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INTRODUCTION

4.1 When undertaking EIAs and preparing an ES, it is conventional practice to carry out a review of relevant planning policy. This is not an express requirement of the EIA Regulations, but the exercise acts as a useful checklist in terms of environmental topics considered in the EIA, and allows the conclusions reached by the EIA/ES to be assessed against planning policy objectives and requirements.

4.2 It is considered that this approach identifies and isolates the key environmental issues associated with a particular development, and assists in arriving at a judgement of the overall merits of the development balanced against its environmental effects. In this respect, it is not the role or purpose of the ES to set out the planning balance, but to objectively consider those policies relevant to the scheme being assessed.

4.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA, 2004) requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In effect, this established a presumption in favour of granting permission for developments which are in accordance with the Development Plan.

4.4 This principle has been developed and clarified by subsequent case law, which has confirmed that a particular proposal does not need to accord with each and every policy in a development plan; the key issue is that it accords with the overall thrust of the development plan policies taken as a whole.

4.5 Sub Section 5 of Section 38 states that "*if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).*"

4.6 Policies in the Development Plan will conventionally seek to safeguard environmental interests, and will aim to resist developments which are likely to give rise to significant adverse environmental and amenity effects.

4.7 This chapter will set out the context of the main national and local planning policies relevant to the development at Hatfield Aerodrome. Chapter 4 within the Planning Statement (Volume 1) provides an assessment of how the proposed development complies with the relevant policies in the Development Plan.

LEGAL BACKGROUND

4.8 Schedule 4 to the EIA Regulations does not make any specific reference to the inclusion of an assessment of planning policy. However, Chapter 6 of the former DTLR Good Practice Guide on the preparation of an ES included a section on '*Policies and Plans'.* Paragraph 6.1 states that "*An ES should include a section on policies and plans which are relevant to the*

environmental assessment of the development in question". The objective of this is to "*demonstrate how these policy guidelines have been taken into account in developing the project and compiling the ES, and to provide a picture of the decision-making context in which the environmental impacts will be evaluated."*

4.9 It can be seen that there is some ambiguity between the Regulations and the guidance provided by the Government. However, it is clear from the published guidance that the Government is committed to a plan led system, with the Development Plan forming the basis of all planning decisions. Accordingly, policies and plans play an important role in determining any planning applications. Therefore, in the spirit of the guidance, this chapter provides an overview of the policies that have been considered in undertaking the EIA.

NATIONAL POLICY

General

4.10 National Planning Policy Guidance is set out in the National Planning Policy Framework (NPPF). The NPPF was accompanied by a *'Technical Guidance'* document which provides guidance relating to Flood Risk (formerly contained in PPS25) and minerals (formerly contained in MPS1 and MPS2). This has since been revoked and replaced by the internet based Planning Practice Guidance.

4.11 In terms of land use planning constraints, the application site is not located within a National Park or Area of Outstanding Natural Beauty (AONB). Neither does it directly impinge upon any ecological designations of international or national importance; however, it is located within a Green Belt. Allied to this, as noted from Chapter 2 there are no internationally or nationally designated sites of ecological or archaeological importance within 2km of the boundary of the application site. It is noted that the following designations are located within 2km of the proposed mineral workings:

- Five areas of ancient woodland:
  - Symondshyde Great Wood
  - Home Wood.
  - Oak Wood
  - Hazel Grove
  - Hooks Wood
- One Local Nature Reserve
  - Colney Heath

4.12 There are several listed buildings in the vicinity of the Site. The closest (being a cluster of three) are located at Popefield Farm on the southern boundary. Based on information provided by Herts Environmental Records Centre (refer to Chapter 11, Volume 2) there are 23 Local Wildlife sites within 2km of the boundary of the application site. The closest is Home Covert, which lies adjacent to the application site; twelve of the sites are over 1km from the site

boundary with the remainder located between 510m and 900m from the site boundary.

4.13 As a result, many sections of national guidance are not relevant to the planning application.

THE NPPF

4.14 The NPPF does not change the fundamental premise of Section 38(6) of the Planning and Compulsory Purchase Act 2004. The general principles of the NPPF are not inconsistent with the outgoing MPS and PPS/PPG documents and, as a result, the general thrust remains that the planning process should be plan-led. It also states that the development proposals should accord with the Development Plan should be approved 'without delay'.

