

# **Agenda Reports & Other Papers**

Presented to the  
Meeting of the  
County Council on  
**Tuesday**  
**21 November 2017**



# HERTFORDSHIRE COUNTY COUNCIL

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## THE COUNTY COUNCIL

## SUMMONS AND AGENDA

for the meeting to be held on Tuesday, 21 November 2017 at 10.00 a.m. in the Council Chamber, County Hall, Hertford.

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### GROUP MEETINGS

<b>Conservative Group</b>	<b>9.00 am Tuesday, 21 November 2017</b>	<b>Council Chamber</b>
<b>Liberal Democrat Group</b>	<b>8.30 am Tuesday, 21 November 2017</b>	<b>Committee Room C</b>
<b>Labour Group</b>	<b>9.00 am Tuesday, 21 November 2017</b>	<b>Group Room</b>

PRAYERS at 9.50 a.m.

Prayers led by Mr David Cansdale, Lay Minister at Christ Church, Chorleywood

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Members are reminded that all equalities implications and equalities impact assessments undertaken in relation to any matter on this agenda must be rigorously considered prior to any decision being reached on that matter.

Members are reminded that:

- (1) if they consider that they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting they must declare that interest and must not participate in or vote on that matter unless a dispensation has been granted by the Standards Committee;
- (2) if they consider that they have a Declarable Interest (as defined in paragraph 5.3 of the Code of Conduct for Members) in any matter to be considered at the meeting they must declare the existence and nature of that interest but they can speak and vote on the matter.

### PART I (PUBLIC) AGENDA

#### 1. MINUTES

To confirm the Minutes of the meeting of the Council held at 10.00am on 18 July 2017 (circulated separately).

#### 2. CHAIRMAN'S ANNOUNCEMENTS

#### 3. APPOINTMENT OF LEADER OF THE COUNCIL

To appoint a Leader of the Council in accordance with Section 7 of the Constitution to hold office for the period ending with the day of the Annual Meeting of the Council following the next ordinary election of County Councillors in May 2021.

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**4. LOCAL GOVERNMENT ACT 1972 – SECTION 85**

To consider any applications received under Section 85 of the Local Government Act 1972 which provides that if a Member of a local authority fails throughout a period of 6 consecutive months to attend a meeting of the Authority, as defined in the Act, they cease to be a Member, unless the failure is due to a reason approved by the Authority before the expiry of the 6 month period.

**5. PUBLIC QUESTIONS - STANDING ORDER 8(10)**

To deal with questions from any member of the public being resident in or a registered local government elector of Hertfordshire, to the Leader of the Council and Executive Members about the policies and /or strategic priorities of the Council or about any matter over which the Council has power or which directly affects the County.

**6. PUBLIC PETITIONS - STANDING ORDER 15**

The opportunity for any member of the public, being resident in Hertfordshire, to present a petition relating to a matter over which the County Council has control, containing 1,000 or more signatories who are either resident in or who work in Hertfordshire.

Notification of intent to present a petition must have been given to the Chief Legal Officer at least 20 clear days before the meeting where an item relating to the subject matter of the petition does not appear in the agenda, or at least 5 clear days where the item is the subject of a report already on the agenda.

[Members of the public who are considering raising an issue of concern via a petition are advised to contact their local County Councillor <http://www.hertfordshire.gov.uk/your-council/>

The Council's arrangements for the receipt of petitions are set out in [Annex 22 - Petitions Scheme](#) of the Constitution].

If you have any queries about the petitions procedure for this meeting please contact Elaine Shell, Democratic Services Manager, by telephone on (01992) 555565 or by email to [elaine.shell@hertfordshire.gov.uk](mailto:elaine.shell@hertfordshire.gov.uk)

**7. OFFICER REPORTS RELEVANT TO EXECUTIVE PORTFOLIOS**

**7A. APPROVAL TO UNDERTAKE A PUBLIC CONSULTATION ON THE DRAFT MINERALS LOCAL PLAN 2016 – 2031 INCLUDING POLICIES AND PROPOSED SPECIFIC SITES, PREFERRED AND/OR AREAS OF SEARCH FOR MINERAL EXTRACTION**

Portfolio: Environment, Planning and Transport

Report of the Chief Executive and Director of Environment

***This report is also being considered by the Cabinet at its meeting on 13 November 2017 and has been circulated to all Members of the County Council under separate cover. Please bring the report with you.***

**7B. APPROVAL TO UNDERTAKE AN INITIAL CONSULTATION ON THE REVIEW OF THE WASTE LOCAL PLAN**

Portfolio: Environment, Planning and Transport

Report of the Chief Executive and Director of Environment

***This report is also being considered by the Cabinet at its meeting on 13 November 2017 and has been circulated to all Members of the County Council under separate cover. Please bring the report with you.***

**7C. YOUTH JUSTICE PLAN**

Portfolio: Children's Services

Report of the Director of Children's Services

***This report is also being considered by the Cabinet at its meeting on 13 November 2017 and has been circulated to all Members of the County Council under separate cover. Please bring the report with you.***

**8. EXECUTIVE REPORT TO COUNTY COUNCIL**

Report of the Executive (attached).

**9. QUESTIONS TO EXECUTIVE MEMBERS**

To deal with questions from Members of the Council to the Leader of the Council and Executive Members.

**10. REPORT FROM THE OVERVIEW AND SCRUTINY COMMITTEE**

Report of the Chairman of the Overview and Scrutiny Committee (attached)

**11. REPORT FROM THE HEALTH SCRUTINY COMMITTEE**

Report of the Chairman of the Health Scrutiny Committee (attached)

**12. REVIEW OF THE COUNTY COUNCIL'S FINANCIAL REGULATIONS**

Joint report of the Director of Resources and the Chief Legal Officer

***This report is also being considered by the Cabinet at its meeting on 13 November 2017 and has been circulated to all Members of the County Council under separate cover. Please bring the report with you.***

**13. CHANGES TO THE COUNTY COUNCIL'S CONSTITUTION**

Report of the Chief Legal Officer

***This report is also being considered by the Cabinet at its meeting on 13 November 2017 and has been circulated to all Members of the County Council under separate cover. Please bring the report with you.***

**14. REPRESENTATION ON THE LOCAL GOVERNMENT ASSOCIATION AND COUNTY COUNCIL'S NETWORK**

To appoint one representative to serve on the Local Government Association General Assembly and one representative to serve on the County Council's Network until the Annual Meeting of the Council next following (22 May 2018) to fill the vacancy on each of these outside bodies.

**15. NOTICES OF MOTION – STANDING ORDER 9 (6)**

**15A. J Billing** to move (seconder: ):-

*“Hertfordshire County Council recognises and values the work of its employees, school workers and those across the public sector.*

*It acknowledges that the Government’s imposition over many years of a pay freeze and public sector pay cap of 1% has resulted in wages in the public sector falling considerably behind both price inflation and the rise in earnings in the private sector. This has meant a real terms pay cut for our employees, causing some families to live in increasing poverty. It has also led to difficulties in recruitment and made public sector employees feel undervalued.*

*This Council urges Government to scrap the public sector pay cap. We also urge the Government to adequately fund councils to pay their staff a decent pay rise in line with the cost of living.”*



**KATHRYN PETTITT  
CHIEF LEGAL OFFICER**

Full copies of all reports may be found on the internet at  
<https://cmis.hertfordshire.gov.uk/hertfordshire/CabinetandCommittees.aspx>

# Minutes



To: All Members of the Council  
Chief Executive, Chief Officers

From: Legal, Democratic & Statutory Services  
Ask for: Elaine Shell  
Ext: 25565

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MINUTES of the Meeting of the County Council held at County Hall, Hertford, on Tuesday, 18 July 2017.

## MEMBERS IN ATTENDANCE

D Andrews	J M Graham	R G Parker
D A Ashley	F Guest	A Plancey
D J Barnard	J S Hale	S Quilty
S Bedford	D Hart	N A Quinton
N Bell	K M Hastrick	I M Reay
J Bennett Lovell	C M Hayward	R M Roberts
J Billing	M S Hearn	A F Rowlands
S N Bloxham	T C Heritage	R Sangster
S J Boulton	D J Hewitt	R H Smith
A P Brewster	F R G Hill	A Stevenson
M Bright	C K Hogg	S J Taylor
S Brown	N A Hollinghurst	R A C Thake (Chairman)
E H Buckmaster	T W Hone	R G Tindall
F Button	T Howard	A S B Walkington
L A Chesterman	T R Hutchings	M A Watkin
C Clapper	S K Jarvis	J A West
H K Crofton	J R Jones	C J White
T L F Douris	J S Kaye	J D Williams
D S Drury	A K Khan	T J Williams
M A Eames-Petersen	J G L King	C B Woodward
S J Featherstone	P V Mason	C B Wyatt-Lowe
B A Gibson	G McAndrew	W J Wyatt-Lowe
S B A F H Giles-Medhurst	M B J Mills-Bishop	J F Wyllie
R I N Gordon	M D M Muir	P M Zukowskyj
S Gordon		

Upon consideration of the agenda for the Annual Meeting of the County Council held on 18 July 2017, as circulated, action was taken or decisions were reached as follows:-

**CHAIRMAN'S  
INITIALS**

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**1. MINUTES**

- 1.1 The Minutes of the Annual Meeting of the Council held on 23 May 2017 were confirmed as a correct record and were signed by the Chairman.
  
- 1.2 The Minutes of the Extraordinary Meeting of the Council held on 23 May 2017 were confirmed as a correct record and were signed by the Chairman.

**ORDER OF BUSINESS**

At the invitation of the Chairman the Council agreed to vary the order of business and take agenda items 3 'Public Questions' and 4 'Public Petitions' at this point in the meeting as a courtesy to members of the public attending for these items of business.

(The Minutes of these items of business are set out below in original agenda order).

**2. CHAIRMAN'S ANNOUNCEMENTS**

**(a) CHARTERED INSTITUTION OF HIGHWAYS & TRANSPORTATION (CIHT) NATIONAL SUSTAINABILITY AWARD**

The Chairman announced that the County Council and Ringway Infrastructure Services joint project to convert Hertfordshire's street lights to LED had won the Chartered Institution of Highways and Transportation National Sustainability Award.

The Sustainability Award recognised transportation projects or strategies that could demonstrate a contribution to sustainable working practices. The County was praised for its innovative approach to save energy by cutting carbon emissions and reducing light pollution whilst delivering value for money for residents.

Council congratulated those involved.

**(b) HEALTH SERVICE JOURNAL: AWARD FOR WORKFORCE EFFICIENCY**

Council was advised that Hertfordshire Care Providers Association, Hertfordshire County Council, and NHS East and North Hertfordshire Clinical Commissioning Group had won the Workforce efficiency Award

**CHAIRMAN'S  
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at the 2017 HSJ Value in Health Awards. The award recognised and celebrated outstanding improvement in quality of care and efficiency throughout the NHS. Council congratulated all involved.

**(c) MUNICIPAL JOURNAL LOCAL GOVERNMENT ACHIEVEMENT AWARDS 2017**

The Chairman advised Council that Hertfordshire had been a finalist for the Municipal Journal Local Government Achievement Awards in 2 categories:-

1. The 'Delivering Better Outcomes' category, which recognised councils delivering improved outcomes for residents in the challenging financial climate. The Council was 'highly commended' in this category for the development of its new online care home bed booking system 'Herts Care Search' which provided live information about care home bed availability in Hertfordshire; and
2. The Children's Services Learning & Impact category; the entry for which was also highly commended.

Council congratulated those involved.

**(d) THE HERTFORDSHIRE PRIDE AWARDS**

Council congratulated Hertfordshire County Council Public Health which had been awarded a "Pride Partner of the Year" Award in the Hertfordshire Pride Awards for being an organisation which had supported and contributed to Herts Pride and helped ensure its success.

**(e) ANNUAL VOLUNTEER IN MANAGEMENT AWARDS: HERTS FIRE AND RESCUE SERVICE**

Council congratulated Hertfordshire Fire and Rescue Service on being awarded first place at the Annual Volunteer in Management Awards on 6 June 2017. This award was presented by the Volunteer Centres in Hertfordshire and recognised the commitment that organisations provided to support their volunteering staff.

**(f) JIM McMANUS: GENERATION Q QUALITY IMPROVEMENT FELLOWSHIP**

The Chairman advised Council that the Health Foundation, an independent health charity and think tank, had selected Jim McManus, Director of Public Health, as one of 18 senior health care professionals

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to become a Generation Q Quality Improvement Fellow, out of 400 candidates. Generation Q supported fellows' work on an improvement project in their own organisation. Jim McManus was the first Director of Public Health to be selected for a Generation Q Fellowship and would be using the Fellowship support to work on the Prevention programme approach for Hertfordshire. Council congratulated Jim on this achievement.

**(g) TES SCHOOLS AWARDS: ALAN GRAY FROM SANDRINGHAM SCHOOL, ST ALBANS**

Council congratulated Alan Gray from Sandringham School who had been named Headteacher of the Year in the TES Schools Awards. In making the award, the Judges said *"Alan Gray is an exceptional headteacher. He has led his own school to greatness and has found time to support other schools both locally and internationally. His exciting 'can do' approach to educational achievement is an inspiration"*.

**(h) 'YOU'RE A STAR AWARDS' AND 'LONG SERVICE AWARDS'**

The Chairman advised Council that he had had the pleasure of hosting the '40 Year Long Service Awards' to 10 members of staff on 12 June, and the 'You're a Star' Awards for a further 12 members of staff on 14 July. Council congratulated all of them for their service.

**(i) ST JULIEN MEMORIAL TO THE HERTFORDSHIRE REGIMENT**

Council was advised that there would be some local events in the County connected with the unveiling of the memorial to the Hertfordshire Regiment and the centenary of the battle just outside Ypres on 31 July 1917. Council noted that County Councillor Eric Buckmaster would be travelling to St Julien to witness the unveiling and to take part in the wider international commemorations.

**(j) COMIC RELIEF OUTSTANDING FUNDRAISING AWARD**

The Chairman announced that Hertfordshire County Council had been selected as a winner of the Outstanding Fundraiser Award from Red Nose Day 2017. The award was in recognition of the fund raising efforts of the staff and members at Hertfordshire County Council for the last seventeen years who had taken part in book stalls, cake sales, red raffles, sweepstakes, coppers collections, wear red to work days, sponsored walks, health walks, quiz nights, bake offs, sweet stalls and the 'big red car wash'.

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**(j) CHILDREN IN CARE COUNCIL ANNUAL REPORT**

The Chairman reminded Council that representatives from the Children in Care Council would be presenting their annual report to Council at 2.00pm that afternoon in the Council Chamber.

**3. PUBLIC QUESTIONS – STANDING ORDER 8(10)**

**3A. 3.1 David Josephs asked Teresa Heritage, the Executive Member for Children’s Services, the following question:-**

*“In light of Herts Valleys Clinical Commissioning Group’s decision to withdraw funding from Nascot Lawn from 31<sup>st</sup> October and, in light of the unrealistic timescale given to Herts County Council to make assessments and make alternative provision when at the time of writing, despite claims to the contrary, only 7 out of 22 families who responded had even been contacted to say an assessment would be arranged, that*

- a) Herts County Council works with Herts Valleys Clinical Commissioning Group and Herts Community Trust to ensure funding is maintained until at least 31<sup>st</sup> March 2018; and*
- b) for Herts County Council to consider use of part of its reserve/underspend to ease the risk of a serious health and safeguarding issue resulting from this threatened withdrawal of funding.”*

**3.2 T C Heritage, Executive Member for Children’s Services provided the following response:-**

*“Officers from Hertfordshire County Council are working closely with colleagues from both Clinical Commissioning Groups and Hertfordshire Community Trust as well as with parents both individually and collectively in a sincere effort to find solutions in this very difficult situation. Notwithstanding the decisions by Herts Valleys CCG, the County Council will fully discharge its responsibility to provide short break services to ensure that the social care needs of children are met. As I say, the County Council will fully discharge its social care responsibilities around short breaks and will do so even should this lead to budgetary overspend. Joint assessments between health and social care colleagues will ensure the children’s needs continue to be met and all risks will be managed and addressed in partnerships with parents and carer’s. I will say more in my speech later.”*

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**3.3 David Joseph's** asked **Teresa Heritage**, the Executive Member for Children's Services, the following supplementary question:-

Mr Joseph preceded his supplementary question with a statement.

*"Will you meet with Herts Valleys CCG this week and offer to go halves with them; please councillors I ask you to stop this emergency from becoming a senseless tragedy?"*

**3.4 Teresa Heritage**, the Executive Member for Children's Services, provided the following response:-

*"I hear what you say, thank you very much for your passionate words I know we've spoken about your son a few times over the years as well. I do appreciate and understand the families' concern. As I have said, we will support these families but I will say more in my speech if that's ok. I don't want to repeat myself. I have it there all written down and when I respond to the motion around the petition I will say more then if I may?"*

**4. PUBLIC PETITIONS – STANDING ORDER 15**

**4A. 4.1 Nikki Lancaster** presented a petition with more than 1,000 signatures in the following terms:-

*"SAVE NHS Nascot Lawn Children's Respite Services*

*On Friday 16th June, many families across Hertfordshire received the devastating news that due to NHS budget cuts funding for Nascot Lawn Children's Respite Service will be no more. Nascot Lawn will therefore close on 31st October 2017.*

*Nascot Lawn Respite Services provide regular overnight respite and care for children and young adults with severe learning and physical disabilities with additional complex medical needs. A day care service for children under 5 is also provided.*

*Nascot Lawn allows parents and carers to take a much needed break, confident in the knowledge that their child is receiving the highest standard of care by familiar staff. The staff are made up of an experienced team of qualified Learning Disability and Sick Children Nurses and trained Health Care Support Workers. The staff strive to meet all children's and young adult's emotional and physical care needs along provided them with activities that they enjoy. Many of the Parents and Carers see the staff as an extension of their families. Nascot Lawn is described as 'Home from Home'. It deeply saddens us*

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*that the well-loved staff face losing their jobs also.*

*Looking after a loved one can be enormously rewarding, but it can also be both utterly physically and mentally exhausting. Without vital breaks provided by Nascot Lawn Respite Services, carers can often reach breaking point where they can no longer continue and their own physical and mental health deteriorates as a result.*

*On the NHS Nascot Lawn website itself they quote “This care enables families to continue to look after children with very complex needs in their own home”.*

*What is more vital than that?*

*Trust us, we understand how strained the NHS is at the moment. We have first-hand experience of this. BUT how can it be right to cut vital services from the most vulnerable of society.”*

**4.2** The petition was received by **T C Heritage**, Executive Member for Children’s Services.

**4.3** The Chairman reminded Council that the debate on the motion at 4.4 would be in accordance with Standing Orders 11(11) – 11(15).

**4.4** The following motion was proposed by **N Bell** and duly seconded:-

*“Council notes:*

*That on Friday 16th June, Herts Valleys Clinical Commissioning Group (CCG) informed families across Hertfordshire that they would no longer be funding their contribution of £600k towards Hertfordshire Community NHS Trust run Nascot Lawn Children’s Respite Service. Consequently Nascot Lawn will be forced to close on 31st October 2017.*

*Council further notes:*

*That Nascot Lawn Respite Centre provides regular overnight respite and care for a community of 60-80 children and young adults with severe learning and physical disabilities with additional complex medical needs. A day care service for children under 5 is also provided.*

*That Nascot Lawn is the only CCG funded respite centre in Hertfordshire, operated by Hertfordshire Community Trust.*

*That prior to 21<sup>st</sup> April Herts Valleys CCG had been actively working*

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*with officers from the County to provide a more co-ordinated health and social care service based, across respite centres in the county and there was a real expectation that such a service would have been deliverable by March 31<sup>st</sup> 2018.*

*That Nascot Lawn allows parents and carers to take a much needed break, confident in the knowledge that their child is receiving the highest standard of care by familiar staff.*

*That the CCG have been formally placed in 'financial turnaround' by NHS England and £45m savings must be made. Savings will be enforced centrally if the CCG are unable to carry out this level of spending reduction.*

*That since the General Election, ministers including the Chancellor have signalled that a relaxation of austerity measures could form part of the Government's agenda for the forthcoming Parliament.*

**Council believes:**

- That the timescale set for removing services at Nascot Lawn will have a devastating effect on the families who are most in need of support, and that the CCG should reconsider their decision or at least defer the removal of funding until 31<sup>st</sup> March 2018 to enable suitable alternative provision to be found for these families and their children.*
- That providing support for the most vulnerable children in our society is a basic function of a health and care system, and that withdrawing this service will have a disproportionate, negative impact on those who need access to respite care the most.*
- That the £45m savings forced on the CCG by the Government are the reason for this decision and the need for this level of spending reductions should be reassessed by ministers.*
- That the £600k saving that the Herts Valleys CCG will achieve could be significantly less than the additional costs incurred by the County Council in providing replacement services for these families and young people.*
- In the event that the Herts Valleys CCG carry out their threat, that the County Council's Executive looks to use its wider powers to ensure the continuing operation of Nascot Lawn for a further year to enable it to complete its full review of all such services across the county with the aim of creating a service designed to meet both the social and healthcare needs of these children.*

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Council therefore requests:

*That the Executive Member for Children’s Services, as a matter of urgency, writes to the Chief Executive of the Herts Valleys Clinical Commissioning Group to:*

- *Inform them that this Council strongly opposes the closure of the Nascot Lawn respite centre and asks them to reconsider their decision in the light of the harm it will do to some of the most vulnerable and disadvantaged members of our society.*
- *If they are adamant about ceasing the funding, then to delay the cuts until at least April 2018 to give the County Council time to establish suitable alternative provision.*

Council further requests:

*That the Leader of the Council writes to the Secretary of State for Health and the Secretary of State for Communities and Local Government to:*

- *Inform them that the decision to enforce £45m of savings on HVCCG is impacting severely on vital frontline services which cater for the most disadvantaged and vulnerable people in our County. These enforced savings, combined with continuing reductions of £80m to Hertfordshire County Council’s budget have created a situation where it is simply not possible to provide the level of care required to meet the needs of Hertfordshire patients.*
- *Seek Government support to ensure HVCCG and this Council are able to adequately fund health and social care provision in accordance with patient need.*
- *Ask that in the event of austerity measures being relaxed across the UK, Health and Social Care services are prioritised as areas which require immediate additional funding.*

*That the Leader of the Council writes to all eleven Hertfordshire Members of Parliament to seek their assistance in persuading the Secretary of Health to support the above actions.”*

**4.5** The following amendment was proposed by **T C Heritage** and duly seconded:-

*“1<sup>st</sup> bullet point: Delete ‘will’ insert ‘may’, delete ‘until 31<sup>st</sup> March 2018’, insert ‘until’, delete ‘to enable’, delete ‘to be’ insert ‘is’, delete ‘found’ insert ‘secured’*

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*2<sup>nd</sup> bullet point: Delete 'will' insert 'may'*

*3<sup>rd</sup> bullet point: Delete all*

*5<sup>th</sup> bullet point: Delete 'looks to use its wider powers to' insert 'seeks to', delete all after 'ensure' and replace with 'that the needs of the children and families continue to be met whilst the joint health and social care assessments are completed and new plans discussed with families.'*

*After 'Council therefore', delete 'requests' insert 'notes', insert as new start to sentence 'That the Director of Children's Services and the Chief Executive have been in communication with Herts Valleys Clinical Commissioning Group, however requests', after 'Chief Executive' insert 'and Chairman'*

*6<sup>th</sup> bullet point: Delete 'will' insert 'may'*

*8<sup>th</sup> bullet point: Delete all*

*9<sup>th</sup> bullet point: Delete 'HVCCG' insert 'the Hertfordshire CCGs'*

*Delete last sentence and replace with 'Council further notes that the Hertfordshire MPs have already received a briefing from the County Council and requests that the Executive Member for Children's Services writes to them to inform them of this Council's motion, to seek their continued help and support and undertake to keep them updated.'*

*The amended motion to read:-*

*"Council notes:*

*That on Friday 16th June, Herts Valleys Clinical Commissioning Group (CCG) informed families across Hertfordshire that they would no longer be funding their contribution of £600k towards Hertfordshire Community NHS Trust run Nascot Lawn Children's Respite Service. Consequently, Nascot Lawn will be forced to close on 31st October 2017.*

*Council further notes:*

*That Nascot Lawn Respite Centre provides regular overnight respite and care for a community of 60-80 children and young adults with severe learning and physical disabilities with additional complex medical needs. A day care service for children under 5 is also provided.*

*That Nascot Lawn is the only CCG funded respite centre in Hertfordshire, operated by Hertfordshire Community Trust.*

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*That prior to 21<sup>st</sup> April Herts Valleys CCG had been actively working with officers from the County to provide a more co-ordinated health and social care service based, across respite centres in the county and there was a real expectation that such a service would have been deliverable by March 31<sup>st</sup> 2018.*

*That Nascot Lawn allows parents and carers to take a much needed break, confident in the knowledge that their child is receiving the highest standard of care by familiar staff.*

*That the CCG have been formally placed in 'financial turnaround' by NHS England and £45m savings must be made. Savings will be enforced centrally if the CCG are unable to carry out this level of spending reduction.*

*That since the General Election, ministers including the Chancellor have signalled that a relaxation of austerity measures could form part of the Government's agenda for the forthcoming Parliament.*

**Council believes:**

- That the timescale set for removing services at Nascot Lawn may have a devastating effect on the families who are most in need of support, and that the CCG should reconsider their decision or at least defer the removal of funding until suitable alternative provision is secured for these families and their children.*
- That providing support for the most vulnerable children in our society is a basic function of a health and care system, and that withdrawing this service may have a disproportionate, negative impact on those who need access to respite care the most.*
- That the £600k saving that the Herts Valleys CCG will achieve could be significantly less than the additional costs incurred by the County Council in providing replacement services for these families and young people.*
- In the event that the Herts Valleys CCG carry out their threat, that the County Council's Executive seeks to ensure that the needs of the children and families continue to be met whilst the joint health and social care assessments are completed and new plans discussed with families.*

**Council therefore notes :**

*That the Director of Children's Services and the Chief Executive have been in communication with Herts Valleys Clinical Commissioning Group, however requests that the Executive Member for Children's*

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*Services, as a matter of urgency, writes to the Chief Executive and Chairman of the Herts Valleys Clinical Commissioning Group to:*

- Inform them that this Council strongly opposes the closure of the Nascot Lawn respite centre and asks them to reconsider their decision in the light of the harm it may do to some of the most vulnerable and disadvantaged members of our society.*
- If they are adamant about ceasing the funding, then to delay the cuts until at least April 2018 to give the County Council time to establish suitable alternative provision.*

*Council further requests:*

*That the Leader of the Council writes to the Secretary of State for Health and the Secretary of State for Communities and Local Government to:*

- Seek Government support to ensure the Hertfordshire CCG's and this Council are able to adequately fund health and social care provision in accordance with patient need.*
- Ask that in the event of austerity measures being relaxed across the UK, Health and Social Care services are prioritised as areas which require immediate additional funding.*

*Council further notes that the Hertfordshire MPs have already received a briefing from the County Council and requests that the Executive Member for Children's Services writes to them to inform them of this Council's motion, to seek their continued help and support and undertake to keep them updated.'"*

**4.6** The amendment at 4.5 was then voted upon and CARRIED.

**4.7** The substantive motion as set out at 4.5 was then voted upon and CARRIED UNANIMOUSLY as follows:-

*"Council notes:*

*That on Friday 16th June, Herts Valleys Clinical Commissioning Group (CCG) informed families across Hertfordshire that they would no longer be funding their contribution of £600k towards Hertfordshire Community NHS Trust run Nascot Lawn Children's Respite Service. Consequently, Nascot Lawn will be forced to close on 31st October 2017.*

*Council further notes:*

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*That Nascot Lawn Respite Centre provides regular overnight respite and care for a community of 60-80 children and young adults with severe learning and physical disabilities with additional complex medical needs. A day care service for children under 5 is also provided.*

*That Nascot Lawn is the only CCG funded respite centre in Hertfordshire, operated by Hertfordshire Community Trust.*

*That prior to 21<sup>st</sup> April Herts Valleys CCG had been actively working with officers from the County to provide a more co-ordinated health and social care service based, across respite centres in the county and there was a real expectation that such a service would have been deliverable by March 31<sup>st</sup> 2018.*

*That Nascot Lawn allows parents and carers to take a much needed break, confident in the knowledge that their child is receiving the highest standard of care by familiar staff.*

*That the CCG have been formally placed in 'financial turnaround' by NHS England and £45m savings must be made. Savings will be enforced centrally if the CCG are unable to carry out this level of spending reduction.*

*That since the General Election, ministers including the Chancellor have signalled that a relaxation of austerity measures could form part of the Government's agenda for the forthcoming Parliament.*

*Council believes:*

- That the timescale set for removing services at Nascot Lawn may have a devastating effect on the families who are most in need of support, and that the CCG should reconsider their decision or at least defer the removal of funding until suitable alternative provision is secured for these families and their children.*
- That providing support for the most vulnerable children in our society is a basic function of a health and care system, and that withdrawing this service may have a disproportionate, negative impact on those who need access to respite care the most.*
- That the £600k saving that the Herts Valleys CCG will achieve could be significantly less than the additional costs incurred by the County Council in providing replacement services for these families and young people.*
- In the event that the Herts Valleys CCG carry out their threat, that the County Council's Executive seeks to ensure that*

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*the needs of the children and families continue to be met whilst the joint health and social care assessments are completed and new plans discussed with families.*

Council therefore notes :

*That the Director of Children's Services and the Chief Executive have been in communication with Herts Valleys Clinical Commissioning Group, however requests that the Executive Member for Children's Services, as a matter of urgency, writes to the Chief Executive and Chairman of the Herts Valleys Clinical Commissioning Group to:*

- Inform them that this Council strongly opposes the closure of the Nascot Lawn respite centre and asks them to reconsider their decision in the light of the harm it may do to some of the most vulnerable and disadvantaged members of our society.*
- If they are adamant about ceasing the funding, then to delay the cuts until at least April 2018 to give the County Council time to establish suitable alternative provision.*

Council further requests:

*That the Leader of the Council writes to the Secretary of State for Health and the Secretary of State for Communities and Local Government to:*

- Seek Government support to ensure the Hertfordshire CCG's and this Council are able to adequately fund health and social care provision in accordance with patient need.*
- Ask that in the event of austerity measures being relaxed across the UK, Health and Social Care services are prioritised as areas which require immediate additional funding.*

*Council further notes that the Hertfordshire MPs have already received a briefing from the County Council and requests that the Executive Member for Children's Services writes to them to inform them of this Council's motion, to seek their continued help and support and undertake to keep them updated."*

**5. OFFICER REPORTS RELEVANT TO EXECUTIVE PORTFOLIOS**

**5A. COUNTY COUNCIL CORPORATE PLAN 2017 - 2021**

- 5.1** The following motion proposed by **R I N Gordon** and duly seconded was CARRIED:-

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*“(1) That County Council endorses the Council’s Corporate Plan 2017-2021.”*

**5.2** The following motion proposed by **R I N Gordon** and duly seconded was CARRIED:-

*“(2) That the following actions (which are consistent with the values and priorities of the Plan) be endorsed as policies of County Council with it being noted that lead responsibility for their delivery will be allocated within the Executive primarily as indicated: -*

*RESOURCES, PROPERTY & THE ECONOMY*

- 1. spend at the lowest level consistent with the provision of high quality, efficiently-run local services*
- 2. press central government to introduce a new, sustainable system for funding social care for the elderly*
- 3. continue to drive cost reduction through efficiency savings, new ways of working and reducing bureaucracy in order to protect front-line services*
- 4. make it easier for Hertfordshire businesses and voluntary & community organisations to win contracts with the Council*
- 5. continue to drive up our standards and efficiency by learning from the best, judging results by what is achieved, not just by the amount spent*
- 6. in developing Council-owned land, promote exemplar standards of design and environmental impact and consider the appropriate mix of housing types and tenure in each development to reflect Hertfordshire’s needs*
- 7. refresh the ground-breaking Skills Strategy to support Hertfordshire’s workforce to develop skills to contribute to a strong and dynamic economy, maximise their own potential to share in the County’s prosperity*
- 8. as a major local employer ourselves, be an exemplar in offering apprenticeships and work with partners to deliver a step change in the availability and breadth of opportunities offered across Hertfordshire*
- 9. support the Local Enterprise Partnership to refresh “Perfectly Placed for Business”, the Strategic Economic Plan for Hertfordshire*
- 10. work with ‘Visit Herts’ partners to grow the significance of the tourism sector to the Hertfordshire economy in terms of trips made, employment and economic value*
- 11. extend our multi million pound investment in superfast broadband which has now reached 95% of premises with firm plans for 98% by June 2018 and our goal of 100% coverage as soon as possible thereafter.*

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## ENVIRONMENT, PLANNING & TRANSPORT

12. *work with others to provide appropriate infrastructure to address the wider impact of developments approved by local planning authorities and/or on appeal*
13. *continue to develop our Local Transport Plan recognising the impact of technology especially in vehicle design whilst planning for the future growth of transport and our highways network, especially East-West links.*
14. *continue to be a strong voice for the interests of Hertfordshire's residents as Luton and Stansted airports deliver their planned growth and, in particular, seek to limit the impact of night flights on residential areas*
15. *help residents travel conveniently within and beyond Hertfordshire, by providing more attractive walking and cycling routes, safer roads and encouraging more reliable bus and train services*
16. *continue to lobby Highways England to improve the two lane section of the A1(M) and to include all lane running as part of their Smart Motorways Programme*

## COMMUNITY SAFETY & WASTE MANAGEMENT

17. *work ever more closely with the waste collection authorities to provide better value for money in collecting and disposing of household waste, including high levels of recycling and re-use and the further reduction of landfill as a means of final disposal*

## ADULT CARE & HEALTH

18. *work with the police, probation service and other agencies to reduce domestic abuse*
19. *continue to work in improving partnership with local NHS agencies to secure seamless provision for residents needing health and social care*
20. *press central government for a long-term, sustainable solution to the funding of social care*
21. *work with care homes to create more nursing and intermediate beds to help people leave hospital as soon as they are ready*
22. *expand the provision of assistive technologies to help allow elderly and vulnerable people to live safe and secure in their own homes*
23. *support initiatives to combat isolation, particularly among single, elderly residents*
24. *continue to support more vulnerable residents to lead independent lives by allowing them to make choices over*

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- personal budgets and direct payments*
- 25. *respect and value the contribution of voluntary and family carers*
- 26. *working with district councils and housing associations to provide better value home improvements and more supported housing*
- 27. *deliver even more support and assistance through a combined Money Advice Unit and Work Solutions Team*
- 28. *continue to lead the way nationally in achieving parity of access for those suffering from poor mental health*

**PUBLIC HEALTH, PREVENTION & PERFORMANCE**

- 29. *reduce demand on local taxpayer-funded services through preventative strategies, early intervention and by promoting behavioural change*
- 30. *continue to promote and support healthy and active lifestyles*

**EDUCATION, LIBRARIES & LOCALISM**

- 31. *offer people greater influence over decisions that affect them*
- 32. *continue to create opportunities for volunteers, community involvement and neighbourliness.*
- 33. *continue to support the County’s military personnel and veterans by championing the Armed Forces Covenant and ‘Hertfordshire Heroes’.*
- 34. *maintain a library service fit for the 21<sup>st</sup> century with buildings able to fulfil a wider community role; and to create opportunities for voluntary contributions by users*
- 35. *recognise the role of County Councillors as community activists, making them indispensable in helping residents achieve their objectives*

**HIGHWAYS**

- 36. *work with local planning authorities and developers to reduce damage to verges and footpaths from construction traffic*
- 37. *renew the remainder of Hertfordshire’s street lights with LED lights, increasing reliability while reducing fuel costs and carbon emissions*
- 38. *use the central control system for LED lights to enable more variable arrangements for part-night lighting and dimming*
- 39. *continue to facilitate new 20mph limits and zones where appropriate and supported locally*
- 40. *work in partnership with the Police & Crime Commissioner to change drivers’ attitudes to speeding*
- 41. *encourage the creation of a network of electrical charging points for vehicles to build the infrastructure for the future*

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**CHILDREN'S SERVICES**

- 42. *drive the new Family First programme to support struggling families before problems become critical and continue with our successful family safeguarding programme to ensure that more children can flourish with their own families*
- 43. *recognise that foster carers are the backbone of support for children in care and continue to invest in their recruitment, training and development*
- 44. *work with the courts to build on the faster and less stressful route into a permanent loving home for a child in care through adoption or special guardianship*
- 45. *continue to invest in our new integrated service for disabled children and their families; planning for life, not just childhood*
- 46. *support our record number of children in care attending university*
- 47. *invest in a new offer for teenagers which will give them every chance to make the right choices as they transition into adulthood*
- 48. *recognise the contribution of local members of the Youth Parliament and of youth councils and to encourage more young people to make a positive contribution to their local communities”*

**6. THE EXECUTIVE REPORT**

**6A. LEADER OF THE COUNCIL – EXECUTIVE REPORT**

**6.1** The following motion proposed by **R I N Gordon** was CARRIED:-

*“That the report of the Executive (being the report under Standing Order 7) be received and that the position of Key Decisions in the decision-making process shown in the current edition of the Forward Plan referred to in the report be noted.”*

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**6B. MOTIONS ARISING FROM THE EXECUTIVE REPORT IN THE ORDER IN WHICH THEY WERE RECEIVED**

**6B(i) 6.2** The following motion was proposed by **M A Watkin** and duly seconded:-

*“This Council notes that Headteachers in Hertfordshire were amongst the 4000 across England who recently wrote to parents highlighting the growing crisis in school funding and that the Government’s current proposals will lead to a real terms cut in per pupil funding over the next five years. It supports these efforts by Hertfordshire Headteachers to secure adequate funding for their schools and resolves that the Executive Member for Education, Libraries and Localism write to the Secretary of State for Education expressing this view.”*

**6.3** With the consent of the seconder, **T L F Douris** moved an amendment in a revised form which was duly seconded as follows:-

*“after ‘highlighting’ replace ‘the’ with ‘their concern regarding’, remove ‘growing crisis in’, remove ‘in’ before ‘school funding’, remove ‘and that the Government’s current proposals will lead to a real terms cut in per pupil funding over the next five years’, add to end of the paragraph ‘but having due regard to the contents of the Secretary of State’s statement of 18 July 2017.’*

*The amended motion to read:-*

*“This Council notes that Headteachers in Hertfordshire were amongst the 4000 across England who recently wrote to parents highlighting their concern regarding school funding. It supports these efforts by Hertfordshire Headteachers to secure adequate funding for their schools and resolves that the Executive Member for Education, Libraries and Localism write to the Secretary of State for Education expressing this view but having due regard to the contents of the Secretary of State’s statement of 18 July 2017.”*

**6.4** The amendment at 6.3 was then voted on and CARRIED.

**6.5** The substantive motion as set out at 6.3 was then voted on and CARRIED as follows:-

*“This Council notes that Headteachers in Hertfordshire were amongst the 4000 across England who recently wrote to parents highlighting their concern regarding school funding. It supports these efforts by*

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*Hertfordshire Headteachers to secure adequate funding for their schools and resolves that the Executive Member for Education, Libraries and Localism write to the Secretary of State for Education expressing this view but having due regard to the contents of the Secretary of State's statement of 18 July 2017."*

**6B(ii) 6.6** The following motion was proposed by **S J Taylor** and duly seconded:-

*"Council notes the progress made regarding the setting up of a wholly owned development company and welcomes the opportunities it presents.*

*On completion of this process the Council requests the Executive Member for Resources, Property and the Economy to look, as a matter of urgency, at the compelling need for the provision of social housing for rent across the County and hold discussions with the development company, other developers and local planning authorities to address this pressing need."*

**6.7** The following amendment was proposed by **J D Williams** and duly seconded:-

*"In paragraph 2, line 2: Delete as a matter of urgency at the compelling need for the provision of social housing for rent across the County' and replace with 'at the role that the supply of housing to address specific needs and across a variety of tenure types, including social and private rented, can play in supporting the Council's prevention agenda', delete 'this pressing need' insert 'opportunities to expand supply and hasten delivery'*

*The amended motion to read:-*

*"Council notes the progress made regarding the setting up of a wholly owned development company and welcomes the opportunities it presents.*

*On completion of this process the Council requests the Executive Member for Resources, Property and the Economy to look at the role that the supply of housing to address specific needs and across a variety of tenure types, including social and private rented, can play in supporting the Council's prevention agenda and hold discussions with the development company, other developers and local planning authorities to address opportunities to expand supply and hasten delivery."*

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**6.8** The amendment at 6.7 was then voted on and CARRIED.

**6.9** The substantive motion as set out at 6.7 was then voted on and CARRIED as follows:-

*“Council notes the progress made regarding the setting up of a wholly owned development company and welcomes the opportunities it presents.*

*On completion of this process the Council requests the Executive Member for Resources, Property and the Economy to look at the role that the supply of housing to address specific needs and across a variety of tenure types, including social and private rented, can play in supporting the Council’s prevention agenda and hold discussions with the development company, other developers and local planning authorities to address opportunities to expand supply and hasten delivery.”*

**6B(iii) 6.10** The following motion proposed by **T W Hone** and duly seconded was CARRIED UNANIMOUSLY:-

*“County Council endorses the recommendations of the Community Safety & Waste Management Cabinet Panel\* regarding the potential transfer of governance of Hertfordshire Fire & Rescue Service and requests Cabinet to resolve accordingly.”*

*\*Note: The recommendations of the Community Safety & Waste Management Cabinet Panel were tabled at the Council meeting and can be viewed here*

<http://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/519/Committee/4/Default.aspx>

## **7. QUESTIONS TO EXECUTIVE MEMBERS**

**7.1** During the period for questions to Executive Members under SO(8)(7)(c) the following Members asked questions (and, where indicated, supplementary questions) of the Executive Member or their Deputy as stated [the audio recording of this item of business can be found here [Questions to Executive Members](#) ].  
[Questions are listed by portfolio].

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<b>Executive Member</b>	<b>Questioner</b>	<b>Subject</b>
Leader of the Council	J Billing	Secretary of State for Communities and Local Government's speech at the Local Government Association Conference <sup>1</sup>
Adult Care & Health	R G Tindall	'Sign off' of the Better Care Fund by the Health and Wellbeing Board
	N Bell	Arrangements for the permanent re-provision of accommodation for St Albans and Hertsmere women's refuge users and their children previously housed by Hightown Housing Association, St Albans <sup>1</sup>
	R G Tindall	Funding for Children and Adolescent Mental Health Services (CAMHS)
Children's Services	M A Watkin	Reassurance that abuse reported in national press in both private and local authority children's homes have never occurred in Hertfordshire <sup>2</sup>
	N Bell	Consultation on health visiting and children's centres' recommissioning proposals
	A F Rowlands	Children and Adolescent Mental Health Services (CAMHS) <sup>1</sup>
	N Bell	The future of Children's Centres following the consultation currently being undertaken
Community Safety & Waste Management	P M Zukowskyj	Progress on future waste management and disposal proposals including the procurement of the proposed energy from waste facility <sup>1</sup>
	N A Quinton	Waste management and disposal proposals including whether there are intentions to revisit those proposals <sup>1</sup>
	M A Eames-Petersen	Conversations with Herts Waste Partnership regarding Welwyn Hatfield Borough Council's decision to charge for bins for collecting food waste and the

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		negative impact on recycling rates
	C B Wyatt-Lowe	Positive impact on recycling rates and waste collection of the initiative by Dacorum Borough Council encouraging residents not to waste food
Education, Libraries and Localism	M A Watkin	Underspend on Special Educational Needs services <sup>1</sup>
	J Billing	Help and supported provided to parents with children with special educational needs and provision of affordable services <sup>1</sup>
Environment, Planning and Transport	S B A F H Giles-Medhurst	Extension of the Metropolitan Line to Watford Junction and action taken by the Council to expedite progress on the project <sup>1 2</sup>
	A K Khan	Use of the court case between Islington Council and First Space Ltd (developer) in informing Council planning
Highways	S B A F H Giles-Medhurst	Use of the findings of the survey conducted by Highway View in informing and assisting the Council's Integrated Works and asset management programmes <sup>1</sup>
	J G L King	Instructions to and action taken by Ringway staff of appropriate action where highways faults reported cannot be found <sup>1</sup>
Public Health, Prevention and Performance	L A Chesterman	Smoking cessation services for those with poor mental health
Resources, Property and the Economy	S K Jarvis	Non-financial objectives of the Property Development Company and proposals for the monitoring of the Company's performance <sup>1</sup>
	J Billing	Representations being made by the County Council to central government seeking clarity over future Local Government Funding <sup>1</sup>

Notes: 1 - denotes that a supplementary question was also asked  
2 – denotes that a written reply will be given

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**7.2 Written questions to Executive Members – Standing Order 8(9)**

7.2.1 Written questions to Executive Members and responses are set out in the attached Annex.

**8. REPORT FROM THE OVERVIEW AND SCRUTINY COMMITTEE**

8.1 The following motion proposed by **D Andrews** and duly seconded was CARRIED:-

*“That the report from the Overview and Scrutiny Committee be received.”*

**9. REPORT FROM THE HEALTH SCRUTINY COMMITTEE**

9.1 The following motion proposed by **S Quilty** and duly seconded was CARRIED:-

*“That the report from the Health Scrutiny Committee be received.”*

**10. MEMBERS’ ALLOWANCES 2017/18 – Report of the Independent Panel on Members’ Allowances**

10.1 The following motion proposed by **R I N Gordon** and duly seconded was CARRIED:-

*“(1.) That the Council approves amendments to the Scheme for Members’ Allowances for 2017/18 which adopts all the recommendations of the Independent Allowances Panel on 1 June 2017.*

*(2.) That the Chief Legal Officer be authorised to amend the Scheme in accordance with (1.) above, to be applicable from 4 May 2017.”*

**11. CHANGES TO THE COUNTY COUNCIL’S CONSTITUTION**

11.1 The following motion proposed by **R I N Gordon** and duly seconded was CARRIED:-

*“That Council:*

*(a) agrees the changes to the Council’s Constitution as set out in paragraph 2.3 the Report;*

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- (b) *notes the changes made to the Council's Constitution by the Chief Legal Officer as set out in paragraph 2.2 of the Report;*
- (c) *adopts the revised Whistleblowing Procedure attached to the report for inclusion in the Constitution; and*
- (d) *authorises the Chief Legal Officer to make any consequential amendments as may be necessary to the Constitution to give effect to the decisions at (a), (b) and (c) above."*

**12. NOTICES OF MOTION – STANDING ORDER 9(6)**

**12A. 12.1** The motion submitted under SO 9(6) was accepted under SO 9(3) and is recorded at item 6B(i) above.

**KATHRYN PETTITT  
CHIEF LEGAL OFFICER**

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**HERTFORDSHIRE COUNTY COUNCIL**

**CABINET**

**MONDAY, 13 NOVEMBER 2017 AT 2.00PM**

**COUNTY COUNCIL**

**TUESDAY, 21 NOVEMBER 2017 AT 10.00AM**

Agenda Item No

**13**

Agenda Item No

**7A**

**CONSULTATION ON THE DRAFT MINERALS LOCAL PLAN**

*Report of the Chief Executive and Director of Environment*

Author: Julie Greaves, Team Leader Minerals & Waste Planning & Policy (Tel: 01992 556227)

Executive Member: Derrick Ashley, Environment, Planning & Transport

**1. Purpose of report**

- 1.1. To enable Members to consider whether to approve the Draft Minerals Local Plan, attached at Appendix 1 to the report, for a period of formal consultation of at least six weeks to commence in December 2017, in accordance with regulation 18 of Part 6 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

**2. Summary**

- 2.1. The Minerals Planning Authority (MPA) has a statutory responsibility to prepare a Minerals Local Plan (MLP) for Hertfordshire in line with national policy and regulations.
- 2.2. The existing Minerals Local Plan, adopted in March 2007, requires a formal process of review to ensure that the contents of the Plan reflect changes made to national policy, through the National Planning Policy Framework, and to ensure that recent guidance and changing circumstances in the county are incorporated into the county's minerals policy.

**3. Recommendation**

- 3.1. The Environment, Planning and Transport Cabinet Panel considered a report on this item of business at its meeting on 1 November 2017. The Panel recommended to Cabinet:-



*“That Cabinet recommends to Council that County Council approves the Draft Minerals Local Plan, attached at Appendix 1 to the report, for a ten week period of public consultation from 4 December 2017 to 9 February 2018, in accordance with Regulation 18 Town and Country Planning (Local Planning) (England) Regulations 2012.”*

- 3.2 Cabinet’s recommendation to County Council will be circulated in the Council Order of Business.

#### **4. Background**

- 4.1. The MLP review commenced in 2014/2015 with an assessment of the evidence base needed and an initial stakeholder engagement event. This event covered the main issues associated with minerals planning, the need for an approach which could be applied to identify suitable sites for extraction and the start of the sustainability appraisal process. Those invited to the event included: statutory consultees, District and Borough Councils, adjoining authorities, industry representatives and interested parties.
- 4.2. The first formal stage of public consultations was the Initial Consultation. This document was presented to Environment, Planning and Transport Planning, Cabinet and County Council in July 2015 in order to undertake a formal public consultation from August – October 2015.
- 4.3. Responses to the initial consultation document informed changes to the Plan’s vision and objectives and also guided the drafting of updated and new policies to cover the issues raised.
- 4.4. In parallel, the site selection methodology was developed with independent consultants (Land Use Consultants (LUC)) and subject to public consultation at the same time. The final methodology was presented to the Environment, Planning and Transport Planning Panel in February 2016. The purpose of the methodology was to assess the sites and/or areas identified for their economic viability. Each site/area was assessed against a set of local planning and environment constraints.
- 4.5. Once the Site Selection Methodology was established, the next stage in the process was to undertake a Call for Sites. This was a request for sites within Hertfordshire that contain mineral resources (primarily sand and gravel) and which may be suitable for extraction to be put forward for consideration. This took place between February and April 2016.
- 4.6. Consultants have provided an independent assessment of the sites put forward by industry and also the Preferred Areas in the adopted 2007 Plan. Each site/area has been assessed against the set of 22 criteria within the site selection methodology. A report was finalised in March 2017 which assessed the sites and preferred areas in terms of the potential impacts of extraction on the surrounding environment.

- 4.7. Following the application of the site selection methodology, consideration was given as to whether sites should be identified as a Specific Site, Preferred Area and/or Area of Search as appropriate. This depended on the level of information and known degree of deliverability of the areas/sites in question.

#### Sand and Gravel

- 4.8. The site option combinations were presented to Environment, Planning and Transport Cabinet Panel - [Environment, Planning & Transport Cabinet Panel - 7 September 2017](#) and Cabinet in 25 September 2017 [Cabinet - 25 September 2017](#). Having considered the conclusions of reports and assessments undertaken, on balance the most appropriate sand and gravel sites to take forward to the Draft Minerals Local Plan are:
- Furze Field;
  - Hatfield Aerodrome;
  - Land Adjoining Coopers Green Lane (all three being specific sites); and
  - Briggens Estate (as a preferred area).

The combination of the three specific sites and one preferred area identified in the draft Plan provide the necessary tonnage to meet the Plan requirements, provide flexibility and do not stifle competition.

#### Brick Clay

- 4.9. To address the requirement to provide a stock of permitted reserves of at least 25 years for brick clay (paragraph 146 of the NPPF) the draft Plan:
- Identifies the current permitted reserves, and
  - Safeguards resources through defined Mineral Safeguarding Areas.

## 5. The Draft Minerals Local Plan

- 5.1. Once adopted, the Minerals Local Plan will cover a 15 year plan period (2016-2031) and identify sufficient sites to meet the identified requirements over that time period. The Plan has a total of 25 strategic, allocation and development management policies, intended to guide the determination of applications. The full draft document for public consultation is attached at Appendix 1 to this report and a brief summary of its content and policies set out below:

- **Chapter 1:** Introduction, the purpose and scope of the Plan, timescale for Plan production and previous stages
- **Chapter 2:** Details for how to comment on the Plan and next steps
- **Chapter 3:** Policy Context; the planning system, international and national policy drivers
- **Chapter 4:** Key challenges for Hertfordshire, population, housing, economic growth
- **Chapter 5:** Minerals in Hertfordshire, the need for aggregates, supply, imports, exports and marine
- **Chapter 6:** Vision and objectives
- **Chapter 7:** Sustainable development and climate change

- **Chapter 8:** Strategic aggregate policies: supply and need, areas and sites, secondary and recycled aggregates
- **Chapter 9:** Brick clay and chalk
- **Chapter 10:** Safeguarding: Mineral Consultation Areas, Mineral Safeguarding, rail heads and wharves, concrete batching plants
- **Chapter 11:** Non-conventional aggregate extraction: Borrow pits and incidental extraction
- **Chapter 12:** Protecting Hertfordshire: Green Belt and cumulative impact
- **Chapter 13:** Environmental Policies: Water, Historic Environment, Landscape and Green Infrastructure, Biodiversity
- **Chapter 14:** Highways and Transport: Strategic and Operational policies, Rights of Way
- **Chapter 15:** Protection of Soils
- **Chapter 16:** Sustainable reclamation: Restoration, Aftercare and Afteruse

## 5.2 Minerals Local Plan Policies

Following internal and external engagement, the resulting proposed policies have been developed for inclusion within the draft Minerals Local Plan:

- Policy 1: Sustainable Development**
- Policy 2: Climate Change**
- Policy 3: Aggregate supply**
- Policy 4: Working of Specific Sites or Preferred Areas**
- Policy 5: Secondary and Recycled Aggregates**
- Policy 6: Brick Clay**
- Policy 7: Chalk**
- Policy 8: Mineral Safeguarding**
- Policy 9: Rail heads and Wharves**
- Policy 10: Concrete Batching, Asphalt and Coated Stone Plants**
- Policy 11: Borrow Pits**
- Policy 12: Incidental Extraction**
- Policy 13: Green Belt**
- Policy 14: Cumulative Impact**
- Policy 15: Water Management**
- Policy 16: Historic Environment**
- Policy 17: Landscape and Green Infrastructure**
- Policy 18: Biodiversity**
- Policy 19: Protection and Enhancement of Environment and Amenity**
- Policy 20: Strategic Transport**
- Policy 21: Operational Transport**
- Policy 22: Public Rights of Way**
- Policy 23: Soils and Agricultural Land**
- Policy 24: Restoration**
- Policy 25: Aftercare and After-use**

- 5.3 The Plan also includes targets and indicators to monitor the implementation of the policies, which will be reported on an annual basis through the Authority Monitoring Report.
- 5.4 The specific sites and preferred area are shown on a series of inset maps accompanied by planning briefs which are designed to guide any development.
- 5.5 The policies map is a geographical illustration of the application of the Minerals Local Plan policies and is in line with the relevant regulations.

## **6. Omission Consultation**

- 6.1. The Council wishes to ensure full public consultation takes place on all sites promoted to them as part of the MLP process. All sites and areas forming the assessment work will be subject to specific public consultation in the form of an 'Omissions Consultation'. An omission site is a parcel of land that has been assessed and subsequently rejected.
- 6.2. The list of those sites which have been omitted from the process is attached at Appendix 2 to the report and consultation will take place in parallel with the Draft MLP. A summary of the key reasons for their omission was presented to the Environment, Planning and Transport Panel on 7 September 2017 [Environment, Planning & Transport Cabinet Panel - 7 September 2017](#) and is set out in the consultation document.

## **7. Supporting documents and consultation**

### **7.1 Sustainability Appraisal**

A Sustainability Appraisal (SA), incorporating the requirements of the European Union (EU) Strategic Environmental Assessment (SEA) Directive, has been carried out to inform the ongoing preparation of the Plan and to ensure sustainable development concerns are fully integrated and alternative options are considered. A SA report will be published alongside the Plan and a final SA Report will be published alongside the Proposed Submission Draft version of the Plan.

The policies and site allocations in the MLP have been subject to a detailed appraisal against the SA objectives which were developed at the scoping stage of the SA process. Generally the vision, objectives and policies have been assessed as having an overall positive effect.

### **7.2 Strategic Flood Risk Assessment**

As required by the NPPF, the Minerals Local Plan is supported by a desktop based Level 1 Strategic Flood Risk Assessment (SFRA). The SFRA was prepared in line with guidance published by the Environment Agency at the outset of the review of the Minerals Local Plan. An addendum to this document was produced to include site specific assessments in preparation for the publication of this document.

### 7.3 Habitats Regulation Assessment

Article 6 of the Habitats Directive requires local plans to be assessed for their impacts on European designated sites to avoid adverse impacts on these and must be undertaken when a plan is being developed. The Habitats Regulations Assessment (HRA) concluded that none of the policies or potential site allocations in the Minerals Local Plan are considered likely to have a significant effect on the European sites within 10km of Hertfordshire.

### 7.4 Health Impact Assessment

A high level assessment was completed with colleagues from Public Health which concluded that the Minerals Local Plan is a policy framework that will not have direct impact on health and wellbeing. Any individual site proposals that come forward in line with this framework may have a potential impact on health. The local plan states that a site specific HIA may be required at planning application stage.

### 7.5 Informal Consultation and Engagement

The draft policies have been subject to internal and external informal consultation with Environment Agency, Historic England, Natural England, District and Borough Councils and other Duty to Cooperate bodies.

## 8. Next Steps

- 8.1. Subject to Cabinet approval (13 November 2017) and County Council (21 November 2017), the public consultation on the Draft Minerals Local Plan document (including sites and policies) will be in accordance with regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's adopted Statement of Community Involvement. The consultation on the document will be for 10 weeks commencing on 4 December 2017.
- 8.2. The outcomes of the consultation of the Draft Minerals Local Plan will be presented to Members in 2018.

1 November 2017	Environment, Planning and Transport Cabinet Panel presented with the Draft MLP (including policies and sites) for consideration for consultation and Omissions Consultation
13 November 2017	Cabinet invited to recommend to Council the Draft MLP (including policies and sites) for consultation and Omissions Consultation
21 November 2017	County Council invited to agree the Draft MLP (including policies and sites) for consultation and Omissions Consultation

December 2017 – February 2018	Regulation 18 - Draft MLP Consultation and Omissions Consultation
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## **9. Financial Implications**

- 9.1. Plan production is the normal business of the Minerals and Waste Policy Team and the cost of plan production can be covered by existing budgets. The estimated costs for the Minerals Local Plan review are set out in the Minerals and Waste Development Scheme (adopted November 2016). The budget for the next three years has been based on previous plan production costs.

## **10. Equalities 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. An Equality Impact Assessment (EqIA) has been undertaken for the review of the Minerals Local Plan and it is intended that this EqIA will be reviewed for each work and consultation stage of the Plan production. The Minerals Local Plan review EqIA concludes that potential equality impacts may arise during stakeholder events and consultations and proposes a range of reasonable mitigations to minimise the potential impacts. The EqIA is attached at Appendix 3 to the report.

*Appendix 1 – Draft Minerals Local Plan Consultation document*

*Appendix 2 – Omissions Consultation document*

*Appendix 3 - EqIA*

Background Information :

The National Planning Policy Framework (2012), DCLG

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

The National Planning Practice Guidance (2014), DCLG

<https://www.gov.uk/government/collections/planning-practice-guidance>

Town and Country Planning (Local Planning) (England) Regulations 2012

[http://www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi\\_20120767\\_en.pdf](http://www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi_20120767_en.pdf)

Minerals Local Plan Equalities Impact Assessment & Draft Plan consultation Addendum

Minerals Local Plan Health Impact Assessment

Minerals Local Plan Strategic Flood Risk Assessment

Three documents located: <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/minerals-planning/minerals-local-plan-review/minerals-local-plan-review.aspx>

Minerals Local Plan Sustainability Appraisal, LUC

Minerals Local Plan Habitats Regulations Assessment, LUC

Two documents located: <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/minerals-planning/minerals-local-plan-review/sustainability-appraisal.aspx>

Environment, Planning and Transport Cabinet Panel, 1 November 2017  
[Environment, Planning & Transport Cabinet Panel - 1 November 2017](#)



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# **HERTFORDSHIRE MINERALS LOCAL PLAN 2016-2031**

## **Consultation Draft 2017**

Spatial Planning and Economy Unit  
Hertfordshire County Council  
Contact: 0300 123 4040  
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# 1 Introduction

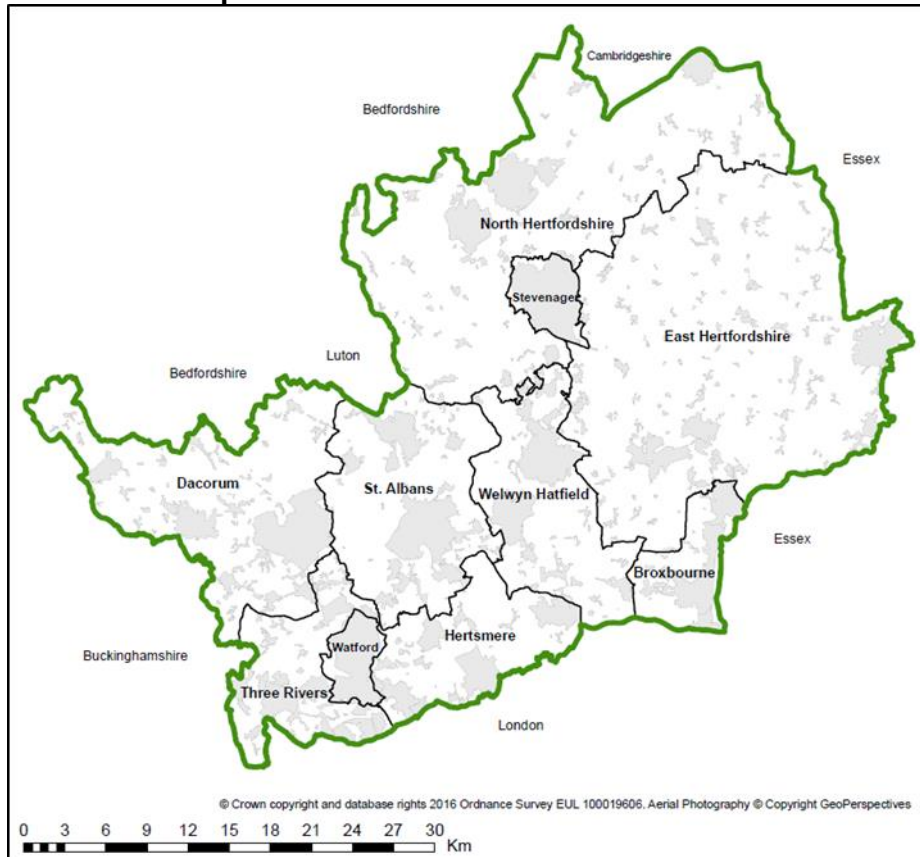
## What is this Document?

- 1.1 The Draft Minerals Local Plan (2016-2031) is the first draft version of the minerals planning document for Hertfordshire which, once adopted, will become part of the statutory Development Plan for the county.
- 1.2 The county council has prepared this document to provide the opportunity for public comment on its contents before a Proposed Submission Minerals Local Plan is prepared and published for further comment.
- 1.3 Once adopted, the Minerals Local Plan will cover the period 2016-2031 and will be referred to as “the Plan” throughout the remainder of this document.

## Purpose of the Hertfordshire Draft Minerals Local Plan

- 1.4 Minerals are important natural resources which make an essential contribution to the nation’s prosperity and quality of life. Sand, gravel, crushed rock, chalk and clay all provide the construction industry with the raw materials required for constructing and maintaining roads, buildings and other infrastructure.
- 1.5 Minerals such as coal, oil and gas are essential sources of energy and enable the production of electricity and heat. Minerals are also essential elements in the production of a variety of other products. A steady and adequate supply of minerals is essential if current standards of living are to be maintained and for the economy to grow to meet the future housing requirements of projected population increases.
- 1.6 However, minerals are a limited natural resource and can only be extracted where they are found. Minerals planning is essential to secure sustainable availability of minerals and conservation of the existing environment.
- 1.7 Hertfordshire County Council is the Minerals Planning Authority (MPA) for the county of Hertfordshire, as defined in Map 1. The county council has a statutory responsibility to plan for future minerals supply within Hertfordshire and determine proposals for the extraction of minerals and associated development.
- 1.8 The Plan has been prepared to meet these purposes, setting out the spatial portrait of Hertfordshire, draft vision and objectives for minerals development in the county during a 15 year period from 2016-2031, and draft policies to implement the Plan’s vision and objectives. It considers the need to contribute to national, sub-national and local mineral requirements and seeks to balance these needs against social, environmental and economic considerations.

**Map 1 - Hertfordshire Administrative Area**



- 1.9 The document identifies sites and areas for mineral extraction as well as mineral reserves and infrastructure that should be safeguarded for future use.
- 1.10 The Plan should be read in its entirety so that all the information included can be used collectively to ensure the provision of minerals is met for the projected growth of the county, whilst maintaining and enhancing the environment and natural surroundings.

### Preparation of the Plan

- 1.11 As can be seen in Table 1, this consultation, highlighted in bold, is just one stage of the process to adopt a new Minerals Local Plan for Hertfordshire.

**Table 1 - Timetable for the Production of the Minerals Local Plan**

2014-2015		Evidence Gathering
2015	Spring	Stakeholder event
2015	Summer	Initial Consultation publication
2016	Spring	Call for Sites
<b>2017</b>	<b>Winter</b>	<b>Draft Plan consultation</b>
2018	Summer	Proposed Submission Plan publication
2018	Winter	Submission to Secretary of State
2019	Winter	Adoption of Minerals Local Plan.

- 1.12 The county council has prepared the Plan taking account of representations submitted in response to the Minerals Local Plan Initial Consultation document and ongoing engagement with a number of other stakeholders including statutory consultees, the ten Hertfordshire district and borough councils, and adjoining authorities. In preparation for this consultation, comments were sought on the wording of policies and text as well as concerns regarding particular sites as part of the site selection assessment.
- 1.13 A six week Call for Sites exercise ran from February to April 2016 where the county council asked landowners and members of industry to put forward sites within Hertfordshire that contain mineral reserves that may be suitable for extraction. Based on the submitted sites and a separate review of the mineral reserves in the county, external consultants undertook a detailed site assessment to assess and identify the most suitable sites to provide sand and gravel throughout the Plan period. The assessment determined the inclusion of sites in the Plan.
- 1.14 A Sustainability Appraisal (SA), incorporating the requirements of the European Union (EU) Strategic Environmental Assessment (SEA) Directive, has been carried out to inform the ongoing preparation of the Plan and to ensure sustainable development concerns are fully integrated and alternative options are considered. A SA report has been published alongside the Plan and a final SA Report will be published alongside the Proposed Submission Draft version of the Plan.
- 1.15 In addition, the Plan is founded on an extensive evidence base. Background topic papers have been published alongside the Plan to provide further information about a range of issues covering Government guidance, technical reports and prior engagement, all of which have helped shape the Plan.

## **The Hertfordshire Draft Minerals Local Plan's Legal Status**

- 1.16 This version of the Plan has been prepared under Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012 for public consultation purposes. As such, it does not have any formal status in development management terms, does not form part of the Development Plan for Hertfordshire and only limited weight may be applied to the policies of this draft Plan.
- 1.17 The Plan contains a spatial portrait of Hertfordshire, vision and objectives for mineral development, policies to implement the vision and objectives throughout the Plan period and sites for future mineral extraction. Following the consultation, these may be subject to change and all the representations received will be taken into account in the preparation of a Proposed Submission Plan.

## 2 Commenting on the Plan

### Commenting on the Hertfordshire Draft Minerals Local Plan

- 2.1 The county council would like as wide a response as possible to this consultation. Potential stakeholders include the minerals industry, other commercial enterprises, landowners, individuals and conservation or other interest groups.
- 2.2 Since each stakeholder group will have its own particular concerns and priorities, this is an important opportunity to tell the county council your views on planning for minerals prior to a Proposed Submission version of the Plan being prepared.
- 2.3 Responses can be submitted either through the county council's **online consultation portal (Objective)** or by sending completed response forms, available from the consultation portal, to us either by email or letter.
- 2.4 A full list of options for response submission:

Online Consultation Portal:	<a href="http://hertsc-consult.objective.co.uk/portal">http://hertsc-consult.objective.co.uk/portal</a>
Email response forms:	<a href="mailto:minerals.planning@hertfordshire.gov.uk">minerals.planning@hertfordshire.gov.uk</a>
Address for printed forms:	Minerals and Waste Policy Team, Spatial Planning and Economy Unit, Hertfordshire County Council, Hertford, Pegs Lane, SG13 8DN.
Phone no. for queries:	0300 123 4040

- 2.5 The Plan is being published for consultation for a ten week period starting at **9am on Monday 04 December 2017** and ending at **5pm on Friday 09 February 2018**. Please ensure that responses reach us by the closing date. Please note, information that you provide, excluding personal details, will be publically available for any other person to inspect. All personal data will be deleted following completion of the review.

### Next Steps

- 2.6 Following the end of the consultation period, the county council will prepare a Proposed Submission Minerals Local Plan. This will take account of the comments received on the Plan and further technical work. Once prepared, the Proposed Submission Plan will be published for at least a six week period under Regulation 19 of the Towns and Country Planning (Local Planning) Regulations 2012.
- 2.7 Depending on the representations received and the changes required to take account of the representations, the Proposed Submission Plan will either be



amended (minor changes only) and submitted to the Secretary of State or redrafted and subjected to a new period of consultation.

- 2.8 Once submitted to the Secretary of State, an independent Inspector will consider the representations received and examine the ‘soundness’<sup>1</sup> of the submitted Plan and provide the county council with a report of their findings and any suggested amendments. The county council will consider the suggested amendments and subject any modifications to the appropriate consultation prior to adopting the Minerals Local Plan, when it will become part of the statutory Development Plan for Hertfordshire.

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<sup>1</sup> To be considered “sound”, a Local Plan must be positively prepared, justified, effective and consistent with national policy – NPPF, 2012 - paragraph 182

## 3 Policy Context

### The Planning System

- 3.1 The planning system was established to regulate the development and use of land. Its main aim is to balance the demand for development against the protection of the environment. Planning decisions are made having regard to the planning system and are taken in the wider public interest.
- 3.2 To provide a structure to the planning system, planning authorities are given responsibility for preparing, implementing, and reviewing development plans, and for determining planning applications (development management). Each planning authority is required to produce a development plan which sets out the land-use policies that will subsequently be used when making planning decisions. This is known as the “plan-led system” and is provided for by Section 54A of the Town and Country Planning Act 1990.
- 3.3 Hertfordshire comprises eleven planning authorities, the county council and ten district and borough councils. The county council, as MPA for the whole county and also as the planning authority for waste planning and disposal, is responsible for preparing local plans for minerals and waste. The county council determines planning applications for minerals and waste development as well as applications made by the county council for its own development (e.g. highways, schools, hospitals, social services).
- 3.4 The district and borough councils are responsible for preparing district local plans which set out policies and identify sites for all remaining development in their respective areas. This includes housing, commercial, retail and recreational development, for which the district and boroughs are responsible for determining planning applications.
- 3.5 The development plan for Hertfordshire contains the local plans of each of the planning authorities and comprises of the following documents:
- The existing Minerals Local Plan (adopted 2007)
  - The Waste Local Plan, which comprises:
    - The Waste Core Strategy and Development Management Policies document (adopted 2012)
    - The Waste Site Allocations document (adopted 2014)
  - The 10 district Local Plans
  - Any adopted Neighbourhood Plans

### International/European, National, Sub-National and Local Policy Drivers

#### International/European

- 3.6 The key international plans and programmes which are relevant to the Plan include:

- The World Summit on Sustainable Development, Johannesburg (2002);
- Kyoto Protocol and the UN framework convention on climate change (1997); and
- Bern Convention on the conservation of European wildlife and natural habitats.

3.7 Historically, a number of European Union (EU) Directives have provided the international legislative context for UK plan-making for minerals. The Strategic Environmental Assessment (SEA) Directive<sup>2</sup> requires the formal environmental assessment of certain plans and programmes. Article 6 of the Habitats Directive<sup>3</sup> requires local plans to be assessed for their impacts on European designated sites to avoid adverse impacts on these and must be undertaken when a plan is being developed.

3.8 Following the decision to leave the European Union, the European Union (Withdrawal) Bill 2017-19 (commonly known as the “Great Repeal Bill”) was introduced to UK Parliament. This Bill will eventually repeal the 1972 European Communities Act, ending the precedence of European law over laws passed in the UK Parliament, meaning that UK laws will not need to comply with relevant EU Directives. The Bill proposes to copy all existing European legislation into UK law to ensure a smooth transition. Therefore, at least for the short term, the legal requirements of UK plan-making will retain their current form.

#### **National**

3.9 The Hertfordshire Minerals Local Plan is being prepared under the Localism Act (2011), the Planning and Compulsory Purchase Act (2004) and the Town and Country Planning Act (1990) as amended.

3.10 The Localism Act introduced the requirement of Duty to Cooperate. This means there is a legal duty on all planning authorities, county councils and prescribed bodies or people to engage with one another constructively, actively and on an on-going basis on issues of strategic cross boundary matters. It is a requirement of the act for planning authorities to demonstrate how this cooperation has been achieved at the independent examination of a plan.

3.11 The Government published the National Planning Policy Framework (NPPF), in March 2012. The NPPF sets out the Government’s planning policies for England and how these are expected to be applied, providing a framework within which local authorities can produce their own local plans. The Plan is considered to be in conformity with the NPPF and the emphasis on supporting economic growth and achieving sustainable development has been reflected throughout.

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<sup>2</sup> SEA Directive (2001/42/EC) transposed into British law through the Environmental Assessment of Plans and Programmes Regulations 2004

<sup>3</sup> Habitats Directive (1992/43/ECC) transposed into British law through the Conservation of Habitats and Species Regulations 2010

- 3.12 The National Planning Practice Guidance (NPPG) was launched online in March 2014 to provide additional detail to the NPPF.

### **Sub-National**

- 3.13 The county council is part of the East of England Aggregates Working Party (EEAWP)<sup>4</sup>, which is a technical working group comprising mineral planning authorities and other interested parties that cover specific geographical areas such as the Mineral Products Association (MPA). By working together, they are able to obtain better survey data on aggregate supply and demand in that area, which is used by individual authorities and collated in the East of England Authorities' Monitoring Report. This helps provide advice to mineral planning authorities and the National Aggregate Co-ordinating group.
- 3.14 The EEAWP approved the use of apportionment figures derived from the National and Regional Guidelines for Aggregates Provision in England 2005-2020 (June 2009) by member mineral planning authorities in the production of local plans. These figures are based on the Managed Aggregate Supply System which now forms part of the NPPG.

### **Local**

- 3.15 The Plan has been prepared taking account of other local plans, policy and guidance including:

- Hertfordshire County Council Minerals and Waste Development Scheme 2016;
- Hertfordshire County Council Local Aggregate Assessment 2016;
- Hertfordshire County Council Statement of Community Involvement (adopted March 2013);
- Hertfordshire County Council Corporate Plan 2017-2021;
- Hertfordshire County Council Economic Development Strategy 2009-2021;
- Hertfordshire's Local Enterprise Partnership's Strategic Economic Plan;
- Waste Core Strategy and Development Management Policies Document (adopted November 2012);
- Waste Site Allocations Document (adopted July 2014);
- Local plans for the ten district, borough and city councils within the county;
- Hertfordshire Local Transport Plan 2011-2031;
- Biodiversity Action Plan for Hertfordshire; and
- Environment Agency Flood Management Plans.

- 3.16 The above plans are a critical component of the Minerals Local Plan and were considered throughout the plan making process.

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<sup>4</sup> NPPF, 2012 – paragraph 145.

## 4 Key Challenges for Hertfordshire

### Introduction

- 4.1 The mineral industry is vital to the economy and our way of life. Hertfordshire enjoys high standards of living, high per capita income and low unemployment. A steady and adequate supply of minerals is essential to ensure this continues.
- 4.2 Minerals are the largest element of the construction supply chain and a key supplier of other industries. The growth outlined below will require housing, commercial and industrial buildings, transport networks and other infrastructure. The projected growth must be accounted for by the Plan to provide a sufficient supply of minerals to facilitate it.

### Population

- 4.3 The population of Hertfordshire was estimated to be at 1,176,720 in mid-2016. With no dominant city, Hertfordshire is instead characterised by a network of urban areas and its density of 7.16 people per hectare makes it one of Britain's most densely populated counties<sup>5</sup>.
- 4.4 The population of Hertfordshire is projected to increase by 276,400 (23.93%) over the 25 year period from 2014 to 2039<sup>6</sup> with populations for each individual district sharing the increase. Dacorum is set to experience the largest increase of 35,100 people by 2039 and Stevenage the lowest increase of 17,800, by 2039<sup>7</sup>.

### Housing

- 4.5 The NPPF<sup>8</sup> requires local authorities to identify and update annually, a supply of deliverable sites sufficient to provide five years' worth of housing against their housing requirements (with an additional buffer of 5%). Each of the ten districts in Hertfordshire have set out housing projections within their adopted or emerging local plans, based on their area's objectively assessed housing needs. At the time of writing, these range from a target of 180 dwellings per annum (dpa) for Three River District Council to 745 dpa for East Hertfordshire District Council.
- 4.6 In total, the Hertfordshire districts are planning for to provide a total of 91,000 homes by 2031 across the county.
- 4.7 In terms of housing completions, monitoring of the completed dwellings is recorded by the county council on an annual basis. Table 2 shows the amount of growth for the ten authorities for between 01 April 2015 and 31 March 2017.

<sup>5</sup> ONS, Mid-Year population estimates 2016.

<sup>6</sup> ONS, 2014 based sub national population projections, published 2016.

<sup>7</sup> ONS, 2014 based sub national population projections, published 2016.

<sup>8</sup> NPPF, 2012 – paragraph 47.

**Table 2 - Housing Completions by Authority 2015/16 and 2016/17<sup>9</sup>**

District / Borough	01 Apr 2015 – 31 Mar 2016			01 Apr 2016 – 31 Mar 2017		
	Gross Comp's	Gross Losses	Net Comps	Gross Comps	Gross Losses	Net Completions
Broxbourne	183	6	177	273	22	251
Dacorum	700	41	659	765	41	724
East Herts	739	65	674	666	47	619
Hertsmere	406	52	354	340	31	309
North Herts	360	19	341	556	17	539
St Albans	457	61	396	404	64	340
Stevenage	155	2	153	704	14	690
Three Rivers	243	28	215	164	20	144
Watford	308	63	245	384	38	346
Welwyn Hatfield	338	21	317	370	22	348
<b>Total</b>	<b>3,889</b>	<b>358</b>	<b>3,531</b>	<b>4,626</b>	<b>316</b>	<b>4,310</b>

## Economic Growth

- 4.8 Hertfordshire's close proximity to London, strong communication links, highly skilled workforce and good quality of life have attracted a wide range of businesses to the county. Hertfordshire is home to thriving and diverse industries including leading pharmaceutical, bio-technology, financial services, and film and computer-related businesses. Hertfordshire's employment rate is 78.6%<sup>10</sup> which is greater than the rates for the East of England (77.6%) and UK (74.9%) for the 3 months up to May 2017<sup>11</sup>.
- 4.9 Hertfordshire's Local Enterprise Partnership (LEP), is a business-led partnership between local businesses, academia, voluntary organisations and local government. The LEP aims 'to accelerate business-led growth in Hertfordshire' and secured a Growth Deal of £221.5 million from Government for infrastructure, business and skills in Hertfordshire.
- 4.10 The Growth Deal for Hertfordshire 2015/16-2020/21 focuses on a series of priorities including enhancing housing and employment; enhancing transport connectivity and creating jobs to support the core sector. The Deal will invest in transport infrastructure including the Metropolitan Line Extension and improvements to the A1 (m) between junctions 6 & 8 as part of the national route based strategy programme. The investment will provide 16,600 additional homes across the county, 15,000 jobs and the potential to unlock £430m public and private investment.

