

## **HERTFORDSHIRE WASTE CORE STRATEGY AND DEVELOPMENT MANAGEMENT POLICIES: PRE-SUBMISSION CONSULTATION 2010**

### **Response of Campaign to Protect Rural England - Hertfordshire**

This response is submitted by email and follows the response by CPRE Hertfordshire to the 2009 consultation by the County Council, in respect of a number of significant policy and site specific issues. The comments below relate solely to the proposed Core Strategy (CS) and Development Management Policies, and the text that seeks to justify them.

The comments are set out in the order that the relevant proposed provision appears in the Pre-submission document, and reference is made to previous CPRE Herts comments where applicable.

#### **Vision**

**Paragraph 2.2** fails to include a caveat with the statement that waste facilities will be located 'as close as possible' to sources of waste, to ensure that this is subject to them being sensitively located to minimise adverse economic, environmental and social impacts. This is necessary because of the use of the term 'as close as possible' rather than the term used in policy guidance 'as close as practicable'.

Without this caveat the statement would be unsound as it is not justified by the evidence base.

**Section (2)** of the proposed CS also omits a strategic objective to avoid waste development in the Green Belt, despite this being one of the Strategy's key Targets (number 10) in Appendix A: Monitoring and Implementation.

The CS would be unsound without such an objective because the protection of Green Belts is a national planning policy requirement. The reasons why such an objective might not always be achievable in Hertfordshire are explained in the proposed CS, but these reflect the exceptional circumstances that may apply to individual development proposals, not the norm, or the 'vision', that should aim to avoid inappropriate development in the Green Belt.

**The option set out in table 2 on page 19** of the CS document encourages 'reviews of green belt land' by district and borough councils, which can only be interpreted as reviews which have the intention of removing land from the Green Belt. The justification for this is set out in paragraph 2.46, which claims (bullet point 7) that it is 'the extensive coverage of Green Belt' that is restricting the land available for waste management facilities. This is unsound reasoning, because there are many other constraints that restrict the availability of land for such facilities, including The Chilterns AONB, very extensive urban areas where no land use changes are proposed, nationally designated areas and sites of natural and historic

significance, and areas of high flood risk, but the CS does not similarly encourage the review of land in such areas with a view to their development or re-development for waste management use.

The CS vision should therefore only encourage reviews of Green Belt land in locations where the local planning authority is intending to undertake such a review as part of their local development framework, and specifically where an individual development proposal is justified by very special circumstances in accordance with the criteria set out in policy guidance (currently in PPG 2: Green Belts).

## **Strategy for Waste Management**

**Paragraph 4.11** states that national policy is to manage waste 'as close to its source as possible'. As noted above in respect of the CS vision, this statement is not correct. As stated in PPS 10, and later in the CS at paragraph 4.33, national policy is to manage waste 'in one of the nearest available installations', now interpreted as 'as close as practicable to its source, in recognition that there are a whole raft of reasons why you can very rarely do this as close as 'possible', which would nearly always mean on the same site or next door. Paragraph 4.11 as currently written is therefore an unsound basis for the proposed policies which follow, and should be amended to substitute the word 'practicable' for 'possible'.

**Paragraph 4.23 bullet point 8** states that the CS takes account of the potential for suitable sites in the Green Belt, reflecting the guidance in PPS 10, which is quoted, in respect of the particular locational needs of some waste management facilities. This is not a sound basis for allocating sites in the Green Belt in Waste Development Plan documents. The guidance in PPS 10 specifically applies to two situations, firstly the determination of planning applications (where this may be a material consideration), and secondly the redefining of Green Belt boundaries, but does not apply to the allocation of sites in the Green Belt.

CPRE Herts therefore seeks the deletion of this bullet point.

**Policy 1 and Paragraph 4.25** do not provide details on how or where local waste management facilities will be encouraged and promoted. CPRE Herts raised this issue in response to the 2009 consultation document in which this was Policy 2. CPRE Herts considers that the CS would be unsound unless the basis for deciding on suitable site locations for non-strategic smaller facilities is set out in this Policy and accompanying text.

## **Green Belt**

**Paragraph 4.31** incorrectly states that where 'very special circumstances' can be demonstrated, and these outweigh harm to the Green Belt and other harm, waste management facilities are not 'inappropriate' as explained by section 3 of PPG 2. This is a fundamental misinterpretation of PPG 2, and is an unsound basis for the Green Belt section of the CS.