4.15 Beyond the general principles of the plan-led system, sustainable development and the approach to decision making, much of the main guidance relates to the development of the built environment. Those parts relevant to the proposed development are considered within the subsequent sections.

Sustainable Development

4.16 At the heart of the NPPF is a presumption in favour of sustainable development, which should be taken as a 'golden thread' running through both planning and decision-making. In terms of *'Sustainable Development',* the NPPF identifies three dimensions: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements including the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historical environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

4.17 These roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Green Belt Policy

4.18 Relevant guidance in the NPPF regarding green Belts can be found in Section 9, paragraphs 79 to 92.

4.19 Paragraph 81 states that "*Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land*".

4.20 Paragraph 87 refers to previous guidance, commenting that "*inappropriate* development *is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*". Paragraph 88 then adds

> *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".*

4.21 However, paragraph 90 defines other forms of development that are not inappropriate in green belt provided they preserve the openness of the green belt and do not conflict with the purposes of including land in green belt. Included in the list is mineral extraction.

Mineral Policy

4.22 Paragraph 13 of MPS1 stated that "*Minerals can only be worked where they naturally occur".* This long established concept is retained in the NPPF at paragraph 142, which states:

> *"Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make the best use of them to secure their long term conservation."*

4.23 All mineral proposals also need to be considered in the light of paragraph 144 of the NPPF, and in particular, those aspects which are relevant to the EIA are:

- give great weight to the benefits of mineral extraction, including to the economy (i.e. socio-economic aspects)
- as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, Scheduled Monuments and Conservation Areas;

- ensure that in granting planning permission for mineral development that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and to take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in the locality;
- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- provide for restoration and aftercare at the earliest opportunity to be carried out to the highest environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances; and
- not normally permit other development proposals in mineral safeguarding areas where they may constrain potential future uses for these purposes. .

Environmental Considerations

4.24 The NPPF, together with the Planning Practice Guidance, sets out the overarching national policy and associated guidance respectively aimed at protecting the environment and local communities. This is further considered under the heading of '*Protection of the Environment'*

THE DEVELOPMENT PLAN

Legislative Background

4.25 The PCPA 2004 reformed the development plan system, replacing Local Plans with a requirement to produce a Local Development Framework (LDF). The LDF would comprise a portfolio of Development Plan Documents (DPDs). With the introduction of the Localism Act 2011, the Local Development Framework is to be replaced by Local Plans.

4.26 To maintain continuity in the Development Plan system during transition to the LDFs (and Local Plans), arrangements were put in place for the existing adopted Structure Plan and the Minerals, Waste and District Local Plan policies to be 'saved'. In this respect the Secretary of State's saving direction dating 22 March 2010 provides that all the policies in the Minerals Local Plan were saved until such time as they are superseded by the emerging Minerals Local Plan.

4.27 On 3rd January 2013, the Regional Spatial Strategy for the East of England (Revocation) Order 2013 came into force revoking both the Regional Spatial Strategy (RSS) for the East of England and the remaining saved policies Hertfordshire Structure Plan.

4.28 At the local level, the statutory Development Plan currently comprises the following documents:

- Hertfordshire Minerals Local Plan Review 2002 – 2016 (adopted March 2007);
- Waste Core Strategy and Development Management Policies Document (adopted November 2012);
- Waste Site Allocations 2011 – 2026 (adopted July 2014)City and District of St Albans District Local Plan Review (adopted 1994);
- Welwyn Hatfield District Plan (adopted 2005).

4.29 However, the district Local Plans cover all matters involving the development or other use of land, with the exceptions of minerals and waste developments which by virtue of the Town and Country Planning (Prescription of County Matters) (England) Regulations 2003 fall to be considered against the Minerals Local Plan and Waste Local Plan respectively. The main considerations therefore relate to the general policies, and those aimed at safeguarding the environment, and thus are addressed within the sub-section "*Protection of the Environment*".

4.30 The following paragraphs consider each of the documents that currently comprise the Development Plan highlighting the key policies that are applicable to the proposed development and the EIA.