<sup>9</sup> Hertfordshire County Council, 2015/16 and 2016/17 Surveys

<sup>10</sup> Hertfordshire Local Information System, Quality of Life Report 2017

<sup>11</sup> ONS 2017, Summary of Labour Statistics.

- 4.11 The LEP has identified three main Growth Areas which surround the main transport routes. These are the M1/M25 Growth Area, A1 (m) Growth Area and the M11/A10 Growth Area<sup>12</sup>.
- 4.12 The M1/M25 Growth Area extends from London through some of the county's biggest towns, including Watford and Hemel Hempstead. The A1(m) Growth Area retains the King's Cross to Cambridge line which runs through a series of towns, including Hatfield, Welwyn Garden City, Stevenage and Hitchin. The M11/A10 Growth Area includes the districts of Broxbourne and East Hertfordshire and contains the Liverpool Street to Cambridge railway line.
- 4.13 The railway corridors and road networks in each Growth Area are the focal points to providing economic corridors between London, Hertfordshire and the North. These will help to boost the county's economic activity and mineral provision is essential to this growth.

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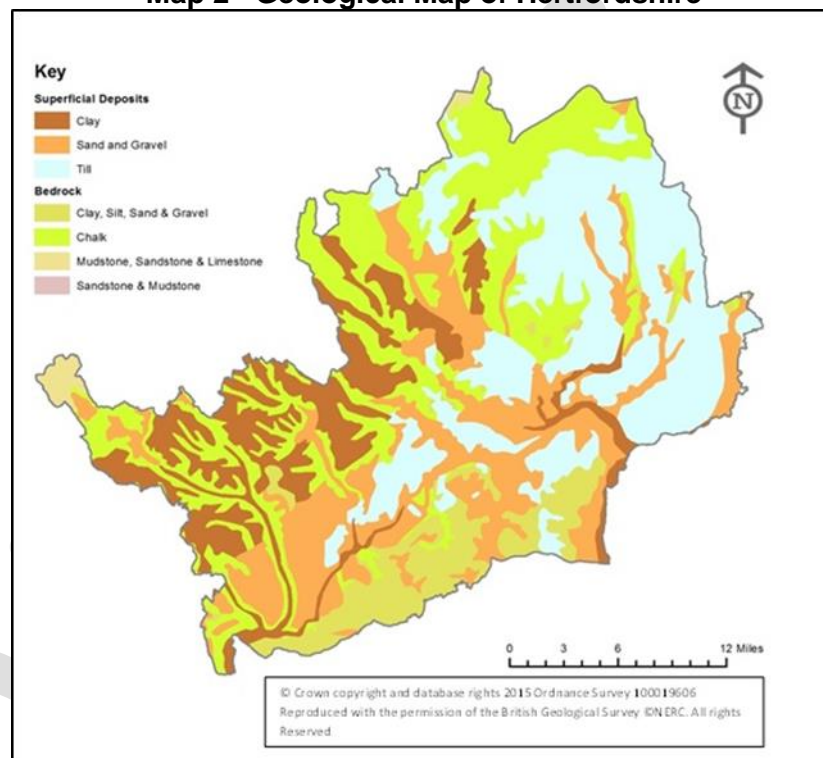
<sup>12</sup> Hertfordshire's Strategic Economic Plan, Hertfordshire Local Enterprise Partnership, March 2014

## 5 Minerals in Hertfordshire

### Hertfordshire's Geology

- 5.1 The geology of Hertfordshire (shown in Map 2) is relatively simple, being largely Chalk of the Cretaceous period, overlain in the south and east by London Clay and in the far north and northwest by small areas of Gault Clay. Throughout much of the county, superficial deposits overlay the solid geology. These include the Clay-with-flints to the west of Hertfordshire, boulder clay in the centre and east, and gravels in the river valleys and Vale of St Albans.

Map 2 - Geological Map of Hertfordshire



- 5.2 Superficial deposits of sand and gravel occur throughout the county but the main deposits are found within the 'sand and gravel belt' which runs in an area in the south of Hertfordshire, between Bishop's Stortford in the east and Hemel Hempstead in the west.

### The Need for Aggregates

- 5.3 Aggregates are essential to help secure further economic and social development through the construction industry.
- 5.4 From a national perspective the UK Minerals Yearbook 2015<sup>13</sup> reported that in the UK in 2014, 56 million tonnes of sand and gravel were consumed along with 98 million tonnes of crushed rock. This figure is a reflection of the need for aggregates not just for Hertfordshire, but all areas of the country.

<sup>13</sup> United Kingdom Minerals Yearbook 2015, Minerals and Waste Programme Report OR/16/021 - Pages 27 and 62,



- 5.5 A steady and adequate supply of minerals is therefore essential to ensure the maintenance and improvement of existing natural and built environment, along with enabling new developments, for the national economy and Hertfordshire's economic growth.
- 5.6 In order to maintain a steady and adequate supply, the amount that Hertfordshire should plan for is 1.39million tonnes per year. The Government set out details of the amount of mineral needed in a national guidance document<sup>14</sup>. Regional Aggregate Working Parties (AWPs) then shared out this required amount of sand and gravel to individual mineral planning authorities. Further details are provided in Chapter 8: Strategic Aggregate Policies.

## Minerals Supply

- 5.7 The traditional source of aggregates for construction and agriculture is from reserves in the ground. Aggregates dug from the land are known as primary, land-won aggregates and include sand, gravel and crushed hard rock.
- 5.8 Minerals are a limited natural resource and can only be extracted where they are found. To ensure a continuous supply of materials in the future, recycling and reusing aggregates is also encouraged alongside the need to extract primary, land-won aggregate.
- 5.9 At present, primary aggregates are the main source of mineral. The Plan aims to reduce, as far as practicable, the quantity of material required, then to use as much secondary and recycled mineral in development as possible. The Plan looks to secure the remainder of mineral demand through primary, land-won mineral from designated extraction sites.

## Minerals Worked in Hertfordshire

- 5.10 Hertfordshire contains three main types of naturally occurring worked minerals: sand and gravel, chalk and brick clay.

### Sand and Gravel

- 5.11 Sand and gravel (which are generally worked together) are the major aggregate minerals worked in Hertfordshire.
- 5.12 The sand and gravel from Hertfordshire is mostly used by the construction industry. Most is washed and screened to remove clay particles and to separate the various sized stones and larger stones are usually crushed and screened again. Most sand extracted in Hertfordshire is sharp sand and is suitable for making concrete when mixed with various selections of gravel sizes, cement and water.

### Chalk

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<sup>14</sup> DCLG, 2009, National and regional guidelines for aggregates provision in England 2005-2020

- 5.13 The scale of working for chalk is relatively small. Chalk is quarried at a small number of sites to the north and west of the sand and gravel belt. Chalk in Hertfordshire is extracted for use as an agricultural lime on farms both within and outside the county.

#### **Brick Clay**

- 5.14 Brick clay extraction occurs in the west of the county for use at Bovingdon Brickworks, which is Hertfordshire's only specialist brickworks.

#### **Hoggin**

- 5.15 The other main aggregate excavated in Hertfordshire is hoggin which is a mixture of sand and gravel held together by clay. Hoggin is suitable for use without processing and is often sold "as raised" from the ground for lower quality purposes.

### **Imports and Exports**

#### **Sand and Gravel**

- 5.16 Of the total land won sand and gravel sales from quarries in Hertfordshire (1,170,985 tonnes) as reported in the Aggregate Minerals Survey 2014<sup>15</sup>, 59% was used within Hertfordshire. Of this figure, 95% was transported by road and 5% by rail. The other percentage of sand and gravel was exported to West London (12%), unknown (but within the East of England) (12%), Bedfordshire (8%), East London (5%) and Essex, Southend and Thurrock (3%). Other exports of sand and gravel went to Cambridge and Peterborough, Derbyshire and the Peak District National Park, Lincolnshire, Northamptonshire, Cumbria and Lake District National Park and Berkshire<sup>16</sup>.

#### **Hard Rock**

- 5.17 Hard rock that is crushed may be used in place of local gravel and fines from crushed rock may be used as a substituted for sand.
- 5.18 No hard rock is found in the country. Hertfordshire imports crushed rock into the county via the rail aggregate depots totalling roughly 500,000 tonnes per year<sup>17</sup>. Reserves from outside of Hertfordshire will be relied upon for this source of mineral.

#### **Brick Clay**

- 5.19 Although Hertfordshire has one site that excavates brick clay to make specialist bricks at Bovingdon Brickworks, there may be a requirement to import a further supply during the Plan period. The NPPF requires a stock of permitted reserves of at least 25 years for brick clay. Currently, there are permitted reserves for another 18 years. If there is no potential for further clay extraction in Hertfordshire, Hertfordshire will need to co-operate with

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<sup>15</sup> Access database supplied with the Aggregate Minerals Survey 2014

<sup>16</sup> A detailed summary of imports and exports of minerals in Hertfordshire can be found in the Local Aggregate Assessment 2015 for Hertfordshire.

<sup>17</sup> Hertfordshire Local Aggregate Assessment 2015

neighbouring authorities to plan for the maintenance of brick clay over the next 25 years.

**Marine Aggregates**

- 5.20 Hertfordshire is a land locked county and as such contains no areas suitable for the dredging of marine aggregates. A relatively small amount of marine sand and gravel is consumed in the county which is imported via Kent and London.

DRAFT

## 6 Vision and Objectives

### Hertfordshire Draft Minerals Local Plan Vision and Objectives

- 6.1 The Plan sets out the county council's vision for the future and the objectives by which it will be achieved.

#### Vision

- 6.2 The following vision has been developed in consultation with key partners and stakeholders.

#### Vision

Throughout the plan period to 2031, Hertfordshire will continue to provide a steady and adequate supply of sand and gravel to enable local economic growth and support wider and national supply obligations. This will be achieved by permitting sand and gravel reserves within Hertfordshire for extraction. Clay extraction to supply the specialist brickworks within the county will be supported.

The supply of naturally occurring mineral resources of sand, gravel and clay will be conserved for future generations. This will be achieved by employing the sustainable use of minerals by using resources effectively and utilising the supply of alternative materials in construction projects. Prior extraction in cooperation with interested parties will be expected before other development takes place on land.

The sustainable use of minerals will minimise impacts and maximise improvements on the natural, built and historic environments and human health now and in the future. The effects on climate change will be managed as part of mineral development.

High quality restoration and subsequent management of mineral sites will be carried out as early as possible to conserve and enhance the character and quality of Hertfordshire's landscape and environments. Opportunities for outdoor recreation, net gain in biodiversity, improved agricultural land and water management will be delivered.

#### Objectives

- 6.3 The following objectives have been developed specifically for Hertfordshire to ensure the vision and the overarching aim of sustainable development is achieved.

Obj1.	To enable sustainable local economic growth by identifying adequate mineral extraction sites/areas within Hertfordshire sufficient to meet the requirements of the Local Aggregate Assessment and safeguarding existing infrastructure for non-indigenous aggregates to provide the building materials to enable built development and associated infrastructure.
Obj2.	To provide a steady and adequate supply of minerals which includes safeguarding resources for future use, extracting minerals prior to other development taking place and using minerals in construction on the land from which they are extracted.
Obj3.	To encourage the sustainable use of minerals by utilising secondary and recycled aggregates which will reduce the reliance on primary won aggregates.
Obj4.	To conserve sand, gravel and clay resources for current and future generations.
Obj5.	To promote/encourage the sustainable transport of minerals by road, rail and water, including the safeguarding of railheads.
Obj6.	To ensure the sustainable and expedient delivery of mineral extraction while protecting people from harm, positively contributing to the natural, built and historic environments and mitigating against adverse cumulative impacts.
Obj7.	To ensure that mineral development addresses and minimises the impacts it will have on climate change and how climate change may impact upon it.
Obj8.	To positively contribute to the natural, built and historic environments with high quality, progressive and expedient restoration to achieve a beneficial after use. The after use will protect and enhance the environment, including landscape and biodiversity improvements.
Obj9.	To increase public access to the countryside and enhance biodiversity through enhancing the amenity value of land when restoring extraction sites.

6.4 The policies in the Plan will help to meet these objectives. The policies will be monitored using the targets and indicators set out in the tables below each policy to assess how effectively the policies are being implemented. The targets and indicators are set out in Appendix 1.

## 7 Presumption in Favour of Sustainable Development

### Sustainable Development

- 7.1 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development<sup>18</sup> which should be seen as a golden thread running through both plan-making and decision-taking. The policies and allocations contained in the Minerals Local Plan follow the approach of the presumption in favour of sustainable development and provide guidance to apply the presumption locally, in line with the Plan's vision.
- 7.2 The NPPF states that there are three dimensions of sustainable development: economic, social and environmental. The working of minerals has the ability to affect all three dimensions and the county council will seek opportunities to achieve net gains across each dimension through the implementation of the Plan.
- 7.3 The county council seeks to contribute to a strong, responsive and competitive economy, supporting vibrant and healthy communities, whilst protecting and enhancing the natural, built and historic environment. The provision of a steady and adequate supply of minerals to meet national, sub-national and local needs in accordance with the policies in the Plan will help achieve this.
- 7.4 The county council will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 7.5 Policy 1: Sustainable Development reflects the national policy presumption.

#### **Policy 1: Sustainable Development**

**The county council will take a positive approach that reflects the presumption in favour of sustainable development as contained in the NPPF when considering development proposals.**

**The county council will grant planning permission for mineral extraction and associated development where proposals accord with the policies in the Development Plan and will refuse proposals that conflict with the Development Plan unless material considerations indicate otherwise.**

**Where there are no policies relevant to the proposal or the relevant policies are out of date at the time of making the decision, the county council will grant planning permission unless material considerations indicate otherwise, taking into account:**

<sup>18</sup> NPPF, 2012 – paragraph 47.

- any adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; and
- specific policies in the NPPF that indicate development should be restricted

### Monitoring

Related Plan Objectives	Obj1, 2, 3, 4, 5 & 6
Plan Targets	T1, 2, 3 & 4
Plan Indicators	IN1, 2, 3 & 4

## Climate Change

### Hertfordshire Context

- 7.6 Climate change continues to be a topic of interest across the county. Variations of temperature and rainfall indicate changes to the climate in Hertfordshire and across the UK. Hertfordshire experiences a lower than average rainfall and it is likely that the climate change will change this. Annual mean temperatures from Hertfordshire and Central England Temperature (CET) records show that there is a long term warming trend.
- 7.7 Hertfordshire emitted a total of 6,887,990 tonnes of CO<sub>2</sub> in 2011; this is a decrease of 7.3% since 2010 and 14.9% reduction since 2005. Of this, 37.6% was emitted by road transport followed by domestic emissions, making up 32.7% of the above figure<sup>19</sup>. Between 2010 and 2011 all the districts in Hertfordshire showed a decrease in emissions for the domestic, industrial and commercial sectors.

### Policy Background

- 7.8 Measures to tackle climate change nationally have been introduced through the Climate Change Act (2008) which sets a legally binding target to cut UK emissions by 34% by 2020 and by at least 80% by 2050.
- 7.9 Meeting the challenges of climate change is central to the principle of sustainable development and as such, climate change should be taken into account at all stages of planning to secure radical reductions in greenhouse gas emissions, minimise vulnerability and provide resilience to the impacts of climate change.
- 7.10 Two key aspects of climate change are most relevant to minerals planning:
- Reducing carbon emissions to minimise future climate change;

<sup>19</sup> Hertfordshire Local Information System, Hertfordshire Quality of Life Report 2014. Climate Change.

- Preparing for the effects of climate change by increasing the resilience of a location to any climatic changes.

7.11 Measures to minimise or prepare for climate change will vary depending on the circumstances of each proposal but there are a number of key ways that minerals development can incorporate mitigation for climate change issues.

### **Location, Setting and Orientation**

7.12 Energy consumption can be minimised by taking account of the volume, shape and orientation of buildings as well as the landform and landscaping associated with a proposal. This might include positioning machinery where it would ease transport around the site to reduce the movement of energy-consuming vehicles, or orientating infrastructure to maximise the efficient integration of processing equipment or aspects of a micro-climate.

### **Renewable Energy**

7.13 Minerals development can help to reduce the reliance on centralised energy supplies and subsequent emission of key greenhouse gases. This can be achieved by the installation of renewable and low-carbon energy generation on-site, where feasible and viable.

### **Minimising Greenhouse Gas Emissions**

7.14 The county council would expect minerals development to be located and designed to promote energy efficiency wherever possible. Lorry movements to and from site are a major contributor to the greenhouse gas emissions of minerals extraction sites so sustainable transportation should be major considerations for applicants in accordance with Policy 20: Strategic Transport and Policy 21: Operational Transport.

7.15 Proposals can also manage emissions through building design, site layout and the use of fuel-efficient and well-maintained processing plants.

7.16 As a means of demonstrating sufficient energy efficiency measures, applicants are encouraged to implement sustainability standards, such as the BREEAM published by the Building Research Establishment, into the design of operations and built development on site and greenhouse gas emissions should be addressed for the lifetime of the development.

### **On-Site Water Efficiency**

7.17 Mineral developments can be designed in a number of ways to reduce the threat of water-scarcity and maximise the efficient use of water on-site. Measures include site design to allow the repeated re-use of water in mineral screening or the installation of grey-water recycling systems and on-site water storage.

### **Reducing Flood Risk**

7.18 Minerals development should be designed to reduce vulnerability to the potential impacts of climate change and care should be taken to ensure that risks can be managed through suitable adaptation measures. This could include the development of green infrastructure and the appropriate incorporation of



Sustainable Drainage Systems (SuDS) to reduce water demand, aid flood alleviation and minimise flood impacts.

- 7.19 Proposals should include an assessment of flood risk and include mitigation measures sufficient to satisfy the requirements of Policy 15: Water Management, incorporating up to date climate change allowances for which guidance is published by the Environment Agency. Resilience measures could involve directing operations away from areas of the site with highest risk of flooding or designing the extraction and restoration of land to increase the capacity of the floodplain.

#### **Restoration and After-Use**

- 7.20 Proposals for minerals extraction should promote the benefits from restoration and after-use with particular emphasis encouraged for landscape improvements, creation of habitats for biodiversity, flood alleviation and water resource enhancement.

- 7.21 A Restoration Strategy should be submitted for the site in accordance with Policy 24: Restoration.

#### **Secondary and Recycled Aggregates**

- 7.22 Applicants should consider the use and provision of secondary and recycled aggregates to reduce reliance on the extraction of primary resources and to increase the availability of alternative mineral products. Minimising the requirement for mineral extraction can reduce the greenhouse emissions associated with extraction operations as well as reducing the demand on other important resources such as water during operations. Proposals should refer to Policy 5: Secondary and Recycled Aggregates when proposing the use or processing of secondary and recycled aggregates.

- 7.23 The measures presented above are not exclusionary and the county council will expect applicants to submit innovative proposals that combine different measures where appropriate. Applicants should submit a Climate Change Statement which explains how measures to minimise and mitigate against climate change have been considered and the reasoning for either including or omitting measures in the proposed development. The applicant should also detail how they intend to continue to review their performance with regards to climate change impacts throughout the duration of the development.

- 7.24 The extent to which it may reasonably be expected that such measures will be incorporated to reduce the effects of climate change will be considered by the county council and proposals will be assessed taking account of the ever-changing range of mitigation measures as they evolve throughout the duration of the Plan.

## **Policy 2: Climate Change**

**Proposals for mineral extraction and associated development must demonstrate how they have incorporated multifunctional mitigation measures to minimise future impacts of climate change and how adaption and resilience measures to potential climate changes have been incorporated into the design.**

**Applicants should submit details and reasoning of any measures that have been considered and included within a Climate Change Statement, having regard to relevant legislation and guidance.**

**Measures will vary depending on the particular circumstances of each proposal but should have regard, although not be limited, to:**

**Proposals for mineral extraction and associated development must demonstrate how effective multifunctional mitigation measures to minimise future impacts of climate change have been incorporated having regard to relevant legislation and guidance.**

**Proposals must also demonstrate effective adaptation and resilience measures to potential climate changes in the form of a Climate Change Statement. These will vary depending on the particular circumstances of each proposal but should have regard, although not be limited, to:**

- **Location, setting and orientation;**
- **Renewable energy;**
- **Minimising greenhouse gas emissions;**
- **On-site water efficiency;**
- **Reducing flood risk;**
- **Restoration and after-use; and**
- **The use and production of secondary and recycled aggregates**

### **Monitoring**

Related Plan Objectives	Obj3, 4, 7 & 8
Plan Targets	T4, 5 & 6
Plan Indicators	IN4, 5 & 6

## 8 Strategic Aggregate Policies

### Aggregate Supply

#### Hertfordshire Context

- 8.1 The average sales figure of sand and gravel in Hertfordshire over the ten year period between 2006-2015, is 1.16 million tonnes<sup>20</sup>. Based on the 2016 levels, Hertfordshire contributed 10% of the sand and gravel sales in the East of England region<sup>21</sup>.

#### Policy Background

- 8.2 Minerals are a finite resource and ensuring the best use of these minerals secures their long-term conservation. Primary land-won aggregate, which is mineral dug from the land, is used widely within the construction industry. This is being supplemented by secondary and recycled aggregate in construction projects, which is becoming increasingly important as the supplies of land-won aggregate decline and in promoting the sustainable use of minerals. Policy 6: Secondary and Recycled Aggregate relates to the use of secondary and recycled aggregates.
- 8.3 The county council as MPA is required within the NPPF<sup>22</sup> to plan for a steady and adequate supply of aggregates to support sustainable economic growth. This can be achieved through the allocation of specific sites, preferred areas and/or areas of search. The sites selected to help achieve a steady and adequate supply of minerals feature in Policy 4: Working of Specific Sites or Preferred Areas. To ensure that there are minerals available in the future Minerals Policy 8: Mineral Safeguarding is also critical for a steady and adequate supply.
- 8.4 To provide for future sand and gravel requirements, Hertfordshire is planning to meet the sub-national apportionment figure which has been allocated to the county covering the period of 2005-2020<sup>23</sup>. This figure is currently 1.39 million tonnes per annum for Hertfordshire to plan for. This figure is considered a reliable figure which has had much work undertaken to justify it and factors a proportion of secondary and recycled aggregate into its model. It was approved by the East of England Aggregates Working Party based on the Managed Aggregate Supply System (MASS) which now forms part of the NPPG. National policy instructs MPAs to participate in their area's Aggregate Working Party and take account of its advice. MASS exists to ensure that MPAs make appropriate contribution to national as well as local aggregate supply. Whilst minerals that are not found in an authority area may travel significant distances, of the more abundant minerals, the distance they travel will be dictated by the cost of transporting them and therefore is more likely to serve the more local market.

<sup>20</sup> Local Aggregate Assessment 2016.

<sup>21</sup> East of England Aggregates Working Party Annual Monitoring Report 2016.

<sup>22</sup> NPPF, 2012 – paragraph 145

<sup>23</sup> National and Regional Guidelines for Aggregates Provision in England 2005-2020 (June 2009)

- 8.5 The NPPF also requires MPAs to make provision for the maintenance of a landbank of at least seven years for land-won sand and gravel. This is a monitoring tool which underpins the working of the MASS. Landbanks of aggregate minerals reserves are used principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans.
- 8.6 Maintaining such a landbank means that the county must maintain at least seven years' worth of permitted mineral reserves at any time during the Plan period. At any one time there should be planning permission for a total of 9.73 million tonnes of sand and gravel (7 years x 1.39mt). The landbank is calculated using the permitted reserves within the county and the sub-national apportionment figure. In order to ensure a continued supply beyond the 15 year plan period, an additional seven years' supply of sand and gravel has been identified within this Plan, which requires the need to plan for 22 years of supply. The Plan should therefore plan for at least 30.58 million tonnes of land-won aggregates based upon the annual 1.39 million tonnes for Hertfordshire.
- 8.7 The county council uses the preparation of its annual Local Aggregate Assessment (LAA) to monitor the landbank and provide up-to-date information for plan making and the determination of mineral planning applications. National policy requires the preparation of an annual LAA to capture the rolling average of 10 years sales data and other relevant information and an assessment of all supply options (including marine dredged, secondary and recycled sources). The Hertfordshire LAA sets out the sales figures for sand and gravel, revised permitted reserves and captures potential demand in the form of proposed development schemes and housing projections at district level which can help to ascertain whether growth projections could influence a change in need for sand and gravel. The annual LAA will monitor the aggregate supply and demand providing an up-to-date picture of the sand and gravel reserves and sales in the county.

**Policy 3: Aggregate supply**

**The county council will seek to maintain a steady and adequate supply with a landbank of sand and gravel reserves to support sustainable economic growth in accordance with government guidance throughout the plan period to enable appropriate contribution to the national, sub-national and local needs**

**Monitoring**

Related Plan Objectives	Obj1 & 2
Plan Targets	T1 & 2
Plan Indicators	IN1 & 2

## Working of Specific Sites or Preferred Areas

- 8.8 The purpose of identifying sites and/or areas where mineral working might be encouraged is to give clear guidance and some certainty on when and where mineral extraction development may take place in the future to maintain an adequate and steady supply of minerals.
- 8.9 National policy states that MPAs should plan for the steady and adequate supply of minerals in one or more of the following ways (in order of priority) designating Specific Sites, Preferred Areas, and/or Areas of Search.
- 8.10 In line with national policy a minimum of a seven year landbank for aggregates is required.
- 8.11 The Minerals Planning Authority has undertaken an extensive site selection study in order to identify the most sustainable locations for future aggregate extraction. This involved:
- preparing a methodology for site selection;
  - a desk based evaluation of mineral resources in the county to identify economically viable resources;
  - assessing potential sites and areas against the sieving criteria including a series of environmental and other constraints to identify areas suitable for further investigation as potential sites for mineral extraction;
  - comparative evaluation of sites, incorporating feedback from the consultation exercise; and
  - an independent sustainability appraisal.
- 8.12 Existing sites with permitted reserves which contribute to the landbank are listed within the Local Aggregates Assessment (LAA). The LAA is reviewed on an annual basis and reports on the status of the landbank. Sites identified in the Plan will also be mentioned in the LAA.
- 8.13 National policy and guidance defines specific sites, preferred areas and/or areas of search as:

**Specific sites** – where viable resources are known to exist, landowners are supportive of minerals development and the proposal is likely to be acceptable in planning terms. Such sites may also include essential operations associated with mineral extraction;

**Preferred Areas** – areas of known resources where planning permission might reasonably be anticipated. Such areas may also include essential operations associated with mineral extraction;

**Areas of Search** – areas where knowledge of mineral resources may be less certain but within which planning permission may be granted, particularly if there is a potential shortfall in supply.

- 8.14 The proposed specific sites/preferred areas are listed in Appendix 3 of the Plan. It is anticipated that these sites/areas will contribute to the Hertfordshire landbank in future. These areas of land are likely to be required to make up the balance of the contribution to the apportionment for the plan period (to 2031) and the landbank period beyond.
- 8.15 It is therefore intended that, unless exceptional circumstances indicate otherwise, the county's needs for land-won aggregate will be met from the sites and areas identified in Policy 4: Working of Specific Sites or Preferred Areas of this plan.
- 8.16 It is estimated that the three identified Specific Sites and one Preferred Area could contribute 25.75 million tonnes of sand and gravel over the Plan period.
- 8.17 National policy is clear that large landbanks bound up in a small number of sites should not stifle competition. The MPA has not placed reliance on a single site for meeting the future aggregate need.

#### Summary Table

Specific Sites	Tonnage
Proposed Specific Site 1 – Hatfield Aerodrome	Estimated 8 million tonnes
Proposed Specific Site 2 – Hatfield – Furze Field	Estimated 0.45 million tonnes
Proposed Specific Site 3 – Hatfield Quarry – Land Adjoining Coopers Green Lane	Estimated 6.6 million tonnes
Preferred Areas	Tonnage
Proposed Preferred Area – The Briggens Estate	Estimated 10.7 million tonnes
<b>Total Provision</b>	<b>25.75 million tonnes</b>
Permitted Reserves as of 31/12/2016	<b>11.75 million tonnes</b>

#### Policy 4: Working of Specific Sites or Preferred Areas

**Provision for Hertfordshire's apportionment contribution will be met by the identification of specific sites and preferred areas.**

**Specific sites for sand and gravel extraction are identified on Inset Maps 1-3 and the Policies Map. These sites are:**

- **Proposed Specific Site 1 - Hatfield Aerodrome**
- **Proposed Specific Site 2 - Hatfield – Furze Field**
- **Proposed Specific Site 3 - Hatfield Quarry - Land adjoining Coopers Green Lane**

**A Preferred Area to meet the agreed apportionment is identified on Inset Map 4 and the Policies Map. This site is:**

- **Proposed Preferred Area 1 – The Briggens Estate**

**Proposals for mineral extraction within the specific sites or preferred areas will be considered against the policies within the plan, with specific reference given to Policy 3: Aggregate Supply.**

**Proposals must fulfil the requirements as set out within the planning briefs.**

### **Monitoring**

Related Plan Objectives	Obj1 & 2
Plan Targets	T1, 2 & 9
Plan Indicators	IN1, 2 & 9

## **Secondary and Recycled Aggregates**

### **Hertfordshire Context**

- 8.18 The growth promoted by Hertfordshire’s borough and district Local Plans means that there are significant arisings of Construction, Demolition and Excavation (CD&E) waste in the county totalling roughly 2 million tonnes per year<sup>24</sup>. Due to Hertfordshire’s location directly to the north of London, approximately 1 million tonnes of CD&E waste are also imported into Hertfordshire from out of the county<sup>25</sup>. Much of this material is sent to landfill (either in or outside of Hertfordshire) but could be recycled and re-used, replacing the need to extract primary, land-won minerals.
- 8.19 The county council promotes the efficient use of resources, including the re-use of inert waste as an alternative to primary materials in large construction projects via the implementation of Site Waste Management Plans. In addition, Hertfordshire has a handful of facilities that can recycle inert waste to produce construction products but capacity only exists in the county for 0.35 million tonnes per year.

### **Policy Background**

- 8.20 The NPPF is clear that local plans should take account of secondary and recycled minerals before considering extraction of primary minerals. The county council is committed to promoting the use of alternative materials to reduce the reliance on land-won material and make the most sustainable use of finite resources.

<sup>24</sup> Waste Data Interrogator 2015

<sup>25</sup> Waste Data Interrogator 2015

- 8.21 **Secondary Aggregates** are aggregates produced as by-products of other processes, including boiler ashes, burned shale, burned clay, pulverised fuel ash, chalk and shale. They can also be created as a by-product from mineral extraction processes, which can include china clay, coal and slate extraction.
- 8.22 **Recycled Aggregates** are aggregates obtained from the treatment of materials formerly used for another purpose and can comprise reprocessed Construction, Demolition and Excavation (CD&E) waste, asphalt road planings and railway basalt.
- 8.23 Recycled aggregates currently offer the greatest potential as an alternative to primary aggregates in Hertfordshire. The principal reasons for this are that:
- the volumes of waste arisings are considerable;
  - the waste is generated and recycling takes place at many locations across the county, often close to potential markets;
  - the material can provide an end product with a variety of different construction uses;
  - where adequate sorting facilities are available, recycled aggregates can compete with a wide range of primary materials.
- 8.24 Support for recycling aggregates is also contained in the Hertfordshire Waste Local Plan (WLP), which forms part of the Development Plan and comprises the Waste Core Strategy & Development Management Policies document (adopted 2012) and the Waste Site Allocations document (adopted 2014).
- 8.25 The WLP aims to reduce the proportion of CD&E waste produced in the county that is sent to landfill. As such, existing sites with planning permission and sites on which planning permission is subsequently granted for waste management are safeguarded under Policy 5: Safeguarding of Sites in the Waste Core Strategy & Development Management Policies document.
- 8.26 New facilities for the production of secondary and recycled aggregates will be supported by the county council where it can be demonstrated that the proposal would reduce the need for the extraction of primary, land-won aggregates, particularly within Hertfordshire.
- 8.27 The location of proposals for new secondary and recycled aggregate facilities will be assessed against Policy 7: General Criteria for Assessing Planning Applications Outside of Identified Locations in the Waste Local Plan and other aspects of a proposal against policies contained in the Development Plan and on the merits of the application. Proposals for permanent facilities should be located where they will not have an unacceptable adverse impact on the environment or on quality of life and will be assessed taking account of the balance between the need for additional waste facilities and the need to protect the environment.
- 8.28 The processing of secondary and recycled aggregate is a compatible operation on an existing mineral site, including where restoration is by infilling and appropriate waste materials are already being brought to the site. Existing



screening and mitigation against other environmental impacts makes this a potentially positive option, however, the secondary operation would only be permitted for the duration of the minerals operation and at a scale appropriate to the original use of the site.

**Policy 5: Secondary and Recycled Aggregates**

**The county council will support the increased use of secondary and recycled aggregates in place of primary land-won aggregates in development proposals to reduce reliance on land-won minerals and to minimise the quantity of Construction, Demolition and Excavation waste being sent to landfill.**

**The county council will support proposed facilities for processing, distribution and where necessary the re-processing of aggregates subject to proposals being consistent with the Development Plan and subject to the criteria below unless material considerations indicate otherwise.**

**Proposals for recycling facilities must demonstrate that:**

- **the siting, scale and design of the development is appropriate to the location and the character of the surrounding natural and built environment;**
- **the landscaping and screening of the site is designed to effectively mitigate the impact of the proposal;**
- **the proposed development would not adversely impact upon the natural, built or historic environments, amenity or human health;**
- **the transportation of aggregates will not have a significant adverse impact on highways safety and the effective operation of the highway network; and**
- **there would not be an unacceptable adverse cumulative impact on the local area.**

**In addition, proposals for temporary recycling facilities must demonstrate that where facilities are proposed within an existing quarry:**

- **the size and throughput of the recycled and secondary aggregate operation is of an appropriate scale to existing operations; and**
- **the duration of the development does not prejudice or unduly delay the restoration of the site**

**Monitoring**

Related Plan Objectives	Obj3, 4 & 8
Plan Targets	T4 & 9
Plan Indicators	IN4 & 9

## 9 Industrial Minerals Policies

### Brick Clay

#### Hertfordshire Context

- 9.1 Whilst sand and gravel deposits provide the main mineral resource for Hertfordshire, isolated and localised pockets of brick clay exist in the north west of the county. The scale of clay working is relatively small and infrastructure only exists for brick production at one site in the county, Bovingdon Brickworks.
- 9.2 Brick clay production is very specialist in its nature and the bricks are heavily dependent on the blend of material used in the production process. Considering the highly variable geology of clay resources in Hertfordshire, the bricks produced at Bovingdon Brickworks, which contain the mottled clays of Reading Formation and Clay-with-Flints from the nearby area, are locally distinctive<sup>26</sup>. They serve sub-national and local markets as a material in the construction and restoration of traditional brick and flint building styles in the surrounding villages and market towns, complementing the local heritage.
- 9.3 Two sites in Hertfordshire have permission to extract brick clay for use at Bovingdon Brickworks. These sites are Pocket's Dell Quarry and Land at Cox and Croft Fields, Shantock Hall Lane.

#### Policy Background

- 9.4 The NPPF requires MPAs to plan for a steady and adequate supply of industrial minerals by providing a stock of at least 25 years permitted reserves for brick clay to support existing kilns.
- 9.5 It is not considered appropriate to identify Preferred Areas for clay production in the Plan due to issues with landownership and the sporadic nature of the clay reserves. As an alternate means of protecting clay reserves for future use, a Minerals Safeguarding Area (MSA) and a Mineral Consultation Area (MCA) have been identified around a wider area of known clay reserves. The MSA and MCA will ensure that any proposal submitted for non-minerals development that might sterilise the mineral reserves should follow the consultation procedure specified in Policy 9: Mineral Safeguarding Areas and Minerals Consultation Areas in order to be granted approval.
- 9.6 This will promote collaborative work between the county council and district/borough councils of Hertfordshire to protect the mineral resources for future use beyond the Plan period or for proposals for extraction that would allow the county council to provide a sufficient stock of permitted reserves.

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<sup>26</sup> British Geological Survey: Hertfordshire and NW London Boroughs – Mineral resource Information in Support of National, Regional and local Planning 2013.

9.7 Due to the nature of local clay reserves, it is possible that Bovingdon Brickworks may need to be supplied by sites from further afield, including sites nearby in Buckinghamshire, or brickworks operating in adjoining authorities may need to be supplied by extraction sites in Hertfordshire. In instances where the county council receives an application for clay extraction to supply an out-of-county brickworks, the county council will liaise with the neighbouring minerals planning authority to determine the specified brickworks' existing stock of permitted reserves as well as determining whether the proposed extraction operations are in accordance with the policies in the Development Plan for Hertfordshire.

**Policy 6: Brick Clay**

**Bovingdon Brickworks is a safeguarded and strategic site for the extraction of brick clay and the production of bricks.**

**Bovingdon Brickworks will be supported by the following two Specific Sites in Hertfordshire, as identified on Inset Map 5 and the Policies Map:**

- **Pocket's Dell Quarry; and**
- **Land at Cox and Croft Fields, Shantock Hall Lane.**

**The Mineral Safeguarding Areas for clay, is shown on the Policies Map.**

**Proposals for new sites or extensions to existing brick clay workings will be permitted where it can be demonstrated that:**

- **the level of permitted reserves for a specified brickworks is insufficient to maintain brick clay production for at least 25 years;**
- **the proposal directly contributes towards the required supply for brick clay at the specified brickworks; and**
- **the proposals are consistent with other policies within this plan.**

**Monitoring**

Related Plan Objectives	Obj2 & 4
Plan Targets	T3 & 5
Plan Indicators	IN3 & 5

## Chalk

### Hertfordshire Context

- 9.8 Hertfordshire has three sites with planning permission to extract chalk which is used as an agricultural lime on farmland. These are:
- Codicote Quarry;
  - Bedwell Park Quarry; and
  - Anstey Chalk Quarry.
- 9.9 The chalk deposits at Codicote Quarry and Anstey Quarry contain flints that are extracted as a by-product of the chalk extraction process. Flints are common within chalk reserves throughout the wider Chiltern Hills area. Once separated from the chalk, the flints are processed and sold for use in the construction and maintenance of roads or buildings, often as part of heritage restoration of older buildings.

### Policy Background

- 9.10 Because chalk extracted in Hertfordshire is not used as an industrial mineral in the production of cement, there are no national policy requirements to maintain a supply of permitted reserves. Due to the low use and unlikely requirement for further chalk supply in the county, no additional Specific Sites or Preferred Areas are identified in this Plan for the extraction of chalk.
- 9.11 Support will be given to proposals for small-scale chalk extraction only where it can be demonstrated that there is additional need for the agricultural use of chalk and if a proposal complies with the other policies within the Development Plan. The need should be linked to the seasonal agricultural application of chalk to land and applicants should use trends in historical sales figures over a period of at least ten years to demonstrate the increased need for extraction.

### Policy 7: Chalk

**Proposals for chalk extraction will be permitted where it can be demonstrated that:**

- **there is a need for additional chalk supply for agricultural use; and**
- **the proposals are consistent with other policies within this Plan.**

### Monitoring

Related Plan Objectives	Obj1, 2 & 8
Plan Targets	T5
Plan Indicators	IN5

## 10 Safeguarding

### Mineral Safeguarding Areas and Mineral Consultation Areas

- 10.1 Much of Hertfordshire is underlain by sand and gravel deposits which provide valuable resources for construction materials and the future needs for Hertfordshire. Minerals are finite resources and can only be worked where they are found. Allowing new built development to take place on top of these deposits could make these valuable mineral resources inaccessible for future extraction, by 'sterilising' them from potential future use. This sterilisation can occur either directly by building on top of the deposits, or indirectly, for example, by building new houses close to a mineral deposit, and thus preventing extraction due to the proximity to the new development.
- 10.2 It is recognised in National Policy that known locations of specific mineral resources of local and national importance should not be needlessly sterilised by non-mineral development<sup>27</sup>. It is therefore important that the county council conserves (safeguards) areas of known mineral resources appropriately so that unnecessary mineral sterilisation does not occur, to ensure that resources are protected for future generations.
- 10.3 National policy is also clear on adopting a systematic approach for the safeguarding of mineral resources which should be evident within development management policies. The policy should contain action for applicants to address the risk of losing the ability to extract the resource and policies should encourage the prior extraction of minerals where practicable and environmentally feasible.
- 10.4 In order to prevent sterilisation, the Minerals Local Plan (MLP) has identified Mineral Safeguarding Areas (MSAs) and Mineral Consultation Areas (MCAs) for sand and gravel and brick clay resources.
- 10.5 National policy defines an MSA as an area designated by a Minerals Planning Authority (MPA) which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development<sup>28</sup>.
- 10.6 A MCA is defined as a geographical area, based on a MSA, where the district or borough council should consult the MPA for any proposals for non-minerals development<sup>29</sup>.
- 10.7 For Hertfordshire MSAs and MCAs have been identified for sand and gravel and for brick clay. The MSAs and MCAs are based on British Geographical Survey (BGS) data at 1:50,000 scale with previously worked areas removed and the addition of 100m buffer area to the remaining resource areas. **The**

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<sup>27</sup> NPPF, 2012 – paragraph 143

<sup>28</sup> NPPF, 2012 – Annex 2: Glossary

<sup>29</sup> NPPG – Paragraph 221 reference ID: 27-221-2014-03-06

**areas of MSAs and MCAs coincide to cover the same areas within Hertfordshire.**

- 10.8 In accordance with paragraphs 4.2.9 to 4.2.11 of the British Geological Survey: Mineral Safeguarding in England: Good Practice Advice (2011) the MSAs cover the whole of the mapped resource areas and do not exclude areas which are already subject to other designations or those which are already sterilised by existing urban development. Mineral safeguarding is not precluded by the presence of national and international environmental designation.
- 10.9 If planning applications for non-minerals development submitted to the district/borough councils (unless it falls within the stated thresholds for excluded development), fall within the MCAs, the MPA should be consulted to have the opportunity to consider whether the development proposed would lead to unacceptable sterilisation of potentially extractable mineral resources. This process allows for the county council and district/borough councils to work together to protect the resources within the identified MSAs.
- 10.10 There are some types of development that would not normally bring about the sterilisation of an underlying mineral deposit, for example development within urban areas (where the mineral deposits are already sterilised by the built-up nature of the area), or developments involving only temporary uses (which by definition will not lead to the permanent or long-term sterilisation of mineral deposits).
- 10.11 In order to avoid an unnecessary number of consultations on applications that are unlikely to be objected to on minerals grounds, some types of planning application will be exempt from the consultation procedures. The exempt categories, on which consultation will not be required, are as follows:

<b>Excluded Development List</b>	
<b>Mineral Type</b>	<b>Excluded Development</b>
Sand and Gravel (same for both MSA and MCA)	<ul style="list-style-type: none"> <li>• Householder planning consent: Applications for alterations to existing single buildings including works within the boundary/garden of a house i.e. domestic extensions, conservatories, loft conversions, dormer windows, garages and similar structures (car ports, outbuildings) within the curtilage of an existing dwellinghouse</li> </ul>
Brick Clay (same for both MSA and MCA)	<ul style="list-style-type: none"> <li>• Applications for Advertisement Consent</li> <li>• Applications for Listed Building Consent</li> <li>• Lawful Development Certificate (LDC) for existing use, proposed use, or operation or activity in breach of a planning condition</li> <li>• Prior Notifications (telecommunications; forestry; agriculture; demolition)</li> <li>• Applications for removal, variation and approval of conditions</li> <li>• Applications for Tree Works (including consent under Tree Preservation Orders and notification of proposed works to trees in conservation areas)</li> </ul>

	<ul style="list-style-type: none"> <li>• Applications for change of use of existing development, unless intensifying activity on site</li> <li>• Applications for reserved matters including subsequent applications after outline consent has been granted</li> <li>• Application for non-material amendments</li> <li>• Applications that are in accordance with the development plan where the district/borough local plan took account of the prevention of unnecessary mineral sterilisation and determined that prior extraction should not be considered when an application for development in a MSA come forward (<u>Sand and Gravel, and Brick Clay only</u>)</li> <li>• Applications for small-scale urban infill development within existing built-up areas i.e. the development of a small gap between existing buildings/enclosed by other types of development</li> <li>• Developments within a conservation area within existing urban areas</li> <li>• Applications for prior approval</li> </ul>
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10.12 Proposals for non-mineral development which do not meet these stated criteria and fall within MCAs should be supported by a Mineral Resource Assessment carried out by a suitably qualified professional. As a minimum, this assessment should establish the extent and quality of the resource, the likelihood of being able to work it in an environmentally acceptable way and economic viability in association with the proposed scheme. From this information the MPA can consider whether it is necessary for the mineral to be extracted or allowed to be sterilised. Further information can be found in the county council's Mineral Resource Assessment Technical Note.

10.13 The MPA encourage early engagement and involvement in the preparation of district/borough local plans in addition to engagement at the pre-application stage to ensure that potential issues of sterilisation can be addressed.

Prior Extraction:

10.14 To prevent the sterilisation of known mineral resources (i.e. MSAs), there may be an opportunity to extract a significant proportion of the mineral resource prior to built development taking place in. This is known as prior extraction. To prevent their permanent loss, and in accordance with national policy, the MLP encourages prior extraction.

10.15 The prior extraction of minerals on sites allocated for housing will depend on site specific issues relating to the resource and phasing of potential non-mineral development. The scale and phasing of the mineral operations will be dependent on the size of the site, the depth of mineral, the type and quality of the mineral, and the nature of the proposed development. Notwithstanding the potential built development, in most circumstances, the deposit would usually be commercially viable as a minerals site. Extraction would likely be a separate activity to the non-minerals development and may include restoration of the land to make it suitable for the specified future non-mineral

development. Mineral extraction proposals at these prior extraction sites would still have to accord with all other relevant policies of this Plan. However it is also recognised that proposals would also need to ensure timely working of the mineral in co-ordination with other development.

- 10.16 The county council and district / borough councils will work collaboratively through early engagement during local plan preparations and pre applications to promote mineral and infrastructure safeguarding in line with the Mineral Consultation Areas procedure.
- 10.17 Where prior extraction is necessary, a separate mineral planning application is required to be submitted to the MPA for determination. Reference should be made to the criteria set out in Policy 4: Working of Specific Sites or Preferred Areas. Minerals Policy 4: Working of Specific Sites and Preferred Areas seeks to ensure that appropriate weight is given to the prior extraction of minerals which would otherwise be sterilised or would enhance the land use proposals by improving despoiled land.
- 10.18 It should be noted that, there is no presumption that land included within a MSA or MCA for the safeguarding of mineral resources will ever actually be worked for minerals. It is method to protect the resources for the future and mineral extraction will be subject to assessment through the planning application stage and against other policies within this plan.

#### Opportunistic Use:

- 10.19 In cases where full prior extraction is not feasible, there may still be the opportunity to use sand and gravel material on site in construction projects to reduce the need to import material, this is known as opportunistic use.
- 10.20 The term opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable mineral that could be processed and used on site as part of the development. This may include excavating the foundations and footings or landscaping works associated with the development resulting in minimal quantities that would not be commercially viable to extract the full resource. In these cases, a separate minerals applications is not usually required.
- 10.21 Some large-scale regeneration projects may also provide an opportunity for extraction of previously sterilised mineral. For example, this may occur in cases where the surface area is sufficient to extract the mineral or where the proposed depth of excavation of basements or underground car parking exposes mineral which can be extracted as part of the proposed development.
- 10.22 This policy below supersedes the adopted Mineral Consultation Area Supplementary Planning Document.



## **Policy 8: Mineral Safeguarding**

The county council will safeguard known mineral resources from unnecessary sterilisation by non-mineral development by implementing Mineral Safeguarding Areas and Mineral Consultation Areas as indicated on the Policies Map.

Any proposals for non-mineral development which fall within the Mineral Safeguarding Areas and Mineral Consultation Areas, other than applications for the 'excluded development' will be subject to consultation with the Minerals Planning Authority.

After consultation with the Mineral Planning Authority, the submission of a Mineral Resource Assessment may be required to establish the existence or otherwise of a viable mineral resource. Assessments shall be site specific and include geological survey data undertaken by a suitably qualified professional.

The Mineral Planning Authority will object to proposals for non-mineral development within the Mineral Safeguarding Areas and Mineral Consultation Areas, as shown on the Policies Map, unless it is clearly demonstrated to the Mineral Planning Authority that:

- mineral extraction is not environmentally acceptable; or
- the need for the non-mineral development clearly outweighs the need for the mineral resource and therefore sterilisation of the mineral resources; or
- the proposed development does not constrain potential future extraction i.e. playing fields or open land; or
- the development would not constrain future mineral extraction in the vicinity.

Prior extraction will be sought where practicable unless it is demonstrated that the mineral cannot practically be extracted in advance of the proposed development.

In these circumstances, full consideration should be given to the use of raised sand and gravel material on site in construction projects to reduce the need to import material as opportunistic use.

## **Monitoring**

Related Plan Objectives	Obj2 & 4
Plan Targets	T5
Plan Indicators	IN5

## Rail Heads and Wharves

- 10.23 Mineral development is not restricted to the extraction, processing or manufacture of minerals. It also includes the transportation of minerals and associated development such as rail heads/rail aggregate depots, aggregate recycling, and secondary processing facilities such as asphalt and concrete plants.
- 10.24 As detailed in the transport section of this document, the sustainable movement of minerals includes by rail and water. When moving minerals over long distances rail heads and wharves can serve an important strategic mineral infrastructure for the supply of minerals in Hertfordshire. The county does not have any coastline and as a result does not have the potential for marine wharves, however there is the potential for wharves on the rivers within the county such as the River Lea, where boats can dock and unload minerals. At the time of writing this Plan, the county does not have any operating or disused wharves.
- 10.25 There are four rail aggregate depots (rail heads) in the county at the following locations which are safeguarded for their important contribution to the long distance movement of aggregate:
- Rye House, Hoddesdon;
  - Langley Sidings, Stevenage;
  - Harper Lane, St Albans; and
  - Orphanage Road, Watford;
- 10.26 Rail heads are used for the imports and exports of sand and gravel and they are essential infrastructure within Hertfordshire for importing hard rock as the county does not contain deposits of hard rock. Concrete batching plants also operate at some of the rail depots. These are dealt with under a separate policy within this plan.
- 10.27 In terms of safeguarding mineral infrastructure, the NPPF<sup>30</sup> states that MPAs should safeguard:
- ‘existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals, including recycled, secondary and marine-dredged materials’
- 10.28 From national policy and guidance it is clear that existing, planned and potential rail heads should be safeguarded to prevent their redevelopment for other uses and any loss of mineral infrastructure which is not easy to replace. This also relates to storage, handling and processing facilities associated with them. Safeguarding of these sites includes existing operational and non-operational rail heads, which have the potential to be re-opened and serve an important facility in the future. Local Planning Authorities are expected to

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<sup>30</sup> NPPF, 2012 – Paragraph 143.

consult with the MPA where there are proposals within 250m of a rail aggregate depot or wharf and take account of its views before making planning decisions. This is the consultation area around mineral rail heads and any wharves.

- 10.29 The Minerals Local Plan has identified Mineral Infrastructure Consultation Areas (MICAs) to safeguard existing, planned and potential rail heads, wharfage and associated storage.
- 10.30 If planning applications for non-minerals development submitted to the district/borough councils, other than those which fall within the stated thresholds for excluded development, are located within the MICAs for rail aggregate depots and wharves, the MPA should be consulted. The MPA will then have the opportunity to consider whether the development proposed would lead to unacceptable impacts on the mineral infrastructure. This process allows for the county council and district/borough councils to work together to protect the facilities within the identified MICAs.
- 10.31 There are some types of development that would not normally cause unacceptable impacts on rail heads or wharves. In order to avoid an unnecessary number of consultations on applications that are unlikely to be objected to, some types of planning application will be exempt from the consultation procedures. The exempt categories, on which consultation will not be required for railheads and wharves, are as follows:

Excluded Development List	
Mineral Infrastructure	Excluded Development
MICAs Rail Aggregate Depot	<ul style="list-style-type: none"> <li>• Householder planning consent: Applications for alterations to existing single buildings including works within the boundary/garden of a house i.e. (domestic extensions, conservatories, loft conversions, dormer windows, garages and similar structures within the curtilage of an existing dwellinghouse – car ports, outbuildings)</li> <li>• Applications for Advertisement Consent</li> <li>• Applications for Listed Building Consent</li> <li>• Lawful Development Certificate (LDC)</li> <li>• Prior Notifications (telecommunications; forestry; agriculture; demolition)</li> <li>• Applications for prior approval</li> <li>• Applications for removal, variation and approval of conditions</li> <li>• Applications for Tree Works (including consent under Tree Preservation Orders and notification of proposed works to trees in conservation areas)</li> <li>• Application for non-material amendments</li> </ul>

10.32 New rail facilities would have to be linked to the sustainable movement of minerals in Policy 22: Strategic Transport.

**Policy 9: Rail heads and Wharves**

**Existing, planned and potential rail heads, rail links to quarries and wharves will be safeguarded for the importation and exportation of minerals and secondary/recycled aggregates.**

**The following rail heads and other infrastructure will be safeguarded through Mineral Infrastructure Consultation Areas, as shown on the Policies Map:**

- **Rye House, Hoddesdon;**
- **Langley Sidings, Stevenage;**
- **Harper Lane, St Albans; and**
- **Orphanage Road, Watford.**

**Any proposals for non-mineral development which fall within the Minerals Infrastructure Consultation Areas, other than applications for ‘excluded development’, will be subject to consultation with the Minerals Planning Authority.**

**Existing and disused rail heads, rail links to quarries and wharves will be safeguarded unless:**

- **the existing or disused facility can be satisfactorily relocated within the development proposals in terms of operational requirements and environmental criteria; or**
- **the facility has been or will be replaced in an appropriate alternative location.**

**Monitoring**

Related Plan Objectives	Obj1 & 5
Plan Targets	T6
Plan Indicators	IN6

**Concrete Batching, Asphalt and Coated Stone Plants**

10.33 The NPPF states that in preparing local plans, local planning authorities should safeguard:

‘existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.’

- 10.34 Where facilities have permanent planning permission from the Mineral Planning Authority (the county council) they will be safeguarded from development which would compromise their continued operation.
- 10.35 The following sites are currently safeguarded within the county:
- Harper Lane, St Albans;
  - Birchall Lane/Cole Green, Welwyn Garden City
  - Burnside, Hatfield
  - Skinners, Hertford
  - Tyttenhanger, Colney Heath
  - Panshanger, Hertford
  - Orphanage Road Goods Yard, Watford
  - Eleanor Cross Road, Waltham Cross
- 10.36 These sites are safeguarded under the following policy to ensure their continued operation is not compromised by other incompatible development proposed in its vicinity. These sites are not easy to replace due to environmental considerations and their need to be located in close proximity to the primary route network.
- 10.37 Local Planning Authorities are expected to consult with the MPA where there are proposals within 250m of a safeguarded concrete batching, asphalt or coated stone plants and take account of its views before making planning decisions in both determining planning applications and allocating sites in their Local Plans. Where concrete batching, asphalt or coated stone facilities that are safeguarded by the MPA could be reprovided, the Local Planning Authority would need to ensure a suitable and functioning replacement is in place prior to other development commencing.
- 10.38 In order to prevent encroachment of incompatible land uses, the Minerals Local Plan has identified Mineral Infrastructure Consultation Areas (MICAs) to safeguard permanent, county council permitted concrete batching, asphalt and coated stone plants.
- 10.39 If planning applications for non-minerals development submitted to the district/borough councils (unless it falls within the stated thresholds for excluded development), fall within the MICAs for concrete batching, asphalt and coated stone plants, the MPA should be consulted to have the opportunity to consider whether the development proposed would lead to unacceptable sterilisation of the mineral infrastructure. This process allows for the county council and district/borough councils to work together to protect the facilities within the identified MICA.
- 10.40 There are some types of development that would not normally compromise the operation of concrete batching, asphalt and coated stone plants. In order to avoid an unnecessary number of consultations on applications that are unlikely to be objected to, some types of planning application will be exempt from the consultation procedures. The exempt categories, on which

consultation will not be required for concrete batching, asphalt and coated stone plants, are as follows:

Excluded Development List	
Mineral Infrastructure	Excluded Development
MICAs for Concrete Batching, asphalt and coated stone plants	<ul style="list-style-type: none"> <li>• Householder planning consent: Applications for alterations to existing single buildings including works within the boundary/garden of a house i.e. (domestic extensions, conservatories, loft conversions, dormer windows, garages and similar structures within the curtilage of an existing dwellinghouse – car ports, outbuildings)</li> <li>• Applications for Advertisement Consent</li> <li>• Applications for Listed Building Consent</li> <li>• Lawful Development Certificate (LDC)</li> <li>• Prior Notifications (telecommunications; forestry; agriculture; demolition)</li> <li>• Applications for prior approval</li> <li>• Applications for removal, variation and approval of conditions</li> <li>• Applications for Tree Works (including consent under Tree Preservation Orders and notification of proposed works to trees in conservation areas)</li> <li>• Applications for change of use of existing development, unless intensifying activity on site</li> <li>• Applications for reserved matters including subsequent applications after outline consent has been granted</li> <li>• Application for non-material amendments</li> </ul>

### Concrete Batching

10.41 Concrete is widely used in the construction industry for buildings, roads, bridges and other structures. Concrete is produced in batching plants, some of which are static structures with the benefit of planning permission located at existing mineral sites or rail aggregate depots or standalone and others are mobile plants for on-site concrete production which can be dismantled and moved from one site to another.

### Asphalt/Coated Stone Plants

10.42 The construction and maintenance of roads, car parks, pavements, other footways and cycleways as well as playgrounds, runways and roofing of buildings all require the use of asphalt.

**Policy 10: Concrete Batching, Asphalt and Coated Stone Plants**

All existing (with permanent permission), planned and potential concrete batching plants, asphalt and coated stone plants operating under planning permissions granted by the County Council will be safeguarded from development which would compromise their operation.

Where these facilities are situated within a host quarry, wharf or rail depot facility, they are safeguarded for the life of the host site.

Harper Lane, St Albans, as identified on Inset Map 6, is a safeguarded and strategic site for the bulk transportation of minerals by rail and for the handling, processing and distribution of substitute, recycled and secondary aggregate material.

Any proposals for non-mineral development which fall within the Minerals Infrastructure Consultation Areas, other than applications for 'excluded development', will be subject to consultation with the Minerals Planning Authority.

The safeguarded sites are shown on the Policies Map.

**Monitoring**

Related Plan Objectives	Obj1
Plan Targets	T7
Plan Indicators	IN7

# 11 Non-conventional Aggregate Extraction

## Borrow Pits

- 11.1 Development proposals for mineral extraction outside of Specific Sites or Preferred Areas may occur in relation to borrow pits where mineral extraction takes place over a limited period for an exclusive use in a specific construction project. Pits would be located in close proximity to the project and worked in conjunction with it, such as a new infrastructure scheme. Borrow pits have advantages and it is important to ensure that the short term nature of borrow pits are not outweighed by environmental damage. Particular features that need to be considered with a proposal for a borrow pit include biodiversity, landscape and archaeology. However, applications will need to be considered against all policies within the Plan.
- 11.2 Proposals for borrow pits must demonstrate that it is an appropriate location and is the most suitable source of material for that specific project. This includes ensuring that appropriate safeguards are in place for the working of the site and restoring it. Restoration would not be expected to generate additional impacts on an area as they should not require material from outside the adjoining construction project.

### Policy 11: Borrow Pits

**Proposals that require the use of borrow pits will be permitted where all of the following can be demonstrated:**

- **the site's proximity to the construction project is more sustainable than importing aggregate;**
- **the mineral extraction is being used solely for the intended construction scheme;**
- **the borrow pit will not be retained longer than the life of the construction project it serves;**
- **the borrow pit will be restored expediently and at least within the same timescale as the completion of the construction project it relates to;**
- **restoration of the borrow pit can be achieved without the need for imported material other than that generated from the associated construction project; and**
- **the proposals are consistent with other policies within this Plan.**

### Monitoring

Related Plan Objectives	Obj2, 5, 6 & 8
Plan Targets	T2, 5 & 8
Plan Indicators	IN2, 5 & 8



## Incidental Extraction

- 11.3 The majority of mineral extraction takes place in established quarries with the principal aim of supplying resources to traditional markets. However, minerals can also be extracted as a secondary activity to other development outside of sites and areas identified by the Minerals Planning Authority.
- 11.4 Common examples of incidental extraction include the construction of agricultural or potable water reservoirs. Whilst these developments may be proposed to reduce vulnerability to the impacts of climate change, and other incidental extraction may occur for alternative valid reasons, the construction could involve the extraction of significant quantities of mineral. Where this is the case, or where extracted mineral is to be removed from site, the proposal should be determined by the MPA.
- 11.5 In these instances, it is important that a requirement can be demonstrated for the development that necessitates the extraction and that the extraction will be limited to a quantity of mineral that is consistent with the scale of the development to prevent the excessive extraction of finite resources. The county council would expect that the restoration of the land forms a central part of the development proposals. Details of both the non-minerals and minerals aspects of the proposed works should be submitted within a working plan including technical details, phasing and proposed timescales for the development. The submission of these details will help to avoid any undue delays in completing the development and prevent land from being left in a partially developed state for an extended period of time.
- 11.6 Proposals would be looked upon favourably in line with the presumption in favour of sustainable development and where they are consistent with the other policies within this Plan. This could include proposals where the extracted mineral is to be used on-site or close to the extraction site, to minimise the required transportation of mineral to an end-use by road, or where the mineral is to be used to enhance the character and quality of Hertfordshire's landscape and environments.

### **Policy 12: Incidental Extraction**

**Proposals for development involving the incidental extraction of mineral as a subordinate and ancillary element of other development outside of Specific Sites and Preferred Areas will only be permitted where it can be demonstrated that:**

- **there is a proven need for the non-mineral development;**
- **the amount of mineral to be extracted is consistent with the purpose and scale of the development;**
- **the extracted mineral will be put to sustainable use;**
- **the transportation of extracted mineral to processing sites will not have a significant adverse impact on highways safety and the effective operation of the highway network;**

- the phasing and duration of development proposals guarantee the worked land is restored as early as practicable and without the need for imported material; and
- the proposals are consistent with the other policies within this plan.

Applicants must submit details of the location where extracted minerals will be transported for processing, where appropriate, and the proposed use of extracted minerals.

The county council will expect a working plan to be submitted, providing details of how and when the non-mineral developments are to be undertaken and completed.

### Monitoring

Related Plan Objectives	Obj5 & 8
Plan Targets	T8
Plan Indicators	IN8

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## 12 Protecting Hertfordshire

### Green Belt

- 12.1 The NPPF states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of the Green Belt are its openness and permanence. With over half of Hertfordshire designated as Metropolitan Green Belt, the need to protect the Green Belt is an important local consideration.
- 12.2 Taking into account the temporary nature of mineral extraction and associated development, the NPPF deems mineral extraction 'not inappropriate' within the Green Belt, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt. Minerals working can therefore be accommodated within the Green Belt provided that the associated developments, including buildings and processing machinery, are designed and positioned appropriately to prevent conflict with the purposes of the Green Belt.
- 12.3 Each proposed facility will need to be appraised on a site and technology-specific basis and all development should be tied to the life of the extraction with plant and machinery removed expediently following the completion of the mineral extraction.
- 12.4 In addition to the need to protect the Green Belt, there is also an opportunity to enhance its beneficial use following the restoration of the site. Mineral extraction proposals that are restoration-led can be used to enhance Hertfordshire's Green Belt and the county council will plan positively to enhance the beneficial use of the Green Belt through opportunities that provide access, outdoor sport, recreation, retain and enhance landscapes, visual amenity and biodiversity, and improve damaged and derelict land.
- 12.5 Minerals can only be worked where they are found and this must be considered when determining mineral proposals within the Green Belt.

#### **Policy 13: Green Belt**

**Proposals for mineral extraction and associated development in the Green Belt will be permitted subject to the development complying with national Green Belt policy and other policies set out in this Plan.**

**Proposals must site machinery to preserve the openness of the Green Belt and prevent conflict with the purposes of including land in Green Belt throughout the duration of the minerals operations.**

**Inappropriate development will not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.**

**The proposed restoration of the site must not conflict with the five purposes and preserve the openness of the Green Belt and where possible enhance the beneficial use of the Green Belt and improve the character and appearance of the countryside.**

## Monitoring

Related Plan Objectives	Obj6, 8 & 9
Plan Targets	T8
Plan Indicators	IN8

## Cumulative Impact

- 12.6 Minerals development can have significant impacts upon the environment and local communities. This can be magnified by simultaneous and/or successive extraction in close proximity, by individual sites which cause numerous significant impacts, or by the extended working of a site resulting in many years of activity in one location.
- 12.7 National policy is very clear that cumulative impacts should be a material consideration and that environmental criteria should be set out to ensure that permitted operations do not have unacceptable adverse impacts on, amongst others, the following considerations:

### Natural Environment

- Appearance, quality and character of the landscape;
- Geological interest;
- Quality of the water courses, groundwater and surface water;
- Best and most versatile agricultural land; and
- Land stability.

### Historic Environment

- Heritage and archaeological assets; and
- Social, cultural, economic and environmental benefits of conservation.

### Human Health and General Amenity

- Unavoidable noise, dust and particle emissions and any blasting vibrations; and
- Public Rights of Way.

### Transport Networks

- Local roads;
- Primary Route Networks;
- Safety and congestion;
- Additional trip generation; and
- Access to and effective operation of the Transport Network;

### **Aviation Safety**

- Risk of bird strike within the Aerodrome Safeguarding Areas around London Luton Aerodrome and London Stansted Aerodrome.

12.8 The list is not exhaustive and proposals will be appraised with regards to the cumulative impact of a proposal on a site-by-site basis taking into account any sensitive properties in close proximity to the proposal and the management and reclamation of other sites locally.

### **Policy 14: Cumulative Impact**

**Proposals for mineral extraction and associated development will be permitted where the cumulative impact would not result in unacceptable adverse impacts on the environment of an area or on the amenity or health of a local community, either in relation to the collective effects of different impacts of an individual proposal or in relation to the effects of a number of developments occurring either concurrently or successively.**

**Proposals will need to take into account the cumulative impact on the following potential matters:**

- **Natural environment;**
- **Historic environment;**
- **Human health and general amenity;**
- **Transport Networks; and**
- **Aviation safety.**

### **Monitoring**

Related Plan Objectives	Obj6
Plan Targets	T8
Plan Indicators	IN8

## 13 Environmental Policies

### Water Management

#### Hertfordshire Context

- 13.1 Hertfordshire overlaps two main river catchments: the Colne in the west and Upper Lee in the east, with several others at the extremities, such as the Thames Valley in the far west of the county.
- 13.2 The River Lee and its tributaries, which rise in Hertfordshire and flow south to the Thames, have a significant flood plain area, especially to the south - Bishop's Stortford, Ware and Hertford all lie on or immediately adjacent to the floodplain. There are a number of settlements along the flood plain on the Broxbourne-Epping Forest border, including Broxbourne and Cheshunt and there are additional floodplains along other rivers in the county.
- 13.3 The county lies within two Environment Agency river basin districts, the Anglian and Thames and the Agency has recently updated long-term strategies for both<sup>31</sup>. The Anglian region is the driest region in England and Wales, and exhibits large areas where no further water is available during summer and some areas where damage is already occurring. In general winter surface water is available across the region. The Thames region also suffers from demand pressures, with summer surface water now fully committed and with licensing for further consumption highly constrained. Whilst winter surface water resources in the Lee Catchment are generally available, parts do suffer from periods of unsustainable abstraction in terms of winter surface water availability.
- 13.4 The Environment Agency flood maps indicate that there are areas at risk of flooding in Hertfordshire based on indicative natural flood plains. These represent land which lies beneath the fluvial 1:100 year return period water level.
- 13.5 Climate change and rising demand are all likely to affect water quantity and quality, and so more efficient use of water is vital to cope with these changes. The Environment Agency has recently updated guidance on the inclusion of Climate Change Allowances in Flood Risk Assessments for proposed development.

#### Strategic Flood Risk Assessment

- 13.6 The NPPF<sup>32</sup> requires local plans to be supported by a Strategic Flood Risk Assessment (SFRA). The county council prepared a Level 1 SFRA<sup>33</sup> in line

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<sup>31</sup> Anglian river basin district River Basin Management Plan 2015 & Thames river basin district River Basin Management Plan 2015

<sup>32</sup> NPPF, 2012 - Paragraph 100.

<sup>33</sup> Hertfordshire Minerals Local Plan Review Level 1 Strategic flood Risk Assessment, March 2015

with guidance published by the Environment Agency<sup>34</sup> at the outset of the review of the Minerals Local Plan.

- 13.7 The Hertfordshire SFRA is a desktop based study and has been written using information available from published district/borough SFRAs, and other reports that identify areas at risk of flooding. It provides an overview of flood risk within Hertfordshire and has been used as a tool for assessing flood risk in the preparation of the Plan and will continue to be used in future stages of the Plan production.
- 13.8 An addendum to this document was produced to include site specific assessments in preparation for the publication of this document.

### **Policy Background**

- 13.9 Mineral workings have the potential to impact water resources at a specific site or as part of the wider area. Planning applications must address the likely effects of a proposed development on surface water and groundwater in terms of changes to flow, water table, water temperature and quality.
- 13.10 The Water Framework Directive (WFD) dictates that mineral developments must not cause any unacceptable adverse impact on local water bodies. As roughly 70% of Hertfordshire is covered by Source Protection Zones<sup>35</sup>, which provide much of the county's drinking water and maintain the flow in many of our rivers, this is of particular local importance.
- 13.11 National policy states that development should be steered towards areas of lower flood risk but considers that where it cannot be avoided, minerals development can be an appropriate land use in areas of higher flood risk. In these instances, infrastructure and operations on site should be directed away from areas of higher flood risk and the county council would support proposals that provide beneficial impacts related to flooding. This may involve increasing the capacity of the floodplain and/or the free flow of floodwater through the development's design.
- 13.12 In accordance with national guidance, proposals for developments over 1ha or within flood risk zones 2, 3a or 3b must be accompanied by a site specific Flood Risk Assessment and must contain mitigation measures with regards to either the Thames or the Anglian River Basin Management Plans, should the proposal affect a relevant water body. Assessments should incorporate climate change allowances to help to minimise vulnerability and provide resilience to flooding in the future. The level of climate change allowances to be included in a site-specific flood risk assessment is set by the Environment Agency. Guidance can be found on the Environment Agency website to determine what allowances should be used as part of an assessment. These are based on the river basin, flood zone and duration of development amongst other categories.

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<sup>34</sup> Strategic Flood Risk Assessments, Guidance to support the National Planning Policy Framework, July 2013.

<sup>35</sup> Environment Agency Groundwater Protection Zones Map 2016

- 13.13 Consultation should be undertaken with the Environment Agency at an early stage in the application process to determine any additional concerns that need addressing as part of the proposal and the level of detail required. Following submission, the Environment Agency will then advise the county council whether the applicant's proposed mitigation measures are sufficient for planning permission to be granted.
- 13.14 The county council, as Lead Local Flood Authority (LLFA) for Hertfordshire will determine whether the application requires a Sustainable Drainage System (SuDS) to be incorporated into the design of the development. If a SuDS scheme is considered necessary, the county council will be required to approve the submitted SuDS before development can commence on site.
- 13.15 Measures will be expected as part of a proposal to mitigate against the potential impacts both during mineral extraction and following restoration of the worked land. Water management should be a key focus of a restoration plan, specifically to ensure that restored land does not cause greater runoff levels than expected from green field.

#### **Policy 15: Water Management**

**Proposals for mineral extraction and associated development, including restoration, will be required to take into account the impact on water supply, water quality and flood risk. Proposals will be permitted where it can be demonstrated that:**

- **there is no adverse impact to water quality, nature conservation and amenity value of water resources from the proposed development;**
- **the proposals reduce flood risk, taking account of climate change allowances, and do not cause adverse impacts on the flow and quality of surface and groundwater on the site and elsewhere;**
- **development or operations on the site are directed away from areas of high risk of flooding;**
- **developments meet the National and Local principles/standards for Sustainable Drainage Systems (SuDS) design to reduce surface water run-off; and**
- **restoration of the site will enhance water management and alleviate the risk of flooding.**

#### **Monitoring**

Related Plan Objectives	Obj6, 7 & 8
Plan Targets	T8
Plan Indicators	IN8



## Historic Environment

### Hertfordshire Context

- 13.16 With a rich history and culture, Hertfordshire's environment contains an interesting variety of archaeology, buildings and structures, areas of historic landscape, conservation areas and historic parks and gardens. These include:
- Scheduled Ancient Monuments;
  - Listed buildings and their setting;
  - Conservation areas; and
  - Historic parks and gardens.
- 13.17 There are Mesolithic and Bronze Age sites, nationally important late Iron Age and Roman remains, as well as medieval moated sites, historic parks and timber farm buildings. There are numerous historic towns and villages, including pioneering 20th century settlements such as garden cities and new towns, historic market towns and World War Two remains.
- 13.18 There are around 170 Scheduled Ancient Monuments throughout the county with certain concentrations around historic towns in the north, such as St Albans, and along communication routes, such as the Lee Valley. There is a significant number of Listed Buildings with concentrations in the historic towns such as Hertford and St Albans. There are 110 Grade I, 472 Grade II\* and 7,477 Grade II listed buildings. There are 45 parks and gardens of special historic interest in Hertfordshire, as listed by English Heritage and these include two Grade I, nine Grade II\* and 34 Grade II parks and gardens.
- 13.19 As well as all of the known heritage assets, there are many non-designated heritage assets and archaeology sites in Hertfordshire. They are of equal significance and must be considered during minerals planning and development to ensure these areas and assets are safeguarded.

### Policy Background

- 13.20 The NPPF<sup>36</sup> requires a level of protection for the continued conservation, enhancement, enjoyment and understanding of Hertfordshire's historic environment.
- 13.21 Mineral operations have the potential for unavoidable negative impacts to the heritage and setting of a site and surrounding area. Conversely, they also offer opportunities to improve access to historic sites, enhance the setting of historic features and lead to significant historic discoveries due to the size of the proposed developments.
- 13.22 Policy 16: Historic Environment therefore aims to preserve the physical structure, visual setting and features of historic interest and puts provisions in place for their protection as well as the recording, interpretation and

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<sup>36</sup> NPPF, 2012 – paragraph 126.

publication of findings where the potential impact on a feature necessitates its removal from site.

- 13.23 Applicants should review the relevant and most up-to-date historic, environment and heritage asset records and submit a Heritage Statement as part of an application for minerals development. The applicant should use appropriate expertise and seek correspondence with the county council early in the planning application process to determine the level of detail required for an assessment and if there is a requirement for subsequent mitigation prior to, and throughout, the duration of the development.
- 13.24 Proposals should take into account the significance of any heritage assets affected and the contributions made by their setting. Regard should also be given to the relative importance of designated and non-designated assets including locally listed buildings and unidentified heritage assets such as sites of historic and/or archaeological interest, along with the potential for previously unrecorded archaeological remains and the impacts on historic landscape character. Where the restoration of proposed mineral development allows the opportunity to improve the heritage asset or setting of an asset, this should be incorporated into the Restoration Strategy.

**Policy 16: Historic Environment**

**Proposals for mineral extraction and associated development will be permitted where it can be demonstrated that the proposal will protect, conserve and where appropriate enhance the historic environment.**

**Proposals will be required to describe the significance of any heritage assets affected by the proposals, including any contribution made by their setting, integrity and distinctiveness and the level of the impact within a Heritage Statement. The assessment should use relevant historic, archaeological, environmental and heritage asset records and appropriate expertise, where necessary, and inform mitigation measures proportionate to the affected heritage assets' importance.**

**The county council will expect developers to record the evidence and make any archives and subsequent assessment publically accessible to promote the understanding of the heritage asset.**

**Monitoring**

Related Plan Objectives	Obj6, 8 & 9
Plan Targets	T8
Plan Indicators	IN8

## Landscape and Green Infrastructure

### Hertfordshire Context<sup>37</sup>

- 13.25 Hertfordshire has a rich variety of character. In the west, the landscape consists of the chalk landscape of the Chilterns character area, with the towns of Tring, Hitchin, Welwyn Garden City, St Albans and Watford all characterised by rolling chalk hills. This character area slopes into the Hertfordshire Plateaux and River Valleys (in the Northern Thames Basin character area) to the southeast of the county. This area is a diverse landscape with a series of broad valleys containing the major rivers Ver, Colne, Lea and extensive areas of broad-leaved woodlands. Hertfordshire's large towns are a major influence on character.
- 13.26 Further southeast of the county is the South Suffolk and North Essex Clayland character area. This is a broadly flat, chalky, boulder clay plateau landscape, dissected by undulating river valley topography. The area is predominantly arable with a wooded appearance.
- 13.27 Moving northeast, the landscape moves into the East Anglian Chalk. The distinctive, open, variable chalk topography of this area is a continuation of the Chilterns landscape. The area is characterised by large scale rolling downland, mainly arable, with distinctive beech belts along roads and in hilltop clumps and ash-dominated woodland. There are few large towns and villages are generally found in the valleys.
- 13.28 The west of Hertfordshire is covered by the north-eastern part of the Chilterns AONB and is characterised by the quality of the chalk landscape, with its dramatic chalk escarpment, open downland and rolling dip slope.
- 13.29 Important and valued landscapes of national and local importance in Hertfordshire include:
- The Chilterns AONB;
  - Lee Valley Regional Park;
  - Colne Valley Regional Park;
  - Watling Chase Community Forest;
  - Landscapes of local importance and value; and
  - Registered parks and gardens and other landscapes of historic interest.

### Policy Background

- 13.30 National policy is clear that the planning system should 'contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils'<sup>38</sup>.

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<sup>37</sup> Hertfordshire Landscape Character Area Statements (2000-2005)

<sup>38</sup> NPPF, 2012 – paragraph 109.

- 13.31 Proposals should distinguish between international, national and locally designated sites and make a clear distinction between the landscape character, quality and visual amenity. In addition, reference should be made to Policy 18: Historic Environment.
- 13.32 The county council encourages proposals to conserve or enhance these aspects and demonstrate their importance and the contribution that they make to wider ecological networks.
- 13.33 Reference should be given the Hertfordshire Local Nature Partnership Guiding principles and the relevant Landscape Character Assessments. In particular Hertfordshire Landscape Character Assessment can help in processes which:
- identify what environmental and cultural features are present in a locality;
  - monitor change in the environment;
  - understand a location's sensitivity to development and change; and
  - inform the conditions for any development and change.
- 13.34 The Landscape Character Assessments should be used to assist in all aspects of mineral planning, however further areas of work may need to be commissioned to support these assessments, for example a full Landscape and Visual Impact Assessment.
- 13.35 A Landscape and Visual Impact Assessment should follow the guidelines for LVIA produced by Landscape Institute and Institute of Environmental Management and Assessment.

