

Hertfordshire Minerals & Waste Local Plan 2040 Regulation 18 Draft Plan CPRE Hertfordshire Comments

By Chris Berry, Planning Manager

Date: 14th September 2022

About CPRE Hertfordshire

CPRE Hertfordshire is a local countryside charity, part of the national CPRE network. We work to promote, enhance and protect a beautiful, thriving countryside for everyone to value and enjoy.

Founded in 1928 we are a grassroots organisation, with about 1000 members and a small team of staff supported by volunteers. CPRE Hertfordshire has a long history of campaigning against inappropriate development on Hertfordshire's green spaces. We also work with local groups around the county, providing advice on how they can best protect the countryside near them.

Introduction

These comments are made by CPRE Hertfordshire on the Regulation 18 Hertfordshire Minerals & Waste Draft Local Plan document (hereafter referred to as "the Draft Plan") which is supported by primary evidence documents, including the Local Aggregates Assessment (LAA) 2021 and the Waste Needs Assessment (WNA) 2022. CPRE Hertfordshire is concerned about many aspects of the Draft Plan with regard to both the minerals and waste proposals and the two primary evidence documents referenced above.

The key issues of concern are summarised initially, and the remainder of this representation provides more detail on the assumptions made with regard to future minerals extraction, alternative supplies, recycling and recovery and general waste management issues. Remarks are then made about the three sites proposed for minerals extraction, bearing in mind previous submissions and the specific policy context of minerals and waste relating to the Green Belt.

Summary of key issues

1. CPRE Hertfordshire challenges the overall proposed level of provision for land-won sand and gravel given the lack of evidence and information regarding future demand

and the failure to assess properly the potential and likely contribution from alternative supply sources. The Draft Plan under-estimates the supply of secondary and recycled aggregate available from alternative supply sources due to inadequate information on a) the amount of secondary and recycled aggregate produced by plant processing sites across the county, and b) how much 'Construction, Demolition and Excavation' waste is recycled on-site at construction sites.

2. In our view, the Draft Plan over-estimates significantly the scale of future development and construction activity in the plan period. The data on proposed new housing in district local plans is outdated with some assumptions still based on 2014-based household projections which have now proved to be excessive, especially when compared to the recently published 2021 census data.
3. The 2021 census data show that there are over 30,000 fewer households in Hertfordshire than projected in the 2014-based national projections. The Draft Plan also over-estimates the need for land-won aggregates to support 'Major Growth Projects', some of which are already complete and others are speculative.
4. There is a lack of ambition in the Draft Plan to do more to reduce the reliance on land-won aggregates in the County and facilitate greater re-use and recycling of materials available at regeneration and redevelopment sites in collaboration with the local planning authorities. In principle, we support Policy 10: Secondary and Recycled Materials which states that 'the county council will support the increased use of secondary and recycled materials in order to reduce reliance on land-won aggregates and maximise the amount of inert waste diverted from landfill'. This commitment should be strengthened and clarified to maximise the use of recycled materials.
5. Policy 14 should be strengthened to ensure that any new waste management applications in the Green Belt are required to demonstrate that the need for the facility cannot be met from existing and already proposed sites and that there are no suitable non-Green Belt alternative locations.
6. Both minerals extraction and waste proposals have the potential to threaten Green Belt land with potential development that would cause major environmental and social harm for a generation or longer. CPRE Hertfordshire is mindful of recent ministerial statements regarding protection of the Green Belt, notwithstanding present National Planning Policy Framework guidance relating to minerals extraction and waste management.
7. We do not believe that the allocation of three new minerals allocation sites in the Draft Plan is either reasonable or properly justified.

