

HERTFORDSHIRE COUNTY COUNCIL

CABINET

MONDAY, 13 DECEMBER 2021 AT 2.00PM

Agenda Item

No.

8

MINERALS AND WASTE LOCAL PLAN AND DEVELOPMENT SCHEME

Report of the Director of Environment & Infrastructure

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Executive Member: Eric Buckmaster, The Environment

1. Purpose of report

- 1.1. To provide an update on the progress of the preparation of the Minerals and Waste Local Plans and seek Cabinet recommendation to County Council for the merging of the two Plans into a single Minerals and Waste Local Plan and publication of a revised Development Scheme outlining the timetable for plan preparation.

2. Summary

- 2.1. As the Minerals and Waste Planning Authority for Hertfordshire, the Council has a statutory duty to prepare, implement and review Minerals and Waste Local Plans as part of the overall Development Plan for the area¹. These Plans are prepared in accordance with relevant regulations, national policy and guidance².
- 2.2. The Council began a review of the Minerals Local Plan in 2015. During that time the emerging Plan has been through several rounds of consultation, the most recent being the Proposed Submission Plan (Regulation 19³) in January 2019.
- 2.3. In September 2020, a report was brought before the Growth, Infrastructure, Planning & Economy Cabinet Panel⁴, recommending that Cabinet and County Council approve a new Minerals and Waste Development Scheme, which

¹ The Development Plan consists of the Minerals and Waste Local Plans, the Local Plans of the ten District and Borough Councils, and any adopted Neighbourhood Plans or Orders.

² The main considerations are the National Planning Policy Framework, the National Planning Policy for Waste, the Localism Act (2011), the Planning and Compulsory Purchase Act (2004) and the Town and Country Planning (Local Planning) (England) Regulations 2012.

³ Where this paper refers to 'Regulations', it means the Town and Country Planning (Local Planning) (England) Regulations 2012

⁴ Panel Report: Adoption of the Revised Minerals and Waste Development Scheme (8 September 2020)

outlined a revised timetable for the preparation of the Minerals and Waste Plans. The report also stated that, following consideration of the responses received at the Minerals Local Plan Proposed Submission consultation stage and the subsequent changes required to the Plan, Officers considered it necessary to consult again on the Plan under Regulation 19, before Submitting the Plan to the Secretary of State.

- 2.4. As highlighted in the body of this report, a number of changes required to the Plan relate to issues of soundness which would be challenged at examination and therefore need to be addressed. These include changes to policy wording and supporting text, extending the plan period, and a re-calculation of the sand and gravel apportionment figure and reserves. Various baseline data have also been updated, resulting in numerous other changes to the Plan.
- 2.5. Following further consideration of the nature and number of changes and the likely impact this would have on a further Proposed Submission consultation, Submission and subsequent Examination of the Plan, officers now consider that the Plan cannot proceed to a further Regulation 19 consultation, rather the Plan needs to be amended and re-published under Regulation 18.
- 2.6. Work commenced on a review of the Waste Local Plan in 2017, and during that time the draft Plan has undergone a call for sites exercise and two rounds of public consultation (under Regulation 18), the most recent being on the Draft Waste Local Plan in January 2021.
- 2.7. The Draft Waste Local Plan, as consulted on in January 2021, does not seek to allocate sites for waste management, rather it contains criteria-based policies which seek to steer waste management development to the most sustainable locations.
- 2.8. Following consideration of the responses received on the Draft Plan, as well as updated evidence base work and the publication of the Council's Local Authority Collected Waste Spatial Strategy, considerable changes are now required to the Plan and its overall approach, requiring further consultation under Regulation 18, before proceeding to the Proposed Submission (Regulation 19) stage.
- 2.9. These changes include extending the plan period, revising the Plan's approach to achieving net self-sufficiency (acknowledging the Council's intended procurement of contracts to manage Local Authority Collected Waste externally for the majority of the plan period), addressing concerns surrounding the management of Construction, Demolition & Excavation wastes, changes to the approach of safeguarding sites and to the use of Anticipated Growth Areas.
- 2.10. In January 2021, the Council also consulted on a draft Waste Facilities Design Guide Supplementary Planning Document (SPD). The SPD is intended to provide guidance on the design of new waste management facilities and is linked to Policy 15: Sustainable Design and Resource Efficiency of the

emerging Waste Local Plan. As such, it cannot be adopted as an SPD until the adoption of the Waste Local Plan.

- 2.11. Furthermore, SPDs are not part of the Development Plan, and as such do not carry the same weight in decision making terms as policies in Local Plans. With this in mind, and the fact that further consultation is required on the Waste Local Plan under Regulation 18, this presents an opportunity to bring the content of the SPD into the Waste Local Plan (as an Appendix), thereby ascribing it more weight and also simplifying the process of consultation and subsequent adoption.
- 2.12. For now, however, and to ensure that the Council is providing at least some formal guidance to applicants on this matter, it is proposed that the Waste Facilities Design Guide SPD be re-drafted as Interim Policy Guidance to be published on the Council's website, until such time as the Waste Local Plan is adopted. Subject to being agreed, this Interim Policy Guidance document will be taken to an Environment Cabinet Panel meeting for consideration.
- 2.13. It is also acknowledged that there are certain difficulties in progressing a Waste Local Plan without a recently adopted Minerals Local Plan. Much of the inert wastes arising within the county will be 'reused' through the restoration of mineral workings, essentially filling the void space created through extraction. Allocated mineral extraction sites provide the certainty needed for the management of such waste streams, and without them, questions arise as to how the Waste Local Plan would deal with such wastes.
- 2.14. Owing to the fact that both Local Plans need to undergo further consultation under Regulation 18, and for the reasons outlined in the body of this report, officers therefore consider that the most appropriate course of action is to bring together the work done so far, into a single joint Minerals and Waste Local Plan. This is a common approach taken by other Minerals and Waste Planning Authorities, such as the joint Cambridgeshire and Peterborough Minerals and Waste Local Plan that was adopted in 2021.
- 2.15. It should be noted that preparing a joint Minerals and Waste Local Plan will not mean starting from scratch. Although it will involve the formal withdrawal of both emerging Plans, much of the work done so far on progressing the Minerals and Waste Local Plans will be retained. The draft policies in both emerging Plans have already been consulted on; feedback has been received from statutory and other bodies, the policies have been amended as a result and have been consulted on again. As a result of this, the timetable for its preparation will be reduced, with final adoption of the Plan being no later than had the Council continued to progress with separate Plans.
- 2.16. It should also be noted that by preparing a single plan, significant cost savings can be realised, somewhere in the region of £162,000. This is owing to the fact that the costs for public consultation, printing, consultancy and public examination are significantly reduced (see Section 6: Financial Considerations).

- 2.17. A revised Minerals and Waste Development Scheme, which outlines the timetable for the preparation of the Minerals and Waste Local Plan can be found at Appendix 1. As can be seen from the timetable, it is proposed that a single consultation be undertaken under Regulation 18, before proceeding to the Proposed Submission Plan stage under Regulation 19.

3. Recommendations

- 3.1. The Environment Cabinet Panel considered a report on this item of business at its meeting on the 9 November 2021. The Panel recommended that Cabinet recommends to County Council that County Council:
- a) in accordance with Section 22 of the Planning and Compulsory Purchase Act 2004 (the Act), formally withdraws the emerging Minerals and Waste Local Plans and draft Waste Facilities Design Guide Supplementary Planning Document;
 - b) in accordance with Regulations 15 and 27 of the Town and Country Planning (Local Planning) (England) Regulations 2012, agrees to the publication of a statement to this effect on County Council's website, informs each of the bodies or persons who made representations on the documents of the presence of this statement, and ceases to make any documents relating to the withdrawn Plans available;
 - c) in accordance with Section 15 of the Act, agrees to the publication a new Minerals and Waste Development Scheme (at Appendix 1) setting out the timetable for production of the new Minerals and Waste Local Plan; and
 - d) agrees to the commencement of work on the new Minerals and Waste Local Plan.
- 3.2. Acknowledges that in line with the revised Minerals and Waste Development Scheme, a further report will be taken to the Environment Cabinet Panel early next year to recommend the publication of the Minerals and Waste Local Plan's Sustainability Appraisal Scoping report for statutory consultation, and to recommend approval for publication of a Waste Facilities Design Guide.
- 3.3 Full Council will be invited to make a decision on this item of business at its meeting on 14 December 2021.

