

## Appendix A

### Hertfordshire Minerals and Waste Local Plan 2040 – East Herts Council’s Response to Regulation 18 Consultation

Section/Policy Name	Policy / Paragraph Number	Comment/Suggested Amendment
<b>2. Vision and Objectives</b>		
Vision and Objectives		East Herts Council supports the vision and objectives for Hertfordshire.
<b>3. Sustainable Development</b>		
	Para 3.5	<p>East Herts Council supports embedding the Sustainable Hertfordshire Strategy into the Local Plan, as this not only demonstrates the sustainability of the Plan itself, but also shows how the Plan fits in with the wider County Council aims for achieving a sustainable Hertfordshire.</p> <p>It would be helpful if a footnote to the Strategy could be added to the Plan - <a href="https://www.hertfordshire.gov.uk/Media-library/Documents/About-the-council/data-and-information/Sustainable-Hertfordshire-Strategy-2020.pdf">https://www.hertfordshire.gov.uk/Media-library/Documents/About-the-council/data-and-information/Sustainable-Hertfordshire-Strategy-2020.pdf</a>.</p>

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<b>4. Core Policies</b>		
Climate Change	Policy 1	<p>East Herts Council agrees that climate change should be considered at all stages of the planning process to secure reductions in greenhouse gas emissions and provide resilience to the impacts of climate change.</p> <p>The Council supports the requirement under Policy 1 to submit a Climate Change Statement which explains how measures to minimise and mitigate against climate change have been considered.</p>
Meeting Sand and Gravel Needs	Policy 2	<p>East Herts Council notes the reference in the plan to the role played by secondary and recycled minerals in supply. It also notes that no allowance is made for this element of supply in the calculations of the overall requirements for the Plan period. Instead, it is only relied on to provide a further element of buffer. It appears to the Council that this provides no incentivisation to the industry to maximise the use of the secondary and recycled provision and that this is contrary to the stated objectives of the Plan to do so. With respect to the proposed allocation of the Briggens Estate site as an MSA, the Council refers HCC to the comments made by it at the</p>

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		<p>Regulation 19 consultation regarding the Minerals Local Plan in 2019. In that respect:</p> <p><u>Green Belt</u> – the proposed site is in the Green Belt. The role of the Green Belt in this location, with respect to the purpose of preventing neighbouring settlements from coalescing, is heightened given the release from the Green Belt of land in the Gilston Area for residential development as part of the East Herts District Plan 2018. Whilst the Council acknowledges that minerals development is not inappropriate development in the Green Belt, much of the development associated with extraction, including the implementation of plant and equipment, earth moving and mounding, is likely to adversely impact on the openness of the Green Belt.</p> <p><u>Cumulative Impact</u> - despite the provision of an updated Habitats Regulations Assessment (HRA) report, June 2022, it remains unclear to the Council as to how the cumulative impact of the proposed Briggens MSA along with other plans and proposals, notably the Gilston Area development proposals, have been considered and</p>

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		<p>taken into account. In other respects, the Council supports the recommendations set out in the updated HRA report and supports the inclusion of them, into the next updated version of the Minerals Plan.</p> <p>The Council remains concerned in relation to the site selection process followed, referring to the Site Selection Report, August 2018. It appears to the Council that in a number of respects, inappropriate 'low impact' ratings have been assigned to the site. It is also unclear to the Council how the overall 'low-impact' rating is assigned to the site, given the 'high impact' ratings that were assessed in a number of respects. The Council continues to question the outcomes of the Site Selection Report.</p> <p><u>Highways Impact:</u> The Council remains concerned at the impact of the proposed site on the safety and efficient operation of the public highway adjacent to the site, particularly considering the comments of the Highway Authority.</p>

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		<p>Given the above, the Council continues to object to the inclusion of the Briggens Estate site as a proposed site for minerals extraction.</p> <p>The Council notes the various parameters set out with regard to the development of the site, should it continue to remain allocated. Notwithstanding its position of objection to the inclusion of the site, it supports the parameters set out for the development of the site, should it continue to remain allocated. The Council also proposes that some additional parameters should be specified, as set out more fully in reference to the Minerals and Waste Local Plan Appendix 1, Site Briefs, below.</p>
Waste Management in Hertfordshire	Para 4.63	Typo – ‘self-sufficient’ should read ‘self-sufficiency’.
Meeting Waste Management Needs	Policy 3	East Herts Council supports the County Council’s ambition of working towards net self-sufficiency with regards to waste management by the end of the plan-period (2040), by encouraging planning applications for appropriate waste management facilities in the right locations.