Minerals extraction

8. It is appropriate to consider whether the Draft Plan is based on reasonable assumptions about the future need for land-won sand and gravel and the implications for the allocation of new sites for extraction within the County. The Draft Plan is required to follow the National Planning Policy Framework (NPPF) and is supported by a Local Aggregates Assessment (LAA).
9. The NPPF (para. 213) states that the LAA should forecast future demand based on the rolling average of ten years sales of aggregates in the County, and 'other relevant local information', and an assessment of 'other supply options' including secondary and recycled materials. CPRE Hertfordshire supports the basic objective of reducing the need for extraction of primary materials from new areas, and the disturbance and environmental impacts that this causes.
10. The Draft Plan is supported by the 2021 Local Aggregates Assessment (LAA) which is based on 2020 data as its main source of supporting information. Although this is an improvement on the withdrawn 2019 draft Minerals Local Plan which we criticised for using out of date assessments, it means that the 2020 data does not take account of issues arising from both Brexit and the Covid-19 pandemic which may impact significantly on future levels of need for sand and gravel.
11. The withdrawn 2019 draft Minerals Local Plan proposed provision of 1.39million tonnes per annum (mpta). By applying the more recent LAA 2020 data, provision in the current Draft Plan is now 1.31 mpta, a 6% reduction which is however still higher than the ten year average for sales, as noted in the LAA (para.1.7), due to the application of a 10% uplift "to provide flexibility and accommodate future growth".

Future growth assumptions

12. It is crucial to determine what assumptions are made about "future growth projects" as set out in the LAA as these directly affect alternative supply options and requirements. We believe that the level of growth anticipated by Hertfordshire County Council (HCC) is inappropriately high and should take account of recent changes in context and decisions made since the published analysis.
13. Para. 7.11 of the LAA states that 'at least' 100,000 new homes and jobs are "aspired to be created" in Hertfordshire by 2031, and Table 10: Housing being "Planned for", includes a column "Planned Housing Figure" for local plans that are still at various stages of preparation. Emerging local plans for Dacorum, Hertsmere and Three Rivers have been paused as a result of consultations, St Albans has re-started its Local Plan preparation process and North Herts and Welwyn Hatfield Local Plans are still subject to Inspector's Reports.
14. There is no balanced commentary on whether the aspirations for "100,000 new homes by 2031" (para. 7.15) are compatible with wider planning policies at national

or local level. References to “ambitious growth agenda” (para. 7.18) and Hertfordshire Growth Board aims (para. 7.19) are unsupported by evidence.

15. Para 7.15 includes a list of nine sites “at planning application stage or recently permitted”, that include ‘Land east of Luton’ (1,400 housing units) and north of Baldock (for 2,800 units) which have not yet been allocated in the North Herts Local Plan that is not yet adopted. The only “Current Major Infrastructure Projects in Herts” include HS2, of which only a very short section is in the County and the two projects referred to should be completed before the Plan is adopted.
16. Improvements to the A602 Stevenage to Ware are substantially complete and the A120 Little Hadham bypass has been completed so these will not generate a need for further aggregates in Hertfordshire. Paras 7.25 to 7.27 refer to “Potential Future Major Infrastructure Projects for Hertfordshire” which are entirely speculative, including a Hertford Bypass which the text says “may be required” but is not approved or programmed, and a M1 Junction which “could address” capacity concerns but is not even at conceptual design stage.
17. Para 7.28 notes “Aspirations for the Herts Rail Network” and that “new stations may be required”. The list of “other additional new or improved rail line projects” includes Crossrail 2 (which would only involve existing route upgrades in the south east of Broxbourne Borough) and a speculative new route between Stevenage and Luton.
18. Para. 7.29 refers to a list of six “Additional Major Projects”, all of which are large housing developments, and only the proposed development north of Harlow (Gilston) is in the County. All the other projects listed would only use aggregate from Hertfordshire if this was exported from the County, directly contrary to the current and proposed Plan policy to achieve self-sufficiency in provision of sand and gravel.
19. Clearly no aggregates provision should be proposed in the Draft Plan on the basis of the above status of these ideas. The conclusion in para. 8.2 of the LAA that “it is recognised that the current stock of sand and gravel reserves in Herts is insufficient to meet future demands” is not justified due to the uncertainty of future demand, as noted above. The statement in para. 8.6 that “it can be concluded that the contribution from such sources (on-site recovery) is small” cannot be substantiated.
20. The further assertion that “the contribution from recycled secondary has remained at a similar level” between 2016 and 2020 is unfounded. Both the LAA and thus the Draft Plan also fail to address properly the potential and likely contribution from alternative sources.