4. Background

- 4.1. The Council, as the Minerals and Waste Planning Authority for the area, has a statutory duty to produce Minerals and Waste Local Plans. These plans aim to ensure a steady and adequate supply of mineral to meet the needs of the county, and to maintain a network of waste management facilities to deal with the waste arising in the county.
- 4.2. The plans may allocate sites and/or areas for mineral and/or waste management development, depending on the current and planned reserves of

mineral, and on the capacity of existing permitted and operational waste management facilities and other factors. The plans also provide the necessary development management policies to deal with planning applications for such development. The current adopted Local Plan documents are as follows:

- Minerals Local Plan Review 2002-2016 (adopted March 2007)
- Mineral Consultation Areas in Hertfordshire Supplementary Planning Document (adopted November 2007)
- Waste Core Strategy and Development Management Policies Development Plan Document 2011-2026 (adopted November 2012)
- Waste Site Allocations Development Plan Document 2011-2026 (adopted July 2014)
- Employment Land Areas of Search Supplementary Planning Document (adopted November 2015)

4.3. The Council has a responsibility to keep its plans under constant review. The performance and effectiveness of the adopted Minerals and Waste Plans is monitored through the Council's annual Authority Monitoring Report and annual Local Aggregates Assessment. The Regulations also require plans to be reviewed every five years⁵.

4.4. In addition to the regular monitoring of the adopted plans, there has, since their adoption, been numerous changes to the planning system, notably:

- Introduction of and amendments to the National Planning Policy Framework
- Revocation of Regional Strategies
- The introduction of the National Planning Policy for Waste
- Introduction of and amendments to National Planning Practice Guidance
- Introduction of and amendments to Planning Law and Regulations⁶
- Publication of the Waste Management Plan for England

4.5. In light of these changes and of the regular monitoring and review process, the Council has been undertaking a review of the adopted Plans, through the preparation of the emerging Minerals Local Plan and Waste Local Plan. These plans, when adopted, will replace the currently adopted plans and SPDs.

Minerals Local Plan

4.6. The Council began a review of its Minerals Local Plan in 2015, with the publication of the Initial Consultation (Regulation 18) draft document for consultation. A Call for Sites exercise was conducted in 2016 and a Draft Plan (Regulation 18) was published for consultation in 2017.

⁵ The Town and Country Planning (Local Planning) (England) Regulations 2012 (Section 10A) 6.4.2018

⁶ e.g. Localism Act 2011, The Town and Country Planning (Local Planning) (England) Regulations 2012

- 4.7. Following consultation on the Draft Plan and consideration of the responses received, the Council published its Proposed Submission (Regulation 19) Plan on 14 January 2019 for a six-week period for formal representations to be made. The Proposed Submission Plan contains a suite of Development Management policies, as well as mineral allocations, and is the version of the Plan that the Council would intend to submit to the Secretary of State for independent examination.
- 4.8. It is important to note that, unlike earlier rounds of consultation, the Council does not deal with any formal representations made at this stage, rather they are sent to the Secretary of State along with the Submitted Plan and its evidence base documents. The independent Inspector appointed to examine the Plan will take these representations into consideration alongside the Submitted Plan.
- 4.9. The Council does, however, publish a statement⁷ setting out the main issues raised at this stage. If the Council feels that any of the issues raised would affect the 'soundness' of the Plan, it may prepare a schedule of proposed modifications which it feels are necessary in order to make the Plan sound. The Council would then ask the Inspector to take these suggested modifications into account during the examination process. The tests of soundness⁸ are specified in the National Planning Policy Framework and are repeated below:

Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:

- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
- c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.*

⁷ under Regulation 22

⁸ National Planning Policy Framework (July 2021), Paragraph 35

- 4.10. Following the publication of the Proposed Submission Minerals Local Plan, a report was brought before the Growth, Infrastructure, Planning & the Economy Cabinet Panel⁹ which provided initial summary feedback on the representations assessed so far and outlined the proposed way forward. The report stated that approximately 550 individual representations were received from 163 respondents.
- 4.11. Following this report, officers continued to assess all of the formal representations which were submitted and identified the main issues that were raised. In taking account of these representations, it was clear that numerous changes were required to the Plan in order to make it sound. As stated earlier, the Council cannot modify the Plan at this stage in response to the representations received, but can only Submit the Plan, as published, along with all representations, to the Secretary of State.
- 4.12. In September 2020, a report was taken to the Growth, Infrastructure, Planning & the Economy Cabinet Panel, recommending that Cabinet and County Council approve a new Minerals and Waste Development Scheme, which outlined a revised timetable for the preparation of the Minerals (and Waste) Local Plan(s). The report also stated that, following consideration of the responses received at the Proposed Submission (Regulation 19) consultation stage and the subsequent changes required to be made to the Minerals Local Plan; officers considered it necessary to consult again on the Plan, rather than continue with Submission of the Plan to the Secretary of State. That additional consultation was due to take place between January and March 2021.
- 4.13. In the intervening period between the revised Minerals and Waste Development Scheme being approved by County Council, further technical work surrounding access arrangements for the Briggens Preferred Area allocation was being carried out. This work had not proceeded as planned and was still ongoing, therefore the Council was not in a position to publish its second Proposed Submission Plan until this further work had been satisfactorily concluded.
- 4.14. The delays to the plan timetable also meant that, if the Plan proceeded to Submission and subsequent Examination, the plan period would no longer meet the 15-year minimum requirement on adoption. This requires further revisions to the Plan, including updating the Plan's baseline data, the Plan's approach to maintaining a landbank of sand and gravel, and the calculation of mineral reserves. In summary, implementing all of the required changes to the Plan would result in a Plan that is markedly different from the original proposed in 2019.
- 4.15. A summary of some of the main changes required to the Plan is as follows:
- Extending the plan period
 - Revising the annual sand and gravel provision rate

⁹ Panel Report: Update on the Minerals Local Plan Review (15 May 2019)

- Removing the seven-year landbank requirement from the end of the plan period
 - Updating the base date of the plan and other baseline data
 - Removal of two out of the four proposed site allocations (because these now have planning permission)
 - Removal of one policy, addition of two new policies and amendments to the wording of several other policies (and their supporting text)
 - Addition of a Key Diagram
- 4.16. In addition to the nature and number of changes required to the Plan, and accounting for the fact that formal representations received on the Proposed Submission Plan must be Submitted directly to the Secretary of State, publishing a second Proposed Submission Plan would result in two sets of formal representations being Submitted. Although only one Plan (the second one) would be examined by the Independent Inspector, both sets of representations would need to be taken into consideration by them. This would create unnecessary complication and complexity at Examination, as some of the representations would relate to the first Proposed Submission document (and may therefore no longer be applicable due to changes made to the Plan) and some would relate to the second Proposed Submission version of the Plan.
- 4.17. Owing to the fact that the second Proposed Submission Plan would be a markedly different Plan to that which was consulted on in January 2019, publishing such a Plan would increase the risk of formal representations being received on it (i.e. on the new changes) that could further challenge the soundness of the Plan, and limit the Council's ability to address these changes before Examination.
- 4.18. With the above in mind, officers believe that the most prudent way forward would be to take the Plan back a stage, withdrawing the Proposed Submission Plan and consulting on a revised Plan, including all of the necessary changes, under Regulation 18. Following this consultation, the Council could then proceed to the Proposed Submission (Regulation 19) formal stage for representations. This would allow the revised Plan and all of its subsequent changes, to be consulted upon before the Proposed Submission version is published; thereby removing much of the risk of formal representations raising issues of soundness and removing the risks and complexities associated with going into Examination with two sets of formal representations (and potentially a long list of suggested modifications).