Minerals Local Plan

4.31 The prime purpose of the planning application is to secure the release of new mineral reserves to ensure that a steady supply of aggregates can be provided to the local construction market. In view of this, the Minerals Local Plan (MLP) is the main consideration when examining whether the proposals accord with the Development Plan.

4.32 The MLP was adopted in 2007 and covers the period between 2002 and 2016. As such, the plan period is still in force and thus significant weight can be afforded to its policies. Notwithstanding this, the MLP pre-dates the NPPF and thus where a policy conflicts with national policy, the NPPF will take precedence.

4.33 In terms of the strategic polices, Chapter 3 provides, through **Policy 1**, that the county will ensure that adequate supplies of aggregates are available and will seek to maintain an appropriate landbank throughout the Plan period. **Policy 2** then provides the framework for considering the need for releasing new mineral reserves.

4.34 As noted in paragraph **Error! Reference source not found.** above, the MLP seeks to identify areas from where sand and gravel should be extracted to maintain supplies throughout the plan period and beyond. Section 3.4 of the MLP, culminating in **Policy 3** identifies three sites, including the application site.

4.35 The three allocated sites in the MLP are (with the amount of reserves is shown in brackets):

- Preferred Area 1: Land at former British Aerospace, Hatfield (8Mt)

- Preferred Area 2: Land adjoining Rickneys Quarry, near Hertford (5Mt – 6Mt)
- Preferred Area 3: Land at Coursers Road, near London Colney (4.5Mt)

4.36 The southern part of Preferred Area 1 is the application site to which this planning application refers. Preferred Areas 2 and 3 are extensions to existing quarries. During the course of the MLP planning permissions have been granted for Preferred Areas 2 (in part as an easterly extension to Rickneys Quarry) and 3. Referring to paragraph 3.4.2 of the MLP, it is noted that "*the County Council has undertaken an extensive site selection process in order to identify the most suitable locations for future aggregates extraction*". Allied to this, paragraph 3.4.6 comments that the 'Preferred Areas' are the parcels of land likely to be required to make up the balance of the County's contribution to the regional apportionment for the plan period (to 2016) and the landbank period beyond.

4.37 **Policy 5** seeks to avoid the sterilisation of mineral reserves, encouraging prior extraction where possible. The Preferred Area 1 includes land to the north which is being considered for housing development.

4.38 The cumulative impact of mineral workings, be it simultaneous or successive, is addressed through **Policy 11**.

4.39 Section 4.4 of the MLP addresses the reclamation of mineral workings. Paragraph 4.4.2 recognises that traditional schemes of agricultural restoration may not always be appropriate and should not be seen as the only option. It cites biodiversity is a suitable option and advises that cognisance is given to both the UK and Hertfordshire Biodiversity Action Plans. **Policy 13** indicates that the council will not allow land worked for minerals to become derelict or remain out of beneficial use. Applications for mineral extraction are to be accompanied by a detailed and comprehensive restoration scheme. This also reflects the provisions of **Policy 14** which requires restoration schemes to have a sustainable after-use. The policy sets out ten criteria that need to be considered.

4.40 Linked to the restoration of mineral workings, including the application site, is the use of inert materials to infill the void left once the mineral has been removed. Paragraph 4.5.1 indicates:

> *"… The level of restoration needs to be addressed on a site-specific basis as restoration to a lower level than the original may be more appropriate than restoration to pre-extraction/original levels. The landscape character assessment and the provisions of Policy 18 (ii) (form of restoration) will be considered when determining the appropriate levels for any restoration."*

4.41 The supporting text recognises that infilling mineral workings as part of a restoration scheme is not without its problems, potentially increasing the area of disturbance at any one time or duration of operations. It also refers to potential environmental issues; however, these are mainly in relation to

infilling with non-hazardous wastes, as opposed to inert materials. **Policy 15** indicates that "*The reclamation of mineral workings with waste will only be permitted where it can be demonstrated that the disposal of waste is necessary to achieve the restoration proposals*". The policy goes on to add that timescales to achieve the restoration should be appropriate and that there is "*a sufficient total quantity of fill likely to be available to ensure restoration at the required rate*".

