

**Colin Haigh, Director of Growth
and Place**



**Development Control,
East Herts District Council,
Wallfields Pegs Lane,
Hertford
SG13 8EQ**

**Spatial Planning Unit
Minerals and Waste Policy Team
CHN216
County Hall
Pegs Lane
Hertford, Herts SG13 8DF
www.hertfordshire.gov.uk**

Tel: 01992 556275
Email: MineralsandWaste@hertfordshire.gov.uk
My ref: SPEU/EC
Your ref: 3/23/1447/OUT
Date: 23/08/2023

Dear Sir or Madam,

Location: Land East Of The A10 Buntingford Hertfordshire
Proposal: Outline planning for the development of 350 dwellings, with up to 4,400 sqm of commercial and services floorspace (Use Class E and B8) and up to 500 sqm of retail floorspace (Use Classes E) and other associated works including drainage, access into the site from the A10 and Luynes Rise (but not access within the site), allotments, public open space and landscaping.
Application Number: 3/23/1447/OUT

I am writing in response to the above planning application insofar as it raises issues in connection with minerals and waste matters. Should the District Council be minded to permit this Outline application, a number of detailed matters should be given careful consideration.

Minerals

In relation to minerals, the site is located entirely beyond the 'Sand and Gravel Belt' as identified in Hertfordshire County Council's Minerals Local Plan 2002 – 2016, adopted 2007. The Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. However, it should be noted that British Geological Survey (BGS) data identifies superficial sand and gravel deposits on and beyond but adjacent to parts of the site on which the application falls.

The County Council, as the Minerals Planning Authority, identifies the entirety of the Sand and Gravel Belt together with the identified resource blocks outside the Sand

and Gravel Belt, as Mineral Consultation Areas. Planning applications submitted to the District and Borough Councils for non-minerals development that fall within a Mineral Consultation Area (other than applications which meet the 'excluded development' criteria), may not be determined until the county council has been given the opportunity to comment on whether the proposal would unacceptably sterilise mineral resources. In accordance with paragraph 212 of the NPPF development proposals in Mineral Safeguarding Areas that might constrain potential future use for mineral working should not normally be permitted.

Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed for use on site as part of the development. This may include excavating the foundations and footings or landscaping works associated with the development.

Whilst the application site does lie entirely beyond the 'Sand and Gravel Belt', given that the latest available British Geological Survey data indicates there are superficial sand and gravel deposits on and beyond but adjacent to parts of the application site, the County Council, as the Minerals Planning Authority, would like to encourage the opportunistic use of sand and gravel deposits within the development, should any be found when creating the foundations/footings. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources.

Waste

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste Development Plan Documents (DPDs). In particular, these documents seek to promote the sustainable management of waste in the county and encourage Local Planning Authorities to have regard to the potential for minimising waste generated by development.

The National Planning Policy for Waste (October 2014) sets out the following:

'When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:

- *the likely impact of proposed, non- waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- *new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*

- *the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'*

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies in the adopted Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document (DPD) 2012. The policies that relate to this proposal are set out below:

- Policy 1: Strategy for the Provision for Waste Management Facilities;
- Policy 2: Waste Prevention and Reduction; and
- Policy 12: Sustainable Design, Construction and Demolition.

In determining the planning application, the Local Planning Authority is urged to pay due regard to these policies and ensure their objectives are met. Many of the policy requirements can be met through the imposition of planning conditions. As a general point, built development should have regard to the overall infrastructure required to support it, including where appropriate a sufficient number of waste storage areas that should be integrated accordingly and facilitate the separate storage of recyclable wastes.

Site Waste Management Plan

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste will be taken to.

A development of this size would require consideration of the need to minimise wastes generated during demolition, construction and subsequent operational phase of the proposed development, encouraging the re-use of unavoidable waste where possible and the use of recycled materials where appropriate. The applicant commitment to this is noted in the 'Sustainability Checklist' that accompanies the planning application.

However, the County Council, as Waste Planning Authority would expect to see a SWMP prepared to support this project. The SWMP must be prepared and agreed in consultation with the Waste Planning Authority prior to commencement of the development. The SWMP must be implemented throughout the duration of the development, from initial site preparation works, through final completion of the construction phase, and during the operational phase of the proposed development.

By preparing a SWMP prior to commencement, early decisions can be made relating to the management of waste arisings and building supplies made from recycled and secondary materials can be sourced, to help alleviate the demand for primary materials such as virgin sand and gravel. Early planning for waste arisings will help to establish what types of containers/skips are required for the project and when

segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste from the site.