### **Green Infrastructure**

- 13.36 The Landscape Institute defines Green Infrastructure as the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect villages, towns and cities. Green Infrastructure provides opportunities to deliver a range of benefits from sustainable transport links to mitigating effects of climate change. Proposals for mineral extraction should seek to meet local green infrastructure needs and deliver opportunities for protecting, conserving and enhancing multifunctional green infrastructure assets and networks, for example ecological networks, as set out in the Hertfordshire Green Infrastructure Strategy and local Green Infrastructure strategies.
- 13.37 Landscaping should be considered as an integral part of any scheme for mineral working and restoration and where possible landscapes should be strengthened, enhanced to the highest practicable environmental standards. In designing final restoration schemes account should be taken of the current and any historical landscape character and reference given to Policy 24 and 25 of this plan.
- 13.38 In circumstances where mitigation measures are needed, the mitigation hierarchy should be applied to ensure that in the first instance any negative impacts are avoided, where they cannot be avoided they should be reduced,

and where they cannot be avoided or reduced they should be compensated for.

### **Policy 17: Landscape and Green Infrastructure**

**Proposals for mineral extraction and associated development must take into account the existing landscape and should protect and/or enhance the landscape character, quality and visual amenity.**

**Proposals for mineral extraction and associated development will be permitted where it can be demonstrated that throughout the life time of the development (including restoration):**

- **there is no unacceptable landscape intrusion or loss of distinctive landscapes;**
- **the visual impact has been minimised through appropriate landscape and visual mitigation;**
- **the protection of designated landscapes (e.g. AONB) and sites (e.g. Ancient Woodlands) are maintained;**
- **continued long term improvements are made to the wider ecological networks and green infrastructure; and**
- **the landscape is strengthened, enhanced and the highest practicable environmental standards are achieved.**

**Proposals must assess the landscape character, quality and visual impact through a full Landscape and Visual Impact Assessment with reference to the Hertfordshire Landscape Character Assessment, other future relevant assessments and where appropriate the relevant management plan and landscape character assessment for AONB and Regional Park.**

### **Monitoring**

Related Plan Objectives	Obj7, 8 & 9
Plan Targets	T8
Plan Indicators	IN8

## **Biodiversity**

### **Hertfordshire Context**

- 13.39 Natural England has identified a series of National Character Areas (NCAs) which form distinct geographical areas across England in terms of their landscape, wildlife and historic characteristics. Hertfordshire contains four main NCAs: the Chilterns, Northern Thames Basin, South Suffolk and North Essex Claylands, and East Anglian Chalk, as well as small sections of the

Bedfordshire Claylands and Thames Valley in the north west and south west of Hertfordshire. These reflect the distinctive landscapes and habitats across the county, from the chalk scarp grasslands and chalk streams of the Chilterns to the hornbeam woodlands and remnant heaths of the London clay and gravels.

- 13.40 On behalf of the Hertfordshire Environmental forum, the Herts and Middlesex Wildlife Trust prepared a Local Biodiversity Action Plan (BAP) for the county in 1998 which was revised in 2006. The BAP aims to manage the priority habitats and species in the county and seeks to deliver landscape-scale conservation initiatives. Following identification of 30 High Biodiversity Areas with concentrations of important habitats and species, habitat networks and restoration opportunities have been identified across the county with a view to securing ecological gains at a broader level.
- 13.41 Key to delivering these objectives are Sites of Special Scientific Interest, of which Hertfordshire has 43 and which provide statutory protection and management for these nationally important ecological and geological sites. These also contribute to the internationally important designations of the Chilterns Beechwoods Special Area of Conservation, Wormley Hoddesdon Park Woods SAC (and National Nature Reserve), and: the Lea Valley Special Protection Area and RAMSAR (International wetland) site. There are also 42 Local Nature Reserves, as well as (currently) 1,832 non-statutory Local Wildlife Sites and Regionally Important Geological / Geomorphological Sites recognised for their significant contribution to the natural environment throughout Hertfordshire.
- 13.42 The Hertfordshire Environmental forum has now been superseded by the Local Nature Partnership (LNP). The LNP has published a series of high level guiding principles that it would expect to underpin local plan document and planning authorities' decision-making.

### **Policy Background**

- 13.43 National policy is clear that the role of the planning system should be to contribute to and enhance the natural and local environment by minimising impacts on biodiversity and provide net gains in biodiversity, where possible.
- 13.44 In line with national policy it is important that mineral development does not lead to the loss or damage of habitats and species or prejudice the delivery of national or local targets. This should also take into account the damage to or loss of non-statutory Local Wildlife and Geological Sites. The county council encourages the preservation, restoration and recreation of habitats and ecological networks that are linked to national and local targets and prevent harm to geological conservation interest.
- 13.45 For Hertfordshire, sites of importance to biodiversity can cover international, national and locally designated sites including:
- Special Areas of Conservation (SAC);

- Special Protection Areas (SPA);
- Ramsar sites;
- Sites of Special Scientific Interest (SSSI); and
- Locally designated sites including Local Wildlife Sites.

- 13.46 When determining mineral planning applications, the county council will have reference to the priority habitats and species for Hertfordshire as identified through the S41<sup>39</sup> list requiring special consideration.
- 13.47 Reference should also be given to the Local Nature Partnership Guiding principles for planning for biodiversity and the natural environment which are:
1. Recognise the value of the natural environment and the range of benefits and services it provides;
  2. Protect and enhance existing biodiversity assets;
  3. Seek opportunities to improve habitat connectivity;
  4. Integrate biodiversity opportunities within new development;
  5. Make decisions informed by the best available ecological information and data;
  6. Secure the long term management of existing and new habitats/sites.
- 13.48 Any proposals for mineral development should be accompanied by an assessment of the impacts on habitat and species and connections to existing ecological networks that may be affected through an Ecological Survey.
- 13.49 Where possible, extraction sites and mineral operations should be sited on land with the least environmental or amenity value. Any proposals should demonstrate how the development will mitigate any potential impacts in accordance with the mitigation hierarchy.
- 13.50 The county council as Mineral Planning Authority will, where appropriate, seek a net gain to local biodiversity through restoration.
- 13.51 Sites should be restored at the earliest opportunity and to a high environmental standard. It should be recognised that there may be opportunities for mineral development to contribute or enhance the natural and local environment, including ecological networks.
- 13.52 When determining proposals, the county council will take into account the contents of any existing biodiversity strategies covering the relevant local or neighbourhood plan area and any local biodiversity action plans.
- 13.53 The county council will place an emphasis on monitoring biodiversity throughout the life time of the development process (i.e. prior to, during and after extraction through restoration and after-care) to ensure adequate protection of species and habitats.

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<sup>39</sup> Species and Habitats of Principle Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.

## **Policy 18: Biodiversity**

**Proposals for mineral extraction, associated development and restoration must provide opportunities for the delivery of the national and local biodiversity aims for net gains for biodiversity. The existing baseline conditions of ecological networks where evident, the Hertfordshire Strategic Green Infrastructure Plan and the relevant local plans for Green Infrastructure should be taken into account.**

**Proposals for mineral extraction and associated development will be permitted where it can be demonstrated that throughout the life time of the development (including restoration):**

- the impact on biodiversity through loss of or damage to habitats and/or species is minimised;**
- there is a net gain in biodiversity, during restoration and aftercare, where appropriate;**
- biodiversity networks can be enhanced and contribute to the wider ecological networks and local green infrastructure;**
- there is no irreversible or significant adverse impact on International and National statutory nature conservation sites (Special Areas of Conservation, Special Protection Areas, Ramsar sites, National Nature Reserves, Sites of Special Scientific Interest);**
- the protection of priority habitats (including Ancient Woodlands, Veteran trees and priority species) is promoted and maintained;**
- adequate mitigation is in place to compensate for irreversible damage or loss of European Protected Species including their place of rest/shelter.**

**Proposals must submit an ecological survey and scheme for monitoring the biodiversity within the site prior to, during and after extraction.**

### **Monitoring**

Related Plan Objectives	Obj6, 8 & 9
Plan Targets	T8
Plan Indicators	IN8

## **General Environmental and Amenity Protection**

### **Hertfordshire Context**

- 13.54** The Local Air Quality Management (LAQM) regime, supported by Department for Environment, Food and Rural Affairs (DEFRA) requires every local authority and district to review and assess air quality in their area. If national objectives are not met, then the local authority must declare an Air Quality Management Area (AQMA) and prepare an action plan. There are currently 32



AQMA's across eight of the ten districts in Hertfordshire, with Stevenage and Welwyn Hatfield being the two districts to have no current information on these areas. Watford contains seven whilst Hertsmere has six and Three Rivers has five. Broxbourne, Dacorum, East Hertfordshire and St Albans have three each whilst North Hertfordshire has one<sup>40</sup>.

- 13.55 There are sensitive receptors in the county which will be impacted by varying degrees to amenity issues other than air. The Plan also seeks to protect these receptors from light pollution, noise, dust and pollution to land and water.

### **Policy Background**

- 13.56 The purpose of the Minerals Local Plan is to balance the need for mineral extraction against potential impacts that mineral extraction can have on the local community and the environment.
- 13.57 The process of extracting minerals, processing the material, transporting material around the site and off to the market all need to be fully considered and addressed at an early stage in the planning process to minimise any adverse impacts associated with the activity to protect the environment and amenity in the area. Impacts associated with the mineral activity include noise, vibration, dust, light pollution or heavy traffic.
- 13.58 Hertfordshire's vision states that impacts will be minimised and improvements maximised on the natural, built and historic environments and human health now and in the future. The quality of the environment plays a key role in both maintaining and enhancing quality of life and contributing to the wider economic development in the county. Impacts on the quality of the environment will be used as an indicator of any impacts on health and safety and the quality of life.
- 13.59 Some noisy short-term activities are unavoidable when carrying out mineral extraction as identified within the NPPF. Noise should be fully appraised in a Noise Impact Assessment and include in its analysis evidence of any potential rise to significant adverse effect as a result of the development and details of ensuring a good standard of amenity.
- 13.60 Dust is a consequence of all mineral extraction operations. It is an important consideration set out within the NPPF and establishes five key stages for a Dust Assessment Study which may be required to support a planning application. Due to its presence in mineral operations a management plan will be required for the suppression of dust on site.
- 13.61 Air quality can be affected by increased traffic and the extraction activity at the site. Early analysis of this potential impact should be provided in the form of an Air Quality Assessment compliant with Environment Agency guidelines as part of the proposal, to establish any need for mitigation measures to protect human health and the integrity of any internationally designated Natura 2000

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<sup>40</sup> Department for Environment, Food and Rural Affairs, AQMA Register.

sites (that is, Special Areas of Conservation, Special Protection Areas) and Ramsar sites. There may be the requirement to assess air quality against Air Quality Impact Assessment Areas. Applications will also be expected to submit a Health Impact Assessment to assess all potential impacts on health as a result of the proposed development.

13.62 Artificial lighting on mineral sites can result in light pollution in the surrounding area. The most appropriate level of directional lighting would be required on sites to minimise as far as possible any light emitted into surrounding areas which could impact upon local wildlife habitats or nearby residential development.

13.63 In order to ensure that mineral extraction takes place in a planned and orderly manner, whilst minimising any adverse environmental and amenity effects the following policy criteria shall apply. Consideration of other impacts are dealt with under other policies within the plan.

**Policy 19: Protection and Enhancement of Environment and Amenity**

**Proposals for mineral extraction and associated development will be permitted where all of the following are clearly demonstrated:**

- **consideration has been given to the natural, built and historic environment, public health and safety, quality of life and amenity;**
- **assessments have shown there will not be any unacceptable adverse impacts or harm to the natural, built and historic environment and amenity;**
- **appropriate mitigation measures have been incorporated to protect the natural, built and historic environment and amenity; and**
- **where possible, enhancements have been made to the natural, built and historic environment and amenity.**

**Monitoring**

Related Plan Objectives	Obj6, 8 & 9
Plan Targets	T8
Plan Indicators	IN8

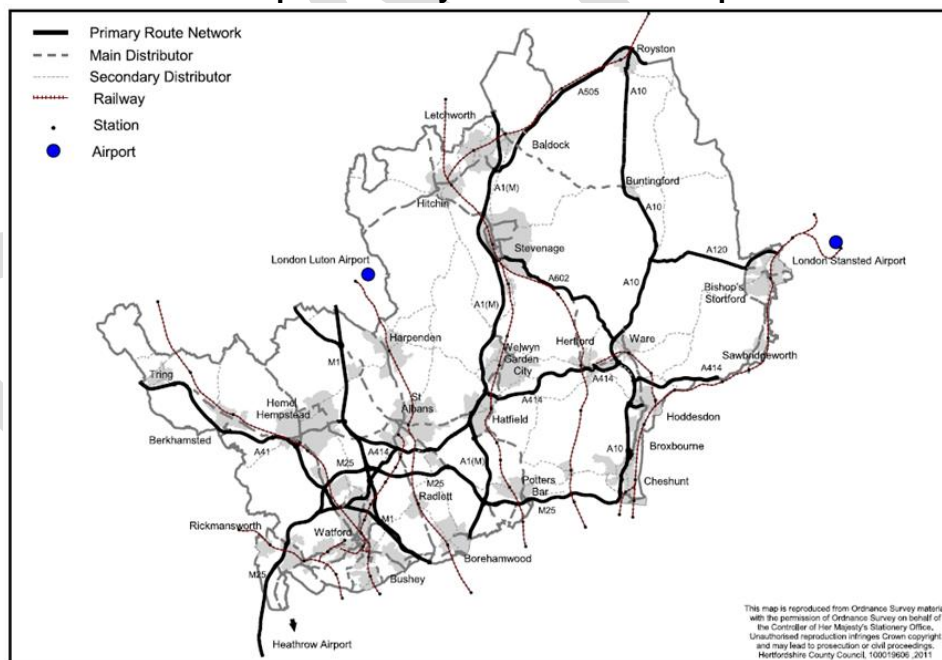
## 14 Highways and Transport

### Strategic Transport

#### Hertfordshire Context

- 14.1 Hertfordshire's current transport system is complex. With several main road and rail arteries, Hertfordshire is a well-connected county with a north-south focus serving London, the Midlands and the North. The M1, A1, M25, A414 and A10 are some of the busier routes by road<sup>41</sup>. The West Coast and East Coast mainline run through the county along with the Midland Mainline and West Anglia Mainline.
- 14.2 With no dominant centre in Hertfordshire to act as a central point for transport and many medium sized towns separated by only a few miles (see Map 3), Hertfordshire has a dense population which contributes to severe capacity problems on the county's road network.
- 14.3 In 2014, an average of 30.23 million kilometres was travelled by vehicles on roads in Hertfordshire per day<sup>42</sup>. This is a 0.76% increase on the figure of 30.00 million km per day from 2013<sup>43</sup>.

Map 3 - Primary Route Network Map



Source: Hertfordshire County Council, Local Transport Plan 3

<sup>41</sup> Local Transport Plan 3 (2011-2031)

<sup>42</sup> Hertfordshire's Traffic and Transport Data Report 2015.

<sup>43</sup> Hertfordshire Local Information System, Hertfordshire Quality of Life Report 2014. Transport.

## Policy Background

- 14.4 There is heavy reliance on road transport within the county for the movement of people and goods. Any mineral operations within the county need to acknowledge the existing highway situation and, in accordance with national policy, seek to minimise travel and actively promote alternatives to road transport. However it is recognised that more sustainable modes may not always be feasible.
- 14.5 Mineral extraction can generate heavy lorry traffic in and around the site which can have a significant impact on the highways network in some locations of the county. Mineral resources are not wide spread across the county and are predominantly restricted to the sand and gravel belt where they naturally occur. As a result there is more chance of there being mineral related traffic in some areas more than others. In addition the use of minerals extracted in Hertfordshire is not restricted to the county and can supply markets across the country which can also generate mineral related traffic on the highway. For example, in 2014, 22% of Hertfordshire's primary aggregate sales went to the East of England and 21% to other destinations, as reported in the Local Aggregate Assessment 2015.
- 14.6 Movement of minerals is two-fold. Firstly there is the movement of the mineral at the extraction site on the quarry to the processing plant; and secondly the transport from the plant site to the customer. Whilst the first stage of moving minerals can be kept off public roads through using haul routes or conveyor belts, movement to the market often involves heavy goods vehicles on the public highway. Any potential impact on the highways network needs to be assessed as part of any mineral planning application due to heavy goods vehicles contributing to noise, dust and congestion on the roads. The county council would seek to use planning controls to manage lorry movements associated with mineral operations such as access improvements, restrictions on single lengths of roads or bridges or area wide bans to channel heavy lorry traffic on the most suitable routes.
- 14.7 Mineral related traffic is more suited to the primary route network as defined in the Local Transport Plan. The Local Transport Plan states that the county council will maintain and develop a road hierarchy so that traffic is concentrated onto roads appropriate to its journey purpose. It is from this hierarchy that there is a presumption in favour of directing traffic onto the primary route network and away from local roads to reduce impacts on residential or other developed areas.
- 14.8 The following policy sets the overarching position in terms of transport and seeks to encourage the use of alternative means of transport for minerals traffic to that of the road network:

## Policy 20: Strategic Transport

**Mineral extraction sites and associated development must be well located in relation to the primary route network as defined in the Local Transport Plan and district Local Plans.**

**Proposals for mineral extraction and associated development should seek to use sustainable transport and where possible minimise transport movements and distance travelled by road, through the use of sustainable methods such as rail or water or use on site.**

**Proposals for mineral extraction and associated development must demonstrate:**

- how opportunities for alternative methods of transport have been evaluated;**
- how movements on the highway have been minimised; and**
- the consideration of the site's location in relation to the primary route network.**

**Proposals for new or replacement aggregate terminals for rail and water transport will be supported, subject to the suitability of the local road network for secondary collection and distribution. Proposals will need to take into account any significant adverse impacts on the local road and rights of way networks, public health, amenity, wildlife habitats and the natural, built and historic environment.**

### Monitoring

Related Plan Objectives	Obj5
Plan Targets	T6 & 8
Plan Indicators	IN6 & 8

## Operational Transport

- 14.9 Mineral developments contribute to additional traffic movements on the highway network, particularly heavy goods vehicles. In some instances there will be the need to make highway improvements as part of a mineral development to ensure safety of access to and from the site and free flowing movement of traffic on the highway for all users. Depending on the location of a site there may be the need to manage the direction of heavy goods vehicles associated with the mineral development to direct them away from sensitive areas such as residential areas or roads with limited width or weight limits.
- 14.10 If a development were to lead to severe impacts on the highway network, the NPPF states that planning permission could be refused when the impacts are assessed cumulatively.

- 14.11 All development that generates significant amounts of transport movement should be supported by a Transport Assessment which should detail the cumulative impacts of the development from transport and vehicle movements.
- 14.12 Where appropriate, the Transport Assessment should set out the role of Green Transport Plans in mitigating transport impacts.
- 14.13 This policy is specifically about detail for site use, the strategic element of transport will be covered by the sustainable transport policy.
- 14.14 Proposals may be required by condition to prevent significant adverse impacts on the highway network. In some cases, there may be the requirement to address potential issues by way of a planning obligation. Matters to be covered by such planning obligations include monitoring extra ordinary wear and tear or damage to carriageways, footways and verges, due to lorry movements generated from the development.

#### **Policy 21: Operational Transport**

**Mineral extraction and associated development will be permitted where it is clearly demonstrated that the provision for vehicle movement within the site, access to and from the site and the conditions of the local highway network are such that the traffic impacts likely to be generated would not have a significant adverse impact on:**

- **highway safety;**
- **the effective operation of the highway network;**
- **amenity;**
- **human health; and**
- **the natural, built and historic environment.**

**Proposals which generate significant transport movements must be supported by a Transport Assessment. The Transport Assessment must detail all of the following:**

- **the potential cumulative impacts arising from transport movements and how the impacts will be mitigated if necessary;**
- **the scale of the proposed development and its potential for additional trip generation;**
- **how access to the strategic highway network is suitable and how impacts on road safety and congestion have been addressed;**
- **existing intensity of transport use and the availability of public transport;**
- **proximity to nearby environmental designations or sensitive areas;**
- **impact on other priorities/ strategies including the Local Transport Plan for Hertfordshire and local Urban Transport Plans; and**
- **any specific impacts that the proposal may generate;**

**Where needed, proposals must include one or more of the following:**

- **highway improvements; or**
- **traffic management; or**
- **other mitigating measures that may be provided in association with the development to minimise the impact of traffic movement.**

**Planning obligations will be sought, where appropriate, to mitigate and/or compensate for the effects of minerals development where significant adverse impacts cannot be mitigated by planning conditions.**

### **Monitoring**

Related Plan Objectives	Obj5 & 6
Plan Targets	T8
Plan Indicators	IN8

### **Rights of Way**

- 14.15 The location of mineral extraction sites is usually within the countryside, which means there is the potential for impacts upon existing Rights of Way and general access to open space. The county council would not wish to see the loss of public Rights of Way as a result of mineral extraction.
- 14.16 If proposals were to impact upon access to existing Rights of Way it is expected that operators would provide alternative routes either on a temporary basis and reinstate them upon completion of extraction or as a permanent diversion.
- 14.17 It is recognised that there is a need for a well-managed network of Rights of Way which could be improved with enhanced public access creating potential new routes through Green Infrastructure pathways.
- 14.18 This policy seeks to ensure that mineral operations are carried out sensitively in respect of maintaining and where possible enhancing public Rights of Way, both during extraction and restoration.

## **Policy 22: Public Rights of Way**

**Mineral extraction and associated development must, where possible, ensure that public Rights of Way are protected and not adversely affected by the proposal. Where this is not possible, proposals need to ensure that good quality, safe and convenient alternative provision is made or suitable replacement Right(s) of Way is secured.**

**The use of Rights of Way to obtain vehicle access to a site will not be permitted unless it can be clearly demonstrated that the safety of Rights of Way users can be adequately protected.**

**Proposals should improve and enhance access into the countryside, through the Rights of Way network and/or open space, creation of new rights of way and link where possible to the Rights of Way Improvement Plan and Green Infrastructure Plans.**

### **Monitoring**

Related Plan Objectives	Obj6, 8 & 9
Plan Targets	T8
Plan Indicators	IN8



## 15 Protection of Soils

### Soils and Agricultural Land

- 15.1 Soils must be adequately protected and maintained throughout the life of the development, particularly if a site comprises land that qualifies as best and most versatile agricultural land.
- 15.2 National Policy is clear that in circumstances where significant development of agricultural land is considered to be necessary, poorer quality land should be used in preference to that classed as best and most versatile, provided this is consistent with other sustainability criteria.
- 15.3 It is recognised that mineral development will often need to temporarily remove soils in order to access minerals; this policy aims to protect the soils and agricultural land within the county.
- 15.4 Soils are an important and valuable restoration material and their proper handling and conservation is essential. Mismanagement of the soil resource is likely to seriously prejudice the standard of restoration.
- 15.5 Proposals will require a comprehensive assessment of existing soils including a detailed soil survey to identify soil types, profiles and depths. A soil management and handling strategy would also be required to demonstrate how a proposal will undertake any soil operations including stripping, movement, storage and replacement.
- 15.6 Where different soils are recorded, separate stripping, storage and replacement may be required to plan for reinstatement of the original soil profiles or an appropriate alternative soil profile in line with the restoration scheme.
- 15.7 Any proposals should take into account the economic and other benefits of the best and most versatile agricultural land and demonstrate any improvements that can be made to improve the quality of the soils.

**Policy 23: Soils and Agricultural Land**

Proposals must be accompanied by an assessment of existing soils (where appropriate through an Agricultural Assessment) together with a Soils Management and Handling Strategy and where possible, demonstrating any improvements that can be made to the soils.

Proposals for mineral extraction, restoration and associated development must not result in the permanent loss of the best and most versatile agricultural land, unless it can be clearly demonstrated that:

- there is an overriding need for the development; or
- sufficient land is unavailable in a lower grade; or
- available lower grade land has an environmental value which outweighs the agricultural considerations.

Where land is returned to agricultural land, it must be returned to at least the equivalent grade of the prior mineral extraction site standard.

**Monitoring**

Related Plan Objectives	Obj6 & 8
Plan Targets	T8
Plan Indicators	IN8

## 16 Sustainable Reclamation

### Restoration, After-use and Aftercare

- 16.1 National policy is clear that worked land should be reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation.
- 16.2 A fundamental principle of mineral extraction is that it is a temporary use of the land, although it is recognised that the length of time that sites are operating for can extend over a long period of time. The reclaiming of land to its original or former condition following mineral working comprises several elements.
- 16.3 Restoration – steps to ensure the land is returned to its original or former condition by using subsoil, topsoil and/or soil making material. It does not necessarily mean infilling to original levels.
- 16.4 Aftercare – steps undertaken to ensure land is brought back into the required standard for after use. This may include planting, cultivating, fertilising, watering, drainage or otherwise treating the land.
- 16.5 After-use – refers to the ultimate end use after mineral working has occurred and restoration is complete for agriculture, forestry, amenity (including nature conservation), industrial or other development.
- 16.6 It is common practice to work extraction sites in phases and to restore each phase in turn shortly after the extraction has been completed. Progressive working and restoration can lessen the overall impact of mineral working on the environment and minimise the loss of land in agricultural production. The phasing and direction of working can be particularly relevant to minimising the impact on residential and local amenity.
- 16.7 The county council will encourage a phased restoration approach for timely working and to help reclaim the land at the earliest opportunity minimising disturbance to the local area. Sites should be restored to a high quality using the highest environmental standards. It is expected that following mineral extraction, sites are either returned to meet the original standard, enhance the land where appropriate or provide an alternative use that benefits the community as a whole. In all cases, restoration will involve the removal of temporary buildings, plant and equipment previously associated with the mineral extraction, unless a further extension site obtains planning permission that requires this to remain.
- 16.8 Encouragement is also given to the consideration of a phased approach to sites where prior extraction is proposed ahead of non-mineral development.

- 16.9 Proposal should be accompanied by a Restoration Strategy and Aftercare Management Strategy which should be undertaken on a site specific basis. Reference should also be made to other policies within this plan, including Policy 25.
- 16.10 These should explain how the proposed site is to be restored and the type of after-use is proposed. It should also set out how a site would be maintained and monitored throughout the restoration and after-care.
- 16.11 As a minimum, a strategy should state whether the site would be returned to former levels or would remain at lower level. The final level of a site will be dependent on a combination of factors, including the initial overburden, any quarry waste, the amount of material imported onto the site in order to fill the void left by extraction and the depth of working. After-use should also be considered when determining the appropriate level for restoration. National guidance suggests a range potential after uses which include but limited to the creation of new habitats and biodiversity; use for agriculture; forestry; recreational activities; waste management, including waste storage; and the built environment, such as residential, industrial and retail where appropriate.
- 16.12 Restoration to a lower level than the original pre-extraction levels may be appropriate in some circumstances. This should be clearly justified and reference made to other provisions set out within this plan.
- 16.13 Fill with inert materials would only be suitable in order to reach an appropriate after-use and reference should be made to the Hertfordshire Waste Local Plan.
- 16.14 All after-use proposals must be specified and if the after-use proposals involve a change of use from the existing use, further planning permission may be required and should accord with the policies of the development plan.
- 16.15 The county council will make use of planning obligations and conditions, where appropriate, to secure the restoration and aftercare of sites. Planning conditions must be drafted in such a way that, even if the interest of the applicant applying for permission is subsequently disposed of, the requirements for restoration and aftercare can still be fulfilled, whether by a new operator or in the case of default, by the land-owner.

## **Policy 24: Restoration**

**Proposals for mineral extraction and associated development should be restoration-led and where possible should improve and enhance the area. Proposals will be required to submit, as a minimum, a suitable outline Restoration Strategy at the application stage for the site with reference to the other policies contained in this plan.**

**Proposals for mineral extraction will be permitted where it can be demonstrated within the restoration strategy that:**

- **the restoration will take place at the earliest opportunity and to a high environmental standard;**
- **a phased approach is taken, where appropriate;**
- **all plant and machinery will be removed in a timely manner; and**
- **Where land is returned to agricultural land, it must be returned to at least the equivalent grade of the prior mineral extraction site standard.**

**Proposals involving inert material for the restoration of the site will be permitted where it can be demonstrated that it meets all of the criteria below:**

- **the use of inert material does not adversely impact upon the environment, local amenity and transport movements; and**
- **the restoration with inert material is to the highest possible environmental standard;**
- **the use of inert material is necessary as part of the restoration of the site;**
- **the amount of material is appropriate and can be sourced to undertake the restoration in a timely manner.**

## **Monitoring**

Related Plan Objectives	Obj8 & 9
Plan Targets	T8
Plan Indicators	IN8

**Policy 25: Aftercare and After-use**

All after-use proposals will be permitted where they have demonstrated consideration and inclusion, where appropriate, of measures to:

- be compatible with the landscape character of the area and will not result in any unacceptable harm to local landscape character, quality and setting of heritage assets;
- respect and enhance the local character of the area;
- support the local economy;
- provide improved and increased public access to the countryside and create public open space for recreation;
- support and enhance existing places of nature conservation for habitats and species;
- maximise opportunities for sites of geological interest;
- integrate sustainable forms of transport such as walking & cycling with public transport.

Proposals for mineral extraction and associated development shall be required to submit an Aftercare Management Strategy for the site in accordance with the proposed after-use

**Monitoring**

Related Plan Objectives	Obj8 & 9
Plan Targets	T8
Plan Indicators	IN

# Appendices

Appendix 1 – Targets and Indicators

Appendix 2 – Policies Map

Appendix 3 – Inset Maps including Proposed Specific Sites and Preferred Areas

Glossary

## Appendix 1 - Targets and Indicators

Minerals Local Plan Target		Minerals Local Plan Indicator	
<u>T1</u>	New sand and gravel extraction sites to be located on the identified allocated sites/preferred areas.	<u>IN1</u>	Percentage of new sand and gravel extraction sites approved on the allocated sites/preferred areas.
<u>T2</u>	New sand and gravel extraction sites to support a minimum permitted landbank of 7 years.	<u>IN2</u>	Number and capacity of new sand and gravel extraction sites to support a minimum permitted landbank of 7 years.
<u>T3</u>	New brick clay extraction sites to support a minimum permitted reserve of 25 years.	<u>IN3</u>	Number and capacity of new brick clay extraction sites to support a minimum permitted reserve of 25 years.
<u>T4</u>	An increase in the number of permitted applications for the processing of secondary & recycled aggregates.	<u>IN4</u>	Number and capacity of permitted applications for the processing of secondary & recycled aggregates.
<u>T5</u>	Object to development proposals that would prevent viable future mineral extraction.	<u>IN5</u>	Number of pre-application responses the Minerals Planning Authority has responded to.
<u>T6</u>	Object to proposals that are not in accordance with Minerals Policy 9: Railheads and Wharves.	<u>IN6</u>	Number of planning applications granted on safeguarded rail depots and wharves.
<u>T7</u>	Object to development proposals that are not in accordance with Minerals Policy 10: Concrete batching, asphalt and coated stone plants	<u>IN7</u>	Number of planning applications granted on concrete batching, asphalt and coated stone plants.
<u>T8</u>	All planning applications to be granted in accordance with advice obtained from the Environment Agency, Historic England, Natural England, Highways England, Sport England and other relevant consulted bodies within the county council.	<u>IN8</u>	Number of planning applications granted contrary to the advice of the Environment Agency, Historic England, Natural England, Highways England, Sport England and other relevant consulted bodies within the county council.
<u>T9</u>	An overall reduction in the number of yearly breaches of planning control and complaints received relating to operational mineral extraction sites and recycled & secondary aggregate processing facilities in the county.	<u>IN9</u>	Number of yearly breaches of planning control and complaints received relating to operational mineral sites and recycled & secondary aggregate processing facilities in the county.




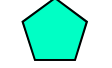





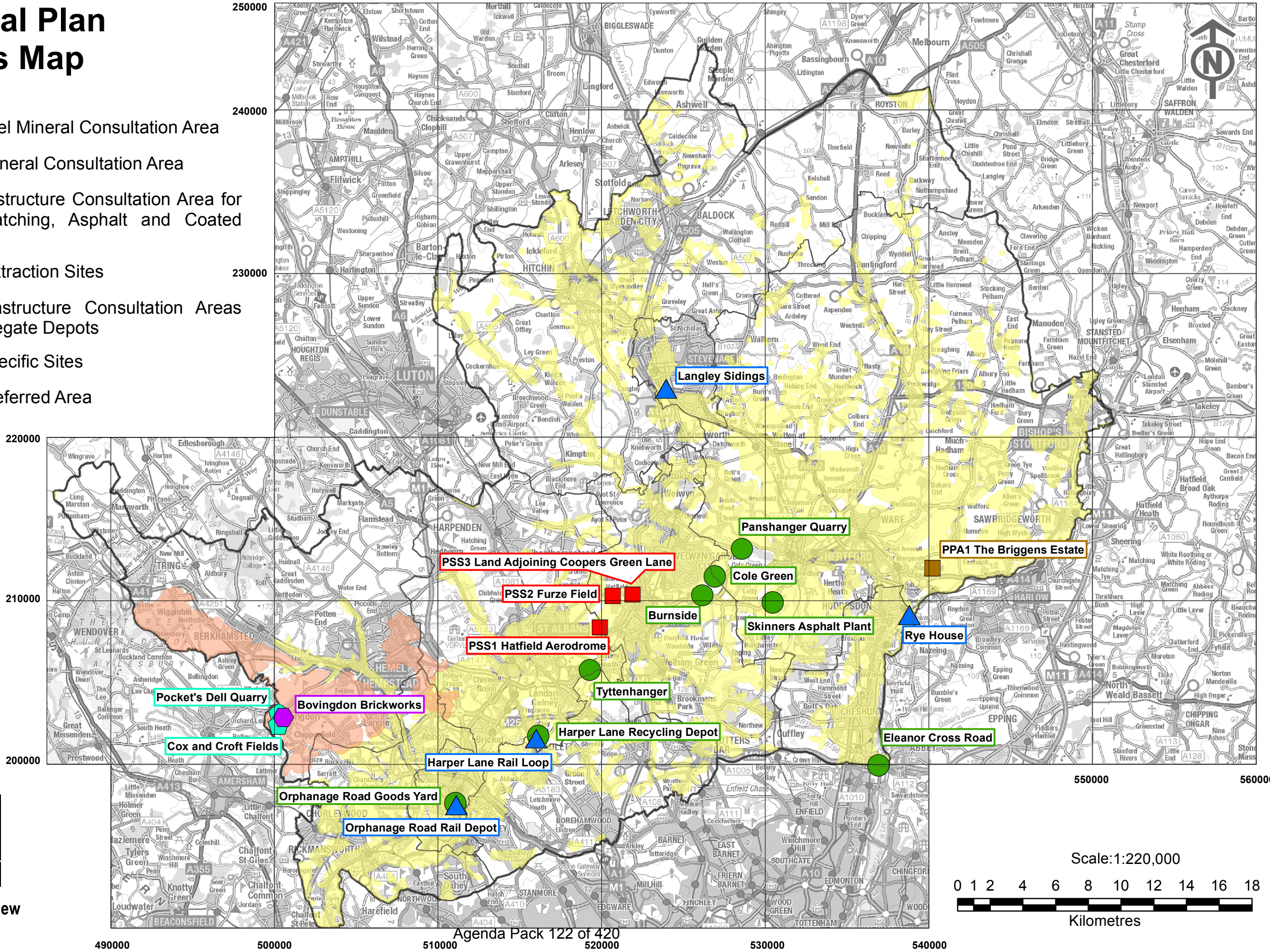
## Appendix 2 – Policies Map

# HERTFORDSHIRE COUNTY COUNCIL

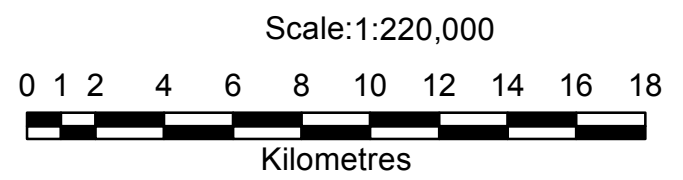
## Minerals Local Plan Draft Policies Map

### KEY

-  Sand & Gravel Mineral Consultation Area
-  Brick Clay Mineral Consultation Area
-  Mineral Infrastructure Consultation Area for Concrete Batching, Asphalt and Coated Stone Plants
-  Brick Clay Extraction Sites
-  Mineral Infrastructure Consultation Areas for Rail Aggregate Depots
-  Proposed Specific Sites
-  Proposed Preferred Area



Minerals Local Plan Review  
Draft Policies Map

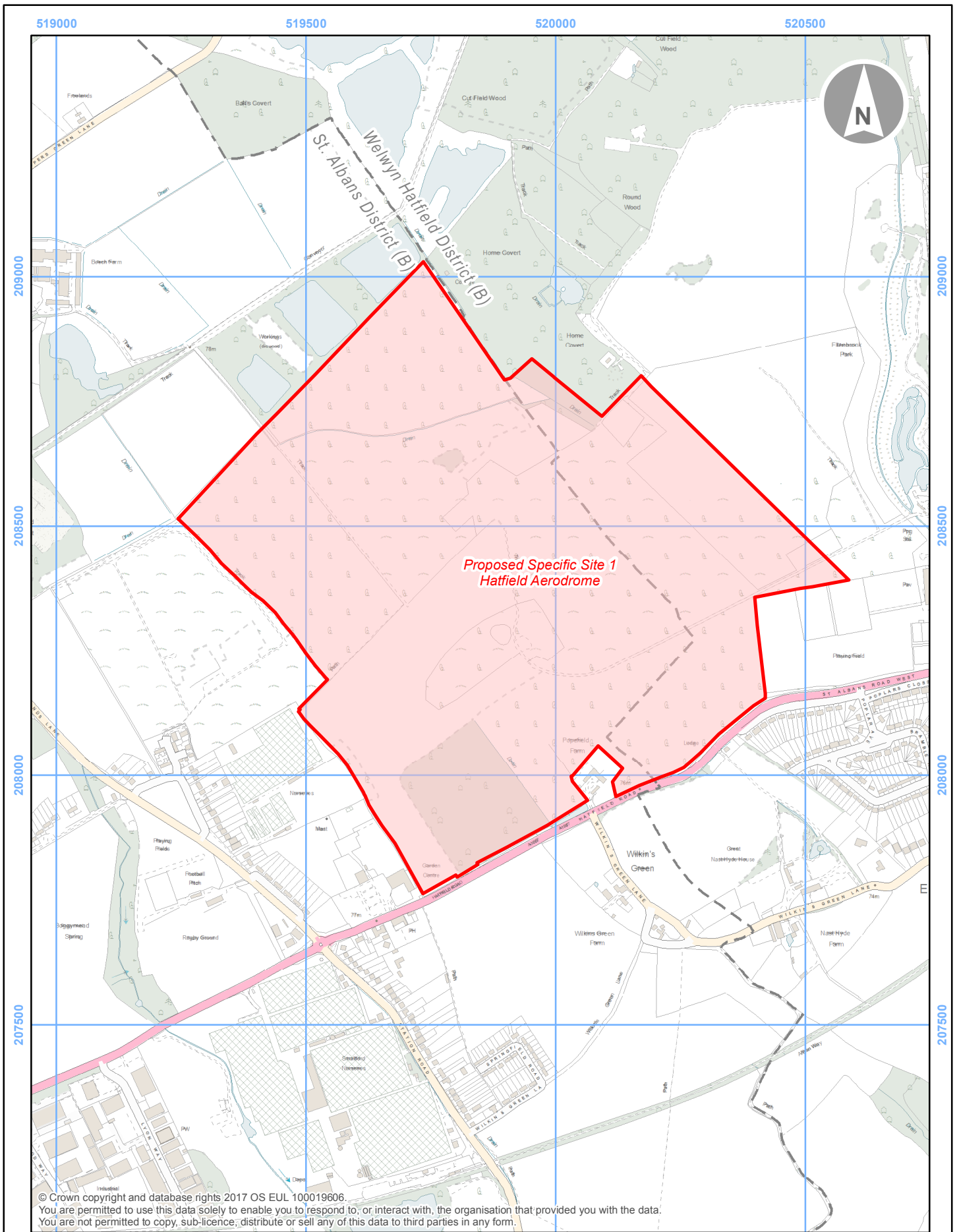


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## **Appendix 3 - Inset Maps including Proposed Specific Sites and Preferred Areas**

<b>Inset Map 1</b>	<b>Proposed Specific Site 1 – Hatfield Aerodrome</b>
<b>Inset Map 2</b>	<b>Proposed Specific Site 2 – Hatfield Furze Field</b>
<b>Inset Map 3</b>	<b>Proposed Specific Site 3 – Hatfield Quarry – Land adjoining Coopers Green Lane</b>
<b>Inset Map 4</b>	<b>Proposed Preferred Area 1 – The Briggens Estate</b>
<b>Inset Map 5</b>	<b>Bovingdon Brickworks and Clay Extraction Sites</b>
<b>Inset Map 6</b>	<b>Harper Lane Rail and Recycling Depot</b>



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### Inset Map 1



KEY:  Proposed Specific Site  Proposed Preferred Area

Scale 1:10000  
 0 100 200 300 400 500 600 700 Metres

## Proposed Specific Site 1: Hatfield Aerodrome

<u>Site Address:</u>	Land at former Hatfield Aerodrome, Hatfield Road, Hatfield
<u>Location:</u>	Located to the west of Hatfield and to the east of St Albans, adjacent to Ellenbrook and the A1057  Northing: 208269, Easting: 519951
<u>District:</u>	St Albans City & District and Welwyn Hatfield Borough
<u>Size:</u>	86.6 ha
<u>Planning Status:</u>	<p>The site was granted permission for the establishment of a new sand and gravel quarry, aggregate processing plant, concrete processing plant and other ancillary facilities as part of permission 5/0394-16 on 25 January 2017, subject to the signing of a legal agreement.</p> <p>The site was part of an allocated Preferred Area in the 2007 Minerals Local Plan.</p> <p>Planning permission was granted in December 2000 for a mixed use development. The Section 106 agreement forming part of the planning permission provided for the creation of a country park on the land to the west of Ellenbrook. The agreement was guided by the Hatfield Aerodrome Supplementary Planning Guidance document adopted by Welwyn Hatfield Borough Council in November 1999. The establishment of the country park has not been carried out but remains a requirement of the original Section 106 agreement and is still enforceable.</p>
<u>Current use of site:</u>	Agricultural
<u>Material:</u>	Sand and Gravel
<u>Workable mineral reserves:</u>	8 million tonnes
<u>Anticipated annual output:</u>	250,000 tonnes
<u>Timings:</u>	Starting in years 1-5 of the Plan period  Extraction expected to take 30 years

Site-Specific Planning Issues: Due to the existing legal agreement, no mineral extraction shall take place at the site until a Deed of Variance to the original Section 106 between the County Council, Welwyn Hatfield Borough Council, St Albans City and District Council and the landowner has been formally sealed which shall provide for:

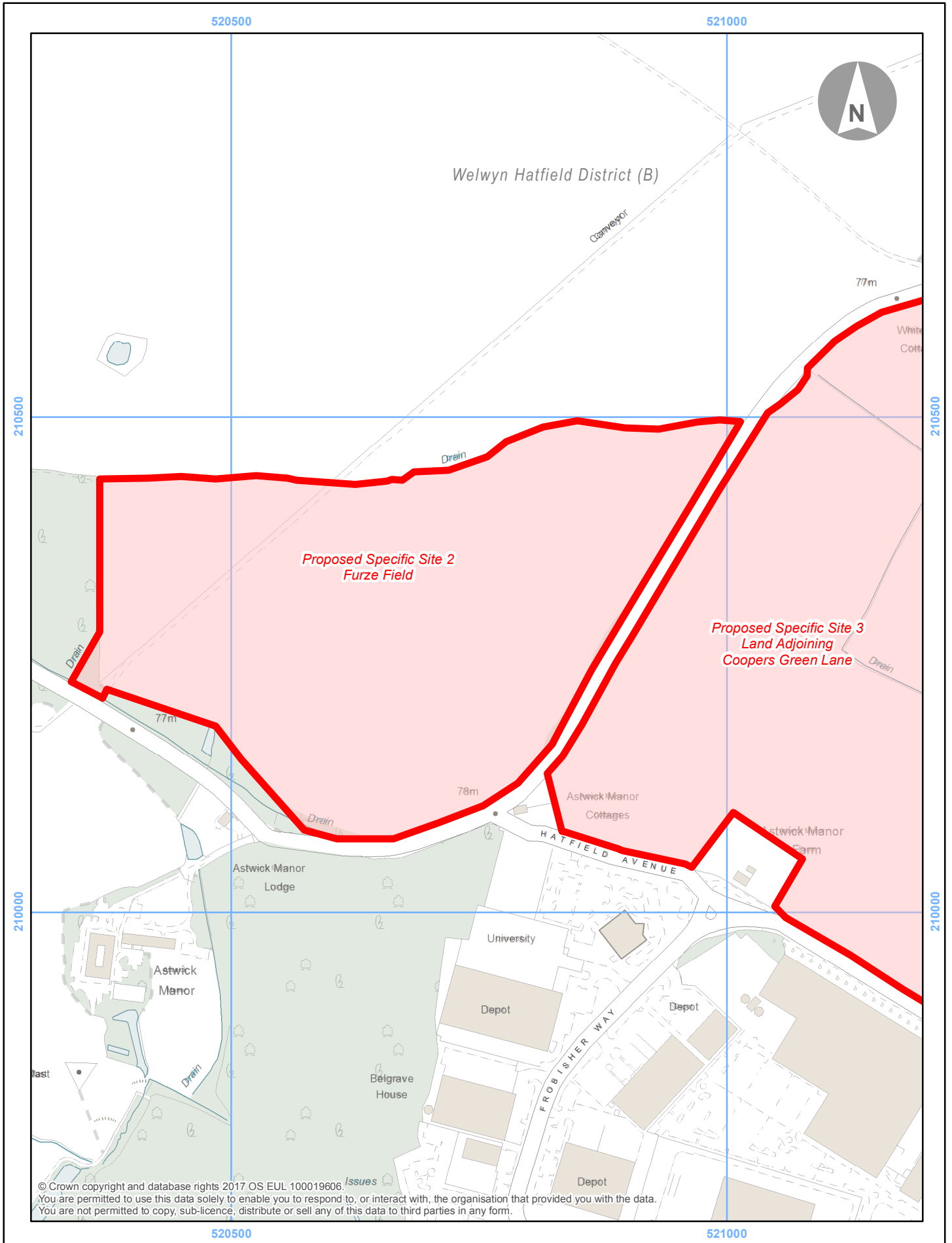
- The establishment of Ellenbrook Park
- The establishment of Ellenbrook Park Trust

Restoration and aftercare of the site should be consistent with the Hatfield Aerodrome Supplementary Planning Guidance and clearly demonstrate how Ellenbrook Park has been integrated into the scheme.

The site lies over an area contaminated with a plume of Bromate which is found in the lower horizon of the sand and gravel resource. Proposals will require an extensive plan of groundwater level and quality monitoring before, during and after the working. The Bromate plume will need to be assessed and shown that it will not be spread either vertically or laterally as a result of proposed works. This is of particular importance for proposals which extend below the water table or into the lower mineral horizon.

The site sits in the Green Belt. Developments associated with the mineral extraction should be designed and positioned appropriately to prevent conflict with the purposes of the Green Belt.

A small part of the site, at the south east edge, is situated within Flood Risk Zone 2. Due to the potential for extraction in proximity to Flood Risk Zone 2, proposed mineral extraction should seek opportunities to reduce the overall level of flood risk in the area through the layout and form of the development and the appropriate application of sustainable drainage systems. It should be noted that the extraction site in permission 5/0394-16 is located entirely within Flood Zone 1 and is at low risk of flooding.



**Inset Map 2**



**KEY:**  Proposed Specific Site  Proposed Preferred Area

Scale 1:5000  
 0 100 200 300 Metres

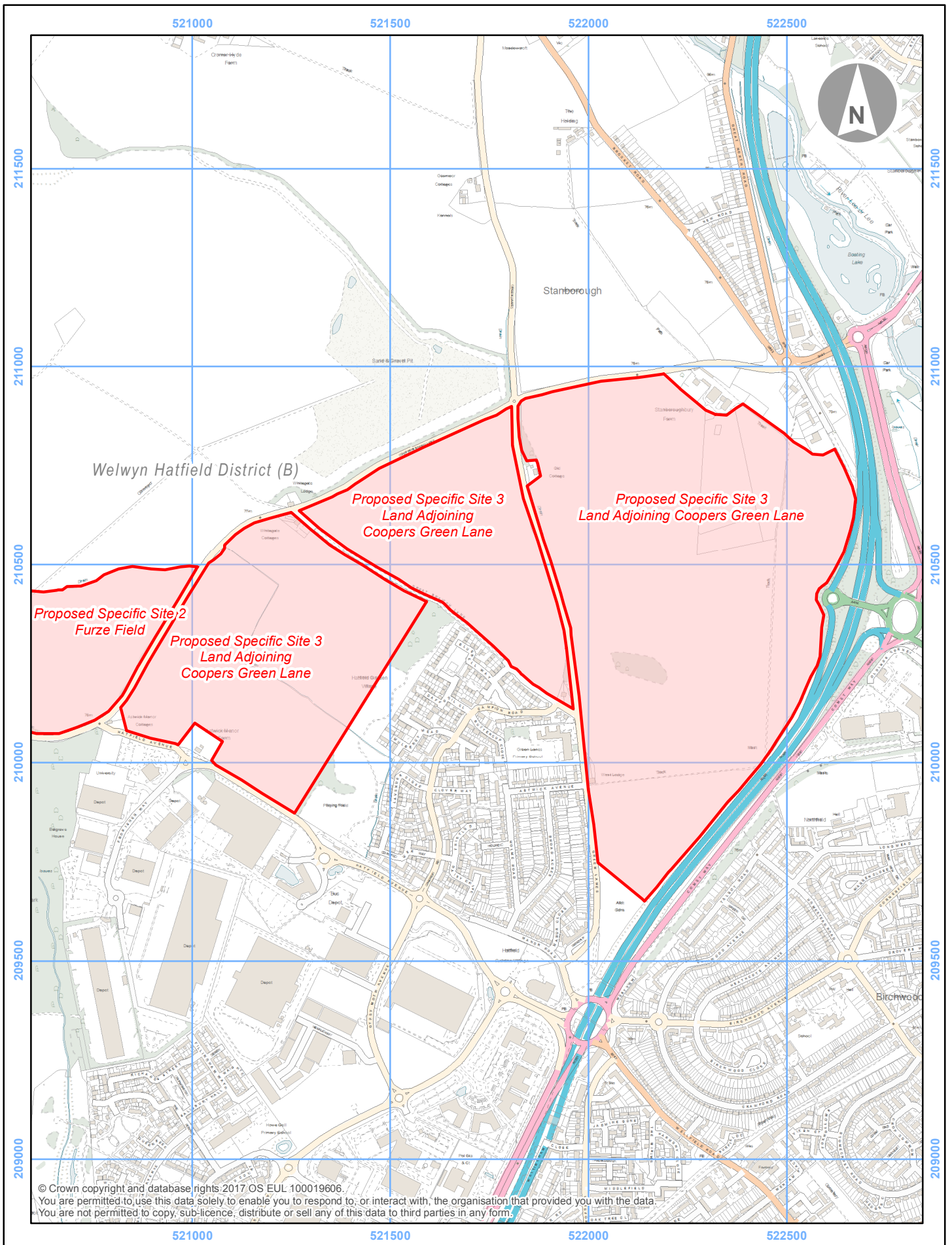


## Proposed Specific Site 2: Hatfield – Furze Field

<u>Site Address:</u>	Oaklands Lane, Smallford, St Albans, AL4 0HS
<u>Location:</u>	Located to the north west of Hatfield, close to the western edge of Hatfield Garden Village and adjacent to Coopers Green Lane  Northing: 201408, Easting: 520050
<u>District:</u>	Welwyn Hatfield Borough
<u>Size:</u>	17.7 ha
<u>Planning Status:</u>	<p>The site was granted permission as an extension of Hatfield Quarry for the extraction of sand and gravel as part of permission 5/3720-16 on 22 March 2017, subject to the signing of a legal agreement.</p> <p>Hatfield Quarry has been operational since the 1960s with various extensions for sand and gravel extraction. Currently, extraction occurs at the Symondshyde Farm site and material is transported to the existing processing plant at Hatfield Quarry by conveyor belt. Extraction at Hatfield – Furze Field is intended to succeed extraction at the Symondshyde Farm site (expected to cease in 2020).</p>
<u>Current use of site:</u>	Agricultural
<u>Material:</u>	Sand and Gravel
<u>Workable mineral reserves:</u>	450,000 tonnes
<u>Anticipated annual output:</u>	400,000 tonnes
<u>Timings:</u>	Starting in years 1-5 of the Plan period  Extraction expected to take 1.5 years
<u>Site-Specific Planning Issues:</u>	<p>Extraction is expected to succeed extraction at Hatfield Quarry – Symondshyde Farm site.</p> <p>Extraction will occur as an extension to Hatfield Quarry. Material will be transported to the existing processing plant by conveyor belt rather than by vehicular transport. The existing vehicular access to Hatfield Quarry will continue to be used.</p>

The site lies over an area contaminated with a plume of Bromate which is found in the lower horizon of the sand and gravel resource. Proposals will require an extensive plan of groundwater level and quality monitoring before, during and after the working. The Bromate plume will need to be assessed and shown that it will not be spread either vertically or laterally as a result of proposed works. This is of particular importance for proposals which extend below the water table or into the lower mineral horizon.

The site sits in the Green Belt. Developments associated with the mineral extraction should be designed and positioned appropriately to prevent conflict with the purposes of the Green Belt.



**Inset Map 3**

KEY:  Proposed Specific Site  Proposed Preferred Area



Scale 1:50000  
 0 100 200 300 400 500 600 700 800 900 Metres

### **Proposed Specific Site 3: Hatfield Quarry – Land adjoining Coopers Green Lane**

<u>Site Address:</u>	Oaklands Lane, Smallford, St Albans, AL4 0HS
<u>Location:</u>	Located to the north of Hatfield, adjacent to the A1(m) and Coopers Green Lane  Northing: 210574, Easting: 521685
<u>District:</u>	Welwyn Hatfield Borough
<u>Size:</u>	125 ha
<u>Planning Status:</u>	<p>The site has no relevant minerals planning history.</p> <p>The site is proposed as an extension to Hatfield Quarry which has been operational since the 1960s with various extensions for sand and gravel extraction. Currently, extraction occurs at the Symondshyde Farm site and material is transported to the existing processing plant at Hatfield Quarry by conveyor belt. This extraction is expected to cease in 2020.</p> <p>The site is included in the Proposed Submission Version of the Welwyn Hatfield Local Plan within Policy SP22. The policy aims to supply 1,650 new homes and other associated developments including a neighbourhood centre, education facilities and suitable access arrangements as part of allocation Hat 1: North West of Hatfield.</p>
<u>Current use of site:</u>	Agricultural
<u>Material:</u>	Sand and Gravel
<u>Workable mineral reserves:</u>	6.6 million tonnes
<u>Anticipated annual output:</u>	400,000-600,000 tonnes
<u>Timings:</u>	Starting in years 5-10 of the Plan period.  Extraction expected to take 14 years.
<u>Site-Specific Planning Issues:</u>	Extraction is expected to succeed extraction at Specific Site 2: Hatfield Quarry – Furze Field site, which has been granted permission for mineral

extraction subject to the signing of a Section 106 agreement.

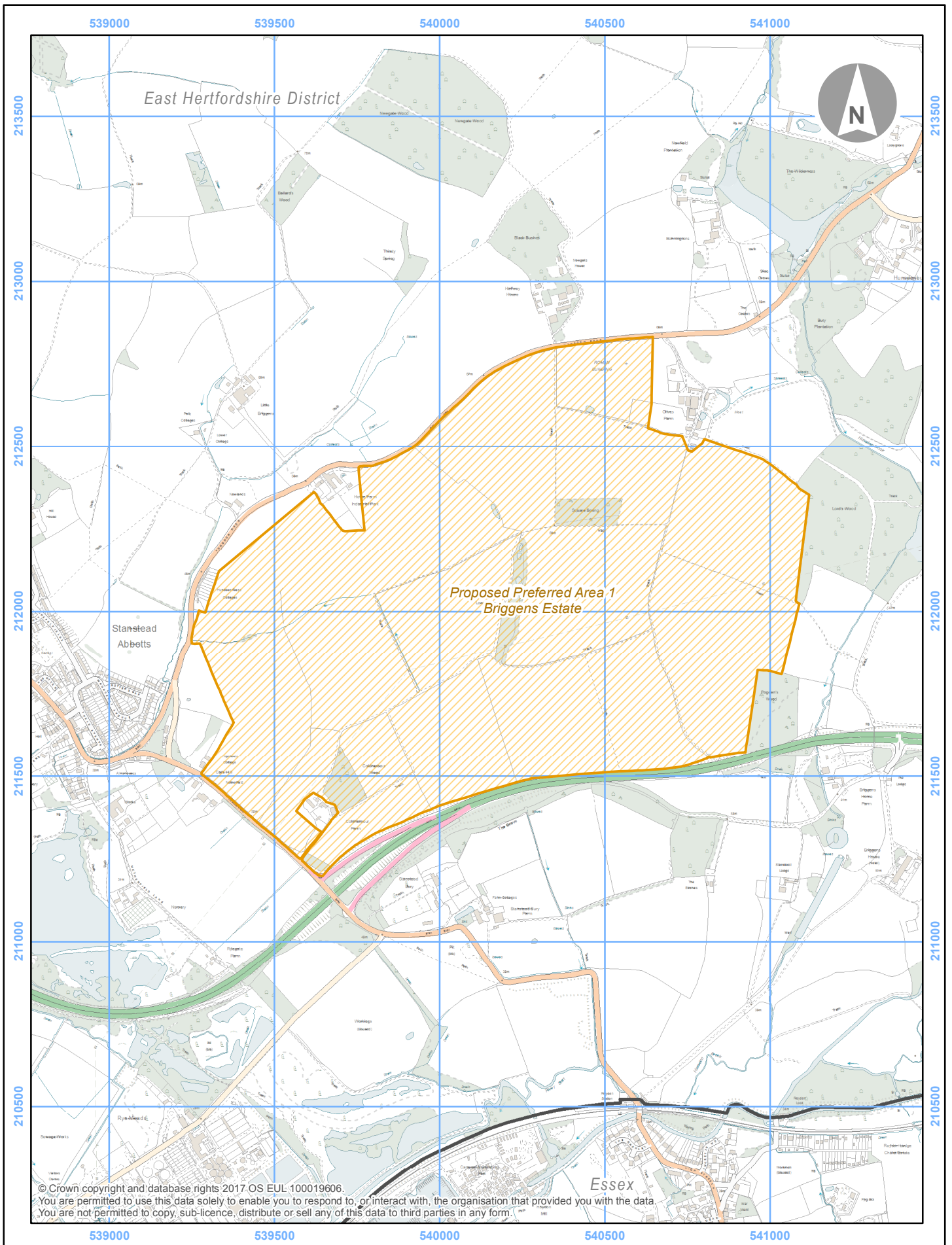
Extraction will occur as an extension to Hatfield Quarry. Material will be transported to the existing processing plant by conveyor belt rather than by vehicular transport. The existing vehicular access to Hatfield Quarry will continue to be used.

Due to the long-term use of the existing access to Hatfield Quarry on Oaklands Road and the associated use of the A1057, applications should address the potential cumulative impact of HGV movements that may occur as a result of further long-term mineral transportation.

A Masterplan for the site will form the basis of a Supplementary Planning Document to be developed by Welwyn Hatfield Borough Council which will provide further guidance on site specific matters related to the provision of 1,650 new homes. The extraction of minerals should be complementary to the residential allocation. Phasing of extraction should ensure that the provision of housing over the Welwyn Hatfield Local Plan period is not seriously affected.

The site lies over an area contaminated with a plume of Bromate which is found in the lower horizon of the sand and gravel resource. Proposals will require an extensive plan of groundwater level and quality monitoring before, during and after the working. The Bromate plume will need to be assessed and shown that it will not be spread either vertically or laterally as a result of proposed works. This is of particular importance for proposals which extend below the water table or into the lower mineral horizon.

The site sits in the Green Belt. Developments associated with the mineral extraction should be designed and positioned appropriately to prevent conflict with the purposes of the Green Belt.



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### Inset Map 4



KEY:  Proposed Specific Site  Proposed Preferred Area

Scale 1:50,000  
 0 100 200 300 400 500 600 700 800 900 1,000 1,100 Metres

## Proposed Preferred Area 1 – The Briggens Estate

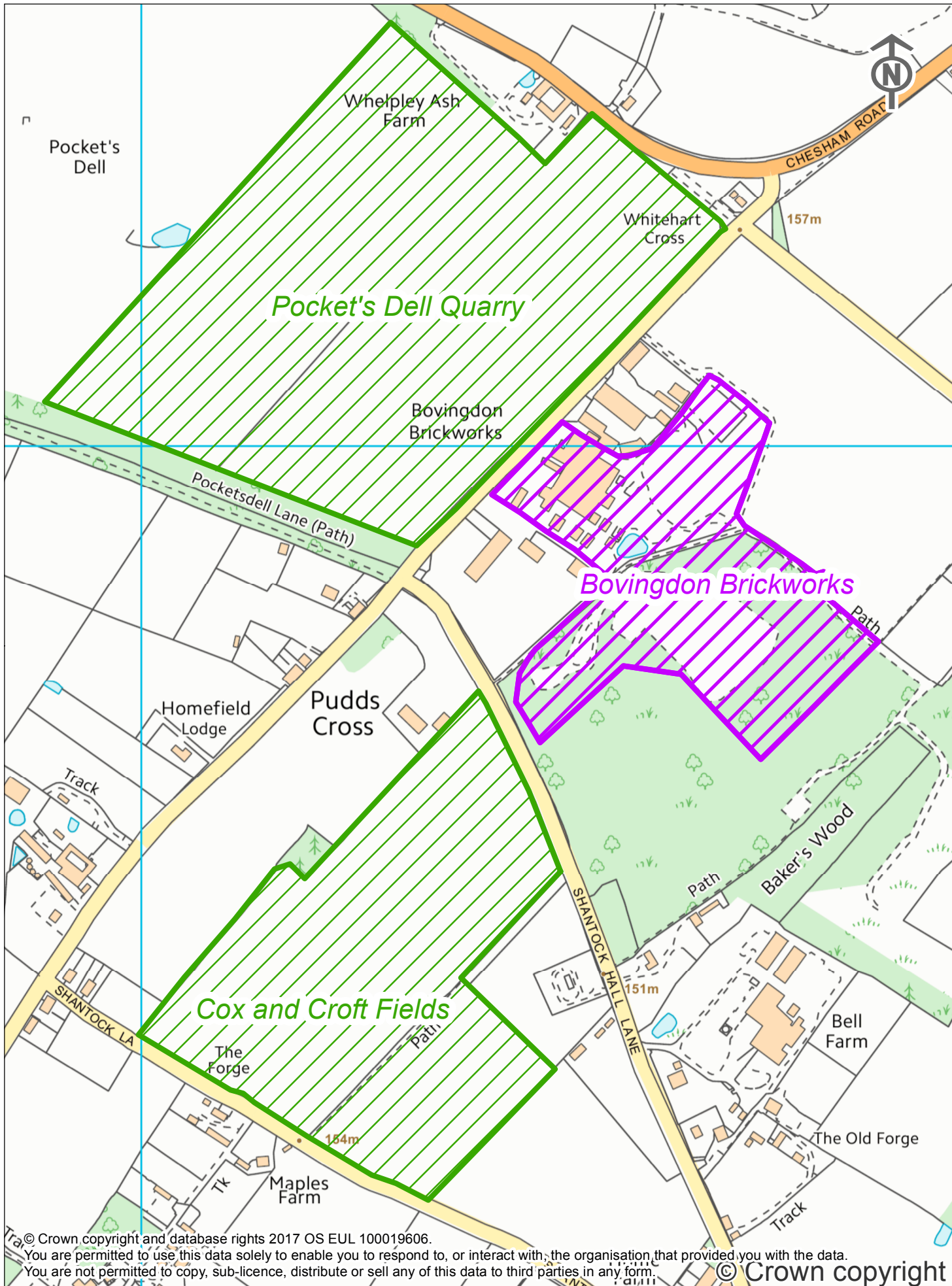
<u>Site Address:</u>	Land to the East of Stanstead Abbots
<u>Location:</u>	Located to the east of Stanstead Abbots, between the A414 and B180  Northing: 212096, Easting: 540509
<u>District:</u>	East Herts District
<u>Size:</u>	187.75 ha
<u>Planning Status:</u>	The site has no relevant minerals planning history.  The site is located less than 500m to the west of a site included in the Pre-Submission version of the East Herts District Plan within Policy GA1. The policy aims to supply 10,000 dwellings as a new garden village. 7,000 of the homes are to be developed after the end of the Plan periods of the East Herts District Plan and this Mineral Local Plan.
<u>Current use of site:</u>	Agricultural
<u>Material:</u>	Sand and Gravel
<u>Workable mineral reserves:</u>	10.7 million tonnes
<u>Anticipated annual output:</u>	500,000 tonnes
<u>Timings:</u>	Due to the identification of three proposed Specific Sites and the inclusion of the Briggens Estate as a proposed Preferred Area, this site would ideally be worked later in the Plan period.  Extraction expected to take 22 years.
<u>Site-Specific Planning Issues:</u>	Access is anticipated to be taken via the B181. Proposals will need to provide detailed analysis and suggested mitigation measures which take into account the HGV route and weight restrictions on the highways network.  The site sits in the Impact Risk Zones for the Lea Valley Special Protection Area, Rye Meads SSSI, Hunsdon Mead SSSI and Amwell Quarry. Proposals would need to address the potential impacts on these

sites and the potential use of the site and its surroundings by SPA birds.

Stanstead Abbott's Conservation Area and Stanstead Bury Registered Park and Garden (grade II listed) lie adjacent to the site.

The site sits in the Green Belt. Developments associated with the mineral extraction should be designed and positioned appropriately to prevent conflict with the purposes of the Green Belt.





Inset Map 5



Scale: 1:5,000



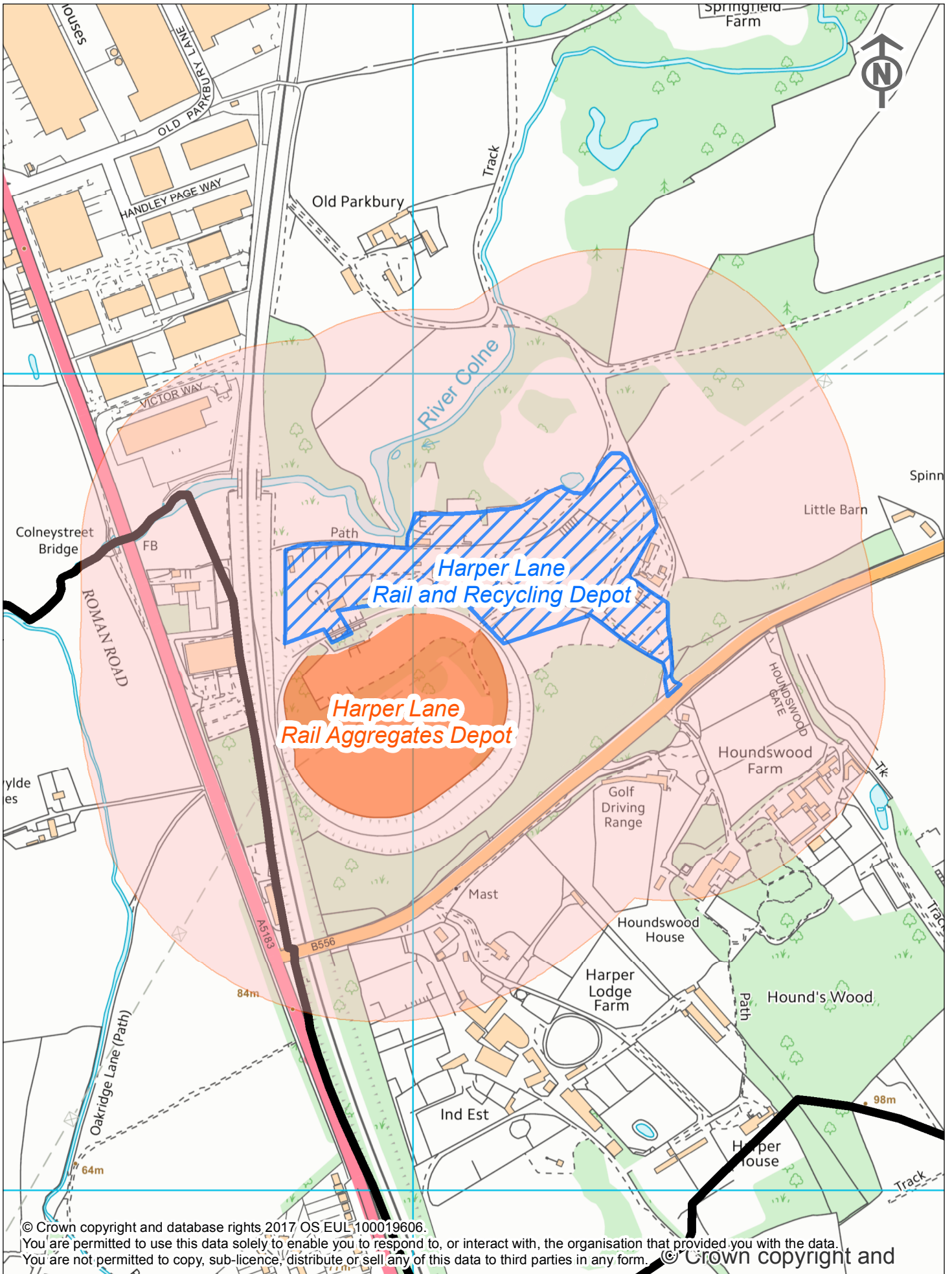
Agenda Pack 137 of 420

Key:



Bovingdon Brickworks

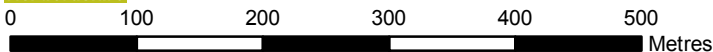
Brick Clay Extraction Site




Inset Map 6



Scale: 1:6,000



Agenda Pack 438 of 420 Harper Lane Rail Aggregates Depot

 Harper Lane Rail and Recycling Depot

 Mineral Infrastructure Consultation Area

## Glossary

After-use	(see Reclamation)
After-care	(see Reclamation)
Aggregates	Sand and gravel, crushed rock and other bulk materials used in the construction industry for purposes such as the making of concrete, mortar, asphalt or for roadstone, drainage or bulk filling
Agricultural Land Classification - ALC	<p>A method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. The ALC system classifies land into five grades, with Grade 3 subdivided into Sub-grades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non food crops for future generations. Grades 4 and 5 are described as poor quality agricultural land and very poor quality agricultural land.</p> <p>Natural England has a statutory role in advising local planning authorities about land quality issues and provides further information on ALC.</p>
Alternative sources	Aggregate sources other than land-won sand and gravel (e.g. coastal super quarries, recycled material).
Ancient Woodland	Areas that have had a continuous woodland cover since at least 1600 and have only been cleared for underwood or timber production.

Ancillary processes	Processes associated with minerals development as defined in Part 19 of the General Permitted Development Order 1995 for the treatment, storage, removal of minerals from a site, and for the treatment, preparation for sale, consumption or utilisation of minerals from the site, for example a processing plant for washing and grading.
Apportionment	The disaggregation of regional guidance between mineral planning authorities.
Aquifer	A permeable water-bearing stratum which is capable of storing and yielding water when tapped by a well.
Area of Outstanding Natural Beauty (AONB)	Areas designated by the Countryside Commission under Sections 87 and 88 of the National Parks and Access to the Countryside Act 1949. Hertfordshire contains part of one AONB - the Chiltern Hills.
Asphalt	A natural or artificial mixture in which bitumen is combined with a substantial proportion of mineral matter.
Bed	A layer of rock or mineral.
Best and Most versatile Agricultural Land	Land in grades 1, 2 and 3a of the Agricultural Land Classification.
Borrow Pits	A pit in close proximity to and worked solely in conjunction with a large scale construction project. The working provides the development with bulk filling minerals and is restored with any surplus soils that may arise.

Buffer Zones	A set distance around a mineral resource where the Mineral Planning Authority will consult with the Local Planning Authority to ensure that development does not progress that will sterilise the mineral resource.
Bund	An embankment formed from natural material, used either to screen a site from view or reduce noise emission from a site.
Conservation Areas	An area, as defined in the Planning (Listed Building and Conservation Areas) Act 1990, designated as being of special architectural or historical interest and therefore protected from any alterations which would destroy its character.
Constant Environmental Assets	Natural or cultural resources that are considered vitally important and irreplaceable, and where any loss or damage would be extremely serious.
Critical Environmental Capacity	Areas where there is a need to maintain the overall character and quality of the environment, but not necessarily its exact current make-up.
Crushed Rock	Hard rock (usually limestone and granite) which has been quarried, fragmented and graded for use as aggregate.
Degradable waste	Waste which decomposes naturally over time.
De-watering	The removal of surface water that accumulates in a pit by the means of continual or seasonal pumping.

East of England Regional Aggregates Working Party (EoERAWP)	A joint working group consisting of local authority officers, representatives of the aggregates industry, central government bodies and the Environment Agency, established to consider the demand and supply of aggregates in the East of England. EoERAWP advises the Office of the Deputy Prime Minister.
Environmental Assets	These range from essential resources such as: water; ecological processes; landscape; and historic and archaeological features which give a locality its unique character. The use of the term 'environmental asset' encompasses not only those things which are considered to be valuable and irreplaceable and therefore need to be strongly protected in their entirety (critical capital), but also those elements of the environment which, although amenable to some management or change, need to be protected or enhanced to avoid their degradation or where any loss would have to be compensated for by equivalent provision elsewhere (constant assets)
Environmental Capacity	The limit of acceptable environmental change within a defined area.
Environmental Statement - ES	A document to be prepared following an Environmental Assessment which provides a systematic and objective account of the significant environmental effects to which the proposed project is likely to give rise. Every ES must contain a non-technical summary which will enable non-experts to understand its findings.

Environmental Impact Assessment - EIA	A process by which information about the environmental effects of a project is collected, both by the developer and from other sources, and taken into account by the planning authority in determining planning applications. Project types are contained in the Town and Country Planning (Assessment of Environmental Effects) Regulations 1999.
Groundwater	Water present in underground strata which fills pores and fissures up to the water-table.
Hectare	Area of 10,000m <sup>2</sup> . One hectare = 2.471 acres.
Hoggin	Aggregate with too much clay to be worked for other than common fill material.
Identified Areas	This term is used in this Plan to refer collectively to the 'Specific Sites' and the 'Preferred Areas'.
Incidental Extraction	Minerals extracted as a secondary activity to other development outside of Specific Sites and Preferred Areas, such as the construction of agricultural or potable water reservoirs.
Industrial Minerals	Minerals which are necessary to support industrial and manufacturing processes and other non-aggregate uses, which are not fuel (fuel minerals or mineral fuels) and are not sources of metals (metallic minerals). Industrial minerals are used principally for industrial purposes, such as granite, marble, limestone, brickclay, slate and silica.

Landbank	A stock of planning permissions for the winning and working of minerals.
Listed Building	A building officially listed as being of special architectural or historic interest as defined in the Planning (Listed Building and Conservation Areas) Act 1990.
Local Nature Reserve - LNR	A non-statutory designation of a site of local nature conservation significance, declared by local planning authorities under the National Parks and Access to the Countryside Act 1949.
Local Plan	A detailed land use plan prepared and adopted by a local planning authority in accordance with the policies of a Structure Plan.
Low-level restoration	The re-establishment of land following mineral extraction, without in-filling. This restoration is usually, but not exclusively, associated with agricultural after-use.
Main river	A water course which is shown by a distinctive colour on the main river map of the Environment Agency areas and includes a structure or appliance for controlling or regulating the flow of water into, or out of the channel.
Marine-dredged aggregates	Sand and gravel dredged from deposits on the seabed and landed at wharves for use as aggregates.
Mineral Consultation Area (MCA)	A geographical area, based on a Mineral Safeguarding Area, where the district or borough council should consult the Mineral Planning Authority for any proposals for non-minerals development.



Mineral Infrastructure Consultation Area (MICA)	A geographical area, including and surrounding existing infrastructure for the transportation or processing of mineral, where the district or borough council should consult the Mineral Planning Authority for any proposals for non-minerals development.
Mineral Planning Authority	The local planning authority (the County Council) responsible for planning control over mineral working and other minerals related development
Mineral Safeguarding Area (MSA)	An area designated by a Mineral Planning Authority which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development.
Mitigation Hierarchy	<p>A tool designed to limit, as far as possible, the negative impacts of development projects on biodiversity and ecosystem services (BES).</p> <p>It involves a sequence of four key actions—‘avoid’, ‘minimize’, ‘restore’ and ‘offset’—and provides a best practice approach to balance conservation needs with development priorities.</p>
National Aggregates Survey	A quadrennial nation-wide analysis of all aggregate production, consumption, reserves and movements. Produced by the Department of the Environment (now the Office of the Deputy Prime Minister), the results of the most recent survey (2001) are yet to be published.
National Nature Reserves - NNR	Site of national conservation importance, managed by English Nature or other approved bodies and established under the National Parks and Access to the Countryside Act 1949.
National Planning Policy Framework (NPPF)	Document published on 27 March 2012 and sets out the Government’s planning policies for England and how these are expected to be applied.

National Planning Practice Guidance (NPPG)	Government guidance that supports the implementation of the NPPF. The guidance is updated on a regular basis.
Ordinary water course	A water course that does not form part of a main river.
Permitted reserves	Mineral deposits with the benefit of planning permission for extraction.
Preferred Areas	Areas with no current planning permission, which are identified in this Plan as the locations favoured for the mineral working needed to meet the Plan's requirements. The precise boundaries of extraction within the Preferred Areas will be determined through the development control process, to ensure protection to adjacent areas and residents.
Primary aggregates	Aggregates produced from naturally occurring mineral deposits, extracted specifically for use as aggregate and used for the first time.  Primary aggregates fall within the European definition of natural aggregate.
Primary route network	Nationally defined network which links destinations classed as 'Primary Destinations'.
RAMSAR	A statutory designation adopted following an international conference, held in 1971 in Ramsar, Iran, which identifies Wetlands of International Importance.  The Ramsar Convention produced its 4th Strategic Plan 2016 – 2024 in June 2015.

## Reclamation

Has a special meaning in minerals planning. It comprises operations which are designed to return the area to an acceptable environmental condition, whether for the resumption of the former land use or for a new use. However, it includes events which take place before and during extraction (e.g. correct stripping and protection of soils); and also operations after extraction which may include filling and contouring, the creation of planned water areas, landscaping and tree planting. Reclamation includes “restoration”, “aftercare” and “after-use” which are described below.

“Restoration” comprises steps to return land following mineral extraction to an acceptable condition, whether for resumption of the former land use or for a new use, by using subsoil, topsoil and/or soil-making material.