Alternative supply sources

21. Adequate information on key alternative sources of aggregate supply is lacking in the LAA, leading to unsubstantiated assumptions about how much secondary and recycled construction and demolition waste contributes presently and in the future

to reducing the proportion of aggregate that has to be extracted from new sites. For example, para. 6.46 of the LAA states that only four of the six permitted plant sites processing secondary and recycled aggregates provided survey returns (it does not state which of the six listed did not do so).

22. The Draft Plan states that “this lower rate of return (of data) has resulted in a lower and skewed total processing figure” which means that the actual figure is likely to be significantly higher than stated in the LAA. This implication is however ignored in reaching conclusions about alternative supply options and is a major shortcoming of the analysis with potentially serious implications.
23. An equally serious flaw is revealed in para. 6.52 of the LAA, which states that it is not known how much Construction Demolition and Excavation (CDE) waste is recycled on-site at construction sites, so no estimates are provided on how much this contributes to supply. Indeed no past information is provided from when such information was last collected.
24. The only relevant comment in LAA para. 6.52 is that “the County Council is unable to monitor the re-use and recycling of inert CDE waste”. The Draft Plan itself states however, that the Mineral Products Association estimates that 28% of supply is from secondary and recycled sources nationally (para. 4.39).
25. An important source of aggregates is the processing of materials at redevelopment and regeneration sites across the County and this issue is inadequately addressed in the Draft Plan. The Waste Needs Assessment (WNA) (para. 4.24) states that “more recently the data quality (on CDE waste) has been improving ” following changes to regulations and information returns, but this is not reflected in the report or the Draft Plan.
26. Para. 4.29 of the WNA continues to state; ‘It is widely acknowledged that there is a significant quantity of CDE waste that is re-used on site; this unseen capacity is not captured through the (national Environment Agency’s) Waste Data Interrogator database”. Para. 4.31 notes the discrepancy between the “arisings” and “as managed” amounts, but there is no attempt to quantify either the actual amount that is currently recovered on site or is likely to be in future.
27. Table 3 in the WNA simply shows the apparent increase in “unseen” CDE recovery from 2018 to 2020, with the latter being around 880,000 tonnes, but this is still based on estimates using national, rather than local percentages. A clue to the scale of these alternative sources of aggregates is provided in para. 7.5 of the LAA which notes that for 2020/21 “sand and gravel sales are relatively low, yet the housebuilding figure was at its highest”.
28. Clearly other sources than sales from the County’s sand and gravel sites were contributing more, and such materials were likely to include an increase in recycling. From the information provided it is not possible to quantify the scale of recycling at existing sites, but it is clearly significant and likely to increase considerably if the

Draft Plan's objectives set out in Policy 11 and Appendix 4 are to be achieved. Policy 10 on secondary and recycled materials encourages this approach and is supported strongly in principle.

29. Despite the statement of objectives in Policy 11, which is welcomed, it appears that Policy 3 accepts there will be insufficient capacity to process CDE by 2040, and we assume that this is due to a continuing shortage of data. Indeed, para. 4.50 of the Draft Plan notes that the County will not have sufficient inert waste recovery capacity from 2033 and this is clearly highly unsatisfactory.
30. On the basis of the concerns noted above, CPRE Hertfordshire challenges the wording of Policy 2: Meeting Sand and Gravel Needs, due to the failure to recognise the increasing contribution from alternative sources to primary extraction which is essential and in line with the more far-sighted policies in the Draft Plan.

Recycling and recovery

31. An encouraging feature of the Draft Plan is Appendix 4: Circular Economy Assessments, and associated Policy 11, together with the text of paras. 5.63 to 5.83 on Secondary and Recycled Materials. CPRE Hertfordshire supports the guidance in para. 5.80 which states that the newly introduced Assessments should apply to all major planning applications dealt with by district and borough councils as well as the County Council.
32. Appendix 4 states (para. 1.3) that re-use, recycling and recovery of resources is promoted to avoid the need for both disposal and procurement of new primary (land-won) resources. Para. 1.7 emphasises the principle, noting that increasing the use of such materials reduces the quantity of primary material needing to be extracted or processed and to divert these materials from becoming waste.
33. Para. 1.12 states that planning proposals "should take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials..." Para. 1.18 notes that the County Council aims to achieve 95% recycling of CDE waste by 2030, and Draft Plan Policy 11 sets out in "a)... (to) facilitate re-use/recycling of materials and buildings, as far as is practicable on site" rather than to export them for processing or disposal.

