

EAST HERTS COUNCIL

ENVIRONMENT SCRUTINY COMMITTEE – 26 FEBRUARY 2008

REPORT BY EXECUTIVE MEMBER
FOR PLANNING POLICY AND TRANSPORT

10. HERTFORDSHIRE WASTE DEVELOPMENT PLAN: WASTE
DEVELOPMENT POLICIES PREFERRED OPTIONS CONSULTATION
DOCUMENT: JANUARY 2008

WARD(S) AFFECTED: ALL

'D' RECOMMENDATION that, in respect of the Hertfordshire Waste Development Plan: Development Policies Preferred Options Consultation Document: January 2008, Hertfordshire County Council be advised that East Herts Council:

- supports the framework of policies and related reasoned justification contained within the document;
- considers that as part of the Waste Development Plan, appropriate requirements and suitable provision should be made for financial bonds, on a contingency basis, in circumstances where restoration cannot properly be achieved by means of planning conditions and/or obligations;
- considers that for clarity in respect of Policy WDP3(v), the word 'quality' should be added after the word 'air', in the first line; and
- endorses the accompanying Sustainability Appraisal and Appropriate Assessment Reports.

1.0 Purpose/Summary of Report

- 1.1 This report sets out a proposed East Herts Council response to Hertfordshire County Council's Consultation document relating to the Waste Development Plan: Waste Development Policies Preferred Options Document: January 2008. The Council's response will then be submitted to the County Council, prior to the end of the consultation period on 10 March 2008.

2.0 Contribution to the Council's Corporate Objectives

2.1 **What we build, where we build**

Priority: Care for and improve our natural and built environment

2.2 **Shaping Now, Shaping the Future**

Priority: Safeguard and enhance our unique mix of rural and urban communities, ensuring sustainable, economic and social opportunities including the continuation of effective development control and other measures.

3.0 Background

3.1 This East Herts Council Non-Key report is one of three which respond to three separate but concurrent Hertfordshire County Council Waste Development Plan Consultation Documents. The three Waste Development Plan Documents (DPD's) are at different stages of preparation:

- Core Strategy DPD – Submission Version
- Development Policies DPD – Preferred Options
- Site Specific Allocations DPD – Preferred Options

3.2 Hertfordshire County Council is in the process of preparing the Hertfordshire Waste Development Plan. This new Plan will replace the current Hertfordshire Waste Local Plan, adopted by the County Council in 1999.

3.3 HCC is the Minerals and Waste Planning Authority. The County Council will prepare a Minerals and Waste Development Framework for Hertfordshire, under the same process as East Herts Council will prepare a District-wide Local Development Framework (LDF). The Planning and Compulsory Purchase Act 2004 requires the County Council to prepare such documents, in order to deliver the spatial planning strategy for the future of minerals and waste planning in the County.

3.4 The new Waste Development Plan will comprise a portfolio of Development Plan Documents (DPD's):

- **Core Strategy DPD:** which sets out the spatial vision and strategic objectives for waste planning in the county. This document will contain the core policies needed to implement the

overall objectives. The other waste development plan documents must be in conformity with it.

- **Development Policies DPD:** which will contain detailed generic development policies that will be used in the decision making for waste planning applications.
- **Site Specific Allocations DPD:** which will identify sites for waste management facilities based on an assessment of criteria. This document will include maps and planning briefs for the development of specific sites.

3.5 This Non-Key report deals with the second of the above documents – the Development Policies DPD.

4.0 Report

Waste Development Policies Document

4.1 The role of the Development Policies DPD is to identify the key policies that will ensure that development accords with the spatial vision and objectives of the Waste Core Strategy. The policies should clearly define the circumstances in which planning permission will, or will not, be granted.

4.2 The Waste Development Plan must meet the requirements of the East of England Plan and should reflect the guidance contained within Planning Policy Statement 10 (PPS10) Planning for Sustainable Waste Management, which sets out the policy and regulatory context of waste management.

4.3 Waste management facilities can have varying impacts on both the natural environment and the surrounding developed areas. As such policies need to be put in place, which reflect the need to protect these environments and areas from permanent and/or significant adverse effects.

4.4 The document, the structure of which can be found in **Appendix A** of this report on page 64, covers a range of waste streams, generally referred to as one of three types: Municipal, Construction/Demolition and Commercial/Industrial.

- Municipal Waste includes household waste and any other wastes collected by a Waste Collection Authority or Waste Disposal Authority or its agents, including commercial or industrial waste and waste resulting from the clearance of fly-tipped materials and litter.