“Aftercare” provides for steps to be taken to bring land to the required standard for use for agriculture, forestry or amenity. These may include planting, cultivating, fertilising, watering, drainage or otherwise treating the land.

“After-use” is used to mean the ultimate use after mineral working for agriculture, forestry, amenity (including nature conservation), industrial or other development.

## Recycled Aggregates

Aggregates produced from reprocessed construction, demolition and excavation (CD&E) waste. This includes crushed concrete stone and brick, asphalt road planings and railway ballast. The processing of aggregate occurs both on construction sites for reuse on the same site or off site for use in other construction works.

### Construction and demolition wastes:

The demolition of buildings and other manmade structures results in a range of waste materials, including concrete, brick, masonry, metal and timber. Construction arisings include waste generated from roadworks and building projects, such as crushed or damaged bricks, blocks, cement and concrete. The excavating of trenches by utility companies is also currently providing a significant source of material.

### Asphalt road planings:

Asphalt road planings are removed from the surface of roads prior to maintenance work or full resurfacing, by machinery designed specifically for the purpose. Around 80% of road planings have a secondary use.

### Railway Ballast:

The recycling and re-use of railway ballast has risen since privatisation of the track maintenance companies, and the introduction of the landfill tax.

## Regionally Important Geological/Geomorphological Sites (RIGS)

A national scheme promoted by English Nature and organised on a County basis. A non-statutory designation to promote the protection of sites for research, science, education, leisure and amenity.

## Reserve

Mineral resources known to be economically feasible for extraction.

Resource	A potential mineral deposit with geological evidence and knowledge where the quality and quantity of material has not been tested, with reasonable prospects for economic extraction.
Restoration	(see Reclamation).
Safeguarding	Protection of mineral deposits, rail heads and potential minerals wharfage from sterilisation by preventing building or other development.
Scheduled Monument	A nationally important archaeological site included in the Schedule of Ancient Monuments maintained by the Secretary of State for the Environment under the Ancient Monuments and Archaeological Areas Act 1979.
Sea-borne aggregates	Any aggregates transported by sea whether won from the seabed or not.
Secondary Aggregates	Aggregates other than sand, gravel and crushed rock (primary aggregates) produced as by-product wastes of construction, industrial or mineral extraction processes and used instead of primary aggregates. Secondary aggregates include both natural and manufactured materials such as glass, incinerator bottom ash, fine ceramic waste, scrap tyres, flue ash, slag, china clay, coal and slate extraction and spent foundry sand.
Sharp sand/Concreting sand	Large grained and angular sand, usually found in association with gravel deposits and predominantly used in the manufacture of concrete.

Silt	A fine-grained sediment having a particle size intermediate between that of fine sand and clay.
Site of Special Scientific Interest (SSSI)	An area designated under the Wildlife and Countryside Act 1981 as being of special importance by reason of its flora or fauna, or its geological or physiographical features.
Soft sand/Building sand	A fine rounded sand, derived largely from solid sand deposits. Used for a variety of building operations such as the manufacture of mortar and the production of asphalt for road construction purposes.
Special Area of Conservation (SAC)	A designation under the EC Habitats Directive (92/43/EEC) as being of importance as a particular defined natural habitat or as a habitat for particular defined animal or plant species.
Special Protection Area (SPA)	Identified as an important habitat for rare and vulnerable birds under the European Community Directive on the Conservation of Wild Birds (Directive 79/409/EEC).
Specific Sites	Sites that already have planning permission for mineral extraction, or that are subject to a resolution of the Council to grant such a permission, and which are therefore expected to contribute to meeting aggregates demand over the period of this Plan.
Sterilisation	The act of making minerals unable to ever be extracted from the land, by building on top of or in close proximity to a mineral resource.

Super quarry	A quarry capable of producing at least 5 million tonnes of rock per annum and with reserves of at least 150 million tonnes.
Sustainable development	Development that meets the needs of the present without comprising the ability of future generations to meet their own needs.
Tonne	A metric ton of 1000 kg. (1 ton = 1.016 tonnes).
Water Table	The top surface of the saturated zone within the aquifer.
Wharf	A structure on the shore of a harbour or the bank of a river or canal where boats may dock to load and unload cargo or passengers.
Windfall Site	A site not specifically allocated for development in a development plan, but which becomes available for development during the lifetime of a plan.

## Appendix 2



Hertfordshire County Council

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Minerals Local Plan  
Omission Sites Consultation

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December 2017

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Hertfordshire County Council  
Spatial Planning and Economy  
Environment Department  
County Hall, Pegs Lane  
Hertford SG13 8DN  
Contact: 0300 123 4040

## Introduction

The County Council is required to ensure that a full public consultation has taken place on all promoted sites. The council is therefore undertaking a public consultation exercise on omission sites.

An omission site is a parcel of land that has been assessed and subsequently rejected. This document provides the reasoning for sites not being taken forward.

The council is requesting that interested parties comment only on the sites listed within this document. Representations submitted on sites not listed within this document will not be accepted as part of this consultation.

Sites that have been taken forward<sup>1</sup> are included in the Draft Minerals Local Plan and comments on these sites should be submitted under the separate consultation on the Draft Minerals Local Plan.

## Progression of the Minerals Local Plan

The council is currently undertaking a Regulation 18<sup>2</sup> consultation on the Draft Minerals Local Plan. The Omission Sites document is a standalone document in order to consult on the sites not included in the Draft Minerals Local Plan following the site assessment.

All responses to this Omission Sites consultation will be considered, prior to the publication of the Proposed Submission Minerals Local Plan document.

## Representations on Omission Sites

This document contains 16 sites and three Preferred Areas, each of which is accompanied by a map and a table of the site details and a summary of the conclusion from the Land Use Consultants Site Assessment report.

Responses can be submitted either through the county council's online consultation portal (Objective) or by sending completed response forms, available from the consultation portal, to us either by email or letter.

Responses can be submitted in the following ways:

Online Consultation Portal:	<a href="http://hertsc-consult.objective.co.uk/portal">http://hertsc-consult.objective.co.uk/portal</a>
Email response forms:	<a href="mailto:minerals.planning@hertfordshire.gov.uk">minerals.planning@hertfordshire.gov.uk</a>
Address for printed forms:	Minerals and Waste Policy Team, Spatial Planning and Economy Unit, Hertfordshire County Council, Hertford, Pegs Lane, SG13 8DN.
Phone no. for queries:	0300 123 4040

<sup>1</sup> MLPCS006, MLPCS008, MLPCS009 and MLPCS010

<sup>2</sup> Town and Country Planning (Local Planning) (England) Regulations 2012

The council will consider all representations received.

The Omission Sites are being published for consultation for a ten week period starting at **9am on Monday 04 December 2017** and ending at **5pm on Friday 09 February 2018**. Please ensure that responses reach us by the closing date.

The information that you provide, including personal details, will be held on a database and used by the Environment Department to respond to you and assist with the review of the Minerals Local Plan. The information that you provide, excluding personal details, will be publicly available for any other person to inspect.

The information that you provide, including names and organisations will be shared with the Planning Inspectorate. By signing this form (responding to this consultation) you are agreeing to the county council holding your data for the duration of the Minerals Local Plan review. All personal data will be deleted following completion of the review.

### **Site Selection Methodology**

The site selection methodology was developed with independent consultants (Land Use Consultants (LUC)) and subject to public consultation. The methodology was presented to Environment, Planning and Transport Planning in February 2016.

The purpose of the methodology was to assess the sites and/or areas identified against a set of local planning and environment constraints and for their economic viability.

The site selection methodology consisted of three stages which are referred to as 'sieves.' The three sieves were:

- Sieve 1 – Major Constraints
- Sieve 2 – Resource and Economic Viability
- Sieve 3 – Detailed Site Assessment (comprising 22 criteria)

### **Site Assessment**

The Draft Minerals Local Plan includes the sites/areas that have been identified using the methodology incorporating a desktop assessment, site visits, and a comparative evaluation to identify potential locations for future mineral extraction.

The sites within this omissions document have been subject to the same criteria contained within the site selection methodology and have not been taken forward into the Draft Minerals Local Plan.

The sites contained in this document have been promoted by industry and/or landowners through the call for sites, in addition to the adopted Preferred Areas in the MLP 2007 which were also reassessed and have not been taken forward.

**Further information on the site assessment can be found in the Hertfordshire Minerals Local Plan Site Selection Report (March 2017) prepared by LUC and Cuesta Consulting Ltd.**

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## List of Omission Sites

Please note MLPCS006, MLPCS008, MLPCS009 and MLPCS010 are **not** included in this document. These four sites are included as Inset Maps 001, 002, 003 and 004 in the Draft Minerals Local Plan document.

Site ID	Site Name	Page No.	Map No.
MLPCS001	Land at Cromer Hyde Farm	5	1
MLPCS002	Land at Salisbury Hall	7	2
MLPCS003	Land at Ware Park	9	3
MLPCS004	Land at Pynesfield	12	4
MLPCS005	Land at Nashe's and Fairfold's Farm <sup>3</sup>	14	5
MLPCS007	Barwick	16	6
MLPCS011	Water Hall Quarry – Farm Fields Area	18	7
MLPCS012	Water Hall Quarry – Broad Green Area	20	8
MLPCS013	Harry's Field	23	9
MLPCS014	Water Hall Quarry – Bunkers Hill South Areas	25	10
MLPCS015	Plashes Farm	27	11
MLPCS016	Water Hall Quarry – Howe Green Area	29	12
MLPCS017	Robins Nest Hill	31	13
MLPCS018	Southfield Wood East	33	14
MLPCS019	Pipers End	35	15
MLPCS020	Roundhill Wood	37	16

## Preferred Areas

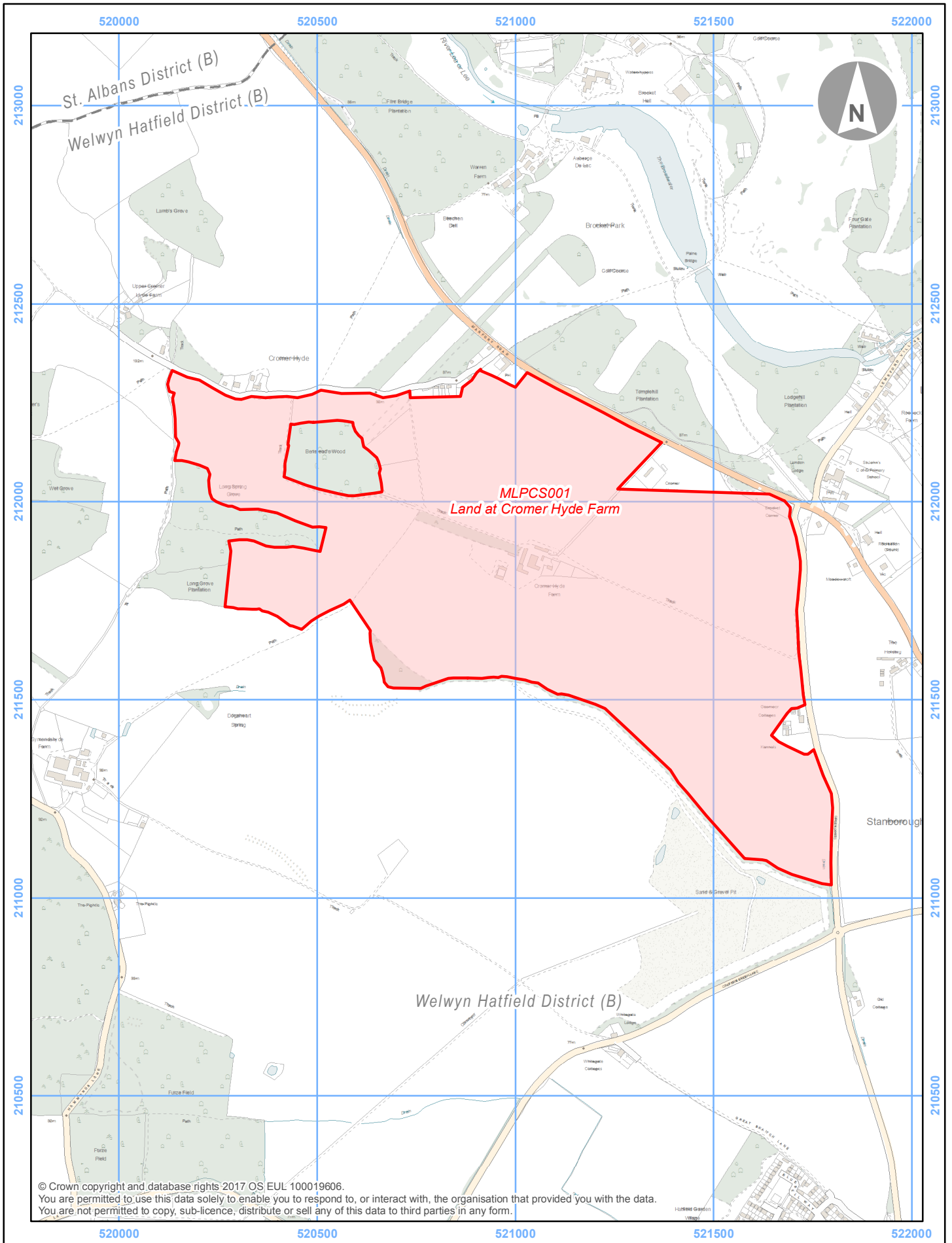
Site ID	Site Name	Page No.	Map No.
PA1	Land close to the existing Hatfield Quarry (Land at BAe)	39	17
PA2	Land north and south of Rickneys Quarry	41	18
PA3	Land to the south-east of existing Tyttenhanger Quarry (Land at Coursers Road)	44	19

<sup>3</sup> Withdrawn

## MLPCS001

Name:	Land at Cromer Hyde Farm
District:	Welwyn Hatfield
Promoted by:	Agent – Strutt and Parker
Site area:	103.6ha
Proposed Mineral:	Sand and Gravel
Planning History	The site has no relevant planning history.

Site Specific Considerations	
Summary of Assessment:	<p>It is considered that development of the site could have a very high impact on <b>heritage designations</b> as the site is partly located within Brocket Hall Registered Park and Garden.</p> <p>In addition, the site could have a high impact on <b>ancient woodland</b> as the site is adjacent to two areas of ancient woodland; <b>recreation</b> as the site contains a PRow and is adjacent to a number of additional PRows and the Brocket Park Golf Course; <b>sensitive land uses</b> as the site is immediately adjacent to a number of residential properties; and <b>sustainable transport</b> as the site is not located within close proximity to the rail network or a navigable waterway.</p> <p>The site is considered to have an overall moderate-high <b>landscape and visual sensitivity</b> to mineral extraction.</p> <p>The site is considered to raise significant concerns which are likely to attract highway objections.</p>
Summary of Reasoning for not progressing:	<p>This site has scored 'red' at Sieve 2 and therefore has not been taken forward due to the lack of information to conclusively determine economic viability and deliverability. In addition this site scored a significant amount of 'red' scores in the Sieve 3, Highways and Landscape assessments. This included a 'very high' score for the impact on heritage designations within close proximity to the site.</p>



**Map 1**



Key  Omission Site  Adopted Preferred Area (2007)

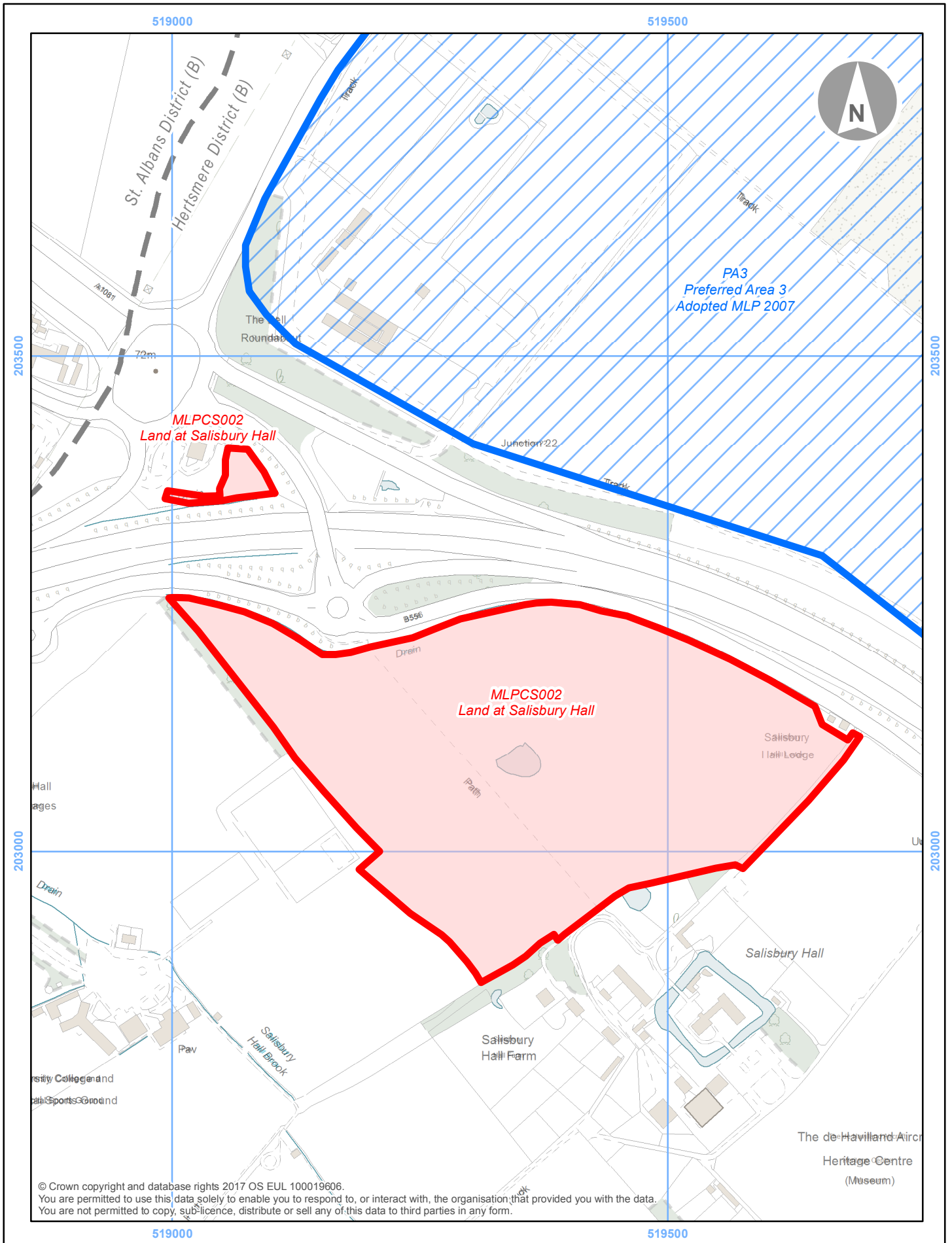
Scale 1:16000 0 100 200 300 400 500 600 700 800 900 Metres



## MLPCS002

Name:	Land at Salisbury Hall
District:	Hertsmere
Promoted by:	Landowner and Operator – Tarmac Aggregates
Site area:	14.4ha
Proposed Mineral:	Sand and Gravel
Planning History	The site has no relevant planning history.

Site Specific Considerations	
Summary of Assessment:	It is considered that this site could have a high impact on the <b>ecological status of water bodies</b> as the site contains a water body; <b>recreation</b> as the site contains a PRow and is immediately adjacent to a number of additional PRows and the Watford Football Club Training Ground; <b>sensitive land uses</b> as a number of residential properties are located adjacent to the site; and <b>sustainable transport</b> as the site is not located within close proximity to the rail network or a navigable waterway.
Summary of Reasoning for not progressing:	HCC Highways has raised significant concerns which are likely to attract a highway objection which is the main reason this site has not been taken forward.



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## Map 2



Key  Omission Site  Adopted Preferred Area (2007)

Scale 1:42000  
 0 100 200 300 Metres

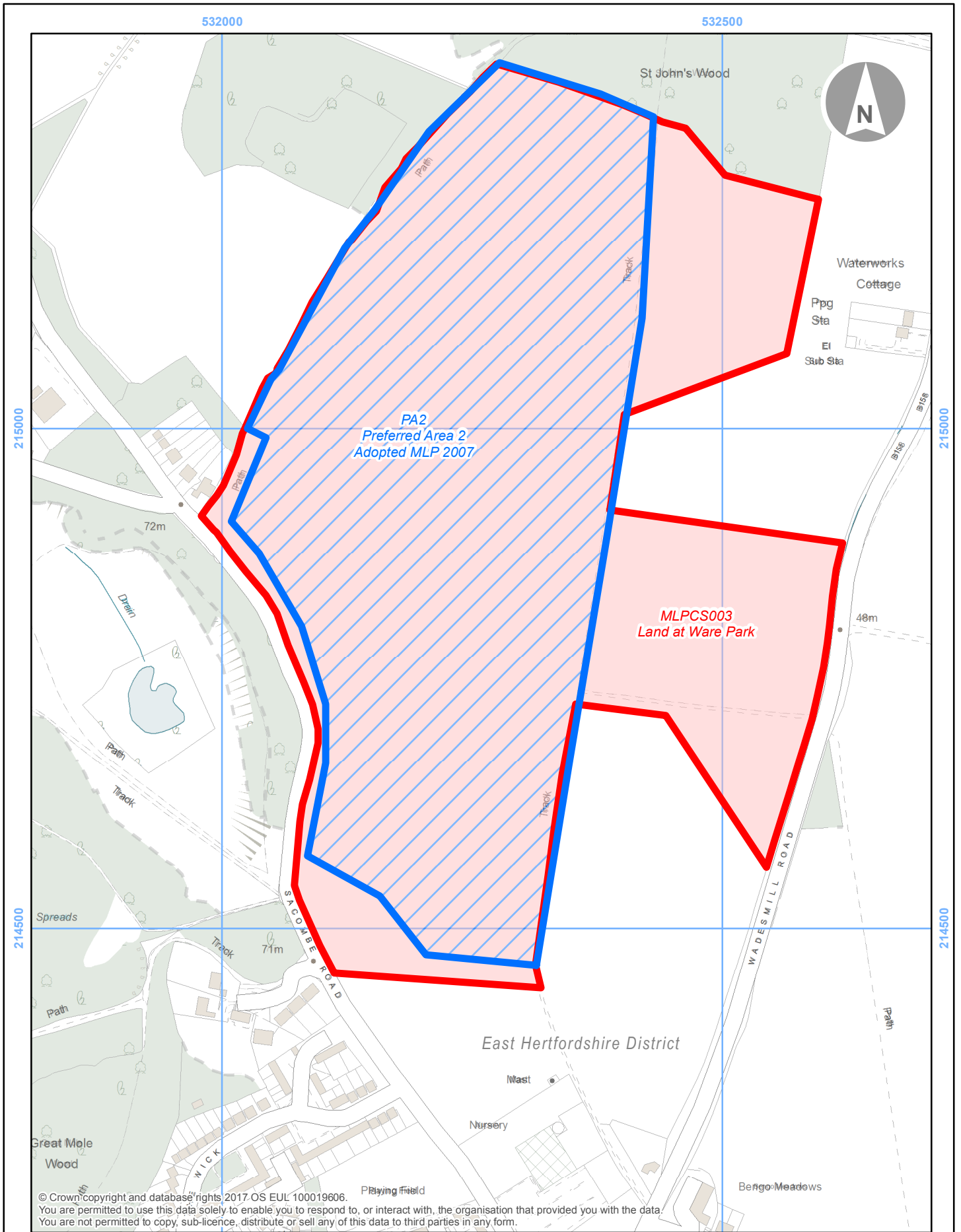
**MLPCS003**

Name:	Land at Ware Park
District:	East Herts
Promoted by:	Agent – D.K Symes
Site area:	35.5ha
Proposed Mineral:	Sand and Gravel
Planning History	<p>Three mineral planning applications were submitted in 1988 (3/0711-88), 1990 (3/0959-90) and 1995 (3/1653-95) all of which were withdrawn.</p> <p>The site was also subject to a planning application for mineral extraction (3/0770-16) which was refused at Development Control Committee in March 2017.</p>

Site Specific Considerations	
Summary of Assessment:	<p>The development of the site is considered likely to have a positive impact on flood risk as any proposal may include a dewatering pond and local wildlife sites and BAP priority habitats or species as the proposed restoration includes woodland and a small area of wetland. However, it is considered that development of the site could have a high impact on <b>ancient woodland</b> as the site is located immediately adjacent to one area of ancient woodland; <b>groundwater</b> as the site is partly located within Source Protection Zone 1; <b>recreation</b> as the site contains a PRow and is immediately adjacent to a number of additional PRowS; <b>sensitive land uses</b> as the site is located immediately adjacent to a number of residential properties; <b>sustainable transport</b> as the site is not located within close proximity to the rail network or a navigable waterway; and <b>sustainable transport and pollution to the environment</b> as the site is not within close proximity to the strategic road network.</p> <p>The site is considered to have an overall low-moderate <b>landscape and visual sensitivity</b> to mineral extraction and HCC Highways has raised some concerns which could be overcome following further information/assessment.</p>
Summary of Reasoning for not progressing:	<p>This site was taken forward to the site options assessment work, however was not taken through to the final set of sites due to a number of high impacts raised in the assessment including ancient woodland and groundwater</p>

	sensitivity, in addition to the recent determination of the planning application with the site not being considered acceptable in planning terms.
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### Map 3



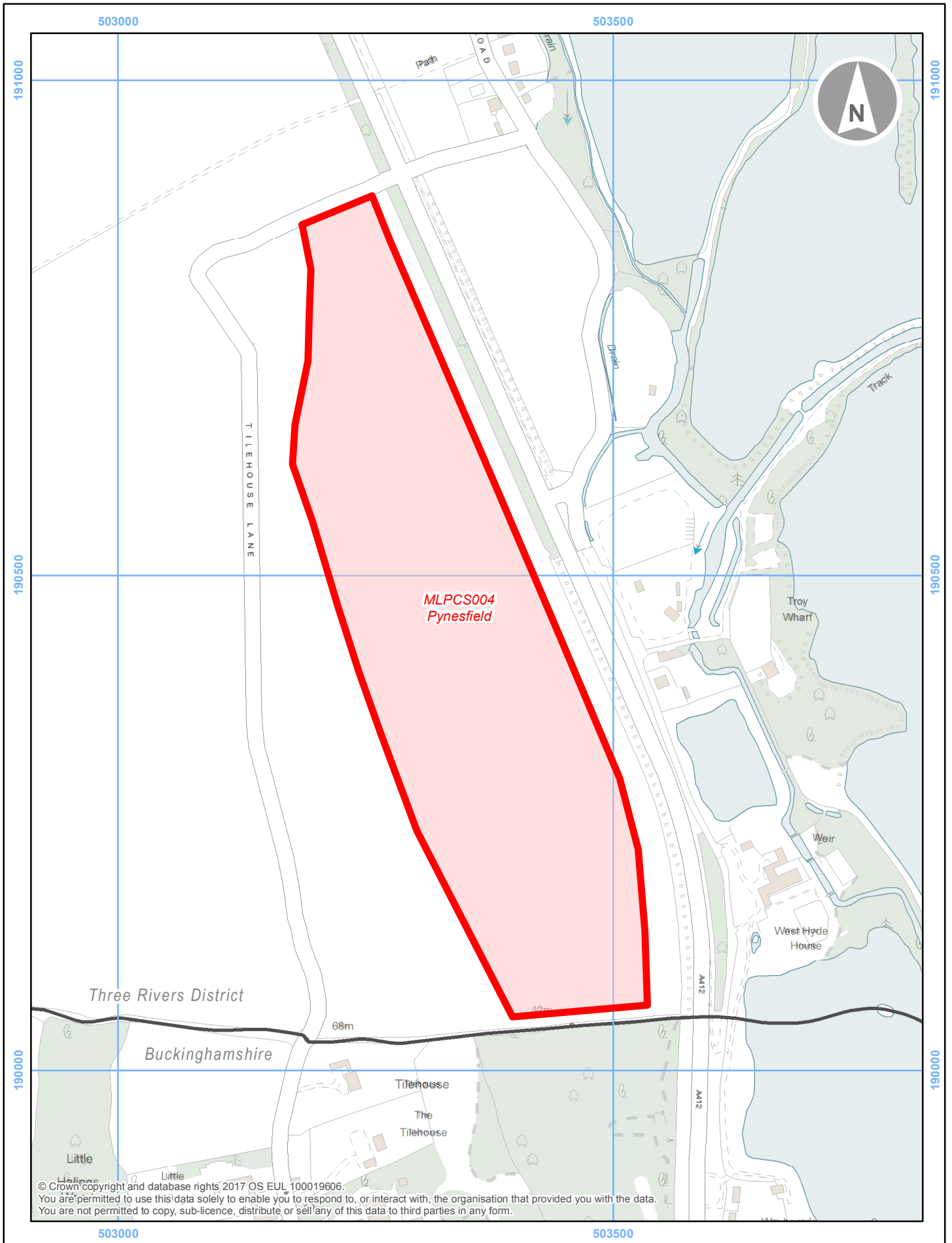
Key  Omission Site  Adopted Preferred Area (2007)

Scale 1:5000 0 100 200 300 Metres

**MLPCS004**

Name:	Land at Pynesfield
District:	Three Rivers
Promoted by:	Agent – D.K Symes
Site area:	14.5ha
Proposed Mineral:	Sand and Gravel
Planning History	The site has been subject to two minerals planning application both of which were refused (8/0761-13 and 8/1254-15) by Development Control Committee; however the 2015 decision was overturned at appeal and granted with conditions in January 2017.

Site Specific Considerations	
Summary of Assessment:	This site is considered to have <b>only two high impact on groundwater and sustainable transport</b> as a result of the site's lack of access to the rail network or a navigable waterway. The development of the site is also considered likely to have a <b>positive impact on flood risk</b> as any proposal may include a dewatering pond and <b>local wildlife sites and BAP priority habitats and species</b> as the proposed restoration includes a wetland sustainable drainage scheme. The site is considered to have an overall low-moderate <b>landscape and visual sensitivity</b> to mineral extraction and HCC Highways has no fundamental highway objection, in principle.
Summary of Reasoning for not progressing:	This site has gained planning permission since the submission of the site and is classed as permitted reserves. The planning permission has been implemented and the timing of this site is linked with High Speed 2. The site, therefore, has not been taken forward to the Minerals Local Plan and will be recorded in the Local Aggregates Assessment as permitted reserves.



### Map 4



Key  Omission Site  Adopted Preferred Area (2007)

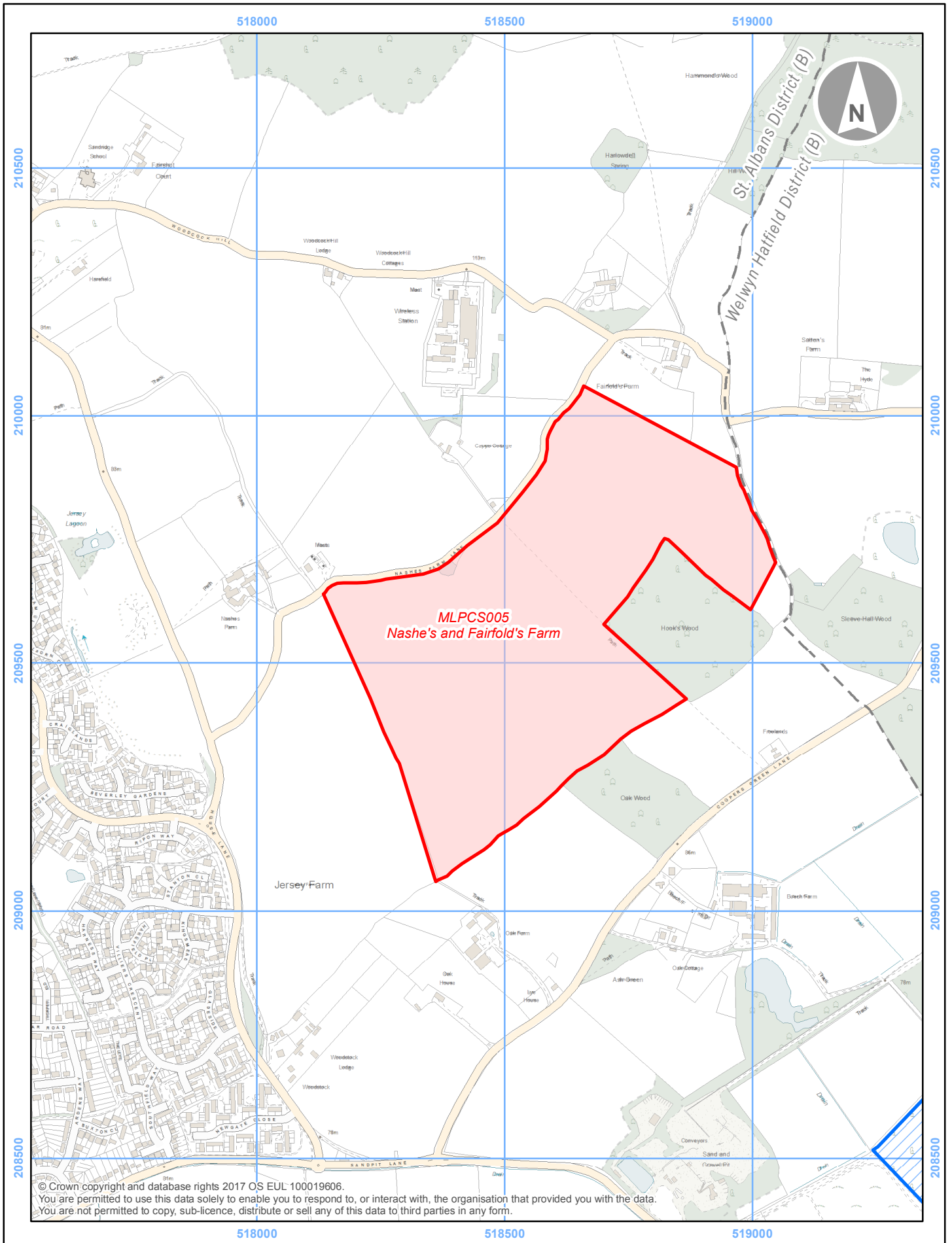
Scale 1:5000  
0 100 200 300 Metres

**MLPCS005**

Name:	Nashe's and Fairfold's Farm
District:	St. Albans
Promoted by:	Agent – D.K Symes
Site area:	40.9ha
Proposed Mineral:	Sand and Gravel
Planning History	The site has no relevant planning history.

Site Specific Considerations	
Summary of Assessment:	<p>It is considered that this site could have a high impact on the <b>ancient woodland</b> as the site is adjacent to one area of ancient woodland; <b>recreation</b> as the site contains a PRow and is adjacent to a number of additional PRowS; <b>sustainable transport</b> as the site is not located within close proximity to the rail network or a navigable waterway; and <b>sustainable transport and pollution to the environment</b> as the site is not within close proximity to the strategic road network.</p> <p>The site is considered to have an overall moderate-high <b>landscape and visual sensitivity</b> to mineral extraction.</p> <p>The site is considered to raise significant concerns which are likely to attract highway objections.</p>
Summary of Reasoning for not progressing:	<p>This site was withdrawn by the promoter and therefore has not been taken forward.</p>





**Map 5**



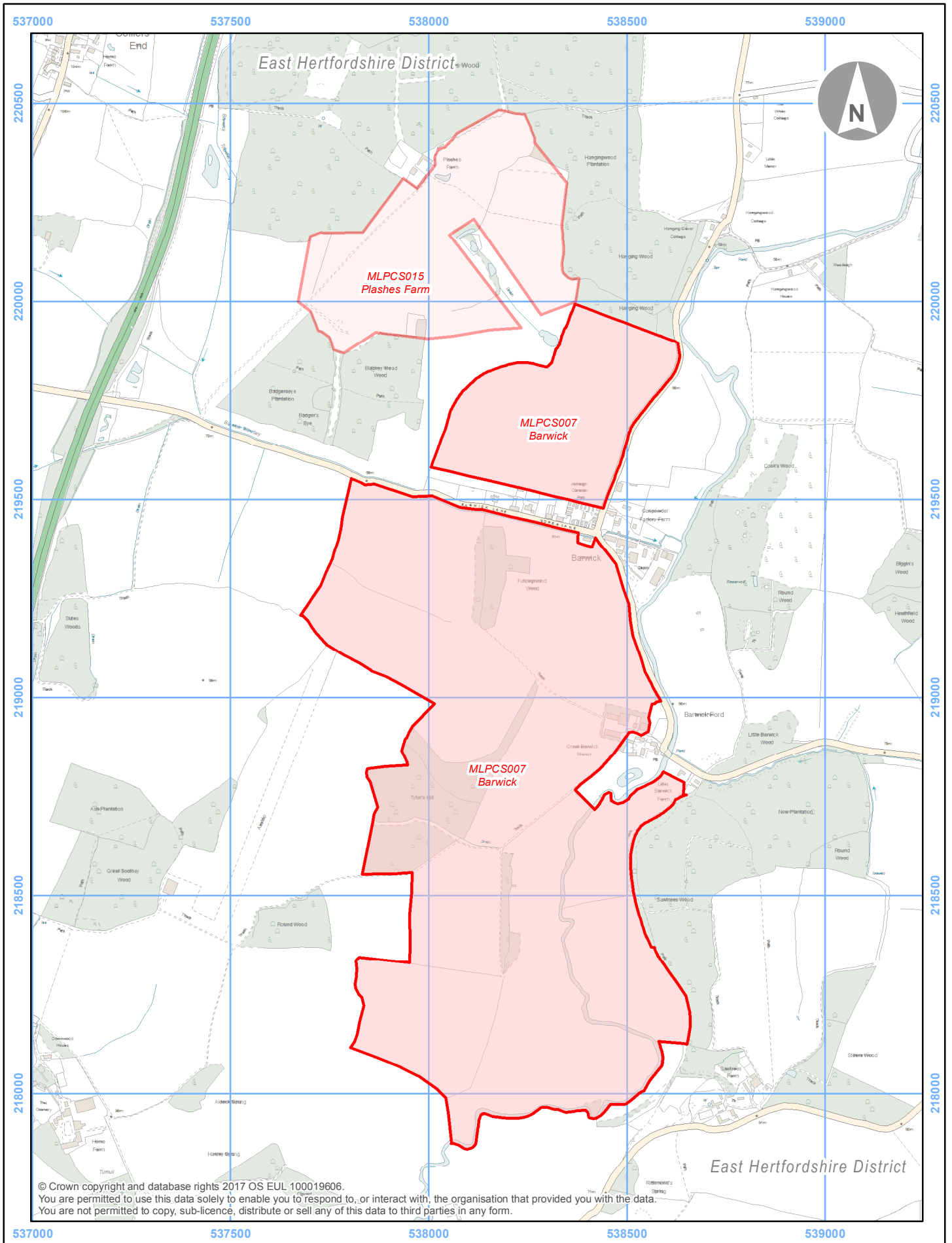
Key  Omission Site  Adopted Preferred Area (2007)

Scale 1:10000  
 0 100 200 300 400 500 600 700 Metres

**MLPCS007**

Name:	Barwick
District:	East Herts
Promoted by:	Landowner
Site area:	120.3ha
Proposed Mineral:	Sand and Gravel
Planning History	Part of the site has been subject to a number of planning applications for mineral extraction. Four of which were refused (E-2097-66, E-1950-64, E-1572-70 and E/2493-65) due to landscape and highways issues, one of which was permitted (E/1387-56) and one of which was withdrawn (E/1531-60).

Site Specific Considerations	
Summary of Assessment:	<p>The development of the site is considered likely to have a <b>positive impact</b> on <b>flood risk</b> as any proposal may include a dewatering pond. However, it is considered that development of the site could have a <b>high impact</b> on <b>ancient woodland</b> as the site is adjacent to an area of ancient woodland; <b>the ecological status of water bodies</b> as the site contains a watercourse; <b>groundwater</b> as part of the site is within Source Protection Zone 1; <b>recreation</b> as the site contains a PRow and is adjacent to a number of additional PRows; <b>sensitive land uses</b> as the site is adjacent to a number of residential properties; and <b>sustainable transport</b> as the site is not located within close proximity to the rail network or a navigable waterway.</p> <p>The site was also considered to have an overall moderate-high <b>landscape and visual sensitivity</b> to mineral extraction.</p> <p>The site has not been fully assessed by HCC Highways due to the size of the area and the lack of detailed information provided on the proposed access points or HGV routing.</p>
Summary of Reasoning for not progressing:	<p>This site has scored 'red' at Sieve 2 and therefore has not been taken forward due to the lack of information to conclusively determine economic viability and deliverability. In addition this site scored a significant amount of 'red' scores in the Sieve 3, Highways and Landscape assessments. This included a 'very high' score for the impact on ancient woodland within the site.</p>



**Map 6**

Key  Omission Site  Adopted Preferred Area (2007)

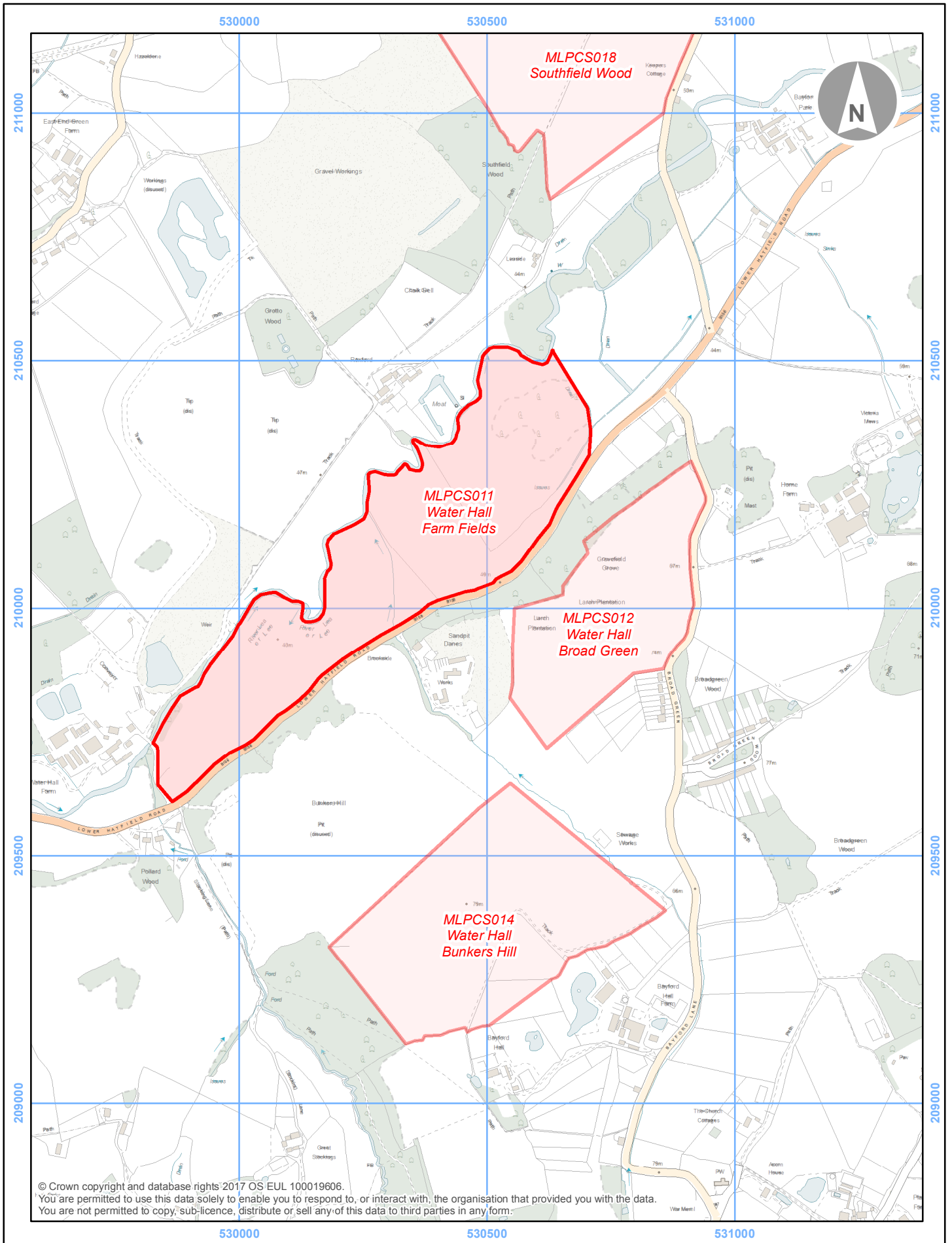


Scale 1:10,000  
 0 100 200 300 400 500 600 700 800 900 Metres

## MLPCS011

Name:	Water Hall Quarry - Farm Fields Area
District:	East Herts
Promoted by:	Agent – Terra Consult
Site area:	24.3ha
Proposed Mineral:	Sand and Gravel
Planning History	The site has been subject to five minerals planning applications four of which were refused (E/1246-67, E/0827-68, 3/0531-74 and 3/1236-01) and one of which was withdrawn (3/0464-94).

Site Specific Considerations	
Summary of Assessment:	It is considered that this site could have a high impact on the <b>ecological status of water bodies</b> as the site contains one watercourse and is adjacent to another watercourse; <b>recreation</b> as the site is adjacent to a PRoW and within close proximity of three additional PRoW; <b>sustainable transport</b> as the site is not located within close proximity of the rail network or a navigable waterway; and <b>sustainable transport and pollution to the environment</b> as the site is not located within close proximity of the strategic road network.
Summary of Reasoning for not progressing:	This site has scored 'red' at Sieve 2 and therefore has not been taken forward due to the lack of information to conclusively determine economic viability and deliverability. In addition this site scored 'red' for a number of high impacts in Sieve 3.



**Map 7**



Key  Omission Site  Adopted Preferred Area (2007)

Scale 1:Agenda Pack 173 of 190  
 0 100 200 300 400 500 600 700 Metres

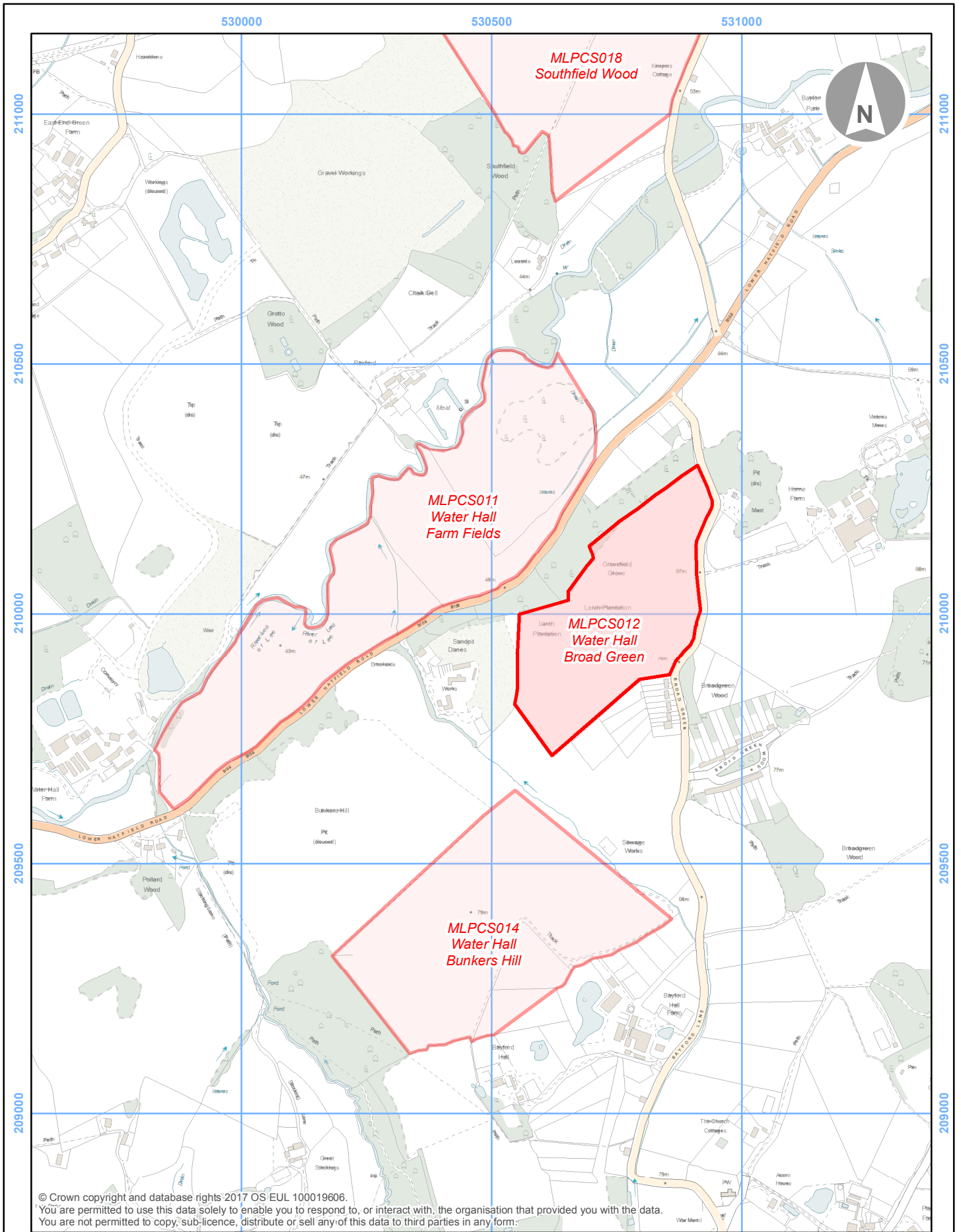
**MLPCS012**

Name:	Water Hall Quarry – Broad Green Area
District:	East Herts
Promoted by:	Agent – Terra Consult
Site area:	11.8ha
Proposed Mineral:	Sand and Gravel
Planning History	The site has been subject to two mineral planning applications one of which was refused (3/0705-13) and one of which was withdrawn (E/1485-64).

Site Specific Considerations	
Summary of Assessment:	<p>The development of the site is considered likely to have a <b>positive impact on flood risk</b> as any proposal may include a dewatering pond.</p> <p>It is also considered that development of the site could have a <b>high impact on sensitive land uses</b> as the site is immediately adjacent to a number of residential properties; <b>sustainable transport</b> as the site is not located within close proximity of the rail network or a navigable waterway; and <b>sustainable transport and pollution to the environment</b> as the site is not located within close proximity of the strategic road network.</p> <p>The site is considered to have an overall <b>low-moderate landscape and visual sensitivity</b> to mineral extraction and <b>HCC Highways has raised some concerns</b> which could be overcome following further information/assessment.</p> <p>There is potential for cumulative adverse effects (additive or temporal effects respectively) with regard to transport (e.g. vehicular movements and emissions) and the amenity of sensitive receptors (e.g. air quality, noise) with the other sites in this location.</p>
Summary of Reasoning for not progressing:	<p>This site was taken forward to the site options assessment work, however was not taken through to the final set of sites due to uncertainty with the deliverability of this site. The adjoining site at Bunkers Hill Quarry is due to be restored by December 2017 which may restrict the use of an internal haul road leading to the processing plant which was suggested by the site promoter as the method for transporting minerals for processing. In addition, the existing plant is due to be removed by December 2019. A previous planning application on this site was refused by</p>

	the County Council and subject to appeal. The appeal was dismissed on grounds which include cumulative impact, noise and impacts of dust on sensitive land uses.
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### Map 8



Key  Omission Site  Adopted Preferred Area (2007)

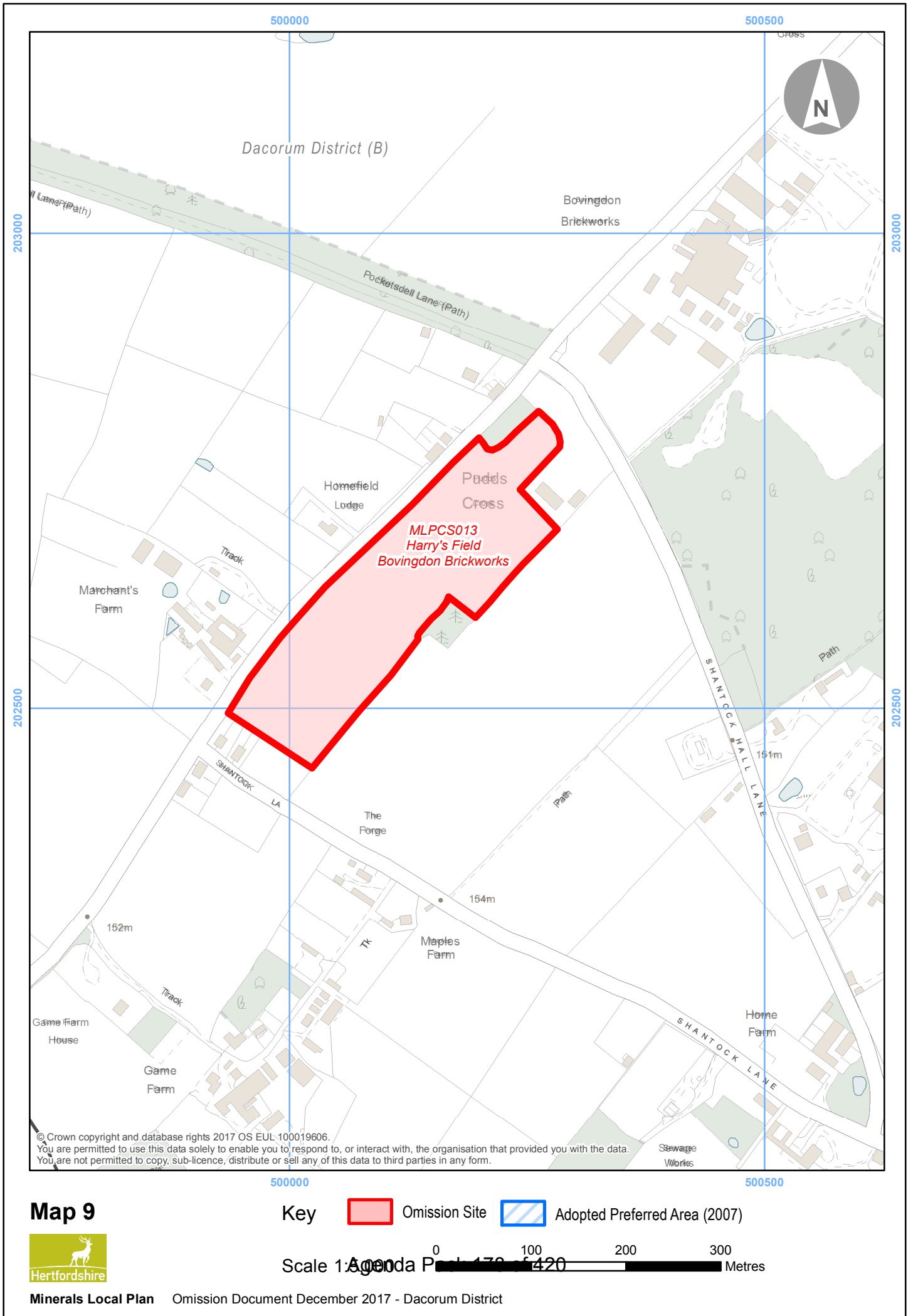
Scale 1:10000  
 0 100 200 300 400 500 600 700 Metres



**MLPCS013**

Name:	Harry's Field
District:	Dacorum
Promoted by:	Agent – Mike Chamley Associates
Site area:	4.6ha
Proposed Mineral:	Brick Clay
Planning History	The site has no relevant planning history.

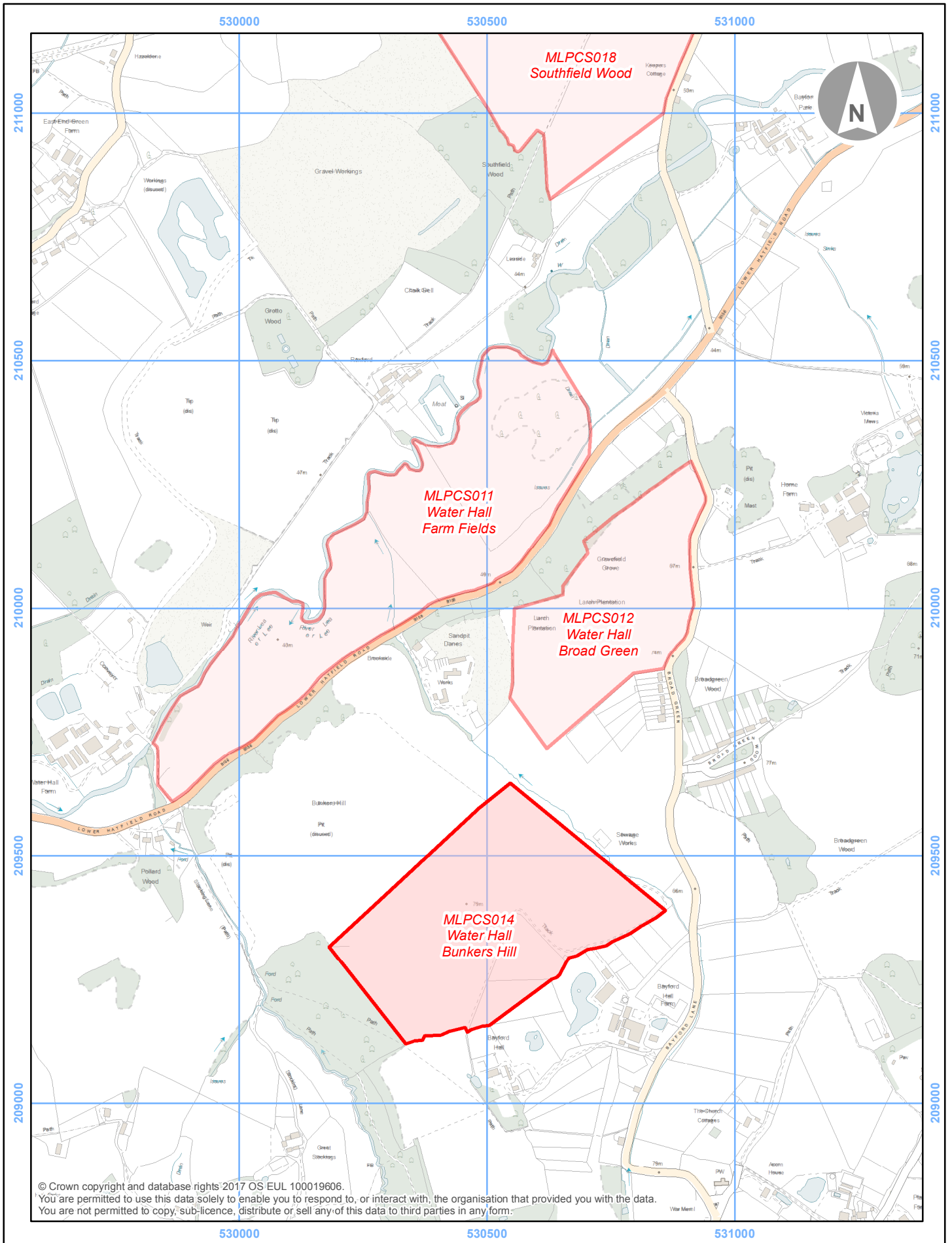
Site Specific Considerations	
Summary of Assessment:	<p>The development of the site is considered likely to have a <b>positive impact on flood risk</b> as any proposal may include a dewatering pond and <b>local wildlife sites</b> and <b>BAP priority species or habitats</b> as the proposed restoration includes ecological restoration.</p> <p>However, it is considered that the development of the site could have a <b>high impact on sensitive land uses</b> as the site is adjacent to a number of residential properties; <b>sustainable transport</b> as the site is not located within close proximity to the rail network or a navigable waterway; and <b>sustainable transport and pollution to the environment</b> as the site is not located within close proximity to the strategic road network.</p> <p>The site is considered to have an overall <b>low-moderate landscape and visual sensitivity</b> to mineral extraction and <b>HCC Highways has raised some concerns</b> which could be overcome following further information/assessment.</p>
Summary of Reasoning for not progressing:	<p>Whilst this site scored well during the site assessment and the report concluded this site would be the most appropriate site option for allocation in the Minerals Local Plan. There is some uncertainty in regards to the deliverability of this site, in addition to further information received that the Brickworks has ceased production, and therefore at this time this site has not been taken forward for allocation. Brick clay resources would be safeguarded by implementation of the Mineral Safeguarding Area.</p>



### MLPCS014

Name:	Water Hall Quarry – Bunkers Hill South Area
District:	East Herts
Promoted by:	Agent – Terra Consult
Site area:	18.1ha
Proposed Mineral:	Sand and Gravel
Planning History	Part of the site was subject to a mineral planning application which was withdrawn (3/0040-99).

Site Specific Considerations	
Summary of Assessment:	It is considered that this site could have a high impact on <b>ancient woodland</b> as the site is adjacent to one area of ancient woodland; <b>recreation</b> as the site is adjacent to one PRow; <b>sensitive land uses</b> as the site is adjacent to a number of residential properties; sustainable transport as the site is not located within close proximity of the rail network or a navigable waterway; and <b>sustainable transport and pollution</b> to the environment as the site is not located within close proximity to the strategic road network.
Summary of Reasoning for not progressing:	This site has scored 'red' at Sieve 2 and therefore has not been taken forward due to the lack of information to conclusively determine economic viability and deliverability. In addition this site scored 'red' for a number of high impacts in Sieve 3.



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**Map 10**



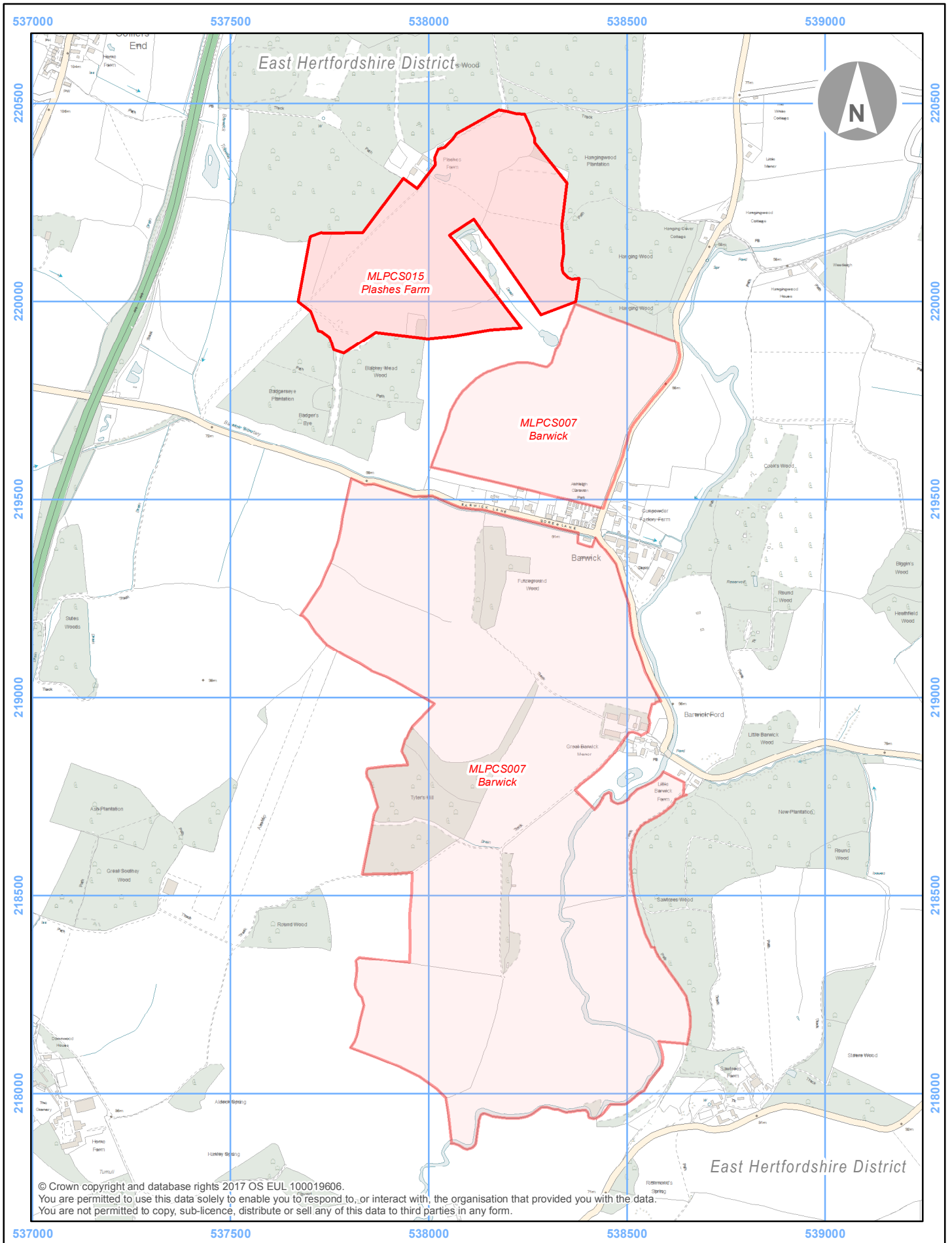
**Key**  Omission Site  Adopted Preferred Area (2007)

Scale 1:10000  
 0 100 200 300 400 500 600 700 Metres

**MLPCS015**

Name:	Plashes Farm
District:	East Herts
Promoted by:	Agent – Terra Consult
Site area:	24.4ha
Proposed Mineral:	Sand and Gravel
Planning History	Part of the site has been approved for mineral extraction under planning permissions (3/1391-01 and 3/2158-00).

Site Specific Considerations	
Summary of Assessment:	<p>The development of the site could have a <b>very high impact</b> on <b>ancient woodland</b>, as the site contains three areas and is adjacent to three additional areas of ancient woodland; and for <b>international and national ecological designations</b> as the site is adjacent to Plashes Wood SSSI (Site of Special Scientific Interest).</p> <p>The site is also considered likely to have a 'high' impact on <b>recreation</b> as the site contains three PROW; <b>sensitive land uses</b> as the site is adjacent to Plashes Farm; <b>sustainable transport</b> as the site is not located within close proximity of the rail network or a navigable waterway; and <b>sustainable transport and pollution to the environment</b> as the site is not located within close proximity to the strategic road network.</p> <p>The development of the site is considered likely to have a <b>positive impact</b> on <b>flood risk</b> as any proposal may include a dewatering pond.</p> <p>The site is considered to have an overall moderate-high <b>landscape and visual sensitivity</b> to mineral extraction.</p>
Summary of Reasoning for not progressing:	<p>This site has scored 'red' at Sieve 2 and therefore has not been taken forward due to the lack of information to conclusively determine economic viability and deliverability. In addition this site scored a significant amount of 'red' scores in the Sieve 3, Highways and Landscape assessments. This included a 'very high' score for the impact on ancient woodland within the site.</p>



**Map 011**

Key  Omission Site  Adopted Preferred Area (2007)

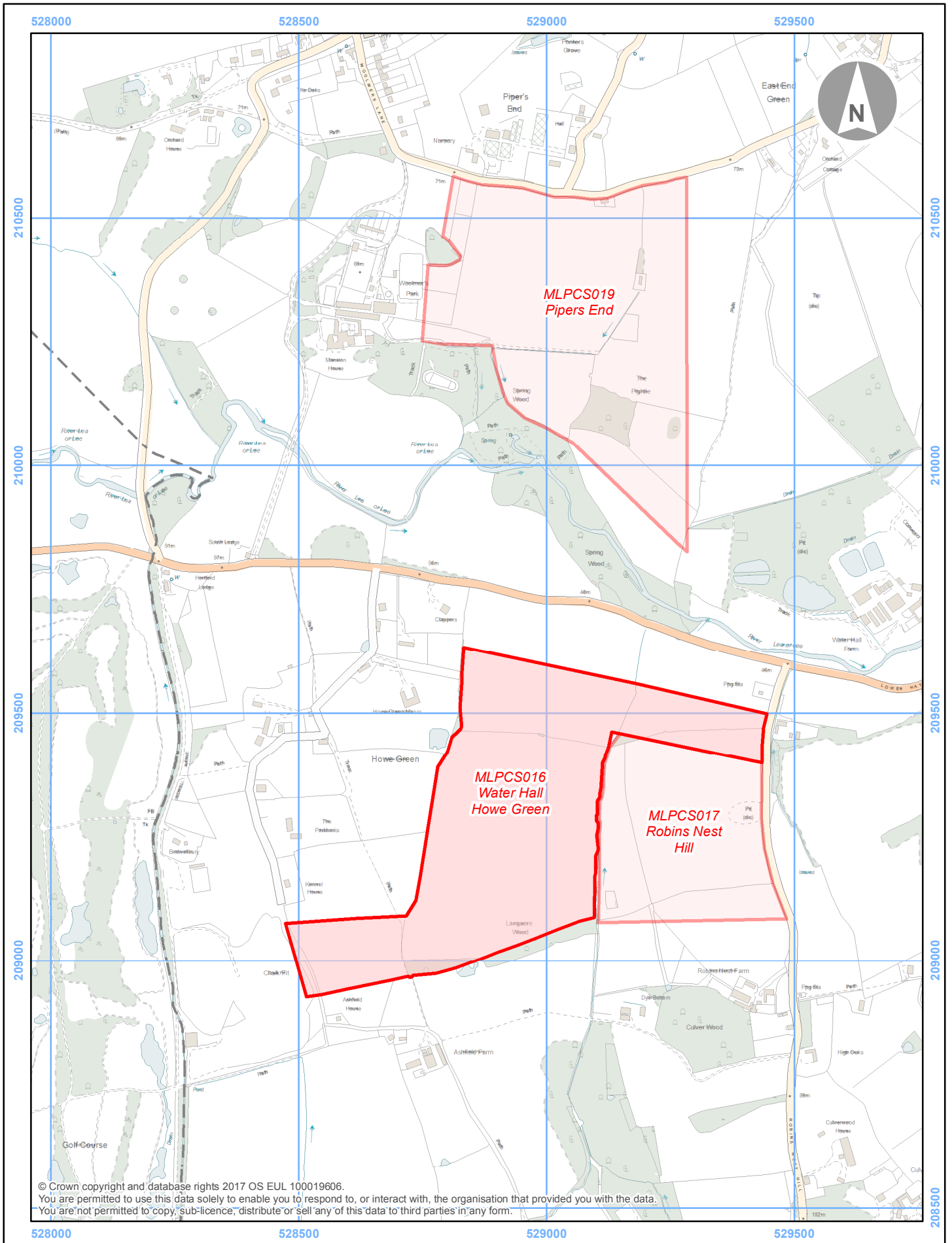


Scale 1:50000  
 0 100 200 300 400 500 600 700 800 900 Metres

## MLPCS016

Name:	Water Hall Quarry – Howe Green Area
District:	East Herts
Promoted by:	Agent – Terra Consult
Site area:	25.8ha
Proposed Mineral:	Sand and Gravel
Planning History	Part of the site has been subject to a mineral planning application which was refused (IDO-094-49).

Site Specific Considerations	
Summary of Assessment:	It is considered that this site could have a high impact on the <b>ecological status of water bodies</b> as the site contains one watercourse which also runs down its eastern boundary; <b>recreation</b> as the site contains two PRoW and is within close proximity of an additional PRoW; <b>sensitive land uses</b> as the site is adjacent to residential properties; <b>sustainable transport</b> as the site is not located within close proximity to the rail network or a navigable waterway; and <b>sustainable transport and pollution to the environment</b> as the site is not located within close proximity of the strategic road network.
Summary of Reasoning for not progressing:	This site has scored 'red' at Sieve 2 and therefore has not been taken forward due to the lack of information to conclusively determine economic viability and deliverability. In addition this site scored 'red' for a number of high impacts in Sieve 3.



**Map 12**

Key  Omission Site  Adopted Preferred Area (2007)



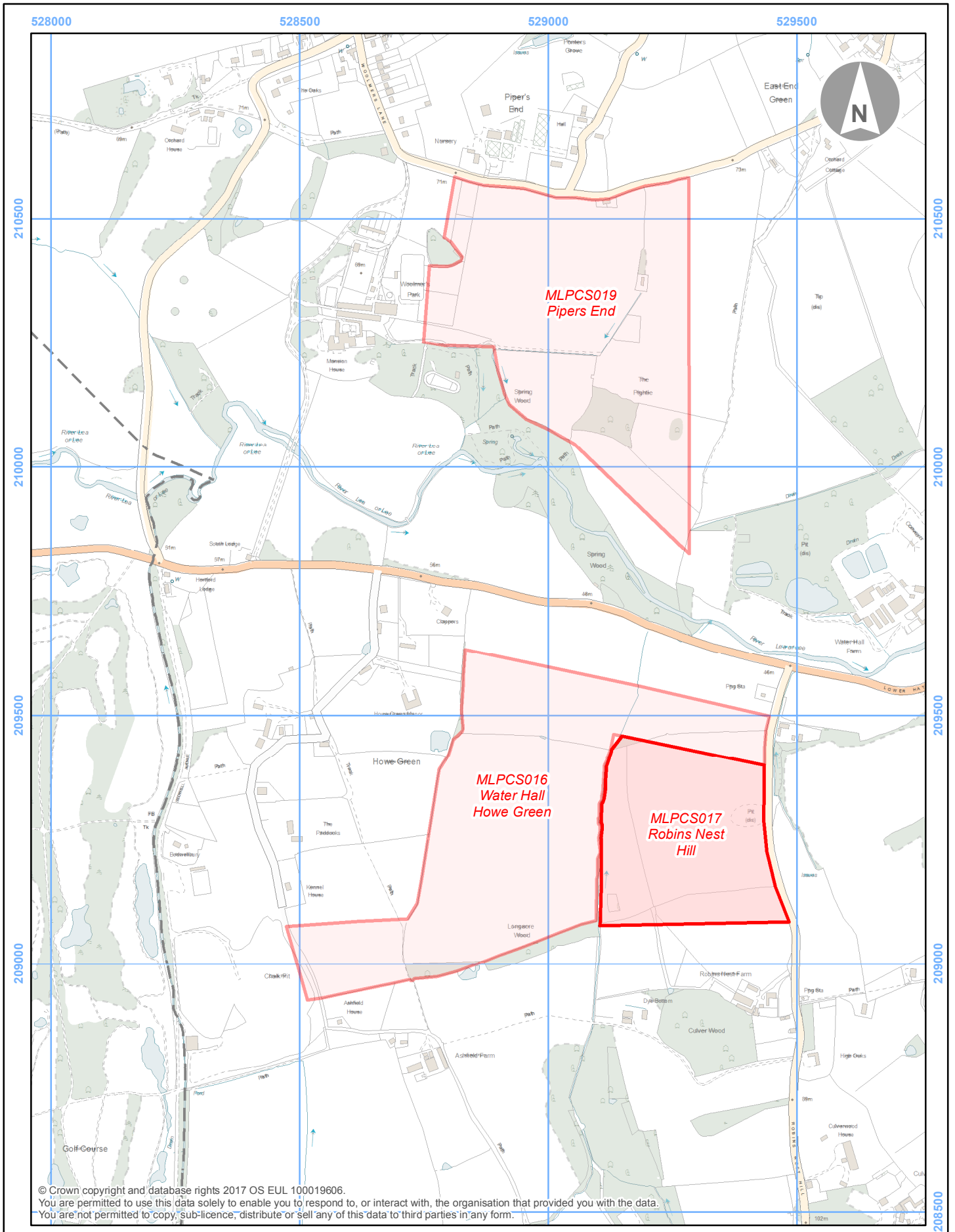
Scale 1:10000  
 0 100 200 300 400 500 600 700 Metres



## MLPCS017

Name:	Robins Nest Hill
District:	East Herts
Promoted by:	Agent – Terra Consult
Site area:	11.7ha
Proposed Mineral:	Sand and Gravel
Planning History	The site was subject to a mineral planning application which was refused (IDO 094-49).

Site Specific Considerations	
Summary of Assessment:	<p>The development of the site is likely to have a <b>high impact</b> on <b>sustainable transport</b> as the site is not located within close proximity to the rail network or a navigable waterway; and <b>sustainable transport and pollution to the environment</b> as the site is not located within close proximity to the strategic road network.</p> <p>The development of the site is also considered likely to have a <b>positive impact</b> on <b>flood risk</b> as any proposal may include a dewatering pond.</p> <p>There is potential for cumulative adverse effects (additive or temporal effects respectively) with regard to transport (e.g. vehicular movements and emissions) and the amenity of sensitive receptors (e.g. air quality, noise) with the other sites in this location.</p>
Summary of Reasoning for not progressing:	<p>The site assessment concluded two ‘red’ high impacts in Sieve 3. Economic viability issues would also need to be addressed for inclusion as a specific site for allocations. There is a lack of information to conclusively determine economic viability and deliverability. Furthermore, this site has issues in regards to landownership constraints.</p>



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**Map 13**

Key  Omission Site  Adopted Preferred Area (2007)

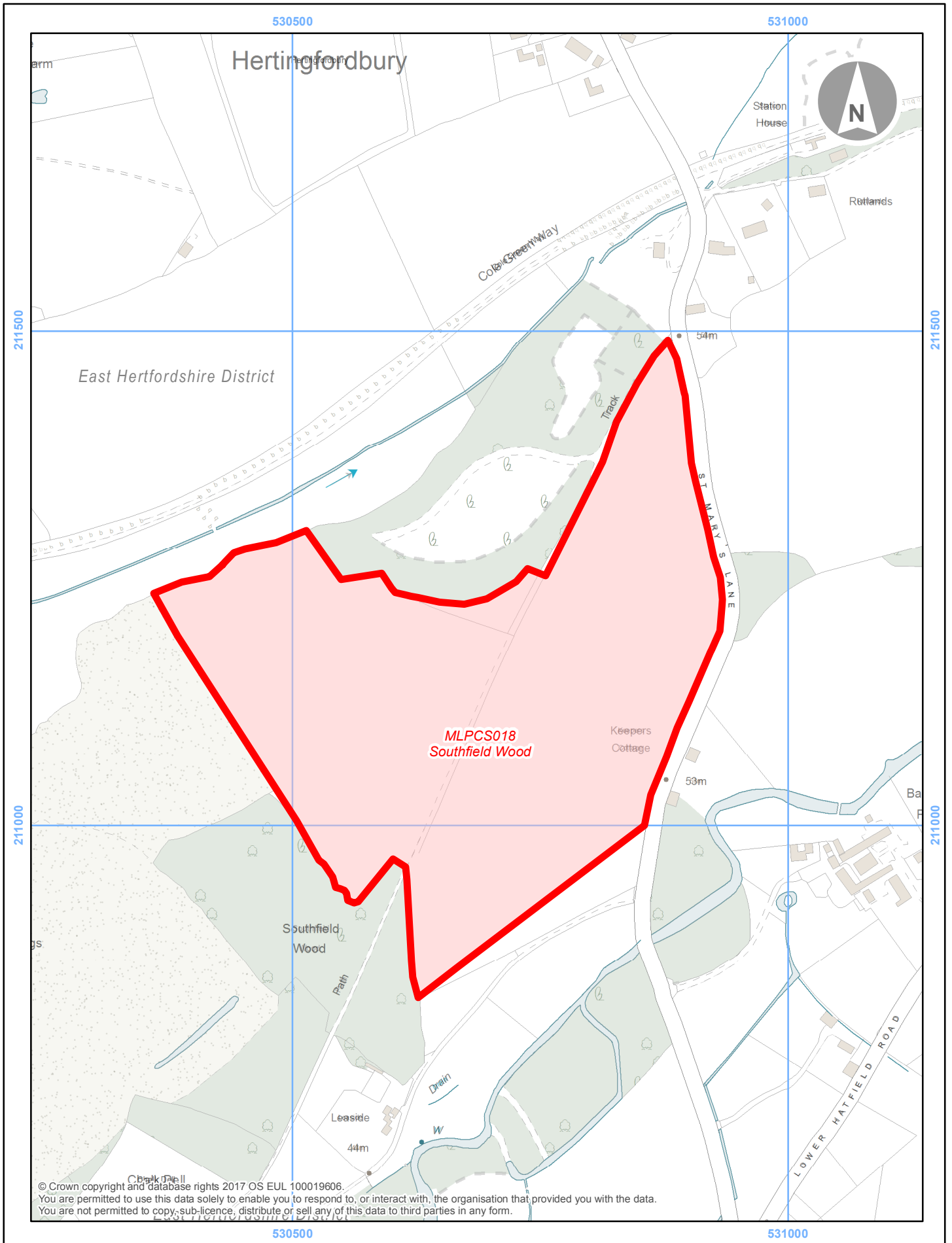


Scale 1:10000  
 0 100 200 300 400 500 600 700 Metres

**MLPCS018**

Name:	Southfield Wood East
District:	East Herts
Promoted by:	Agent – Terra Consult
Site area:	16.7ha
Proposed Mineral:	Sand and Gravel
Planning History	Part of the site has been subject to a mineral planning permission which was refused (3/1568/78).