4.42 Finally **Policy 18** sets out fifteen criteria that are to be taken into account to control mineral workings, and in particular, the potential impacts on the environment or local communities.

4.43 The MLP also contains a number of polices aimed specifically at protecting various facets of the environment and amenity of local communities. This is further considered under the heading of '*Protection of the Environment'* below.

Waste Core Strategy and Development Management Policies

4.44 The Waste Core Strategy and Development Management Policies DPD (WCS) was adopted in November 2012 and covers the period between 2011 and 2026. The WCS sets out the county council's strategic vision, overall spatial strategy and development management policies for waste planning in Hertfordshire. In addition it contains the policies needed to implement these objectives and detailed development management policies that will be used to make decisions on waste planning applications and used in the determination of applications for other local developments that could have waste implications. In the context of the planning application, it is material to the proposals to import inert materials to facilitate the beneficial restoration of the workings.

4.45 The vision for the WCS is set out in Chapter 2 and indicates that waste management facilities "*will be well designed, appropriately sized and sensitively located so that they reduce the environmental and social impacts, meet the needs of communities and businesses, and seek enhancement of the locality*". The vision goes on to add that facilities will be located as close as practicable to the origin of waste.

4.46 Chapter 4 of the WCS sets out the strategy for waste management. It is set against the policy framework of the NPPF and former Planning Policy Statement (PPS) 10: this latter policy document has been superseded by the National Planning Policy for Waste (published in October 2014). At the outset, the chapter refers to the waste hierarchy, whereby 'disposal' lies at the bottom tier and should be considered as a final option.

4.47 **Policy 1** provides an overarching policy that seeks to make provision for dealing with waste management in the county by providing the capacity and facilities to meet the waste management needs of communities and businesses in Hertfordshire and an agreed apportionment from outside the county for pre-treated waste.

4.48 **Policy 1A** and associated paragraphs 4.27 to 4.31 provide for sustainable development, as required within the NPPF

4.49 **Policy 4** and the supporting text at paragraphs 4.44 to 4.57 address landfill. It acknowledges (at paragraph 4.44) that landfill lies at the bottom of the waste hierarchy, but will still have a role to play through the Plan period, be it a diminishing role. In considering opportunities, paragraph 4.48 comments that there are more opportunities for inert waste to be disposed of in landfill within Hertfordshire (than non-hazardous wastes) given the reduced pollution potential. It goes on to refer to the preferred areas identified in the MLP (see above) commenting that they may be suitable for inert waste disposal as part of their restoration. In this context, the paragraph refers to the Sustainability Appraisal[1] undertaken for the WCS which concluded that the use of mineral voids for disposal of waste by landfill is a sustainable option because it limits the need to transport waste outside the county and also reduces the land-take that would be needed for new landfill sites.

4.50 In terms of a policy approach for landfill, paragraph 4.56 indicates that the policy will only allow landfill as a last resort and each proposal will be dealt with on a case by case basis, whilst paragraph 4.57 adds that mineral voids suitable for inert landfill will be safeguarded to help ensure Hertfordshire deals with its own waste as much as possible. This is reflected in **Policy 4** where it provides:

> *"Proposals …for new landfill sites will only be granted planning permission as a last resort where it can be demonstrated that the residual waste has already undergone extensive treatment and there are no other suitable means of disposal".*

4.51 The policy goes on to identify constraints relating to the water environment and then refers to providing details of pre-treatment, which principally relates to non-hazardous waste streams, given the fifth criteria which refers to energy recovery. Such aspects are not pertinent to the importation of inert fill materials for restoration of mineral workings. The policy also includes a requirement to consider the visual impact of a proposal and its impact upon landscape character. The final part of the policy indicates that for proposals for the disposal of waste and restoration with inert material, planning permission will only be granted where:

- the land is derelict or degraded;
- it would result in significant other environmental benefit;
- it can be demonstrated where applicable, that it is necessary to achieve restoration for mineral voids; and
- it can be demonstrated that it will not give rise to unacceptable implications to human health, amenity, landscape and the environment.

4.52 Policy 4 concludes by stating:

[1] Sustainability Appraisal Report, September 2010, produced by Land Use Consultants

"Reclamation proposals should ensure that the site is restored to a state that is of equal or greater environmental or agricultural value than the previous land use."