Waste Local Plan

- 4.19. The Council began a review of the Waste Local Plan in 2017, with initial stakeholder engagement taking place in August 2017, followed by the first formal consultation stage on the Initial Consultation Draft in February 2018 (under Regulation 18). This was followed by a Call for Sites exercise in July 2018, where landowners and industry were invited to submit land as potential allocations for future waste management uses.

- 4.20. A total of 12 sites were submitted for consideration as allocations for waste management facilities. These sites were assessed for suitability using a standard site assessment methodology¹⁰. The assessment concluded that all sites had some issues of concern, relating to matters such as highways, flooding and location within the greenbelt. The constraints identified, showed that the sites had limited potential for waste management provision to help meet the identified needs in the county over the plan period.
- 4.21. As part of the site assessment process, officers also re-assessed the strategic safeguarded sites and allocated sites which are identified in the currently adopted Waste Local Plan¹¹, for their continued suitability for waste management uses. The assessment concluded that some of the strategic sites continue to play a vital role in the management of Local Authority Collected Waste. It also found that some of the allocated sites may still be suitable in principle but were no longer suitable for identification in the emerging Waste Local Plan due to issues of deliverability.
- 4.22. As a result of these assessments, officers concluded that the emerging Waste Local Plan would not identify any of the sites submitted as part of the call for sites exercise to be taken forward as allocations. Officers also concluded that none of the existing allocated sites without the benefit of planning permissions would be taken forward as allocations. Officers instead chose to identify eight Strategic Sites for safeguarding, along with safeguarding the 17 existing Recycling Centres in the county¹².
- 4.23. It should be noted that there is often limited success in allocating sites for future waste management development. Unlike mineral allocations, which provide certainty owing to the fact that there is an identified mineral resource which can be worked, waste allocations often do not have such site-specific attributes that guarantee development will take place on them. The waste management industry is more flexible in its approach to identifying sites, based on market conditions at any one time. It is an appropriate approach therefore to design planning policies which steer waste management development to areas, rather than specific sites, as highlighted by the National Planning Policy for Waste (NPPW): *Waste planning authorities should identify, in their Local Plans, sites and/or areas for new or enhanced waste management facilities in appropriate locations*¹³.
- 4.24. In addition to the safeguarding of strategic sites, and in accordance with the guidance in the NPPW, the draft Waste Local Plan identifies Anticipated Growth Areas (AGAs)¹⁴, where future waste management facilities should ideally be located. Within these AGAs, a criteria-based policy¹⁵ aims to steer future applications for waste management development to those locations

¹⁰ Site and Areas Conclusions Report (Jan 2021)

¹¹ Adopted 2012 and 2014

¹² Formerly Household Waste Recycling Centres

¹³ National Planning Policy for Waste (October 2014), section 4

¹⁴ Draft Waste Local Plan (January 2021), Key Diagram p.83

¹⁵ Draft Waste Local Plan Strategic Policy 1: Waste Management Facilities in Hertfordshire, p.31

most suitable, namely sites with existing permission for waste development, strategic sites, industrial areas and employment land.

4.25. In January 2021, the Council consulted on this overall approach through its Draft Waste Local Plan. Approximately 380 responses were received from 82 respondents. Some of the key issues raised by respondents were as follows:

- The plan period needs extending to allow the required minimum 15 years on adoption
- The Capacity Gap Report needs updating with more recent data with figures from transfer stations removed to avoid double counting
- The Plan lacks clarity as to how inert wastes (construction, demolition & excavation) will be managed
- Concerns surrounding how the Council will achieve net self-sufficiency when Local Authority Collected Waste is continuing to be exported
- Changes required to the approach to the safeguarding of sites
- Changes required regarding the application of Anticipated Growth Areas

Net self-sufficiency

4.26. As identified earlier, the Plan seeks to achieve net self-sufficiency with regards to the management of the county's waste, that is, to provide for the management of an amount of waste equal to (or greater than) the amount of waste arising in the county. This is a common approach in Waste Local Plans, and the Council is signatory to a Memorandum of Understanding (MoU) with the other Waste Planning Authorities (WPAs) in the East of England, to plan for waste net self-sufficiency¹⁶. This also aligns with Strategic Objective SO7 in the adopted Waste Core Strategy and Development Management Policies Development Plan Document (November 2012).

4.27. Whilst the county is a net importer of waste when taken as a total across all waste streams, the MoU states that the WPAs agree to continue to positively plan to meet any shortfalls in recovery and disposal capacity in their areas and to enable the delivery of new facilities. This includes making appropriate provision in their Waste Local Plans, including, as required, the allocation of sites for new recycling and other recovery facilities.

4.28. Since publication of the Draft Waste Local Plan in January 2021, and following the publication of more recent data on waste movements from the Environment Agency¹⁷, officers have been updating the projections of waste arisings and capacity over the period to 2040. Figure 1 below looks at all of the wastes arising in the county over the period to 2040, the current capacity of operational and permitted waste management facilities in the county, and arrives at a capacity gap figure for the various waste streams. This capacity

¹⁶ Memorandum of Understanding between the Waste Planning Authorities of the East of England (March 2019)

¹⁷ Environment Agency Waste Data Interrogator and Hazardous Waste Data Interrogator (December 2020)

gap figure is the amount of waste that needs to be planned for in order to meet net self-sufficiency.

			2020	2025	2030	2035	2040
Inert	Arisings	1.23	1.31	1.47	1.64	1.71	1.74
	Capacity	1.34	1.34	1.34	1.16	0.35	0.35
	Capacity Gap	-0.10	-0.03	0.14	0.48	1.36	1.39
Non-Hazardous	Arisings	1.45	1.39	1.33	1.25	1.28	1.34
	Capacity	0.73	0.73	0.73	0.73	0.73	0.73
	Capacity Gap	0.72	0.66	0.60	0.52	0.55	0.62
Hazardous	Arisings	0.05	0.04	0.05	0.05	0.05	0.05
	Capacity	0.07	0.07	0.07	0.07	0.07	0.07
	Capacity Gap	-0.02	-0.03	-0.03	-0.03	-0.02	-0.02

Figure 1: Waste arisings to 2040 (million tonnes) (figures are not cumulative)¹⁸

Inert waste

- 4.29. Inert waste comprises wastes arising through construction, demolition and excavation operations. Through the responses received to the Draft Waste Local Plan consultation in January 2021, concerns were raised regarding how the Plan will manage the inert wastes expected to arise over the plan period. It is the Plan's intention that such wastes will largely be managed through the restoration of mineral extraction sites, i.e. that the material will be used as inert fill for the restoration of those mineral workings.
- 4.30. The emerging Minerals Local Plan was initially intended to be adopted by the summer of 2020. This would have provided certainty for the management of this waste stream through the identification of allocated mineral sites, which would be worked and generate the necessary void space to accept the inert material. Owing to the delay in the production of the Minerals Local Plan, and the subsequent lack of existing permitted and allocated mineral sites, the management of inert waste arising over the plan period is now called into question. Without the certainty of void space creation, through the allocation of mineral sites, the soundness of the Waste Local Plan, in this regard, will be challenged.

Hazardous wastes

- 4.31. As can be seen from the table in Figure 1, the Council has sufficient capacity over the plan period to manage the projected arisings of Hazardous wastes. It should be noted that some hazardous wastes cannot be managed within Hertfordshire, due to the nature of hazardous waste management facilities and economies of scale. It is accepted that hazardous waste will move across

¹⁸ Figures are provisional and include data from Waste Data Flow (<https://www.wastedataflow.org/>)

authority boundaries for management and disposal, however, overall this constitutes a relatively small waste stream, and the county is overall net-self-sufficient in this area.