Site Specific Considerations	
Summary of Assessment:	<p>The development of the site is considered likely to have a <b>positive impact</b> on <b>flood risk</b> as any proposal may include a dewatering pond. However, it is considered that development of the site could have a <b>high impact</b> on <b>ancient woodland</b> as the site is adjacent to one area of ancient woodland; <b>recreation</b> as the site contains two PRoW; and <b>sustainable transport</b> as the site is not located within close proximity of the rail network or a navigable waterway.</p> <p>There is potential for cumulative adverse effects (additive or temporal effects respectively) with regard to transport (e.g. vehicular movements and emissions) and the amenity of sensitive receptors (e.g. air quality, noise) with the other sites in this location.</p>
Summary of Reasoning for not progressing:	<p>The site assessment concluded three 'red' high impacts in Sieve 3. Economic viability issues would also need to be addressed for inclusion as a specific site for allocations. There is a lack of information to conclusively determine economic viability and deliverability. Furthermore, this site has issues in regards to landownership constraints.</p>



**Map 14**

Key  Omission Site  Adopted Preferred Area (2007)

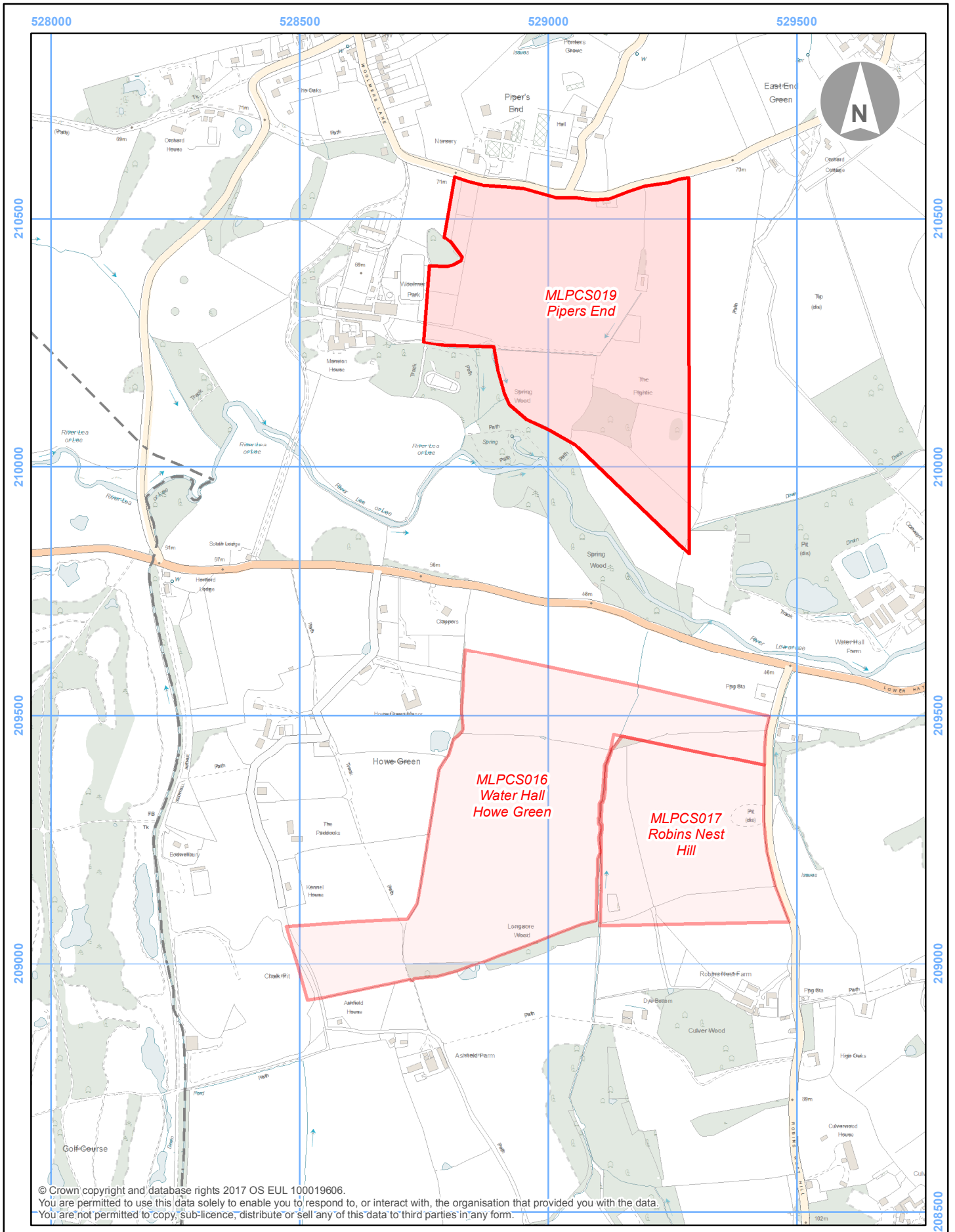


Scale 1:5000  
0 100 200 300 Metres

**MLPCS019**

Name:	Pipers End
District:	East Herts
Promoted by:	Agent – Terra Consult
Site area:	25.2ha
Proposed Mineral:	Sand and Gravel
Planning History	The site has no relevant planning history.

Site Specific Considerations	
Summary of Assessment:	<p>It is considered that this site could have a high impact on the <b>ecological status of water bodies</b> as the site contains two watercourses and is adjacent to two additional watercourses; <b>sensitive land uses</b> as the site is adjacent to a number of residential properties; <b>sustainable transport</b> as the site is not located within close proximity to the rail network or a navigable waterway; and <b>sustainable transport and pollution to the environment</b> as the site is not located within close proximity to the strategic road network.</p> <p>The development of site is considered likely to have a positive impact on <b>flood risk</b> as any proposal may include a dewatering pond.</p> <p>The site is considered to have an overall moderate <b>landscape and visual sensitivity</b> to mineral extraction.</p>
Summary of Reasoning for not progressing:	<p>This site has scored 'red' at Sieve 2 and therefore has not been taken forward due to the lack of information to conclusively determine economic viability and deliverability. In addition this site scored 'red' for a number of high impacts in Sieve 3.</p>



**Map 15**

Key  Omission Site  Adopted Preferred Area (2007)

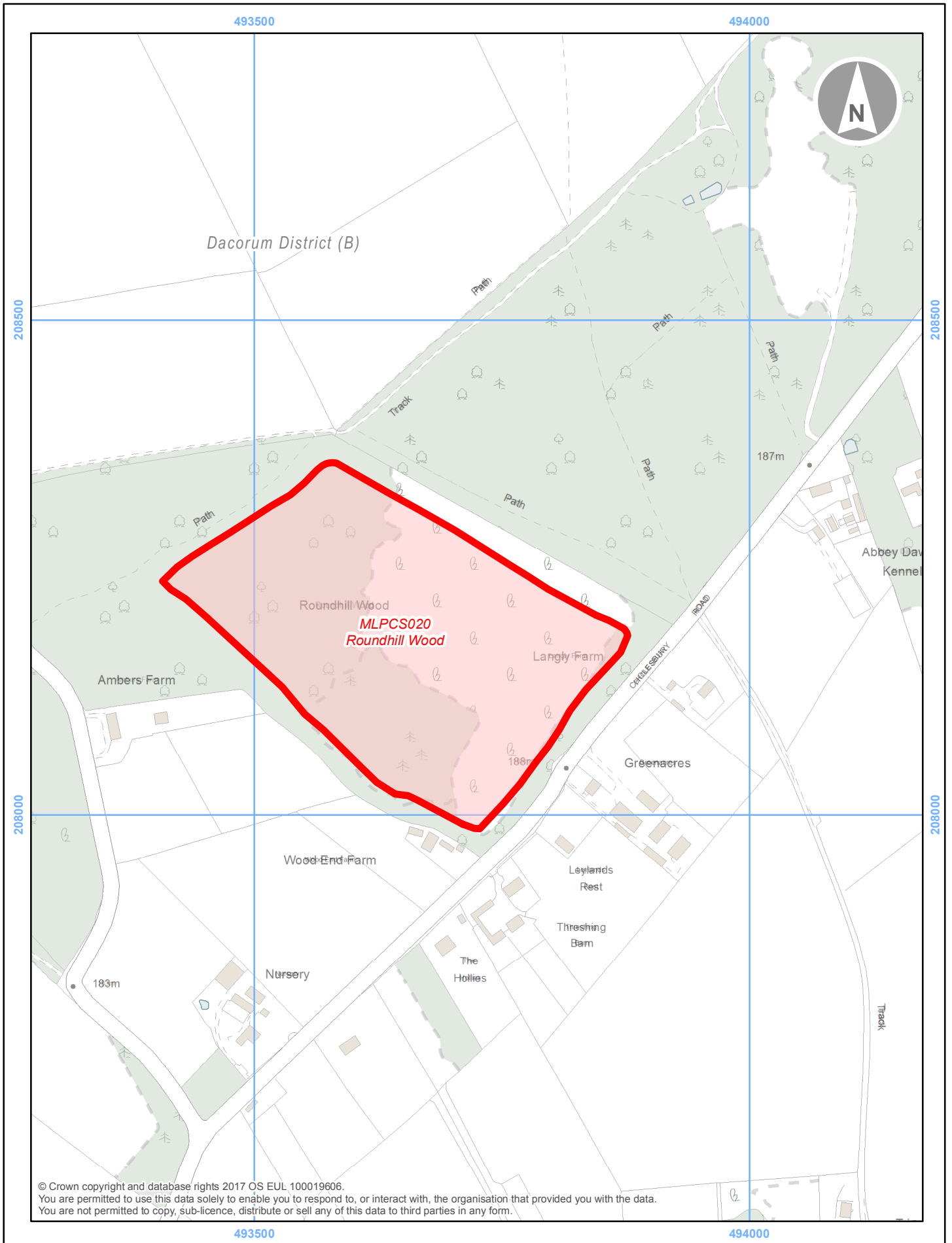


Scale 1:10000  
 0 100 200 300 400 500 600 700 Metres

**MLPCS020**

Name:	Roundhill Wood
District:	Dacorum
Promoted by:	Agent – Stephen Bowley Planning Consultancy
Site area:	9.4ha
Proposed Mineral:	Brick Clay
Planning History	Part of the wider site in the landownership was subject to planning permission for the importation of clean waste to infill the old clay working (4/1142-86). This does not cover this site boundary.

Site Specific Considerations	
Summary of Assessment:	<p>The development of the site could have a <b>very high impact</b> on <b>ancient woodland</b> as the site contains Roundhill Wood Ancient Woodland and <b>landscape designations</b> as the site is entirely located within the Chilterns Area of Outstanding Natural Beauty.</p> <p>The site is also considered likely to have a <b>high impact</b> on <b>aquifers</b> as the site is located on a principal aquifer; <b>ecological status of water bodies</b> as the site contains a number of small water bodies; <b>Local Nature Reserves</b> and <b>Local Wildlife Sites</b> as the site lies entirely within a Local Wildlife Site; <b>recreation</b> as the site contains four PRoW; <b>sensitive land uses</b> as the site is located immediately adjacent to a number of residential properties; <b>sustainable transport</b> as the site is not located within close proximity to the rail network or navigable waterway network and <b>sustainable transport and pollution to the environment</b> as the site is not located within close proximity to the strategic road network.</p> <p>The development of the site is considered likely to have a <b>positive impact</b> on <b>flood risk</b> as any proposal may include a dewatering pond.</p>
Summary of Reasoning for not progressing:	<p>This site scored a significant amount of 'red' scores in the Sieve 3, with 'very high' scores for the impacts on ancient woodland and landscape designations within and around the site. This site has therefore not been taken forward.</p>



**Map 16**



Key  Omission Site  Adopted Preferred Area (2007)

Scale 1:5000  
0 100 200 300 Metres

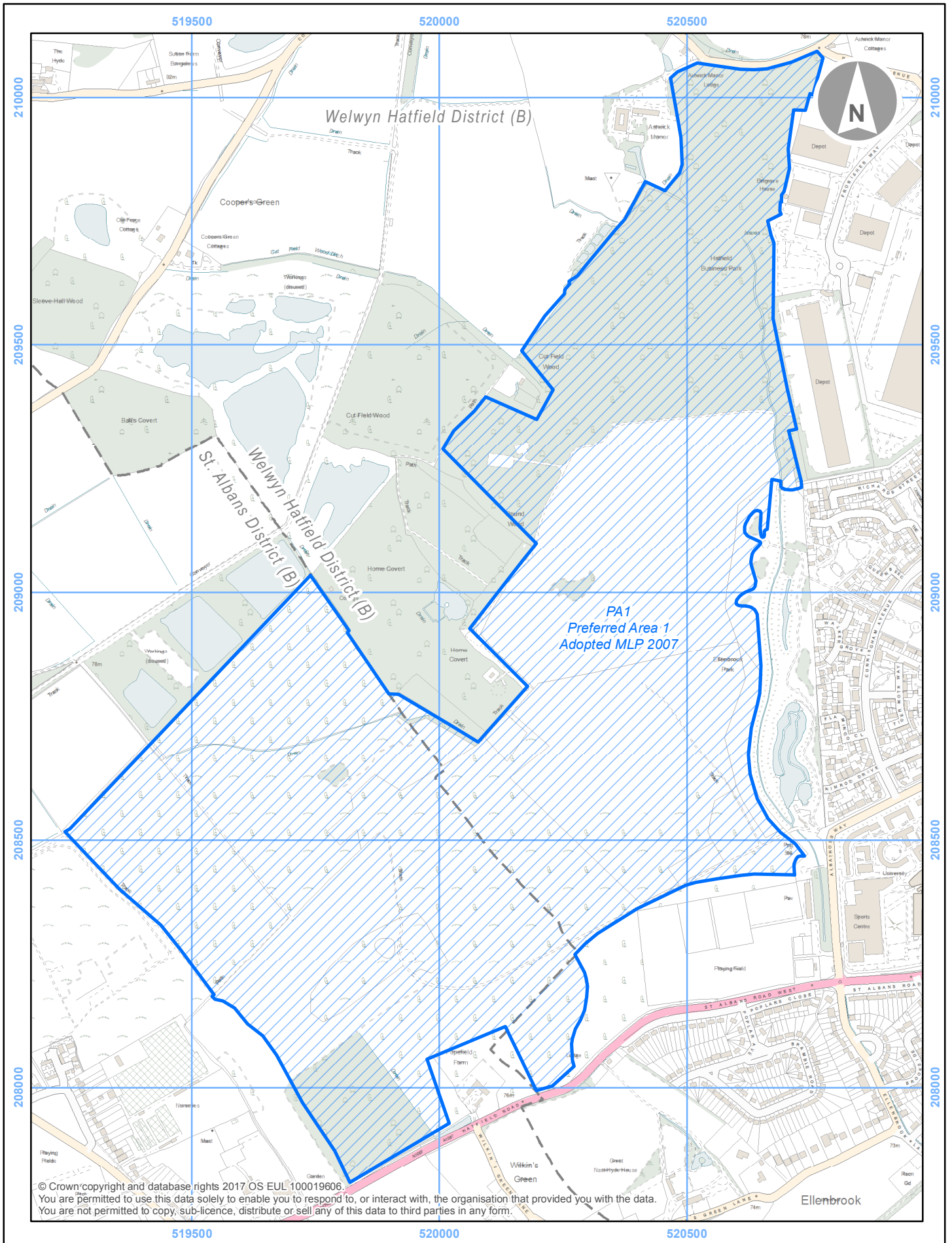


### Preferred Area 1

Name:	Land close to the existing Hatfield Quarry (Land at BAe)
District:	St Albans and Welwyn Hatfield
Promoted by:	PA 1 in the Adopted Minerals Local Plan (2007)
Site area:	68ha
Proposed Mineral:	Sand and Gravel
Planning History	The southern part of the site has been subject to an application known as Hatfield Aerodrome (5/0394-16). The application was determined at HCC Development Control Committee in January 2017 with a resolution to grant subject to the completion of a S106 agreement and the amendment of the existing S106 agreement.

#### Site Specific Considerations

Summary of Assessment:	<p>Development within this Preferred Area could have a <b>high impact</b> on <b>Ecological status of water bodies</b> as there are a number of water bodies adjacent to the Preferred Area; <b>Recreation</b> as the Preferred Area is part of Ellenbrook Fields, which is an area of recreational green space; <b>Sustainable transport</b> as the Preferred Area is not located within close proximity to the rail network or navigable waterway network.</p> <p>The area is also considered to have an overall <b>low-moderate landscape and visual sensitivity</b> to mineral extraction and <b>HCC Highways has raised some concerns</b> which could be overcome following further information/ assessment.</p>
Summary of Reasoning for not progressing:	<p>This preferred area has not been taken forward as a whole. The southern area has been subject to a submission through the call for sites (MLPCS006) which has been taken forward as a specific site in the Draft Plan. The remaining northern part of the adopted Preferred Area has not been taken forward due to uncertainty on deliverability in regards to the bromate plume. It has been noted there is a plume of bromate coincident with this part of the Preferred Area which may impact on the deliverability of mineral resources. In addition the borehole data shows a considerable level of overburden. Both of these were taken into consideration by the operator (Brett Aggregates) on promotion of the application at Hatfield Aerodrome, which was recently approved by the County Council.</p>



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### Map 17



Key  Omission Site  Adopted Preferred Area (2007)

Scale 1:Agenda Part 194 of 199  
 0 100 200 300 400 500 600 700 Metres

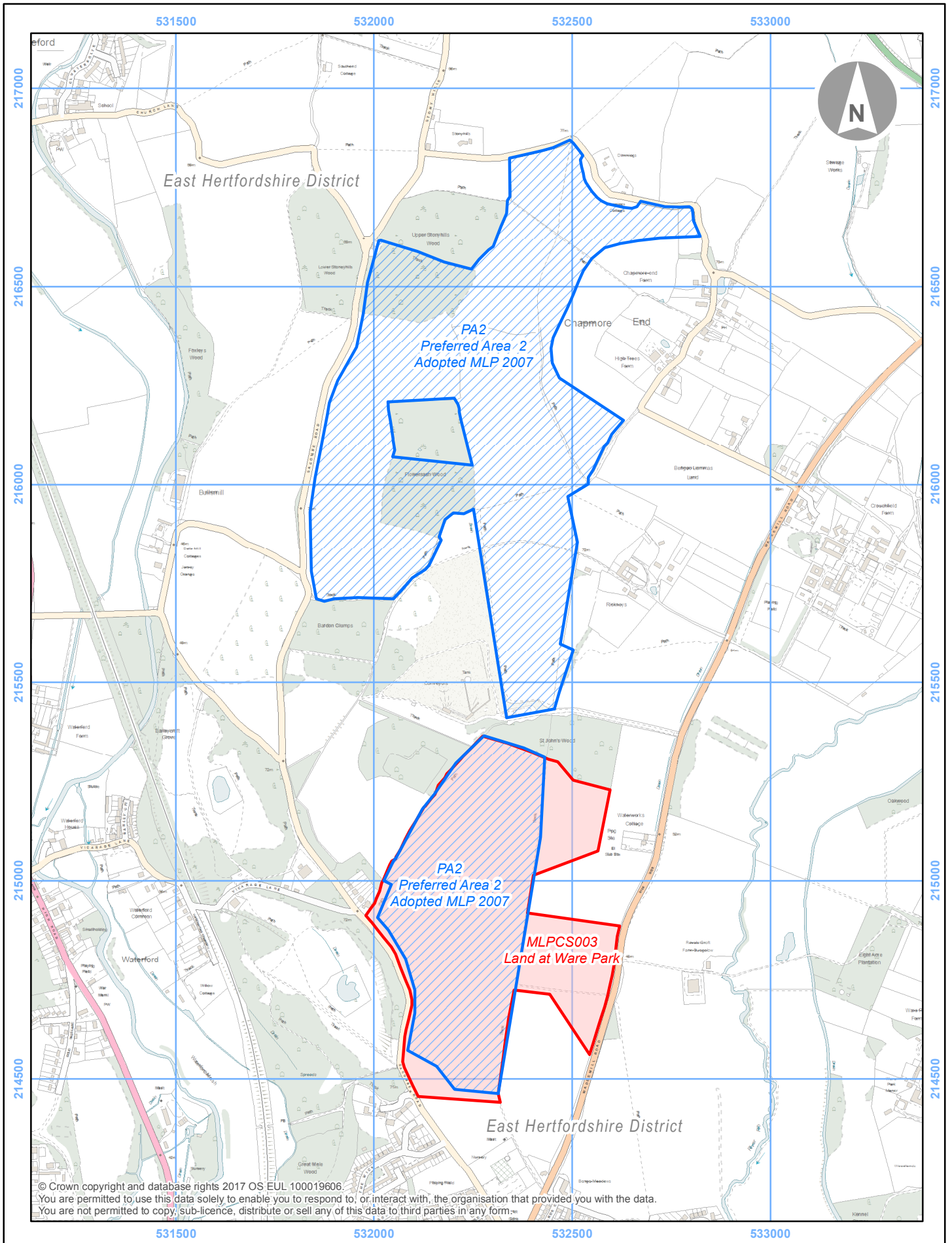
## Preferred Area 2

Name:	Land north and south of Rickneys Quarry
District:	East Herts
Promoted by:	PA 2 in the Adopted Minerals Local Plan (2007)
Site area:	61ha
Proposed Mineral:	Sand and Gravel
Planning History	<p>The preferred area has been subject to a number of applications (3/1653-95, 3/0959-90 and 3/0711-88) all of which were withdrawn. A smaller part of the preferred area has been subject to an application 3/2077-13 (varying 3/0629-06) which has a resolution to grant.</p> <p>The area was also subject to a planning application for mineral extraction (3/0770-16) which was refused at Development Control Committee in March 2017.</p>

Site Specific Considerations	
Summary of Assessment:	<p>Development within this Preferred Area could have a <b>very high impact</b> on <b>Ancient Woodland</b> as there are two areas of replanted ancient woodland within the Preferred Area and further areas of ancient woodland adjacent to the Preferred Area. The area is also considered likely to have a <b>high impact</b> on <b>Groundwater vulnerability</b> as part of the site lies within SPZ 1; <b>Recreation</b> as several PRow cross the Preferred Area; <b>Sustainable transport</b> as this Preferred Area is distant from the rail network and the navigable waterway network.</p> <p>The area is also considered to have an overall <b>moderate landscape and visual sensitivity</b> to mineral extraction and HCC Highways has raised some concerns which could be overcome following further information/assessment.</p>
Summary of Reasoning for not progressing:	<p>The preferred area has been assessed as it appears in the Adopted Minerals Local Plan (2007) but in two parts. The southern part was subject to a submission through the call for sites (MLPCS003) which has been assessed and discounted for the reasons stated above under MLPCS003. The adopted Minerals Local Plan, states that 'the working of the site would be considered as an extension to existing Rickneys Quarry'. Circumstances have changed over time and the existing site at Rickneys Quarry has been mothballed with no plant or machinery</p>

	<p>remaining on site. In addition, the northern part was not put forward by the landowner(s) or industry in the most recent call for sites, and therefore questions are raised about its deliverability.</p>
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**Map 18**



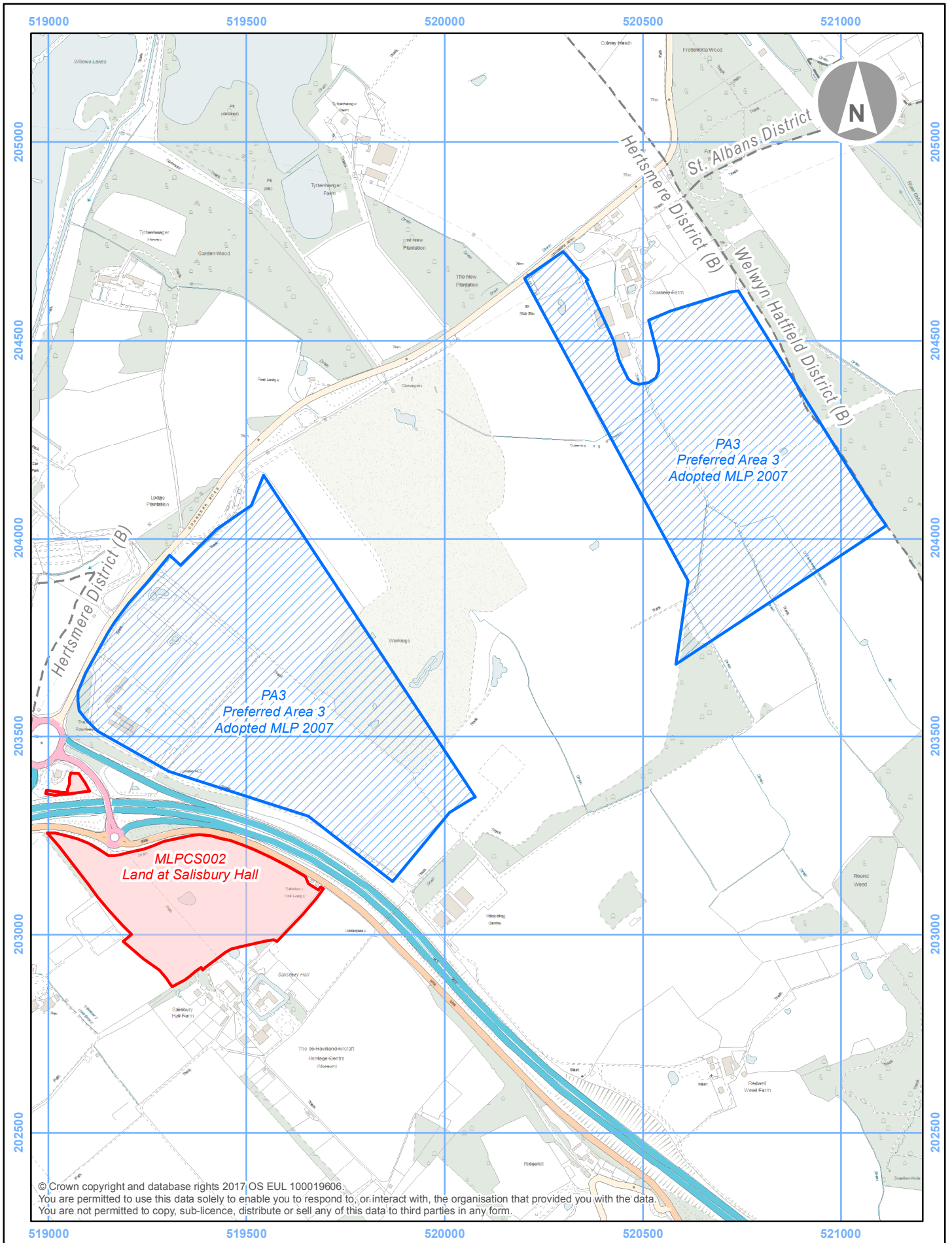
Key  Omission Site  Adopted Preferred Area (2007)

Scale 1:5000  
 0 100 200 300 400 500 600 700 800 900 Metres

### Preferred Area 3

Name:	Land to the south-east of existing Tyttenhanger Quarry (Land at Coursers Road)
District:	Hertsmere
Promoted by:	PA 3 in the Adopted Minerals Local Plan (2007)
Site area:	89ha
Proposed Mineral:	Sand and Gravel
Planning History	The preferred area has been subject to two planning applications. 0/1353-06 for the eastern extension of existing quarry south of Coursers Road and progressive restoration using inert fill material. 0/0262-12 for the construction and operation of an Anaerobic Digestion facility.

Site Specific Considerations	
Summary of Assessment:	Sieve 1 and 2 were carried out on this site, however since the area is already being worked, no further assessment was undertaken with the conclusion of Sieve 2 being that this area should be removed as a preferred area going forward.
Summary of Reasoning for not progressing:	The areas identified in the adopted Minerals Local Plan (2007) are being worked as extensions to Tyttenhanger Quarry and therefore covered by an extant permission.



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### Map 19

Key  Omission Site  Adopted Preferred Area (2007)



Scale 1:50000  
 0 100 200 300 400 500 600 700 800 900 Metres

## Equality Impact Assessment (EqIA) Addendum for the Hertfordshire Minerals Local Plan Review Draft Plan Stage

Guidance is available on [Compass](#). Completion of an EqIA should be proportional and relevant to the anticipated impact of the project on equalities. The form can be tailored to your project and should be completed before decisions are made. Key EqIAs should be reviewed by the Business Manager or Service Head, signed off by your department's Equality Action Group (EAG) and sent to the Equality and Diversity team to publish on HertsDirect. For support and advice please contact [equalities@hertfordshire.gov.uk](mailto:equalities@hertfordshire.gov.uk).

### Overview: Responsibility and involvement

<b>Title of proposal/ project/strategy/ procurement/policy</b>	Review of Minerals Local Plan – Draft Plan	<b>Head of Service or Business Manager</b>	J Tiley
<b>Names of those involved in completing the EqIA:</b>	T Carter-Lyons (TCL) G Nicholson (GN) J Greaves (JG) D Hodbod (DH)	<b>Lead officer contact details:</b>	T Carter-Lyons 01992 556254 G Nicholson 01992 556732
<b>Date completed:</b>	July 2016	<b>Review date:</b>	Proposed Submission

The Minerals Planning Authority has produced this addendum to the EqIA for the Minerals Local Plan dated January 2015 to address the Draft Plan consultation.

### Background to the Minerals Local Plan EqIA

A full Equality Impact Assessment (EqIA) was written for the review of the Minerals Local Plan in January 2015 in preparation for the early stages of plan preparation and the first formal stage of consultation. The first consultation was undertaken from 3 August to 16 October 2015 and covered a variety of topic areas which would inform the Minerals Local Plan review.

The EqIA for the Minerals Local Plan concluded that potential equality impacts may arise during stakeholder events and consultations and proposed a range of reasonable mitigations to minimise the potential impacts.

A subsequent addendum was produced to cover the Call for Sites exercise which was carried out from 29 February to 10 April 2016. This exercise was targeted at site promoters and the addendum set out ways of ensuring that the protected characteristics of those who may not already be engaging with the county council for the Minerals Local Plan were fully aware of the exercise. It concluded that it was not anticipated that people with protected characteristics would be affected disproportionately by the undertaking of a Call for Sites.

### Purpose of the Draft Plan Consultation

In formulating a revised Minerals Local Plan, taking into account comments from previous stages and the outcome of the site selection methodology the Draft Plan will contain policies, supporting text and sites with potential for mineral extraction. This is



## **Equality Impact Assessment (EqIA) Addendum for the Hertfordshire Minerals Local Plan Review Draft Plan Stage**

our second formal stage of consultation for local plan making which is prescribed under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 with a set procedure for who should be consulted. There will be a consultation under Regulation 19 which constitutes Proposed Submission before the document is examined by a Planning Inspector.

The Draft Plan will be consulted upon widely. The Mineral Planning Authority will consult statutory bodies and all other stakeholders who have identified themselves at or after the Initial Consultation and Call for Sites stages as having an interest and wishing to be engaged in the review of the Minerals Local Plan.

The full EqIA (2015) has been considered in light of the Draft Plan which was identified as a potential trigger for preparing a separate EqIA. Of particular importance for this consultation compared with previous consultations already held is the drafting of minerals policy wording where all protected characteristics and potential impacts need to be considered. This action will not have been implemented previously as the Plan did not contain policies.

In considering this issue it is concluded that there are no further potential equality impacts that may arise during the Draft Plan consultation in addition to those stated within the full EqIA (2015) and the range of reasonable mitigations to minimise the potential impacts are sufficient.

The Minerals Planning Authority considers that a separate EqIA is not required for the Draft Plan consultation.

It is intended that this EqIA will be reviewed at each work phase and at each consultation stage.

**This EqIA has been reviewed and signed off by:**

**Head of Service or Business Manager:**

**Date:**

**Equality Action Group Chair:**

**Date:**

**HERTFORDSHIRE COUNTY COUNCIL**

**CABINET**

**MONDAY, 13 NOVEMBER 2017 AT 2.00PM**

**COUNTY COUNCIL**

**TUESDAY, 21 NOVEMBER 2017 AT 10.00AM**

**WASTE LOCAL PLAN REVIEW, DRAFT INITIAL  
CONSULTATION DOCUMENT**

Agenda Item No.

**14**

Agenda Item No.

**7B**

*Report of the Chief Executive and Director of Environment*

Author: David Hodbod, Planning Officer (Tel: 01992 556404)

Executive Member: Derrick Ashley, Environment, Planning & Transport

**1. Purpose of report**

1.1 To enable Members to consider whether to approve the Waste Local Plan (WLP) draft Initial Consultation document, attached at Appendix 1 to the report, for a period of formal consultation of at least six weeks to commence in February 2018, in accordance with Part 6 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

**2. Summary**

2.1 As the Waste Planning Authority for Hertfordshire, the Council has a statutory responsibility to prepare, implement and review a Waste Local Plan as part of the development plan<sup>1</sup>.

2.2 The existing Waste Local Plan comprises the Waste Core Strategy and Development Management Policies document (adopted 2012) and the Waste Site Allocations document (adopted 2014). The Employment Areas of Search Supplementary Planning Document was produced to accompany the WLP in 2015. The Waste Site Allocations document states that 'the Plan will be reviewed in full every five years and a partial review may be undertaken sooner than that if required'. In line with this commitment, the Council is in the early stages of reviewing all three of Hertfordshire's waste planning documents.

2.3 The Waste Local Plan requires a formal process of review to ensure that the waste planning policy framework in the county remains up to date, reflects the most recent policy and guidance and takes account of new information and changing circumstances.

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<sup>1</sup> The Hertfordshire development plan consists of the 10 District & Borough Local Plans, the Minerals Local Plan, the Waste Local Plan and any adopted Neighbourhood Plans.

- 2.4 The Council has an adopted Statement of Community Involvement (SCI) which sets out the formal stages of consultation the Council must undertake during the preparation of a local plan. Initial Consultation is the first of these stages.
- 2.5 The purpose of Initial Consultation is to seek views from interested parties including district/borough councils, members of industry and neighbouring authorities on the subject of the planning document being prepared and to invite representations to be made regarding the content of the Plan. Following Initial Consultation, the Council will take into account all representations in the preparation of subsequent documents as part of the Waste Local Plan review process.

### **3. Recommendation**

- 3.1 The Environment, Planning and Transport Cabinet Panel considered a report on this item of business at its meeting on 1 November 2017. The Panel recommended to Cabinet:-

*“That Cabinet recommends to Council that County Council approves the Waste Local Plan draft Initial Consultation document, attached as Appendix 1 to the report, for a six week period of public consultation commencing in February 2018, in accordance with Town and Country Planning (Local Planning) (England) Regulations 2012.”*

- 3.2 Cabinet’s recommendation/s to Council will be circulated in the County Council Order of Business.

### **4. Background to the Initial Consultation**

- 4.1 The Council, as Waste Planning Authority, has a statutory responsibility to produce a Waste Local Plan for the county which identifies sufficient opportunities to meet the identified needs of Hertfordshire for the management of waste, aiming to drive waste management up the Waste Hierarchy. The Waste Local Plan should identify sites and/or areas that may be suitable for waste uses and contain strategic and land use policies, against which planning applications are judged.

- 4.2 Since the adoption of the documents that make up the Waste Local Plan, there have been a number of changes to the planning system, regulatory framework and guidance related to waste management. The most significant of these include:

- 1) The introduction of the National Planning Policy for Waste
- 2) Amendments to the National Planning Policy Guidance
- 3) The publication of the Waste Management Plan for England.

- 4.3 Additionally, a review will ensure that the Plan takes account of new information and changing circumstances in the county so that appropriate guidance can be given to waste operators and the general public as to what waste development is required and where future waste development should take place.

- 4.4 A paper was presented to the Environment, Planning and Transport Cabinet Panel in June 2017 setting out the proposed way forward for the Waste Local Plan review. This paper presented the timetable for Plan production and the main issues which need to be reviewed during the early stages of Plan production.
- 4.5 The timetable in the Minerals and Waste Development Scheme (MWDS), attached at Appendix 2 to this report, outlines how reviewing an adopted plan is a lengthy, technical process. The process is currently expected to be completed in winter 2020 and will contain several stages of public consultation that are set out in the Statement of Community Involvement for Hertfordshire's Minerals and Waste Planning Documents (SCI) (adopted 2013).
- 4.6 The SCI is required by the Planning and Compulsory Purchase Act 2004 and sets out the process of community involvement which the Council must follow during the preparation of local plans, taking into account the most recent changes in legislation through the Localism Act 2011 and the subsequent Town and Country Planning (Local Planning) (England) Regulations 2012.
- 4.7 The draft Initial Consultation document will form the first stage of consultation prescribed by the SCI and will be the first opportunity for interested parties to make written representations during the review process.
- 4.8 In accordance with Part 6 of the Town and Country Planning (Local Planning) (England) Regulations 2012, interested parties must be notified of the subject of a local plan that the Local Authority is preparing and must be invited to make representations about what the local Plan ought to contain.
- 4.9 The draft Initial Consultation document addresses this by allowing interested parties to make representations regarding the contents of the Waste Local Plan before policies and sites are included, if required, in subsequent stages of consultation.

## **5. Stakeholder Event**

- 5.1 Council officers held a stakeholder event on 23 August 2017 to seek initial views regarding the following issues prior to development of the draft Initial Consultation document:
- 1) Plan Vision
  - 2) Plan Objectives
  - 3) Sustainability Appraisal Objectives and Sub-Objectives
- 5.2 The event was run alongside representatives from Land Use Consultants (LUC), an external consultancy firm selected via a tender exercise to undertake aspects of the WLP review on behalf of the County Council.
- 5.3 Twenty-three stakeholders attended the event, including representatives from Hertfordshire's district/borough councils, adjoining authorities, community groups and other public bodies.

5.4 The event aimed to raise awareness that a review of the Waste Local Plan was being undertaken as well as giving attendees an opportunity to provide input to the Initial Consultation document.

## **6. Waste Local Plan Vision**

6.1 The new Plan will include a vision and a corresponding series of objectives. Together, they will form the basis of the Plan and become the guiding principles for waste planning in the county.

6.2 Due to the extensive range of potential representations regarding the vision, a draft version of the vision was developed for the stakeholder event based on the vision included in the adopted WLP. Attendees were asked to provide preliminary comments on the content, wording and style of the vision prior to the Initial Consultation process.

6.3 Using feedback from the event, a new draft vision was produced and included in the draft Initial Consultation document.

6.4 Following the consultation period, it is hoped that a final version of the vision can be confirmed to guide the development of the emerging WLP.

## **7. Waste Local Plan Objectives**

7.1 The new Plan will contain a series of objectives. The objectives are vitally important to the Plan. They will guide the development of robust and comprehensive policies that set out the quality of waste development expected in the county. Meeting all the objectives should ensure that the vision of the Plan is achieved.

7.2 A draft series of objectives were produced for the stakeholder event based on the objectives included in the adopted WLP with minor amendments to terminology where considered appropriate by Council officers. Attendees were asked to provide preliminary comments on the content, wording and style of the vision prior to the Initial Consultation process.

7.3 Using feedback from the event, a new draft series of objectives were produced and included in the draft Initial Consultation document.

7.4 Following the consultation period, it is hoped that the objectives can be confirmed to guide the development of the emerging WLP.

## **8. Sustainability Appraisal Objectives**

8.1 It is a legal requirement to carry out a Sustainability Appraisal (SA) during the preparation of a local plan to appraise the social, environmental and economic effects of the Plan and to ensure that the Plan is as sustainable as possible. The SA will incorporate a Strategic Environmental Assessment (SEA) which has a greater focus upon environmental considerations.

- 8.2 The Sustainability Appraisal is to be carried out by independent consultants, LUC.
- 8.3 At this early stage of the Plan preparation, the objectives of the SA must be confirmed so that subsequent stages of the preparation have a list of criteria to be assessed against.
- 8.4 At the stakeholder event, attendees were asked to comment on the wording of a series of objectives and sub-objectives proposed by LUC and suggest new objectives if they felt there were gaps in the proposed list.
- 8.5 Following the event, LUC took the representations into account and developed an amended series of SA objectives that are included in the Hertfordshire Waste Local Plan SA Scoping Report. This document will be published alongside the Initial Consultation as a supporting document, for consultees to make representations on as part of the consultation.

**9. The draft Initial Consultation document**

- 9.1 The draft Initial Consultation document sets out the context in which it sits within the process of reviewing the Waste Local Plan and describes the methods by which representations can be submitted. The document provides a background to the planning system and the waste industry in the county as an introduction to the issues which the Council are seeking responses to.
- 9.2 The document provides consultees with their first opportunity to make written representations to the review of the Waste Local Plan and an opportunity to make representations on the proposed content of the Plan.
- 9.3 The Waste Local Plan will be subject to a number of consultations during the review, as stated in the adopted Minerals and Waste Development Scheme (2016). The anticipated key milestones are shown in Table 1.

Table 1

Proposed Stages of Consultation for Waste Local Plan		
Winter	2018	Initial Consultation
Summer	2019	Draft Plan
Winter	2020	Submission to secretary of state

- 9.4 Specific sections contained within the document are summarised below:
- 9.5 Chapter 1: Introduction sets out the content of the document, introducing the Council as the Waste Planning Authority for Hertfordshire and the need to review the existing Waste Local Plan.
- 9.6 Chapter 2: Background provides a description of the UK planning system and explains why the Waste Local Plan is included in the development Plan for Hertfordshire. The reasons for reviewing the Waste Local Plan are stated and the process that the review will follow is outlined.

- 9.7 Chapter 3: Waste Management Principles introduces the need to plan for waste, the key concepts of waste management and the legislative origins of these concepts.
- 9.8 Chapter 4: Challenges Planning for Waste in Hertfordshire gives an overview of the issues when planning for waste in Hertfordshire which must be taken into account during the preparation of the WLP. This includes a general overview of the Hertfordshire waste industry and an overview of the main planning constraints to waste planning.
- 9.9 Chapters 5-6: Vision and Objectives contain the draft vision and objectives that have been prepared taking into account the representations made by attendees at the stakeholder event held on 23 August 2017. The Council are seeking views on the aspects of national and Hertfordshire County Council corporate policy that are covered in the vision, the overall scope and aspirations of the emerging WLP, and whether or not meeting the draft objectives will ensure that the vision for Hertfordshire is achieved.
- 9.10 Chapter 7: Plan Approach & Plan Length describes the two most appropriate approaches that can be taken in the preparation of a Local Plan and introduces the preferred approach of national policy for the production of a single Local Plan document. The chapter also introduces the preference of national policy for planning authorities to prepare a Plan that covers a 15 year period. The Initial Consultation seeks the views of consultees on the approach and duration of the Plan.
- 9.11 Chapter 8: Waste Data & Capacity Gap presents the Draft Capacity Gap Report (CGR) which outlines how the County Council will determine if Hertfordshire has any capacity gaps for the management of waste. The CGR will form a central part of the evidence base for the review of the WLP. The identification of sufficient management capacity, or a lack thereof, will justify the allocation or exclusion of potential waste sites in the WLP and will help to shape policies which will be used to determine individual planning applications through the Plan period. The assumptions included in the CGR are explained and two growth scenarios are presented for each of the identified key waste streams. The Council seeks views on the assumptions used in the Draft CGR and what growth scenarios should be used in the final CGR to guide the remainder of the preparation of the WLP.
- 9.12 Chapter 9: Waste Sites and Areas states the purpose of the allocated sites and areas in the adopted WLP and the requirement of the NPPW for WPAs to identify site and/or areas for new or enhanced waste management. Readers are asked about the approach to the allocation of sites and/or areas in the emerging WLP.
- 9.13 Chapter 10: Safeguarding states the requirement of the NPPF for WPAs to include strategic policies in their Plan for the provision of waste management. The chapter describes the importance of maintaining a strategic network of waste facilities in the county and the protection given to existing waste sites in the adopted WLP. The Council seeks the views of consultees on whether the

emerging WLP should continue to safeguard existing waste sites to help deliver the provision of waste management in Hertfordshire.

- 9.14 Chapter 11: Policies Used to Determine Applications provides an overview of the findings of an internal audit of the policies in the existing WLP against national policy. A list of policy headings for inclusion in the draft Plan is proposed to meet the gaps in policy identified during the audit. The content of the policies does not need finalising at this stage. The Initial Consultation seeks views on the range of proposed policies and whether any additional topics should be included.
- 9.15 Chapter 12: Sustainability Appraisal contains the headline objectives of the Sustainability Appraisal, proposed by LUC, taking account of feedback from the stakeholder event. Readers are referred to the Hertfordshire Waste Local Plan SA Draft Scoping Report 2017 for full details of the appraisal but are asked to comment on the appropriateness of the headline objectives as a framework to determine the sustainability of the Waste Local Plan.
- 9.16 Chapter 13: Summary reiterates the methods by which representations can be made and the dates of the consultation period.

## **10. Next Steps**

- 10.1 Following approval from Cabinet and County Council, the public consultation on the Waste Local Plan review draft Initial Consultation document will be in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation on the document will be for at least six weeks commencing in February 2018. The outcomes of the Initial Consultation will be presented to Panel later in 2018.
- 10.2 Depending on the responses to the Initial Consultation, the Council may need to undertake a process of site selection to identify sites and/or areas to meet identified gaps in the existing waste management capacity. An appropriate methodology may need to be developed and may include a Call for Sites exercise for landowners or developers to promote sites they wish to be identified in the WLP. Members will be requested to consider the site selection methodology prior to seeking approval for a Call for Sites, should sites and/or areas be considered a necessary inclusion in the WLP.
- 10.3 Following the consultation period, the review process will follow the timetable outlined in the MWDS, taking account of the SCI. It is anticipated that a draft Waste Local Plan, incorporating results from a site selection process, will be presented to Members prior to public consultation in time for summer 2019.



## **11. Financial Implications**

- 11.1 The cost of producing the Waste Local Plan review draft Initial Consultation document (printing, distribution, adverts etc) is included in existing budgets. There is also an existing budget for employing consultants to carry out the required Strategic Environmental Assessment/Sustainability Appraisal.

## **12. Equalities Implications**

- 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 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 the Hertfordshire Waste Local Plan Review Equality Impact Assessment 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 The Waste Local Plan review Equalities Impact Assessment (EQIA), attached as Appendix 3 to the report, concludes that potential equality impacts may arise during stakeholder events and consultations and proposes a range of reasonable mitigations to minimise the potential impacts (these mitigations are set out in section 8 of the EQIA).

*Appendix 1 – Hertfordshire Waste Local Plan review draft Initial Consultation document*

*Appendix 2 – Minerals and Waste Development Scheme timetable*

*Appendix 3 – Equalities Impact Assessment*

### Background Information:

Planning and Compulsory Purchase Act (2004)

[http://www.legislation.gov.uk/ukpga/2004/5/pdfs/ukpga\\_20040005\\_en.pdf](http://www.legislation.gov.uk/ukpga/2004/5/pdfs/ukpga_20040005_en.pdf)

Localism Act (2011)

[http://www.legislation.gov.uk/ukpga/2011/20/pdfs/ukpga\\_20110020\\_en.pdf](http://www.legislation.gov.uk/ukpga/2011/20/pdfs/ukpga_20110020_en.pdf)

Town and Country Planning (Local Planning) (England) Regulations 2012 [http://www.legislation.gov.uk/uksi/2012/767/pdfs/uksi\\_20120767\\_en.pdf](http://www.legislation.gov.uk/uksi/2012/767/pdfs/uksi_20120767_en.pdf)

Waste Management Plan for England  
<https://www.gov.uk/government/publications/waste-management-plan-for-england>

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

National Planning Policy for Waste (2014), DCLG  
<https://www.gov.uk/government/publications/national-planning-policy-for-waste>  
*National Planning Practice Guidance*  
<https://www.gov.uk/government/collections/planning-practice-guidance>

Waste Core Strategy and Development Management Policies document (adopted November 2012)  
<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/waste-planning/waste-planning.aspx>

Waste Site Allocations document (adopted July 2014)  
<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/waste-planning/waste-planning.aspx>

Employment Areas of Search, Supplementary Planning Document (adopted November 2014)  
<https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/waste-planning/waste-planning.aspx>

Statement of Community Involvement (adopted 2013)  
<https://www.hertfordshire.gov.uk/media-library/documents/environment-and-planning/planning/planning-in-hertfordshire/statement-of-community-involvement.pdf>

Minerals and Waste Development Scheme (adopted November 2016) <https://www.hertfordshire.gov.uk/media-library/documents/environment-and-planning/planning/minerals-and-waste-development-scheme-november-2016.pdf>

Hertfordshire Draft Capacity Gap Report for the Initial Consultation  
Hertfordshire Waste Local Plan SA Scoping Report – Land Use Consultant  
Hertfordshire Waste Local Plan Review Equality Impact Assessment  
Three documents located: <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/waste-planning/waste-local-plan-review/waste-local-plan-review.aspx>

Environment, Planning and Transport Cabinet Panel, June 2017 ([Environment, Planning & Transport Cabinet - 30 June 2017](#))



**HERTFORDSHIRE  
WASTE LOCAL PLAN REVIEW  
INITIAL CONSULTATION DOCUMENT**

**FEBRUARY 2018**

**2016-2031**

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# 1 Chapter 1: Introduction

## Overview

- 1.1 Hertfordshire County Council, as Waste Planning Authority for Hertfordshire, is seeking the views of all interested parties on the way forward for waste planning in the county.
- 1.2 This initial consultation document is the first consultation that Hertfordshire County Council has published during the process of reviewing the county's existing Waste Local Plan (WLP). The existing Local Plan covers the period 2011-2026 and comprises two documents:
  - Waste Core Strategy and Development Management Policies document (adopted November 2012); and
  - Waste Site Allocations document (adopted July 2014).
- 1.3 In addition, a third document, the Employment Land Areas of Search Supplementary Planning Document (adopted November 2015), was published to provide extra guidance for waste-related development.
- 1.4 This Initial Consultation document sets out the issues and potential options for the matters that will be addressed in the reviewed WLP which, once adopted, will replace the three waste planning documents for Hertfordshire. It will set out the overall approach to waste planning in the county and be used by county council officers when determining planning applications.
- 1.5 This document has been prepared to give consultees a thorough grounding of each highlighted issue. This is a non-technical document and a series of additional documents have been published to provide the reader with extra details if required. These can be accessed on the county council's online consultation portal <http://hertscc-consult.objective.co.uk/portal>.

## Document Content

- 1.6 Chapters 2-4 provide details of waste planning policy, the waste management industry and the key issues when planning for waste management in Hertfordshire. The following Chapters, 5-12, focus on individual topic areas in more detail, highlighting the issue/s related to that topic which the county council is seeking views on.
- 1.7 Chapters 5-12 have a consistent layout. The issue/s related to the topic are highlighted in a box at the start of the chapter. The issues are followed by a section of text containing background information relevant to the issue/s, why

the issue/s have been raised, explanations of the options identified by the county council and, in some cases, the knock-on effect of selecting each option. After the explanatory text, the issue is restated in another box alongside a group of potential options from which consultees are asked to select their preferred choice.

1.8 Where topics have more than one issue, the boxes containing the issues and potential options are included throughout the chapter, after the relevant section of explanatory text.

1.9 Chapter 13 summarises how and when consultees are asked to submit their representations.

### **How to respond**

1.10 The county council would like as wide a response as possible to this initial consultation. This is an important opportunity to tell the council your views on planning for waste management in Hertfordshire and is an opportunity to comment on the suggested policies in preparation for the draft Waste Local Plan.

1.11 The county council would like consultees to respond to all of the issues within this document by selecting their preferred option for each issue. In some cases, it is possible to select more than one option for an issue. There will always be an opportunity to provide reasons for your chosen option/s, alternative options or further comments in a text response section called “any other comments”, though there will be a limit to the length of comment.

1.12 Responses can be submitted either through the council’s **online consultation portal (Objective)** or by sending completed response forms, available from the consultation portal, to us either by email or letter.

1.13 A full list of options for response submission:

Online Consultation Portal:	<a href="http://hertscc-consult.objective.co.uk/portal">http://hertscc-consult.objective.co.uk/portal</a>
Email response forms:	<a href="mailto:waste.planning@hertfordshire.gov.uk">waste.planning@hertfordshire.gov.uk</a>
Address for printed forms:	Minerals and Waste Policy Team, Spatial Planning and Economy, CHN 216, Hertfordshire County Council, County Hall, Pegs Lane, Hertford, SG13 8DN.
Phone no. for queries:	0300 123 4040

1.14 This initial consultation paper is being published for consultation for an eight-week period starting at **9am on 5 February 2018** and ending at **5pm on 30 March 2018**. Please ensure that your responses reach us by the closing date.

## 2 Chapter 2: Background

### The planning system

- 2.1 The planning system was established to regulate the development and use of land. Its main aim is to balance the demand for development with the protection of the environment and wider surroundings. Planning decisions are made having regard to the planning system and are taken in the wider public interest.
- 2.2 The Government sits at the highest point of the UK planning system, setting national visions and objectives based on current European policies that local governments must implement.
- 2.3 In March 2012, the Government introduced the National Planning Policy Framework (NPPF) as the overarching national planning policy for the UK.
- 2.4 The NPPF includes a presumption in favour of sustainable development, with local planning authorities expected to 'positively seek opportunities to meet the development needs of their area'. The NPPF recognises the importance of sustainable development with the minimisation of waste playing an important environmental role. It states that the provision of infrastructure for waste management should be included in the plan as a strategic priority<sup>1</sup>.
- 2.5 To provide a structure to the planning system, local planning authorities have a statutory responsibility to prepare, implement and review Development Plans for the local area in line with national policy.
- 2.6 A Development Plan is a series of documents that establish the vision of a Local Planning Authority, setting out policies and proposals for the development and use of land in that area by informing day-to-day decisions as to whether or not planning permissions should be granted.
- 2.7 The Development Plan for the county is formed of the local plans of the district and borough councils together with the county council plans (Minerals Local Plan and Waste Local Plan) and any adopted Neighbourhood Plans.
- 2.8 Therefore, in Hertfordshire, the Development Plan comprises:
- 10 district/borough Local Plans,
  - the Waste Local Plan,

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<sup>1</sup> NPPF – Para 156

- the Minerals Local Plan<sup>2</sup>.
- any adopted Neighbourhood Plans

- 2.9 The NPPF does not contain specific waste policies. Waste planning policies are set out in the National Planning Policy for Waste (NPPW). The NPPW was published in October 2014 and replaced previous national waste planning policy: Planning Policy Statement 10 (PPS10): Planning for sustainable waste management. As the government's overarching planning policy, the NPPF should be read in conjunction with the NPPW, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste.
- 2.10 The NPPW states the requirement for Waste Planning Authorities to drive waste up the Waste Hierarchy<sup>3</sup>, recognising the need for a mix of types and scale of facilities and to consider the need for additional waste management capacity of more than local significance. It recognises the positive contribution that waste management can bring to the development of sustainable communities.

### **Hertfordshire County Council Planning Responsibilities**

- 2.11 As Waste Planning Authority (WPA) for Hertfordshire, the county council has a statutory responsibility to plan for future waste requirements and to determine planning applications for waste development. It fulfils this responsibility by preparing the Waste Local Plan (WLP), as part of the Development Plan, which contains appropriate policies against which it can determine individual planning applications.

### **What is the WLP?**

- 2.12 The WLP combines the requirements set out in national policy with knowledge of the local environment and the high level aims of Hertfordshire County Council.
- 2.13 The WLP seeks to drive waste up the Waste Hierarchy, reducing the need for landfill as final disposal of waste. The WLP provides details on the amount of waste to be managed and identifies sites and areas for new or enhanced waste management facilities in appropriate locations<sup>4</sup>. The WLP includes policies to protect the environment and wider surroundings whilst balancing the need for the waste management facilities and promoting sustainable development.

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<sup>2</sup> The Minerals Local Plan for Hertfordshire was adopted in March 2007 and is currently being reviewed by the county council.

<sup>3</sup> NPPW – Para 1 (the Waste Hierarchy will be discussed in more detail in Chapter 3)

<sup>4</sup> NPPW – Para 4.



2.14 As stated in the previous chapter, the WLP comprises of two documents. The Waste Core Strategy and Development Management Policies document sets out the strategic, spatial element of the WLP and contains development management policies against which waste planning applications for waste management in the county can be assessed. The Waste Site Allocations document identifies Allocated Sites and Employment Land Areas of Search (ELAS) with potential for delivering waste management facilities to meet the need for additional waste management capacity in the county. In addition, the Employment Land Areas of Search Supplementary Planning Document (adopted 2015) was produced to accompany the WLP by providing further guidance into the suitability of waste-related development on the ELAS identified in the Waste Site Allocations document. All three of these documents will be reviewed.

### **The need to review the WLP**

2.15 The WPA has a statutory duty to keep an up-to-date local plan and national policy states that, to ensure this, frequent reviews of the plan should be undertaken. There is a need to review planning documents for a number of reasons. The planning policy framework must remain up to date to reflect the most recent policy and guidance and to take into account new information and changing circumstances. By keeping an up to date planning policy framework the county council can provide appropriate guidance to waste operators and the general public as to where future waste development should take place. In addition, the county council made a commitment to reviewing its Waste Local Plan within the Waste Site Allocations document, adopted in July 2014. The document states that ‘the plan will be reviewed in full every five years and a partial review may be undertaken sooner than that if required’<sup>5</sup>.

2.16 The Waste Core Strategy and Development Management Policies document will be five years old in November. This contains the bulk of policies that are used to determine waste applications and an overview of the capacity requirements for the county during the Plan period. The review will produce a single all-encompassing Local Plan rather than separate documents.

2.17 As well as remaining up to date with national policy, the review will ensure that recently published guidance is followed, new information is taken account of and changing circumstances in Hertfordshire are reflected. This provides appropriate guidance to waste operators and the general public as to where future waste management facilities should take place.

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<sup>5</sup> WSA – Para 3.10

## The WLP Review Process

- 2.18 Reviewing an adopted plan is a lengthy, technical process which will take a number of years. This document is the first written consultation provided to the general public following a Stakeholder Event held on 23 August 2017. This event focused on the vision and objectives for the Waste Local Plan and the objectives for the Sustainability Appraisal of the WLP review.
- 2.19 Following the eight-week consultation period, all responses will be reviewed and where possible incorporated into a draft WLP for publication in 2018. Additionally, a site selection process may be undertaken, which may incorporate a 'call for sites' exercise, if a need for sites is identified. The draft WLP will include policies based on the responses to this initial consultation document and the site selection process (if required). It is intended that the draft WLP will be published for consultation for at least 6 weeks in Autumn 2019.
- 2.20 Following the feedback from the draft consultation, the WLP will be reviewed with the aim of submission for independent examination in late 2020 and adoption as county council policy in 2021. The timeline of the Waste Local Plan review process is shown in Table 1.

<b>Table 1- Waste Local Plan Timetable</b>		
	2017	Evidence Gathering
Winter	2018	Initial Consultation
		Call for Sites (if required)
Autumn	2019	Draft Plan
Winter	2020	Submission to Secretary of State
Autumn	2021	Adoption of Minerals Local Plan

### **3 Chapter 3: Waste Management Principles**

#### **The Need to Plan for Waste**

- 3.1 Waste is produced by everybody in everyday life across the entire county. This includes individuals, households, businesses and organisations.
- 3.2 Waste management refers to the activities required to manage waste from its generation to its final disposal. Historically, this involved the collection of waste and its subsequent transportation for disposal at landfill sites.
- 3.3 Nowadays, greater focus is placed on the environmental impacts of waste generation and the importance of using resources efficiently. This has had an impact on waste management which has undergone significant changes. It has evolved to become a wide-ranging, high-tech industry encompassing numerous innovations. Aspects include opportunities for residents to separate waste prior to kerbside collections, efficient transportation of materials, use of advanced mechanical recycling facilities and even use of waste as a renewable energy source.
- 3.4 The substantial generation of waste and the increased focus on the importance of its management means that an appropriate network of waste management facilities should be planned for.

#### **Local Authority Responsibilities**

- 3.5 The local authorities in Hertfordshire have different responsibilities related to the management of waste.
- 3.6 The 10 district and borough councils have responsibility as Waste Collection Authorities (WCAs). They are obliged to implement waste collection services for households and as part of these services, must facilitate the separation of recyclable materials prior to collection.
- 3.7 Hertfordshire County Council is the Waste Disposal Authority (WDA). It has responsibility to operate a series of Household Waste Recycling Centres (HWRCs) of which there are 17 located around the county. The HWRCs offer residents another option to separate and dispose of their household waste.
- 3.8 The WDA has a further responsibility to dispose of the waste collected by the WCAs during kerbside collections and by itself at the HWRCs. This includes arranging contracts with commercial waste operators for the transfer and treatment of different elements of the waste stream.

- 3.9 The WCAs and the WDA work together as the Hertfordshire Waste Partnership to coordinate household waste management services in the county.
- 3.10 Responsibility for the management of waste produced by businesses does not fall to local authorities. Private companies collect, transfer and manage this waste stream. Waste produced by businesses varies in physical nature and includes materials which are similar to household wastes as well as materials which many people would not automatically consider as waste. The waste stream can be broken down into a wide range of materials including packaging, construction material, electrical and electronic equipment, vehicles, soils and stones, and hazardous and radioactive material.
- 3.11 As mentioned in the previous chapter, the county council is the Waste Planning Authority (WPA) for Hertfordshire which is a separate role to that of the WDA. As WPA, the county council must prepare a Waste Plan to manage waste arisings in the county for all waste streams, not just the streams which the WCAs and WDAs are responsible for.

### **European Waste Framework Directive**

- 3.12 As a member of the European Union, the legislative framework for the UK waste management industry is derived from the Waste Framework Directive (WFD). The directive requires all EU member states to take the necessary measures to ensure waste is managed without endangering human health or causing harm to the environment.
- 3.13 Following the decision to leave the European Union, the Government have proposed to copy all existing European legislation into UK law so the legal requirements of the UK with regards to waste management will retain their current form.
- 3.14 There are a number of key principles in UK law that derive from the WFD and are relevant to waste planning. They are briefly discussed in the following sections.

### **Proximity Principle**

- 3.15 The Proximity Principle highlights a need to treat and/or dispose of waste as close to where it arises as practicable. This aims to minimise the environmental impact and cost of the transportation of waste.
- 3.16 This principle is established in waste planning by the aim of WPAs to achieve net self-sufficiency. This means that individual authorities should plan to provide sufficient waste management capacity to manage a quantity of waste

equivalent to their own arisings. This does not prevent the inter-authority transportation of waste and improves the likelihood that the wider region will be able to manage its own waste without having to transport material further afield.

### **The Waste Hierarchy**

- 3.17 The key requirement of the WFD is that EU member states apply a priority order to the management of waste. This order is known as the Waste Hierarchy and consists of the following management options:

#### Reduction:

- 3.18 The highest priority is to avoid the generation of waste in the first place. This will reduce the environmental and economic impacts associated with the extraction of natural resources as well as the treatment and disposal of waste materials generated.
- 3.19 For this to occur, individuals, businesses and organisations need to become more aware of the issues related to waste generation so that the long term consumption of materials becomes more efficient as *wasteful* behaviours are reduced. Improving the *waste awareness* of residents and businesses is one of the objectives of the Hertfordshire Waste Partnership.
- 3.20 Waste prevention is achieved through an accumulation of individual activities. For example, construction companies could avoid over-ordering materials for construction projects and individuals could avoid buying more food than they will eat. Both these actions would reduce the amount material which will require disposal when it is not used.

#### Re-use:

- 3.21 If it is impossible to prevent the generation of waste, re-use is a simple alternative principle whereby the life of a product is prolonged before it is disposed of. By using a product more than once, or more than it used to be used, the need to manufacture new products is reduced and the amount of material thrown away will decrease.
- 3.22 A commonly known example is the implementation of the 5p plastic bag charge in shops which has prompted the use of 'bags for life' instead of single-use plastic bags. This is a behavioural change which has been successfully implemented and could be attempted for numerous other products and materials.

#### Recycling:

- 3.23 Similar, but not as preferable as re-use, is the recycling of materials. Recycling requires products that have reached the end of their useful life to be processed into a new product, rather than being re-used in their original form.
- 3.24 For example, paper products have long been processed into a pulp which can be cleaned and dried to be made into new paper products. Many materials can undergo processes to be used as an ingredient in new products. This helps to avoid the disposal of materials and replaces the need to acquire new primary resources for production.

#### Recovery:

- 3.25 If waste materials cannot be re-used or recycled, it may be possible to recover energy from the material so that the need to burn fossil fuels for the generation of heat and electricity is reduced.

#### Disposal:

- 3.26 The Waste Hierarchy recognises that some types of waste, such as hazardous chemicals or asbestos, cannot be safely recycled and direct treatment or disposal is the most appropriate management option.

#### **Circular Economy**

- 3.27 The overarching aim of 'moving waste up the Waste Hierarchy' is the development of a circular economy. A circular economy seeks maximum resource efficiency and aims to keep products, components, and materials at their highest value at all times. As a replacement for the historic 'linear economy', which *takes, makes and disposes*, a circular economy uses products for as long as possible, before utilising their materials in the generation of new products to reduce the need to use new natural resources. Only when no further benefit can be recovered from a resource should it be disposed of.
- 3.28 The Waste Local Plan will help fulfil the long term aim of achieving a circular economy by identifying the need for waste management facilities to manage waste in line with the priorities set by the EU Waste Framework Directive.

## **4 Chapter 4: Challenges Planning for Waste in Hertfordshire**

### **Waste in Hertfordshire**

- 4.1 Different waste arisings are managed in a number of ways and it is the county council's responsibility, as WPA, to plan for the provision of sufficient waste facilities to manage them all.
- 4.2 The WPA must plan for significant amounts of waste from residents, from businesses and from construction amongst other sources. As a densely populated county and with a strong economy that prospers, in part, due to the proximity of London, Hertfordshire produces a significant amount of waste.
- 4.3 In addition to planning for Hertfordshire's own waste arisings, the county council receives waste from adjoining authorities and others further afield, adding to the complexity of managing waste in the county. Hertfordshire's location in the East of England and close proximity to London means that cross-boundary transportation of waste is common, which places greater pressures on our waste management facilities. However, the county is also reliant upon neighbouring authorities and exports waste out of county for management.
- 4.4 The management and movement of waste is undertaken by private companies and is based on commercial reasons out of control of the WPA. The amount of waste arisings that need to be managed and planned for within the Waste Local Plan (WLP) is therefore calculated as being the equivalent of waste arisings in Hertfordshire. By achieving this, the WPA would reduce the need for waste to be transported out of county, without actively limiting its transportation by private companies.

### **Changes to the waste picture in Hertfordshire**

- 4.5 Since the adoption of the current WLP, there have been a number of changes to the overall picture for waste within the county. New waste facilities have added to the capacity to manage certain waste streams and some facilities have closed down.
- 4.6 As the economy has recovered out of recession, the government has promoted a growth agenda which is being implemented through the district and borough Local Plans in Hertfordshire. An increase in development means there is an increase in waste production from construction projects and during the subsequent occupation of new developments.

- 4.7 There are also a number of other changes to the spatial portrait of Hertfordshire which have occurred since the adoption of the WLP which must be taken into account when planning for waste.

Population:

- 4.8 The population of Hertfordshire was estimated to be at 1,176,700 in mid-2016. With no dominant city, Hertfordshire is instead characterised by a network of urban areas and its density of 7.16 people per hectare makes it one of Britain's most densely populated counties<sup>6</sup>.

- 4.9 The population of Hertfordshire is projected to increase by 276,400 (23.93%) over the 25 year period from 2014 to 2039<sup>7</sup>, with populations for each individual district sharing the increase. This means that significant quantities of waste are produced in multiple locations rather than just one or two key areas.

Housing:

- 4.10 Since 2011, there has been a significant increase in housing numbers within the county. Figures have risen from 462,168<sup>8</sup> in 2011 to 482,980<sup>9</sup> in 2017, making an increase of 20,812.
- 4.11 The 10 district and borough councils plan for housing within their local plans and the majority are in the process of updating their adopted plans. In total, the district and borough councils are planning for a further 91,000 dwellings by 2031<sup>10</sup>.
- 4.12 The Local Plans will set out the spatial distribution of the housing required to meet the projected population numbers and this will need to be factored into the emerging WLP when planning for the waste facilities required to manage projected waste arisings within the county.

Economic Growth:

- 4.13 Hertfordshire's close proximity to London, strong communication links, highly skilled workforce and good quality of life have attracted a wide range of businesses to the county.

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<sup>6</sup> ONS, Mid-Year population estimates 2016

<sup>7</sup> ONS, 2014 based sub national population projections

<sup>8</sup> Quality of life in Hertfordshire 2010 report

<sup>9</sup> Official figures supplied by the Valuation Office Agency on 26 July 2017

<sup>10</sup> Taken from a combination of adopted and emerging Local Plans



- 4.14 At 78.6%<sup>11</sup>, Hertfordshire has an employment rate which is greater than that of the East of England (77.6%) and UK (74.9%) for the 12 months up to May 2016<sup>12</sup>.
- 4.15 Hertfordshire's Local Enterprise Partnership (LEP), is a business-led partnership between local businesses, academia, voluntary organisations and local government. The LEP secured a Growth Deal of £221.5 million from the Government, which will be used to provide and support infrastructure, business and skills in Hertfordshire.
- 4.16 The focus of the growth deal (which covers the period of 2015/16-2020/21) provides a series of priorities which include enhancements to housing, employment, transport connectivity and creation of jobs to support the core sector.
- 4.17 The LEP identified three main Growth Areas which surround the main transport routes. These are the M1/M25 Growth Area, A1 (M) Growth Area and the M11/A10 Growth Area<sup>13</sup>. The railway corridors and road networks in each Growth Area are the focal points to providing economic corridors between London, Hertfordshire and the North.
- 4.18 Waste arisings are expected to increase as a result of the anticipated economic growth.

### **Overview**

- 4.19 When updating the WLP, the county council must take into account the changes to the waste picture in Hertfordshire that have occurred since the adoption of the WLP. Projected increases in population, housing, and the identified major growth locations must be incorporated to provide a network of waste facilities sufficient to manage the inevitable increase in waste arisings and work towards achieving net self-sufficiency with regards to the county's waste management.

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<sup>11</sup> Hertfordshire Local Information System, Quality of Life Report 2017

<sup>12</sup> ONS 2017, Summary of Labour Statistics

<sup>13</sup> Hertfordshire's Strategic Economic Plan, Hertfordshire Local Enterprise Partnership, March 2014

## 5 Chapter 5: Vision

Issues 1-2:

Which aspects of national policy and Hertfordshire County Council priorities does the Vision cover adequately?

Are there any other aspects that the Vision should cover?

### **The Need for a Vision**

- 5.1 National policy requires the county council, as Waste Planning Authority (WPA) for Hertfordshire, to include a vision in the Waste Local Plan (WLP).
- 5.2 The vision, alongside a corresponding set of objectives, will set out the overall approach to waste planning in the county. The vision should cover social, economic and environmental factors. The vision and objectives will be reflected throughout the entire local plan, from which the need for sites/areas and policies to assess applications against will follow.
- 5.3 The existing WLP (2011-2016) includes a vision statement that will need to be reviewed and must comply with national policy and the corporate vision and priorities of Hertfordshire County Council.

### **National Policy and Guidance**

- 5.4 National policy refers to planning positively within a local plan, towards a shared vision for future development. The vision should set out a locally-specific strategy for the area which positively and proactively encourages sustainable economic growth, creating a shared vision with communities of the residential environment and facilities they wish to see.
- 5.5 The vision should set out the character of the county and be clear, concise, realistic, measurable and achievable across the period of the plan whilst providing topics that can be easily translated into policy and deliverable outcomes.

### **Hertfordshire County Council Corporate Vision and Priorities**

- 5.6 The Corporate Plan 2017 - 2021 for Hertfordshire contains high level policy setting out how the council will deliver its aim for Hertfordshire to be “the County of Opportunity”. At the top level of this aim is the county council’s vision:

*“We want to continue to be a county where people have the opportunity to live healthy, fulfilling lives in thriving, prosperous communities.”*

5.7 The county council has set out four key priorities that describe the vision in greater detail and, if met, collectively ensure that the vision is achieved. The priorities are to give the people of Hertfordshire:

- an opportunity to thrive,
- an opportunity to prosper,
- an opportunity to be happy and safe, and
- an opportunity to take part.

5.8 To deliver its services and overall vision, the county council recognises that it will need to work with partners from the public sector, business, voluntary and community groups to demonstrate five identified values and behaviours. The work of all partners must demonstrate that we are:

- citizen focussed,
- acting with integrity,
- getting things right,
- continuing to innovate, and that
- every penny counts.

5.9 The vision included in the review of the WLP must reflect the corporate vision and instil the priorities, values and behaviours identified in the corporate plan.

### **The WLP Draft Vision**

5.10 Following the WLP stakeholder event on 23 August 2017, at which Hertfordshire County Council officers presented a preliminary draft vision to obtain initial feedback from attendees, a new vision has been developed for consultation as part of this publication.

5.11 The county council seeks the views of consultees on the aspects of national and Hertfordshire County Council policy that the vision covers adequately and whether there are any other aspects not listed that the vision should cover.

5.12 The vision is shown below:

## Draft Vision

Through engagement with the community, and working in partnership with other waste and planning authorities, Hertfordshire will be waste aware and achieve net self-sufficiency by 2031, towards accomplishing zero waste.

Hertfordshire County Council will ensure the implementation of the Waste Hierarchy, promoting waste reduction, reuse and recycling, therefore minimising waste needing final disposal as part of the 'circular economy'.

The Plan will work to resolve the county's capacity gap, and will cooperate with relevant authorities, including London, to manage waste movements, both into and out of the county.

There will be a flexible and supportive plan based approach towards waste management facilities, embracing modern technologies that reduce carbon emissions. Sustainable development will be achieved through the consideration of sustainable transport links, protection of the County's wildlife habitats, and natural, built and historic environments. Through this a healthy community environment in Hertfordshire will be maintained.

DRAFT

Issue 1:

Which aspects of national policy and Hertfordshire County Council priorities does the Vision cover adequately?

Options:

(Select all that apply)

- Planning positively
- Driving towards sustainable development and economic growth
- Locally distinctive to Hertfordshire
- Provides a vision for what the county will be like in 20 years?
- Based on current trends and trajectories
- Clear
- Concise
- Realistic
- Measurable
- Provide points that can be translated into policy
- Shared vision for future development
- Meets the needs of the communities
- Protects against the sterilisation of minerals
- Citizen focussed
- Acting with integrity
- Getting things right
- Innovative
- Every penny counts
- Any other comments

Issue 2:

Are there any other aspects that the Vision should cover?

Options:

- a. Yes
- b. No, please explain
- c. Any other comments

## 6 Chapter 6: Objectives

Issues 3-4:

Would meeting all of the draft objectives ensure that the vision presented in Chapter 5 is achieved?

Has the county council developed the correct set of objectives?

### The Need for Objectives

- 6.1 To achieve the vision of the Waste Local Plan (WLP), a series of objectives must be put in place.
- 6.2 The objectives are vitally important as they will be the guiding principles in the development of robust and comprehensive policies that set out the quality of waste development expected for the county.
- 6.3 Together, the vision and objectives set out the overall approach to waste planning in Hertfordshire by providing a foundation to the WLP from which the need for sites/areas and policies to assess applications against will follow.

### National Policy and Guidance

- 6.4 National policy is less prescriptive for the requirements of Local Plan objectives than it is for the contents of a vision, merely stating that the policies contained in the Local Plan should be based on a series of stated objectives for the future of the area.
- 6.5 National guidance provides a range of characteristics that Local Plan objectives must meet. These are to:
  - Be of a typical number (10-20)
  - Be manageable to guide key areas of the plan development
  - Be clear and realistic
  - Be locally distinctive and spatial in terms of the wider planning framework
  - Identify how national policy influences priorities and objectives
  - Include wider corporate priorities and planning objectives of neighbouring areas
  - Link with objectives in the Sustainability Appraisal<sup>14</sup> scoping report.

<sup>14</sup> Local Plans must be assessed against a Sustainability Appraisal. This is discussed in more detail in Chapter 12.

6.6 In accordance with this guidance and feedback from the Stakeholder Event held prior to the publication of this consultation document, the following list of objectives has been developed for the WLP review in line with the WLP draft vision and the Corporate Plan 2017-2021 for Hertfordshire:

Draft Objectives:

- Obj 1 Promote the provision of well-designed and efficient facilities, that drive waste management practices up the Waste Hierarchy, and which reduce residual waste disposal;
- Obj 2 Promote the location of well-situated waste facilities to ensure minimal harm to human health, and the protection of Hertfordshire's wildlife habitats, and natural, built and historic environments;
- Obj 3 Encourage the location of waste facilities as close as practicable to the origin of waste;
- Obj 4 Encourage the increased and efficient use of recycled waste materials in Hertfordshire (for example as aggregate) in line with the Waste Hierarchy and the Hertfordshire Waste Partnership;
- Obj 5 Support sustainable low-emissions modes of transport, and reduce the dependency on road transport, through the promotion of navigable water and rail as the principal means of waste transportation;
- Obj 6 Support the prevention and minimisation of waste generation in line with the Waste Hierarchy, and where waste cannot be avoided, maximise the recovery value from waste;
- Obj 7 Cooperate with all partners in the county to encourage integrated county wide waste planning, aligning with other local plans;
- Obj 8 Recognise the importance of the waste sector in the local economy as a generator of employment and its provision of infrastructure which supports businesses and communities;
- Obj 9 Work with all relevant waste authorities to manage the equivalent of the county's own waste arisings; and
- Obj 10 Support the provision of waste facilities that demonstrate the ability to mitigate negative contributions towards, and the resilience to adapt to the potential impacts of climate change.

Issue 3:

Would meeting all of the draft objectives ensure that the vision presented in Chapter 5 is achieved?

Options:

- a. Yes
- b. No, please explain
- c. Any other comments

Issue 4:

Has the county council developed the correct set of objectives?