4.53 **Policy 7** sets out the general criteria for assessing applications outside of identified locations. The supporting text recognises that sites may come forward that are not specifically allocated. In this context, the policy indicates that proposals will need to demonstrate how the proposal contributes to the overall spatial strategy for waste management within the county.

4.54 **Policy 11** is an overarching policy that sets out the general criteria for assessing waste planning applications, having regard to a number of environmental aspects.

4.55 Finally, **Policy 14** refers to 'buffer zones' indicating that proposals should incorporate an appropriately defined buffer zone in order to safeguard sensitive land-uses. It then sets out four criteria that can be used to define the buffer zone.

Waste Site Allocations Document

4.56 The Waste Site Allocations Document was adopted in July 2014. It allocates eight sites specifically for waste management uses and identifies a number of '*Employment Land Areas of Search*'. The application site is not one of the allocated sites. However, paragraph 3.13 recognises that there may be unforeseen circumstances that could affect the delivery of sites and **Policy WSA2** indicates that planning permission will be granted for waste management uses outside of the identified locations where they accord with Policy 7 of the WCS.

PROTECTION OF THE ENVIRONMENT

4.57 The NPPF, MLP, WCS and district local plans all contain specific policies on safeguarding and protecting the environment, covering all aspects such as the countryside; the natural environment; built and cultural heritage; agriculture; and landscape. They also set out policies aimed at minimising the loss of amenity through pollution. In this respect, **Policy 17** in the MLP provides an overarching framework for safeguarding critical capital and other important environment assets. These are defined in paragraph 4.8.2 of the MLP and include European and nationally designated sites for nature conservation; Local Nature Reserves and wildlife sites; protected species (either by law or identified in the UK BAP); nationally important heritage assets and identified landscapes of high historic value. Allied to this, **Policy 18** (MLP) also addresses amenity aspects that may arise through noise or degradation of air quality or water environment. In the WCS, **Policy 11** is similarly an overarching policy covering landscape, ecology and the historic environment.

4.58 The following paragraphs provide a brief overview of those policies aimed at protecting the environment. To recap, the various documents that constitute the Development Plan are abbreviated as follows:

NPPF	National Planning Policy Framework
MLP	Hertfordshire Minerals Local Plan
WCS	Waste Core Strategy and Development Management Policies
WHDP	Welwyn Hatfield District Plan
SADP	St Albans District Local Plan Review

Landscape

4.59 At a national level, landscape policy is addressed in Section 11 of the NPPF. Within this, paragraphs 109, 110, 111, 114, 115 and 118 are of particular relevance with paragraph 109 emphasising the need for the planning system to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

4.60 Great weight is given to conserving landscape and scenic beauty in nationally designated areas, such as Areas of Outstanding Natural Beauty: the application site is not affected by such designations.

4.61 Paragraph 110 notes that in preparing to meet development needs, the aim should be to minimise pollution and other adverse effects on the environment.

4.62 Paragraph 113 states that the LPAs should set criteria based policies against which proposals for any development on or affecting landscape areas will be judged. Distinctions should be made between the hierarchy of international and locally designated sites, so that the protection afforded is commensurate with their status.

4.63 At a county level, in addition to the policies addressing restoration (Policy 13) and after-use (Policy 14) the MLP at **Policy 12** indicates that mineral proposals will be required to take account of existing and, where appropriate, historic landscape character and maintain its distinctiveness. Planning applications may be refused where there is significant local landscape intrusion and loss of important landscapes or distinctive landscape features. It goes on to add that proposals will be expected to respect landscape character; ensure any distinctive features are protected; and be accompanied by landscape conservation, design and management measures that both strengthen the character and enhance the condition of the landscape. Allied to this, **Policy 18** also requires a consideration of visual intrusion and impact on the local landscape.

4.64 As noted above, **Policy 11** in the WCS covers *inter alia* the siting, scale and design of waste management developments in the context of the surrounding landscape character and that the landscaping and screening of the site is designed to effectively mitigate the impact of the proposal.

4.65 The key landscape-related policy in the WHDP is **Policy R28** which recognises the importance of historic parks and gardens and the contribution these make to the landscape, and seeks to promote the preservation and maintenance of this resource.

