

East Herts Council Non-Key Decision Report

Date: 6 October 2022

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

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

Ward(s) affected: All

Summary

- Hertfordshire County Council (HCC) is consulting on a new Minerals and Waste Local Plan. The new Plan sets the vision, objectives and overall spatial strategy for minerals and waste planning in Hertfordshire up to 2040. The consultation runs from Friday 22 July 2022 and closed on Friday 30 September 2022, however HCC are receiving consultation responses up to the 31 October 2022. This report sets out a proposed East Herts Council response to the consultation.

RECOMMENDATIONS FOR DECISION: That in respect of the Hertfordshire Minerals and Waste Local Plan 2040, Hertfordshire County Council be advised that East Herts Council:

- (A) Welcomes the publication of the Hertfordshire Minerals and Waste Local Plan 2040; and**
- (B) Submits the representations within the table at Appendix A to this report as its response to the Minerals and Waste Local Plan 2040 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 Minerals and Waste Local Plan 2040, which closed on Friday 30 September 2022, and to agree this Council's response. As noted above, HCC is receiving responses up to 31 October 2022.
- 1.2 HCC is consulting on the Minerals and Waste Local Plan under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 1.3 The new Plan sets out the vision, objectives and spatial strategy for minerals and waste planning in Hertfordshire up to 2040. The Plan seeks to ensure an adequate supply of minerals to meet needs over the plan-period; to protect known mineral resources; and to support and safeguard a network of waste management facilities to deal with needs arising over the plan-period.
- 1.4 The Plan is required to demonstrate that it accords with national policies which are set out in the National Planning Policy Framework (NPPF), the National Planning Policy for Waste (NPPW), and Planning Practice Guidance.

2.0 Background

The need to plan for Minerals

- 2.1 A steady and adequate supply of minerals is essential for the national economy and for Hertfordshire's economic growth, to enable new development to take place, as well as for the maintenance and improvement of the existing natural and built environment.
- 2.2 As the Minerals Planning Authority (MPA) for the area, the

County Council is required to plan for a steady and adequate supply of sand and gravel to support sustainable economic growth.

The need to plan for Waste

- 2.3 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.
- 2.4 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.
- 2.5 The County Council, as the Waste Planning Authority (WPA) for the area, must ensure a sustainable network of waste management facilities to deal with the waste in the county, and provide relevant planning policies to safeguard and where appropriate facilitate the expansion of this network.

Previous Consultations

- 2.6 Members will recall that HCC had been preparing a Minerals Local Plan and a separate Waste Local Plan. The emerging Minerals Local Plan was most recently consulted on in 2019 under Regulation 19, and the emerging Waste Local Plan was most recently consulted on in 2021 under Regulation 18. East Herts Council provided a detailed response to both consultations.

2.7 In December 2021 HCC formally agreed to withdraw both emerging Plans and bring together the work to date into a single Minerals and Waste Local Plan. So, whilst the Plan the subject of this report is essentially a new document it does build on the work done previously and takes account of the main issues raised in response to the previous consultations.

Commenting of the Minerals and Waste Local Plan 2040

2.8 HCC would like as a wide a response as possible to their consultation. Stakeholders include the minerals and waste industry, landowners, individuals, statutory consultees, District and Borough councils, town and 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 minerals and waste management needs and enables the delivery of sustainable development in line with national minerals waste planning policy.

2.10 The Plan is being published for consultation for a ten-week period starting on Friday 22 July 2022 and closed on Friday 30 September 2022.

3.0 Reason(s)

3.1 The representations (comments) 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 Minerals and Waste Local Plan are supported.

Vision and Objectives

- 3.3 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 ensure a sustainable future for minerals and waste development. This includes a restoration led approach for minerals and planning positively towards achieving net waste self-sufficiency.

Sustainable Development

- 3.4 At the heart of the NPPF is a presumption in favour of sustainable development. The policies and allocations contained in the Minerals and Waste Local Plan follow this approach and provide guidance on how to apply the presumption locally.
- 3.5 In July 2019 the County Council declared a Climate Emergency. This was followed by the publication of the Sustainable Hertfordshire Strategy in 2020. In line with the Strategy, the Minerals and Waste Local Plan identifies five key ambitions:
- A net zero carbon county ahead 2050
 - Ready for future climates
 - Improve nature in the county by 20% by 2050
 - Clean air for all for 2030
 - Triple the efficiency of material use in the county by 2050
- 3.6 By embedding the Strategy into the Minerals and Waste Local Plan, 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. It would be helpful if a footnote to the Strategy could be added to the Plan: <https://www.hertfordshire.gov.uk/Media-library/Documents/About-the-council/data-and-information/Sustainable-Hertfordshire-Strategy-2020.pdf>.