- Construction/Demolition Waste consists of waste building materials resulting from the construction, remodelling, repair or demolition of buildings, bridges, pavements and other structures. Waste materials can include rubble, packaging, plastics and hazardous materials.
 - Commercial/Industrial Waste is created from premises which are used wholly or mainly for trade, business, sport, recreation or entertainment. Should the premises be owned or controlled by Local Government then the waste can be termed municipal waste.
- 4.5 The policies contained within the DPD, as outlined in **Appendix B** of this report on pages 65 – 69, seek to:
- Protect assets and mitigate development impacts;
 - Address traffic and transport issues as they pertain to, and may possibly impact on specific, individual sites;
 - Ascertain the different requirements of different facility types, i.e. open air or closed facilities; and
 - Establish under what circumstances landfill and/or landraise would be acceptable.
- 4.6 The policies are complementary to those set out in the Waste Core Strategy and should be used in association with them.
- 4.7 It is considered that the policies and related justification contained within the document provide an appropriate and robust framework for the consideration of proposals for waste disposal facilities, and are, therefore, worthy of support.
- 4.8 It is considered that, as part of the Waste Development Plan, appropriate requirements and suitable provision should be made for financial bonds, on a contingency basis, in circumstances where restoration cannot properly be achieved by means of planning conditions and/or obligations.
- 4.9 In respect of Policy WDP3(v), for clarity, the word ‘quality’ should be added after the word ‘air’, in the first line.

Sustainability Appraisal and Appropriate Assessment

- 4.10 All policies and proposals in Development Plan Documents must be subject to sustainability appraisal (SA), including strategic environmental assessment (SEA). This has been carried out at each production stage of the Development Policies DPD and the conclusions have informed the current Preferred Options Version framework of policies.
- 4.11 The SA was undertaken independently by Land Use Consultants (LUC), a consultancy engaged by the County Council. A summary of the conclusions of the SA report is contained in **Appendix C** to this report on page 70.
- 4.12 The overall conclusion of the SA/SEA is that there is much to commend in the Waste Development Policies DPD (Preferred Options), which has clearly been prepared with sustainability principles in mind.
- 4.13 In addition to SA/SEA, where a land use plan either alone or in combination with other plans or projects is likely to have a significant effect on European nature conservation sites (Special Areas of Conservation and Special Protection Areas) an 'appropriate assessment' must be made of the implications of the plan for the site in relation to the conservation objectives for the site, in accordance with requirements of the European Habitats Directive.
- 4.14 There are a number of Special Protection Areas (SPA) and Special Areas of Conservation (SAC) in Hertfordshire, and so an appropriate assessment screening was carried out in order to establish whether a full appropriate assessment was needed. There are three European site designations in East Hertfordshire: Wormley-Hoddesdonpark Woods SAC, Lea Valley SPA and the Lea Valley Ramsar Site.
- 4.15 The Appropriate Assessment Screening report stated that in order to reduce the possibility of significant adverse impacts on sites of European Habitat Importance, the Core Strategy DPD should ensure that all of the objectives are fully met by the implementation of relevant policies.
- 4.16 Following the completion of the initial Appropriate Assessment Screening an Appropriate Assessment Screening Report Addendum has been undertaken to test whether the Core Strategy Preferred Options are likely to have a significant effect on any European

nature conservation site. The Report identifies a number of potential impacts and the Development Policies DPD takes account of the findings and addresses recommendations within specific policy proposals.

- 4.17 The more specific recommendations set out within the Appropriate Assessment Screening are being addressed within the Development Policies and Site Specific Documents.
- 4.18 It is considered that East Herts Council accept the conclusions of the Sustainability Appraisal and Appropriate Assessment, and generally endorse both reports.
- 4.19 The County Council has made copies of the documents available for public inspection at County Hall, Hertford, District and Borough Offices, and all libraries within Hertfordshire. The documents can also be viewed on the County Council's website at www.hertsdirect.org/wasteplanningconsultation.
- 4.20 A set of documents has been placed in the East Herts Council Members lounge at Wallfields, Hertford.

5.0 Consultation

- 5.1 Given the cross-cutting nature of this document, internal consultation has taken place with the relevant Executive Members and the Council's Planning Policy, Development Control, Environmental Health, Environmental Services and Property Teams.

6.0 Legal Implications

- 6.1 There are no known legal implications.

7.0 Financial Implications

- 7.1 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.

8.0 Human Resource Implications

8.1 There are no known human resource implications.

9.0 Risk Management Implications

9.1 There is a need for the County Council to provide a timely and robust Waste Development Plan, which provides a framework of waste planning policies and suitable waste sites.