Inappropriate development cannot become appropriate, and paragraph 3.2 of PPG 2 explains that very special circumstances must be demonstrated to clearly outweigh the harm

as a result of being inappropriate, and other harm, to justify development being permitted. This paragraph should be changed to correctly reflect PPG 2, or the justification for the CS in terms of Green Belt policy will be undermined and therefore unsound.

**Paragraph 4.34** is unsound for two reasons. Firstly it states that potential environmental and economic benefits will justify some development in the Green Belt, but without demonstrating why such considerations might clearly outweigh harm to the Green Belt, or setting out under what circumstances the County Council considers this to be the case. Secondly, this paragraph states that the Sustainability Appraisal concludes that some development in the Green Belt will reduce 'development pressure outside the Green Belt'. The logical conclusion from such an objective would be to allow all development within the Green Belt, as that would ensure that there is no development pressure at all outside the Green Belt. Such a perverse approach is clearly unsound and contrary to the guidance in PPG 2.

CPRE Herts asks that these statements be amended to be replaced by a statement to the effect that there may be situations in which development in the Green Belt will be unavoidable, and to explain when the County Council expects those situations to arise.

**Policy 3: Green Belt** has several deficiencies that result in it being unsound as the basis for decision making. The Inspector who advised the Council on the previous version of the CS was critical of the Green Belt wording not being 'sufficiently robust', pointing out the presumption against development in the Green Belt and need for very special circumstances to be demonstrated. There is a risk that the same criticism would be directed at the current CS and development management policy 3.

This policy is of fundamental importance to ensuring the Green Belt is protected, especially as the development management policies (eg policy 12) make no reference to Green Belt, and include no criteria specifically relating to Green Belt. It is therefore very important that Policy 3 sets the context for such considerations.

The following comments are made on specific deficiencies in the Policy as currently worded.

Firstly, the wording repeats the basic error in misinterpreting PPG 2, by stating that applications for new and/or expansion of existing facilities within the Green Belt will be required to demonstrate very special circumstances which may make a location in the Green Belt appropriate. As noted earlier in commenting on paragraph 4.31, this is not possible, by definition, and is contrary to PPG 2.

This wording should be changed to explain what very special circumstances the County Council considers may outweigh harm to the Green Belt and to require applicants to demonstrate that these apply when submitting applications for facilities in the Green Belt.

Secondly, the presumption against inappropriate development in the Green Belt that featured at the start of the draft policy, and was supported by CPRE Herts in the 2009 consultation, has been deleted, yet this is the essential starting point for this policy, in order to reflect the policy guidance in PPG 2. This omission is not explained, and is inconsistent with the Council's stated monitoring target for the Policy set out in Appendix A, which is for 'no new waste management facilities in the Green Belt'. It is also noted that paragraph 4.12

points out that the companion guide to PPS 10 (at paragraph 7.29) and government research state that 'most waste management activities are now suitable for industrial locations', and therefore the need for locations in the Green Belt should be very rare. The omission of the presumption against inappropriate waste management development in the Green Belt is therefore unsound through inconsistency with policy guidance.

Thirdly, the current wording of criterion 1 in the Policy implies that there is a supposition that the need for the development cannot be met except in the Green Belt. This can be resolved by changing this wording to read 'Whether the need for the development can be met at an alternative suitable non-Green Belt site'.

Fourthly, there are no criteria in the policy requiring consideration to be given to the effect of the proposed development on the Green Belt, and in particular on the local impact on the Green Belt, for example where the site is in a narrow gap between two settlements that the Green Belt prevents from coalescing. In our opinion criteria should be included in Policy 3 to ensure that the consequences for the objectives and purposes of the Green Belt in the locality are always taken into account in determining proposals for waste management development in the Green Belt, and that without these the policy would be inconsistent with Policy Guidance in PPG 2 and therefore unsound.

### **Criteria for Allocating Sites**

**Policy 4** which sets out general criteria applicable to proposals at sites outside defined areas of search for new facilities, states (at criterion 'iv') that location adjacent to various compatible existing land uses and developed land will be taken into account, but makes no reference to how the Policy applies to such adjacent land where this is in the Green Belt. This could be resolved by the addition to the second paragraph of the Policy of a sentence to state that 'In the case of such proposals in the Green Belt, the applicant would still have to demonstrate that there are very special circumstances that clearly outweigh the presumption against inappropriate development'.

**Paragraph 4.94** states a preference for development of previously developed land (PDL), irrespective of whether the site is located in the Green Belt or not. As a key target of the County Council (Target 10 in Appendix A) is 'No new waste management development in the Green Belt', the text should be amended to state that this preference does not apply to PDL in the Green Belt, to avoid the CS being inconsistent and therefore unsound.