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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 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.

4.4 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

4.5 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."*

4.6 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

4.7 National Planning Policy guidance is set out in the National Planning Policy Framework (NPPF). The NPPF was accompanied by a 'Technical Guidance' document but has since been revoked and replaced by the internet based Planning Practice Guidance (PPG).

4.8 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 there are the following designations within 2km of the proposed mineral workings:

- Ancient Woodland;
- Local Nature Reserve;
- Local Wildlife sites; and
- Listed Buildings.

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

THE NPPF

4.10 The NPPF (updated in 2019) does not change the fundamental premise of Section 38(6) of the Planning and Compulsory Purchase Act 2004. Paragraph 2 clearly states that:

> *"Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise"*

4.11 It goes on to add that the NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

4.12 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

4.13 At the heart of the NPPF is a presumption in favour of sustainable development, for which three overarching objectives are identified:

- 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 - to protect and enhance the natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.14 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

4.15 National planning policy on the approach to the Green Belt within both plan-making and decision-taking is set out in Section 13. The protection of the Green Belt is a component of the purpose of the planning system to contribute to the achievement of sustainable development.

4.16 Paragraph 137 indicates that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

4.17 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, at paragraph 150, the NPPF identifies certain operations that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include mineral extraction and engineering operations.

Mineral Policy

4.18 Paragraph 209 of the NPPF re-states the long established concept that "*Minerals can only be worked where they naturally occur*[1]*"*.

4.19 All mineral proposals also need to be considered in the light of paragraph 211 of the NPPF, and in particular, those aspects which are relevant to the EIA are:

- 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

[1] Paragraph 13 Minerals Policy Statement (MPS) 1

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.

Environmental Considerations

4.20 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

4.21 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.

4.22 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.

4.23 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, Reviewed 2020);
- Welwyn Hatfield District Plan (adopted 2005).

4.24 Hertfordshire County Council is in the process of replacing the 2007 Mineral Local Plan Review. In January 2019 the council published the 'Proposed Submission Draft of the Minerals Local Plan', with the consultation period closing on 22 March 2019.

4.25 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*".

4.26 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 (Adopted)

4.27 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.

4.28 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. Neither of these are relevant to the EIA, but have a bearing on the consideration of the planning application.

4.29 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.

4.30 **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.

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

4.32 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.

4.33 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."

4.34 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*".

4.35 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.

4.36 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

4.37 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.

4.38 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.

4.39 **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.

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

4.41 **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[2] 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.

4.42 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".*

4.43 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.

4.44 Policy 4 concludes by stating:

> *"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."*

4.45 **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.

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

4.46 **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.

4.47 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

4.48 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.

Emerging Minerals Local Plan

4.49 The merging Minerals Local Plan (eMLP) plan acknowledges that minerals are a limited natural resource and can only be extracted where they are found (para 5.8). It adds that "*at present, primary aggregates are the main source of mineral. The Plan aims to reduce, as far as practicable, the quantity of material required, then to use as much secondary and recycled mineral in development as possible. The Plan looks to secure the remainder of mineral demand through primary, landwon mineral from designated extract*".

4.50 Key messages from the Plans Vision include:

- continue to provide a steady and adequate supply of sand and gravel to enable local economic growth and support wider and national supply obligations. This will be achieved by permitting sand and gravel reserves within Hertfordshire for extraction;
- supply of naturally occurring mineral resources will be conserved for future generations by employing the sustainable use of minerals and utilising the supply of alternative materials in construction projects.
- High quality restoration and subsequent management of mineral sites will be carried out as early as possible to conserve and enhance the character and quality of Hertfordshire's landscape and environments. Opportunities for outdoor recreation, net gain in biodiversity, improved agricultural land and water management will be delivered.

4.51 This vision is translated into eight objectives (Obj1 to Obj8); The first three relate to sustainable supply of minerals reflecting the first two bullet points above. Obj4 promotes/encourages sustainable transport of minerals, with Obj5 seeking to "*protect people from harm, positively contribute to local residents' health and the natural, built and historic environments*". Obj8 is also similar to Obj5 by providing benefits for health and wellbeing through positively planned restoration which improve and enhance the county's green infrastructure offer for recreation and physical activity. Obj7 also relates to restoration indicating that proposals should "*positively contribute to the natural, built and historic environments with high quality, progressive and expedient restoration to achieve a beneficial after-use. The after-use will protect and enhance the environment, including agricultural land, landscape and biodiversity improvements*". Finally, Obj6 relates to climate change.

4.52 Turing to the policies **Policy 4** is the key policy to note as it relates to the future provision of sand and gravel during the plan period. The policy opens by stating that "*Provision for Hertfordshire's apportionment contribution will be met by the identification of Specific Sites and Preferred Areas*". In relation to specific sites, Hatfield Aerodrome is listed as 'Specific Site 1'.

4.53 From the Site Profile in Appendix 3 in the eMLP it comments on environmental considerations noting:

- Restoration and aftercare of the site should be consistent with any existing legal agreement and the Hatfield Aerodrome Supplementary Planning Guidance;
- Proposals will require an extensive plan of groundwater level and quality monitoring before, during and after the working to protect the water supply. The Bromate plume will need to be assessed and shown that it will not be spread either vertically or laterally as a result of proposed works. This is of particular importance for proposals which extend below the water table or into the lower mineral horizon; and
- Developments associated with the mineral extraction should be designed and positioned appropriately to prevent conflict with the purposes of the Green Belt.