4.66 The SADP policies relating to landscape include **Policy 74** which seeks to protect existing landscape features such as trees and hedgerows. This policy also requires new landscaping with the use of native trees and shrubs and the retention or creation of wildlife corridors. **Policy 104** seeks to protect and conserve landscape quality throughout the District

4.67 These policy issues have been taken into consideration within the Landscape and Visual Impact Assessment of this Volume which is reported in Chapter 8 of Volume 2.

Natural Environment

4.68 Section 11 in the NPPF considers the natural environment, particularly paragraphs 109, 113 and 117 to 119.

4.69 Paragraph 109 emphasises the need for the planning system to contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

4.70 When considering planning applications, paragraph 118 advises that LPAs should aim to conserve and enhance biodiversity by applying the following principles:

- *If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused;*
- *Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that makes it of Special Scientific Interest;*
- *Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;*
- *Opportunities to incorporate biodiversity in and around developments should be encouraged;*
- *Planning permission should be refused for developments resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss."*

4.71 Paragraph 113 reaffirms the hierarchical approach to designations, indicating that the development plan policies should be criteria-based with the level of protection afforded to the environment being commensurate to the status of the designation.

4.72 As noted above **Policy 17** in the MLP seeks to protect a range of ecological designations, including sites of European, national and local importance, along with protected species. The policy recognises that the degree of protection will be commensurate with the status of the designation according to their international, national or local importance. Under the policy, planning permission will not be permitted where "*it would result in the permanent loss or damage or significant and irreversible change to those particular characteristics and features that define the special quality of critical capital or other environmental assets*". It also adds that proposals for mitigation, where appropriate, should be included that will provide for the maintenance and enhancement of critical capital or other environmental assets, including where temporary loss would occur.

4.73 Allied to this, **Policy 9** provides that, where appropriate, proposals provide opportunities to contribute to the delivery of the national, regional, and local biodiversity action plan targets. Conversely, proposals that "*prejudice the delivery of these targets or would result in the loss of, or damage to habitats and/or species will not be supported.*"

4.74 In the WCS **Policy 17** provides protection to sites of international and national importance, indicating that planning permission will be permitted where it can be demonstrated that they would not have an irreversible adverse impact on the designation. The policy indicates that such assets should be conserved and where possible opportunities sought to enhance them. In a similar vein, **Policy 18** indicates that planning permission will be granted where it can be demonstrated a development would not have an irreversible adverse impact on the character, appearance, ecological, geological and amenity value of Regional and Local Sites and Features of importance. The policy adds that such assets should be conserved and where possible opportunities sought to enhance them. Where there are unavoidable negative impacts, adequate mitigation measures should be proposed to address such impacts and/or compensation provided for their replacement. **Policy 19** seeks to protect and safeguard Hertfordshire's diversity of natural environmental assets. It firstly requires consideration to be given to provide opportunities to contribute to the delivery of the national, regional and local Biodiversity Action Plan targets. It also seeks to protect and enhance existing woodland, trees and hedges through improved management and new planting, including management, over the long-term. Finally, as noted above, **Policy 11** in the WCS also covers *inter alia* ecological aspects, with parts iv) and v) relating to wildlife habitats and the natural environment. In this context development proposals should not have an adverse impact upon such interests, either through the development or operational phases.

4.75 The WHDP contains a number of policies to protect the natural environment. **Policy R11** is an overarching policy that seeks to protect and enhance biodiversity, and requires new development to positively contribute to

biodiversity. **Policy R13** gives protection to Sites of Special Scientific Interest (SSSI), and **Policy R14** gives protection to Local Nature Reserves. **Policy R15** covers all regionally important wildlife sites. **Policy R17** recognises the importance of trees, woodlands and hedgerows to biodiversity and to the landscape, and requires new development to protect and retain existing trees, woodland and hedgerows wherever possible and replant using locally native species.

4.76 The SADP contains one key saved policy relating to nature conservation. **Policy 106** affords protection to SSSI, Nature Reserves and other sites which have conservation value, and states that conditions will be imposed to protect the special features of the site from adverse effect.

4.77 The nature conservation value of the application site, together with consideration of any ecological designations in the vicinity of the application site is addressed at Chapter 11 of Volume 2.