Non-Hazardous wastes

- 4.32. Non-hazardous wastes generally comprise those wastes which are not hazardous nor classed as inert. These wastes can be further classified as Commercial and Industrial (C&I) and Local Authority Collected Waste (LACW). Whilst Local Authorities in Hertfordshire (the Waste Collection Authorities) do collect an element of Commercial Waste, the majority is disposed of through private contracts between businesses and waste management companies.
- 4.33. Concerns were raised at consultation as to how effective the Plan's criteria-based approach will be in ensuring sufficient new waste management facilities come forward over the plan period to deal with Local Authority Collected Wastes. Whilst the Anticipated Growth Areas are, along with other policy, intended to steer applications for new waste management development to the most suitable locations within the county, it was argued that a more focussed, perhaps sites and/or area-based approach, would be necessary in order to achieve this.
- 4.34. From the table in Figure 1, it can be seen that the Council must plan for the management of an additional 620,000 tonnes of Non-Hazardous waste by 2040¹⁹. Residual Local Authority Collected Waste accounts for a significant proportion of this, with approximately 237,500 tonnes being exported for disposal in 2019/20²⁰. As recycling rates are projected to increase over the plan period, this waste stream is expected to reduce, but will still remain high. The remainder of the Non-Hazardous waste comprises Commercial and Industrial waste that is managed through private commercial contracts and is largely being exported to facilities outside of Hertfordshire.
- 4.35. It was originally intended that Hertfordshire would be able to increase its management capacity for residual waste. During the preparation of the Waste Local Plan, a planning application was approved for an Energy from Waste facility at Ratty's Lane, Hoddeston, which would have managed circa 350,000 tonnes of residual waste per year. In July 2019 however, this planning approval was overturned by the Secretary of State. This has meant that the capacity gap for this waste stream has not been reduced as hoped.

Local Authority Collected Waste Management

- 4.36. On 18 May 2020, Cabinet approved a paper²¹ agreeing that the Assistant Director of Transport, Waste and Environmental Management, be authorised

¹⁹ This amount fluctuates over the plan period

²⁰ Local Authority Collected Waste Spatial Strategy (May 2021) p.10

²¹ Cabinet Report: Options for Hertfordshire's Residual Local Authority Collected Waste Post 2023 (18 May 2020)

to commence a procurement process to put in place long-term service contracts for the treatment and disposal of residual LACW arising in Hertfordshire. These residual waste treatment/disposal contracts will be for 10-15 years.

- 4.37. The current treatment and disposal contracts held by the Council will expire in 2023, with the option to extend to 2024. Adding the future contracts to run consecutively, could take the approved management of the Council's residual LACW to roughly 2039. These contracts will therefore close the capacity gap for this particular waste stream over the plan period.
- 4.38. The procurement of these contracts will also have an impact on the overall approach that the Waste Local Plan needs to take. Whilst it is accepted that the Plan must be aspirational in trying to achieve net self-sufficiency, it must also recognise that these contracts will be in place to manage this residual waste stream over the plan period.
- 4.39. Taking all of the aforementioned issues into account, officers are of the view that the Waste Local Plan requires further work and a further round of consultation on the changes, before progressing to the Regulation 19 Proposed Submission stage.

Waste Facilities Design Guide SPD

- 4.40. The Council has prepared a draft Waste Facilities Design Guide Supplementary Planning Document (SPD) to further support the emerging Waste Local Plan, specifically Policy 15: Sustainable Design and Resource Efficiency. The SPD provides planning guidance on aspects of the design of waste management facilities and covers the expectations of Policy 15. It outlines the key design principles for waste management facilities and lists general key planning issues and detailed assessments that may be required at the planning application stage.
- 4.41. This SPD was consulted on alongside the Draft Waste Local Plan in January 2021. Only 7 responses were received, being a mixture of support and some minor suggested changes. The SPD expands upon and is directly related to Policy 15 of the emerging Waste Local Plan and is intended to be adopted alongside the Plan. Indeed, the SPD cannot be adopted before the Waste Local Plan.
- 4.42. Owing to the fact that it will be some time before the Waste Local Plan is adopted, and the SPD cannot be adopted until such time, it is intended therefore that the SPD be re-drafted slightly, such that it is not reliant on policy in the emerging Waste Local Plan, but rather can be published as stand-alone Interim Policy Guidance.
- 4.43. This would enable the document (or a version of it) to be published in the interim, to provide valuable guidance to applicants, operators and Planning

Officers in the location and design of waste management facilities, without the need to wait for the emerging Waste Local Plan to be adopted.

- 4.44. As highlighted earlier, SPDs are not part of the Development Plan, and as such do not carry the same weight in decision making terms as policies in Local Plans. With this in mind and owing to the fact that further consultation is required on the Waste Local Plan under Regulation 18, this presents an opportunity to bring the content of the SPD into the Plan itself (as an appendix), thereby ascribing it more weight and also simplifying the process of consultation and subsequent adoption.

Way Forward

- 4.45. As noted in the preceding sections, both the Minerals and Waste Local Plans require further consultation prior to progressing to the Proposed Submission (Regulation 19) stage. With the Plans therefore being at what is essentially the same stage in their preparation, it provides a natural opportunity to bring the Plans together into a single Minerals and Waste Local Plan, something which many authorities do if they are at an appropriate stage of preparation. There are also several important reasons supporting this as a way forward:

Inert waste

- 4.46. This report has highlighted the concerns raised through consultation as to how the Council will deal with inert (construction, demolition & excavation) wastes arising over the plan period, without having the certainty of having adopted minerals allocations in place to secure the mineral sites that can receive the volumes of inert wastes anticipated to arise over the plan period. By having the minerals allocations and policies contained within the same plan as the waste management policies, this removes this concern altogether, as when the waste policies are adopted, so will the mineral allocations.

Plan period

- 4.47. Both the Minerals Local Plan and the Waste Local Plan, as currently drafted, do not establish a sufficiently long plan period²². Upon adoption of a Local Plan, the plan period must be a minimum of 15 years long. It is intended to set the plan period of the joint Minerals and Waste Local Plan to run to 2040. The proposed adoption of the joint Minerals and Waste Local Plan is early 2024 (see timetable in Appendix 1). Setting the plan period to run to 2040 means that adoption of the Plan could be as late as 2025 and still meet this legal requirement, providing sufficient flexibility in the preparation and examination of the Plan to account for any potential delays.

Policy development and testing

- 4.48. Both the Minerals and Waste Local Plans have already been through rounds of public consultation. The draft policies in the Plans have been refined as a

²² The Minerals Local Plan runs to 2031 and the Waste Local Plan runs to 2036

result of the valuable feedback received, and the Plans have been consulted upon again. The joint Minerals and Waste Local Plan therefore will not be starting from scratch, rather the first consultation on it will be on a fully drafted Plan, complete with policies and mineral site allocations, and will incorporate all of the feedback received so far on the policies as consulted on in the separate Plans

Evidence Base

- 4.49. The extensive evidence base which has been prepared in support of the separate Minerals and Waste Local Plans can largely be retained. Whilst the formal process of withdrawing the emerging Minerals and Waste Local Plans does require this evidence base to no longer be made available, the intention is to refresh these documents and update them with the latest available information, and to republish them in support of the new Minerals and Waste Local Plan. The refresh of this evidence base would have been required in any event.