Climate Change

- 3.7 It is agreed 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. In particular, 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 is supported.

Meeting Sand and Gravel Needs

- 3.8 It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy, and goods that the country needs. Since minerals are a finite resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.
- 3.9 The NPPF requires MPAs to maintain a landbank of at least seven years for sand and gravel. To maintain an adequate supply to meet demand, Hertfordshire must plan for 1.31 million tonnes per annum (MTpa). This means that over the plan-period (2020-2040) the County Council must plan to meet a need of 27.51MTpa. As of January 2020, total permitted reserves in the county stood at 8.95MT. This leaves a shortfall of 18.56MT, which the County Council are planning to meet by allocating sites for future extraction.
- 3.10 Three Mineral Allocation Sites (MAS) are identified in the Local

Plan, with one located in East Herts:

- MAS01: The Briggens Estate (East Herts)
- MAS02: Hatfield Aerodrome (Welwyn Hatfield/St Albans)
- MAS03: Land Adjoining Coopers Green Lane (Welwyn Hatfield)

3.11 Policy 2 of the Local Plan sets out the following site-specific requirements for MAS01: The Briggens Estate:

- i. Proposals must be in accordance with the requirements set out in the Heritage Impact Assessment
- ii. Access to the site must be from the B181 Roydon Road
- iii. The site entrance must be engineered to prevent site traffic travelling through Stanstead Abbots
- iv. The restoration strategy must be agreed in consultation with Lea Valley Regional Park Authority and include provision of a footpath / cycle connectivity linking Stanstead Abbots with development at Harlow Gilston Garden Town
- v. An appropriate buffer is to be established on the northern and western boundary in accordance with the Site Brief

3.12 The Site Brief is included at Appendix 1 (Site Briefs) of the Local Plan and includes a Site Map and more detailed site considerations. The site is expected to be worked in the latter half of the plan-period. With 8.8Mt of potential workable reserves, extraction is expected to take 18 years.

3.13 In establishing the supply requirements, the Plan notes that the use of secondary and recycled materials will go some way to meeting Hertfordshire's requirement over the plan period. It is estimated nationally that this source accounts for 28% of aggregate supply. In the Plan however, no allowance is made for the potential of this element of supply. With the allocated sites, the Plan secures a surplus of 1.76MT of supply. Secondary and recycled aggregates are simply identified as

providing a further buffer and flexibility.

- 3.14 Whilst the objectives of Policy 10 (see below) are acknowledged, enabling secondary and recycled materials only to be considered as an additional element of buffer lacks the incentivisation that including secondary and recycled aggregates as an identified element of supply may do. If supply through secondary materials were to be built into the supply chain calculations and on the basis that it does represent 28% of use, this would reduce the requirement for new supply sources down from 18.56MT to 10.86MT. It is acknowledged that it is not appropriate to impose simplistic calculations of this nature to the supply figures, but it is suggested that some greater recognition should be given to secondary and recycled material provision in the Plan, given its stated sustainability objectives.
- 3.15 In relation to the specific identification of the Briggens Estate as a proposed Minerals Site Allocation (MSA), members will be aware that the Council objected to its inclusion during the earlier consultation on the Minerals Local Plan. The following sets out the previous position of the Council and updates in respect of these matters.
- 3.16 Unnecessary extent of supply: The Regulation 19 version of the Minerals Local Plan, released in early 2019, identified sufficient reserves to meet the requirement to secure a 7-year landbank of supply both during the Plan period and for a 7-year period beyond. The Council questioned the justification for securing a supply landbank for a 7-year period beyond the Plan period.
- 3.17 The approach in the current consultation version of the Plan is to secure sufficient reserves to meet supply needs during the Plan period only. Whilst this results in an element of buffer, as referred to above, the Plan does not look to secure supply for the period beyond the end of the Plan. The Council supports

this approach, acknowledging that a review of the Plan will be required before the expiry of the Plan period to secure future supply. Review will probably be required in the early 2030's.