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		<p>The flexible approach set out in Policy 3 is welcomed and East Herts Council would wish to be appropriately engaged in any future discussions regarding the location of any new waste management facilities in the district; however, the Council notes that the policy fails to acknowledge that there will be significant growth coming forward in the Gilston Area (10,000 new homes) and does not identify the potential for waste facilities to be in the Gilston Area.</p>
<b>5. Development Policies</b>		
Site Safeguarding and Consultation Areas	Policy 4	<p>East Herts Council supports the approach taken in Policy 4 to protect the existing minerals and waste infrastructure as well as ensuring that new development is not at risk from unacceptable adverse impacts from the existing or planned minerals and waste operations.</p> <p>The facilities at Birchall Lane/Cole Green and Burnside should be viewed in the context of the proposed residential development at Birchall Garden Suburb.</p>
Mineral Safeguarding Areas	Policy 5	<p>East Herts Council supports Policy 5 which safeguards known mineral reserves from sterilisation by non-mineral development.</p>

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Brick Clay	Policy 6	No comment
Chalk	Policy 7	No comment
Borrow Pits	Policy 8	No comment
Incidental Mineral Extraction	Policy 9	No comment
Secondary and Recycled Materials	Policy 10	East Herts Council supports the approach taken in Policy 10 to maximise the re-use, recycling, and recovery of CD&E waste to minimise its disposal to landfill wherever possible.
Sustainable Design and Resource Efficiency	Policy 11	The requirement in Policy 11 that all proposals for new waste management development, and where appropriate minerals development, must be of a high-quality design and contribute resource efficiency is welcomed by East Herts Council. The requirement for all major planning applications to be supported by a 'Circular Economy Statement' is supported.
Landfill Excavation	Policy 12	No comment
Restoration, Aftercare and After-use	Policy 13	East Herts Council supports Policy 13 which requires proposals for mineral extraction and waste development (where temporary) to be restoration-led and should where possible improve and enhance the area. A phased restoration approach for timely working and to

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		help reclaim land at the earliest opportunity, thereby minimising disturbance to the local area is supported.
Green Belt	Policy 14	East Herts Council welcomes Policy 14 which seeks to uphold the protection of Hertfordshire's Green Belt.
Biodiversity and Geodiversity	Policy 15	East Herts Council welcomes the requirement in Policy 15 for all minerals and waste development proposals to be accompanied by an Ecological Survey, which must include a measurable gain in biodiversity calculated using the latest Biodiversity Metric published by the Department for Environment, Food and Rural Affairs (DEFRA).
Landscape and Green Infrastructure	Policy 16	East Herts Council supports the requirement in Policy 16 to assess landscape character, quality, and visual effects through either a Landscape and Visual Impact Assessment or a Landscape and Visual Appraisal.
Soils and Agricultural Land	Policy 17	No comment
Historic Environment	Policy 18	East Herts Council recommends that Policy 18 should be reworded, requiring proposals to preserve and where appropriate enhance the historic environment (with a consequential change to Appendix 2, paragraph 3.25).

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Protection and Enhancement of Amenity	Policy 19	<p>East Herts Council supports Policy 19 which will ensure that proper consideration is given to the protection and enhancement of amenity.</p> <p>Given the impacts that the working of minerals sites can have on amenity, and in relation to the landscape, ecology, and historical environment of the County, it is essential that, where proposals are permitted, they proceed in full accordance and compliance with conditions and controls applied by the minerals planning authority. In this respect, the Council recognises that enforcement is an area of discretionary activity for the minerals planning authority, however, it its view it would be completely unacceptable for any permitted developments not to be thoroughly and regularly monitored to ensure that all controls are being complied with. In addition, the Council would strongly suggest to the minerals planning authority that a forum through which local communities can express their views, raise concerns, and secure assurances regarding compliance should be in place for each MSA. Such a 'Review and Monitoring Group' would comprise representatives of the MPA, the site operator, the local community, and other</p>

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		stakeholders as appropriate. This should be made a requirement of the policy provisions through which sites are allocated (Policy 2). Appropriate enforcement is also a prerequisite to ensuring ongoing compliance with many other of the policy area requirements set out in the Plan.
Health and Wellbeing	Policy 20	East Herts Council supports the requirement for a Health Impact Assessment (HIA) to be undertaken for minerals and waste development proposals in accordance with Policy 20.
Water Management	Policy 21	East Herts Council supports Policy 21 which requires development proposals to take account of any potential impact on water supply, water quantity, water quality, and flood risk.
Water Recycling Sites	Policy 22	No comment
Transport Infrastructure Sites	Policy 23	The objectives of this policy are noted and supported by the Council. Whilst it is understood that it is not appropriate for the policy to refer to Transport Infrastructure Sites (TIS) beyond the boundary of the Plan area, it would seem appropriate for reference to be made in the introductory text to the existence of a TIS at Harlow Mill, Essex, given its proximity to the proposed Briggens