Historic Environment

4.78 Guidance contained in PPS5 is replaced by paragraphs 126 to 141 in Section 12 of the NPPF.

4.79 Paragraph 126 recognises that heritage assets are an irreplaceable resource and the need to conserve them in a manner appropriate to their significance. Paragraph 128 adds:

> *"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance".*

4.80 In terms of assessing the potential impacts a development may have on cultural heritage assets, paragraphs 131 to 135 are relevant. In this respect:

> *"In determining planning applications, local planning authorities should take account of:*
>
> - *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
> - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
> - *the desirability of new development making a positive contribution to local character and distinctiveness.*
>
> *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater*

the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*
Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- *nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use*.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

4.81 As noted above **Policy 17** in the MLP seeks to protect a range of historic and heritage designations. The policy recognises that the degree of protection will be commensurate with the status of the designation according to their international, national or local importance. Under the policy, planning permission will not be permitted where "*it would result in the permanent loss or damage or significant and irreversible change to those particular characteristics and features that define the special quality of critical capital or other environmental assets*". It also adds that proposals for mitigation, where appropriate, should be included that will provide for the maintenance and enhancement of critical capital or other environmental assets, including where temporary loss would occur.

4.82 In the WCS **Policy 17** provides protection to sites of international and national importance, indicating that planning permission will be granted where it can be demonstrated that the proposal would not have an irreversible adverse impact on the designation. The policy indicates that such assets should be conserved and where possible opportunities sought to enhance them. In a similar vein, **Policy 18** indicates that planning permission will be granted where it can be demonstrated a development would not have an irreversible adverse impact on the character, appearance, ecological, geological and amenity value of Regional and Local Sites and Features of

importance. The policy adds that such assets should be conserved and where possible opportunities sought to enhance them. Where there are unavoidable negative impacts, adequate mitigation measures should be proposed to address such impacts and/or compensation provided for their replacement. As noted above, **Policy 11** in the WCS also covers *inter alia* heritage aspects, with parts iv) and v) relating to the built and historic environment. In this context development proposals should not have an adverse impact upon such interests, either through the development or operational phases.

4.83 The WHDP policies on the historic environment are set out in the District-wide Policy section. **Policy R28** relates to the protection of historic parks and gardens and has already been acknowledged. **Policy R29** affords protection to sites and assets of archaeological potential and actual importance.

4.84 The SADP policies relating to the historic environment include **Policy 83**, giving protection to listed buildings, and three policies relating to archaeology. **Policy 109** affords protection to Scheduled Monuments as listed in the policy; and **Policy 110** gives similar protection to archaeological sites, also listed in the policy. **Policy 111** lists a number of archaeological sites where development would not normally be refused but the assets should be investigated prior to disturbance (a "recording condition").

4.85 Consideration of any archaeological designations in the vicinity of the application site is addressed at Chapter 12 of Volume 2.

Water Environment

4.86 Guidance formerly contained in PPS25 is now found within paragraphs 99 to 108 of the NPPF, together with paragraphs 2 to 19 of the Technical Guide.

4.87 Again, **Policy 17** in the MLP seeks to safeguard *inter alia* the water environment. In this respect parts iv) and v) of the policy are relevant. Part iv) indicates that proposals that adversely affect the water environment will not be permitted unless appropriate measures can be imposed to mitigate any harmful effects. Part v) restricts development that would increase the risk of flooding or have a material negative impact on the storage or flow capacity of the floodplain.

4.88 Within the WCS **Policy 16** provides protection to inter alia the water environment indicating that proposals should not have a negative impact on the water environment unless appropriate measures can be imposed to mitigate harmful effects.

4.89 The WHDP contains a number of policies to protect the water environment, particularly in terms of flood protection and protection of the water resource. **Policy R7** affords protection to surface water and ground water quality, and encourages the use of sustainable drainage systems. **Policies R9 and R10** cover the protection and conservation of water resources and water quality.

4.90 The SADP policies on the water environment are principally concerned with flood protection and surface water management. **Policy 84** seeks to reduce the risk of flooding and ensure proper catchment management. **Policy 84A** covers drainage infrastructure to avoid flooding.