- a. Yes
- b. No, please explain
- c. Any other comments



## 7 Chapter 7: Plan Approach & Plan Length

### Related Objectives:

- Obj 7 Cooperate with all partners in the county to encourage integrated county wide waste planning, aligning with other local plans; and
- Obj 9 Work with all relevant waste authorities to manage the equivalent of the county's own waste arisings.

### Issues 5-6:

Do you agree with the county council's intention to prepare a single Waste Local Plan document?

How long should the duration of the Waste Local Plan be?

### Approach to developing the Waste Local Plan

- 7.1 The review of the Waste Local Plan (WLP) will need to include a strategic element for waste planning in Hertfordshire, development management policies by which waste planning applications will be judged and a policies map.
- 7.2 The format of the document could follow that of the existing document or the currently recommended way of plan-making.

### Previous approach to producing the Waste Local Plan

- 7.3 The current adopted WLP is comprised of two documents. The Waste Core Strategy and Development Management Policies document (WCS&DM) (adopted November 2012) sets out the strategic, spatial element of the WLP and contains development management policies against which planning applications for waste management in the county can be assessed. The Waste Site Allocation document (WSA) (adopted July 2014) identifies sites and Employment Land Areas of Search (ELAS) required to meet the need for additional waste management capacity in the county. In addition, the Employment Land Areas of Search Supplementary Planning Document (2015) (ELAS SPD) was produced to accompany the WLP by providing further guidance into the suitability of waste-related development on the ELAS identified within the WSA.

- 7.4 Whilst it is called a 'Waste Local Plan', the approach taken in its preparation followed the previous national guidance which was known as a 'Waste Development Framework'. The system at the time recommended having more than one document. This has since being updated.

### **Single Local Plan Approach**

- 7.5 Each part of a Local Plan which contains planning policy must go through an examination with a Planning Inspector. This can result in there being more than one examination, with subsequent documents having to conform with the original strategy, which may have been examined some time beforehand.
- 7.6 National policy now recommends the preparation of a single Local Plan document. Whilst additional Local Plan documents can be produced, for example a separate site allocations document or Area Action Plan, government policy states that there should be a clear justification for doing so.
- 7.7 By producing one single Local Plan, the council would include the strategy, policies and policies map in one document. This does have advantages including the ease of understanding by the reader and determination of applications by the decision maker with all the information in the one place.
- 7.8 It is proposed that the emerging Local Plan will be prepared as a single Waste Local Plan document.

Issue 5:

Do you agree with the county council's intention to prepare a single Waste Local Plan document?

Options:

- a. Yes
- b. No, if so please specify
- c. Any other comments

### **Why a Plan Length Needs Defining**

- 7.9 The county council should plan for net self-sufficiency in terms of waste management, thereby managing the equivalent of the county's own waste arisings throughout the duration of the WLP. To achieve this, the length of the plan needs to be defined.

- 7.10 The existing WLP covers a 15 year period 2011-2026 and current national policy states that new plans should be drawn up over an appropriate time scale, preferably covering a 15 year period taking account of longer term requirements.
- 7.11 A 15 year plan length will ensure that a suitably long term view is taken account of within the WLP in line with national policy.
- 7.12 As Waste Planning Authority (WPA) for Hertfordshire, the county council can develop an alternative length of plan if it is appropriate for the local area. This allows the county council to take account of the changing waste management contracts in place for LACW and market requirements for the management of the other waste streams and assess whether this affects how waste management facilities should be planned for.

### **Potential Range of Plan Length**

- 7.13 With national policy advising local plans to take account of longer term requirements, the WLP should be no shorter than the duration of 15 years. The option exists that the length of the plan be longer. The following sections show there are two clear options for setting the length of the WLP.

### **15 Year Plan**

- 7.14 National policy states that new plans should preferably cover a 15 year period.
- 7.15 The background evidence that supports the WLP is an analysis of the waste management capacity in the county<sup>15</sup>. This gives information in respect of the existing capacity to manage all waste streams in the county and highlights the need for any new capacity required in the future.
- 7.16 The data that is collected comes from different sources, some of which are more reliable than others. The turnover of waste facilities can happen rapidly with the closure of sites. Therefore obtaining up to date data is a constant monitoring task for the county council.
- 7.17 Predicting the waste capacity requirements over a 15 year period can be a challenge with much uncertainty assigned to the prediction of future arisings. Many aspects of the waste predictions are based on housing growth which is being planned for by district and borough Local Plans up to 2031. The difficulty predicting future demand beyond planned growth up to 2031 leads

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<sup>15</sup> A Draft Capacity Gap Report has been published alongside this document and will be discussed in more detail in Chapter 8.

the county council to suggest that the WLP should cover a maximum of 15 years to match the emerging district and borough Local Plans.

### **An Alternative Time Frame**

- 7.18 As it can be assumed that the WLP should be no shorter than the preferred duration of 15 years, the county council could consider a longer period than that suggested by national policy.
- 7.19 Any alternative time frame would have to be justified. This would need to rely on a clear capacity gap analysis and proposed calculation of predicting further into the future what the waste management facility requirement would be.

Issue 6:

How long should the duration of the Waste Local Plan be?

Options:

- a. 15 years
- b. A longer time frame, if so please specify
- c. Any other comments

## 8 Chapter 8: Waste Data & Capacity Gap

### Related Objectives:

- Obj 1 Promote the provision of well-designed and efficient facilities, that drive waste management practices up the Waste Hierarchy, and which reduce residual waste disposal;
- Obj 4 Encourage the increased and efficient use of recycled waste materials in Hertfordshire (for example as aggregate) in line with the Waste Hierarchy and the Hertfordshire Waste Partnership;
- Obj 6 Support the prevention and minimisation of waste generation in line with the Waste Hierarchy, and where waste cannot be avoided, maximise the recovery value from waste;
- Obj 7 Cooperate with all partners in the county to encourage integrated county wide waste planning, aligning with other local plans;
- Obj 9 Work with all relevant waste authorities to manage the equivalent of the county's own waste arisings; and
- Obj 10 Support the provision of waste facilities that demonstrate the ability to mitigate negative contributions towards, and the resilience to adapt concerning the potential impacts of climate change.

### Issues 7-17:

Do you agree with the county council's intention to use figures from the HCC LACW Spatial Strategy as the basis for future Local Authority Collected Waste arisings in the county?

Which recycling and composting scenario do you think is the most appropriate for the Capacity Gap Report to use to forecast future Local Authority Collected Waste arisings in the county?

Do you agree with the county council's intention to use figures from the Waste Data Interrogator to determine Commercial and Industrial waste arisings in the county?

Which growth scenario do you think is the most appropriate for the Capacity Gap Report to use to forecast future Commercial and Industrial waste arisings in the county?

Do you agree with the county council's intention to use a target to recycle and compost 60% of Commercial and Industrial waste?

Do you agree with the county council's intention to use figures from the Waste Data Interrogator to determine Construction, Demolition and Excavation waste arisings in the county?

Which growth scenario do you think is the most appropriate for the Capacity Gap Report to use to forecast future Construction, Demolition and Excavation waste arisings in the county?

Do you agree with the county council's intention to use a target to recover 70% of Construction, Demolition and Excavation waste by 2020 and to divert 90% of Construction, Demolition and Excavation waste from landfill by 2031?

Do you agree with the county council's intention to use figures from the Hazardous Waste Data Interrogator to determine hazardous waste arisings in the county?

Which growth scenario do you think is the most appropriate for the Capacity Gap Report to use to forecast future hazardous waste arisings in the county?

Do you agree with the county council's intention to use a site-by-site analysis of existing waste sites, utilising all available data, to determine the overall waste capacity of Hertfordshire?

### **Net Self-Sufficiency**

- 8.1 The county council should plan for Hertfordshire to achieve net self-sufficiency with regards to waste management. This requires the provision of enough waste facilities to manage the equivalent quantity of waste that is produced in the county.
- 8.2 Waste does not always remain within the authority or region where it arises. The level of inter-authority transport can be significant and can change from year to year based on the development of new sites, changes to collection services or commercial decision-making. Significant quantities of waste are exported to Hertfordshire from adjoining authorities, including London.
- 8.3 The authorities in the East of England all agreed to plan for net self-sufficiency and London is using the current review of the London Plan to achieve this aim. Net self-sufficiency should allow the region as a whole to manage its own waste whilst allowing the cross-boundary transportation of waste for management. The cross-boundary movements complicate the picture of

waste arisings but do not affect the quantity of waste that Hertfordshire should plan for in the emerging WLP.

- 8.4 The county council must quantify the current and future waste arisings of the key waste streams in Hertfordshire and compare them against the capacity of existing waste management facilities.
- 8.5 The three main waste types that require analysis during Plan production are:
- Non-Hazardous Waste
  - Construction, Demolition and Excavation Waste
  - Hazardous Waste.
- 8.6 The identification of sufficient management capacity, or a lack thereof, will justify the allocation or exclusion of potential waste sites in the emerging WLP and will help to shape policies which will be used to determine individual planning applications throughout the Plan period.
- 8.7 There are inherent uncertainties associated with waste data which add complexity to this task. Historically, quality of waste data has been poor due to inconsistent data gathering, incomplete coverage of studies and varied interpretations of waste definitions. Data is often incomplete and the confidence in figures varies by waste stream and location.
- 8.8 Using the best possible available waste data, there is a need to plan for future waste management and a key element of the analysis of capacity requirement is the identification of a quantified capacity gap.

#### **Draft Capacity Gap Report - East of England Methodology**

- 8.9 Hertfordshire County Council is a member of the East of England Waste Technical Advisory Board (EoE WTAB) with the 10 other WPAs in the East of England. To achieve a simplified and more consistent approach to waste planning in the region, the WPAs in the EoE WTAB agreed a joint methodology to calculate waste arisings, capacities and movements.
- 8.10 Based on this methodology, the county council has produced a Draft Capacity Gap Report (CGR) to be read alongside this Initial Consultation document. The CGR can be found at: <http://hertsc-consult.objective.co.uk/portal>. The document aims to minimise uncertainty of the calculations used to identify Hertfordshire's potential waste capacity gaps. The CGR describes the assumptions that have been included in the waste calculations and provides two scenarios of growth for each waste stream to cover the expected Plan period from 2016 to 2031.

- 8.11 The remainder of this chapter offers a chance for the county council to seek the views of consultees on the assumptions used and the growth scenarios to be used in the final CGR.
- 8.12 The county council will take account of consultee responses and update the CGR to guide the contents of subsequent consultation documents during Plan production.

### **Non-Hazardous Waste**

- 8.13 Non-hazardous waste is made up of two main waste streams: Local Authority Collected Waste (LACW) and Commercial and Industrial Waste (C&I). The two streams can closely resemble each other physically and often require very similar processing. However, because they originate from different sources, they are subject to different levels of recording and the certainty in the data available for each waste stream varies significantly.

#### Local Authority Collected Waste:

- 8.14 Local Authority Collected Waste (LACW) is defined as the waste collected by local authorities. The majority is generated by households and is either collected by Waste Collection Authorities (WCAs) during kerbside collections or at Household Waste Recycling Centres (HWRCs). An element of Commercial and Industrial (C&I) Waste is also collected. Records of LACW are considered reliable due to the systematic processes of measuring waste collected by the WCAs.
- 8.15 The county council is the Waste Disposal Authority (WDA) for Hertfordshire and a member of the Hertfordshire Waste Partnership with the county's 10 WCAs. The WCAs and WDA have to plan their future services and as part of this responsibility, Hertfordshire County Council updated the HCC LACW Spatial Strategy in October 2016. It included projections of LACW waste arisings up to the year 2031, covering the expected period of the emerging WLP.
- 8.16 The Spatial Strategy's overall waste forecasts were based on projections of housing growth for each district within the county, totalling a 15% increase in population by 2031. The growth percentages were applied to the entire LACW stream with two scenarios subsequently introduced. The first scenario assumes the county achieves a target to recycle or compost 65% of LACW by 2031, the second scenario assumes a rate of 60% by 2031. Taking this into account, the residual fraction of waste in each scenario was projected to fall in a linear fashion from the recorded 2015 figure. The quantities of recycled and composted waste maintained an exact ratio with one another whilst increasing to balance the fall in residual waste production.



- 8.17 Due to the reliable LACW data, the county council included the figures from the LACW Spatial Strategy in the CGR and did not consider it necessary to include an additional scenario for total LACW arisings.

Issue 7:

Do you agree with the county council's intention to use figures from the HCC Local Authority Collected Waste Spatial Strategy as the basis for future LACW arisings in the county?

Options:

- a. Yes
- b. No, please provide an alternative option and reasoning
- c. Any other comments

Issue 8:

Which recycling and composting scenario do you think is the most appropriate for the Capacity Gap Report to use to forecast future Local Authority Collected Waste arisings in the county?

Options:

- a. 65% recycling and composting by 2031
- b. 60% recycling and composting by 2031
- c. Another scenario, please provide an alternative option and reasoning
- d. Any other comments

Commercial and Industrial Waste:

- 8.18 Commercial and Industrial (C&I) waste is produced by commercial businesses and industries. It is collected and managed by private waste companies. Individual companies will have records of the waste they collect. Data for the arisings of this waste stream are not collated and remain unavailable to the WPA.

- 8.19 There are two alternative sources of data which the CGR could use as a basis for historical arisings: the Waste Data Interrogator (WDI) or survey data.
- 8.20 The WDI is published annually by the Environment Agency and compiles information from individual waste transfer notes which registered waste carriers must complete when transporting waste under the Duty of Care system. Information for LACW and C&I waste is combined as Household, Industrial and Commercial waste (HIC) in the WDI which means that the C&I portion must be calculated by subtracting the LACW from the total HIC tonnage.
- 8.21 The alternative option is to use survey data. The most recent national survey was commissioned by Defra and undertaken in 2009. The survey produced data for the East of England region rather than individual WPAs and the division of regional data into local authority data adds further inaccuracy to the already outdated survey.
- 8.22 Although the C&I waste survey figures and projections were included in the Draft East of England Plan published in 2010, the CGR uses WDI figures for historical C&I waste arisings because the WDI figures are considered more reliable and up to date.

Issue 9:

Do you agree with the county council's intention to use figures from the Waste Data Interrogator to determine Commercial and Industrial waste arisings in the county?

Options:

- a. Yes
- b. No, please provide an alternative option and reasoning
- c. Any other comments

- 8.23 The CGR contains two options for forecasting future arisings of C&I waste, both of which are calculated using the East of England Forecast Model (EEFM). The EEFM is an economic forecasting tool maintained by Cambridge Econometrics which was last updated in August 2016. It provides projections of growth for a range of sectors, giving outputs related to land use, employment rates and overall economic performance.

- 8.24 A Low Growth scenario is presented in the CGR using forecast trends of employment levels for a range of industry sectors as a proxy for the development of waste arisings for different elements of the C&I waste stream. These trends were applied to the recorded 2015 C&I arisings derived from the WDI and extrapolated to 2031.
- 8.25 A High Growth scenario is presented using the forecast changes to Gross Value Added (GVA) from the EEFM. GVA is a representation of the income of business on a regional scale. Using GVA as a basis for future C&I waste arisings would assume that waste arisings are still directly correlated to overall economy activity.

Issue 10:

Which growth scenario do you think is the most appropriate for the Capacity Gap Report to use to forecast future Commercial and Industrial waste arisings in the county?

Options:

- a. Low Growth - the EEFM forecasts of employment levels for individual sectors
- b. High Growth - the EEFM forecast of GVA
- c. Another scenario, please provide an alternative option and reasoning
- d. Any other comments

- 8.26 To forecast the residual portion of the C&I waste stream, the CGR includes a target to achieve 60% treatment for C&I waste by 2031. The Draft Revision of the East of England Spatial Strategy (2010) stated that C&I targets should be comparable to those for LACW. The adopted Hertfordshire WLP contains a target that is 5% less than that for LACW allowing for the fact that LACW undergoes stringent separation prior to collection which C&I waste management is unlikely to match. The targets for LACW recycling and composting included in the HCC LACW Spatial Strategy have been applied to C&I waste with this 5% reduction for each year up to 2031.

Issue 11:

Do you agree with the county council's intention to use a target to recycle and compost 60% of Commercial and Industrial waste?

Options:

- a. Yes
- b. No, please provide an alternative option and reasoning
- c. Any other comments

### **Construction, Demolition and Excavation Waste**

- 8.27 Data for Construction, Demolition and Excavation (CD&E) waste is not extensive and is considered unreliable. CD&E waste is often treated under environmental permit exemptions, re-used on site or used in engineering works as a secondary element of a non-waste development (for example when re-profiling land). For these reasons, it often does not get recorded.
- 8.28 There are two main sources of data which the CGR could use as a basis for historical arisings: The Waste Data Interrogator (WDI) or survey data.
- 8.29 The WDI compiles Inert/Construction and Demolition waste which is considered a reasonable representation of CD&E waste. Most waste sites are permitted by way of an Environmental Permit, by the Environment Agency and the WDI reports the material managed through permitted facilities. It does not include waste managed at facilities that are exempt from Environment Agency permits. The figure is a representation of CD&E waste *managed* rather than *arisings* but there are limited alternatives to determine the historical arisings.
- 8.30 The main alternative is to use the national surveys of CD&E waste carried out by central Government most recently in 2005. These surveys are over 10 years old and have been acknowledged to contain a very high margin of error.
- 8.31 The CGR uses WDI figures to determine historical CD&E waste arisings. Waste managed at transfer stations is omitted from the WDI figures to prevent unnecessary double counting of the waste (ie. where waste is treated at more than one site).

Issue 12:

Do you agree with the county council's intention to use figures from the Waste Data Interrogator to determine Construction Demolition and Excavation waste arisings in the county?

Options:

- a. Yes
- b. No, please provide an alternative option and reasoning
- c. Any other comments

- 8.32 The CGR presents two options for the future arisings of CD&E waste.
- 8.33 National planning guidance states that due to the uncertainties with CD&E waste data, WPAs should start from the basis that net arisings of CD&E waste will remain constant. Therefore, as a Low Growth scenario, the CGR forecasts that CD&E arisings will remain at the same level as the 2015 figure outputted by the WDI.
- 8.34 As a High Growth scenario, a similar methodology to that presented for the High Growth scenario for C&I waste is presented whereby the quantity of CD&E waste matches the change in GVA forecast by the EEFM. This scenario assumes that levels of construction will increase as the economy grows, and waste from construction and demolition will increase as a result.

Issue 13:

Which growth scenario do you think is the most appropriate for the Capacity Gap Report to use to forecast future Construction Demolition and Excavation waste arisings in the county?

Options:

- a. Low Growth – maintain the 2015 arising figure
- b. High Growth – the EEFM forecast of GVA
- c. Another scenario, please provide an alternative option and reasoning
- d. Any other comments

- 8.35 The CGR contains targets to recover 70% of CD&E waste by 2020 and divert 90% of CD&E waste from landfill by 2031. The targets are derived from the Waste Management Plan for England and the Draft Revision of the East of England Regional Spatial Strategy 2010 respectively. The targets allow the CGR to differentiate between the capacities required for the recovery and disposal of the waste stream.

Issue 14:

Do you agree with the county council's intention to use a target to recover 70% of Construction, Demolition and Excavation waste by 2020 and to divert 90% of Construction Demolition and Excavation waste from landfill by 2031?

Options:

- a. Yes
- b. No, please provide an alternative option and reasoning
- c. Any other comments

### **Hazardous Waste**

- 8.36 The Environment Agency monitors hazardous waste management stringently due to the known potential harm to human health and the environment. Hazardous waste management is well recorded and data is considered robust. The EA publishes information about hazardous waste annually in the Hazardous Waste Data Interrogator (HWDI) which is released alongside the WDI.

Issue 15:

Do you agree with the county council's intention to use figures from the Hazardous Waste Data Interrogator to determine hazardous waste arisings in the county?

Options:

- a. Yes
- b. No, please provide an alternative option and reasoning
- c. Any other comments

- 8.37 The CGR presents two options for the future arisings of radioactive waste.
- 8.38 A Low Growth scenario is presented assuming that waste arisings will remain at the same level as the 2015 figure outputted by the HWDI.
- 8.39 National planning guidance states that WPAs should plan for future hazardous waste arisings based on extrapolated time series data. Therefore, as a High Growth scenario, the CGR presents future hazardous waste arisings based on a continuation of the recent trend of arisings from historical HWDI records.

Issue 16:

Which growth scenario do you think is the most appropriate for the Capacity Gap Report to use to forecast future hazardous waste arisings in the county?

Options:

- a. Low Growth – maintain the 2015 arising figure
- b. High Growth – extrapolating the recent trend of arisings
- c. Another scenario, please provide an alternative option and reasoning
- d. Any other comments

### **Waste Management Capacity**

- 8.40 Waste facilities frequently do not run at full capacity and facilities may even be constructed at a capacity less than that specified in planning permission or in an environmental permit. The capacity of a facility may also be affected by operational or management practises that do not require changes in planning permission or permit.
- 8.41 Whilst the theoretical capacity of an individual site may be known, the maximum quantity of waste that a facility will manage may not be. This adds further uncertainty when attempting to calculate the capacity of the waste management industry at the county-scale.
- 8.42 The CGR uses a methodology that looks at each waste site individually in order to gain a realistic capacity based on all the available information including historical WDI responses, replies to the WPA's annual waste surveys, planning permissions and environmental permit data. This was considered an appropriate way of preventing unrealistic capacity from being included in the calculations.

Issue 17:

Do you agree with the county council's intention to use a site-by-site analysis of existing waste sites, utilising all available data, to determine the overall waste capacity of Hertfordshire?

Options:

- a. Yes
- b. No, please provide an alternative option and reasoning
- c. Any other comments

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## 9 Chapter 9: Waste Sites & Areas

### Related Objectives:

- Obj 1 Promote the provision of well-designed and efficient facilities, that drive waste management practices up the Waste Hierarchy, and which reduce residual waste disposal;
- Obj 2 Promote the location of well-situated waste facilities to ensure minimal harm to human health, and the protection of Hertfordshire's wildlife habitats, and natural, built and historic environments;
- Obj 3 Encourage the development/location of waste facilities as close as practicable to the origin of waste;
- Obj 5 Support sustainable low-emissions modes of transport, and reduce the dependency on road transport, through the promotion of navigable water and rail as the principal means of waste transportation;
- Obj 7 Cooperate with all partners in the county to encourage integrated county wide waste planning, aligning with other local plans; and
- Obj 9 Work with all relevant waste authorities to manage the equivalent of the county's own waste arisings.
- Obj 10 Support the provision of waste facilities that demonstrate the ability to mitigate negative contributions towards, and the resilience to adapt concerning the potential impacts of climate change.

### Issue 18-21:

Should the Waste Local Plan identify Allocated Sites?

Should the Waste Local Plan identify Areas of Search?

Should the Waste Local Plan continue to identify Employment Land Areas of Search to help guide future waste management?

Should the County Council use criteria-based policies in the Waste Local Plan to determine whether a site is suitable for waste development?

## **The Existing Approach to Identifying Sites and/or Areas**

- 9.1 The adopted Waste Local Plan (WLP) identifies Allocated Sites, Areas of Search and Employment Land Areas of Search (ELAS). These are shown in the Waste Site Allocations document (adopted July 2014) and further information on the ELAS is given within the ELAS Supplementary Planning Document (adopted November 2015).
- 9.2 The purpose of identifying sites and areas was to find suitable locations to accommodate facilities for sustainable waste management to meet the identified requirements for management capacity during the Plan period. The selection of these locations was based on a process of site assessment.
- 9.3 From this process, eight Allocated Sites, five Areas of Search and 60 ELAS were identified. A combination of sites and areas would ensure flexibility for operators to develop sufficient facilities in appropriate locations; not all of them would be needed.
- 9.4 Five existing strategic sites were also identified due to their importance to the current and future waste management of local authority collected waste in the county.

## **National Policy Requirements**

- 9.5 Since the adoption of the WLP, national policy requirements for waste planning have changed, including changes to the requirements for the allocation of sites and areas.
- 9.6 In October 2014, the National Planning Policy for Waste (NPPW) was introduced. The NPPW sets out detailed waste planning policies which all local planning authorities should have regard to. It is intended to be read in conjunction with the National Planning Policy Framework (NPPF), the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste, or any successor documents.
- 9.7 In relation to identifying sites and areas in Local Plans, the NPPW states that WPAs should prepare Local Plans which identify sufficient opportunities to meet the identified needs of their area for the management of waste streams. In preparing their plans, and should:
- Identify sites and/or areas for new or enhanced waste management facilities in appropriate locations,
  - Consider a broad range of locations including industrial sites,

- Give priority to the re-use of previously-developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages<sup>16</sup>

9.8 The county council must determine how to fulfil the requirement of national policy to identify sufficient opportunities to meet the waste needs of Hertfordshire. This could involve the identification of locations for future waste development or the strengthening of criteria-based policies which individual planning applications would be determined against in any location across the county. A range of options exist for the type of location to be identified and included in the WLP. The county council seeks the views of consultees on the use of these options in the remainder of this chapter.

### **Allocated Sites**

9.9 Allocated Sites were considered to be the most suitable locations to manage the county's existing and future waste arising during the period of the adopted WLP. The county council has found through its monitoring responsibilities, as reported within its Authority Monitoring Reports, that the identified Allocated Sites have not been chosen by developers to deliver waste management facilities. Instead, the general criteria based policy has been used to determine applications on land outside of Allocated Sites and ELAS.

9.10 The county council must determine whether to identify Allocated Sites within the emerging WLP as the most suitable locations to manage the county's waste arisings during the Plan period.

Issue 18:

Should the Waste Local Plan identify Allocated Sites?

Options:

- a. Yes
- b. No, please explain
- c. Any other comments

### **Areas of Search**

9.11 Areas of Search offer broader guidance than the Allocated Sites for the location of future waste management capacity. They are based on distances

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<sup>16</sup> NPPW – Paragraph 4

from the major population centres within the county and attempt to guide waste development to the locations where the majority of waste arises.

- 9.12 The Areas of Search can be used for specific waste streams or for specific facility types for the transfer or treatment of waste.
- 9.13 The county must determine whether to identify Areas of Search to help guide waste management for certain towards the areas of greatest population within the county to minimise the mileage that waste will be transported for management once it has been generated.

Issue 19:

Should the Waste Local Plan identify Areas of Search?

Options:

- a. Yes
- b. No, please explain
- c. Any other comments

### **Employment Land Areas of Search (ELAS)**

- 9.14 National policy provides support for the use of sites identified for employment uses for waste management<sup>17</sup>. ELAS were identified in the adopted WLP to guide future waste development and to provide a mechanism whereby a variety of waste management uses could come forward for development.
- 9.15 The ELAS are based on Employment Areas identified in district and borough Local Plans. They predominantly contain land designated for general industry (B2) and storage and distribution (B8) uses. These land uses are considered compatible with waste management. The ELAS offer flexibility to support different waste management facility types and sizes, based on the variety and compatible nature of the Employment Areas.
- 9.16 Since the adoption of the WLP, changes have been made to the planning system which the county council must take account of when determining how to guide the location of future waste development.
- 9.17 The General Permitted Development Order 2015 allows for the conversion of certain types of employment land into residential use without the need to

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<sup>17</sup> NPPW – Para 4

apply for planning permission. These 'Permitted Development Rights' allow development to occur which could make ELAS less appropriate for waste development than when the WLP was adopted.

- 9.18 A number of conversions from office and business space to residential space have been carried out under Permitted Development Rights. Eight out of the 60 ELAS have seen office-to-residential conversions take place. This includes 14 completed conversions and current approval for a further 13 conversions.
- 9.19 Additionally, the county council needs to take into consideration that many of the emerging district and borough Local Plans will contain revisions to existing, or new Employment Areas.
- 9.20 The combination of Permitted Development Right conversions and the potential for re-allocation of land use in the emerging district and borough Local Plans mean that many of the existing ELAS may not remain suitable as a location for future waste development during the Plan period.
- 9.21 The county council must determine whether to identify ELAS to help guide development of different waste facility types and sizes towards areas that are compatible with waste management.

Issue 20:

Should the Waste Local Plan continue to identify Employment Land Areas of Search to help guide future waste management?

- a. Yes
- b. No, please explain
- c. Any other comments

- 9.22 Responses to this consultation will inform how best to plan for the provision of waste capacity taking into account the findings of the final Capacity Gap Report (as discussed in Chapter 8).
- 9.23 Should sites and/or areas be required in the WLP, a methodology will need to be developed to identify the most appropriate locations in the county. This may also require a Call for Sites exercise where landowners and waste operators are asked to put forward land which they would like to be included in the WLP.

- 9.24 Once potential sites and/or areas have been assessed through a site selection process, consideration will be given as to whether each of them should be identified as an Allocated Site or Area of Search. This will depend on the level of information and known degree of deliverability of the area/sites in question, as indicated by national planning guidance.

**Criteria-Based Policies**

- 9.25 An alternative or additional way to identify locations for waste management would be to strengthen the criteria based policies, against which individual applications for waste development will be determined.
- 9.26 The county council must determine whether strengthening the criteria-based policies in the emerging WLP could be used as an alternative to identifying locations for waste management or whether criteria-based policies should continue to be used in combination with identified locations.

Issue 21:

Should the County Council use criteria-based policies in the Waste Local Plan to determine whether a site is suitable for waste development?

- a. Yes, instead of identifying sites and/or areas
- b. Yes, in combination with identified sites and/or areas
- c. No,
- d. Any other comments

## 10 Chapter 10: Safeguarding

### Related Objectives:

- Obj 1 Promote the provision of well-designed and efficient facilities, that drive waste management practices up the Waste Hierarchy, and which reduce residual waste disposal;
- Obj 2 Promote the location of well-situated waste facilities to ensure minimal harm to human health, and the protection of Hertfordshire's wildlife habitats, and natural, built and historic environments;
- Obj 7 Cooperate with all partners in the county to encourage integrated county wide waste planning, aligning with other local plans;
- Obj 8 Recognise the importance of the waste sector in the local economy as a generator of employment and its provision of infrastructure which supports businesses and communities; and
- Obj 9 Work with all relevant waste authorities to manage the equivalent of the county's own waste arisings.

### Issues 22-23:

What sites should be safeguarded in the Waste Local Plan?

Should the Waste Local Plan include consultation areas around safeguarded waste sites?

### The Existing Approach to Safeguarding Waste Sites

- 10.1 The adopted Waste Local Plan (WLP) includes a policy on the safeguarding of sites. The policy safeguards sites where waste management facilities existed at the time of the WLP's adoption, where unimplemented planning permission existed for waste facilities, and where new facilities have been permitted since the adoption of the WLP.
- 10.2 The reason for safeguarding waste sites is to reduce the need for new sites to ensure that there is a strategic network of waste management provision within the county. The policy states that the county council as Waste Planning Authority (WPA) will oppose development proposals that would significantly

impact on the waste facilities operating under planning permission unless alternatives can be provided, or there is no longer any need for those facilities.

### **National Policy Requirements**

- 10.3 The NPPF states the Local Planning Authorities should include strategic policies in their Local Plans to deliver the provision of waste management. The quality and capacity of waste infrastructure is mentioned within national policy as something that Local Planning Authorities should be working with other authorities and providers to assess.
- 10.4 In identifying sufficient opportunities to meet the identified needs of their area for the management of waste streams, the NPPW states that WPAs should work collaboratively and through the statutory Duty to Cooperate to provide a suitable network of facilities to deliver sustainable waste management<sup>18</sup>. In addition they need to consider the extent to which the capacity of existing operational facilities would satisfy the identified need when determining proposals for new or enhanced waste facilities.
- 10.5 The capacity of existing waste sites is monitored in the Authority's Monitoring Report on an annual basis. Waste sites can close quickly, either being located elsewhere or where businesses are no longer deemed to be viable. It is important that sites are not lost to other forms of development and are assessed on a frequent basis.
- 10.6 Other developments can impact upon the operation of existing waste facilities. This is particularly important to consider as the government's growth agenda is promoting a significant increase in house building, some of which may be proposed near to waste facilities. The NPPW recognises the positive contribution that waste management can make to the development of sustainable communities.
- 10.7 The NPPW seeks to ensure that the impact of non-waste related development on existing waste management facilities and on sites and areas allocated for waste management is acceptable and does not interfere with the efficient operation of waste facilities. It also states the need to ensure the design and layout of new residential and commercial development complements sustainable waste management<sup>19</sup>.
- 10.8 The county council must determine the best approach to safeguard sites in the WLP to support the provision of a strategic network of waste management.

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<sup>18</sup> NPPW – Paragraph 3

<sup>19</sup> NPPW – Paragraph 1



### **Existing Approach**

- 10.9 The count council could continue to implement a similar policy to the existing WLP whereby all operational and permitted waste sites are safeguarded. This would help to ensure that no waste management facilities are lost to other forms of development unnecessarily, and would seek to reduce the need for new sites to provide a strategic network of waste management across the county. With this option, the WLP would continue to safeguard all waste sites, including those that gain permission after the adoption of the WLP. These would be recorded annually in the Authority's Monitoring Report.

### **Safeguard with Exceptions**

- 10.10 The locations and facility-types of existing waste sites were approved in line with the planning policies adopted at the time of each individual application. It is possible that because of changing circumstances in the county since permission was granted, or because of changes to policy and regulations, that not all existing operational waste facilities remain appropriate or in suitable locations.
- 10.11 Some waste sites may have a temporary planning permission and were not envisaged for long-term use. There are also waste sites that were never granted planning permission but have obtained Lawful Development Certificates to permit their ongoing operation due to the established nature of the land use.
- 10.12 If the emerging WLP does continue to safeguard waste sites, the policy could exclude certain waste sites from safeguarding. The exact exceptions would need to be confirmed at a later stage of Plan-production but could include sites with temporary permission, sites without formal planning permission and/or sites for waste streams which the county has sufficient capacity to manage the county's arisings.

### **Safeguard Strategic Sites**

- 10.13 The WLP could be more specific about the waste sites it safeguards, and only safeguard the sites considered to be of strategic importance. This would require a clear definition for what constitutes 'strategic' and this definition could be based on a number of elements.
- 10.14 'Strategic' could refer to the size of a facility, for example facilities with an ability to manage a particular quantity of material each year. It could be based on the waste stream that a facility manages, for example a facility contributing to a shortfall of management capacity. Alternatively, a definition could be

based on the location of a facility (how close it is to the waste arisings) or a combination of a number of elements.

- 10.15 This would ensure that a more targeted approach to safeguarding was implemented in the WLP. The policy would focus on the key facilities in the county, without which the delivery of a strategic network of waste management facilities would not be possible.

### **No Safeguarding**

- 10.16 A final option would be for the WLP not to safeguard waste sites. This option would follow the assumption that industry is willing to replace a waste site with another land use because it doesn't consider the existing site as necessary or the most viable use of the land.

Issue 22:

What sites should be safeguarded in the Waste Local Plan?

Options:

- a. All waste sites, continuing the approach of the adopted safeguarding policy,
- b. All waste sites with certain exceptions, , please give details of potential exceptions,
- c. Strategic waste sites, please give details of what should be considered a strategic waste site,
- e. No waste sites,
- f. Any other comments

### **Consultation Areas**

- 10.17 If the WLP does contain a safeguarding policy, a series of waste consultation areas could also be included to offer additional protection to the waste sites included in the safeguarding policy.
- 10.18 As well as protecting waste sites directly from non-waste development at the same site, consultation areas would promote consultation between the district/borough councils and the county council, as WPA, for nearby non-waste developments that could indirectly impact the existing operational waste use. This could be where a proposed land-use is incompatible with the

established waste use and could prevent the continued use of land for waste management. The size of consultation areas would need to be determined at a later stage of Plan production. The size of the consultation area could depend on the type, size or location of the waste facility.

Issue 23:

Should the Waste Local Plan include consultation areas around safeguarded waste sites?

Options:

- a. Yes,
- b. No,
- c. Any other comments

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## 11 Chapter 11: Policies Used to Determine Applications

Related Objectives:

Objs 1-10

Issues 24-27:

Does the list of strategic policy headings cover all the topics that should be included in the Waste Local Plan?

Does the list of development management policy headings cover all the topics that should be included in the Waste Local Plan?

Are the policy headings in Table 2 sufficient to meet any gaps in the policy areas identified?

Referring back to Chapter 5: Objectives, does the draft list of policy headings meet the objectives which will be included in the Waste Local Plan?

### Strategic Policies

- 11.1 The Waste Local Plan (WLP) will contain a collection of strategic policies to aid the delivery or overall strategy of the plan, as defined by the vision and objectives. These policies cover the types of applications which could be received by the county council with the purpose of these policies to maintain Hertfordshire characteristics whilst balancing the need for local, waste management facilities.
- 11.2 Taking account of the findings of the policy audit in line with national policy and the need to provide a robust foundation to the WLP in order for Hertfordshire to achieve its vision and objectives, the list of strategic policy headings in Table 2 has been developed for review. The objectives (proposed in Chapter 6) that each policy relates to are shown in the right hand column.

<b>Table 2 – Strategic Policy Headings</b>	
<b>Proposed Policy Heading</b>	<b>Objectives Linked to</b>
Policy 1: Strategy for the Provision of Waste Management Facilities	1, 2, 3, 7, 8, 9
Policy 1A: Presumption in Favour of Sustainable Development	1, 2, 3, 5, 8, 10
Policy 2: Waste Prevention and Reduction	1, 4, 6, 7, 9
Policy 9: Sustainable Transport	3, 5, 10

Issue 24:

Does the list of strategic policy headings cover all the topics that should be included in the Waste Local Plan?

Options:

- a. Yes
- b. The list is too extensive and could be streamlined
- c. No - The list misses certain topics relevant to Hertfordshire – please specify
- d. Any other comments

### **Development Management Policies**

- 11.3 Development management policies are included in the WLP to provide a framework that ensures waste facilities in Hertfordshire are delivered in an environmentally acceptable way.
- 11.4 These policies, along with the strategic policies, will be taken into account by county council planning officers when determining planning applications and will promote the planning system's presumption in favour of sustainable development. They will maintain a balance between the need for local, waste management facilities with the associated impacts on a wide spectrum of environment matters affecting people, the natural environment, transport and climate change.

### **People**

- 11.5 Waste Management facilities can cause a number of general amenity issues, such as higher noise levels, dust and diminished air quality to local residents

and can have unavoidable negative impacts to heritage sites with archaeological interest.

- 11.6 The WLP will support applications looking to mitigate these impacts through the use of modern, efficient techniques, for example with quieter machinery and well-designed acoustic plans or management practices to reduce the amounts of dust being released into the air or onto nearby roads.
- 11.7 The WLP will require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation prior to granting planning permission to the relevant authority.

### **Natural Environment**

- 11.8 The natural environment may be the recipient of harm from waste management facilities with a wide range of potential impacts to biodiversity, landscape, watercourses and soils.
- 11.9 Planning applications will be assessed to ensure that any permitted operations will not be susceptible to flooding and will not increase the risk of flooding. The WLP will require that individual site specific Flood Risk Assessments are submitted for all proposals with an Environmental Statement which assesses significant adverse impacts on water quality and a river management plan, should the proposal affect a relevant water body. Sustainable Drainage Plans must also be produced for the approval of new drainage systems in new developments or redevelopments.
- 11.10 The WLP will ensure proposals consider the habitat and species that may be affected within the planned area of development and should contribute to the natural and local environment by minimising the impact on biodiversity and providing net gains where possible.
- 11.11 The WLP will contain a criteria-based approach against which proposals for developments on or affecting protected wildlife, geodiversity sites or protected landscapes will be judged. Plans should highlight the importance of valued landscapes and the special characteristics of protected landscapes including Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest, Ancient Woodlands and National Parks.

### **Transport**

- 11.12 The WLP will encourage proposals to consider sustainable transportation of waste in order to reduce the impacts of transport on local infrastructure and climate change.

## Climate Change

- 11.13 The WLP will encourage a low carbon future by enforcing all proposals to demonstrate how effective measures to minimise and be resilient to the future impacts of climate change have been incorporated into the design and location of developments.
- 11.14 This will ensure that developments will not promote climate change through their operations and also that the developments will not be susceptible to the environmental alterations that climate change may cause.
- 11.15 Measures could include, but are not be limited to, renewable energy, minimising greenhouse gas emissions, on-site water efficiency, reducing flood risks, restoration of site and after-uses and secondary aggregates.

## Policy Headings

- 11.16 Based on the requirements of national policy to cover the issues described above, the list in Table 3 of development management policies to be included in the WLP has been developed for review with the objectives that each policy relates to shown in the right hand column.

<b>Table 3 - Development Management Policy Headings</b>	
<b>Proposed Policy Heading</b>	<b>Objectives Linked to</b>
Policy 3: Energy and Heat Recovery	1, 6
Policy 4: Landfill and Landraise	1, 2
Policy 5: Safeguarding of Sites	7, 8
Policy 6: Green Belt	2,
Policy 7: General criteria for assessing planning applications outside of identified locations	1, 2, 3, 9
Policy 8: Waste Parks/Combined Facilities	1, 2, 5, 9
Policy 9: Sustainable Transport	2, 5
Policy 10: Climate Change	1, 4, 6, 10
Policy 11: General criteria for assessing Waste Planning Applications	1, 2, 3, 9, 10
Policy 12: Sustainable Design, Construction and Demolition	1, 2, 3, 4, 5, 6, 8, 10
Policy 13: Road Transport and Traffic	2, 3, 5
Policy 14: Buffer Zones	2
Policy 15: Rights of Way	2

Policy 16: Soil, Air and Water	2
Policy 17: Protection of Sites of International and National Importance	2
Policy 18: Protection of Regional and Local Designated sites and areas	2, 7
Policy 19: Protection and mitigation	2, 7, 10
Policy 20: Monitoring and enforcement	7

Issue 25:

Does the list of development management policy headings cover all the topics that should be included in the Waste Local Plan?

Options:

- a. Yes
- b. The list is too extensive and could be streamlined
- c. No - The list misses certain topics relevant to Hertfordshire – please specify
- d. Any other comments

### **Policies Review**

- 11.17 The WLP will contain a collection of policies to ensure that the requirements of national policy, the vision and objectives of the WLP, and thereby the higher-level corporate vision for Hertfordshire County Council, are met whilst providing planning officers with a framework against which they can assess submitted planning applications.
- 11.18 An audit of the policies contained in the existing WLP recognised that a number of current policies would require moderate rewording and that brand new policy topics were required in a couple of instances for the WLP to be considered fully up to date and compliant with national policy.
- 11.19 A brief overview of the required amendments and additions to the existing WLP's policy from the audit is provided in Table 4:



<b>Table 4 – Required Amendments to Existing Policy</b>	
<b>Amendment</b>	<b>Details</b>
Waste Consultation Areas	It is difficult to find suitable sites for waste management facilities so once they have been developed, it is important to safeguard them and ensure that non-waste development doesn't have an impact on their operation. All planning authorities should bear this in mind. In order to implement this, a new policy is proposed to trigger consultation with the county council for new built development in areas near to existing waste facilities.
Landfill exploitation	Traditional forms of waste disposal meant that all waste was mixed together and deposited in a hole in the ground. This practice of 'landfill' is now seen as a last resort for waste management. The disposal of waste in this way may mean that there are valuable resources in old landfill sites in the county. There may need to be a policy to deal with any proposals which may come forward.
Secondary and Recycled Aggregate facilities/sites	The production of secondary and recycled aggregate involves the processing of construction, demolition and excavation waste into a useable product. This has implications for both the minerals and waste planning functions of the county council. In order to further encourage the reuse of inert material as a resource, a policy may be needed to deal with any proposals which may come forward.
Golf courses, leisure facilities and inert waste recovery	Hertfordshire has received a number of planning applications for the development of golf courses and other outdoor leisure activities. These often include the importation of a significant amount of inert waste material for landscaping and engineering works. A policy may be needed to deal with future proposals which may come forward.
Land remediation	Inert waste operations could be used for the remediation of areas of derelict land (including poorly restored mineral sites). It may be beneficial to include a policy to promote this activity.
Capacity Requirement	The adopted MLP lays out the identified capacity and capacity gaps of the county's waste management facilities. It could be

	beneficial to include a policy to promote the development of waste sites to meet shortfalls in capacity for specific waste streams.
Enclosed and open facilities	Most modern waste facilities can be enclosed within a building. The exceptions to this are composting sites which are in the open. Similar issues would need to be taken into account for either open or enclosed facilities; however, it may be necessary to develop specific policies to further guide waste management facilities.
Extension of Time	The county council has received a number of planning applications for the extension of time of existing waste operations. A policy may be required to deal with any proposals that come forward for extensions rather than new facilities.

11.20 At this stage of the WLP review process, the county council does not need to finalise the content and wording of policies and wishes to confirm the topic headings for policy areas to ensure that it includes all the issues relevant to Hertfordshire in the subsequent stages of consultation prior to the adoption of the new local plan.

Issue 26:

Are the policy headings in Table 2 sufficient to meet any gaps in the policy areas identified?

Options:

- a. Yes
- b. The list is too extensive and could be streamlined
- c. The list misses certain topics relevant to Hertfordshire
- d. Any other comments

### **Waste Site Allocations Policy**

11.21 As part of the review, the county council will review the need for adopted policy WSA 2: Applications for Waste Management Development on Allocated Sites and Employment Land Areas of Search. The need will be determined

based on the identification of sites and/or areas taking account of the responses to the issues in Chapter 9: Waste Sites and Areas.

### **Objectives**

- 11.22 The policies of the WLP should be guided by the overall approach to waste planning set out by the vision and objectives of the Plan. The policies should ensure that the objectives of the Plan are met which should ensure that the vision of the Plan is achieved.

Issue 27:

Referring back to Chapter 5: Objectives, does the draft list of policy headings meet the objectives which will be included in the Waste Local Plan?

Options:

- a. Yes
- b. No
- c. Any other comments

## 12 Chapter 12: Sustainability Appraisal

Related Objectives:

Objs 1-10

Issue 28:

Are the Objectives of the Sustainability Appraisal appropriate as a framework to determine the sustainability of the Waste Local Plan?

### **Sustainability Appraisal**

- 12.1 Under national policy, it is mandatory for a Waste Local Plan (WLP) to undergo a Sustainability Appraisal to systematically appraise the social, environmental and economic effects of the plan. The Sustainability Appraisal ensures that decisions are made that accord with the planning system's presumption in favour of sustainable development.
- 12.2 At this early stage of the plan preparation process, the county council must determine the objectives of the Sustainability Appraisal that the WLP will be subject to throughout the preparation process.
- 12.3 The objectives form a key component of the Sustainability Appraisal as they set out the framework that the effects of proposed options, policies and sites will be assessed against during each stage of the preparation of the WLP.

### **Land Use Consultants – Sustainability Appraisal Scoping Document**

- 12.4 Land Use Consultants (LUC), an external consultancy firm, has been instructed to undertake the Sustainability Appraisal for the WLP review on behalf of the county council.
- 12.5 Following feedback at a Stakeholder Event on 23 August 2017, LUC developed the Sustainability Appraisal of the Hertfordshire Waste Local Plan Scoping Report (2017) which has been published as a supporting document for the Initial Consultation.
- 12.6 The report contains baseline information specific to Hertfordshire and the objectives of the Sustainability Appraisal that are proposed for the Plan-appraisal process. The objectives are presented as a series of headline

objectives covering particular themes with sub-objectives providing further detail on each issue.

- 12.7 As part of this consultation, the report has been provided to the three statutory consultees, Natural England, Historic England and the Environment Agency, to seek their views in relation to the scope and level of detail to be included in the Sustainability Appraisal.
- 12.8 In order to receive a wider collection of representations than those from the statutory consultees, the proposed headline objectives are included below for readers to provide feedback regarding the proposed focus of the appraisal.

### Draft Sustainability Appraisal Objectives

#### Economy and Employment

1. Support, maintain or enhance the development of the economy

#### Communities

2. Protect and improve the health of the people of Hertfordshire
3. Reduce the incidence of crime and anti-social behaviour associated with waste

#### Transport

4. Reduce road traffic, congestion and pollution, and promote sustainable modes of transport and efficient movement patterns in the County

#### Resource Consumption and Climate change

5. Move treatment of waste up the Waste Hierarchy
6. Reduce Hertfordshire's contribution to climate change through appropriate mitigation measures
7. Promote effective restoration and appropriate after use of sites

#### Historic Environment

8. Protect and enhance the historic environment

#### Natural Environment

9. Restore, enhance and expand county biodiversity and geodiversity
10. Protect, enhance and restore the landscapes and townscapes of Hertfordshire, including its rural areas and open spaces
11. Protect and enhance the quality and quantity of watercourses and water bodies, and maximise the efficient use of water
12. Reduce the vulnerability of Hertfordshire to the effects of climate change including risk of flooding
13. Minimise noise, light, and air pollution
14. Protect and enhance soil and mineral resources

Issue 28:

Are the Objectives of the Sustainability Appraisal appropriate as a framework to determine the sustainability of the Waste Local Plan?

Options:

- a. Yes
- b. No
- c. Any other comments

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## 13 Chapter 13: Summary

13.1 Responses can be submitted either through the council's **online consultation portal (Objective)** or by sending completed response forms, available from the consultation portal, to us either by email or letter.

13.2 A full list of options for response submission:

Online Consultation Portal: <http://hertsc-consult.objective.co.uk/portal>

Email response forms: [waste.planning@hertfordshire.gov.uk](mailto:waste.planning@hertfordshire.gov.uk)

Address for printed forms: Minerals and Waste Policy Team, Spatial Planning and Economy, CHN 216, Hertfordshire County Council, County Hall, Pegs Lane, Hertford, SG13 8DN.

Phone no. for queries: 0300 123 4040

13.3 This initial consultation paper is being published for consultation for an eight-week period starting at **9am on 5 February 2018** and ending at **5pm on 30 March 2018**. Please ensure that your responses reach us by the closing date.

## Appendix 2

# Hertfordshire County Council: Minerals and Waste Local Plan Production Timetable 2016

Document	2016												2017												2018												2019												2020											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Minerals and Waste Development Scheme								1	1	2	2																																																	
Minerals Local Plan review including Policies Map	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	2	2	2	2	3	3	3	3	3	3	4	4	4	4	5	5	6	6	6	7	7	7	8	8	8	9	9																	
Waste Core Strategy and Development Management Policies Document										1	1										1	1									1	1																												
Waste Site Allocations Document including Policies Map										1	1										1	1									1	1																												
Employment Land Areas of Search SPD (Waste)										1	1										1	1									1	1																												
Waste Local Plan review including Policies Map										1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	2	2	2	3	3	3	3	3	3	4	4	4	4	5	5								
Authority's Monitoring Report								1	1	1	2							1	1	1	2					1	1	1	2							1	1	1	2							1	1	1	2											
Local Aggregates Assessment								1	1	1	2							1	1	1	2					1	1	1	2							1	1	1	2							1	1	1	2											
Cabinet Panel Meetings (date reference where known)	2	8	10	30				2	7	1	29	*	*				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*										
Cabinet Meetings (date reference where known)	22	14	20	11				9	20	13	10	*	*				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*									
County Council Meetings (date reference where known)	23	22	17	19				15	21	21	18	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*							

Key	Document Preparation	Submission	Examination	Finalisation and Adoption
<b>Authority's Monitoring Report and Local Aggregates Assessment</b>  1. Preparation 2. Approval  <b>Minerals and Waste Development Scheme</b>  1. Preparation 2. Adoption  <b>Waste Core Strategy and Development Management Policies Document, Waste Site Allocations Document including Policies Map and Employment Land Areas of Search SPD (Waste)</b>  1. Monitoring	<b>Minerals Local Plan Process Stage</b>  1. Evidence Gathering 2. Draft Plan consultation 3. Consider representations and prepare for Proposed Submission Publication 4. Proposed Submission Public Participation 5. Submission 6. Examination 7. Inspector's Report 8. Finalisation 9. Adoption  * Anticipated Cabinet Panel/Cabinet and County Council Meetings for document approval/adoption.	<b>Waste Local Plan Review</b>  1. Evidence Gathering 2. Draft Plan Consultation 3. Consider representations and prepare for Proposed Submission Publication 4. Proposed Submission Public Participation 5. Submission 6. Examination 7. Inspector's Report 8. Finalisation 9. Adoption		

Notes: County Council Elections in 2017 and General Elections 2020



**STEP 1: Responsibility and involvement**

<b>Title of proposal/ project/strategy/ procurement/policy</b>	Review of Waste Local Plan (Waste Core Strategy and Development Management Policies document and Waste Site Allocations document)	<b>Head of Service or Business Manager</b>	J Tiley
<b>Names of those involved in completing the EqIA:</b>	T Carter-Lyons (TCL) E Chapman (EC) D Hodbod (DH) J Greaves (JG)	<b>Lead officer contact details:</b>	T Carter-Lyons 01992 556254 E Chapman
<b>Date completed:</b>	September 2017	<b>Review date:</b>	July 2018

**STEP 2: Objectives of proposal and scope of assessment – what do you want to achieve?**

<b>Proposal objectives:</b> – what you want to achieve – intended outcomes – purpose and need	Fulfil the statutory obligation of the county council to have an adopted Waste Local Plan. The outcome will result in the production of an updated Waste Local Plan. The purpose of which is to ensure that the county has a strategy to facilitate the provision of sites for waste management facilities that will be required to meet Hertfordshire’s needs, to become net self-sufficient in managing waste.
<b>Stakeholders:</b> Who will be affected: the public, partners, staff, service users, local Member etc	Public; All Members; Statutory Bodies; District/Borough Councils Parish Councils; Town Councils; Industry; Community Organisations; Other internal council departments.

**STEP 3: Available data and monitoring information**

<b>Relevant equality information</b> For example: Community profiles / service user demographics, data and monitoring information (local and national), similar or previous EqIAs, complaints, audits or inspections, local	<b>What the data tell us about equalities</b>
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knowledge and consultations.	
Population <sup>1</sup>	1,176,700 in 2016. 28.2% aged 30-49 19.2% aged 0-14 18.5% aged 50-64 17.5% aged 15-29 16.8% aged 65 and over
Age Structure <sup>2</sup>	Most residents in Herts are within the 45-49 year age range (7.4%) closely followed by 50-54 year age range (7.3%) The lowest numbers of residents are 90 years and above (0.9%) Of 0-45 year olds, the age range with the least residents in Herts is 20-24 years.
Gender <sup>3</sup>	49% males 51% females
Ethnicity <sup>4</sup>	In 2011, the proportion of the total population that were in a minority ethnic group (i.e. not White-British) was 19.18%.
Religion <sup>5</sup>	In 2011, 58.25% Christian Second highest proportion was 26.53% no religion
Maternity <sup>6</sup>	In 2016 there were 14,601 live births to mothers in Herts The General Fertility Rate (GFR) for Hertfordshire in 2016 was 64.1 live births per 1,000 women aged 15–44
Marriage <sup>7</sup>	In 2014 there were 4,814 marriages registered in Hertfordshire
Same sex marriages <sup>8</sup>	In 2014 of the total marriages, there were 59 marriages between same sex couples in Hertfordshire
Marital Status <sup>9</sup>	49.87% married 32.48% single

<sup>1</sup> [www.hertslis.org](http://www.hertslis.org) & ONS, Census 2011 breakdown

<sup>2</sup> ONS, Census 2011, reported at [www.hertslis.org](http://www.hertslis.org) (mid-2016 estimate)

<sup>3</sup> ONS, Census 2011, reported at [www.hertslis.org](http://www.hertslis.org) (mid-2016 estimate)

<sup>4</sup> [www.hertslis.org](http://www.hertslis.org)

<sup>5</sup> ONS, Census 2011, reported at [www.hertslis.org](http://www.hertslis.org)

<sup>6</sup> ONS Birth Summary Tables 2016

<sup>7</sup> ONS, reported at [www.hertslis.org](http://www.hertslis.org)

<sup>8</sup> ONS, reported at [www.hertslis.org](http://www.hertslis.org)

<sup>9</sup> ONS, Census 2011, reported at [www.hertslis.org](http://www.hertslis.org)

	<p>8.49% divorced or formerly in civil partnership 2.47% separated 0.15% in a registered civil partnership 6.53% widowed or surviving partner from civil partnership 0.15% in civil partnership</p>
<p>Living as a couple<sup>10</sup></p>	<p>60.89% in 2011</p>
<p>Carers<sup>11</sup></p>	<p>9.73% in 2011</p>
<p>Disability<sup>12</sup></p>	<p>14.32% with a long-term illness/disability are limited by activities in 2011 85.68% with a long-term illness/disability are not limited by activities in 2011</p>
<p>Health<sup>13</sup></p>	<p>In 2011, 0.85% of the resident population in Hertfordshire stated their health was 'very bad' 50.90% stated that their health was 'very good'</p>
<p>Household Composition<sup>14</sup></p>	<p>41.77% of households with children 37.23% of households were one family with a couple married or in a registered civil partnership 28.38% were one person households 20.31% were households with only people aged 65 and over 9.88% were one family households with a cohabiting couple 9.75% were one family households with a lone parent</p>
<p>Mosaic Composition<sup>15</sup></p>	<p>In 2016, Prestige Positions was the most prevalent category (18.2%) City Prosperity was the least prevalent category (0.84%)</p>
<p>Language<sup>16</sup></p>	<p>93.94% of usual residents in Hertfordshire speak English as their main language</p> <p>The highest percentage of residents has</p>

<sup>10</sup> ONS, Census 2011, as reported at [www.hertslis.org](http://www.hertslis.org)

<sup>11</sup> [www.hertslis.org](http://www.hertslis.org)

<sup>12</sup> [www.hertslis.org](http://www.hertslis.org)

<sup>13</sup> [www.hertslis.org](http://www.hertslis.org)

<sup>14</sup> ONS, Census 2011, as reported at [www.hertslis.org](http://www.hertslis.org)

<sup>15</sup> [www.hertslis.org](http://www.hertslis.org)

<sup>16</sup> ONS, Census 2011, as reported at [www.hertslis.org](http://www.hertslis.org)



<p>Education<sup>17</sup></p> <p>In addition to the specific information relating to Hertfordshire provided above, there is other information to consider as follows:</p> <ul style="list-style-type: none"> <li>• Previous EqIAs for Waste Local Plan;</li> <li>• Site Monitoring;</li> <li>• Annual Minerals Survey;</li> <li>• Neighbourhood Plans.</li> </ul>	<p>level 4 or more qualifications (32.14%) The lowest percentage is apprenticeship (3.25%).</p> <p>Highlights any known disadvantaged groups; Existing communities surrounding existing waste management sites; Technical and commercially sensitive data relating to the operation of waste sites; Any neighbourhood requirements being planned for.</p>
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**STEP 4: Impact Assessment – Service Users, communities and partners (where relevant)**

Protected characteristic	Potential for differential impact (positive or negative)	What reasonable mitigations can you propose?
<p><b>Age</b></p>	<p><b>Operational</b> The proximity of sites to care homes and schools may give rise to negative impacts, with older people or families with young children potentially more susceptible to site operations. Potential impacts are likely to be noise, air pollution, smell and traffic associated with the management of waste.</p> <p><b>Consultations</b> The older generation may be disadvantaged if the reliance is upon electronic communication. Those relying on buses may be disadvantaged if engagement events are not held in locations accessible by bus. Young people may not be</p>	<p>Conditions can be imposed on waste planning permissions to regulate the operations. Compliance will be maintained by the monitoring of waste management sites. The Waste Planning Authority will continue to provide relevant information electronically and in hard copy. Documents will be on deposit at libraries and district offices for those wishing to view a paper copy near to their home. The council will accept responses to consultations via email, Objective (online consultation portal), letter and consultation response form. Engagement events should be centrally located and held on a bus route where possible. The continued use of electronic communication and Objective may involve the</p>

<sup>17</sup> ONS, Census 2011, as reported at [www.hertslis.org](http://www.hertslis.org)



Protected characteristic	Potential for differential impact (positive or negative)	What reasonable mitigations can you propose?
	engaged in the planning process and therefore disadvantaged.	younger generation.
<b>Disability Including Learning Disability</b>	<p><b>Operational</b> Waste management facilities creating air pollution could impact negatively on those with breathing difficulties. Those with autism or related illnesses could be negatively affected by noise created from waste management operations and increased traffic movements resulting in noise, smell and reduced air quality.</p> <p><b>Consultation</b> Engagement events not in disabled accessible locations could disadvantage this group. Consultation literature not in Braille or large text could disadvantage the visually-impaired.</p>	Conditions can be imposed on waste planning permissions to regulate the operations. Engagement events should be held in venues that are accessible and with suitable facilities for disabled persons. Consultation literature should be issued with text indicating that alternative formats (Braille or large text) can be issued if required. Officers should also ensure that documents are written in plain English for all readers, particularly those with learning disabilities.
<b>Race</b>	People who do not understand English may have difficulty in participating in engagement and consultation events.	Consultation literature should be issued with text indicating that it can be issued in alternative languages if required. Officers should also ensure that documents are written in plain English. The use of an interpreter may be required in exceptional cases, however the language line is available as part of the customer service call centre where a 3-way conversation can be had with a translator.
<b>Gender reassignment</b>	It is not anticipated that the strategy and any potential sites that may be detailed within it will affect people disproportionately because of gender reassignment.	Officers will ensure compliance with equalities legislation throughout consultations and the plan making process. Officers will be available to answer questions and provide guidance relating to the planning process at all times.
<b>Pregnancy and</b>	Pregnant women or those on	Conditions can be imposed on

Protected characteristic	Potential for differential impact (positive or negative)	What reasonable mitigations can you propose?
<b>maternity</b>	maternity/paternity leave who live in close proximity to a waste management site may be more susceptible to health related impacts associated with the site operations such as noise, air pollution, smell and increased traffic movements resulting in noise and reduced air quality	waste planning permissions to regulate the operations. Compliance will be maintained by the monitoring of waste management sites. The Waste Planning Authority will continue to provide relevant information and accept responses to consultations via email, objective, letter and consultation response form.
<b>Religion or belief</b>	Engagement events and consultation periods over religious festivals could disadvantage some people.	The Waste Planning Authority will continue to consult in relation to the statutory regulations and in accordance with the council's adopted Statement of Community Involvement which provides 6 weeks for responses. In addition, the council will engage with other faith forums in Hertfordshire where these respective groups have made themselves known to the council. The council is prepared to extend the deadline for responses at Christmas and Easter and if notified of a clash with another religious festival. It would not otherwise be aware of festival periods for other religions or beliefs. Engagement events should not be held at the same time of day/week.
<b>Sex</b>	<b>Operational</b> 51% of Hertfordshire's population is female and 49% is male. Those who have caring responsibilities may be at home or with others during the day in close proximity to a waste management site and therefore maybe more susceptible to waste management site operations. Although it is not anticipated that the proposals will affect people disproportionately because of their sex.	Conditions can be imposed on waste planning permissions to regulate the operations. Compliance will be maintained by the monitoring of waste management sites.  Engagement events should not be held at the same time of day/week to ensure there is flexibility for everyone to attend.



Protected characteristic	Potential for differential impact (positive or negative)	What reasonable mitigations can you propose?
	<p><b>Consultation</b> Engagement events held at particular times of the day may disadvantage both females and males.</p>	
<b>Sexual orientation</b>	It is not anticipated that the proposals will affect people disproportionately because of their sexual orientation.	Officers will ensure compliance with equalities legislation throughout consultations and the plan making process. Officers will be available to answer questions and provide guidance relating to the planning process at all times.
<b>Marriage &amp; civil partnership</b>	It is not anticipated that the proposals will affect people disproportionately because of marriage or civil partnership.	Officers will ensure compliance with equalities legislation throughout consultations and the plan making process. Officers will be available to answer questions and provide guidance relating to the planning process at all times.
<b>Carers (by association with any of the above)</b>	Engagement events held at particular times of the day may disadvantage carers.	Engagement events should not be held at the same time of day/week to ensure there is flexibility for everyone to attend.
<b>Carers and CARE ACT 2014</b>	From April 2015, carers will be entitled to an assessment of their own needs in the same way as those they care for. If the focus of your EqIA relates to care and support, consider carers' new rights and see the <a href="#">Care Act pages</a> on Compass for more guidance	
	The EqIA does not focus on care and support for people in the community and therefore only the potential impact on carers as above is applicable.	
<b>Opportunity to advance equality of opportunity and/or foster good relations</b>		
<p>Consultations are carried out in line with statutory regulations and additional engagement events are conducted where it is considered necessary. Good relations are maintained by contact with stakeholders at such events and regular updates via correspondence by the policy team and Programme Officer during examination.</p>		

### STEP 4a: Impact Assessment – Staff (where relevant)

Protected characteristic	Potential for differential impact (positive or negative)	What reasonable mitigation can you propose?
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<b>Protected characteristic</b>	<b>Potential for differential impact (positive or negative)</b>	<b>What reasonable mitigation can you propose?</b>
<b>Age</b>	N/A	None required
<b>Disability Including Learning Disability</b>	N/A	None required
<b>Race</b>	N/A	None required
<b>Gender reassignment</b>	N/A	None required
<b>Pregnancy and maternity</b>	N/A	None required
<b>Religion or belief</b>	N/A	None required
<b>Sex</b>	N/A	None required
<b>Sexual orientation</b>	N/A	None required
<b>Marriage &amp; civil partnership</b>	N/A	None required
<b>Carers (by association with any of the above)</b>	N/A	None required
<b>Opportunity to advance equality of opportunity and/or foster good relations</b>		

**STEP 5: Gaps identified**

<p><b>Gaps identified</b> Do you need to collect more data/information or carry out consultation? (A 'How to engage' consultation guide is on <a href="#">Compass</a>). How will you make sure your consultation is accessible to those affected?</p>	<p>The Hertfordshire Picture, Quality of Life report and Community Profiles will be essential in providing data relating to the communities of Hertfordshire. Data for housing profiles in relation to waste management facilities may be required. The Waste Planning Authority needs to be aware of the district growth proposals which may cause disadvantages to new households near to waste management facilities. The Waste Planning Authority will continue to consult in relation to the statutory regulations and in accordance with the council's adopted Statement of Community Involvement. Consultation documents will therefore be available in paper copy, CD, via email, the council's website and the Objective online consultation portal. Consultation documents will be available at all libraries, district offices, parish and town councils and to known community groups and interested individuals. The council will accept responses to consultations via email, Objective, letter and consultation response form.</p>
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**STEP 6: Other impacts**



## STEP 7: Conclusion of your analysis

Select one conclusion of your analysis	Give details
<input type="checkbox"/> <b>No equality impacts identified</b> – No change required to proposal.	
<input type="checkbox"/> <b>Minimal equality impacts identified</b> – Adverse impacts have been identified, but have been objectively justified (provided you do not unlawfully discriminate). – Ensure decision makers consider the cumulative effect of how a number of decisions impact on equality.	
<input type="checkbox"/> <b>Potential equality impacts identified</b> – Take ‘mitigating action’ to remove barriers or better advance equality. – Complete the action plan in the next section.	Potential equality impacts may arise during engagement events and consultations. In addition waste management operations need to consider equality issues through policies and separately through the development management process.  Engagement events and consultation literature needs to be in plain English
<input type="checkbox"/> <b>Major equality impacts identified</b> – Stop and remove the policy – The adverse effects are not justified, cannot be mitigated or show unlawful discrimination. – Ensure decision makers understand the equality impact.	

## STEP 8: Action plan

Issue or opportunity identified relating to:	Action proposed	Officer Responsible and target date
– Mitigation measures – Further research – Consultation proposal – Monitor and review		
Restricted access to consultation documents	Produce consultation documents in a variety of formats – hard copy, CD, on the Objective online consultation portal, council’s website; and electronically for small documents only. Write in plain English. Offer to produce information in other languages to English, and for the partially sighted. Ensure this is written into the communications strategy. Consider extending date for receiving consultation responses near to Christmas and Easter and if notified of a clash with another religious festival.	TCL, EC, DH & JG By 2021

<b>Issue or opportunity identified relating to:</b> <ul style="list-style-type: none"> <li>- Mitigation measures</li> <li>- Further research</li> <li>- Consultation proposal</li> <li>- Monitor and review</li> </ul>	<b>Action proposed</b>	<b>Officer Responsible and target date</b>
Restricted access to stakeholder events	Hold engagement events in a disabled accessible building, centrally located and near a bus route and not always held at the same time on the same day if there is more than one.	TCL, EC, DH & JG By 2021
Policy writing	Consider all protected characteristics and potential impacts when writing waste policies.	TCL, EC, DH & JG By 2021
Potential environmental impacts	Make it clear in the Waste Local Plan that conditions can be imposed on planning permissions to minimise impacts of waste management and its associated transportation on any protected characteristics (for example covering issues such a noise, air pollution, traffic & working/operating hours).	TCL, EC, DH, & JG by 2021 in addition to Development Management Team Members 2021 onwards
Review and monitoring	Review how the protected characteristics are being treated equally at each work phase and after each consultation.	TCL, EC, DH & JG By 2021

**This EqIA has been reviewed and signed off by:**

**Head of Service or Business Manager:**

**Date:**

**HERTFORDSHIRE COUNTY COUNCIL**

**CABINET**

**MONDAY, 13 NOVEMBER 2017 AT 2.00PM**

**COUNTY COUNCIL**

**TUESDAY, 23 NOVEMBER 2017 AT 10.00AM**

Agenda Item

No.

**5**

Agenda Item

No.

**7C**

**HERTFORDSHIRE YOUTH JUSTICE STRATEGIC PLAN 2017 -2018**

Report of the Director of Children's Services

Authors:- Nick Smith Head Of Service Youth Justice (Tel: 01442 388755)  
Jeanette Williams Youth Justice Policy manager (Tel: 01992 556824)

Executive Members:- Teresa Heritage, Children's Services

**1. Purpose of report**

1.1 The purpose of this report is to highlight Herts Youth Justice Performance and key priorities and challenges for 2017-18 and to invite Members to consider whether to approve the Hertfordshire Youth Justice Strategic Plan 2015 -2018, 2017 update.

**2. Summary**

2.1 A Youth Justice Strategic Plan is required under Section 40 the Crime and Disorder Act 1998 ("the Act"). Hertfordshire's Youth Justice Strategic Plan ("the Plan") runs from 2015-18 and is refreshed annually. The areas that need to be covered in the Plan are detailed within the Act and the it requires local approval and submission to the Youth Justice Board who are obliged to publish it as directed by the the relevant Secretary of State.. The refreshed Plan is attached as Appendix A to this report.

2.2 Since 2011 National Outcome measures for Youth Justice are:

- Reductions in the number of young people aged 10-17 who are entering the Youth Justice System (YJS) for the first time (First Time Entrants);
- Reduce young people's reoffending; and
- Reduce the number of young people sentenced to custody.

2.3 Alongside this the following key local priorities were identified, which are set out in the Plan:-

- (i) Reduce disproportionality and ensure that outcomes and the experience of BME young people in the Youth Justice system are proportionate and fair
- (ii) Prevent the criminalisation of Looked After children in the Youth Justice system

- (iii) Ensure young offenders are supported to engage in education, training or employment.
- (iv) Prevention and safeguarding of young people at risk of gang involvement and child sexual exploitation
- (v) Youth Justice quality assurance of assessment, planning and interventions for young people in the Youth Justice System
- (vi) Services to victims and restorative justice opportunities
- (vii) Workforce development to ensure effective and quality youth justice service delivery
- (viii) Service development to improve responses to young people affected by domestic abuse.

2.4 Delivery actions to meet National Indicators and local priorities are detailed in the Service Delivery Plan (See Appendix 1 of the Plan) and monitored through management forums.

2.5 In 2016/17 the service maintained its performance in relation to the Youth Justice national outcome measures for reducing First Time Entrants and achieved improvement in preventing young people reoffending and in reducing the use of custody for Hertfordshire young people Youth Justice Bureau (YJB) National Data Summary April 2016 – March 2017).

2.6 The service continues to ensure core statutory Youth Justice delivery to the Courts, young people, families and victims of youth crime. Development areas for the coming year include improved identification and responses to youth offending involving domestic abuse, and responding to serious cross border gang led offending involving young people.

2.7 There are further challenges for Youth Justice performance and service delivery to maintain national and local funding and partner contributions in kind at a time of budgetary constraints and reorganisation for all services, as well as the impact of staff recruitment and retention issues in Targeted Youth Support Services (TYSS) of qualified and experienced staff to undertake Youth Justice work and to manage complex and high risk young people effectively.

2.8 In accordance with the Council's Constitution, full Council is required to approve the Hertfordshire Youth Justice Strategic Plan as part of its policy framework.

### **3. Recommendation**

3.1 The Children's Services Cabinet Panel considered a report on this item of business at its meeting on 2 November 2017. The Panel recommended to Cabinet:-

*"That Cabinet recommends to Council that Council approves the Hertfordshire Youth Justice Strategic Plan 2015 – 2018, 2017 update, attached as Appendix A to the report."*

3.2 Cabinet's recommendation/s to Council will be circulated in the County Council Order of Business.

## 4. Background

- 4.1 The principle aim of the Youth Justice Service is to prevent offending and re-offending by children and young people who are under 18 years of age. Section 39 (1) and Section 38 (1, 2) of the Crime and Disorder Act 1998 requires that statutory partners, which include the Local Authority, Police, National Probation Service and Health, co-operate to provide multi-agency youth offending services to prevent offending by children and young people.
- 4.2 Overall in 2016/17 there were 2046 offences committed by young people in Hertfordshire resulting in 1035 Court Orders and Youth Conditional Cautions.
- 4.3 There were 314 young people who were First Time Entrants in Hertfordshire between April 2016 and the end of March 2017; this is in line with the last two years where the figure was 316 and 320. Hertfordshire's performance has remained consistent and is better than the national figure. Low levels of First Time Entrants have been achieved since 2009 reflecting the national picture as young people are engaged outside of the formal Youth Justice System wherever possible, through diversion and restorative justice opportunities. Numbers have levelled out and reductions will prove more of a challenge as some young people who have been diverted previously may reoffend more seriously or persistently.
- 4.4 Most recent national reoffending data (Youth Justice Board (YJB) Data Summary April 2016-March 2017) indicates consistent performance for Hertfordshire's young people reoffending after 12 months and better performance than the regional and national rates, although there has been a slight increase in repeat offences and frequency of reoffending, which is also reflected both regionally and nationally. The binary rate for Herts young people reoffending in the cohort measured (July 2014-June 2015) was 32.0% (compared to 35.9 % in the previous year) whilst the regional and national figure were 35.2% and 37.7% respectively.
- 4.5 Reducing young people's reoffending continues to prove a challenge despite greater numbers of young people being diverted away from the criminal justice system for less serious offending. Those young people who do escalate do so invariably with more entrenched offending behaviour, and often have multiple, complex needs. These young people require increased contact levels and specialist input from experienced and trained practitioners to prevent further offending and achieve positive outcomes.
- 4.6 Hertfordshire has achieved consistently low custody rates, although there has been a slight increase in 2016/17 with Hertfordshire performing better than nationally but slightly less well than the region. National data for 2016/17 indicates use of custody rate per 1000 of young people aged 10-17 was 0.27 for Herts compared to 0.37 nationally and 0.20 for the region. Actual numbers of youth custodial sentences imposed in Hertfordshire were 27 in 2016/17, compared to last year's figure of 21, and 31 and 41 in the two years prior to this. Significant reductions in custody rates have been achieved in 2016/17 although percentage improvement remains a challenge year on year, being harder to achieve when overall disposals have reduced.
- 4.7 Performance in relation to ensuring young offenders are engaged in Education, Training and/or Employment has dipped over time and remains a challenge to

achieve and sustain for young people in the Youth Justice System. There is enhanced support from Youth Justice Education Training and Employment practitioners in each of the Targeted Youth Support (TYS) teams; this provision is under review to ensure effectiveness of the resource.

- 4.8 The implementation of the new national Youth Justice assessment framework 'Assetplus' requires further training and quality management oversight across the service in 2017/18 to ensure that it is fully embedded.
- 4.9 Staff retention and the levels of distribution of youth justice expertise across the integrated service remains an ongoing challenge; this was also noted in the Peer Review. Training, monitoring and support are provided by the Central Youth Justice Policy Team to ensure required standards are met.
- 4.10 Further restructure of Services for Young People is on the horizon for 2018 and will require effective change management and leadership to ensure safe and effective practice is maintained.

## **5. Financial Implications**

- 5.1 Police, Probation and Health (CAMHS) each second staff to the multi-agency Targeted Youth Support teams to deliver interventions to young offenders and contribute to the Youth Justice budget together with Children Services and the Police and Crime Commissioner (PCC), to ensure national Youth Justice Indicators and government priorities are met alongside locally identified priorities.
- 5.2 Funding is reviewed annually and is likely to remain a challenge for all agencies in the coming years as services continue to be delivered in a difficult financial climate.

## **6. Equalities Implications**

- 6.1 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.
- 6.2 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.
- 6.3 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.
- 6.4 An EQiA has not been carried out on the Youth Justice Strategic Plan.

*Background Information*

Crime and Disorder Act 1998 <https://www.legislation.gov.uk/ukpga/1998/37/contents>

Youth Justice Board National Data Summary April 2016 – March 2017

<https://www.gov.uk/government/organisations/youth-justice-board-for-england-and-wales>

Children's Services Cabinet Panel, 2 November 2017 (**Children's Services Cabinet Panel - 2 November 2017**)



# Hertfordshire Youth Justice

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## Strategic Plan

2015-2018

July 2017 Update



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## **1. Introduction and Context**

1.1 The principle aim of the Youth Justice Service is to prevent offending and re-offending by children and young people who are under 18 years of age. Section 39 (1) and Section 38 (1, 2) of the Crime and Disorder Act requires that statutory partners which includes the Local Authority, Police, National Probation Service and Health co-operate to provide multi-agency youth offending services to prevent offending by children and young people.

1.2 In Hertfordshire, Youth Offending Services (Youth Justice) are incorporated within Targeted Youth Support in Services for Young People as part of Children's Services. The integrated model deployed within Services for Young People means that support can now be delivered at the earliest prevention stages, or equally, sustained beyond the young person's Court Order, with the overarching aim to support young people to achieve their potential and to prepare them to make a successful transition to adult and working life.

1.3 Herts Youth Justice is further required to meet the statutory requirements for Youth Justice including National Standards and national inspection regimes, overseen by the Youth Justice Board and Ministry of Justice. It must continually seek to balance the risks and vulnerabilities of young people with the risk that this poses to the public and wider communities, while managing the overall ambition of improving outcomes for young offenders, their families, victims of crime and communities.

1.4 A Youth Justice Strategic Plan is required under the provisions of the Crime & Disorder Act 1998. Standard requirements are outlined annually and the Plan should be approved locally by the Youth Justice Management Board prior to submission to the Youth Justice Board. Hertfordshire's Youth Justice Strategic Plan runs from 2015-18 and is refreshed annually. It links with and contributes to the principles and priorities of the strategic Service plans of key partner agencies.

1.5 Since 2011 National Outcome measures for Youth Justice are:

- Reductions in the number of young people aged 10-17 who are entering the Youth Justice system for the first time (First Time Entrants);
- Reduce young people's reoffending;
- Reduce the number of young people sentenced to custody.

1.6 The Service continues to monitor performance against previous national measures for ensuring young offenders are in Education Training and Employment; are in suitable accommodation; and offending by Children Looked After as well as contribute to local priorities to meet the needs of Hertfordshire young people, their families, victims of crime and its communities.

