

HERTFORDSHIRE COUNTY COUNCIL

CABINET

MONDAY, 2 NOVEMBER 2015 AT 2.00PM

COUNTY COUNCIL

TUESDAY, 10 NOVEMBER 2015 AT 10.00AM

Agenda Item No.

6

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(See Council
Agenda for item
number)

ADOPTION OF THE WASTE LOCAL PLAN, EMPLOYMENT LAND AREAS OF SEARCH SUPPLEMENTARY PLANNING DOCUMENT

Report of the Chief Executive and Director Environment

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1. Purpose of report

1.1 To present to Members the outcome of the public consultation undertaken on the draft Waste Local Plan, Employment Land Areas of Search Supplementary Planning Document (attached as Appendix 1 to this report) and to seek approval for the adoption of the document, which is attached as Appendix 2 to the report.

2. Summary

2.1 Appendix A of the adopted Waste Site Allocations document (July 2014), stipulates that the County Council will produce a supplementary planning document (SPD) which specifically relates to the 60 employment land areas of search (ELAS) that are contained within the Waste Site Allocations document. The 60 ELAS (along with the eight allocated sites that are also identified within the Waste Site Allocations document) are considered suitable locations within the County for waste management development.

2.2 The purpose of a SPD is to provide more detailed advice or guidance on the content of a Local Plan. The primary aim of this ELAS SPD is to provide further planning guidance for waste related development on the identified ELAS within the Waste Site Allocations document. It is important to note that

the ELAS SPD does not identify new waste sites, nor does it introduce new policies in addition to those contained within the Waste Local Plan.¹

- 2.3 Supplementary planning documents do not form part of the statutory development plan.² However, they are capable of being a material consideration when determining planning applications. This document will need to be read in conjunction with the Hertfordshire Waste Local Plan, which provides an up-to-date framework for waste planning in Hertfordshire over a fifteen year period from 2011-2026.
- 2.4 It is envisaged that the SPD will be used by applicants wishing to develop waste management facilities on any of the ELAS. It will also be used by the Waste Planning Authority's Development Management team, as a material consideration when determining planning applications for waste management development on the ELAS and by district/borough local planning authorities when commenting on planning applications.
- 2.5 A draft consultation version of the ELAS SPD was presented to Cabinet Panel Members in April and approval for a six week public consultation was granted by Cabinet in May. The consultation period commenced on 29 May and lasted until 10 July 2015.

3. Recommendation

- 3.1 The Environment, Planning and Transport Cabinet Panel will consider a report on this item of business at its meeting on 22 October 2015. The Panel will be invited to note the schedule of responses to the consultation and the response to them (Appendix 1) and to recommend to Cabinet that Cabinet recommends adoption of the SPD set out in Appendix 2 to the report to full Council.
- 3.2 The Panel's recommendation/s to Cabinet will be reported orally at the Cabinet meeting and circulated to Members in the Order of Business sheet.
- 3.3 Cabinet's recommendation to Council will be set out in the Council's Order Sheet.

4. Background to the ELAS SPD

- 4.1 The adopted Waste Site Allocations document contains 60 Employment Land Areas of Search (ELAS) throughout the County, where waste management facilities are considered to be acceptable 'in principle.' The eight allocated sites that are also contained within the adopted Waste Site Allocations document are specific sites where waste management development would also be acceptable. Each allocated site is supported by a waste site brief which includes a summary of the key planning issues that have been

¹ The Hertfordshire Waste Local Plan consists of the Waste Core Strategy & Development Management Policies document (adopted in November 2012) and the Waste Site Allocations document (adopted in July 2014).

² The statutory development plan consists of the Hertfordshire Minerals and Waste Local Plans, district/borough local plans and any Neighbourhood Plans.

identified for each allocated site, along with a description of any detailed assessments that may be required at the planning application stage.

- 4.2 The 60 ELAS are supported by a general waste brief within the Waste Site Allocations document which has a similar format to that of the waste site briefs which accompany each allocated site. However, the general waste brief that supports the 60 ELAS is not specific to any of the identified ELAS. Because of this, the Waste Planning Authority considers that each ELAS should be supported by additional guidance that identifies the key planning issues for each ELAS.
- 4.3 The SPD attached to Appendix 2 to the report is considered to address this issue by containing further planning guidance for each of the 60 ELAS. It also suggests the types of detailed assessments that may be required at the planning application stage, which are currently outlined in the general waste brief for the 60 ELAS. The document does not identify potential waste management facilities for each ELAS, as these are listed in the general waste brief.

