

Christine Whyte

From: Paul Donovan <Paul.Donovan@hertfordshire.gov.uk>
Sent: 15 September 2015 09:53
To: Local Plan
Subject: RE: Site Allocations and Development Management Consultation - Hertfordshire County Council
Attachments: HCC September 2015.docx

Apols – revised copy – this one with the date in!

Paul.

From: Paul Donovan
Sent: 14 September 2015 14:44
To: 'local.plan@hertsmere.gov.uk'
Subject: Site Allocations and Development Management Consultation - Hertfordshire County Council

Please find attached Hertfordshire County Council response in relation to the above.

Paul Donovan

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14th September 2015

Dear Sir/Madam,

**Hertsmere Site Allocations and Development Management Policies Plan, July
2015**

Thank you for consulting the County Council with regard to the above. The following comments relate to the services of the Environment Department and propose relatively minor improvements to the document rather than issues of legal and duty to cooperate compliance or soundness.

Minerals and Waste

Paragraph 4.50 states *'planning for minerals and waste underlies the prudent use of natural resources and the reduction of pollution. The County Council is responsible for the Minerals and Waste Development Framework and is the Waste Disposal Authority'*. The paragraph could usefully be amended to make clear the distinction between the responsibilities of the Waste Planning Authority and the Waste Disposal Authority. The Waste Planning Authority is responsible for the Minerals and Waste Development Framework which deals with all types of waste, whereas the Waste Disposal Authority is responsible for Local Authority Collected Waste. The following wording could be incorporated:

'The County Council is responsible for Minerals and Waste planning. The planning documents set out the policies for future mineral extraction and waste development, for all types of waste. The County Council, as Waste Disposal Authority is responsible for the disposal of Local Authority Collected Waste.'

Minerals

The recognition of the importance of avoiding minerals sterilisation is welcomed, as is reference to Policy 5 of the Minerals Local Plan (MLP) on mineral sterilisation. However, no reference is made to Policy 10 of the MLP relating to the safeguarding of railheads. By way of information, the County Council is undergoing the first stages of reviewing the adopted MLP and in line with national policy, mineral sterilisation and safeguarding mineral resources will be key issues included as part of this review. The adoption of the new MLP is anticipated in 2018.

The National Planning Policy Framework (NPPF) states that in preparing Local Plans, local planning authorities should *'define Minerals Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be worked; and define Minerals Consultation Areas based on these Minerals Safeguarding Areas'*. In addition, it states that local planning authorities should safeguard *'existing, planned and potential rail heads, rail links to quarries, wharfage...'* (Paragraph 143, NPPF).

National Planning Practice Guidance 'Mineral Safeguarding' Paragraph 5 states that district councils should show Mineral Safeguarding Areas (MSAs) on their policy maps. The MLP (2007) and subsequent Mineral Consultation Area (MCA) Supplementary Planning Document (SPD) were adopted prior to the publication of the NPPF and therefore only cover MCAs. However it is the County Council's intention to identify MSAs and MCAs based on MSAs as part of the MLP Review process.

The MCA as defined by the MCA SPD is the whole sand and gravel belt (excluding the barren areas) together with the identified resources blocks outside the sand and gravel belt. Section 4 of this document also states that MCAs will be identified around the existing and disused railheads and wharves in the County. For Hertsmere Borough the MCA covers the whole of the plan area (excluding some barren areas and excluded development listed in Section 3 of the MCA SPD) and part of the area around Harper Lane Rail Depot.

There are some uncertainties and inconsistencies between Policy SADM19 and its associated policies map and the MLP and MCA SPD. For example:

- Policy SADM19 goes further than Policy 5 of the MLP in seemingly seeking to prevent absolutely development that would sterilise minerals resources. MP5 actually sets out circumstances where sterilisation might be appropriate/necessary.
- Policy SADM19 and the policies map only relate to Harper Lane Rail Depot and its associated consultation buffer area and not the sand and gravel MCA.
- Policy SADM19 only proposes that the County Council be consulted on 'significant' proposals that affect the minerals resource, whereas the MCA SPD requires consultation with the County Council with only the following exemptions:
 - (i) applications on land already built upon (except for major applications - that is, applications for residential development consisting of 10 or more dwellings, or if the number of dwellings is not known, where the

site area is 0.5ha or more; and in the case of other development, where the floorspace to be created is 1000 sq metres or more, or if the site area is 1ha or more. Such applications **will** be subject to the consultation procedures);

- (ii) applications for infilling development in towns and villages (subject to the same exception as above);
- (iii) applications for domestic extensions or garages and similar structures within the curtilage of an existing dwellinghouse;
- (iv) applications for development which is in accordance with the provisions of an adopted local plan or other development plan document and which relates to an allocation, or to an area action plan designation;
- (v) 'reserved matter' submissions pursuant to an outline permission;
- (vi) applications for temporary dwellings or other similar structures; and
- (vii) advertisement applications.