9.2 Without such a Plan there is a risk that East Herts Council will either not be able to comply with the recently agreed Hertfordshire Waste Partnership Strategy to 2024, and meet Government targets, or will only be able to do so at a high financial cost to East Herts residents. This would have an impact on scheme implementation at a District level, with a consequential impact on District performance targets and costs, and potential serious impact on implementation of the Waste Partnership Strategy.

Background Papers

Hertfordshire Waste Local Plan 1995-2005

Hertfordshire County Council Waste Development Plan Documents – January 2008:

- Waste Core Strategy: Submission Version Document;
- Waste Development Policies: Preferred Options Document;
- Waste Site Allocations: Preferred Options Document;
- Relate Technical Appendices, Strategic Environmental Assessment (SEA)/Sustainability (SA) and Appropriate Assessment (AA) screening reports.

Appendices

Appendix A – Structure of Development Policies DPD (Page 64)

Appendix B – Schedule of Policies (Pages 65 – 69)

Appendix C – Sustainability Appraisal Report – Summary of Conclusions (Page 70)

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Appendix A
Agenda Item 10

Structure of Development Policies DPD

Chapter 1: Introduction

Minerals and Waste Development Framework
The Development Control Process
Statement of Community Involvement
Consultation and Community Involvement

Chapter 2: Background to Waste

What is waste?
Responsibility

Chapter 3: Development Policy Drivers

Policy & Regulatory Context
Regional Policies
National Guidance and National Policy Audit
Conformity with the Development Plan and other Planning
Guidance

Chapter 4: Preferred Options

Policy 1 – Transport and Traffic
Policy 1a – Rural Roads
Policy 2 – Environmental Effects, Protection & Mitigation
Policy 3 – Operational Matters
Policy 4 – Landfill and Landraise
Policy 5 – Facility Requirements
Policy 6 – Enforcement

Appendix A – Vision and Objectives

Appendix B – Monitoring and Implementation

Appendix C – Summary of Hertfordshire's characteristics

Appendix B
Agenda Item 10

Waste Development Polices – Preferred Options

WDP1 – Transport & Traffic

Waste related development will only be permitted when the provision for vehicle movement within the site, the access to the site, and the conditions of the local highways network are such that the traffic movements likely to be generated by the development would not have an unacceptable impact on highway safety, the effective operation of the road network, residential amenity or the local environment.

In assessing the likely impact of traffic movements, account will be taken of any highway improvements, traffic management or other mitigating measures that may be provided in association with the development. Applicants must demonstrate, by a detailed transport appraisal, that the safest and least environmentally damaging methods of transporting waste are both practically achievable and will be used.

WDP1a – Rural Roads

In assessing development proposals which are expected to give rise to change in the amount or type of traffic on local rural roads, the County Council will take into account factors including:

1. Increased risk of accidents, especially to pedestrians and cyclists;
2. Where the road is poor in terms of width alignment and/or structural condition; and
3. Where increased traffic would have an adverse effect on the local environment, either to the rural character of the road or residential properties alongside it.

WDP2 – Environmental Effects, Protection and Mitigation

Proposals for Waste Management development will be permitted where it can be demonstrated that the proposal avoids, minimises or adequately compensates for impacts relating to the following:

- Agricultural Land
- Historic Heritage & Archaeology
- Nature Conservation & Biodiversity
- Impact on Landscape, Townscape & Local Amenity
- Sites with Local, National and International Designations
- Impact on Water Environment & Air Quality
- Risk of Flooding

- Protection of Woodland, Trees and Hedges
- Impact on Human Health
- Any Other Site of Facility Specific Environmental Issues

Proposals for waste management development will be accompanied, where necessary, by assessments of the impacts on the issues above. Specifically proposals will:

1. Include proposals for mitigation, where appropriate, that will provide for the maintenance and enhancement of critical capital or other environmental assets. Such proposals will also be required where temporary loss would occur;
2. Not result in the permanent loss in quality or extent of the best and most versatile agricultural land unless there is an overriding need for the development, and either sufficient land in lower grades is unavailable, or available lower grade land has an environmental value which outweighs the agricultural considerations;
3. Not have a negative quantitative and/or qualitative impact on the water environment, including main rivers, ordinary water courses and groundwater resources, unless appropriate measures can be imposed to mitigate harmful effects;
4. Demonstrate that no significant degradation of air (particularly from dust and emissions) shall occur;
5. Not increase the risk of flooding or have a material negative impact on the storage or flow capacity of the floodplain, unless the risk or impact can be obviated;
6. Not result in the net reduction in either the quantity or quality of woodland, trees or hedges, whether directly or indirectly. Where quantity or quality is lost, redress in at least equivalent measures will be sought, with species to be agreed with the waste planning authority, so as to recreate a suitable landscape and habitat. At appropriate locations the County Council will seek to double the quantity of trees lost due to the development.