Plan preparation

- 4.50. Progressing separate Minerals and Waste Local Plans means two sets of consultations, two Examinations in Public, two versions of some evidence base documents etc. Preparing a single Minerals and Waste Local Plan going forward will reduce consultation fatigue, reduce costs (especially at Examination), and reduce the amount of evidence base documents requiring preparation.
- 4.51. Plans are meant to be succinct and avoid unnecessary duplication of policies²³. The current Minerals and Waste Local Plans contain much duplication of policy. Each Plan contains policies on the following areas; Climate Change and Sustainable Development, Biodiversity, Heritage, Safeguarding, Green Belt, Cumulative Impacts, Water Management, Landscape and Green Infrastructure, Amenity, Health and Wellbeing, Transport and Public Rights of Way. Bringing all of these duplicate policies together into single policies will significantly simplify the Development Plan, simplify the process of plan preparation, and assist colleagues in Development Management (both at the County Council and the District and Borough Councils) and applicants.
- 4.52. Similarly, bringing the content of the Waste Facilities Design Guide Supplementary Planning Document (SPD), the Employment Land Areas of Search SPD and Mineral Consultation Areas SPD into the Plan, will greatly simplify the overall Plan and reduce the need for additional document consultation.

²³ National Planning Policy Framework (July 2021), paragraphs 15, 16

5. Relevant Considerations

Legal Implications

- 5.1. In order to bring the Minerals and Waste Local Plans together into a single Minerals and Waste Local Plan, the existing Minerals and Waste Local Plans need to be formally withdrawn.

- 5.2. The Planning and Compulsory Purchase Act 2004 (Section 22) contains the provision for the withdrawal of a Local Plan (local development document):

22. Withdrawal of local development documents

(1) A local planning authority may at any time before a local development document is adopted under section 23 withdraw the document.

- 5.3. The Town and Country Planning (Local Planning) (England) Regulations 2012 (Regulation 27 and 35) contains the specific mechanisms regarding the withdrawal of Local Plans:

27. Where a local planning authority withdraw a local plan pursuant to section 22(1) of the Act, the local planning authority must as soon as reasonably practicable after withdrawing it—

- (a) make available a statement of that fact in accordance with regulation 35;*
- (b) send, to each of the bodies notified under regulation 22(3)(b), notification that the local plan has been withdrawn; and*
- (c) cease to make any documents relating to the withdrawn local plan (other than the statement mentioned in sub-paragraph (a)) available in accordance with regulation 35.*

35.(1) A document is to be taken to be made available by a local planning authority when—

- (a) made available for inspection, at their principal office and at such other places within their area as the local planning authority consider appropriate, during normal office hours, and*
- (b) published on the local planning authority's website,*

- 5.4. The implications of the Regulations are that when the emerging Minerals and Waste Local Plans are withdrawn, they, along with their supporting evidence base, will no longer be available to view.

- 5.5. It should be noted however that, should any members of the public, statutory consultees or other bodies choose to refer to the withdrawn Plans in any future communications with the Council, the Plans are still available on the Council's website in the form of appendices to the relevant Committee reports where these documents were approved for publication (and therefore cannot be removed under the regulations). The supporting evidence base documents

accompanying the withdrawn Plans will be updated and republished as appropriate in support of the new Minerals and Waste Local Plan.

Risks

- 5.6. When assessing the risks associated with this proposal, i.e. to bring the two emerging Plans together into a single Plan, it is worth noting that this paper proposes a way forward from this point onward. The alternative approach is to continue to progress the separate Minerals and Waste Local Plans from this point onward.
- 5.7. The preparation of the Minerals and Waste Local Plans has been delayed, which does in itself have associated risks, however the bringing together of the two Plans into a single Plan does not exacerbate any risk nor add further delay, rather it reduces a number of risks, as highlighted in this report. Nevertheless, it is worth highlighting some of the risks of a delay in getting an up-to-date Plan in place.
- 5.8. The Plan must ensure a steady and adequate supply of mineral to meet future demand. Demand is assessed annually through the Local Aggregates Assessment, to ascertain if the current annual provision rate for sand and gravel²⁴ is sufficient to meet that demand. It is a requirement of national policy that the county has a 7-year supply of permitted reserves (the landbank), which is based on the annual provision rate.
- 5.9. If the Council does not maintain a minimum 7-year landbank of permitted reserves, there is potential for planning applications for mineral extraction to be submitted on unallocated sites. It should be noted however that maintaining a landbank is reliant on planning permission for mineral extraction being granted, not simply on the presence of adopted site allocations themselves.
- 5.10. The landbank for sand and gravel at the end of 2020 was 5.9 years. This falls below the 7-year minimum requirement. In late 2020, the Council recommended approval for the extraction of 3.52Mt of sand and gravel, equivalent to around 2.7 years' worth of supply, on Land Adjoining Coopers Green Lane, Hatfield.
- 5.11. This site is an allocation in the adopted Minerals Local Plan (and proposed to be carried forward in the emerging Minerals Local Plan). At the time of writing, the decision notice for this planning application was yet to be issued and therefore this additional reserve cannot yet be added to the landbank figure, however this serves to highlight the importance of having an adopted plan in place with sufficient allocations to meet projected need.
- 5.12. Perhaps one risk associated with the proposed approach, is that there may be a perception that the Council has abandoned all of the work done so far on its

²⁴ This is currently 1.31Mtpa (million tonnes per annum)

Minerals and Waste Local Plans and is starting again. This is not the case; the joint Plan will be prepared from the point at where the previous Plans left off and will benefit from all of the work done so far on the previous Plans. The timetable for the preparation of a single Plan will be no longer than had separate Plans been progressed, and the proposed approach overcomes some of the risks identified with progressing separate Plans.

- 5.13. It should also be noted that, until such time as the new Minerals and Waste Plan is adopted, planning applications for mineral and waste management development will be determined using the policies in the currently adopted Minerals and Waste Local Plans, as well as the National Planning Policy Framework and National Policy for Waste. The emerging Plan will however carry more weight in decision making terms as it progresses to adoption.

6. Financial Considerations

- 6.1. Plan production is the normal business of the Minerals and Waste Planning and Policy Team. The costs associated with the production of the Minerals and Waste Local Plan are detailed in the draft Minerals and Waste Development Scheme at Appendix 1. These costs include those relating to public consultation, printing, consultancy and examination.
- 6.2. The current published Minerals and Waste Development Scheme²⁵ estimates that, excluding staff and legal costs, over the next three years (2021/22 to 2023/24) the preparation of the Minerals and Waste Local Plans will together cost £397,000. Whilst plan preparation is a statutory function of the Council, and appropriate budgets must be set aside for this, the Council should still look to opportunities where financial savings can be made.
- 6.3. The revised Minerals and Waste Development Scheme, which covers the preparation of a single Minerals and Waste Local Plan, identifies costs over the next three years (excluding staff and legal costs) amounting to £235,000. In addition to the technical reasons outlined in the paper, the preparation of a single joint Minerals and Waste Local Plan therefore could be expected to result in cost avoidance for the Council in the region of £162,000. This is owing to the fact that the costs for public consultation, printing, consultancy and examination are significantly reduced. No additional resources will be requested for the preparation of the new Plan.

7. Equality Implications

- 7.1. When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the Equality implications of the decision that they are making.
- 7.2. Rigorous consideration will ensure that there is a proper appreciation of any potential impact of that decision on the county council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision

²⁵ Minerals and Waste Development Scheme, October 2020, pp 26-28

makers to read and carefully consider the content of any Equality Impact Assessment (EqIA) produced by officers.

- 7.3. The Equality Act 2010 requires the county council when exercising its functions to have due regard to the need to: (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.
- 7.4. No Equalities Impact Assessment (EqIA) has been undertaken in relation to this report. A full EqIA will be prepared to accompany the Sustainability Appraisal Scoping Report and Draft Minerals and Waste Local Plan when they are brought to subsequent Environment Panels for consideration.