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		Estate MAS and as it is understood to be within the control of the same potential operator of the Briggens Site. This would potentially support the achievement of the sustainability objectives of the Plan.
Transport	Policy 24	<p>East Herts Council recommends that HCC's Local Transport Plan (LTP) should be given greater prominence in the Local Plan. There is currently no mention of the LTP or the need to prioritise sustainable development at all in the supporting text. This should be addressed in the next version of the Plan, where it should ideally feature ahead of paragraph 5.204, which details Transport Assessments.</p> <p>While the LTP is mentioned in Policy 24 "n) the impact on other plans/strategies including the Local Transport Plan and its supporting documents*" this relates to impact, rather than placing the LTP as the starting point at the heart of assessing any development proposals. It is considered that 'compatibility with' would be more appropriate wording than 'the impact on'.</p> <p>Policy 24 also majors on the effects of movements associated with the development solely in relation to transporting the aggregates.</p>

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		There doesn't seem to be anything regarding employees at the sites or initiatives aimed at green methods of travel for them commuting e.g., car share schemes.
Public Rights of Way	Policy 25	<p>The Council supports the inclusion of this policy and notes that, in relation to the Briggens Estate proposed MAS, the designated long-distance footpath, Harcamlow Way, crosses the site. The Council also supports the objective of the policy that, where possible, proposals should improve and enhance access by means of active travel.</p> <p>The County Council will be aware of the objective of the Harlow and Gilston Garden Town (HGGT) partners, including HCC, in relation to the healthy and active travel targets set out in the HGGT Transport Strategy. The potential for active travel routes to be secured through the delivery of the proposed Briggens Estate MSA, if it does proceed, between the Gilston Area and other locations, such as Stanstead Abbotts, will support the achievement of this objective.</p>
Cumulative Impacts	Policy 26	East Herts Council supports Policy 26 which requires proposals to take account of cumulative impacts.

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<b>6. Appendices</b>		
Appendix 1: Site Briefs	-	<p>As referred to above, the Site Brief for the proposed Briggens Estate site sets out constraints related to the development of the site, should it remain allocated. The Council supports the constraints set out in the Site Brief.</p> <p>In addition, the Council considers that it is appropriate for the Site Brief to refer to and require the detailed investigation of the potential for the site to directly supply minerals outputs to the immediately adjacent Gilston Area development allocation and the wider Harlow and Gilston Garden Town development sites. Such an outcome has the potential to significantly mitigate the impact of the proposed development on the safety and operation of the highway, with minerals being directly conveyed between the sites, with a reduced requirement to generate traffic on the highway.</p> <p>Notwithstanding the above and with respect to the highway, the Council is of the view that there should be further investigation of the infrastructure required to enable traffic to travel to the site and away from it to the west on the A414. At present, the absence of</p>

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		<p>west facing slip accesses between the B181 and A414 to the south of the site leads to the potential for more circuitous routes for destinations to the west and/or for inappropriate and potentially unsafe U-turn manoeuvres to be made by Heavy Duty traffic at local junctions on the A414 in the vicinity of the site.</p> <p>The Council is of the view that further investigation of practical solutions to avoid impacts of this nature should be undertaken prior to any further steps that would result in the allocation of the site.</p>
Appendix 2: Waste Facilities Location and Design Guidance	-	<p>East Herts Council generally supports Appendix 2 and welcomes the guidance document which sets out detailed and helpful locational and design criteria.</p>
Appendix 3: Safeguarding Minerals and Waste Infrastructure and Resources	-	<p>East Herts Council supports Appendix 3 which provides helpful guidance for applicants in the consideration of minerals and waste infrastructure and mineral resources as part of the planning application process.</p>

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Appendix 4: Circular Economy Statements	-	East Herts Council supports Appendix 4 which provides a clear framework to produce Circular Economy Statements as part of the planning application process.

<b>Other comments</b>		
Footnotes		<p>East Herts Council notes that there is an inconsistent approach to footnotes in the Local Plan and recommends that these are revisited to provide specific links to the sources of information that are being relied upon.</p> <p>For example, the Water Management section would benefit from links to the information being referred to, e.g., a link to the guidance on the Environment Agency's website would be helpful.</p> <p>The notes in the transport section are also not sufficient. They should, as for example in the Public Rights of Way section immediately below the Transport section, provide links to the relevant documents being referred to. For the LTP at footnote "45 Hertfordshire's Local Transport Plan" the link:</p> <p><a href="https://www.hertfordshire.gov.uk/services/recycling-waste-and-">https://www.hertfordshire.gov.uk/services/recycling-waste-and-</a></p>

		<p><a href="#">environment/planning-in-hertfordshire/transport-planning/local-transport-plan.aspx</a> should be provided. Likewise, footnotes 43 and 44 also require greater information as to their source and links provided.</p>
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