WDP3 – Operational Matters

Proposals for Waste Management development in Hertfordshire will be permitted where it can be demonstrated that the proposal avoids, minimises or adequately compensates for impacts relating to the following:

- Air & Water Pollution
- Contaminated Land
- Drainage & Flooding
- Landscape and Visual Aspects
- Noise & Light Proximity

- Sensitive Land Uses
- Surrounding Amenity
- Nature Conservation & Biodiversity

Proposals for waste management development will be accompanied, where necessary, by assessments of the impacts on the issues above.

Specifically proposals will:

1. Include measures to minimise visual intrusion and any adverse impact on the local landscape;
2. Ensure that the canopy spread of all periphery or other retained trees (including isolated mature trees within hedgerows) are not encroached within at least 10 metres of the proposal or within three metres from the canopy spread of hedgerows;
3. Incorporate an appropriately defined buffer zone in order to safeguard sensitive land-uses. The following matters will be taken into account when delineating the buffer zone at the application stage of development:
 - Natural and manmade features, which may reduce the impact of the development, for example landscape features, roads, railway lines etc;
 - The direction of the prevailing wind; and
 - The proximity of the proposed development to sensitive land-uses such as dwellings.
4. Demonstrate that no significant noise intrusion will arise from the development;
5. Demonstrate that no significant degradation of the air or water quality or quantity – with respect to both groundwater and surface water will occur;
6. Ensure that public Rights of Way are not adversely affected or, where this is not possible, that good quality, safe and convenient alternative provision is made or suitable replacement of Rights of Way is secured. The use of Rights of Way to obtain vehicle access to a site will not be permitted unless it can be clearly demonstrated that the safety of Rights of Way users can be adequately protected. Proposals should enhance the public Rights of Way network through the creation of new Rights of Way and/or open space, or the improvement of public access;

7. Include appropriate buffer zones adjacent to open channel watercourses to ensure the ecology and integrity of the watercourse and river corridor is protected.
8. Include proposals for involving the local community, including site specific liaison meetings.
9. Where appropriate enhance existing woodland, trees and hedges through improved management. Furthermore development proposals must ensure the appropriate management of both retained vegetation cover such as trees and hedgerows, and new planting over the long-term.
10. Where appropriate, provide opportunities to contribute to the delivery of the national, regional and local Biodiversity Action Plan targets.
11. Applications for hazardous waste facilities should address issues of security and additional risks to human health and the environment.

WDP4 – Landfill & Landraise

Proposals for landfill and landraise will provide details of appropriate provision for the pre-treatment or sorting of waste, either on or off site, to substantially reduce its biodegradable and recyclable content. Applications for landfill and landraise should provide details of:

1. How waste is to be pre-treated/sorted;
2. How effective the pre-treatment/sorting process will be; and
3. The control measures to be put in place to ensure only pre-treated/sorted waste is accepted;
4. Restoration proposals where applicable;
5. Landfill gas utilisation where appropriate.

Proposals shall give due regard to the visual impact of the proposed development and its impact on the distinctive character of the landscape or townscape. If necessary, additional design, landscaping, planting and screening should be proposed.

WDP5 – Facility Requirements

Where appropriate waste management facilities should be enclosed within a building. Buildings, plant and machinery should be in keeping with the surrounding setting and landscapes/townscape. The proposed development should be designed to use water and energy efficiently.

WDP6 – Enforcement

The County Council will, where it considers it expedient to do so, rigorously pursue its powers to remedy breaches of planning control, including breaches of planning conditions and development occurring without planning permission. In deciding whether to take such action, and the appropriate course of action to be taken, the County Council will have regard to its adopted 'Planning Enforcement – Code of Practice and Policy' and other factors relevant to the particular circumstances of each case.

Sustainability Appraisal Report – Summary of Conclusions

1. There is much to commend in the Waste Development Policies DPD (Preferred Options), which has clearly been prepared with sustainability principles in mind. In managing waste related development proposals, the Waste Development Policies DPD will help to protect Hertfordshire's local environmental assets and encourage development that is appropriate to its setting. The DPD also promotes enforcement of policies within the Waste Development Framework, which should help to ensure that development is progressed in a sustainable manner.
2. A number of negative effects were identified during the SA, which mainly relate to effects of waste management facilities development on soil quality and geology, the impacts of increased waste related traffic on landscape and climate change and waste related crime. The severity of these impacts will depend very much on the exact location of the proposed development and the type of development proposed.