The following proposed amendments may overcome these uncertainties and inconsistencies:

'The Minerals Local Plan guides mineral extraction and associated development. Tyttenhanger Quarry at Colney Heath is identified as a major source of sand and gravel up to 2032: the site is being progressively extracted and infilled with inert waste as the landscape is restored. Mineral reserves, particularly sand and gravel, will be safeguarded from the sterilising effect of new development (i.e. new building, engineering works and land cover).

Minerals Policy 5: Mineral Sterilisation encourages the extraction of minerals **in circumstances where any significant mineral resource would be sterilised before by any other development is considered appropriate. Minerals Policy 10 Railheads and Wharves safeguards existing and disused railheads and wharves where they have potential for the exportation and importation of minerals and secondary/recycled aggregates.** The County Council has defined Mineral Consultation Areas **within its Mineral Consultation Areas Supplementary Planning Document (MCASPD) to support these policies.** Councils and developers are expected to consider the effect of prospective development on mineral resources in these areas at an early stage. This excludes the small-scale developments **(as listed in the County Council's MCASPD Supplementary Planning Document) on Mineral Consultation Areas** which would have little effect (e.g. householder development). **A significant proportion of the Borough is identified in the MCASPD as a MCA for sand and gravel and the Mineral Consultation Area MCA for the Harper Lane Rail Depot extends into Hertsmere (and is shown on the Policies Map).**

Policy SADM19 - Mineral Consultation Area

~~*Within the Mineral Consultation Area shown on the Policies Map, building or other development will not be permitted to sterilise or prevent the future extraction of the mineral resource. In order to prevent unnecessary sterilisation of mineral resources tThe Council will seek*~~

the advice of Hertfordshire County Council as the Mineral Planning Authority in accordance with the Minerals Consultation Area SPD (and any future revisions/successor) on any significant proposal which may affect the resource.'

Waste

The identification of the existing strategic site at Redwell Wood Farm is welcomed.

Paragraph 4.52 states *'the Waste documents will be used as a basis for future waste planning, and in the determination of planning applications'*. The Waste Local Plan should be used by all local planning authorities in the determination of planning applications. Section 8 of the National Planning Policy for Waste (NPPW) published in October 2014 is also applicable to all local planning authorities when determining planning applications for non-waste development and sets out specific waste related considerations.

Policy 2 Waste Prevention and Reduction of the adopted Waste Core Strategy and Development Management document encourages local planning authorities to incorporate policies within their Local Plans covering waste prevention and reduction to help deal with waste efficiently and effectively within Hertfordshire.

Whilst waste storage within New Developments has been set out in Policy SADM20 and is an important element outlined in Paragraph 4.54., there are further mechanisms to encourage effective waste management on site, including the management of demolition waste, encouraging the use of secondary and recycled aggregates in construction and reducing waste materials produced on site. These considerations should not be limited to just new developments. The encouragement of Site Waste Management Plans is welcomed and should cover both demolition (when applicable) and construction. The following wording could be incorporated:

'Waste prevention and reduction measures are important in all construction and demolition projects to prevent waste generation and encourage the re-use of materials on site as much as possible. This should be considered throughout the design and implementation phases. A Site Waste Management Plan can support developments both in demolition and construction phases to improve materials resource efficiency by identifying methods (including re-use, recycle or recovery) to minimise waste produced on site and to capture data relating to construction, demolition and excavation waste.'

It is not clear from paragraph 4.53, which 'waste strategy' is being referred to. This should be made clearer and reference provided.

Flood Risk and SuDS

The Flood Risk Policies refer to a Strategic Flood Risk Assessment dated May 2008. This Assessment is now some years old and seemingly out of date in a range of respects – for example, it does not reference EA surface water flood maps, changes in legislation, the LLFA Flood Risk Management Strategy and will not pick up on any flood events that may have occurred since 2008.

Paragraph 4.21 only refers to Flood Zones in relation to the SFRA. The SFRA also contains information on surface water and ground water flooding.

Paragraph 4.27 – it might be helpful if some clarity were provided on how the LPA would expect developers to use the EA National Surface Water Flood Maps.

Reference to 'ordinary watercourses' within Paragraph 4.31 should be changed to 'main rivers'. It is ordinary watercourses that do not benefit from EA modelling and are the 'smaller' watercourses. FRAs should not be conditioned if they are in areas of flood risk from other sources (such an approach would be contrary to footnote 20 of the NPPF that FRAs should be carried out for any sites at known flood risk). If an FRA is conditioned, once planning permission is granted appropriate avoidance, mitigation and management may not be feasible and the development may be at risk of flooding and increase flooding elsewhere.

Paragraph 4.34 - Flood and Water Management Act 2010 Schedule 3 refers to the requirement for SuDS, which recently made changes (March 2015) to the NPPG to require **all** developments to implement SuDS. Those that are major applications should be referred to the LLFA and undertake a surface water drainage assessment.

Policy SADM16 - could this refer to County Council 'Policies' on SuDS as these have now been adopted into the Local Flood Risk Management Strategy which the LPA must have regard to:

<http://www.hertsdirect.org/services/envplan/water/floods/surfacewaterdrainage/sudspolicies/>

Yours sincerely,

Paul Donovan

Environment Department
Hertfordshire County Council