- 3.18 Green Belt: In its previous response, following the allocation of land in the Gilston Area for development and its release from the Green Belt through the adoption of the East Herts District Plan 2018, the Council drew to the attention of HCC the heightened importance that the remaining designated Green Belt has in the area of the Briggens MSA site in terms of preventing coalescence between settlements.
- 3.19 The Council acknowledges that mineral extraction is a 'not inappropriate' form of development in the Green Belt, providing it preserves the openness of the Green Belt and does not conflict with the purposes of the inclusion of land in the Green Belt. However, the Council remains concerned about the impact that any minerals working in this area will have with respect to the Green Belt. Plant and equipment at the site, earthworks, including storage and mounding and site activity will all impact on the openness of the site.
- 3.20 Cumulative Impact: The previous response from the Council raised a concern that the potential cumulative impact of the proposed sites identified in the Minerals Local Plan along with the impact of other proposals, including, of course, the allocation of land for development in the Gilston Area, had not been assessed or addressed correctly. The Habitats Regulations Assessment (HRA) Report (Dec 2018) identified the potential for the Briggens Estate site to contribute to Heavy Duty Vehicle traffic through the Epping Forest Special Area of Conservation, the Lea Valley Special Protection Area/ Ramsar and the Wormley Hoddesdon Park Woods Special Area of Conservation.

- 3.21 The latest version of the Minerals and Waste Local Plan is accompanied by an updated HRA (dated June 22). The updated HRA refers to the need to ensure that the in-combination impact of the policies of the Plan are considered. It remains unclear however that the in combination of the potential impacts of the Briggens site and the Gilston Area residential allocation have specifically been considered.
- 3.22 With regard to its findings, the HRA (June 22) recommends that further amendments or additions are made to the policies or text of the Plan to ensure that significant adverse impacts are mitigated. It is also noted that the HRA Report sets out that suitable policy wording about the Epping Forest Special Area of Conservation will be discussed and agreed with Natural England at the next stage of the HRA.
- 3.23 The Council seeks assurance that the recommendations, as set out in the HRA Report (June 22) will be acted on regarding any future amendment of the Minerals and Waste Local Plan. It also suggests that the undertaking of the consideration of in combination effects, in relation to the Briggens site and the Gilston Area residential allocation, be made explicit in any future HRA assessment of the impact of the Plan.
- 3.24 Appropriateness of value assessment assigned to the identified impacts in the site selection process: In its previous response, the Council raised concern regarding the outcome of the site sieving process that had been undertaken in relation to potential site allocations in the Plan. These were included in the Site Selection Report (SSR) August 2018.
- 3.25 In that respect, it was noted previously that the SSR identifies the 'high' impact of the Briggens site in relation to the consideration of each of the following criteria: Ancient Woodland; Ecological status of watercourses and bodies; Heritage Assets; Recreation of the PRoW which crosses the site;

Sensitive Land Uses and Sustainable Transport, as the site is not located within proximity to either the rail or navigable waterway network.

- 3.26 The Council also previously questioned the impact being assessed as 'low' in relation to Geodiversity, given the large number of Wildlife Sites and SSSIs located in the area surrounding the proposed site.
- 3.27 Overall, the Council also questioned the 'low' impact identified in relation to the cumulative impact of the site, again considering that full weight had not been assigned to the East Herts District Plan Gilston Area development allocation.
- 3.28 There has been no updated Site Selection Report produced. The Council therefore remains concerned that the assessment process, that has led to the identification of the Briggens site as a potential MSA, remains flawed and assigns inappropriate weight to a number of the potential impacts of the proposed site.
- 3.29 Impact of the proposals on highways: Lastly, in the previous response from the Council, the comments of the Highway Authority in relation to the Briggens site were noted. The comments referred to existing traffic congestion in the area and at local junctions. They referred to the impact on vulnerable road users, with no dedicated provision for cyclists and pedestrians along the B181 where access is proposed to be created. The Highway Authority comments also required that route options, for any traffic created as a result of an extraction site use, should be discussed with it at an early stage. The Council continues to highlight the concerns raised by the Highway Authority.
- 3.30 The Regulation 18 version of the Minerals and Waste Local Plan now under consultation contains a Site Brief in relation to each

of the proposed site allocations. For the Briggens site, this indicates that the site is expected to be worked in the latter half of the plan period, so potentially from 2030 onward. As set out above, it has potential reserves of 8.8MT and, if worked at 500,000 tonnes per year, this would represent an extraction period of around 18 years.