8. Sustainable Hertfordshire Impact Assessment

- 8.1. The Climate Change Act 2008 requires the UK government to reduce greenhouse gases by 100%, relative to 1990 levels, by 2050. As a local authority, the County Council is committed to this target, having declared a climate emergency in 2019.
- 8.2. The County Council has chosen to consider sustainability within its decisions, to identify suitable mitigation measures to address the impacts of climate change where required and practicable in all the circumstances, ensuring these are in line with the [Sustainable Hertfordshire Strategy](#).
- 8.3. A Sustainable Hertfordshire Impact Assessment has been undertaken and this is annexed at Appendix 2. The preparation of a Minerals and Waste Local Plan will result in a range of both positive and negative effects across a range of impact areas. The SHIA provides examples of some of these, along with how the Plan will seek to mitigate any potential negative impacts.
- 8.4. The Minerals and Waste Local Plan will be subject to a comprehensive Sustainability Appraisal (including Strategic Environmental Assessment) and Habitats Regulations Assessment, where the full range of potential impacts will be addressed and mitigation measures proposed. These assessments will feed into the Plan's policies to ensure that mitigation is applied to minerals and waste management development where appropriate.

Legal Review: [Damian Ogbonnaya, Principal Solicitor \(Tel: 01992 555530\)](#)
Financial Review: [Matt Buckland, Head of Finance \(Tel: 01992 555387\)](#)

Background Documents

National Planning Policy Framework (July 2021)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Policy for Waste (October 2014)

<https://www.gov.uk/government/publications/national-planning-policy-for-waste>

The Localism Act 2011

<https://www.legislation.gov.uk/ukpga/2011/20/contents>

Planning and Compulsory Purchase Act 2004

<https://www.legislation.gov.uk/ukpga/2004/5/contents>

The Town and Country Planning (Local Planning) (England) Regulations 2012

<https://www.legislation.gov.uk/uksi/2012/767/contents>

Minerals Local Plan Review 2002-2016 (adopted March 2007)

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/minerals-planning/minerals-local-plan-review/minerals-local-plan-review.aspx>

Mineral Consultation Areas in Hertfordshire Supplementary Planning Document (adopted November 2007)

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/minerals-planning/minerals-planning.aspx>

Waste Core Strategy and Development Management Policies Development Plan Document 2011-2026 (adopted November 2012)

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/waste-planning/waste-planning.aspx#wastelocalplan>

Waste Site Allocations Development Plan Document 2011-2026 (adopted July 2014)

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/waste-planning/waste-planning.aspx#wastelocalplan>

Employment Land Areas of Search Supplementary Planning Document (SPD) (adopted November 2015)

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/waste-planning/waste-planning.aspx#wastelocalplan>

National Planning Practice Guidance

<https://www.gov.uk/government/collections/planning-practice-guidance>

Waste Management Plan for England (2021)

<https://www.gov.uk/government/publications/waste-management-plan-for-england-2021>

Emerging Minerals Local Plan Proposed Submission (January 2019)

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/minerals-planning/minerals-local-plan-review/minerals-local-plan-review.aspx>

Emerging Waste Local Plan Draft Plan (January 2021)

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/waste-planning/waste-local-plan-review/waste-local-plan-review.aspx#>

Adopted Minerals and Waste Development Scheme (October 2020)

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/minerals-and-waste-planning.aspx>

Panel Report: Update on the Minerals Local Plan Review (15 May 2019)

<https://democracy.hertfordshire.gov.uk/ieListDocuments.aspx?CId=218&MId=1158>

Panel Report: Adoption of the Revised Minerals and Waste Development Scheme (8 September 2020)

<https://democracy.hertfordshire.gov.uk/ieListDocuments.aspx?CId=218&MId=1976>

Sites and Areas Conclusions Report (January 2021)

<https://www.hertfordshire.gov.uk/about-the-council/consultations/waste-and-recycling/draft-waste-local-plan-2021.aspx>

Environment Agency Waste Data Interrogator and Hazardous Waste Data Interrogator

<https://www.gov.uk/guidance/how-to-access-waste-management-data-for-england>

Local Authority Collected Waste Spatial Strategy (May 2021)

<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/recycling-and-waste/about-wasteaware/our-wasteaware-strategy.aspx>

Cabinet Report: Options for Hertfordshire's Residual Local Authority Collected Waste Post 2023 (18 May 2020)

<https://democracy.hertfordshire.gov.uk/ieListDocuments.aspx?CId=146&MId=1531>

Memorandum of Understanding between the Waste Planning Authorities of the East of England (March 2019)

<https://khub.net/documents/5671841/316492242/2019-05+East+of+England+WTAB+MoU+-+2019+update.docx/d438362d-3ccf-35d4-ccd1-e7410a191d5b?t=1631866841589>

Minerals and Waste Development Scheme

**Hertfordshire Minerals and Waste
Local Plan 2040**

Hertfordshire County Council



December 2021

For information about this document please contact:

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1 Introduction

Purpose of the Minerals and Waste Development Scheme

- 1.1 The Council, as Minerals and Waste Planning Authority (MWPA) for the area, is required to prepare Minerals and Waste Local Plans, in order to guide minerals and waste management development to the most appropriate locations, and provide the necessary planning policies to deal with the planning applications it receives relating to such development.
- 1.2 The Planning and Compulsory Purchase Act 2004 requires every Local Planning Authority (LPA) to produce a Development Scheme, which sets out the details of the planning policy documents it will prepare, along with a timetable for their preparation. County Councils, as the MWPA for the area, are required to prepare a Minerals and Waste Development Scheme (MWDS).
- 1.3 This MWDS, in line with the 2004 Act, has been prepared to support the preparation of the Hertfordshire Minerals and Waste Local Plan, and contains the following information:
 - existing policy documents and their status;
 - the planning policy documents that are to be prepared;
 - the subject matter and geographical area to which the documents relate;
 - the timetable for their preparation and review;
 - the resources needed to ensure that the planning policy documents are produced in a timely fashion; and
 - how the progress of document production will be monitored against the development scheme.
- 1.4 This MWDS will be kept under review and subsequent revisions taken through the appropriate process for approval. Once adopted, this MWDS will be published on the County Council's website: hertfordshire.gov.uk.

2 The Development Plan

- 2.1 The Development Plan for Hertfordshire consists of all of the adopted planning policies which are currently in effect in the county. These include those Core Strategies and Local Plans prepared by the Council, District and Borough Councils, and any Neighbourhood Plans or Neighbourhood Development Orders prepared by Neighbourhood Planning Groups and Forums.

3 Existing Policy Documents and their Status

- 3.1 The policy documents listed below have been produced by the Council, as Minerals and Waste Planning Authority (MWPA), and set out the Council's objectives and policies for minerals and waste management development in the county. Relevant

planning applications that are submitted to the Council for determination are tested against the policies in these documents.

Waste Core Strategy and Development Management Policies DPD 2011-2026

- 3.2 The Waste Core Strategy and Development Management Policies Development Plan Document (DPD) was adopted in November 2012 and is a strategic document setting out the spatial vision and strategic objectives for waste planning in Hertfordshire.
- 3.3 This document contains the core policies needed to implement these objectives, as well as detailed development management policies to be used when making decisions on waste planning applications. This is to ensure that proposed waste management development takes place in accordance with the highest standards and meets the sustainable development objectives as set out in the document. This document identifies areas of search for waste management facilities but does not identify specific sites.

Waste Site Allocations DPD 2011 – 2026

- 3.4 The Waste Site Allocations Development Plan Document (DPD) was adopted in July 2014 and identifies the Allocated Sites and Employment Land Areas of Search (ELAS) required to meet the need for additional waste management capacity in the county. This ensures the sustainable development objectives, as set out in the Waste Core Strategy and Development Management Policies DPD, are met.
- 3.5 This document includes maps and waste site briefs for allocated sites and identified ELAS. The document also identifies existing strategic sites that are to be safeguarded for waste management purposes. This document has been written to conform with the Waste Core Strategy and Development Management Policies DPD and therefore the two should be read in conjunction.