4.91 These policies have been considered as part of the hydrological and hydrogeological assessments that are reported in Chapter 6 of Volume 2.

Transport

4.92 At the national level paragraphs 29 to 41 in Section 4 of the NPPF are relevant. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment[2]. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

4.93 The NPPF identifies[3] that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. The design and location of new development should therefore:

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport.

4.94 In the MLP, **Policy 16** is relevant. This policy provides that development will only be permitted where 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.

4.95 In the WCS, **Policy 9** considers "*sustainable transport*" indicating that waste management facilities should be well located in relation to the strategic road network. **Policy 13** (again in the WCS) reflects Policy 16 in the MLP, indicating that permission will be granted where it is demonstrated that HGV

[2] Paragraph 32, NPPF
[3] Paragraph 35, NPPF

movements would not have a significant adverse impact on highway safety; effective operation of the highway network; amenity; human health; and the historic and natural environment. The policy also adds that:

> "*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 to minimise road miles and where appropriate, utilise more sustainable modes of transport such as by rail and water*".

4.96 In the context of public rights of way, **Policy 18** in the MLP and **Policy 15** in the WCS are relevant. Both require that good quality, safe and convenient temporary alternative provision is made and long-term reinstatement or suitable replacement of rights of way is secured where it is not possible to safeguard and existing route.

4.97 The WHDP policies on transport are contained in the section on Movement (section 6). **Policy M2** requires developers of proposals which may generate significant traffic to carry out transport assessments to demonstrate measures that are proposed to minimise traffic movements and minimise the impact on the local transport network. **Policy M3** requires developments that exceed certain criteria to also have a Green Travel Plan in place. **Policy M14** sets out the expectations in terms of parking provision for new development.

4.98 Further WHDP policies relevant to this subject are contained in the section on policies specific to rural areas. **Policy RA25** gives protection to public rights of way and states that the council will work with others to improve the public rights of way network. This protection extends to bridleways (Policy RA26) and greenways (Policy RA27). **Policy RA28** seeks to limit development which would have an adverse effect on rural roads and nearby properties.

4.99 The SADP Review Policies 34 and 35 are key District Council policies on highways considerations and development control. Where a development is likely to give rise to significant levels of additional traffic or a new access onto the public highway, **Policy 34** sets out a range of considerations aimed at minimising the adverse impact of the development on the local highway network, including road safety, capacity and environmental impact. **Policy 35** requires highway improvements under certain circumstances to avoid adverse impacts. **Policy 39** sets out the criteria relating to off-road parking provision associated with new development.

4.100 Transport considerations have been assessed and presented in Chapter 7 of Volume 2.

Pollution and Amenity of Local Communities

4.101 Pollution issues are set out in paragraphs 109 and 120 to 125 of the NPPF. Paragraph 109 refers to preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely

affected by unacceptable levels of soil, air, water or noise pollution or land instability.

4.102 Paragraph 122 notes that LPAs should focus on whether the development itself is an acceptable use of land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution regimes which assume they will operate effectively.

4.103 Finally, paragraph 123 states:

"*Planning policies and decisions should aim to:*

- *Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational ad amenity value for this reason."*

4.104 Guidance can also be found in the Technical Guidance document. Paragraphs 23 to 27 address 'dust' whilst paragraphs 28 to 31 consider noise.

4.105 In the MLP, the only relevant policy is Policy 18 which requires consideration to be given to noise and air quality.

4.106 In the WCS, air quality is addressed in Policy 16, where a development should not significantly degrade the quality of air (particularly from dust and emissions).

4.107 In the WHDP, policies are included to protect the amenity of local communities. **Policy R18** covers air quality, **Policy R19** covers noise emissions and **Policy R20** covers light pollution. All three policies seek to control unacceptable levels of emissions and require the developers to put forward measures to minimise levels of air emissions, noise and light pollution.

4.108 In the SADP, the only 'saved' policy relating to the protection of local amenity is **Policy 80**, which seeks to minimise the adverse effects of floodlighting on neighbouring properties.

4.109 The need to minimise impacts upon the environment and local amenity have been a key consideration of the design process. These issues have been addressed within separate Chapters of the ES (Volume 2), namely Chapters 9 and 10.