- 3.31 The Site Brief notes the proximity of potential residential development as part of the Gilston Area allocation, setting out that any cumulative impact will need to be appraised and mitigated. The site is to be worked in the direction from east to west with advanced planting to create an appropriate buffer to the northern and western boundaries.
- 3.32 With regard to transport, the Site Brief sets out that an access junction should be designed in such a way to prevent traffic on the B181 accessing the site from or departing the site to the north, through Stanstead Abbots. The Site Brief also refers to the potential for the re-opening of west facing slip roads between the B181 and the A414, to allow traffic to and from the site to gain direct access westwards. Currently access is only available to/from the eastward direction at the A414/ B181 junction.
- 3.33 With regard to restoration, the Site Brief sets out that any restoration of the site should complement the delivery of the Gilston Area as part of the Harlow and Gilston Garden Town with the provision of open space. Impact on the rights of way across the site should be suitably mitigated and any agreed restoration programme must include proposals for improved connectivity both during and after mineral extraction.
- 3.34 Should the allocation of the site proceed, despite the concerns raised by the Council and others in response to the Plan, the Council supports the details set out in the Site Brief. In its view however, matters set out in the Site Brief should be addressed

in more detail at this stage, and other matters be included as follows:

- 3.35 Relationship between the proposed Briggens site allocation and the neighbouring Gilston Area allocation/ wider Harlow and Gilston Garden Town with respect to the use of minerals extracted: Members will be aware of the significant scale of the development proposed for the Gilston Area and the wider Garden Town. 10,000 homes are planned for the Gilston Area and 23,000 homes for the wider area. That scale of development will create a substantial demand for the supply of gravel and sand. In principle there should be some potential synergy between the extraction of minerals from the Briggens site and their potential use on a site immediately adjacent. This could have a substantial beneficial impact in terms of reducing the volume of road traffic generated by the Briggens site through the minerals being directly conveyed to the adjacent site.
- 3.36 The Council recognises that there are a range of practical, timing, marketing, and other considerations to be taken into account in this respect. It would seem appropriate however, to include a requirement in the Site Brief at this stage, that the matter should be subject to further and detailed investigation.
- 3.37 Highways and transport: If the site does proceed and in the circumstances where direct transfer of the material to the adjacent site is not practical, the Council is of the view that more consideration should be given to practical measures to deal with highways impact at this stage. The requirement for traffic generated by the site to travel to and from it southward along the B181 is supported.
- 3.38 Further consideration should be given to eastward journeys beyond speculating that eastward facing slips on to the A414 could be secured. If this outcome cannot be secured all traffic

will be required to travel eastward either leading to lengthy and circuitous journeys to destinations to the west, or could result in localised U-turn movements by Heavy Duty traffic on the busy A414. These could occur at either the Eastwick roundabout, which is proposed to be changed into a traffic signal-controlled crossroad junction through the Gilston Area proposals, or at the Burnt Mill roundabout in Harlow. In either case it is anticipated that large volumes of Heavy-Duty traffic undertaking manoeuvres of this nature would be detrimental to road safety. In addition, at both of the junctions referred to above, the Harlow and Gilston Garden Town partners are proposing to implement measures to make navigation of them more attractive to pedestrian and cycle users. The potential impact of Heavy-Duty traffic would appear contrary to these objectives.

3.39 The Council is of the view that it **must** be a pre-requisite for the development of the proposed Briggens Estate site that a highway solution is provided that enables traffic travelling to or from the site from the west to be able to access the site without travelling through Stanstead Abbots and without creating unacceptable highway impacts elsewhere. The Council understands that HCC is exploring potential options in this respect and it would be pleased to support and assist in the consideration of these options through the work on the next stage of the preparation of the Plan.

3.40 It would not be acceptable for any heavy goods traffic generated by the proposed Briggens Estate site to travel to or from the site through Stanstead Abbots as this would cause serious disturbance to all local residents. The Council understands and supports the requirement for the proposed access to the site from the B181 to only allow traffic movements to or from the south (away from Stanstead Abbots). In addition to any engineering solution for this junction to achieve that outcome, the Council is of the view that there must be

active monitoring undertaken by the site operator, through the use of CCTV for example, and appropriate sanctions in place which would be applied to any haulage operators who's drivers transgressed the agreed access arrangements.