Minerals Local Plan 2002 - 2016

- 3.6 The Minerals Local Plan was adopted in March 2007 and is a strategic document setting out the aims, objectives and spatial strategy for minerals planning in Hertfordshire over the period 2002-2016.
- 3.7 This document includes strategic policies that aim to meet the need for mineral extraction alongside more detailed development management policies to be used when determining planning applications for minerals related development. The document also identifies preferred areas for sand and gravel extraction along with other safeguarded mineral extraction sites and rail aggregate depots.
- 3.8 In March 2010, the policies in the Minerals Local Plan were 'saved' until such time as they are replaced by the adoption of a new Minerals Plan (i.e. the new Minerals and Waste Local Plan)

Supplementary Planning Documents

- 3.9 Whilst not part of the Development Plan for the area, Supplementary Planning Documents (SPDs) can be prepared by Local Planning Authorities, including County Councils, to provide additional guidance on certain aspects of adopted policies. The Council currently has two adopted SPDs.

Mineral Consultation Areas in Hertfordshire SPD

- 3.10 The Mineral Consultation Areas SPD was adopted in November 2007 and identifies areas of the county where particular considerations are needed to prevent the unnecessary sterilisation of sand and gravel resources. It sets out the procedure by which the District and Borough Councils will work together to protect the resources in those areas.
- 3.11 The Minerals and Waste Planning Authority will consider the need to review this SPD as part of the Minerals and Waste Local Plan review process.

Employment Land Areas of Search SPD

- 3.12 The Employment Land Areas of Search (ELAS) SPD was adopted in November 2015 and provides further planning guidance on the suitability of waste related development on each of the 60 ELAS and is linked to the general ELAS Waste Brief that is contained in the Waste Site Allocations DPD.
- 3.13 This document can be used as a material consideration in the decision of relevant waste related planning applications within ELAS. The SPD is in conformity with the Waste Core Strategy and Development Management Policies DPD and the Waste Site Allocations DPD.

Status

- 3.14 All of the adopted Core Strategies, Local Plans (DPDs) and SPDs will remain in force until the adoption of the new Minerals and Waste Local Plan, which is intended to replace them all. It should be noted however, that as the new Minerals and Waste Local Plan progresses, increasing weight can be attributed to the policies contained within it, for development management purposes.

Other Minerals and Waste Planning Documents

- 3.15 In addition to the documents mentioned above, there are a number of other documents that the Council is required to produce. These are explained below. It should be noted however that these documents do not form part of the statutory Development Plan for the county.

Statement of Community Involvement (SCI)

- 3.16 The Council's Statement of Community Involvement (SCI) was adopted in December 2020 and sets out how the Council will engage with communities in relation to the preparation of the minerals and waste planning policy documents (e.g. the Minerals and Waste Local Plan). It also sets out how the Council will engage with communities in relation to development management planning decisions. These could relate to planning applications for mineral extraction and waste management, as well as development for Council services such as schools, libraries etc.

Authority Monitoring Report (AMR)

- 3.17 The Town and Country Planning (Local Planning) (England) Regulations 2012, require the Council to produce an Authority Monitoring Report (AMR), containing information on the implementation of this MWDS and the extent to which the policies in the Minerals and Waste Local Plan are implemented. Performance against the targets and indicators of the Waste Core Strategy and Development Management Policies DPD are also reported within the AMR. The AMR is published annually.

Local Aggregates Assessment (LAA)

- 3.18 The National Planning Policy Framework (NPPF) requires Minerals Planning Authorities to prepare a Local Aggregates Assessment (LAA). This document monitors the sales and reserves of sand and gravel in the County, along with other information such as the use of secondary and recycled aggregate. The LAA forecasts the demand for sand and gravel, looks at the various supply options, and makes an assessment of the balance between supply and demand. The LAA is published annually.

4 New Minerals and Waste Local Plan

- 4.1 This MWDS sets out the timetable and details of the production of the new Minerals and Waste Local Plan. The document schedule is as follows:

Document Name	Hertfordshire Minerals and Waste Local Plan
Role and Content	Sets out the policies and site/area allocations for minerals and waste management development to 2040
Conformity	The Plan will conform to National Planning Policy, Guidance, Regulations and Law
Geographic Coverage	The administrative area of Hertfordshire County Council
Timetable	See Appendix 1
Resources	The Plan will be prepared by Hertfordshire County Council
Monitoring	The Plan will be monitored through the annual Hertfordshire Authority Monitoring Report

5 Resources & Management

Staffing and Support

- 5.1 The Minerals and Waste Policy team sits within the Spatial Planning Unit and includes:
- Team Leader x 1 full time;
 - Policy Officer x 4 full time;
- 5.2 Input from Unit support staff may be required from time to time, mainly in relation to public participation exercises. This is provided to both the Minerals and Waste Policy and Development Management teams. It is anticipated that this resource should be adequate for the requirements of the review of the Minerals and Waste Local Plans.
- 5.3 Throughout the preparation of the Minerals and Waste Local Plan, input and assistance from other Environment Department staff within the Council and partner agencies may be sought as follows:
- GIS and mapping;
 - Review of Strategic Flood Risk Assessment (assisted by the Environment Agency and County Council Lead Local Flood Authority);
 - Review of Strategic Environmental Assessment / Sustainability Appraisal / Habitats Regulations Assessment reports; and
 - Data gathering and other technical input from most sections of the Environment Department. Specifically, this includes:
 - Communications Team;
 - Environmental Resource Planning Team (includes the Lead Local Flood Authority, Historic Environment, Ecology, Landscape and the Built Environment);
 - Highways Operations and Strategy Team;
 - Information Management Team;
 - Access and Rights of Way Team; and
 - Strategic Transport and Rail Team.
- 5.4 In addition to the above, the Council considers it appropriate to obtain some assistance from external consultants, when preparing some technical studies that will form part of the evidence base for the Minerals and Waste Local Plan.
- 5.5 This assistance may include, but not be limited to, work in the following areas:
- Sustainability Appraisal / Strategic Environmental Assessment;
 - Habitats Regulation Assessment; and
 - Waste Needs Assessment.
- 5.6 Consultants were appointed to undertake some technical work throughout the preparation of the previous emerging Minerals Local Plan and Waste Local Plan. It is

intended however that much of this work can now be brought in-house, instead using the services of consultants largely to act as 'Critical Friend' to assess the in-house studies.

Budget Provision

5.7 An estimate of budget required for the next three years is as follows:

	April 2021 – March 2022	April 2022 – March 2023	April 2023 – March 2024	TOTAL	Comments
Staff	£214,143	£219,497	£224,954		Currently 1 x FTE Manager, 4 x FTE Officers
Public Participation	£2,000	£2,000	£2,000		Consultations
Printing	£3,000	£3,000	£3,000		Letters and documents
Consultants	£20,000	£20,000	£20,000		e.g. HRA, Critical Friend work
Legal	£5,000	£5,000	£5,000		Legal Advice for Policy Matters
Examination⁶			£120,000		Examination / Employment of Programme Officer
(Programme Officer)			(£40,000)		
Total Cost	£244,143	£249,497	£414,954	£908,594	
Total excluding staff and legal costs	£25,000	£25,000	£185,000	£235,000	

Notes:

Staff commitments are included in existing budgets. This is an estimate of budget requirements.

⁶ The cost of the Examination, including the Programme Officer, is met from an Inquiries budget.