5. The ELAS SPD

- 5.1 Public consultation on the draft ELAS SPD was in conducted in accordance with regulations 12 and 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the County Council's Statement of Community Involvement (SCI) (January 2013). Statutory bodies and organisations that are listed in Appendix 1 of the SCI were consulted, along with all parish and town councils, district/borough councils and neighbouring planning authorities. The Waste Planning Authority also consulted other organisations and groups that are considered relevant to waste planning.
- 5.2 The Council received 60 representations from 19 separate respondents during the six week public consultation period. A summary of these representations and the County Council's responses to them are listed in Appendix 1 to the report. The majority of the responses received related to specific issues that were identified within individual ELAS. Where appropriate, suggested amendments to the ELAS SPD that were made during the consultation period, have been incorporated into the draft document proposed for adoption.
- 5.3 Similar to the draft consultation version, the revised ELAS SPD has been divided into a number of chapters. These are summarised below:
- 5.4 Chapter 1: Introduction summarises the context of the ELAS SPD, its purpose in terms of providing greater detail into the 60 ELAS and its relationship with the adopted Hertfordshire Waste Local Plan.
- 5.5 Chapter 2: Planning Policy Context outlines the relevant sections of the National Planning Policy Framework (NPPF) and The Town & Country Planning (Local Planning) (England) Regulations 2012 that state how a SPD should be produced and published for consultation.

- 5.6 Supplementary planning documents must relate to policies within an adopted local plan. This chapter also sets out the relationship of the SPD to the Waste Local Plan, together with the district/borough local plan policies. In addition, chapter 2 also explains the national policy context for the suitability of employment land to accommodate waste management facilities along with how applications for waste management development will be dealt with on employment land that is not designated as an ELAS, should this arise.
- 5.7 Chapter 3: Traffic Light Ranking describes in greater detail the traffic light coding that has been used for groundwater, access and size and how these will be used in the determination of planning applications. The traffic light ranking (red/amber/green) that has been given for each ELAS provides a snap shot of current groundwater conditions, current access arrangements and size of each ELAS at the time of producing the documents. The traffic light ranking therefore provides an initial indication of the status of these issues.
- 5.8 Chapter 4: Index of Employment Land Areas of Search lists the 60 ELAS that are described in further detail throughout Chapters 5-14 and the need to assess the potential for cumulative impacts when considering the potential impact upon waste management proposals within an ELAS.
- 5.9 There is also recognition within this chapter of the possibility of some areas of employment land being developed for housing, in line with the Government's new permitted development rights of office to residential. It is recognised that over time, this could have an impact upon the ELAS, depending upon the scale of residential development that might occur in the future.
- 5.10 Chapters 5-14 Index of ELAS in each 10 District/Borough lists all 60 ELAS in district order and identifies key planning issues for each ELAS, which should be considered at the planning application stage. The traffic light ranking for each ELAS is also summarised along with the basic summary of the size, location and current planning status of each ELAS. A list of detailed assessments that may be required at the planning application stage is also listed for each ELAS, which is based upon the key planning issues that have been identified for each ELAS.

6. Strategic Environmental Assessment (SEA)

- 6.1 Consultants undertook a screening exercise and concluded that the ELAS SPD is subject to the Strategic Environmental Assessment (SEA) Directive requirements as it is considered to have significant effects (either positive or negative) on the environment. Historic England (previously English Heritage), Natural England and the Environment Agency were consulted on the scope of the appraisal, prior to the commencement of the public consultation period on the ELAS SPD.
- 6.2 The ELAS SPD has been subjected to a SEA , which assessed the potential environmental effects for each of the 60 ELAS that may arise from the implementation of this document. The recommendations outlined in Chapter 5 of the SEA Report were incorporated into the consultation version of the

document where appropriate and subsequently into the draft document proposed for adoption. It is intended that the final SEA will be published along with the adopted ELAS SPD. The recommendations required the following:

- three of the ELAS to include a requirement in their waste briefs for an air quality assessment of the potential for air pollution to affect the Lee Valley SPA/Ramsar site if a thermal treatment facility were to come forward;
- three of the ELAS to include a requirement in their waste briefs for an air quality assessment of the potential for air pollution to affect Wormley Hoddesdon Park Woods SAC site if a thermal treatment facility were to come forward;
- four of the ELAS to include a requirement for transport assessments to also include an assessment of the potential for air pollution from waste transport travelling to and from any waste facility on these ELAS to affect the Wormley Hoddesdon Park Woods SAC.