Meeting Waste Management Needs

- 3.41 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 National Planning Policy for Waste (NPPW).
- 3.42 The Minerals and Waste Local Plan does not therefore allocate specific sites for new waste management facilities; instead, it identifies locations (settlements) where new facilities *could* come forward. The Local Plan is aiming towards achieving 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.
- 3.43 The strategy is to locate these new facilities near areas of population, i.e., where the waste arises. These are the areas which are more likely to experience growth, and therefore this reduces the distance waste must travel for treatment or disposal. In East Herts the following towns are identified under Policy 3 of the Local Plan: Bishop's Stortford, Buntingford, Hertford and Ware.
- 3.44 Policy 3 sets out that proposals for new waste management development will be supported in principle within the following locations:
- [Existing] Waste Management Sites; or

- Land allocated for employment in the Development Plan; or
- Existing employment land within the development limits of the settlements identified in the Policy.

The Policy also goes on to say that where these locations are not available or suitable, then proposals *may* be acceptable outside but adjacent to the development limits of the identified settlements. In all cases, development proposals are required to demonstrate how they have addressed the locational criteria contained within Appendix 2 (Waste Facilities Location and Design Guidance) of the Local Plan.

3.45 The flexible approach set out in Policy 3 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 however that Policy 3 fails to acknowledge that there will be significant growth coming forward in the Gilston Area (10,000 new homes). In order to meet the identified objective to enable the local treatment of waste and to represent sustainability, it would seem appropriate to identify the potential for facilities to be sited in the Gilston Area.

3.46 The Waste Facilities Location and Design Guidance document at Appendix 2 is supported as it sets out detailed and helpful locational and design criteria.

Site Safeguarding and Consultation Areas

3.47 Safeguarding minerals and waste management sites and associated infrastructure is critical to ensure a continued supply of minerals, and for managing wastes that arise in the county.

3.48 Sites which have planning permission for mineral extraction, along with sites used for other mineral related activities are

identified in the Local Plan as Mineral Development Sites (MDS). Proposals for development within these areas will generally not be permitted unless they are in accordance with the site's current uses. There are a number MDSs across Hertfordshire, including Birchall Lane/Cole Green and Burnside. Whilst in Welwyn Hatfield Borough, it is important that these sites are viewed in the context of the proposed residential development at Birchall Garden Suburb (Policy EWEL1 of the East Herts District Plan) as a whole.

- 3.49 Policy 4 identifies Site Safeguarding Areas (SSAs) which are defined on the Policies Map. SSAs include Mineral Allocation Sites (MAS) and Mineral Development Sites (MDS), as well as Transport Infrastructure Sites (TIS), Waste Management Sites (WMS) and Water Recycling Sites. The County Council must be consulted on all development proposals that fall within an SSA.
- 3.50 Policy 4 also identifies Site Consultation Areas (SCA). These are defined on the Policies Map as a 250m buffer surrounding SSAs. Again, the County Council must be consulted on all development proposals that fall within an SCA, through the submission of a Consultation Area Assessment (CAA), except for minor householder applications and advertisements. Additional guidance on preparing CAAs is helpfully provided for applicants in Appendix 3 (Safeguarding Minerals and Waste Infrastructure and Resources) of the Local Plan.
- 3.51 The approach taken in Policy 4 is supported 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.

Mineral Safeguarding Areas

- 3.52 Much of Hertfordshire is underlain by deposits of sand and

gravel. Minerals are finite resources and can only be worked where they are found. Allowing new built development to take place on top of or adjacent to these deposits could sterilise them. The NPPF therefore requires planning policies to safeguard minerals against sterilisation, through the use of Mineral Safeguarding Areas (MSAs) and Mineral Consultation Areas (MCAs). MCAs act as a buffer surrounding the deposits and ensure that the MPA is consulted on proposals for non-mineral developments in these areas.