Appendix 1: Minerals and Waste Local Plan Programme Timetable

2021		2022												2023												2024						
Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
1	Sustainability Appraisal (SA) Scoping Report Consultation		The SA Scoping Report establishes the sustainability objectives used to appraise the economic, social and environmental effects of the policies in the Plan																													
2	Public Consultation (Regulation 18)		Consultation period for statutory bodies, organisations and individuals to comment on the policies in the emerging Plan. Analysis of responses and changes to the Plan then takes place throughout the remainder of 2022 with committee decisions scheduled for early 2023																													
3	Proposed Submission Publication (Regulation 19)		The Draft Plan is published for a period of 6 weeks for formal representations to be made. Analysis of responses and committee decisions then takes place in May/June 2023																													
4	Submission (Regulation 22)		The Plan is submitted to the Secretary of State along with any representation received at the Regulation 19 stage																													
5	Independent Examination		The Plan is subject to independent examination to assess its soundness and legal compliance																													
6	Inspector's Report		The Inspector's Report will state whether the Plan is 'Sound' or not, and may recommend certain modifications to the Plan to make it 'Sound'																													
7	Adoption		The Council will formally 'Adopt' the Plan, at which point it will be fully used in the determination of planning applications																													

Sustainable Hertfordshire Impact Assessment Form

Name of person completing this form	Christopher Stanek
Date completed	23 September 2021

1. About the project, service or policy

Name of project, service, policy or procurement	Minerals and Waste Local Plan
Name of project sponsor	Jonathan Tiley
Name of project lead or business manager	Christopher Stanek
Project Timeline	Winter 2021 to Spring 2024
Why is this project needed?	
Statutory production of the Council's Minerals and Waste Local Plan	

2. Sustainability Impact

It should be noted that the decision to be made relates to the combining of the emerging Minerals and Waste Local Plans into a single joint Minerals and Waste Local Plan. That Plan, and the policies within it, will be subject to due process, including a full Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) and Habitats Regulation Assessment (HRA), which are a statutory requirement of Local Plan preparation.

The Plan will also undergo independent examination. It is important to have such plans in place to balance the need for development with the protection of the environment. The impacts identified below simply provide an example of what impacts could occur. The full and extensive range of all likely impacts (both positive and negative) will be contained in the SA/SEA and HRA.

Consideration –Greenhouse Gas Emissions	Assessment of Impact: <i>Negative</i> <i>Neutral</i> <i>Positive</i>	Brief description of impact	If negative, how can it be mitigated or adapted? If positive, how can it be enhanced?
Biodiversity	Mixed effects	Mineral extraction and waste management development could	The Plan will contain policies e.g. on Biodiversity and Restoration, designed to



		result in a reduction / loss of biodiversity, however mineral restoration e.g. could also result in significant biodiversity net gains	mitigate negative effects of development on biodiversity and increase biodiversity though net gain, also a requirement of the forthcoming Environment Bill
Energy	Mixed effects	Minerals and waste management development may result e.g. in an increase in energy associated with transport, however, rail may be used as an alternative, and some waste management facilities may actually generate energy (in the form of electricity or gas)	Policies in the plan will promote the movement of waste up the waste hierarchy, away from landfill and disposal towards re-use and recovery (including energy recovery). Policies will also promote the sustainable location of waste management facilities, reducing transport energy. Policies may also include the promotion of electric vehicles
Green Economy & Employment	Positive effects	The Plan is concerned with encouraging appropriate and sustainable minerals and waste management development within the county, thereby creating local jobs.	The Plan will contain policies which seek to manage more wastes within the county, leading to an increase of local jobs, and a decrease in waste being managed outside of the county. Policies will also support the circular economy, seeking circular economy statements and/or waste management plans to accompany development applications.
Pollution	Mixed effects	Minerals and waste management development has the potential to create noise, odour, transport emissions and other forms of pollution. However, the Plan can also reduce pollution e.g. through requiring more environmentally friendly methods or waste management	Several policies in the Plan will help to ensure that development does not cause unacceptable adverse impacts in the form of pollution. These include policies on areas such as cumulative impact, water management, biodiversity and the protection and enhancement of amenity. Policies will also seek to locate waste management uses closer to the sources of

			waste, thereby reducing transport emissions
Products, Materials & Contracts	Mixed effects	The Plan will e.g. facilitate the extraction of raw materials in order to meet demand, however the Plan will also promote the re-use of materials and the appropriate management of wastes	Policies in the Plan will promote the use of secondary and recycled aggregates in the place of virgin material, and other policies will seek to drive waste up the waste hierarchy, and to require the use of circular economy statements and/or site waste management plans
Transport	Mixed effects	Minerals and waste management development has the potential to increase the use of road transport, however minerals and waste can also be transported by rail, or facilities can be located closer to the origins of waste, reducing the need for transport	Policies in the Plan will seek to steer waste management facilities closer to the sources of waste, thereby reducing the amount or road miles required. Policies will also protect railheads and associated infrastructure to allow for the continued movement of materials by rail instead of road.
Water	Mixed effects	Minerals and waste management development has the potential to negatively impact on water supply, such as through water consumption and abstraction, but also to reduce water consumption through the design of facilities	Policies in the Plan will seek to ensure that development proposals are only permitted where it can be demonstrated that proposals will conserve and enhance the water environment
Waste	Positive effects	The Plan is concerned with the management of existing and projected waste arisings over the plan period, while encouraging the most sustainable use of resources. The Plan itself will not result in the generation of wastes	Policies in the Plan will seek to encourage the use of secondary and recycled materials, as well as driving the management of waste up the waste hierarchy, including the requirement for site waste management plans

Consideration – Social Impact	Assessment of Impact: <i>Negative</i> <i>Neutral</i> <i>Positive</i>	Brief description of impact	If negative, how can it be mitigated or adapted? If positive, how can it be enhanced?
Awareness & Behavioural Change	Positive effects	The Plan will promote the sustainable management of wastes and the sustainable use of resources	Policies in the Plan will promote the management of wastes up the waste hierarchy, and promote the use of secondary and recycled materials over virgin materials. The Council will engage with communities throughout the plan-making process, helping to shape the policies in the Plan
Health	Mixed effects	Minerals and waste management has the potential to negatively impact on health, e.g. through noise and odour, however it also has positive benefits, such as through the creation of open space for recreation and nature conservation through mineral restoration	Policies in the Plan will e.g. ensure that waste development proposals will only be permitted where it can be clearly demonstrated, through a Health Impact Assessment, that potential health impacts have been assessed, mitigation measures have been incorporated where necessary, and proposals can offer enhanced access to the natural environment and contribute to positive health and wellbeing
Consideration - Resilience to Climate Change	Assessment of Impact: <i>Negative</i> <i>Neutral</i> <i>Positive</i>	Brief description of impact	If negative, how can it be mitigated or adapted? If positive, how can it be enhanced?
Drought	Mixed effects	Minerals and waste management development can have negative effects in terms of increased water usage, but can also have positive effects	Policies in the Plan will ensure that there are no adverse impacts on e.g. the flow and quality of surface and groundwater, and will seek to ensure that development will conserve

		through enhanced water management processes	and enhance water management
Flooding	Mixed effects	Any form of development if not properly managed can lead to an increased risk of flooding, however minerals and waste management development can have positive effects, e.g. the restoration and afteruse of minerals workings can incorporate large scale flood attenuation measures	Policies in the Plan will ensure that development proposals demonstrate how they will reduce flood risk, taking account of climate change allowances, and will incorporate SuDS (Sustainable Drainage Systems) where appropriate
Heatwaves	n/a	Not within the scope of the Minerals and Waste Local Plan	n/a
Storms	n/a	Not within the scope of the Minerals and Waste Local Plan	n/a

3. Action plan

Impact identified	Action to Reduce Negative Impact or Enhance Positive Impact	Timeframe / Date	Lead Officer
It is not possible to identify all the impacts likely to occur with regards to minerals and waste management development. A few examples have been identified in Section 2 above. It should be noted that the Plan will be subject to a full Sustainability Appraisal (including Strategic Environmental Assessment) and Habitats Regulations Assessment. These studies will cover all of the likely effects of the Plan. The Plan is important in ensuring that the need for development is balanced with the need to protect the environment.	Progress the Plan to adoption and begin implementing its policies.	2021 to 2024	Christopher Stanek

4. Sign off



	Name	Date
Head of Service/Business Manager		21/10/21
Assistant Director		22 Oct 2021