1.7 In addition, the service aims to respond to the findings from Herts Youth Justice Peer Review which took place in October 2016 and the Herts feedback from the HMIP Thematic Inspection of Public Protection which took place in May 2017. Action Plans have been

approved by the Youth Justice Management Board and are carried forward into the Service Delivery Plan 2017-18 (Appendix 1).

## **2. Review of 2016/17**

2.1 In 2016/17 the service maintained its performance in relation to the Youth Justice national outcome measures for reducing First Time Entrants and achieved improvement in preventing young people reoffending and in reducing the use of custody for Hertfordshire young people.

2.2 However in the same period 2046 offences were committed by young people in Hertfordshire and 1035 disposals<sup>1</sup> were given to young people which is a significant increase on the previous year where there were 987 offences and 782 disposals given to young people (Source: YJB National Data Summary April – March 2017 - Appendix 2). Local data reports are also produced for YJB returns on a quarterly basis which give current data and enables close monitoring of trends - Appendix 3<sup>2</sup>).

### **First Time Entrants to the Youth Justice system (FTE)**

2.3 There were 314 young people who were FTE's in Hertfordshire between April 2016 and the end of March 2017; this is in line with last two years where the figure was 316 and 320. Hertfordshire's performance has remained consistent and is better than the national figure, but below performance for the region where there was a reduction in FTE to 256 young people in 2016-17.

2.4 Achieving reductions will continue to be a challenge in the coming year and the service will aim to maintain current FTE levels, with continued focus on effective assessment and diversion interventions in partnership with Police and through early help strategies in Hertfordshire.

### **Reduce reoffending**

2.5 Most recent national data (April 2016-March 2017) indicates consistent performance for Herts young people reoffending after 12 months which is better than the regional and national rates, although there has been a slight increase in reoffences and frequency of reoffending which is also reflected in the regional and national figures.

2.6 The binary rate for Herts young people reoffending in the cohort measured (July 2014-June 2015) was 32.0% (compared to 35.9 % in the previous year) whilst the regional and national figure were 35.2% and 37.7% respectively (Appendix 2).

<sup>1</sup> Disposals are sentences young people receive at court or pre court intervention in the form of a Youth Caution or Youth Conditional Caution.

<sup>2</sup> There is some variations between local and national data due to recording differences – e.g. age/ geographical area.

2.7 Reducing reoffending amongst young people subject to a Court Order remains a challenge year on year as these young people are likely to be more persistent and entrenched in their offending behaviour and have multiple, complex needs, requiring specialist input, assessment, risk management and support from experienced and suitably qualified practitioners in the multi-agency teams.

2.8 A wide range of group work and one to one programmes for young people in the Youth Justice System are utilised including:

- Crashbang, a car crime initiative with Police Fire and Rescue
- a Girls Group Programme which includes an intervention with HMP Send
- Keep Out crime diversion project with HMP Brixton
- Weapons awareness and knife crime initiative
- Boys group
- Anger management
- Victim awareness 'Righting Wrongs'
- Junior Attendance Centre
- Unpaid Work programme
- Restorative reparative activities and projects enable young people to make amends to victims of youth crime and their communities.

2.9 Evaluation and review of programmes delivered to young people is ongoing and further review of specific programmes will be undertaken in the coming year to help identify effective practice and areas for improvement.

### **Reduce the use of Custody**

2.10 Hertfordshire has achieved consistently low custody rates, although there has been a slight increase in 2016/17 with Hertfordshire performing better than nationally but slightly below the region.

2.11 National data for 2016/17 indicates use of custody rate per 1000 of young people aged 10-17 was 0.27 for Herts compared to 0.37 nationally and 0.20 for the region (Appendix 2).

2.12 Actual numbers of youth custodial sentences imposed in Hertfordshire were 27 in 2016/17, compared to last year's figure of 21, and 31 and 41 in the two years prior to this. Custodial sentences made up 3.6% of total disposals for young people in (the original national target (now dropped) was for custody to make up less than 5% of all sentences).

### **Young People Remanded**

2.13 Performance in relation to young people remanded by the Courts was maintained in 2016/17 whereby 13 young people were held for 574 nights in Youth Offender Institutes or Secure Training Centres on remand which was very close to 2015/16 figures of 15 young people and 670 bed nights.

2.14 However serious offences and or group offences can cause a spike in figures and a significant increase in remand costs which are based on bed nights and placement type based on the young persons' age and vulnerability. To mitigate this qualified experienced staff and management support this unpredictable and potentially high cost area of work for the local authority, through daily attendance at Remand Court and effective liaison with countrywide youth offendings teams and courts; as well as ongoing monitoring and management of young people transferred into Hertfordshire, who are often high risk and /or vulnerable.

### **Young People not in Education Training and Employment**

2.15 Engaging young offenders in education, training or employment is a key factor in preventing young people's reoffending and their resettlement. This has become a greater challenge in recent years reflecting the changes to the cohort of young people in the Youth Justice system who now increasingly have complex and multiple needs and who are more entrenched in offending than in the past. These young people are often the hardest to engage and sustain in full time ETE.

2.16 Alongside this ETE practioners report fewer training providers and college places being available to young people in the Youth Justice system because of the risks they pose and /or who fail to meet the qualification requirements for courses. Nationally, research indicates that young offenders have often experienced disrupted education, have low levels of literacy and numeracy, and high levels of special education needs.

2.17 In 2016-17 66.7% of Herts young people in the Youth Justice System were in ETE at the end of their Court Order. This is below our previous years figures of 73% in 2014-15 and 80.65% in 2013-14. Youth Justice Education and Employment and Training practitioners were established in 2016 to provide ongoing support for these young people. The Head of Service, Youth Justice is a member of the Herts Employment, Education and Training Strategy Partnership Group in support of this key area.

### **Restorative justice**

2.18 Restorative justice approaches and opportunities for victims of youth crime continued to be a focus in 2016/17. All victims of youth crime are invited to participate in the criminal justice process in accordance with the Victim Code<sup>3</sup>. This includes: - a letter of apology or explanation from the young person; attending a Youth Offender Panel Meeting or Restorative Justice conference, where the victim can meet the offender and explain the impact their offending has had on them; the victim of the offence having a say in what type of reparation<sup>4</sup> they would like the young person to complete and direct reparation to the victim

<sup>3</sup> There is a separate process for victims of sexual offences

<sup>4</sup> Reparation is unpaid work completed by the young offender for the benefit of the community or directly to the victim of the offence

where possible. Each Targeted Youth Support team has a portfolio of Reparation projects which are developed locally with partners including housing providers, parks, schools, environment departments and charities.

2.19 Youth Justice Victim Liaison workers facilitate restorative meetings and conferences and ensure the impact on victims is considered in young people's offending behaviour programmes. 34% of victims received restorative processes including direct or indirect reparation in 2016/17. This is consistent with previous year's figures although this remains dependent on victims wishing to take up restorative justice opportunities which are voluntary.

2.20 Restorative principles are applied in Youth Offender Panels. Youth Offender Panel volunteers are recruited from local communities and receive restorative justice training as part of the programme. A new Youth offender panel recruitment and training programme was held throughout March 2016 and 21 volunteers took part providing valuable community involvement. The service has good links with Victim Support including signposting and liaising with provision for supporting young victims.

### **HMIP Inspection and Youth Justice Sector led Reviews**

2.21 The service requested a Youth Justice sector led Peer Review which was held in October 2016. This focused on the quality of assessment and risk management and effective management oversight and was a follow up to the HMIP Short Quality Screening Inspection in 2013 where these were identified as areas for improvement. The Peer Review indicated that progress had been made, including opportunities arising from the new Assetplus assessment training, and the central risk management panel established to support risk management planning. Inconsistencies in effective management oversight and in the distribution of expertise and skills across the 5 TYS teams were also noted as well as the need for the voice of the victim to be more visible, which the service aims to address in the coming year.

2.22 Herts Youth Justice was also part of a Thematic Inspection of Public Protection by Her Majesty Inspectorate of Probation in early May. Initial written feedback was very positive including effective management of public protection issues in cases inspected, as well as strong processes for managing risk, and effective links with children's social care and early intervention services. The final report is due to be published in September.

Findings and action plans to address areas for improvement were shared with and are monitored by the Herts Youth Justice Management Board.

### **Assetplus**

2.23 Assetplus was introduced as a new national assessment framework for all Youth Justice /Youth Offending Services in 2016. Hertfordshire Youth Justice delivered the three day training courses to approximately 120 staff members between April and September 2016. Assetplus is now fully implemented in Hertfordshire to meet this national requirement

and ongoing support and refresher training as well as training for new staff will be necessary throughout the coming year to ensure this is fully embedded.

### **3. Structure and Governance**

3.1 Youth Justice is located within Hertfordshire Children Services and part of Services for Young People (SfYP) Targeted Youth Support. SfYP has at its core an integrated, geographically based management model with five senior managers taking responsibility for service delivery in paired districts, and in addition a policy lead, one of which is Youth Justice Head of Service (Appendix 4: Herts Youth Justice Structure Chart 4.1). The Youth Justice Head of Service is managed by the Head of Services for Young People and is part of the Services for Young People Senior Management Group which meets monthly and provides strategic oversight and direction for the service led by the Head of Services for Young People.

3.2 A Youth Justice Management Board (Herts YJMB) is in place which is chaired by the Interim Operations Director Services for Children and Young People, Children's Services. There is senior representation from partners from National Probation Service, Police, Police and Crime Commissioner and Health, as well as Children Services Specialist and Safeguarding and Early Help. The Board meets quarterly and takes responsibility for agreeing agency contributions to Youth Justice Services and monitoring the budget and grant conditions. It reviews Youth Justice Performance, monitors Improvement Plans and advises on national and local Youth Justice issues to ensure that the statutory Youth Justice duties and responsibilities are met, and that key Youth Justice outcomes are delivered.

3.3 Youth Justice is delivered through Targeted Youth Support (TYS) in Services for Young People with some aspects centrally managed by specialist Youth Justice staff, including Intensive Supervision and Surveillance, Custody, Bail and Remand and victims - See structure chart Appendix 4, 4.2.

3.4 There are 5 district based YYS teams covering the 10 district council areas in Hertfordshire, which provide support to vulnerable young people and their families to reduce their escalation into specialist services or into statutory services in relation to young offenders, Children Looked After and care leavers. The inclusion of the multi-disciplinary youth offending team staff in this integrated model enables the sharing of expertise and transferable skills that benefits all targeted practitioners in the team and allows for a more co-ordinated response to the individual children and young people who often have multiple, complex needs. Seconded Youth Justice Police officers, Forensic Health practitioners from CAMHS, and Probation Officers, as well as specialist Education Training and Employment practitioners and Reparation practitioners provide specialist roles to young offenders from within the local YYS teams and links with Youth Connexions Herts. The central Youth Justice Policy team provides operational guidance and support to the YYS teams to ensure effective Youth Justice Service delivery, and is responsible for strategy performance, quality assurance and the coordination and delivery of countywide Youth Justice Provision to the Courts.

#### **4. Resources and Value for Money**

4.1 Hertfordshire exceeds the minimum staffing requirements set out in the Crime and Disorder Act 1998 for a multi-agency youth offending team. This includes Targeted Youth Support workers which include qualified and alternatively qualified practitioners; ETE practitioners and seconded staff from National Probation Service, CAMHS and Police. Youth Justice benefits from the service commissioned by Children's Services from Herts Young Homeless (HYH) to support young people including young offenders, to retain or access suitable accommodation. Substance misuse services to Hertfordshire's young people are provided by AFDASH. This service has been redesigned with the new, family based model in operation from April 2017.

4.2 Herts Youth Justice recruits, trains and supports volunteers from the community to act as Youth Offender Panel volunteers to meet the requirements of Referral Orders made in the Youth Court and as Appropriate Adults at the Police station. There are currently approx. 70 Youth Offender Panel volunteers and 35 Appropriate Adult volunteers.

4.3 Numbers of young people coming into the Youth Justice system have now been consistent for the last three years, compared to the much higher numbers seen previously in line with the national trend. Policy changes and greater diversion and restorative justice opportunities for more minor or first time offending mean that young people coming into the formal Youth Justice system are now more likely to be more entrenched offenders and often have multiple, complex needs requiring more specialist and intensive support to help them turn their lives around.

4.4 Statutory partners have indicated levels of continuing contribution and funding in kind for 2017/18. The contribution from NPS has been managed nationally and it has been confirmed that the financial contribution for this year remains the same and that the number of practitioners seconded to the YJS is to increase to 3.5. It has been determined that for 2017/18 the financial contribution will cease. The Police Service continues to maintain its level of contribution at this time as does the Health Service. Hertfordshire County Council will decide on funding levels in the autumn. The Police and Crime Commissioner continues to support the Service with a slight increase in funding in 2017-18 as a result of the introduction of a new bidding process.

4.5 Funding is reviewed annually and is likely to remain a challenge for all agencies in the coming years as Services continue to be delivered in a difficult financial climate.

4.6 Staff retention and recruitment of Social Work qualified practitioners with Youth Justice experience to manage complex and high risk young people has remained a challenge in the past year. Recruitment practice has been reviewed and changes made to enable recruitment to be targeted at the specific skills and experience needed and to enhance the induction and in-service training of practitioners to meet the needs of the service in the future.



4.7 See Appendix 5: Table 1 showing financial, staffing and in kind contributions made by local partners and Appendix 6: 2017/18 budget breakdown showing how the grant will be spent.

## **5. Partnership Arrangements**

5.1 Effective partnerships are in place with statutory partners and as a two tier authority Youth Justice in Targeted Youth Support engages with 10 local District Councils and their Community Safety forums, both at strategic and operational levels and with local anti-social behaviour strategies and initiatives.

5.2 Youth Justice is represented on key strategic forums and other relevant forums that contribute to a co-ordinated and effective delivery of services. These include:

- Herts Criminal Justice Board (HCJB)
- Multi-Agency Public Protection strategic group
- Integrated Offender Management Strategic Board
- Channel Panel to prevent radical extremism
- Herts Safeguarding Children's Board through the Interim Operations Director for Services for Children and Young people
- Children's Services Board
- Substance Misuse Commissioning Board

5.3 Police, Probation and Health (CAMHS) each second staff to the multi-agency Targeted Youth Support teams to deliver interventions to young offenders and contribute to the Youth Justice budget together with the local authority Children Services and Police and Crime Commissioner (PCC) to ensure national Youth Justice Indicators and government priorities are met alongside locally identified priorities.

5.4 The Service works closely with partners on key issues including Troubled Families agenda , Early Help strategy; Child sexual exploitation, CLA young people involved in offending, homelessness and accommodation needs of young offenders; substance misuse; young people who are NEET; young people with SEND; remand management; overnight detention of young people arrested and refused bail; and reports on key issues to Children's Services Board, HCC Cabinet Panel and Herts Safeguarding Children Board.

5.5 The resettlement of young people leaving custody continues to be a key priority for the Service for 2017-18 and will be overseen by Youth Justice ISS senior practitioners, working with partners to ensure employment and training; accommodation needs, substance use and mental health support and effective transitions for this often vulnerable and /or high risk group and of young people.

5.6 Young people's substance use services are commissioned from AFDASH both for consultation, and direct treatment interventions to Youth Justice and the TYS district teams. Following review the service has been redesigned, with the new model in operation from April 2017. This will include greater capacity for engagement with high risk young people to

encourage treatment take up and more support for young people with emerging substance misuse to prevent them from going on to need more specialist support in future.

5.7 Third sector provider Herts Young Homeless (HYH) is commissioned by Children's Services to support homeless young people. This includes mediation and emergency 'crashpad'. One to one support is offered to young offenders who are homeless or at risk of homelessness, preparation for independent living, liaison with partners including housing and accommodation providers/case managers and the secure estate where young people are in custody in order to help meet resettlement needs.

5.8 Youth Justice and National Probation Service (NPS) operate a Young People's MAPPA (Multi Agency Public Protection Arrangements) which follows adult MAPPA guidance and criteria. The Young People's MAPPA panel operates monthly and engages professionals with expertise and understanding of children and young people as well as criminal justice, and has been able to engage in developing bespoke arrangements for the small number of children and young people who present a significant risk to the public in the County.

5.9 The service links with the County's Integrated Offender Management (IOM) arrangements which is a multi-agency strategic and operational initiative designed to identify and offer enhanced support to offenders presenting high risk of serious re-offending. Although the majority of the offenders identified are adults, liaison is in place to ensure effective information sharing and identification of high risk young people. Youth Justice Police Officers are responsible for identifying cases that meet IOM cohort criteria and for liaising with IOM management to determine adoption. This is achieved using intelligence within TYS teams and from the central TYS Risk and Safeguarding Panel.

5.10 The Head of Youth Justice represents Children's Services on the multi-agency Channel forum which identifies and provides support to vulnerable young people at risk of radicalisation, as part of the government 'Prevent Strategy' aimed at preventing extremist radicalisation and terrorism.

5.11 Young people and gang activity has emerged as a concern in the last 12 months including an increase in young people subject to Court Orders being moved to Hertfordshire from London Boroughs to escape gang violence, and awareness of 'County Lines' - cross border serious gang led offending. Responses to this emerging issue are being explored with Police and partners to develop a countywide joined up strategy. Gang activity and concerns are currently monitored through the Youth Justice Risk management arrangements on individual cases, and information is shared between Police and Youth Justice and relevant agencies on wider gang activity.

5.12 Further developments for Youth Justice in 2017/8 in partnership with The Police and Children's Services will include developing responses to young people in the Criminal Justice System who are responsible for domestic violence.

## **6. Key Challenges and Risks to Future Delivery**

Key challenges and risks to future delivery have been highlighted throughout the Plan and are summarised here:-

### **First Time Entrants**

6.1 Low levels of First Time Entrants has been achieved since 2009 reflecting the national picture as young people are engaged outside of the formal Youth Justice system wherever possible, through diversion and restorative justice opportunities. Numbers have levelled out and reductions will prove more of a challenge as some young people who have been diverted previously may reoffend more seriously or persistently. Continued efforts and resources will be required by Police and Youth Justice to maintain the progress achieved. This includes ensuring effective assessment of risk and need and the provision of diversionary opportunities; monitoring of outcomes to help us understand the reasons for any increases; and the delivery of prevention and early help with local partners to families identified as vulnerable and/or at risk where partnership resources are reducing.

### **Reduce Reoffending**

6.2 Reducing young people's reoffending continues to prove a challenge despite greater numbers of young people being diverted away from the criminal justice system for less serious offending. Those young people who do escalate do so invariably with more entrenched offending behaviour, and often have multiple complex needs. These young people require increased contact levels and specialist input from experienced and trained practitioners to prevent further offending and achieve positive outcomes. Sustained specialist input to young people with complex needs and high levels of risk remains a priority in 2017/18. Further evaluation of quality and effectiveness of interventions and reoffending data is required to improve targeting of resources and have a positive impact on future reoffending rates.

### **Reduce use of Custody**

6.3 Significant reductions in custody rates have been achieved in 2016/17 although percentage improvement remains a challenge year on year, being harder to achieve when overall disposals are falling. In common with the national trend young people who are Looked After in Hertfordshire and BME young people continue to be over-represented in the custodial population. The service is working with wider Children's Services and district partners to ensure access to effective resettlement support and improve outcomes for these young people.

6.4 The remand population remains unpredictable and the duration of remands varies. A small number of younger children committing serious offences or an offence involving a group of young people can have a major impact on resources<sup>5</sup>. The financial risk to the local

<sup>5</sup> Young people who are aged 16 and under are placed in Secure Training centres (STC) or Secure Children's Homes (SCH) which are costlier than Youth Offender Institutes (YOI).

authority is closely monitored by the Youth Justice Remand team to ensure the appropriate designated authority is named at court and that there is close liaison and verification with Children's services placements and finance teams to ensure that risks are mitigated.

### **Young People in Education and Training**

6.5 Performance in relation to ensuring young offenders are engaged in Education, Training and Employment has dipped over time and remains a challenge to achieve and sustain for young people in the Youth Justice Service. There is enhanced support from Youth Justice Education Training & Employment practitioners in each of the TYS teams, this provision is under review to ensure effectiveness of the resource. There is regular monitoring of the cohort of young people who are not engaged in ETE to help us understand the reasons for this and to identify areas for improvement.

### **Restorative Justice**

6.6 There will be a continued focus in 2017/18 on development of Restorative Justice Projects to provide victims of crime with a range of relevant options to support the opportunity for their inclusion in the Justice Process while providing young offenders with an effective deterrent experience.

### **Maintaining Effective Risk Management and Management Oversight of Youth Justice and Implementation of Assetplus**

6.7 Improvements in risk management and assessment quality are evident from the recent Peer Review and HMIP Thematic Inspection although these together with management oversight remain key priorities for 2017/18. In addition, the embedding of Assetplus requires further quality management oversight across the service in 2017/18. Staff retention and the levels of distribution of youth justice expertise across the integrated service remains an ongoing challenge, also noted in the Peer Review. Training, monitoring and support are provided by the Central Youth Justice Policy Team to ensure required standards are met.

### **Staff recruitment and retention in TYS**

6.8 Retention of qualified social work staff in Targeted Youth Support and the impact of this for maintaining effective Youth Justice Practice continue to be a risk to delivery, notably meeting the additional training and necessary management support needs of new and/or inexperienced staff and managers within TYS teams.

6.9 Recruitment processes have been reviewed and recruitment packs are to be introduced which will be specific about the skill set and expertise required, which should help attract more qualified and experienced staff. The Youth Justice central team is fully engaged with supporting the teams including delivering induction and training and day to day guidance, report gatekeeping, alongside quality assurance and management reports to track progress.

### **Planned restructure**

6.10 Further restructure of Services for Young People is on the horizon for 2018 and will require effective change management and leadership to ensure safe and effective practice is maintained. The reduction in management in the Central Youth Justice Policy Team in 2016,

due to budget reductions whilst managing new areas of responsibility for Junior Attendance Centres, Unpaid Work and the introduction of Childview and Assetplus means that any further reductions to the Central Team will need careful consideration if not to pose a significant risk to standards and service delivery.

## **7. Youth Justice National and Local Priorities 2017/18**

The Service continues to ensure core statutory Youth Justice delivery to young people and families, Pre-court and court services and meet national and local priorities. These are outlined below and key actions detailed in the Youth Justice Service delivery plan 2017-18 which is monitored through the Herts Youth Justice Management Board and Services for Young People senior management group. Local priorities incorporate actions from recent Peer Review and Thematic Inspection findings.

### **National Youth Justice Priorities:**

- To reduce the number of First time entrants to the Youth Justice System who are aged 10-17
- To reduce young people's proven re-offending
- To reduce the number of young people who are sentenced to custody.

### **Local priorities:**

- Reduce disproportionality and ensure that outcomes and the experience of BME young people in the Youth Justice system are proportionate and fair
- Prevent the criminalisation of Looked After children in the Youth Justice system
- Ensure young offenders are supported to engage in education, training or employment.
- Prevention and safeguarding of young people at risk of gang involvement and child sexual exploitation
- Youth Justice quality assurance of assessment, planning and interventions for young people in the Youth Justice System
- Services to victims and restorative justice opportunities
- Workforce development to ensure effective and quality youth justice service delivery
- Service development to improve responses to young people affected by domestic abuse.

NATIONAL INDICATORS/ LOCAL PRIORITIES	KEY AIM	LEAD	TARGET DATE
<ul style="list-style-type: none"> <li>• <b>Reduce FTE to the Youth Justice System</b></li> <li>• <b>CLA in the YJS</b></li> </ul>	<p><b>1. OUT OF COURT DISPOSALS</b></p> <ul style="list-style-type: none"> <li>• Out of Court disposals are consistently applied &amp; effective in diverting young people from Court where appropriate</li> <li>• Recommendations from the Laming Review are implemented</li> </ul>	<p>Youth Justice Policy team/ CS/Police</p>	<p>Sept 2017</p>
	<p><b>2. APPROPRIATE ADULT AND PACE TRANSFER</b></p> <ul style="list-style-type: none"> <li>• Young people at the Police station are safeguarded</li> <li>• Prevent overnight detention at the Police station for children arrested and refused bail</li> <li>• Prevent offending and reoffending of CLA</li> </ul>	<p>Youth Justice Policy team</p> <p>CS</p>	<p>March 2018</p>
	<p><b>3. SERVICES TO COURTS</b></p> <ul style="list-style-type: none"> <li>• Ensure effective representation and Youth Court Practice</li> <li>• Confidence of the Courts and Public is maintained and justice is served to victims and communities.</li> </ul>	<p>YJ Policy team</p>	<p>March 2018</p>

<ul style="list-style-type: none"> <li>• <b>Reduce FTE to the YJS</b></li> <li>• <b>Prevent offending of CLA</b></li> </ul>	<p><b>4. PREVENTION AND EARLY HELP</b></p> <ul style="list-style-type: none"> <li>• Families are offered early help to prevent escalation into specialist services.</li> <li>• Services are joined up to ensure most positive outcomes for young people and families</li> <li>• Children in the care system are not disadvantaged in the YJS</li> </ul>	<p>Police/Youth Justice/TYS/ Intensive Families First/ 'In care out of trouble' working group</p>	<p>March 2018</p>
<ul style="list-style-type: none"> <li>• <b>Equality and diversity in the YJS</b></li> </ul>	<p><b>5. REDUCE DISPROPORTIONALITY</b></p> <ul style="list-style-type: none"> <li>• Ensure that outcomes and the experience of minority groups including BME young people in the YJS are proportionate and fair</li> </ul>	<p>PMG /TYS management group/YJ Policy Team</p>	<p>Sept 2017</p>

<ul style="list-style-type: none"> <li>• Reduce reoffending</li> <li>• Assetplus implementation</li> <li>• YJ Quality Assurance</li> </ul>	<p><b>6. EFFECTIVE ASSESSMENT &amp; RISK MANAGEMENT</b></p> <ul style="list-style-type: none"> <li>• Ensure that public protection risk and vulnerability are managed effectively.</li> <li>• Reduce risk to victims and communities.</li> <li>• Prevent radicalisation</li> <li>• All managers involved in overseeing the quality of performance in YJ work do so to a consistently high standard within and between localities and teams - Peer Review Action (“PRA”)</li> <li>• There is a shared understanding of good quality assessment planning and intervention for young people in the YJS (PRA)</li> </ul>	<p>YJ Policy team/ TYS managers</p>	<p>Sept 2017</p>
<ul style="list-style-type: none"> <li>• Reduce reoffending</li> <li>• Ensure young offenders are engaged in ETE.</li> <li>• Equality &amp; diversity in the YJS</li> <li>• Reduce reoffending</li> <li>• Reduce the use of custody</li> <li>• Increase restorative justice opportunities</li> </ul>	<p><b>7. EDUCATION TRAINING &amp; EMPLOYMENT</b></p> <ul style="list-style-type: none"> <li>• Information is shared to ensure effective risk management of serious sexual or violent offences in schools and colleges</li> <li>• Young people with SEN needs are supported Young people are engaged in ETE and supported to improve employability</li> </ul>	<p>YJ Policy Team/YCH</p>	<p>Ongoing</p>
<ul style="list-style-type: none"> <li>• Reduce reoffending</li> <li>• Reduce the use of custody</li> <li>• Increase restorative justice opportunities</li> </ul>	<p><b>8. RESTORATIVE JUSTICE</b></p> <ul style="list-style-type: none"> <li>• Unpaid work &amp; reparation provide learning opportunities for young People</li> </ul>	<p>Youth Justice Policy Team</p>	<p>March 2018</p>



<ul style="list-style-type: none"> <li>• <b>Resettlement</b></li> </ul>	<ul style="list-style-type: none"> <li>• Able to demonstrate that the victim perspective is apparent and influential wherever relevant and it contributes to Assessment Planning Intervention and Supervision of Young people in the Youth Justice system</li> <li>• Young people make amends to victims and /or make a positive contribution to their community in as direct and relevant way as possible</li> </ul>		
<ul style="list-style-type: none"> <li>• <b>Reduce reoffending</b></li> <li>• <b>Reduce the use of custody</b></li> <li>• <b>Resettlement</b></li> <li>• <b>Equality and diversity</b></li> </ul>	<p><b>9. GROUP PROGRAMMES</b></p> <ul style="list-style-type: none"> <li>• A range of effective programmes is available countywide to address young peoples' offending behaviour</li> <li>• Provide robust programme options available to the Courts to support sentencing options</li> </ul>	<p>Youth Justice Policy Manager</p>	<p>March 2018</p>
<ul style="list-style-type: none"> <li>• <b>Implementation of national Assetplus assessment framework</b></li> </ul>	<p><b>10. ASSETPLUS</b></p> <ul style="list-style-type: none"> <li>• Ensure effective assessment and risk management</li> </ul>		
<ul style="list-style-type: none"> <li>• <b>Reduce the use of custody</b></li> <li>• <b>Effective remand management</b></li> <li>• <b>Resettlement support</b></li> </ul>	<p><b>11. CUSTODY &amp; REMAND MANAGEMENT</b></p> <ul style="list-style-type: none"> <li>• maintain low custody rates</li> <li>• To ensure that unnecessary Remands are avoided</li> <li>• To Improve outcomes for young people</li> <li>• Good Information sharing to enable improved outcomes for young people</li> </ul>	<p>Youth Justice Remand Manager/ Youth Justice ISS/NPS practitioners / YJ Specialist managers</p>	<p>March 2018</p>

<ul style="list-style-type: none"> <li>• Safeguarding young people</li> <li>• Reduce reoffending</li> <li>• Reduced the use of custody</li> <li>• Ensure that substance misuse service delivery arrangements are effective in delivery to YP in the YJS</li> </ul>	<p><b>12. PREVENTION &amp; SAFEGUARDING OF YOUNG PEOPLE AT RISK OF GANG INVOLVEMENT OR SEXUAL EXPLOITATION</b></p> <ul style="list-style-type: none"> <li>• Information is shared between agencies to reduce risk to communities and to safeguard young people</li> <li>• Young people at risk are identified and supported to prevent risk of gang embedment or gang exploitation</li> <li>• Young people in the Youth Justice system with substance misuse needs receive an appropriate intervention proportionate to the risk this poses to themselves, their family, &amp; the public</li> </ul>	<p>Youth Justice Police/ YJ Policy Team/ CS strategy team/ AFDASH</p>	<p>March 2018</p>
<ul style="list-style-type: none"> <li>• Ensure workforce development in Services for Young People prioritises a focus on YJ</li> </ul>	<p><b>13. WORKFORCE DEVELOPMENT</b></p> <ul style="list-style-type: none"> <li>• To ensure that all staff understand Youth Justice responsibilities to young people and families, the Courts and victims of youth crime</li> <li>• To ensure the perception of staff of importance of youth justice as a priority is clear</li> <li>• Ensure that there is an effective distribution of YJ expertise across the service to ensure that teams are equipped to deliver YJ responsibilities to a required standard</li> </ul>	<p>SfYP HOS/YJ SP. Practice Manager/ TYS Team Managers/ YJ Policy team/AD SfYP/PMG</p>	<p>January 2018</p>
<ul style="list-style-type: none"> <li>• To develop a communication strategy that highlights Youth Justice successes and contributions to wider services</li> </ul>	<p><b>14. YOUTH JUSTICE SERVICE CONTRIBUTION</b></p> <ul style="list-style-type: none"> <li>• Ensure staff are aware of the relevance and importance of the youth justice contribution to wider services and of the youth justice 'journey'</li> <li>• To provide performance data that supports a wider understanding of trends and themes and of impact of YJ contribution</li> <li>• Understanding of the contribution and value of YJS partners to the</li> </ul>	<p>YJ Policy Team/Police/</p>	<p>January 2018</p>

	<p>Youth Justice Service and wider Children's Services</p>		
<ul style="list-style-type: none"> <li>• <b>Service engagement with young people involved in domestic abuse</b></li> </ul>	<p><b>15. DOMESTIC ABUSE</b></p> <ul style="list-style-type: none"> <li>• To increase confidence in identifying domestic abuse in relation to young people in the YJS</li> <li>• To ensure evidence of identification of domestic abuse in assessment and planning</li> <li>• To establish quality, recognised domestic abuse interventions to meet the needs of individuals and families</li> <li>• To ensure understanding and a clear evidence base in relation to the needs of young victims of domestic abuse and to support improved outcomes</li> </ul>	<p>YJ Policy Team/Vince Hibbard</p>	<p>March 2018</p>

Appendix 2

Hertfordshire Data Summary April - March 2017

Final v 1.0

England

Hertfordshire

South East

Hertfordshire

YOT comparison group selected\*

\* Select the desired YOTS or Comparison YOTS tab

Indicators	YOT	Region	PCC area
FTE PNC rate per 100,000 of 10-17 population <i>**Good performance is typified by a negative percentage</i>			
Jan 16 - Dec 16	314	256	314
Jan 15 - Dec 15	316	318	316
Percent change from selected baseline	-0.9%	-19.3%	-0.9%
Use of custody rate per 1,000 of 10-17 population <i>**Good performance is typified by a low rate</i>			
Apr 16 - Mar 17	0.27	0.20	0.27
Apr 15 - Mar 16	0.23	0.25	0.23
Change from selected baseline	0.05	-0.04	0.05
Reoffending rates after 12 months			
Offences per reoffender Jul 14 - Jun 15 cohort (latest period)	3.03	3.32	3.03
Offences per reoffender Jul 13 - Jun 14 cohort	2.58	3.10	2.58
Change from selected baseline	17.4%	7.2%	17.4%
frequency rate - Jul 14 - Jun 15 cohort (latest period)	0.97	1.17	0.97
frequency rate - Jul 13 - Jun 14 cohort	0.93	1.12	0.93
change from selected baseline	4.7%	4.0%	4.7%
binary rate - Jul 14 - Jun 15 cohort (latest period)	32.0%	35.2%	32.0%
binary rate - Jul 13 - Jun 14 cohort	35.9%	36.3%	35.9%
percentage point change from selected baseline	-3.9%	-1.1%	-3.9%

Select FTE baseline  
Jan 15 - Dec 15

Custody baseline  
Apr 15 - Mar 16

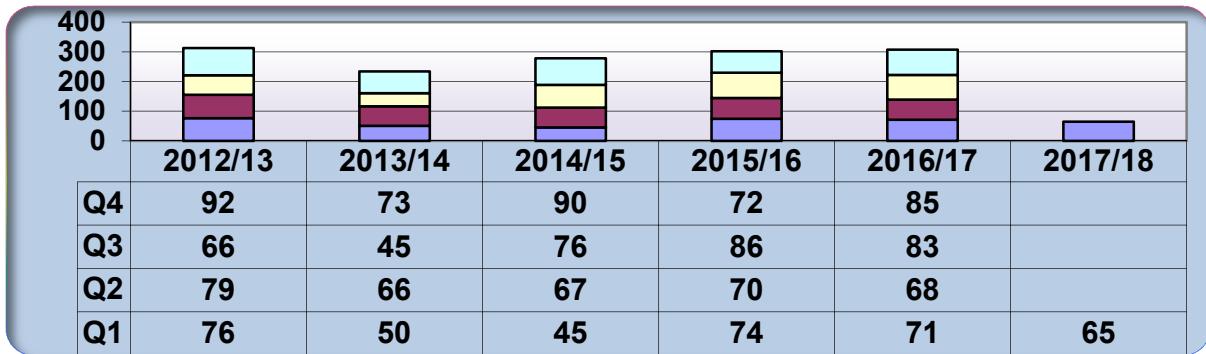
Reoffending baseline  
Jul 13 - Jun 14

Throughput data Apr - Mar 17

Total offences	2046
Total disposals	1035

**Appendix 3**

**Fig 1: First Time Entrants to the Youth Justice System**



**Fig 2: Quarterly data for number of young offender and offences April 2015 - end June 2017**

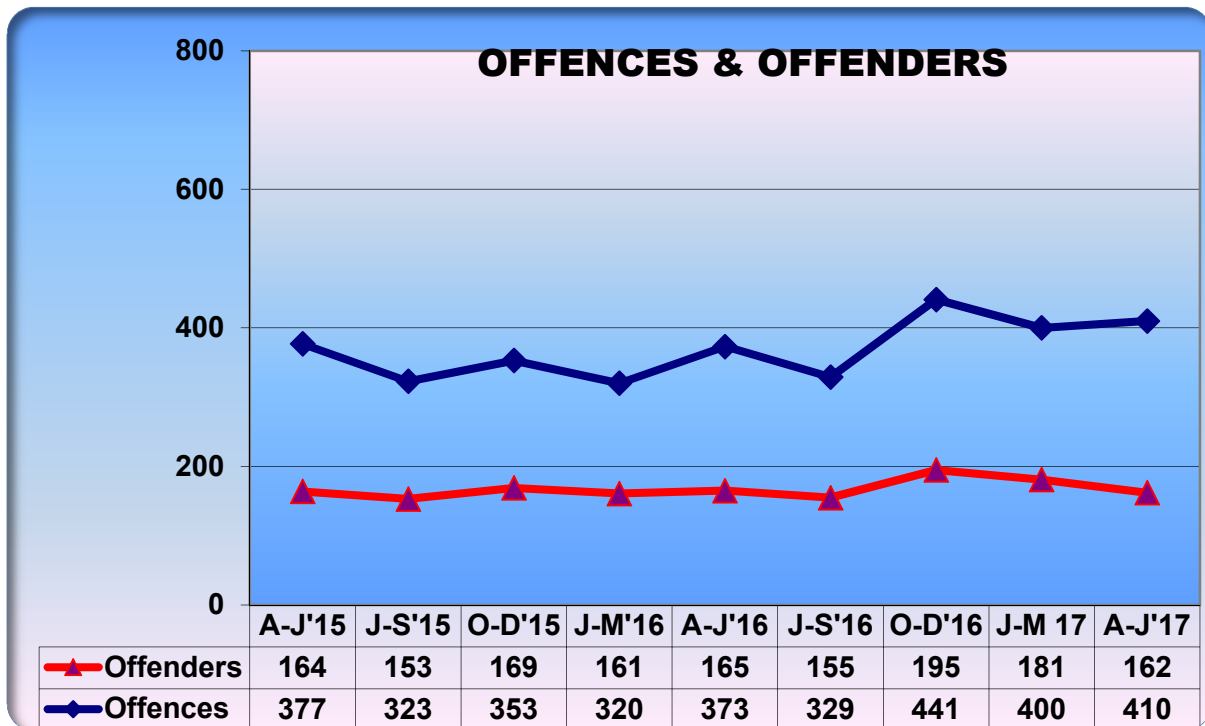


Fig 3: Custodial sentences as a proportion of all disposals for young people

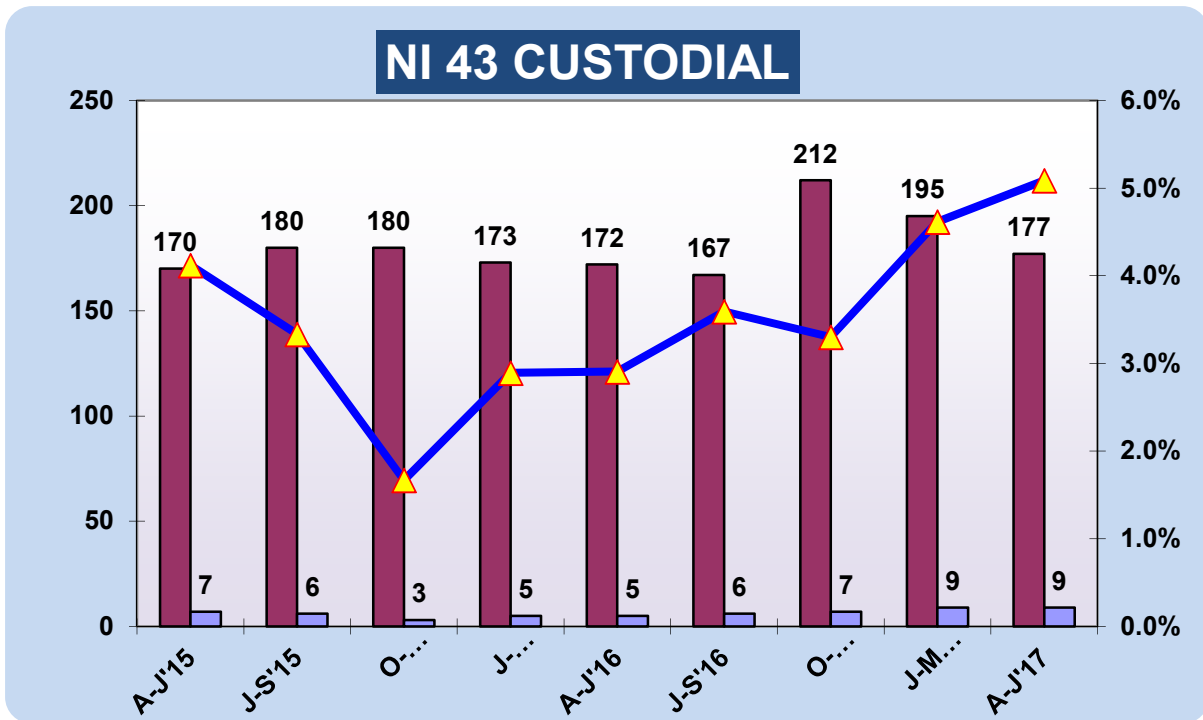
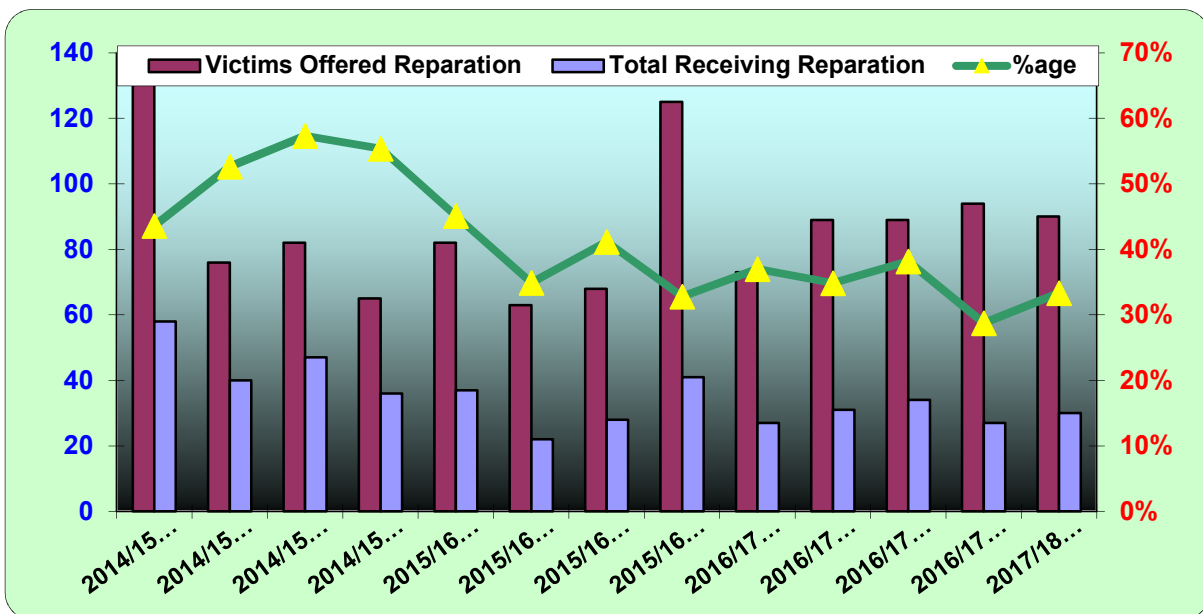
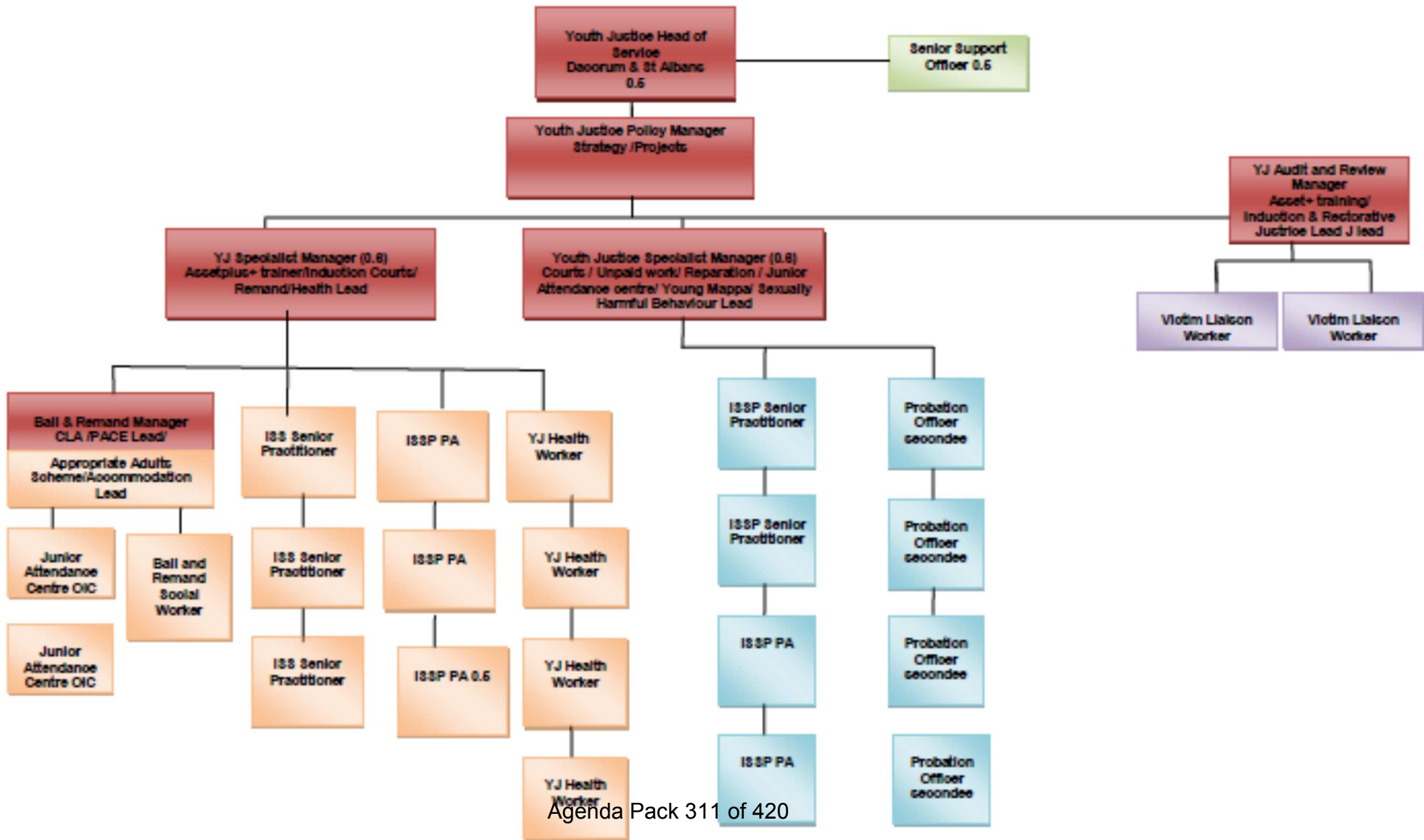


Fig 4: Restorative Justice

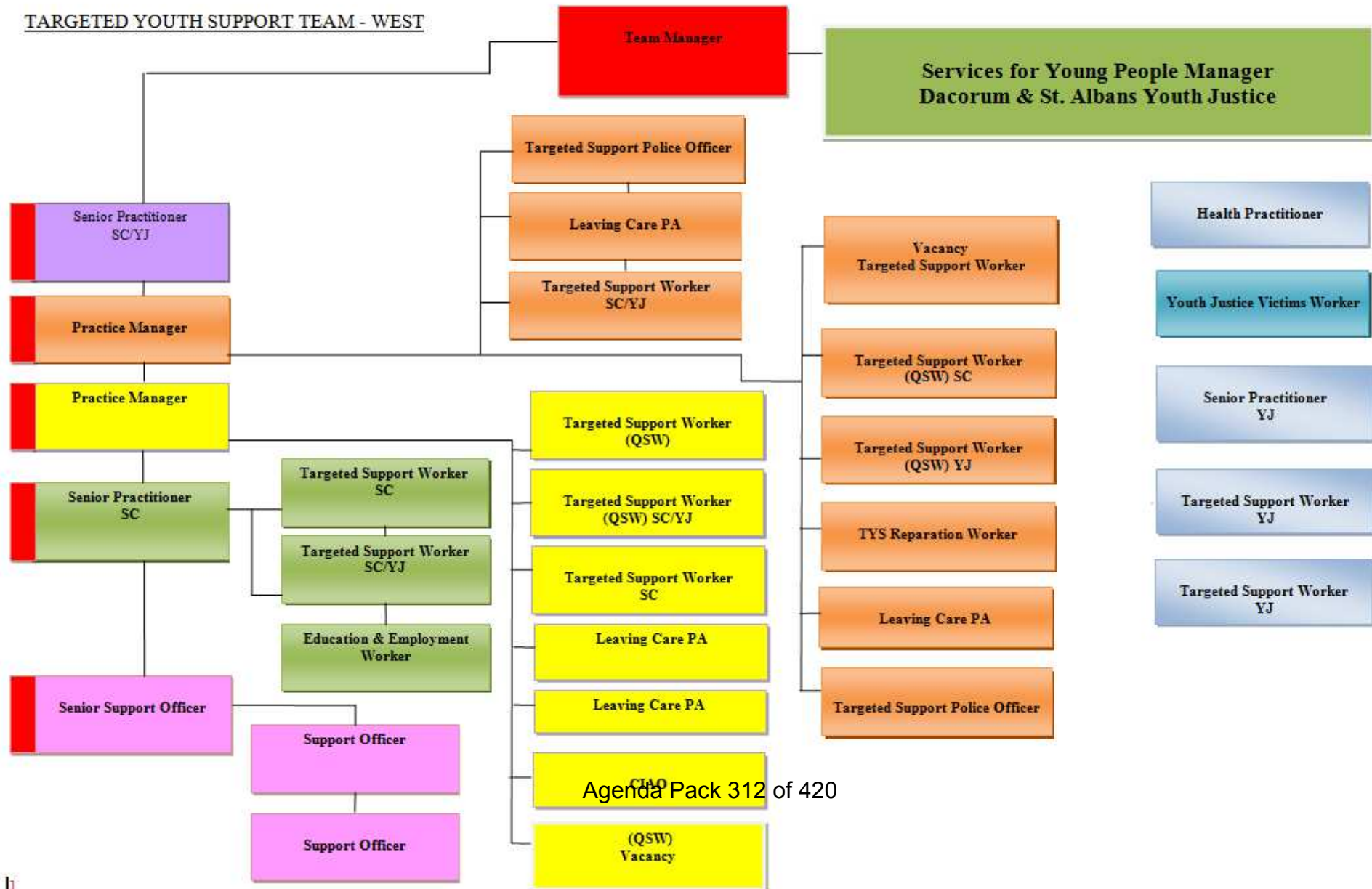


Appendix 4 – Youth Justice Policy Team



**Appendix 4**

**TARGETED YOUTH SUPPORT TEAM - WEST**





**Appendix 5****Table1 - Hertfordshire Partner Contributions to the Youth Offending Partnership Pooled Budget 2017/18.**

<b>Agency</b>	<b>Staffing costs (£)</b>	<b>Payments in kind – revenue (£)</b>	<b>Other delegated funds (£)</b>	<b>Total (£)</b>
<b>Local Authority *</b>	<b>2,211,192</b>	<b>0</b>	<b>228,932</b>	<b>2,440,123</b>
<b>Police Service</b>	<b>103,833</b>	<b>457,894</b>	<b>10,750</b>	<b>572,477</b>
<b>National Probation Service</b>	<b>17,599</b>	<b>131,418</b>	<b>1,822</b>	<b>150,839</b>
<b>Health Service</b>	<b>44,898</b>	<b>129,202</b>	<b>4,648</b>	<b>178,748</b>
<b>Police and Crime Commissioner**</b>	<b>83,594</b>	<b>0</b>	<b>8,655</b>	<b>92,249</b>
<b>YJB Good Practice Grant</b>	<b>594,254</b>	<b>0</b>	<b>61,525</b>	<b>655,779</b>
<b>Other***</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>3,055,370</b>	<b>718,514</b>	<b>316,332</b>	<b>4,090,215</b>

**Appendix 6**

<b>Expenditure</b>							
Cost Centre	Description	Gross Expenditure Budget	Percentage Spend Applicable to Youth Justice	Total Youth Justice Budget	Forecast Outturn	Variance	Comments
27158	YOT IRS Grant	£20,982	100%	£20,982	£20,982	£0	
27420	Youth Justice Policy	£775,415	100%	£775,415	£763,421	£-11,993	
27408	Wat & 3 Rivers Targ	£948,239	50.89%	£482,559	£505,123	£22,565	
27410	Eherts & Brox TGD	£957,730	50.89%	£487,389	£474,926	£-12,463	
27417	WelHat & Hertsm Targ	£996,608	50.89%	£507,174	£485,138	£-22,036	
27419	Dac & St Albans Targ	£1,003,734	50.89%	£510,800	£456,133	£-54,667	
27423	NHerts & Stev Targ	£1,118,024	50.89%	£568,962	£552,963	£-15,999	
40186	Senior Management Cover	£96,161	100%	£96,161	£0	£0	
	<b>Total</b>	<b>£5,916,891</b>		<b>£3,449,441</b>	<b>£3,258,687</b>	<b>£-94,593</b>	The underspend is due to staff vacancies in hard to fill posts.

Source of Funding								
Cost Centre	Description	Total YJ Budget	Youth Justice Board Funding	Herts Constabulary Contribution	Public Health Contribution	Probation Contribution	Police and Crime Commissioner Contribution	HCC Funding
27158	YOT IRS Grant	£20,982	£20,982					£0
27420	Youth Justice Policy	£775,415	£67,092	£118,000	£51,024	£20,000	£95,000	£424,298
27408	Wat & 3 Rivers Targ	£482,559	£95,686					£386,873
27410	Eherts & Brox TGD	£487,389	£116,982					£370,407
27417	WelHat & Hertsm Targ	£507,174	£95,613					£411,561
27419	Dac & St Albans Targ	£510,800	£131,155					£379,645
27423	NHerts & Stev Targ	£568,962	£147,825					£421,137
40186	Senior Management Cover	£96,161	£0					£96,161
		<b>£3,449,441</b>	<b>£675,335</b>	<b>£118,000</b>	<b>£51,024</b>	<b>£20,000</b>	<b>£95,000</b>	<b>£2,490,082</b>

Notes	Description
1	Targeted Team expenditure is prepared in accordance with a methodology agreed by the Youth Justice Management Team. A proportion of Targeted Team activity is attributed to Youth Justice.



**HERTFORDSHIRE YOUTH OFFENDING TEAM**

**Please find attached Hertfordshire Youth Justice Strategic Plan 2017-2018  
July 2017 update**

**Signature:-**

**Date:- 28<sup>th</sup> August 2017**

**Lindsay Edwards  
Chair of YJ Management Board**

**Signature:-**

**Date:- 28<sup>th</sup> August 2017**

**Nick Smith  
Head of Service for Youth Justice**

**Equality Impact Assessment (EqIA)**

Guidance is available on the [Intranet](#). Completion of an EqIA should be proportional and relevant to the anticipated impact of the project on equalities. The form can be tailored to your project and should be completed before decisions are made. Key EqIAs should be reviewed by the Business Manager or Head of Service and sent to the Equality and Diversity team to publish. For support and advice please contact [equalities@hertfordshire.gov.uk](mailto:equalities@hertfordshire.gov.uk).

**STEP 1: Responsibility and involvement**

<b>Title of proposal/ project/strategy/ procurement/policy</b>	Herts Youth Justice Strategic Plan 2017-18	<b>Head of Service or Business Manager</b>	Andy Manson
<b>Names of those involved in completing the EqIA:</b>	Jeanette Williams Nick Smith	<b>Lead officer contact details:</b>	Nick Smith
<b>Date completed:</b>	15 November 2017	<b>Review date:</b>	October 2018

**STEP 2: Objectives of proposal and scope of assessment – what do you want to achieve?**

<p><b>Proposal objectives:</b> – what you want to achieve – intended outcomes – purpose and need</p>	<p>Hertfordshire Youth Justice is required by the Crime and Disorder Act 1998 to submit an annual Youth Justice Plan . The Plan outlines structure and governance, partnership arrangements, resources and value for money, challenges and risks to future delivery, national and local priorities for Youth Justice to reduce offending and reoffending by children and young people aged 10-17 years. The service aims to ensure equal, fair and proportionate treatment of all young people and their families in the Youth Justice system that are often amongst the most disadvantaged and vulnerable in our communities. The over-representation of young people from a Black and Minority Ethnic (BME) background in the criminal justice system is widely recognised in research and national statistics as are the emotional and mental health needs of young offenders and high custody levels of Children Looked After (CLA) young people, these have been a focus of previous strategies and remain key priority areas for Youth Justice in terms of equalities.</p>
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<p><b>Stakeholders:</b> Who will be affected: the public, partners, staff, service users, local Member etc</p>	<p>Service users are young people in the Youth Justice system and their parents/carers, victims of youth crime and local communities, Courts as well as partner agencies who each contribute staff and funding to the multi –agency delivery of Youth Justice –Police, wider County Council Children Services, National Probation Service and Child and Adolescent Mental Health Services. Youth Justice / Targeted Youth Support staff</p>
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**STEP 3: Available data and monitoring information**

<p><b>Relevant equality information</b> Data for young people entering the Youth Justice system is collected locally. This includes gender, age, ethnicity and address, offence types, Court and Pre Court outcomes. Data on young offenders who are CLA and not in Education Training or Employment are also collected and monitored. Local data is supported by national data produced by the Youth Justice Board/ Ministry of Justice based on Herts data for First Time entrants to the Youth Justice system, and young people’s reoffending and custody rates (See Appendix 2 Herts Youth Justice Strategic Plan 2017-18).</p> <p>Herts Community profile data <a href="https://www.hertfordshire.gov.uk/microsites/herts-insight/topics/local-communities.aspx">https://www.hertfordshire.gov.uk/microsites/herts-insight/topics/local-communities.aspx</a></p>	<p><b>What the data tell us about equalities</b> First time entrant trend data shows that young people are fairly evenly spread across geographical areas in Hertfordshire, and BME young people make up approximately 25% of these, reflecting the national trend where BME young people are over represented in the criminal justice system. Girls make up between 16-18% of Herts young offenders. Data is regularly scrutinised and disseminated.</p> <p>Hertfordshire’s population will become larger and more diverse over the next decade. This growth is not evenly distributed across the age range. By 2021 42.6% of the population will either be under 20 or over 65. The number of young people is forecast to increase, with 0-19s up by 11.3% and 0-5s up by 11.7%. The County Council’s community profile data shows that 69,000 people in Hertfordshire have a disability. This includes 23,000 people with a severe physical disability. Around 26,000 people have a learning disability. The 2011 Census shows that the Hertfordshire population has become increasingly ethnically diverse over the last ten years and this trend is likely to continue. 19.2% of Hertfordshire residents identified themselves in the 2011 Census in ethnic</p>
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	groups other than White British, compared to 11.23% in 2001.
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**STEP 4: Impact Assessment – Service Users, communities and partners (where relevant)**

<b>Protected characteristic</b>	<b>Potential for differential impact (positive or negative)</b>	<b>What reasonable mitigations can you propose?</b>
<b>Age</b>	The majority of young offenders are 14-17 years with highest risk young people aged 16/17 years.	Experienced staff are utilised to work with high risk young people. Resources and programmes utilised by staff are child focused and appropriate to their age.  Support is provided to enable young people to meet the requirements of their Court Order including transport / fares/ accessible meeting places / home visits  Staff receive training and support to identify and meet the needs of young people
<b>Disability Including Learning Disability</b>	Limited data is available but young people with special education needs are identified in all 'Assetplus' assessments which are undertaken for all young offenders, and referral to the Youth Justice Education or Health practitioners are made where necessary. Recent internal analysis of Assetplus assessments indicate emotional behavioural and mental health needs as the most prevalent type of special education need in the cohort of young offenders. Other learning needs identified in this vulnerable group are low literacy levels and Attention Deficit Hyperactive Disorder	Disability and mental health needs are assessed as part of the structured assessment frame work undertaken for all young offenders. Programmes are individually tailored to take account of learning needs .  Dedicated Education and health workers in the teams undertake specialist assessment, support and link to relevant provision where needs are identified.
<b>Race</b>	BME young people are overrepresented in the criminal justice system	Resources and intervention programmes utilised with young people are evidence based and

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<b>Protected characteristic</b>	<b>Potential for differential impact (positive or negative)</b>	<b>What reasonable mitigations can you propose?</b>
	<p>nationally and locally. This is monitored regularly and raised in forums at operational and strategic levels to influence service planning and delivery as well as training needs for staff. The needs of BME young people are identified in the Assetplus assessment which includes a young person's and parent self-assessment, and these inform the young person's supervision plan.</p> <p>Equality and diversity is an integral part of the Assetplus assessment which is undertaken for all young offenders, reports for courts and audit framework and includes feedback to managers, staff and court user groups/ magistrates.</p>	<p>reflect diverse needs of young people.</p> <p>Staff training workshops will be focused on understanding the level of BME young people in the Youth Justice system and understand their distinct needs and ensure effective responses and interventions.</p> <p>Group programmes target specific offences (weapons/car crime) and take account of diversity.</p> <p>Scrutiny of all cases where young people are sentenced to custody</p>
<b>Gender reassignment</b>	<p>Limited Data is available but young people's needs are identified in Assetplus assessments and taken into account in interventions</p>	<p>Monitoring via the Youth Justice assessment audit process and staff case management supervision takes place to ensure young people's assessments meet individual needs that are identified, and are used as a guide to devise and provide any necessary training to staff.</p>
<b>Pregnancy and maternity</b>	<p>Information is in individual case files which is not routinely collated but young people's needs are identified in Assetplus assessments and taken into account in interventions</p>	<p>Monitoring via the Youth Justice assessment audit process and staff case management supervision takes place to ensure young people's assessments meet individual needs that are identified, and are used as a guide to devise and provide any necessary training to staff.</p>
<b>Religion or belief</b>	<p>There is limited data in respect of young people's religion. This is identified in</p>	<p>Monitoring via the Youth Justice assessment audit process and staff case management</p>



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<b>Protected characteristic</b>	<b>Potential for differential impact (positive or negative)</b>	<b>What reasonable mitigations can you propose?</b>
	Assetplus assessments and taken into account in interventions with young people and families	supervision takes place to ensure young people's assessments meet individual needs that are identified, and are used as a guide to devise and provide any necessary training to staff. The resources and programmes used by staff to address these issues reflect the diverse needs of young people.
<b>Sex</b>	Females make up 16-18% of young offender in Herts which is in line with the national picture. The low numbers means that young females offenders distinct needs may not be recognised and that gender neutral approaches are utilised by staff.	Gender specific programmes are utilised by staff to address specific issues for young females.  Staff training workshops will take place to explore the needs of young female offenders
<b>Sexual orientation</b>	There is no data on this although young people's needs are identified in Assetplus assessments and taken into account in interventions.	Monitoring via the Youth Justice assessment audit process and staff case management supervision takes place to ensure young people's assessments meet individual needs identified and are used as a guide to devise and provide any necessary training to staff.  The resources and programmes used by staff to address these issues reflect the diverse needs of young people.
<b>Marriage &amp; civil partnership</b>	There is no data collected on this although young people's needs are identified in Assetplus assessments and taken into account in interventions	Monitoring via the Youth Justice assessment audit process and staff case management supervision takes place to ensure young people's assessments meet individual needs identified
<b>Carers (by association with any of the above)</b>	Parent self-assessment is part of Youth Justice Assetplus assessment.	This ensures parent /carers are engaged and fully informed where possible
<b>Carers and CARE ACT 2014</b>	From April 2015, carers will be entitled to an assessment of their own needs in the same way as those they care for. If the focus of your EqIA relates to care and support, consider carers' new rights	

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Protected characteristic	Potential for differential impact (positive or negative)	What reasonable mitigations can you propose?
	and see the <a href="#">Care Act pages</a> on Compass for more guidance	
<b>Opportunity to advance equality of opportunity and/or foster good relations</b>		
<p>The Plan outlines structure and governance, partnership arrangements, resources and value for money, challenges and risks to future delivery, national and local priorities for Youth Justice to reduce offending and reoffending by children and young people aged 10-17 years.</p> <p>The service aims to ensure equal, fair and proportionate treatment of all young people and their families in the Youth Justice system that are often amongst the most disadvantaged and vulnerable in our communities</p>		

**STEP 4a: Impact Assessment – Staff (where relevant)**

A restructure of the service is one of the proposals in the strategy. HCC has a policy and guidance of principles, values, and expectations relating to Organisational Change, Redundancy and the Priority Application Process. Specific staff-related equality impact assessments will be completed if necessary and managers will be supported to ensure any negative impacts are mitigated against. This includes:

- Consideration of flexible working arrangements.
- Support from Staff support networks.
- Access to Carewell, confidential advisers and a range of resources to help staff.
- Robust policies to protect staff and specific policies for pregnant staff and staff on maternity leave.
- Continual monitoring of the impact on staff.
- Additional leave allowances for disability and pregnancy related illness.
- Our policy on equal opportunities for staff is set out in Putting People First.”

**STEP 5: Gaps identified**

<p><b>Gaps identified</b> Do you need to collect more data/information or carry out consultation? (A 'How to engage' consultation guide is on <a href="#">Compass</a>). How will you make sure your consultation is accessible to those affected?</p>	<p>Feedback from young people and parents /carers is routinely sought at the end of our intervention with them. This could be strengthened by greater participation opportunities for young people to inform service design. The Youth Justice Board Participation Strategy Nov 2016 <a href="https://yjresourcehub.uk/yjb-effective-practice/youth-justice-kits/item/364-yjb-launches-young-person-participation-strategy.html">https://yjresourcehub.uk/yjb-effective-practice/youth-justice-kits/item/364-yjb-launches-young-person-participation-strategy.html</a> will provide a platform for this and is being launched with staff alongside consultation with regional Youth Justice Services</p> <p>In the pending service restructure it will be important to ensure accessible buildings are still available for use with young</p>
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	people for group and individual programmes to take place and that these are accessible
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**STEP 6: Other impacts**

Consider if your proposal has the potential (positive and negative) to impact on areas such as health and wellbeing, crime and disorder and community relations. There is more information in the guidance.

**STEP 7: Conclusion of your analysis**

Select one conclusion of your analysis	Give details
<input type="checkbox"/> <b>No equality impacts identified</b> – No change required to proposal.	
<input type="checkbox"/> <b>Minimal equality impacts identified</b> – Adverse impacts have been identified, but have been objectively justified (provided you do not unlawfully discriminate). – Ensure decision makers consider the cumulative effect of how a number of decisions impact on equality.	
x <input checked="" type="checkbox"/> <b>Potential equality impacts identified</b> – Take ‘mitigating action’ to remove barriers or better advance equality. – Complete the action plan in the next section.	There is the potential for minimal equality impacts on young people – particularly in relation to disability and race - but these are being addressed as part of service plans and will continue to be considered in future service planning.
<input type="checkbox"/> <b>Major equality impacts identified</b> – Stop and remove the policy – The adverse effects are not justified, cannot be mitigated or show unlawful discrimination. – Ensure decision makers understand the equality impact.	

**STEP 8: Action plan**

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<b>Issue or opportunity identified relating to:</b> <ul style="list-style-type: none"> <li>– Mitigation measures</li> <li>– Further research</li> <li>– Consultation proposal</li> <li>– Monitor and review</li> </ul>	<b>Action proposed</b>	<b>Officer Responsible and target date</b>
Promote the voice of young people in the youth justice system	Re-Launch of Youth Justice Board Participation Strategy 2016 Consultation Event with service users	Nick Smith January 2018 Nick Smith Feb 2018
Pending and during completion of Service restructure ensure young people’s accessibility to staff and suitable delivery venues is maintained	Incorporate possible impact on service users into pending service restructure planning including ensuring venues are accessible and suitable for one to one and group programmes and Referral Order Panels.	Nick Smith March 2018

**This EqIA has been reviewed and signed off by:**

**Head of Service or Business Manager:**

**Date:**

HCC’s Diversity Board has asked the Equality team to compile a central list of EqIAs so a random sample can be quality assured. **Please email a copy of this EqIA to the Equality team at [equalities@hertfordshire.gov.uk](mailto:equalities@hertfordshire.gov.uk)**

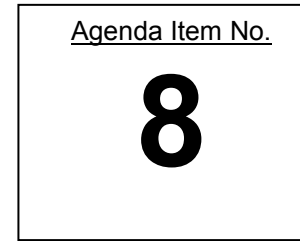
Thank you.

**HERTFORDSHIRE COUNTY COUNCIL**

**COUNTY COUNCIL  
TUESDAY, 21 NOVEMBER AT 10.00 A.M.**

**EXECUTIVE REPORT TO COUNTY COUNCIL**

**ACTING LEADER OF THE COUNCIL**



This report is made by the Acting Leader of the Council and, together with separate reports from each member of Cabinet, comprises the report under Standing Order 7.

**1. Cabinet decisions since the last meeting of County Council**

- 1.1 There will have been 4 Cabinet meetings (18 July 2017, 25 September, 23 October and 13 November) since the last Executive Report to County Council on 18 July 2017. There is one item of business specifically attributed to the Leader.

Cabinet – 13 November 2017

Forward plan ref: A071/17: Changes to the Constitution  
Cabinet will be invited to recommend to Council that Council approves revisions to its Constitution to allow either Development Control Committee or the Chief Executive and Director of Environment to give any planning approvals required under the High Speed Rail (London – West Midlands) Act 2017.

**2. Executive key decisions made under special urgency provisions**

- 2.1 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require the Leader of the Council to report to Council any executive key decisions taken in circumstances of special urgency, under the provisions of Regulation 11, with the agreement of the Chairman of the Overview and Scrutiny Committee.

- 2.2 One such decision was taken as follows:-

➤ Acquisition of land at Watford Health Campus

- 2.3 The decision on this matter was reached by Cabinet at its meeting on 25 September; the minutes of that meeting are on the Council's website and can be viewed here (Forward Plan ref: A043/17; item 9 refers):-

<http://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/653/Committee/8/Default.aspx>

**3. Commitments carried out by the Leader (Robert Gordon) between Tuesday 18 July 2017 and Friday 6 October 2017:-**

➤ Tuesday 19 September – Hertfordshire Forward Strategy Group  
Agenda Pack 325 of 420

**4. Commitments carried out by the Acting Leader (David Williams) between Monday 9 October and Monday 20 November 2017:-**

- I attended a meeting of the Hertfordshire Leaders' Group on Thursday 26 October. Key items on the agenda were presentations from the Local Enterprise Partnership regarding its recently published documents *Perfectly Planned for Business* and *Building our Industrial Strategy* and the Shiva Foundation regarding modern slavery and how it is affecting Hertfordshire. The usual strategic updates were also shared.
- On Monday 20 November I, along with other colleagues, attended the County Councils Network Conference in Marlow.
- On Friday 13 October the Chief Executive and I attended a meeting of the South East Strategic Leaders. The meeting was also attended by Tricia Hayes, Director General for Roads, Motoring and Devolution at the Department for Transport.
- As part of Local Democracy Week, I conducted assemblies at two schools in Harpenden – Manland Primary School and Crabtree Junior School on Tuesday 17 October and Thursday 19 October respectively.
- A Peer Challenge of Public Health was conducted by an Local Government Association led team in October. As well as having a telephone conversation with the lead member prior to its commencement, I also attended the initial meeting on Thursday 18 October and the outcome briefing on 20 October. Further detail regarding the review and its outcome can be found in the report of the Executive Member for Public Health, Prevention and Performance.
- On Friday 17 November I will be attending the Independent Panel of Members' Allowances.

**5. Forward Plan – November 2017**

I invite the County Council to receive the updated Forward Plan dated 6 November 2017.

[Cabinet - 18 July 2017](#)

[Cabinet - 25 September 2017](#)

[Cabinet - 23 October 2017](#)

[Cabinet - 13 November 2017](#)

**David Williams  
Acting Leader of the Council  
November 2017**

## EXECUTIVE PORTFOLIO: ADULT CARE AND HEALTH

### 1. Cabinet decisions since the last Executive Report to the County Council

- 1.1 There will have been four Cabinet meetings (18 July 2017, 25 September 2017, 23 October 2017, and 13 November 2017) since the last Executive Member Report to County Council. The items of business specifically attributed to this portfolio were:-

#### Cabinet – 25 September 2017

Future development of care homes in Hertfordshire – Cabinet agreed to proceed with a review of the existing capital funding programme for rebuilding residential care homes. Cabinet delegated to the Director of ACS and Director of Resources in consultation with their respective Executive Members the authority to consider and implement decisions on future options for the delivery of a new programme, which will result in increased nursing care home provision.

### 2. Consequences of Cabinet decisions before the last meeting of the County Council on 18 July 2017

#### 2.1 Cabinet - 26 June 2017

Assistive Technology Strategy – Cabinet agreed the Assistive Technology Strategy for Adult Care Services.

Revised ACS budget proposals – Cabinet agreed the revised Adult Care Services budget proposals for 2017/18 as detailed within the report, brought about because of the Government's Improved Better Care Fund announcement.

#### 2.2 Cabinet - 10 July 2017

Learning Disability Transformation – Cabinet agreed the new 'Adult Disability Service Efficiency Programme' Invest to Transform Bid.

Draft Supported Accommodation Strategy for Hertfordshire – Cabinet approved a ten year Hertfordshire Supported Accommodation Strategy, including commissioning more supported living accommodation for younger people with disabilities, more Flexicare Housing for older people and work with Districts and housing providers to identify opportunities countywide.

Joined-up Care: Aligning Adult Social Care with Health – Cabinet approved the Council's medium term priorities for joined-up care with the NHS.

Strategic Outline Case of West Herts Hospital Trust (WHHT) – Cabinet authorised the Director of Adult Care Services, in consultation with the Executive Member for Adult Care and Health, to make a formal response to the request received from WHHT, advising them that the Council recognises the attraction of an entirely new hospital on a site that would be convenient to the residents of the whole area served by the Trust - but understands that, if early

capital funding is not available to progress such a project, patient services and safety may be put at risk. Therefore, if it would be impossible to develop a new hospital swiftly, the Council would support WHHT's application for funding to enhance the Trust's buildings and facilities in their current locations.

### **3. Anticipated/ future decisions to be made by Cabinet**

3.1 There are no anticipated decisions to be made before November County Council.

3.2 Future items to be considered by Cabinet include:

Forward Plan Ref: A058/17 – Adult Care Services: Establishment of a local authority trading company to provide adult social care services

Forward Plan Ref: A019/17 – 15 Year Plan for Vision for Social Care in the County

Forward Plan Ref: A068/17 – Social Care Charging

### **4. Key Partnerships**

4.1 Health & Wellbeing Board - 17 October 2017

Hertfordshire Safeguarding Children and Adult's Boards Annual Reports 2016-2017 – both reports provided annual accounts of safeguarding issues for children and adults in Hertfordshire. These have also been to relevant Cabinet Panels.

Hertfordshire Health & Wellbeing Strategy Dashboard Update – An update of the changes in the Hertfordshire Health & Wellbeing Strategy statistical dashboard indicators over the period from baseline to the second quarter of 2017/18.

Update from Hertfordshire and West Essex Sustainability and Transformation Partnership (STP) – a report providing an update on the progress that the Hertfordshire and West Essex STP has made since the last update.

Better Care Fund Plan 2017-19 – a report providing an overview of the Better Care Fund Plan 2017-19 for Health & Wellbeing Board review and approval.

Herts Valleys Clinical Commissioning Group's Financial Turnaround – a short presentation on the Herts Valleys CCG financial turnaround programme.

### **5. Other comments**

5.1 None.



## **6. Cabinet Panels**

- 6.1 Since the last Executive Report to Council, the Adult Care & Health Cabinet Panel has met on 8 September, 18 October and 14 November. The matters discussed can be found at the following locations:

[Adult Care & Health Cabinet Panel - 8 September 2017](#)

[Adult Care & Health Cabinet Panel - 18 October 2017](#)

[Adult Care & Health Cabinet Panel - 14 November 2017](#)

**Colette Wyatt-Lowe**  
**Executive Member for Adult Care & Health**  
**November 2017**

## EXECUTIVE PORTFOLIO: CHILDREN'S SERVICES

### 1. Cabinet decisions since the last Executive Report to the County Council

- 1.1 There will have been 4 Cabinet meetings (18 July 2017, 25 September 2017, 23 October 2017 and 13 November 2017) since the last Executive Report to County Council. The item of business specifically attributed to this portfolio was:-

#### Cabinet 25 September 2017

Cabinet considered the outcome of consultation on proposals for the family centre services and proposed tender arrangements. Cabinet approved the proposed approach to commission a new 'Hertfordshire Family Centre Service' and agreed proposed procurement arrangements for it. (Also see paragraph 5.1 below)

### 2. Consequences of Cabinet decisions before the last meeting of the County Council on 18 July 2017

- 2.1 There are no consequences of Cabinet decisions taken before 18 July 2017 to report.

### 3. Anticipated / future decisions to be made by Cabinet

#### 3.1 Cabinet – 13 November 2017

Forward Plan ref: A055/17. Cabinet will be invited to consider proposals relating to the future of Cuffley Camp Outdoor Centre, Northaw

#### 3.2 2018

There will also be 2 items of business requiring decisions by Cabinet early in the New Year; one on Services for Young People and another on proposals for partnership arrangements for adoption services.

### 4. Key Partnerships

- 4.1 As advised in my July report to Council, I sit on the Hertfordshire Health and Wellbeing Board and Hertfordshire Safeguarding Children's Board.

### 5. Other comments

#### 5.1 **Health Visiting Service, School Nursing and Children's Centres Re-Commissioning**

Over 1000 people responded to the survey about changes to the children's centre, health visiting and school nursing services, and a further 800 families were engaged through face to face discussions at summer community events. Families told us that they value the current services and could see the sense in joined-up services working together from the same local building. There was

useful feedback about the importance of ensuring disadvantaged families can easily access the services they need, and the feedback has been incorporated into a revised service specification.

All the proposals in the consultation were endorsed, and following Cabinet approval in September the tender process for the new 'Family Centre Service' was launched on Wednesday, 11 October.

## **5.2 Special Educational Needs and Disability (SEND)**

SEND remains an area of pressure and an area of focus within Children's Services (CS). The SEND post inspection action plan will be presented to parents at a further conference on 6 November involving Health, Education and Social Care professionals and parents will be surveyed regarding practice and communication improvements. CS will then consider its practice against the Ofsted report describing the first year of inspection findings:

<https://www.gov.uk/government/publications/local-area-send-inspections-one-year-on>

The 0 – 25 Together social care service celebrated its first 'birthday' during October and families are starting to report an improved pathway into adulthood. The Service continues to work closely with Adult Care Services (ACS) in relation to practice, particularly adult safeguarding, commissioning and demand management. CS are also looking to better align activities across social care and special educational needs teams.