- 3.53 In accordance with Policy 5 of the Local Plan, the MPA may require the submission of a Minerals Resource Assessment (MRA) to establish the existence or otherwise of a viable mineral resource. Guidance for applicants on preparing a MRA is contained with Appendix 3 of the Local Plan.
- 3.54 It should be noted that not all development will bring about the sterilisation of an underlying mineral deposit, such as development within an urban area, or development involving a temporary use. Policy 5 therefore sets out various exceptions when consultation with the MPA would not be required.
- 3.55 The approach set out in Policy 5 is supported and the template structure for an MRA set out in Appendix 3 is helpful.

Secondary and Recycled Materials

- 3.56 The growth promoted through District and Borough Local Plans across Hertfordshire means that there will be significant arisings of Construction, Demolition and Excavation (CD&E) waste in the county. The purpose of Policy 10 is to maximise the re-use, recycling, and recovery of CD&E waste to minimise its disposal to landfill wherever possible.
- 3.57 Recycled and secondary aggregates currently offer the greatest potential as an alternative to primary aggregates in

Hertfordshire. As such the approach taken in Policy 10 is supported.

Sustainable Design and Resource Efficiency

- 3.58 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. Detailed guidance on the design criteria set out in the Policy can be found in Appendix 2 of the Local Plan.
- 3.59 The requirement for all major planning applications to be supported by a 'Circular Economy Statement' (CES) is supported. A template for a CES can helpfully be found in Appendix 4 (Circular Economy Statements) of the Local Plan.

Restoration, Aftercare and After-use

- 3.60 National policy is clear that local planning policies should ensure that worked land is reclaimed at the earliest opportunity, and that high quality restoration and aftercare of mineral sites takes place.
- 3.61 Regardless of the proposed after-use of a mineral site it should be noted that the Environment Act 2021 now places a requirement on developers to ensure that development results in a biodiversity net gain.
- 3.62 Policy 13 requires proposals for mineral extraction and waste development (where temporary) to be restoration-led and should where possible improve and enhance the area. Proposals should submit a scheme of restoration for the site at the application stage. A phased restoration approach for timely working and to help reclaim land at the earliest opportunity, thereby minimising disturbance to the local area is supported.

All proposals involving aftercare will be required to submit an Aftercare Management Strategy for the site.

Green Belt

- 3.63 The importance of the Green Belt is acknowledged in the Local Plan, with Policy 14 seeking to uphold the protection of Hertfordshire's Green Belt. In accordance with the NPPF, proposals for mineral extraction within the Green Belt are acceptable in principle, if they preserve its openness and do not conflict with the purposes of including land in it.
- 3.64 It is expected that some waste 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.

Biodiversity and Geodiversity

- 3.65 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 Policy 15 for all proposals for minerals and waste development to be accompanied by an Ecological Survey is welcomed. The specific requirement to include a calculation using a Biodiversity Metric is supported.

Landscape and Green Infrastructure

- 3.66 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 Policy 16 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

- 3.67 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; Policy 18 should however be reworded, requiring proposals to preserve and where appropriate enhance the historic environment (with a consequential change to Appendix 2, paragraph 3.25).

Protection and Enhancement of Amenity

- 3.68 The importance of protecting amenity is acknowledged in the Plan. The supporting text to Policy 19 requires that noise is fully appraised in a Noise Impact Assessment; that a Dust Assessment Study may be required; and that an Air Quality Assessment should be provided. Policy 19 combines these requirements under a single assessment which will ensure that proper consideration is given to the protection and enhancement of amenity.
- 3.69 The Council acknowledges and supports this policy. 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, in its view it would be completely unacceptable for any development permitted not to be

thoroughly and regularly monitored to ensure that all controls are being complied with. In addition, it 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 District Council, local community and other stakeholders as appropriate.

Health and Wellbeing

3.70 The Local Plan recognises that health and wellbeing should be a key consideration in the preparation of minerals and waste planning applications and planning decisions. As such Policy 20 requires a Health Impact Assessment (HIA) to be undertaken for minerals and 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.

Water Management

3.71 Climate change and rising demand are likely to affect water quantity and quality, and so more efficient use of water is vital to cope with these changes. Minerals and waste development have the potential to impact water resources and should be steered towards areas of lower flood risk.

3.72 Policy 21 requires proposals to take account of any potential impact on water supply, water quantity and water quality, and flood risk. For all proposals in Flood Zones 2 or 3, or Flood Zone 1 a site-specific Flood Risk Assessment will be required.

Assessment should incorporate climate change allowances to help minimise vulnerability and provide resilience to flooding.

