and planning decision making. As such the requirement in Non-Strategic Policy 11 for any waste development proposals to be accompanied by an Ecological Survey is welcomed. Whilst the policy requires a 'measurable net gain in biodiversity' this could be more explicit, requiring that the biodiversity value of a site pre and post development is determined by applying a locally approved Biodiversity Metric, where appropriate.

### **Landscape and Green Infrastructure**

- 3.19 The rich variety of landscape within Hertfordshire is recognised. The rural landscape is of great significance to the

character of East Herts. The district has a rich landscape of open fields and parklands shaped by river valleys and arable plateaux. As such, the requirement in Non-Strategic Policy 12 to assess landscape character, quality and visual effects through either a Landscape and Visual Impact Assessment or a Landscape and Visual Appraisal is supported.

### **Historic Environment**

- 3.20 Hertfordshire's historic environment is also recognised in the Plan. This policy is welcomed given that the district is fortunate in having a rich and varied historic environment; Non-Strategic Policy 14 should however be reworded using the correct statutory tests, requiring proposals to preserve and where appropriate enhance the historic environment.

### **Sustainable Design and Resource Efficiency**

- 3.21 The requirement in Strategic Policy 15 that all new development proposals will be required to demonstrate how the principles of sustainability have been addressed is welcomed. In particular the requirement for development proposals to be supported by a 'Circular Economy Statement' is supported. The requirement for local planning authorities to include waste prevention and reduction policies in their local plans is noted and will need to be addressed in any review of the District Plan.

### **Supplementary Planning Document (SPD)**

- 3.22 Finally, it should also be noted that the county council has also produced a Waste Facilities Design Guide Supplementary Planning Document (SPD) which supplements Strategic Policy 15 by providing more detailed advice and guidance on issues of design of waste management facilities. The scope of this SPD seeks to cover important matters such as the location and design of various waste management facilities and local community facilities, including Household Waste Recycling Centres (HWRC).

### **Next Steps**

3.23 The Council will submit the recommendations to the Waste Local Plan 2021 at the head of this report and the comments at **Appendix A**, before the consultation closes on Friday 19 March 2021. Following the end of the consultation period, the county council will prepare a Proposed Submission Waste Local Plan. This will take account of the comments received and any further technical work that is needed. The Proposed Submission Waste Local Plan will then be published for a further six-week period of consultation under Regulation 19 of the Town and Country (Local Planning) (England) Regulations 2012 (as amended).

#### **4.0 Options**

4.1 The Council could choose not to respond to the consultation.

#### **5.0 Risks**

5.1 There is a need for the county council to provide a timely and robust Waste Local Plan, which provides a suitable framework of waste planning policies and suitable waste sites.

5.2 Not responding to the consultation would mean that the Council would miss the opportunity to provide comments on the strategy and policies contained in the Waste Local Plan.

#### **6.0 Implications/Consultations**

6.1 The county council has produced a Consultation Statement, which describes what consultation HCC has been carried out to date, and how consultation responses have been taken into account in the preparation of the current draft of the Plan. A copy of the Consultation Statement is available to view online at: [hertfordshire.gov.uk/wlp](http://hertfordshire.gov.uk/wlp)

6.2 Given the cross-cutting nature of the Plan, internal

consultation has taken place with the relevant Executive Member and the Council's Planning Policy, Development Management, Environmental Health and Operations Teams.

### **Community Safety**

No community safety implications.

### **Data Protection**

No data protection implications.

### **Equalities**

A full Equality Impact Assessment (EqIA) was written for the review of the Waste Local Plan in September 2017 in preparation for the early stages of plan production and the first stage of consultation. The Waste Planning Authority considers that a separate EqIA is not required for this stage of Draft Plan consultation.

### **Environmental Sustainability**

A Sustainability Appraisal Report has been prepared by LUC on behalf of Hertfordshire County Council as part of the integrated Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) of the emerging Hertfordshire Waste Local Plan. The Report is available to view online at: [hertfordshire.gov.uk/wlp](http://hertfordshire.gov.uk/wlp)

### **Financial**

Waste collection is one of the council's statutory functions. The provision of waste management facilities has an effect on the financial arrangements for this service. The provision of further waste facilities within the county and within the district could assist in minimising waste collection costs and enable greater input to recycling schemes.

### **Health and Safety**

No health and safety implications.

### **Human Resources**

No human resources implications.

## **Human Rights**

No human rights implications.

## **Legal**

No legal implications.

## **Specific Wards**

ALL wards

### **7.0 Background papers, appendices and other relevant material**

- 7.1 The Draft Waste Local Plan and Waste Facilities Design Guide SPD, as well as a number of supporting documents, including a Sustainability Appraisal and Habitats Regulations Assessment, are available to view online at [hertfordshire.gov.uk/wlp](http://hertfordshire.gov.uk/wlp)
- 7.2 The county council's Local Authority Collected Waste Spatial Strategy (2016) is available to view online at:  
<https://www.hertfordshire.gov.uk/media-library/documents/waste/spatial-strategy/hertfordshire-county-council-lacw-spatial-strategy-2016.pdf>
- 7.3 The Local Authority Collected Waste Spatial Strategy Annex (2019) is available to view inline at:  
<https://www.hertfordshire.gov.uk/media-library/documents/waste/spatial-strategy/hwrc-annex-to-the-lacw-spatial-strategy-2017.pdf>
- 7.4 The National Planning Policy for Waste (NPPW) is available to view online at:  
<https://www.gov.uk/government/publications/national-planning-policy-for-waste>

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