4.54 Chapter 12 of the eMLP addresses the Green Belt. The opening paragraph states the intentions of the NPPF in relation to Gren Belts, but notes "… *With over half of Hertfordshire designated as Metropolitan Green Belt, the need to protect the Green Belt is an important local consideration*." Paragraph 12.2 adds "*Taking into account the temporary nature of mineral extraction and associated development, the NPPF deems mineral extraction 'not inappropriate' within the Green Belt, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt. Minerals working can therefore be accommodated within the Green Belt provided that the associated developments, including buildings and processing machinery, are designed and positioned appropriately to prevent conflict with the purposes of the Green Belt*". At paragraph 12.4 the eMLP recognises that there is also an opportunity to enhance beneficial use of land in the Green Belt following the restoration. Mineral extraction proposals that are restoration-led can be used to enhance Hertfordshire's Green Belt.

4.55 These matters are encapsulated in **Policy 12** which provides a positive approach to development in the Green Belt, indicating that *"Proposals for mineral extraction and associated development in the Green Belt will be permitted subject to the development complying with national Green Belt policy and other policies set out in this Plan*." It goes on to add "*Proposals must site machinery to preserve the openness of the Green Belt and prevent conflict with the purposes of including land in the Green Belt throughout the duration of mineral operations*". The final part of the policy relates to restoration with proposals "*should preserve the openness of the Green Belt and where possible enhance the beneficial use of the Green Belt and improve the character and appearance of the countryside".*

4.56 Finally, **Policy 13** addresses Cumulative impact indicating that providing a positive approach where cumulative impact would not result in unacceptable adverse impacts on the environment of an area or on the amenity or health of a local community. The policy indicates that this can be "*either in relation to the collective effects of different impacts of an individual proposal or in relation to the effects of a number of developments occurring either concurrently or successively*". This policy is similar in effect to Policy 11 in the adopted MLP considered above.

PROTECTION OF THE ENVIRONMENT

4.57 Both the NPP and the Development Plan 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 Section 15 of the NPPF, "*Conserving and enhancing the natural environment*", sets out criteria that are relevant to landscape. These include the protection of valued landscapes in a manner that is commensurate with their statutory status or identified quality in the development plan, recognition of the intrinsic character and beauty of the countryside and maintaining the character of undeveloped coast.

4.60 In paragraph 176 it is stated that "*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues*". It also set out that "*the scale and extent of development within these designated areas should be limited"* and that *"planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that that the development is in the public interest*" .

4.61 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.

4.62 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.

4.63 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.

4.64 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

4.65 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

4.66 Relevant paragraphs in the NPPF are 180 to 182. These paragraphs provide that:

180. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity 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;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

181. The following should be given the same protection as habitats sites:

a) potential Special Protection Areas and possible Special Areas of Conservation;

b) listed or proposed Ramsar sites; and

c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites."

4.67 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.

4.68 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."*

4.69 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.

4.70 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.

4.71 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.

4.72 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

4.73 Relevant guidance can be found at paragraphs 189 to 208 in Section 16 of the NPPF

4.74 Paragraph 194 recognises that heritage assets are an irreplaceable resource and the need to conserve them in a manner appropriate to their significance. Paragraph 194 states:

"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".

4.75 In terms of assessing the potential impacts a development may have on cultural heritage assets, paragraphs 199 to 208 are relevant.

4.76 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.

4.77 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.

4.78 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.

4.79 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").

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

Water Environment

4.81 Guidance formerly contained in PPS25 is now found within paragraphs 152 to 173 of the NPPF, together a complete section on flood risk contained in the web-based PPG (paragraphs 7-001 to 7-078).

4.82 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.

4.83 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.

4.84 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.

4.85 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.

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

Transport

4.87 At the national level paragraphs 104 to 113 in Section 9 of the NPPF are relevant. All developments that generate significant amounts of movement should be required to provide a Travel Plan and be supported by a Transport Statement or Transport Assessment[3]. Plans and decisions should take account of whether:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4.88 Paragraph 111 then adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.89 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.

4.90 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 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*".

4.91 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.

4.92 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

[3] Paragraph 113, NPPF

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.

4.93 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.

4.94 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.

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

Pollution and Amenity of Local Communities

4.96 Pollution issues are set out in paragraphs 174 and 183 to 188 of the NPPF. Paragraph 174 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.

4.97 Paragraph 185 provides that "*decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation".

4.98 Finally, paragraph 188 notes that LPAs should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

4.99 Guidance can also be found in the web based Planning Practice Guidance. Firstly, the guidance addresses the ability to comply with the noise criteria is set out in the Planning Practice Guidance

(paragraphs 019 to 022[4]). Secondly, the ability to adequately control and mitigate dust emissions is set out in the Planning Practice Guidance at paragraphs 023 – 032[5].

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

4.101 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).

4.102 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.

4.103 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.

4.104 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.

[4] Reference ID: 27-019-20140306 to 27-022-20140306
[5] Reference ID: 27-023-20140306 to 27-032-20140306