- 3.73 The section would benefit from links to the sources of information being referred to, e.g., a link to the guidance on the Environment Agency's website would be helpful.

Transport

- 3.74 The Local Plan seeks to encourage the use of alternative means of transport for minerals and waste traffic to that of the road network. However, while appreciating that the very nature of these types of development and their propensity for often being situated in rural locations, the prominence of the Local Transport Plan (LTP) as a major HCC policy document with ambitions towards sustainable forms of development should be clearly stated.
- 3.75 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 Local Plan.
- 3.76 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'.
- 3.77 Policy 24 also majors on the effects of movements associated with the development solely in relation to transporting the aggregates. 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.
- 3.78 In relation to Policy 23, Transport Infrastructure Sites, and the

introductory text, it is noted that reference is made that the use of railheads as the main method for the bulk transport of minerals and waste products. Whilst it is understood that the policy is unable to apply to sites outside of the County boundary, it would seem reasonable to refer to such sites in the introductory policy text, given the sustainability objectives of the Plan. In that respect, the Council notes the presence of a railhead at Harlow Mill, Essex, which it understands is within the same control as the prospective operators of the MSA at the Briggens Estate. It appears therefore that there may be some opportunity for the use of that railhead which, whilst outside the boundary of the County, may result in a lesser requirement for road transport, if the Briggens Site were to become active, then other railheads located within the County.

Public Rights of Way

- 3.79 The Council supports the inclusion of this Policy 25 and notes, in relation to the Briggens Estate proposed MSA, that the designated long-distance footpath, the Harcamlow Way, crosses the site and should be protected for use during any development. The objective of the policy, that proposals should, where possible, improve and enhance access to the countryside by means of active travel is also supported. In that respect, the Council notes the potential of the proposed Briggens Estate MSA to enable the provision of early active travel routes between the Gilston Area and surrounding locations such as Stanstead Abbots.

Cumulative Impacts

- 3.80 Mineral and waste management development can have significant impacts on the environment and local communities, which can be magnified by multiple sites in proximity. The multiple impacts that may arise from minerals and waste developments can accumulate to present overall negative

effects on the surrounding areas. Policy 26 requires proposals to take account of potential cumulative effects to ensure that any impacts that may arise would not result in unacceptable adverse effects on the environment of an area or on the amenity or health of a local community.

Next Steps

- 3.81 The Council will submit the recommendations to the Minerals and Waste Local Plan 2040 at the head of this report and the comments at **Appendix A**, before the consultation closes on Monday 31 October 2022.
- 3.82 Following the end of the consultation period, the county council will prepare a Proposed Submission version of the Minerals and Waste Local Plan. This will take account of the comments received and any further technical work that is needed. The Proposed Submission Minerals and 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 Minerals and Waste Local Plan, which provides a suitable framework of minerals and 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 Minerals and Waste

Local Plan.

6.0 Implications/Consultations

6.1 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, and Operations Teams.

Community Safety

No community safety implications.

Data Protection

No data protection implications.

Equalities

An Equality Impact Assessment (EqIA) has been undertaken for the emerging Hertfordshire Minerals and Waste Local 2040. The purpose of the EqIA is to assess the equality impacts on the protected characteristics, in relation to consultations and engagement events carried out for the Minerals and Waste Local Plan. The EqIA is available to view online at: <https://www.hertfordshire.gov.uk/mwlp>.

Environmental Sustainability

A Sustainability Appraisal (SA), including Strategic Environmental Assessment (SEA) has been carried out to inform the ongoing preparation of the Minerals and Waste Local Plan and to ensure sustainable development concerns are fully integrated and reasonable alternative policy options are considered. The Report is available to view online at: <https://www.hertfordshire.gov.uk/mwlp>.

Financial

Waste collection is one of the District 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 Hertfordshire Minerals and Waste Local Plan 2040, as well as several supporting documents, including a Sustainability Appraisal and Habitats Regulations Assessment, are available to view online at <https://www.hertfordshire.gov.uk/mwlp>
- 7.2 The National Planning Policy Framework (NPPF) is available to view online at:
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- 7.3 The National Planning Policy for Waste (NPPW) is available to view online at:
<https://www.gov.uk/government/publications/national-planning-policy-for-waste>

7.4 The National Planning Practice Guidance is available to view online at: <https://www.gov.uk/government/collections/planning-practice-guidance>

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