It is noted that bin/skip storage is proposed and illustrated within the proposed drawings, and that the District Council's waste management team will no doubt comment on those matters in detail in respect of the operational phase waste management requirements, details of which should be reflected in the SWMP.

As a minimum, the SWMP should include the following:

Project and People

- Identification of the client
- Identification of the Principal Contractor
- Identification of the person who drafted the SWMP
- Location of the site
- An estimated cost of the project
- Declaration that the client and contractor will comply with the requirements of Duty of care that materials will be handled efficiently and waste managed appropriately (Section 34 of Environmental Protection Act 1990 and Environmental Protection (Duty of Care) Regs 1991)

Estimating Waste

- A description of the types of waste that are expected to arise on site (recorded through the use of 6-digit European Waste Catalogue codes) and an estimated quantity for each of the types (in tonnes)
- Waste management actions for each waste type (i.e., will the waste be re-used, recycled, recovered or disposed)

Space for Later Recordings

- Space for the recording of actual figures against the estimated figures
- Space for the recording and identification of those responsible for removing the waste from site and details of the sites they will be taking it too
- Space to record explanations for any deviations from what has been set out in the SWMP, including explanations for differences in actual waste arisings compared to the estimates

If a SWMP is not submitted pre-determination, the Waste Planning Authority requests the following pre-commencement condition be attached to any approved planning application:

Condition: *Before the commencement of the development hereby permitted, a Site Waste Management Plan (SWMP) for the approved development shall be submitted to and approved in writing by the Local Planning Authority following consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and*

quantities of waste to arise from construction and waste management actions for each waste type during construction and operation of the development hereby permitted. The development shall be carried out in accordance with the approved SWMP for the duration of the development hereby permitted.

Reason: *To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).'*

Employment Land Area of Search

The development site is located close to the Employment Land Area of Search (ELAS) 187 'Former Sunnyside Nursery and Adjoining Site'.

The Waste Site Allocations Development Plan Document 2011-2026 (adopted July 2014) identifies several ELAS. It is considered that ELAS predominantly used for general industry (B2) and storage and distribution (B8) are potentially compatible with waste management uses.

The District Council should be mindful of ELAS187 and its potential to support future waste management development.

For more information regarding the ELAS, please use the the link below to view the adopted Waste Site Allocations Document and accompanying ELAS Supplementary Planning Document.

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

It is noted that the applicant acknowledges the presence of a sewage treatment works adjacent to the southeast of the application site in Table 2-1 and 3 no. waste management facilities in the vicinity of the application site in Table 4-3 of the 'Geo-Environmental and Geotechnical Preliminary Risk Assessment' report submitted as part of the planning application.

Existing Waste Facilities

The applicant acknowledges the presence of a sewage treatment works adjacent to the southeast of the application site in Table 2-1 and 3 no. waste management facilities in the vicinity of the application site in Table 4-3 of the 'Geo-Environmental and Geotechnical Preliminary Risk Assessment' report submitted as part of the planning application.

These facilities are safeguarded under Policy 5: Safeguarding of Sites, of the Waste Core Strategy and Development Management Policies DPD. Policy 5 is clear that the County Council will oppose development proposals which are likely to prevent or prejudice the use of land identified or safeguarded for waste management purposes, unless alternative or enhanced provision is made for a facility dealing with the

equivalent (or greater) waste capacity, or where it can be demonstrated that the need for those facilities can no longer be justified.

The 'Agent of Change' principle (National Planning Policy Framework paragraph 187) is clear that planning decisions on new developments should ensure integration with existing business such that they do not have unreasonable restrictions placed upon them. The Local Planning Authority would need to satisfy itself that the design of the proposal has taken into account the need to mitigate any negative impacts (such as noise, dust and odour) arising from the proximity to the waste facilities, as referenced in Section 6 of the submitted Planning Statement. Otherwise, the proposal would be considered contrary to Policy 5: Safeguarding of Sites, of the Waste Core Strategy and Development Management Policies DPD.

The applicant should consider the HGV movements to and from the waste facilities and the impacts that this proposal would have on road users associated with these facilities and other road users, should this proposal be approved. The Waste Planning Authority would not wish to see the movements from the existing waste facilities negatively impacted and it is recommended that full assessment of this impact/risk be carried out.

Yours sincerely,

Emma Chapman



Senior Planning Officer- Minerals and Waste Policy