7. The Adoption Process

- 7.1 In order for the Waste Local Plan, Employment Land Areas of Search Supplementary Planning Document to be adopted, a set procedure must be followed, both in accordance with the County Council's own Constitution and the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 7.2 Part 5, Regulation 14 of the 2012 Regulations prescribe the procedure in which local planning authorities shall adopt a SPD. Once the ELAS SPD has been presented to Cabinet and County Council, the outcome will be publicised. Copies of the ELAS SPD will be made available at all public deposit points³ in the County, at County Hall reception and on the County Council's website. A Statement of Adoption will also be drafted and sent to those who requested it.
- 7.3 Previous planning regulations required all local planning authorities to place advertisements (legal notices) in (paid for) newspapers covering the geographical area of the plan. The 2012 Regulations no longer require these advertisements and the County Council's 2013 SCI reflects this.

8. Next Steps

- 8.1 The prescribed stages of the plan-making process have been followed for the waste planning documents. The 2012 Regulations do not require SPDs to be submitted to the Secretary of State for examination, prior to formal adoption. Following consideration of this matter by Cabinet the revised ELAS SPD will be presented to County Council on the 10 November for consideration and decision.
- 8.2 The outcome of the County Council meeting will be publicised in line with the requirements set out in the 2012 Regulations and the County Council's adopted 2013 SCI.

³ Public deposit points consist of district/borough council offices and all libraries in Hertfordshire.

9. Financial Implications

- 9.1 The costs of producing the Waste Local Plan, Employment Land Areas of Search Supplementary Planning Document (printing, distribution, adverts etc) and employing consultants to carry out the required SEA are included in existing budgets.

10. Equality Impact Assessment (EqIA)

- 10.1 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.
- 10.2 Rigorous consideration will ensure that 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 makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 10.3 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.
- 10.4 It is not anticipated that people with protected characteristics will be affected disproportionately by the proposals set out in the report, as the ELAS SPD does not allocate new sites or introduce new policies in addition to those contained within the adopted Waste Local Plan. An addendum to the Waste Site Allocations EqIA has been produced for the ELAS SPD and is attached as Appendix 5 to the report.

Appendix 1 – Summary of Representations to the ELAS SPD Consultation

Appendix 2 – Waste Local Plan, Employment Land Areas of Search Supplementary Planning Document (Draft for Adoption);

Appendix 3 – Waste Brief for all Employment Land Areas of Waste Brief;

Appendix 4 – List of Allocated Sites and Employment Land Areas of Search contained in the adopted Waste Site Allocations document (in district order).

Appendix 5 - Addendum to the Waste Site Allocations EqIA for the ELAS SPD

Background Information:

Strategic Environmental Assessment for the ELAS SPD, Adopted Version (September 2015), LUC

Non-Technical Summary, Strategic Environmental Assessment for the ELAS SPD, Adopted Version (September 2015), LUC

Waste Core Strategy and Development Management Policies document (adopted November 2012), <http://www.hertsdirect.org/docs/pdf/w/twcsadmpd.pdf>

Waste Site Allocations document (adopted July 2014), <http://www.hertsdirect.org/docs/pdf/w/wsaalldoc.pdf>

Minerals and Waste Development Scheme (adopted November 2014), <http://www.hertsdirect.org/services/envplan/plan/hccdevplan/mwds/>

The National Planning Policy Framework (2012), DCLG https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Town and Country Planning (Local Planning) (England) Regulations 2012 http://www.legislation.gov.uk/uksi/2012/767/pdfs/uksi_20120767_en.pdf

Report to Environment, Planning and Transport Cabinet Panel, October 2015