General waste management

34. The Draft Plan does not allocate any specific new waste management sites but acknowledges that there is a shortfall in capacity and "it is expected that some waste development may need to be considered in the Green Belt" (para. 5.108). It seeks to direct proposals for new waste management development to the "most appropriate location such as existing waste sites and areas close to sources of waste. These locations are generally away from Green Belt areas and should therefore help to uphold the protection of Hertfordshire's Green Belt'" (para. 5.108).

35. The present wording of Policy 14 makes no attempt to implement such an approach and is very disappointing considering the Draft Plan's new requirement for Circular Economy Statements and its emphasis on reducing waste. CPRE Hertfordshire believes that Policy 14 should be strengthened to ensure that any waste applications in the Green Belt are required to demonstrate that the need for the facility cannot be met from existing and already proposed sites and that there are no suitable non-Green Belt alternative locations.
36. Appendix 2: Waste facilities Location and Design Guidance, July 2022, includes a chapter on 'Locational Criteria' for such facilities and such guidance should seek clearly to avoid use of the Green Belt. The only mention of Green Belt in the appendix is in para 3.19 in the Natural Environment section to affirm its existence in the County. There is no guidance on seeking to avoid the Green Belt or minimising impact on the Green Belt when no alternative location is possible.

Specific site proposals

37. Remarks may be made on the three sand and gravel extraction sites proposed in the Draft Plan. We recognise that national planning policy presently draws a distinction between mineral working and waste management in terms of development in the Green Belt as mineral working is temporary (albeit often for many years) and can only take place where minerals occur naturally. Waste management activities can be permanent and may not be so location dependent, and hence may be regarded as 'inappropriate' in the Green Belt.
38. The NPPF includes provision for the extraction of minerals and the disposal of waste in the Green Belt in certain circumstances and CPRE Hertfordshire is campaigning for changes in technical guidance to prevent such activities taking place in designated protected countryside. We do not believe that the allocation of three new minerals allocation sites in the Draft Plan is either reasonable or properly justified, and we oppose the allocation of all three sites in the Draft Plan.

MAS01: Briggens Estate, east of Stanstead Abbots

39. CPRE Hertfordshire strongly opposes this new site proposed in the Green Belt east of Stanstead Abbots due to the failure to demonstrate the need for new land-won sand and gravel extraction sites. Minerals extraction in this area will have significant detrimental impacts on the area and the implications of the proximity of major residential proposals north of Harlow should be taken into account.
40. The local impacts on both countryside and heritage assets are identified as significant in the Site Brief. The site lies in the Impact Risk Zones for the Lee Valley Special Protection Area, Rye Meads SSSI, Hunsdon Mead SSSI and Amwell Quarry as well as the Green Belt.

MAS02: south of Coopers Green Lane, Hatfield

41. The future of the site south of Coopers Green Lane is uncertain pending the outcome of the emerging Welwyn Hatfield Local Plan which proposes housing and related development in this location. This means that, were the Welwyn Hatfield Local Plan to be adopted, minerals would have to be extracted before construction of any housing development. Adoption of the Welwyn Hatfield Local Plan is currently delayed, and subject to a number of uncertainties relating to housing development.

MAS03: Hatfield Aerodrome (Ellenbrook)

42. The proposed site forms an important green gap preventing the coalescence of the expanding urban areas of St Albans City to the west, Hatfield to the east, Smallford to the southwest, and Colney Heath to the southeast. The Ellenbrook Country Park, although not formally designated as a Local Green Space, is a highly-valued and much-utilised green space by thousands of local people for walking, running, cycling, bird-watching and other recreation.
43. The site is considered as Previously Developed Land but it has become a significant wildlife habitat which has altered the character of the area and its value to the surrounding communities. The Draft Plan should take account of the issues raised above regarding the need for minerals extraction and we continue to seek changes in regulation relating to appropriate activities in the Green Belt.

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14th September 2022