## **5.3 Nascot Lawn – An update**

On 18 July 2017 Council considered a petition to 'Save Nascot Lawn' following the decision by Herts Valleys Clinical Commissioning Group (HVCCG) to cease funding this health setting which delivers overnight short breaks to children with disabilities and complex health needs. The decision by HVCCG and the issuing of six months' notice meant that the setting would cease to be funded from October 31 2017. Council agreed that it would fund an extension to this period to allow assessments to be carried out so that the children and their families' needs could continue to be met after the funding ceased. It was agreed that the setting would be funded to remain open until 31 January 2018.

HVCCG's decision was also considered by Hertfordshire County Council's Health Scrutiny Committee on 19 July 2017 and it was agreed that the decision would be reviewed more fully at a Topic Group of the Scrutiny Committee which took place on 6 September 2017. Responses to this Scrutiny have been recently received and are being checked for accuracy.

In early July two parents made an application for a Judicial Review of the HVCCG decision. Following Council and the July Scrutiny, the County Council accepted that it was an interested party to any proceedings. The case was due to be heard on 3 October, however, on 27 September, HVCCG set aside its decision to cease funding the service having accepted that the process that it had previously undertaken for ceasing to fund the Nascot Lawn service was flawed.

Since that date, HVCCG has been engaging with stakeholders in order to inform a new decision on the services at Nascot Lawn. This new decision will be taken no later than 16 November. The County Council remains concerned about the adequacy of the engagement process (it considers that a full consultation is required). The current engagement process closes on 6 November and the County Council will be responding. Parents are again in dialogue with their solicitors regarding a new application for judicial review on the basis that the engagement process by HVCCG is inadequate.

In the event that HVCCG again makes a decision to cease funding the Nascot Lawn Service it is the County Council's understanding that it will be required, under the terms of the contract with Hertfordshire Community Trust (HCT), to issue a further six months' notice; accordingly it is the County Council's understanding that funding may cease in the middle of May 2018.

Since the first decision to cease funding, CS staff have been working with both Clinical Commissioning Groups (CCGs) and with families to carry out an up to date assessment of the children's needs. Although the original HVCCG decision has been set aside this work is continuing as a contingency should the same decision be made again. All assessments of children who have overnight stays at Nascot Lawn have been completed and workers are now meeting with families to discuss alternative packages of care. CS is in close liaison with the providers of the three settings that are funded by the County Council and all three are looking to extend their service. There are a small number of families who are happy to accept an alternative support package, including one child who is being introduced to a shared carer and several families who are comfortable with their child moving to another short breaks service.

As a result of the original decision taken by HVCCG, HCT staff were issued with notice some months ago and a significant number have found alternative employment. As a result this has had an impact on HCT as, although the original decision has been set aside, HCT is finding it difficult to recruit due to the uncertainty of the situation. HCT has notified parents that the service will be reduced by approximately 50% from the beginning of November. Staffing levels are under review by the CCGs.

The majority of families using Nascot Lawn want the service to remain open. HVCCG is engaging on four options, including an option that the County Council makes an offer to deliver a joint service at Nascot Lawn. The County Council is not able to commission a health service and the funding arrangement currently being suggested by HVCCG appears unsustainable. The County Council maintains its position that it would like to work with the CCG's to deliver an integrated service across three sites.

Work is also underway to consider whether the Nascot Lawn building is more or less suited than the West Hyde building for the delivery of an overnight short breaks service. This work is being done in partnership with parents.

#### **5.4 Children Looked After (CLA)**

The outcomes for children and young people in the Virtual School at the end of the academic year 2016-17 are showing signs of improvement in key areas. However, it is not possible to compare the outcomes at key stage 2 and 4 to last

year because of the assessment framework changes and the changes to the curriculum; there are several examples of individual children who have exceeded expected outcomes at the end of key stage 4.

Of particular note is the phonics screening text, where children looked after outcomes exceeded those for all children in Hertfordshire. (90% of CLA met the expected standard (70% last year); the overall figure for Hertfordshire was 83 %). There has been comprehensive training for carers on this work with materials and activities for home use provided to support learning at home.

The end of key stage results at key stage 1 and 2 indicate that where children achieved they have made accelerated progress and achieved at greater depth levels. 12% of key stage 4 CLA pupils achieved 4+ in both English and Mathematics. The percentage of care leavers going to and completing further education courses continues to rise and the number at University is the highest ever. There were 3 First Class Honours degrees within the 14 graduates in 2017.

National attainment data for children looked after will be available in March 2018.

## **5.5 Family Safeguarding Update**

Over the summer Hertfordshire staff presented The Hertfordshire Safeguarding Project and its outcomes at four national learning events organised by the Department for Education (DfE) and also at the National Children and Adult Services Conference in October 2017. We have been approached by 10 other local authorities with a serious interest in adopting our model and we are helping them explore finance options to enable them to do so.

The service has been shortlisted for a further two national awards which will be judged in November - The Guardian Public Services awards and the National Social Work awards.

The project to introduce family safeguarding in Luton, Peterborough, Bracknell Forest and West Berkshire are progressing well with all four authorities planning to launch the new ways of working before Christmas.

## **5.6 Key Performance – September 2017**

- The number of children subject to a Child Protection Plan has increased to 637, however it still remains one of the lowest rates in the country at 23.9 per 10,000 (0-18 population) compared with a national rate of 43.1.
- The number of children looked after in Hertfordshire is currently 849 plus 90 unaccompanied asylum seeking children, this is an increase on March 2017 but still one of the lowest rates in the country at 35.2 per 10,000.
- 17.7% of children looked after who left care in the last 12 months did so via an adoption or special guardianship order (SGO); in addition 72.2% of those adopted were adopted within 12 months of the decision to adopt. The percentage of Care Leavers aged 17-21 who are in Education, Employment and Training (EET) was 58.2% in September, an increase on 56.2% in March 2017 and higher than our statistical neighbour average of 51%.

## **6. Cabinet Panels**

- 6.1 Since the last Executive Report to Council, the Children's Services Cabinet Panel has met on 21 September and 2 November 2017. The matters discussed can be found at the following locations:

[Children's Services Cabinet Panel - 21 September 2017](#)

[Children's Services Cabinet Panel - 2 November 2017](#)

- 6.2 A Joint Meeting of the Children's Service's Cabinet Panel & the Public Health, Prevention & Performance Cabinet Panel was also held on the 21 September 2017. The matters discussed can be found at the following location:

[Joint meeting of the Children's Services Cabinet Panel and the Public Health, Prevention & Performance Cabinet Panel - 21 September 2017](#)

**Teresa Heritage**  
**Executive Member for Children's Services**  
**November 2017**

**EXECUTIVE PORTFOLIO: COMMUNITY SAFETY AND WASTE MANAGEMENT PANEL****1. Cabinet decisions since the last Executive Report to the County Council**

- 1.1 There will have been 4 Cabinet meetings (18 July 2017, 25 September 2017, 23 October 2017, and 13 November 2017) since the last Executive Report to County Council. The item of business specifically attributed to the Community Protection part of this portfolio was:-

Cabinet – 18 July 2017

The potential transfer of governance of Hertfordshire Fire and Rescue Service (HFRS) from Hertfordshire County Council to the Hertfordshire Police and Crime Commissioner - Cabinet agreed that the County Council should respond to the Police and Crime Commissioner's consultation, opposing the Police and Crime Commissioner's proposal to become the Fire and Rescue Authority for Hertfordshire.

Cabinet further supported the 'Representation' model of governance for the Fire and Rescue Authority, which would enhance collaboration and representation without incurring the disruption, costs and ongoing inefficiency arising from the 'Governance' model (also see paragraph 3.1 below)

- 1.2 There have been no Cabinet decisions relating to waste management since the last Executive Report to the County Council.

**2. Consequences of Cabinet decisions before the last meeting of the County Council on 18 July 2017**

- 2.1 There are no consequences of Cabinet decisions taken before 18 July 2017 to report.

**3. Anticipated/ future decisions to be made by Cabinet**

- 3.1 The potential transfer of governance of Hertfordshire Fire and Rescue Service from the County Council to the Police and Crime Commissioner will involve an independent assessment process and a decision by the Home Secretary. Necessary information and decisions in relation to this will go through the Community Safety and Waste Management Cabinet Panel and Cabinet in due course.

**4. Key Partnerships**

- 4.1 The Community Protection Directorate is currently working across a number of collaborations. The role of Longfield Training Centre continues to evolve with joint training with neighbouring fire and rescue services. Hoddesdon station is soon to be established as the first tri-service (police, fire, ambulance) station in the

County. Through the East Coast Collaboration of fire service control rooms there will soon be a fully integrated control function across four fire and rescue services; through this work further efficiencies will be realised by both hardware and software innovation.

- 4.2 Continued cooperation with the district and borough councils in their role as waste collection authorities for the County is ongoing through the Hertfordshire Waste Partnership.

## **5. Other comments**

- 5.1 Residual Waste Treatment Programme (RWTP): The County Council, in its role as the Waste Planning Authority (WPA), requested further information (known as a "Regulation 22" request) from Veolia Environmental Services Ltd, in response to its planning application for an Energy Recovery Facility (ERF) at Rye House, off Ratty's Lane, Hoddesdon. This necessitated a further round of consultation which closed on 21 September. The WPA is currently expected to bring its recommendation to the Development Control Committee, for determination of the application, on the 20 December 2017.
- 5.2 Interim residual waste disposal: The extension of the County Council's Interim residual Local Authority Collected Waste (LACW) disposal contracts, with arrangements for the continued use of existing facilities, has been confirmed. The suite of extensions confirms that the County Council will have surety of disposal for all of its residual LACW until March 2021. Negotiations have delivered significant reductions in the order of £2m per annum. Whilst this is excellent news, arrangements beyond the short term (post 2020) are less than certain in terms of location, availability and cost.
- 5.3 Expanding Ware HWRC: A planning application was submitted on the 16 August 2017. The application is being validated by the WPA with consultation expected to last 28 days. Subject to receiving approval, work is likely to commence in the summer of 2018 and the facility should be operational in the summer of 2019.
- 5.4 Reuse Centres: Planning permission for the expansion of the existing Harpenden re-use centre and a new Waterdale re-use centre was granted in August 2017. The improved re-use service is anticipated to begin in early February 2018.
- 5.5 Reviews of the inter-authority funding mechanisms for transport subsidy (payments made by the County Council to the district and borough councils for delivering waste for disposal) and the Alternative Financial Model (AFM) are underway through the Hertfordshire Waste Partnership. The proposed changes are designed to simplify the model and are not considered contentious; however, further consultation and analysis of the impact will take place in the coming months.

## **6. Cabinet Panels**

- 6.1 Since the last Executive Report to Council, the Community Safety and Waste Management Cabinet Panel has met on 13 July 2017 and 8 November 2017. The matters discussed can be found at the following locations:

Agenda Pack 336 of 420



[Community Safety and Waste Management Cabinet Panel - 13 July 2017](#)

[Community Safety and Waste Management Cabinet Panel - 8 November 2017](#)

**Terry Hone**  
**Executive Member for Community Safety and Waste Management**  
**November 2017**

**EXECUTIVE PORTFOLIO: EDUCATION, LIBRARIES & LOCALISM****1. Cabinet decisions since the last Executive Report to the County Council**

- 1.1 There will have been 4 Cabinet meetings; (18 July 2017, 25 September 2017, 23 October 2017 and 13 November 2017), since the last Executive Report to County Council. The items of business specifically attributed to this portfolio were:-

Cabinet – 25 September 2017

Additional school places. Cabinet considered a report which included proposals for a contribution to be made to a school based project to expand St. Michael's CoE Primary school in St. Albans; an additional classroom for The Leys Primary school in Stevenage; and the application of S106 funds in connection with school provision to serve the High Leigh housing development in Hoddesdon. Cabinet approved the contribution of the capital costs of these individual schemes and to the application of S106 funds set out in paragraph 5.3 of the report. Cabinet's decision will enable an additional 8 primary school places at St. Michael's to be made available on a permanent basis as close as possible to an area of demand in the city centre; for The Leys to be able continue to fill its Published Admission Number; and ensure that feasibility work for primary school provision for the High Leigh development can commence as and when required.

**2. Consequences of Cabinet decisions before the last meeting of the County Council on 18 July 2017**

- 2.1 At its meeting on 26 June 2017 Cabinet agreed that the County Council should conclude an agreement with Goffs Generation Multi-Academy Trust around the sponsorship of Cheshunt school. I am pleased to report that the terms for such an agreement have been reached with the Trust and that the Regional Schools Commissioner has also approved the inclusion of Cheshunt School in the Academy Trust. The legal documentation to formalise all of this is nearing completion.

**3. Anticipated/ future decisions to be made by Cabinet****3.1 Cabinet – 13 November 2017**

Forward Plan ref: A035/17 – Future management of the County Council's Art Collection

Forward Plan ref: A036/17 Proposed consultation on the County Council's Admission Arrangements

Forward Plan ref: A044/17 – To consider whether to publish a statutory notice in respect of a proposal to change the age range of Widford School, Ware to allow nursery-aged children to be admitted from the age of 2

Forward Plan ref: A045/17 – To consider whether to publish a statutory notice in respect of the proposal to increase the number of places by 8 at both Haywood Grove Social, Emotional and Mental Health Special School and Woodfield Severe Learning Difficulties Special School

Forward Plan ref: A046/17 – Inspiring Libraries Strategy Phase Two Implementation 2018 – 2021

Forward Plan ref: A047/17 – Alternative delivery model for Library Service

Forward Plan ref: A053/17 - Whether to publish a statutory notice in respect of the proposal for the closure of Redbourn Junior school and the increase of age range at Redbourn Infants & Nursery school from 3-7 years old to 3-11 years old

Forward Plan ref: A054/17 - Whether or not to publish statutory notices on the increase of number of places at Meadow Wood Moderate Learning Difficulties (special) school by 8.

#### Cabinet – 18 December 2017

Forward Plan ref: A056/17 – To consider the future of Hertfordshire Music Service

#### 2018

I expect to seek Cabinet approval to further primary and secondary school expansion programmes and funding approvals, where necessary, in the first part of 2018.

## **4. Key Partnerships**

### Armed Forces Covenant

- 4.1 Since my last report, the Covenant Board met on 26 July and again on 1 November. It continues to support the Ministry of Defence's national priorities around health, education, housing and communicating the Covenant; the latter is the partnership's current key focus. The communications aspect of the Covenant is delivered through training public facing staff, the annual Christmas Schools Art competition and community engagement initiatives.
- 4.2 I am proud to confirm that the Hertfordshire County Council has had its Silver Award for the Ministry of Defence's Employer Recognition Scheme successfully revalidated, continuing to recognising the council as a *Forces Friendly* employer.
- 4.3 The Board continues to support centenary activities relating to World War One including commemorative stone-laying ceremonies in the home towns of Victoria

Cross recipients on the one hundredth anniversary of their award. Last month in Watford, Major George Pearkes was honoured and the next of these will take place in September 2018 in Hitchin to honour VC recipient Frank Young.

#### Hertfordshire Lifestyle and Legacy Partnership

- 4.4 The Partnership last met on 5 October, at which progress on the development of the Hertfordshire Year of Physical Activity was reported. Partners were also informed of preparations underway to run a Hertfordshire Year of Culture in 2020.

#### Relationship with the voluntary and community sector

- 4.5 Since my previous report, I am pleased to announce a further five organisations have signed up to the Hertfordshire Compact; bringing the total to 39. The first annual survey, to gauge the success of the Compact and determine the future work programme of the partnership group took place from July to September. The results so far have been positive with nearly 80% of respondents regarding the Hertfordshire Compact as important; there were also a number of positive suggestions of how this could be progressed further.

### **5. Other comments**

#### Local Democracy Week

- 5.1 Local Democracy Week ran from the 9-15 October this year. To commemorate this, the Chairman hosted a schools' debate at which pupils had the opportunity to debate a project to expand a local school. Involving pupils from Broxbourne School, Hertfordshire & Essex High School, Thomas Alleyne Academy and Watford Grammar School for Girls; the event was well received.
- 5.2 Alongside this, some of our young commissioners shared their experiences of getting involved in decision making at the County Council through our social media channels and an interview with BoB FM.

#### Libraries & Heritage

- 5.3 On Saturday 15 July, I attended the countywide launch of the 2017 Summer Reading Challenge (Animal Agents). This year's Summer Reading Challenge was the most successful ever in Hertfordshire Libraries, with 21,681 children participating across the County.
- 5.4 On 27 July, I hosted a visit to Hertfordshire Libraries by Kathy Settle (Chief Executive of the National Libraries Taskforce) and Simon Richardson (Head of Libraries Policy for the Department of Digital, Culture, Media and Sport (DCMS)). Our visitors learned about Hertfordshire's 'Inspiring Libraries' Strategy, toured the new Hemel Hempstead Library and CreatorSpace, and visited the Community Library at Redbourn, where they met representatives of the volunteer steering group.

- 5.5 On 2 October, I attended an event at Hertfordshire Archives and Local Studies to celebrate its achievement of Accredited Archive status (the national quality mark for archive services). I was presented with the certificate of accreditation by Isobel Hunter, Head of Archive Service Development at The National Archives.
- 5.6 On 9 October, I was pleased to perform the official opening ceremony for the new library at Berkhamsted, which opened its doors to the public in May. The new library provides a state-of-the-art library facility, complete with a community meeting room on the ground floor, as part of a new residential development in the centre of Berkhamsted High Street.
- 5.7 During Libraries Week (a national celebration of public libraries from 9-15 October), I set myself the goal of visiting all 46 Hertfordshire Libraries in a week. I achieved this by Saturday lunchtime, having travelled the length and breadth of the County.
- 5.8 I am pleased to report that again children in Hertfordshire have achieved above the national average in 2017 in all the key attainment indicators for GCSEs – the Attainment 8 score, proportion achieving grades 4+ and 5+ in both English and Maths, and proportions entering and achieving the full range of English Baccalaureate subjects. For most indicators Hertfordshire remains in the top quintile of local authorities. For Attainment 8 – the summary measure of children’s attainment at GCSE – Hertfordshire was ranked 20<sup>th</sup> amongst local authorities nationally and improved our performance relative both to England as a whole, the East of England and our statistical neighbours.

## **6. Cabinet Panels**

- 6.1 Since the last Executive Report to Council, the Education, Libraries and Localism Cabinet Panel has met on 14 September 2017 and 7 November 2017. The matters discussed can be found at the following locations:-

[Education, Libraries and Localism Cabinet Panel - 14 September 2017](#)

[Education, Libraries and Localism Cabinet Panel - 7 November 2017](#)

**Terry Douris**  
**Executive Member for Education, Libraries and Localism**  
**November 2017**

**EXECUTIVE PORTFOLIO: ENVIRONMENT, PLANNING AND TRANSPORT****1. Cabinet decisions since the last Executive Report to the County Council**

- 1.1 There will have been 4 Cabinet meetings (18 July 2017, 25 September 2017, 23 October 2017, and 13 November 2017) since the last Executive Report to County Council. The items of business specifically attributed to this portfolio were:-

Cabinet - 25 September 2017

Cabinet approved the Sites for inclusion in the Draft Minerals Local Plan

Cabinet - 23 October 2017

Cabinet approved the Draft Local Transport Plan 4 for public consultation.

**2. Consequences of Cabinet decisions before the last meeting of the County Council on 18 July 2017**

- 2.1 There are no consequences of Cabinet decisions taken before 18 July 2017 to report.

**3. Anticipated/ future decisions to be made by Cabinet****3.1 Cabinet – 13 November 2017**

Forward Plan ref: A037/17 - Approval to undertake a public consultation on the Draft Minerals Local Plan (2016-2031) including policies and proposed specific sites, preferred and/or areas of search for mineral extraction. Cabinet will be invited to recommend that County Council approves the Draft Minerals Local Plan for public consultation.

Forward Plan ref: A038/17 - Approval to undertake an initial consultation on the review of the Waste Local Plan (including broad issues and options). Cabinet will be invited to recommend that County Council approves consultation on the Review of the Waste Local Plan.

Forward Plan ref: A049/17 – Adoption of the new Rights of Way Improvement Plan. Cabinet will be invited to approve adoption of the new Plan.

Cabinet – 18 December 2017

Forward Plan ref: A077/17 – Review of current financial arrangements with Groundwork East and the Herts and Middlesex Wildlife Trust. Cabinet will be invited to consider current and future financial arrangements with the Groundwork East and the Trust.

#### **4. Key Partnerships**

- 4.1 On 25 July I attended a Conference on Viability and the Funding of Infrastructure held at the Fielder Centre, Hatfield, which brought together work which had been jointly commissioned with the Hertfordshire Infrastructure and Planning Partnership (HIPP).
- 4.2 On the 26 July the Environment Planning and Transport Cabinet Panel had a Member Tour of potential development locations and major transport proposals, in the A414 Corridor.
- 4.3 Since the last County Council meeting I have attended a number of meetings of the Harlow Co-op Board, which have discussed progress on the various developments in an around Harlow, together with the local plans. In addition, on the 16 October I attended a workshop of the Harlow and Gilston Garden Town Board, which was focussed on examining sustainable transport solutions for the developments in and around Harlow. As part of this group I have visited a number of strategic housing sites across the south and east to learn lessons about the delivery of high quality new development.
- 4.4 On 1 August there was a meeting of the A414 Member Group, which focussed on the Transport Strategy work currently being progressed. On 6 October the A414 Group also met for an update on the work being carried out and also for a tour of the Corridor to visit the key locations where transport interventions are likely to be needed.
- 4.5 On the 12 September I chaired a meeting of the Abbey Line Community Rail Partnership. Work is continuing to explore service improvements and the possibilities of a new passing loop on the line.
- 4.6 On 13 September I attended a meeting which had been called to explore interest in a Sub National Transport Board for the East of England.
- 4.7 On 13 September I also attended the first meeting of HIPP since the Election. The main item on the Agenda was a presentation by the consultants appointed to carry out work on options for the Future of Planning in Hertfordshire Project. Further work is to be undertaken on this Project, with a view to reporting back to the County Leaders Group in the New Year.
- 4.8 On 20 September I attended a meeting with Members from Central Bedfordshire, Luton Borough and North Hertfordshire District Council to discuss passenger transport issues to the east of Luton, including the possible extension of the Luton Busway.
- 4.9 On 27 September I attended a meeting of the Essex, Enfield and Hertfordshire Border Liaison Group. The meeting received presentations on proposals for Junction 25 of the M25; work on the Enfield Northern Gateway Access project; and the Broxbourne Transport Study..
- 4.10 On 3 October I attended a meeting of the East Coast Mainline Authorities Group in York.

- 4.11 On the 10 October I attended a meeting of the A1 Consortium, where updates were given on the Local Transport Plan, East – West Rail, and the Growth and Transport Plans that will cover this corridor.

## **5. Other comments**

### Local Flood Risk Management Strategy

- 5.1 The consultation draft of the revised Local Flood Risk Management Strategy will be presented to the meeting of Environment Planning and Transportation Cabinet Panel on 5 February 2018 before going out for consultation with key stakeholders and the public. Following the consultation it will be finalised and reviewed by the Panel before being presented to Cabinet for adoption later in the year.
- 5.2 It is a statutory document which the County Council as Lead Local Flood Authority is required to produce. It sets a framework for how local flood risk in Hertfordshire will be managed by the County Council and other bodies such as district councils, the Environment agency and the Water and Sewerage companies. This is a revision of the first strategy and will cover the period 2018 – 2028.

### Passenger Transport

- 5.3 Education Bus Tickets (local bus only) have now been launched as “smart tickets”. We will now be able to collect data on the usage of the individual child using that local bus and how often they are using that bus to go to school. This is expected to assist with driving costs down.
- 5.4 A second Intalink operator workshop has recently taken place which has collated the views and issues from operators. The results will be incorporated into a revised Bus and Intalink Strategy.

### Access & Rights of Way

- 5.5 The revised draft of the Rights of Way Improvement Plan (RoWIP) went to the Cabinet Panel on the 1 November and is due to go to Cabinet on 13 November for adoption; the new plan covers a 10 year period.
- 5.6 The Access and Rights of Way (RoW) Service is currently engaging existing and new suppliers and stakeholders, including town and parish councils, on the procurement of the new annual path clearance contracts (mowing, strimming and siding-up). Approximately 1670 paths are cut twice a year, at a current value of £133k; a significant proportion of the overall RoW operating budget. The re-procurement aims to build-in quality, responsiveness from contractors, and value for money and will be awarded in time for the 1 April 2018.



### Countryside Management Service

- 5.7 In February, this year I announced that Countryside Management Service (CMS) had secured £251k in the form of a Parks for People Lottery Phase 1 grant to prepare for work at “Castle Park” in Bishop’s Stortford. If successful, the full award of more than £2million will be released to the partnership between East Herts Council and Bishop’s Stortford Town Council. This will enable the delivery of improvements that bring together Castle Gardens and Sworders Field and further engagement of the local community.

### Lee Valley Regional Park

- 5.8 This year is the 50th Anniversary of the establishment of the Lee Valley Regional Park (LVRP). Discussions are ongoing to further improve the facilities offered in Hertfordshire including more investment in the White Water Centre and opening up land at Spitalbrook for public access.

## **6. Cabinet Panels**

- 6.1 Since the last Executive Report to Council, the Environment, Planning and Transport Cabinet Panel has met on 7 September 2017, 5 October 2017 and 1 November 2017. The matters discussed can be found at the following locations:

[Environment, Planning and Transport Cabinet Panel - 7 September 2017](#)

[Environment, Planning and Transport Cabinet Panel - 5 October 2017](#)

[Environment, Planning and Transport Cabinet Panel - 1 November 2017](#)

**Derrick Ashley**  
**Executive Member for Environment, Planning and Transport**  
**November 2017**

**EXECUTIVE PORTFOLIO: HIGHWAYS****1. Cabinet decisions since the last Executive Report to the County Council**

- 1.1 There will have been 4 Cabinet meetings (18 July 2017, 25 September 2017, 23 October 2017, and 13 November 2017) since the last Executive Report to County Council. The items of business specifically attributed to this portfolio were:-

Cabinet – 23 October 2017

Cabinet agreed a strategy for the provision of charging points for Ultra Low Emission Vehicles (ULEVs) on Hertfordshire's highways.

**2. Consequences of Cabinet decisions before the last meeting of the County Council on 18 July 2017**

- 2.1 On 10 July 2017 Cabinet approved the Transport Asset Management Plan Annual Report for 2016. This revised the condition targets for Hertfordshire's roads.

**3. Anticipated/ future decisions to be made by Cabinet****3.1 Cabinet – 18 December 2017**

Forward Plan ref: A051/17 - Agree criteria for Winter Gritting programme for 2018/19;

Forward Plan ref: A075/17 - Evolution of Highways Drainage Service (review of the Cyclical Routine Drainage Maintenance Service and proposals to revive this service to improve its effectiveness and efficiency whilst ensuring that it is affordable and sustainable)

Forward Plan ref: A072/17 - Highway Service Review: (i) Potential extension of Highways Service Term (Ringway) Contract and (ii) Potential extension to the Client Support Term (Opus-Arup) Contract

Cabinet – 19 February 2018

Forward Plan ref: A081/17 - Consider the LED Dimming Strategy (level of lighting to be agreed)

**4. Key Partnerships**

- 4.1 Nothing to report.

## 5. Other comments

5.1 Following considerable efforts by all involved in the Highways Service, there have been significant improvements in service levels and the service is now stable and improving. In this vein, I was particularly encouraged to see the recent internal audit report (ref 20126/16/001) on the various improvement initiatives that have been undertaken in the highways service. This report gave these “Substantial Assurance” with no recommendations. The focus in the Highways Service now is on identifying and liberating trapped resources within the service that are not being used as efficiently and effectively as they could be, by redesigning service delivery and reinvesting these resources back in to the highways service. The following two items are examples of this type of service development.

### 5.1 Drainage

A more targeted ‘intelligent’ approach to the delivery of the gully emptying and cleaning service is being developed to ensure only gullies that need cleaning are emptied through revised maintenance frequencies. This approach makes use of improved asset data that Ringway have been collecting.

The new approach will see:

- No change to the current emptying and cleaning frequencies for vulnerable gullies and those on high speed roads.
- Gully emptying and cleaning frequencies being adjusted based on silt levels.
- Blocked gullies being cleared within 12 months of being reported/identified.
- Members of the public getting an acknowledgement of blocked gullies (that will then be added to the 12 month clearing cycle)
- More transparency of gully status through GIS mapping.

The aim is to introduce the new approach from April 2018. When cleaned, gullies will be rated as ‘good’, ‘fair’ or ‘poor’ based on the volume of silt recorded. Gullies recorded as ‘good’ could have their cleaning frequency changed from 18 months to 24 months. Changes would be applied on whole road sections. Gullies rated as ‘poor’ could be cleaned more frequently if the rating is recorded over two consecutive cleans.

### 5.2 Funding Routine Maintenance

I am proposing a new funding structure within the Highways Service for 2018/19 onwards that protects the £90k Highways Locality Budget (HLB) per member into the foreseeable future, releases revenue funding for officers to direct annual campaigns of routine maintenance and, therefore, avoid the need for the funding of future Restoration projects.

As a whole, we members have tended to spend more of our HLB on capital activity than the budget and less on revenue activity.

By increasing the capital element of HLB to £77k per member, approximately £1m of revenue funding can be liberated for much needed routine maintenance such as drainage, vegetation control and lining operations.

There will be opportunities for members to request to spend more, or less of their £13k revenue allocation, providing they make that request with clear details of their intentions well before the start of the financial year to enable works and budgets to be planned.

### 5.3 Highways Service Review

Following a thorough review of the current levels of service provided by Ringway and Opus Arup as Highways Service Term (HST) and Highways Client Support Term (CST) suppliers (also see 3 above) and their scope for further improvements, alongside a review of market conditions and an assessment of the cost and implications of re-procurement, officers have recommended extending both contracts by 5 years to the end of September 2024. A report on this matter will be considered by Highways Panel on 16 November 2017 and by Cabinet on 18 December 2017.

## 6. **Cabinet Panels**

- 6.1 Since the last Executive Report to Council, the Highways Cabinet Panel has met on 5 September 2017 and 16 November 2017. The matters discussed can be found at the following locations:

[Highways Cabinet Panel - 5 September 2017](#)

[Highways Cabinet Panel - 16 November 2017](#)

**Ralph Sangster**  
**Executive Member for Highways**  
**November 2017**

## **EXECUTIVE PORTFOLIO: PUBLIC HEALTH, PREVENTION AND PERFORMANCE**

### **1. Cabinet decisions since the last Executive Report to the County Council**

- 1.1 There will have been 4 Cabinet meetings (18 July 2017, 25 September 2017, 23 October 2017, and 13 November 2017) since the last Executive Report to County Council. The items of business specifically attributed to this portfolio were:-

#### Cabinet – 25 September 2017

To Consider the Outcome of Consultation on Proposals for the Family Centre Services and Proposed Tender Arrangements [Forward Plan Ref: A039/17]

Cabinet authorised and agreed: (i) the proposed approach of Children’s Services and Public Health jointly to commission a new service that offers a co-terminous aligned service which is integrated at the point of delivery, as set out in the report; (ii) that the proposed service be delivered under one overarching offer ‘Hertfordshire Family Centre Service’ as set out in the report; and that each individual service within this preserves an appropriate individual brand (i.e. Public Health Nursing and Family Support Work) for ease of access; and (iii) (a) that the Director of Public Health, in consultation with the Executive Member for Public Health, Prevention and Performance, takes forward the procurement for the Public Health Nursing service; and (b) that the Director of Children’s Services, in consultation with the Executive Member for Children’s Services, takes forward the procurement for the Family Centre Support Service.

Approval of the Hertfordshire Public Health Strategy 2017-21 [Forward Plan Ref: A034/17]

Cabinet approved the draft Hertfordshire Public Health Service Strategy 2017-2021 and authorised the Director of Public Health, in consultation with the Executive Member for Public Health, Prevention and Performance, to finalise the Strategy, making such amendments to the Strategy as necessary to reflect the views of the Public Health, Prevention and Performance Cabinet Panel.

### **2. Consequences of Cabinet decisions before the last meeting of the County Council on 18 July 2017**

- 2.1 There are no consequences of Cabinet decisions taken before 18 July 2017 to report.

### **3. Anticipated/ future decisions to be made by Cabinet**

- 3.1 There are no anticipated future decisions to be made by Cabinet.

#### **4. Key Partnerships**

- 4.1 The County Council's SMART Prevention Programme has identified four major work streams to concentrate on to help people with their independence. The first three (building quality communities, social Isolation, and waste management) have already been endorsed by the Herts Forward Strategy group. The fourth, yet to be endorsed, is employment (paid or unpaid).
- 4.2 Jim McManus, Director of Public Health, chairs the Prevention Workstream for the Hertfordshire Sustainability & Transformation Partnership (STP). Key priorities include working with partners to reduce cardiovascular disease, further development of social prescribing and helping people to self-manage their health conditions. The workstream extends to include West Essex Clinical Commissioning Group (CCG) and includes partners from Community Wellbeing, Health, and Fire and safety.

#### **5. Other comments**

- 5.1 I visited The Living Room in St Albans for their open day on 14 September 2017. It was good to hear first-hand experiences of those taking on and beating their demons, and to note that all counsellors have been through Living Room counselling themselves.
- 5.2 Public Health underwent a Peer Challenge led by the Local Government Association (LGA) between 18-20 October 2017. 98 people were interviewed including a number of members, partners, and officers from across the County Council. The final report is still to be received but the interim report will be reviewed by the Public Health, Prevention and Performance Cabinet Panel on 10 November 2017. The link to the report and feedback presentation can be found in paragraph 6.1 below.
- 5.3 The Council's Quarterly Performance Report, which summarises key performance measures across the Authority, is now presented to the Public Health, Prevention and Performance Cabinet Panel four times per year. Alongside this, services are invited to present a paper on the key performance challenges for their area. Adult Care Services presented to the Panel in September and the Fire & Rescue service will present to the Panel on 2 February 2018.
- 5.4 New Year's Day will mark the launch of Hertfordshire's fifth "Year of..."; The Year of Physical Activity. With leadership from Hertfordshire County Council, the 10 District and Borough Councils, and the Herts Sports and Physical Activity Partnership, we are seeking to use the Year to promote the substantial benefits that active living can bring to individuals and our communities. The Year will highlight the wide range of programmes and events already taking place across Hertfordshire and will encourage a wider range of organisations to get involved in beginning to move Hertfordshire's stubborn inactivity levels. The Year of Physical Activity will promote fun and enjoyable local activities, and I would urge you all to consider making an active new year's resolution this year!

## **6. Cabinet Panels**

- 6.1 Since the last Executive Report to Council, the Public Health, Prevention and Performance Cabinet Panel has met on 21 September 2017 and 10 November 2017. The matters discussed can be found at the following locations:

[Public Health, Prevention and Performance Cabinet Panel - 21 September 2017](#)

[Public Health, Prevention and Performance Cabinet Panel - 10 November 2017](#)

- 6.2 A Joint Meeting of the Children's Service's Cabinet Panel & the Public Health, Prevention and Performance Cabinet Panel was also held on the 21 September 2017. The matters discussed can be found at the following location:

[Joint meeting of the Children's Services Cabinet Panel and the Public Health, Prevention & Performance Cabinet Panel - 21 September 2017](#)

**Richard Roberts**  
**Executive Member for Public Health, Prevention and Performance**  
**November 2017**

## EXECUTIVE PORTFOLIO: RESOURCES, PROPERTY AND THE ECONOMY

### 1. Cabinet decisions since the last Executive Report to the County Council

- 1.1 There will have been 4 Cabinet meetings (18 July 2017, 25 September 2017, 23 October 2017 and 13 November 2017) since the last Executive Report to County Council. The items of business specifically attributed to this portfolio were:

#### Cabinet - 18 July 2017

The Potential Transfer of Governance of Hertfordshire Fire and Rescue Service from Hertfordshire County Council to the Police and Crime Commissioner [Forward Plan Ref: A030/17]

Cabinet agreed that the County Council should respond to the Police and Crime Commissioner's consultation, opposing the Police and Crime Commissioner's proposal to become the Fire & Rescue Authority for Hertfordshire.

#### Cabinet - 25 September 2017

Former Sunny Bank School Site, Field View Road, Potters Bar EN6 2NA [Forward Plan ref: A032/17]

Cabinet agreed that additional budgetary provision be made in the sum of £394,000, out of the Spend to Achieve Capital Receipts Reserve to complete the works to separate the Education Support Centre from the remainder of the former Sunny Bank School Site.

To consider the acquisition of a site for a new 2fe primary school at Watford Riverwell (previously Watford Health Campus). [Forward Plan ref: A043/17]  
Cabinet approved the acquisition of a site for a new 2fe primary school at Watford Riverwell.

#### Cabinet - 23 October 2017

Business Rates Retention Pilot and Business Rates Pool

[Urgent item of business, no Forward Plan reference]:

Cabinet approved the granting of delegated authority to the Director of Resources, in consultation with the Executive Member for Resources, Property and the Economy, to submit applications to form a Hertfordshire 100% Business Rate Retention Pilot and a Hertfordshire Business Rates Pool.

### 2. Consequences of Cabinet decisions before the last meeting of the County Council on 18 July 2017

- 2.1 Integrated Plan (IP): The 2017/18 IP has been approved and work continues on refreshing the IP for the period 2018/19 – 2021/22, including developing proposals to meet the forecast funding gap over this period.



Hertfordshire County Council Property Development Programme – Property Company [Forward plan reference: A033/17]

In March 2017 Cabinet agreed that the Director of Resources should commence a formal procurement process to seek a preferred partner for a joint venture property development vehicle by December 2017. This process is on schedule and proposals for the appointment of the preferred bidder will be presented to Cabinet in December together with a revised Business Case.

### **3. Anticipated/ future decisions to be made by Cabinet**

#### **3.1 Cabinet - 13 November 2017**

Forward plan ref: A010/17: Review of Financial Regulations  
Cabinet will be invited to approve proposed amendments to the County Council's Financial Regulations.

Forward plan ref: A055/17: To consider the future of Cuffley Camp Outdoor Centre  
Cabinet will be asked to consider proposals relating to the future of Cuffley Camp Outdoor Centre, Northaw, on the basis that there are alternative facilities that offer superior service provision and the investment cost of bringing Cuffley Camp up to an adequate standard are prohibitive.

#### **Cabinet – 18 December 2017**

Forward plan ref: A052/17: Finance Monitor Q2 – approval of capital budget reprogramming

Forward plan ref: A057/17: Proposed sale of the Authority's share of Hertfordshire Schools Building Partnership [Forward plan ref: A060/17: Approval of the Hertfordshire Skills Strategy to 2020

Forward Plan ref: A040/17: Procurement of a Property Development Partner

Forward Plan ref: A060/17: Approval of the Hertfordshire Skills Strategy to 2020

Forward Plan ref: A076/17: Marketing of land at Brookfield, Cheshunt

#### **Cabinet – 22 January 2018**

Forward plan ref: A061/17: Draft Integrated Plan 2018/2019 – 2020/2021

Forward plan ref: A062/17: Public Engagement & Consultation on the Integrated Plan Proposal

#### **Cabinet – 19 February 2018**

Forward plan reference: A064/17: Public Engagement and Consultation on the Integrated Plan Proposal

Forward plan reference: A065/17: Integrated Plan 2018/2019 – 2020/2021

Forward plan reference: A067/17: Overview & Scrutiny Committee Report on the Integrated Plan Proposals

Forward plan reference: A063/17: Service Cabinet Panels Comments on the Integrated Plan Proposals

#### **4. Key Partnerships**

##### **4.1 Hertfordshire Local Enterprise Partnership (LEP)**

Five new business leaders have been appointed to join the LEP Board following a selection process over the summer to succeed LEP Board Members whose terms of office are ending. Please see the link below for further information: [https://www.hertfordshirelep.com/media/5685/lep-bm\\_oct.pdf](https://www.hertfordshirelep.com/media/5685/lep-bm_oct.pdf)

The most recent meeting of the LEP Board took place on 21 September. The Board released funding for Land Assembly and Public Realm improvements in central Stevenage and funding (subject to final ratification) to support the regeneration of Hatfield town centre including a new multi-storey car park and improvements to the public realm.

The LEP held a Building Solutions – Modern Methods of Construction Conference at BRE on the 5 October. This explored the opportunities for Hertfordshire's economy in terms of participating in the growing market for offsite construction as well as the role this technology can play in terms of delivering the County's planned housing growth.

On 6 October, I opened the 2017 Hertfordshire Skills Summit at the Rothamsted Centre for Research & Enterprise in Harpenden. The objective of this event was to help shape the Hertfordshire Skills Strategy through to 2020. This is an example of strong partnership working between Hertfordshire County Council, the LEP and the Department for Work and Pensions. Please see the link below for further information: <https://www.hertfordshirelep.com/skills-summit-2017/>

Nationally, the Government has announced it is to review the work of all 38 LEP areas. Jake Berry, Minister for Local Growth at the Department of Communities and Local Government described LEPs as an essential part of Government's plan for driving local growth and the Industrial Strategy and that the review reflected the ambition to strengthen the role of LEPs during this Parliament.

##### **4.2 London Stanstead Cambridge Consortium (LSCC)**

Dr Ann Limb CBE has been appointed the new Chairman of the LSCC. She was formally Chair of the South East Midlands LEP.

Two LSCC Board meetings have taken place since June. On the 12 July the Board met in Harlow and received presentations from Harlow Enterprise Zone, Stansted Airport and discussed the investment strategy to support West Anglia Main Line and Crossrail 2. On 11 October the Board met in Cambridge and received a presentation from Cambridge Ahead, discussed Regional Transport

Authorities, the Government's emerging Aviation Strategy, and plans for promoting the M11 corridor.

#### 4.3 Visit Herts

The Visit Herts Partnership Board met on 14 September and discussed its Business Plan and priorities for the future following the re-appointment of Go to Places for a second contract period. The Hertfordshire Tourism Awards have been launched with an announcement expected in November.

#### 5. **Other comments**

5.1 No additional comments.

#### 6. **Cabinet Panels**

6.1 Since the last Executive Report to Council, the Resources, Property and the Economy Cabinet Panel has met on 15 September and 9 November 2017. The matters discussed can be found at the following locations:

[Resources, Property and the Economy Cabinet Panel - 15 September 2017](#)

[Resources, Property and the Economy Cabinet Panel - 9 November 2017](#)

**David Williams**  
**Executive Member for Resources, Property and the Economy**  
**November 2017**

**REPORT FROM THE OVERVIEW & SCRUTINY COMMITTEE**

*The Committee met on 29 September 2017 at 10.00 a.m.*

**1. Scrutiny of the Integrated Plan Proposals 2018/19 – 2021/22**

- 1.1 The Committee received a report providing details of the format for the Committee's scrutiny of the Integrated Plan (IP) proposals 2018/19 – 2021/22.
- 1.2 The Committee approved the timetable for the IP scrutiny as detailed below:
  - Tuesday, 19 December 2017 Overview & Scrutiny Committee meeting in the Council Chamber. The Executive Member for Resources, Property and the Economy and the Director of Resources will present an overview of the current budget position and likely settlement for 2018/19 – 2021/22. Following the meeting there will be a short finance seminar by finance officers in preparation for the IP Scrutiny
  - Friday, 19 January 2018. There will be an IP briefing for Lead Members, Lead Officers, Executive Members and Graduate Trainees
  - Wednesday, 24 January 2018 IP Scrutiny Evidence Gathering day. It is expected that all Members of the Overview and Scrutiny Committee will participate for the full day
  - Thursday, 1 February 2018. The Committee will reconvene, discuss and agree the recommendations arising from its IP scrutiny to Cabinet. Lead Members of the IP scrutiny along with Graduate Trainees, Chief Officers and Executive Members will be expected to attend this session.
- 1.3 Members agreed that an invitation would be sent to all County Councillors in October inviting their participation in the scrutiny of the IP. It was noted that the proportionality for Chairmen of the 8 evidence gathering groups would be Conservative 5; Liberal Democrats 2 and Labour 1.
- 1.4 The Committee noted the list of IP pack questions set out in the Strategic Direction, attached at Appendix 1 to the report, and agreed that they be used for the 2018/19 – 2021/22 IP Scrutiny.

**2. Scrutiny work programme 2017 – 2018**

- 2.1 The Committee has now agreed its work programme for 2017/18; full details of the changes and updates to the work programme are set out in the [Minutes here](#).
- 2.2 Members agreed that although the Grenfell Tower Report was not due to be published until Easter 2018 they were pleased that the 'Resilience Topic Group' would go ahead as it was based on the County Council's resilience and how it

would ensure business continuity if a major incident occurred effecting County Council services and the residents of Hertfordshire.

- 2.3 In relation to the Highways contracts scrutiny it was noted that the Liberal Democrat Group wanted this item to remain on the work programme. This was agreed, however the Chairman asked for a written response from the Liberal Democrat group to explain why it should remain on the work programme. It was agreed that a written response would be presented at the November meeting of the Committee for further discussion.
- 2.4 The Committee agreed to remove the following scrutinies from the work programme:
1. To undertake a review of the provision of day care services
  2. Review the implementation of the Care Act - focus on prevention
- 2.5 The Committee agreed that the:
1. 'Members Information Service – Members Seminar' be removed from the work programme
  2. 'Social Services interface with the NHS and options for integration to include input from health bodies' be changed from a lunchtime seminar to a Conference with invitations to district and borough councils and NHS partners.
- 3. Hertfordshire Fire & Rescue Service – Update following IP Scrutiny (2017) on responding to medical incidents and day crewed fire stations**
- 3.1 The Committee received an update on two initiatives undertaken by Hertfordshire Fire & Rescue Service (HFRS) in relation to responding to medical incidents and day crewed plus fire stations.
- 3.2 Co-Responding to medical incidents. Members heard that co-responding was where emergency responders from the Fire & Rescue Services (F&RS) responded to 999 calls alongside the Ambulance Service. Co-responders have played a vital role in providing emergency patient care which includes treatment such as CPR and defibrillation, helping to reduce the number of cardiac related deaths in Hertfordshire. The trial covered 5 whole-time fire stations and 1 on-call fire station
- 3.3 The Committee heard that although the trial had been successful it had recently ceased due to the on-going national pay dispute; it was hoped it will be re-started once the dispute is resolved.. It was noted the desire of the majority of fire crews was to settle the dispute and continue with the co-responding service across the County.
- 3.4 Members heard that medical training for fire crews was not onerous as, since 2013, firefighters had received training in immediate emergency trauma care to support injuries to crews and the public during incidents and, in particular, road traffic collisions to improve patient survival rates. Ongoing training was also provided. It was noted that the 5 whole-time stations participating in the trial did

not incur any additional salary costs as firefighters were already on duty; however, there was a cost to the retained fire station in Tring as crew attending required their normal attendance payment per call.

- 3.5 Members agreed that the trial was an excellent initiative and it was a good service for the Fire & Rescue Service, the Ambulance Service and in particular the residents of Hertfordshire. However, Members did not believe there was sufficient data to establish the ratio of call outs in comparison with the Ambulance Service costs and also the cost benefits of each call out. Members were informed the complete data was not available due to the trial ending sooner than expected, although the National Joint Council commissioned a mid-trial report which covered a wide range of aspects including data. The Director of Community Protection and Chief Fire Officer undertook to circulate a link to the mid-term report published by the University of Hertfordshire and provide some additional data information to the Committee.
- 3.6 Day Crewed Plus Fire Stations. Members heard the Day Crew Plus system was an alternative method to the whole-time staffing of fire stations and this type of system was in place at three stations within the County. It was a more efficient use of its staff as it required half the amount of staff compared to the traditional whole-time crewing model. This system relied on volunteers as there was not yet a collective agreement in place, although there were financial benefits to doing so, total savings averaged £377,000 per station per annum; this equated to £1,131,000 across the three sites with further savings related to reduction in pre-arranged overtime to cover staff deficiencies.
- 3.7 Members noted there was initial investment of £350,000 per station which provided additional separate sleeping quarters (based on a Travelodge style design). It was also noted that the living quarters are for firefighters and their families, although Members heard that very few families used the living quarters.
- 3.8 In response from a Member query on identifying stress levels, Members were informed that HFRS was aware of stress and the impact of mental health issues across the Service and had signed up to the 'Blue Light Mind Programme' which gave support to managers to assist them in understanding and recognising situations likely to give rise to mental health/stress issues. Firefighters also received medical assessments every three years which included assessments for stress management.

**David Andrews**  
**Chairman of the Overview & Scrutiny Committee**  
**November 2017**

**REPORT FROM THE HEALTH SCRUTINY COMMITTEE**

*The Committee met on 19 July 2017*

**1. Clinical Commissioning Groups - A Healthier Future**

- 1.1 Members were asked to consider the proposals from the clinical commissioning groups (CCGs) to revise a number of services that they currently commission, namely, vasectomy, female sterilisation, gluten free food on prescription, over the counter medicines on prescription, being fit for surgery for patients with a high Body Mass Index and/or those who smoke, and IVF.
- 1.2 Dr Nicolas Small, Chair of Herts Valleys CCG and Rachel Joyce, Medical Director for East and North Herts CCG provided detail for Members on each of the proposals highlighted. Excluding IVF, it was made clear that in exceptional circumstances i.e. where treatment or cessation of prescription would result in a risk to the wellbeing of the patient, the treatment would go ahead.
- 1.3 In response to Member concerns about the limited amount of money that was forecast to be saved through these consultations, it was acknowledged that the amount of forecast savings would not balance the deficit of £45m. It was clarified that further consultations on other cost saving measures would be forthcoming. It was noted that any such decisions would be subject to discussion and consultation through the appropriate channels, including Health & Wellbeing Board and the Health Scrutiny Committee.
- 1.4 Members were informed that the current public consultations had gone well. A number of members of the public had advised that they had not realised the extent of the prescriptions for gluten free products and over the counter medicines. It was noted that there was additional national consultation on the prescribing of over the counter medicines starting at the end of the July 2017.
- 1.6 It was established that the consultations had been discussed at Sustainability and Transformation Partnership (STP) meetings and were aligned to the objectives laid out with the STP. Members were reminded that the CCGs had had previously indicated aware that CCG priorities were going to be reviewed and services transformed in order to meet financial targets. It was clarified that the savings targets required by the STP were the same as the targets required by the CCGs.
- 1.7 The Committee noted the information provided in the report and agreed that the consultation proposed was sufficient. A mid-consultation briefing note

indicating the likely outcome of the consultation will be provided to the Committee to enable Members to determine whether any further scrutiny by the Committee is necessary.

## **2. Nascot Lawn Respite Provision**

- 2.1 Members considered a report provided by Herts Valleys CCG (HVCCG) on the decision to withdraw funding from Nascot Lawn, a respite service for children with high level of complex health and social care needs, and to decide whether the information provided was sufficient or whether Members felt that scrutiny on the issue was required.
- 2.2 The Chairman reminded Members that the subject of Nascot Lawn had been discussed at the meeting of the County Council on the 18 July 2017.
- 2.3 The Chairman invited David Evans, Director of Programmes and Commissioning at HVCCG to explain the decision by the organisation to withdraw funding from Nascot Lawn.
- 2.4 The Committee heard that HVCCG has a deficit of £45 million and had been placed in financial turnaround in December 2016. As a result of this, funding for services that were a non-statutory responsibility for the CCG were examined; respite services, such as Nascot Lawn, fell into this category.
- 2.5 It was confirmed that the decision had not been made lightly and followed a significant amount of discussion. CCG auditors had informed HVCCG that it was not legally permitted to fund provision that was not statutory healthcare.
- 2.6 The CCG acknowledged that parents of the children and young people affected had highlighted the anxiety engendered by the decision to withdraw funding. Assurance was provided that the CCG was committed to undertaking the necessary healthcare assessments for the children and young people affected to enable them to access alternative respite provision.
- 2.7 It was stated that in communication from Hertfordshire County Council to the CCG, the CCG had advised that it had a legal responsibility to continue the funding for Nascot Lawn, but to date, clarification had not been received as to where this was stated.
- 2.8 The Chairman asked the Principal Lawyer for Hertfordshire County Council to respond to this point. In response Members heard that it was the County Council's understanding that Section 3(1) of the National Health Service Act 2006 provided sufficient scope for it to provide health related respite provision. <http://www.legislation.gov.uk/ukpga/2006/41/contents>  
In addition the Court of Appeal in the case of R v North and East Devon Health Authority ex p Coughlan [2001] indicated that if a need was primarily a health need then it was the responsibility of the a Health Body to address this need. The case of The Queen on the application of D v Haringey Teaching Primary Care Trust [2005] indicated that respite provision can be a health need and so provided by a Health Body.



- 2.10 Members noted with interest the fact that funding could be provided by CCGs for respite care which contradicted the statement made by the CCG and noted the differing interpretations of the statutory and non-statutory position.
- 2.11 In response to Member concern that the decision on the date to withdraw funding was made before the assessments of the children and young people had been undertaken, assurance was provided that the joint assessments would be undertaken as soon as possible. It was noted that, in order to ensure as little disruption and distress to the children and young people as possible, those with recent and up to date assessments would not be subjected to a new assessment for the purpose of this exercise.
- 2.12 During general discussion it was observed that due to the nature of the children/young people's disabilities respite care at Nascot Lawn included medical care throughout the day and night and that medical staff were employed as part of the staffing team at the centre.. The CCG acknowledged that the children/young people had medical needs, but stressed that medical treatment for which CCGs had responsibility was undertaken within a clinical setting, such as a hospital not within a respite centre.
- 2.13 Members expressed concern that the withdrawal of funding and consequent closure of Nascot Lawn would have a detrimental effect on the families of the children and young people using the centre which could lead to them having their own health problems; this went against the preventative strategy that all parties were striving to achieve.
- 2.14 Members UNANIMOUSLY agreed that a full scrutiny of the decision to withdraw funding for Nascot Lawn by HVCCG was required.
- 2.15 A Topic Group scrutinised this decision on 6 September 2017. All papers, reports and minutes from that meeting can be found here:

<http://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/790/Committee/125/Default.aspx>

### The Committee met on 5 October 2017

#### **3. Sustainability & Transformation Partnership (STP) Update**

- 3.1 The Committee received an update of the work of the Sustainability & Transformation Partnership (STP) from Tom Cahill, STP Lead for Hertfordshire & west Essex. The update detailed the aims, challenges and priorities for the STP nationally, as well as explaining the proposed governance structure..
- 3.2 It was noted that Hertfordshire & west Essex STP is currently ranked as 'making progress'.
- 3.3 The Committee noted that one of the biggest challenges and risks for the Hertfordshire and west Essex STP was the overall financial position due to a

significant overspend within the NHS (£90m), which would only increase without interventional transformation resolution measures. The STP is expected to deliver an agreed £40m total control. It was noted that, in terms of local challenges within this STP region, both the Princess Alexandra NHS Trust and the West Herts Hospital Trust are both currently in special measures.

- 3.4 The Committee was advised that it was widely acknowledged that transformation of services was a long and complex journey, and that the forthcoming winter would provide its own challenges to the NHS, but the STP was committed to deliver the changes needed.
- 3.5 Members were reminded that part of the transformation was to explore the possibilities of a new architecture for health and social services through Accountable Care Systems and Accountable Care Organisations which could potentially mean a reduction in contractual and commissioning issues, although it was stressed that this was by no means set in stone at this stage.
- 3.6 In response to a Member concern regarding the fact that the STP region did not just cover Hertfordshire but also included west Essex, it was noted that 40% of patients who attend the Princess Alexandra Hospital are from Hertfordshire; it was, therefore, a logistical decision that the regional STP should also cover this area as the challenges overlap geographical boundaries.
- 3.7 Members acknowledged that prevention was also key to achieving the transformation challenges and heard that the Director for Public Health within the Council was leading on this workstream. It was noted that work had already commenced with District Councils to explore how this could be achieved.
- 3.8 Additionally, work was being undertaken to encourage increased public engagement with pharmacies and expanding the use of technology including text reminders for preventative measures such as 'flu jabs'.
- 3.9 Members received assurance that although the name of the STP had changed from Sustainability Transformation Plan to Sustainability Transformation Partnership, this did not mean that the level of accountability or monitoring had decreased. The change merely strengthened the emphasis on partnership working which was key to the success of plans that had been drawn up at the start of the STP.
- 3.10 Members received further assurance that consideration was also being given to the balance between social and NHS care need; the STP was very supportive of changes within social care practice and delivery and was working closely with social care colleagues to achieve the common goal of better outcomes.
- 3.11 Members acknowledged that there was currently no specific timeline to the STP developments outlined and that the speed and success of these was fully dependent on the full collaboration of partner organisations. Members learnt

that as an entity the STP has no authority to force organisations to implement change, but it does work to encourage, support and nurture organisations to transform and be open about the challenges faced.

- 3.12 The review of the back office staff would not include consideration of the executive as the STP does not have that authority.

#### **4. National Ambulance Response Programme (ARP)**

- 4.1 The Committee was provided with a report on the National Ambulance Response Programme (ARP) being rolled out nationally with the introduction in Hertfordshire's region taking place on 18 October 2017.
- 4.2 The Committee learnt that the main outcome of the programme, was that the number of categories of call was to be reduced from six to four, with the introduction of new pre-triage questions with the primary objective being to reduce the number of vehicles used to respond to non-emergency call outs.
- 4.3 In response to Member questions as to how the Committee would receive updates on the success of the programme, it was agreed that EEAST representatives would return to a future meeting to provide this, and would also provide a couple of update briefings in the interim.
- 4.4 Further to Committee concerns regarding the cost and number of private ambulances being utilised, it was acknowledged that at present, due to vacancies, there was still some reliance on the use of private ambulances to cover the shortfall and meet demand; however, this number has declined from 64 to around eight per day across Hertfordshire and Bedfordshire.
- 4.5 Members noted that winter would put extra strain on the Ambulance Service, along with other NHS services. Planning and contingency had been put in place to mitigate the impacts, although there could be no full guarantee that this demand would not affect performance. Members received assurance that internal monitoring of the ambulance service was undertaken and incidents of delayed or failed responses are investigated.

#### **5. Private Ambulance Service**

- 5.1 The Committee received a report from the Deputy Director of Service Delivery for the West Locality for the East of England Ambulance Service (EEAST) on recent developments regarding the Private Ambulance Service, a non-emergency transport service contracted within the region, which had gone into liquidation resulting in private ambulance services ceasing with immediate effect.
- 5.2 Members learnt that since the notification, EEAST had worked with voluntary services such as St John Ambulance and the Red Cross to ensure that patients in most need of the service (e.g. those needing chemotherapy or dialysis treatments) had been transported to their appointments.

5.3 Members expressed their disappointment at the fact that the Private Ambulance Service had provided no indication that its liquidation was likely and thanked EEAST and the voluntary sector for assisting patients at this difficult time.

## **6. Proposed Annual Scrutiny of Health Providers Finances 2018/2019**

6.1 Members were presented with and agreed the proposed outline of the Annual Finance Scrutiny for Health Providers scheduled to take place at the December 2017 meeting of the Committee.

6.2 The Committee agreed to the separation of the scrutinies of finances and quality accounts, traditionally both held in March, following feedback from both members and health organisations which had highlighted the difficulty of satisfactorily scrutinising both at the same event; separating the two scrutinies will enable Members to scrutinise both matters in more detail..

## **7. Proposed Annual Scrutiny of Health Provider Quality Accounts 2017/18-2018/2019**

7.1 Members were presented with and agreed the proposed outline and questions for the Annual Quality Accounts Scrutiny for Health Providers scheduled to take place at the March 2018 meetings of the Committee.

## **8. Other Health Scrutiny Committee Activity**

8.1 The Chairman of the Committee has held a series of meetings with health leaders including the Chief Executive of HVCCG, the Chairman of the East of England Ambulance Service, the Chairman of East & North Herts Acute Trust, and the Chairman of Healthwatch Hertfordshire. Further meetings are scheduled in the future.

**Seamus Quilty**  
**Chairman**  
**November 2017**

**HERTFORDSHIRE COUNTY COUNCIL**

**CABINET**

**MONDAY, 13 NOVEMBER 2017 AT 2.00PM**

**COUNTY COUNCIL**

**TUESDAY, 21 NOVEMBER 2017 AT 10.00AM**

Agenda Item

No:

**17**

**12**

**REVIEW OF THE COUNTY COUNCIL'S FINANCIAL REGULATIONS**

Joint report of the Director of Resources and the Chief Legal Officer

Author(s): Owen Mapley, Director of Resources, (Tel: 01992 555601)  
Kathryn Pettitt, Chief Legal Officer, (Tel: 01992 555527)

Executive Member: David Williams, Resources, Property and the Economy

**1. Purpose of report**

1.1 To seek Members' approval for amendments to the County Council's Financial Regulations which form Annex 12 of the Council's Constitution.

**2. Summary**

2.1 The Council's Financial Regulations are kept under continuous review to ensure that they comply with changing statutory requirements and continue to provide a secure framework for the developing business needs of the Authority. The last revision to these Regulations took place in February 2014.

**3. Amendments**

3.1 The Regulations have been reviewed to ensure they cover all current processes and statutory requirements relevant to the conduct of the Council's financial affairs. They have also been updated to give greater clarity and understanding for users of the document and a more logical layout. Where detailed policies are held in other documents, these are clearly signposted and duplicated information has been removed from the Regulations.

3.2 Content has been updated to include:

- Current job titles and responsibilities throughout;

- Explanation of the statutory and legal responsibilities of the Chief Finance Officer and Chief Legal Officer (Financial Regulations sections 2.1 and 2.3);
- Clarification of budget restructuring and virement approvals (section 5.6);
- Revised arrangements for approval and review of capital projects (section 7);
- Updated guidance where considering alternative delivery models including limited companies (section 9);
- More detailed requirements for business cases, including measurement of outcomes (section 10);
- Revised approval levels for settling insurance claims (Section 14);
- Removal of some detail that is held in other policy documents (which have themselves been reviewed in the past year, as part of the transfer to the new Intranet); and
- Removal of the Anti- Money Laundering policy, which is now held as a separate Policy, referred to in the Regulations (section 16).

3.3 The most significant changes relate to the approval of capital budgets and their funding, and subsequent monitoring and review of capital projects. The changes clarify the approval process of these projects, as inclusion of a scheme within the Capital Programme does not in itself constitute approval to spend. The following changes are proposed:

3.3.1 Under current Regulations, capital schemes can only commence with the approval of the Chief Finance Officer, once s/he has confirmed that funding is in place and the necessary approvals obtained. At present, some but not all schemes are taken to Cabinet for approval. The new Regulations propose that, for all schemes over £250,000, the Chief Finance Officer consults on the project with the service Chief Officer and Executive Member, and the Executive Member for Resources, Property and the Economy, and decides whether Cabinet approval is required.

3.3.2 Capital Programme projects that comprise a programme of schemes (e.g. maintenance works) can be approved by the Chief Finance Officer, but for programmes over £5m a planned schedule of works must be presented to and approved by Cabinet.

3.3.3 Current Regulations state that the overall capital programme, by year and by service, cannot be exceeded for all funding sources other than ringfenced grants without Cabinet approval. They also require Cabinet approval where tender prices are 10% or £100,000 (whichever is less) above approved scheme budget. If there are savings at the end of a scheme, Cabinet approval is required if these are to be used for other projects.

It is proposed that these requirements be clarified and made consistent with the Capital Virement Regulations, and that any additional budget required after

a scheme has been approved, either at contract tender or during project works, follow the following proposed regulations:

- Virement may be used to transfer budget between schemes where this will be used for its original purpose, albeit on a different scheme. This may include movement between projects within an overall programme. This must be approved in accordance with the Virement Regulations.
- Additional spend to be met from external funding (grants, contributions etc) or by service revenue budget, must be approved by the Chief Finance Officer. For additional spend of £250,000 or more, the Chief Finance Officer must consult with the relevant service Executive Member and the Executive Member for Resources, Property and the Economy. Additional spend of £500,000 or more will require Cabinet approval.
- Additional spend not covered by virement or external resources, and so to be met from County Council capital funding and potentially increase the need to borrow, must be approved by full Council following a recommendation from Cabinet and the relevant service Cabinet Panel and the Resources, Property & the Economy Cabinet Panel.

3.3.4 The proposed Regulations clarify that, in the event of an overspend, services are expected to take action to identify offsetting underspends or re-programmings.

#### **4. Recommendation**

4.1 The Resources, Property and the Economy Cabinet Panel will consider a report on this item of business at its meeting on 9 November 2017. The Panel will be invited to recommend that Cabinet recommends to the County Council that the revised Financial Regulations, attached as Appendix A to the report, be approved, and that the Chief Legal Officer be authorised to make any amendments necessary to ensure that this decision is reflected consistently throughout the Constitution.

4.2 The Panel's recommendation/s to Cabinet will be reported orally at the Cabinet meeting and circulated to Members in the Cabinet Order of Business.

4.3 Cabinet's recommendation/s to Council will be circulated to Members in the Council Order of Business.

#### **5. Background**

5.1 The Financial Regulations provide the regulatory framework within which the financial affairs of the County Council operate. They clarify responsibilities and provide a framework for decision making. Where there are specific statutory powers and duties, the Financial Regulations seek to ensure these are duly

complied with, as well as reflecting best professional practices and decisions of the County Council and Cabinet. The Regulations also form part of the framework for the County Council to demonstrate its compliance with the principles of good governance, which is essential in maintaining public confidence in elected members and officials.

- 5.2 The Constitution provides that changes need approval by the full Council after consideration by the Chief Legal Officer.

## **6. Financial Implications**

- 6.1 There are no financial implications in relation to this report.

## **7. Equalities Impact Assessment (EqIA)**

- 7.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 7.2 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.
- 7.3 The Equality Act 2010 requires the 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.
- 7.4 No EqIA was undertaken for this report because the report does not impact on equalities or affect any of the protected characteristics which would require an EqIA to be completed.

### Background information

Hertfordshire County Council Financial Regulations dated February 2014.

<https://www.hertfordshire.gov.uk/about-the-council/freedom-of-information-and-council-data/open-data-statistics-about-hertfordshire/who-we-are-and-what-we-do/who-we-are-and-what-we-do.aspx>



HERTFORDSHIRE COUNTY COUNCIL

# **FINANCIAL REGULATIONS**



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## SECTION ONE

### INTRODUCTION AND OVERVIEW

#### 1.1 What are the aims of this document?

The aims of this document are to:

- set out the Financial Regulations of the County Council; and
- provide a reference point to other documents, which contain the detailed procedures behind these Regulations

#### 1.2 Who should read this document?

The Regulations apply to all staff and Members of the County Council, but are of particular importance to:

- Members;
- Chief Officers;
- Budget Managers / Budget Holders; and
- Finance Staff

#### 1.3 Why have financial regulations?

Financial regulations set out the policies and framework within which the County Council manages its business. They clarify responsibilities and provide a framework for decision-making. The financial regulations ensure that the Council complies with statutory powers and duties, as well as reflecting best professional practices and decisions of the County Council and Cabinet.

In summary, financial regulations are the regulatory framework for the financial affairs of the authority.

#### 1.4 Corporate governance in local government and financial regulations

Effective local government relies on public confidence in elected members and officials. Good corporate governance underpins credibility and confidence in our public services. These Regulations help to establish a framework by which the County Council can demonstrate its compliance with the underlying principles of good governance.

#### 1.5 What is the coverage of financial regulations?

The Regulations apply to all activities of the County Council.

In practice, this means all monies and funds administered by County Council officers in the course of their work. This includes the authority's direct service and trading organisations within the internal market and funds managed on behalf of third parties such as the Local Government Pension Fund, trust funds, community accounts and unofficial funds. Although locally managed schools have their own financial regulations

(contained in the authority's *Financial Handbook for Schools*) they reflect these Regulations.

External providers (outsourced services, contractors and consultants for example) are managed through the contract process. The contract document will set out the financial requirements. This will include for example, compliance with key control procedures, generation of service performance statistics, attendance at service client meetings and access to accounts.

The regulations do not apply to companies that the Council has an interest in, who will have their own governance arrangements.

### **1.6 Awareness and access**

It is the responsibility of Chief Officers to ensure that all employees with financial responsibilities are made aware of and have access to these Regulations.

### **1.7 Non-compliance with financial regulations**

All staff with financial responsibilities must comply with Financial Regulations. A member of staff who fails to comply with these Regulations may be subject to disciplinary action. The Chief Finance Officer is responsible for reporting to Cabinet and Council, where appropriate, any breaches of these regulations.

### **1.8 Review of financial regulations**

The Chief Finance Officer is responsible for maintaining a continuous review of these Regulations.

### **1.9 Other rules**

Apart from these Regulations, there are other rules which all members and officers must comply with. These include:

- The Law: Local Government law, general civil and criminal law
- Other parts of The County Council's Constitution, in particular:
  - standing orders for the Council, the Executive and for Committees;
  - schemes of delegations to committees
  - schemes of delegations to officers including any sub-delegations authorised under those schemes;
  - contract regulations
  - codes of conduct for members and officers
- personnel policies and procedures
- instructions issued to staff and managers by Chief Officers
- Procedures and guidance for Herts Finance, Budget Managers and Budget Holders, including all finance policies as published on the Intranet at <https://hertsc365.sharepoint.com/sites/intranet/policies>

## SECTION TWO

### FINANCIAL ROLES AND RESPONSIBILITIES WITHIN THE AUTHORITY

This section sets out the respective roles of Members and officers in the management of the County Council's finances.

The County Council is a single entity with devolved accountabilities but the overall responsibility for financial administration of the Council remains with the Chief Finance Officer (s.151 Officer).

For purposes of the Financial Regulations the role of:

- the Chief Finance Officer is carried out by the Director of Resources;
  - the County Property Officer is carried out by the Assistant Director for Property;
  - the Head of Risk Management is carried out by the Risk and Insurance Manager;
  - the Chief Internal Auditor is carried out by the Head of Assurance Services.
- The Executive Member for Resources is carried out by the Executive Member for Resources, Property and the Economy.

The job titles of those carrying out these responsibilities may change from time to time.

#### 2.1 The Chief Finance Officer

2.1.1 The Chief Finance Officer must discharge the statutory duties or mandatory requirements defined in:

- Section 151, Local Government Act 1972, which provides for the designation of an officer to have responsibility for the proper administration of the council's financial affairs;
- Sections 114 and 114A, Local Government Finance Act 1988, which require the Section 151 Officer to report to the Council (Cabinet in the case of executive functions) if they consider that the Council, Cabinet or an employee has made (or is about to make) a decision involving expenditure or loss which is unlawful and to consult with the Monitoring Officer and the Head of Paid Service before making such a report;;
- Section 25, Local Government Act 2003, which requires the Section 151 Officer to report to the Council, when it is considering its budget and council tax, on the robustness of estimates and adequacy of reserves;
- The Local Government Pension Scheme Regulations, which set out requirements for the administration and governance of the Local Government Pension Schemes;
- Local Government (Early Termination of Employment)(Discretionary Compensation)(England and Wales) Regulations 2006, which set out the requirements for calculating and administering redundancy and discretionary compensation payments to local authority staff;
- The Accounts and Audit Regulations;
- The Code of Practice on Local Authority Accounting in the United Kingdom (based on International Financial Reporting Standards);
- The Service Reporting Code of Practice (SeRCOP);

- The Prudential Code for Capital Finance in Local Authorities;
- Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes; and
- CIPFA statements defining best practice.

2.1.2 To fulfil the statutory duties the Chief Finance Officer must themselves or through delegated staff:

- Provide financial advice to Members to support the strategic planning & policy making process and service development to ensure efficient and effective use of resources;
- Provide advice and financial information on the optimum use and adequacy of available resources and management of the capital and revenue budgets;
- Provide advice on treasury management, taxation, pensions and trust funds and guidance on the safeguarding of financial assets; including risk management and insurance;
- Determine the County Council's accounting records and control systems including:
  - measures to prevent and detect inaccuracies and fraud, and the ability to reconstitute any records;
  - identification of the officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
  - procedures governing the write off of debts;
  - ensure the maintenance of proper accounting records in relation to government grants & council expenditure; and
  - publish an annual statement of accounts.

2.1.3 The Chief Finance Officer must:

- Establish monitoring and reporting arrangements to ensure awareness of significant issues in the delivery of policy and the consumption of resources, to enable prompt management action;
- Establish systems to secure financial probity, control, security and best practice in safeguarding the County Council's activities and assets;
- Establish processes to ensure that personnel, property and information are managed in a manner consistent with financial control;
- Establish processes to check and evaluate the effectiveness of controls;
- Establish standards of internal control and through their senior management team, ensure the proper identification and cost effective management of financial risk;
- Set adequate standards and procedures for budgeting, accounting systems, reporting and monitoring; and
- Maintain and review service accounting records and control systems in accordance with legislative and proper practice requirements.

2.1.4 Trustee of Public Monies

As trustee of the local taxpayer's money (1), the Chief Finance Officer must manage the council's resources on their behalf and report any decision or action that would result in unlawful expenditure or incur expenditure that would exceed available resources. (1) The case of Attorney General v De Winton in 1906

### 2.1.5 Financial Expertise

As head of profession for the council's employed finance staff, the Chief Finance Officer sets the framework and processes for recruitment, professional support and career development, and ensures proper professional practices are maintained by finance staff across the organisation.

### 2.1.6 Other Duties

The Chief Finance Officer is responsible for the:

- Appointment of bankers, monitoring the bank contract and approving officers for:
  - opening and closing service bank and imprest accounts,
  - cheque signatories for the bank accounts,
  - investment and borrowing transactions, and
  - confirming lease agreements;
- Overall arrangements for the monitoring and review of bank/imprest accounts and balances;
- Setting the rules for the retention and disposal of financial documents;
- Authorisation of grant claims;
- Maintaining a register of authorised signatories;
- Preparing the Council's Treasury Management Systems Document, in accordance with CIPFA's Code of Practice on Treasury Management in the Public Services;
- Advising the council on the setting of prudential indicators in compliance with the Prudential Code for Capital Finance in Local Authorities, and establishing monitoring procedures in respect of these indicators;
- Reporting to the council at the time the budget is set on the robustness of estimates included in the budget and the adequacy of reserves for which the budget provides taking into account an assessment of the risks facing the council; and
- Regular review of these Regulations.

## 2.2 Members

The duties of elected Members are to:

- Approve the Financial Regulations and Contract Regulations;
- Set the budget framework and monitor budget performance as well as service performance;
- Provide the framework to monitor the achievement of policies within the resources allocated;
- Agree resources to ensure the finance function is able to support management in securing effective financial control;
- Agree efficiency review arrangements; and
- Scrutinise financial probity through the Audit Committee.

## 2.3 Chief Legal Officer (as Monitoring Officer)

The functions and responsibilities of the Monitoring Officer are carried out by the Chief Legal Officer.



The functions of the Monitoring Officer are explained fully in the Council's Constitution. Those relevant to the Financial Regulations include:

- Reporting, after consultation with the Head of Paid Service and the Chief Finance Officer, any actual or potential breaches of the law or maladministration to the Council and/or to the Cabinet.
- Advising whether the decisions of Cabinet are in accordance with the budget and policy framework.
- Provision of advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all members of the council.

## 2.4 Chief Officers

2.4.1 Chief Officers manage resources available for their services, as per the Scheme of Delegation to Officers, which includes responsibility for financial management and control.

Chief Officers act on advice or guidance of the Chief Finance Officer ensuring the rules are enforced. They are assisted by Service Lead Finance Officers (SLFO). SLFO post-holders are listed in Regulation 2.5.1.

2.4.2 Chief Officers must act within budget and policy parameters, promote probity and sound financial control.

2.4.3 Each Chief Officer must develop and maintain procedures to monitor and ensure compliance with key controls set by the Chief Finance Officer and also various acts, statutory instruments, regulations, circulars, guidance and statutory codes.

2.4.4 Chief Officers must:

- take a lead on ensuring staff have the financial expertise to discharge duties and functions delegated by the Chief Finance Officer;
- establish clear accountabilities for budgets, systems and information;
- consider the financial effects of new policy;
- relate existing policy to resources;
- ensure compliance with monitoring and reporting framework and probity and policy framework;
- establish arrangements for the review of services and processes to identify service improvements and efficiency gains;
- ensure rules and guidance to staff responsible for financial management and administration are communicated; and
- where fraud or corruption is suspected Chief Officers must immediately report to the Chief Internal Auditor.

2.4.5 Chief Officers must report to the Chief Finance Officer and Members on any matter which may result in a failure of the departmental financial control environment or, any other matter which could adversely affect the financial standing of their department.

More specifically, the Chief Officer must report to the Chief Finance Officer if:

- structural changes might impact on the demand for financial support service;
- there are potential budget overspends; and
- proposed variations in policy have financial effects.

## **2.5 Service Lead Finance Officers**

2.5.1 Service Lead Finance Officers are the following post-holders:

- Departmental Directors or Assistant Directors (or as designated by the relevant Service Management Board in consultation with the Chief Finance Officer);
- Deputy Director, Community Protection; and
- Assistant Director - Finance.

2.5.2 The designated Service Lead Finance Officer must be a full member of the relevant Service Management Board and/or Policy and Resources Officer Group and must ensure regular and active participation in the work of both boards.

2.5.3 Each department will have a Service Lead Finance Officer and nominations to these posts must be approved by the Chief Finance Officer.

2.5.4 The Chief Finance Officer is responsible for ensuring that a statement of financial delegations is maintained for each designated Service Lead Finance Officer.

2.5.5 Service Lead Finance Officers are required to:

- Support Chief Officers in fulfilling their financial responsibilities, including the statutory requirements set out in 2.1.1;
- Promote a culture of probity and sound financial control;
- Plan and deliver the major financial activities in their services;
- Interpret and communicate the impact of legislative changes, trends and council initiatives relating to their service area;
- Promote financial accountability across the department and act as escalation point where there are financial or budget issues.
- Report to the Chief Finance Officer, after discussion with the relevant Chief Officer(s) financial issues that arise from:
  - new developments in policy;
  - budget variations;
  - policy changes;
  - virements and carry forward; and
  - UK and European Union Legislation.
- In consultation with the finance service ensure that a framework is maintained for support and advice to all staff involved in financial management and administration in their service;
- Alert the Chief Finance Officer of any difficulties or interference impacting on the proper discharge of his/her professional duties;
- Ensure that every report to the Cabinet, scrutiny committees and panels contains a financial implications section that sets out any financial impact or commitments arising from the proposals and which has been approved by the Chief Finance Officer in advance of publication; and

- Ensure that claims for funds (*including grants and 'match funding'*) are made in accordance with accounting instructions issued by the Chief Finance Officer and the conditions defined by the grant awarding body, by the due date; and that appropriate records are maintained; and
- Ensure that budget planning information, service revenue and capital monitors and service outturn reports are provided in accordance with corporate timetables.

## **2.6 Statement of Responsibility and Accountability - Budget Managers**

2.6.1 Budget managers are accountable for the budget delegated to them by the Chief Officer or Assistant Director. All budgets should be assigned to a named budget manager.

2.6.2 Budget managers must:

- be able to explain what value is being obtained from their spending in terms of service delivery and meeting council priorities;
- explain reasons for likely or actual over or under spending, and also over and under performance;
- propose and implement measures to bring spending / performance back on target; and
- plan service developments and bid for resources as necessary.

## **2.7 Statement of Responsibility and Accountability - Budget Holders**

2.7.1 Budget holders are accountable to Budget Managers for the budgets delegated to them.

2.7.2 Budget holders must:

- monitor budgets within the parameters set by the budget manager;
- explain actual or likely over or under spending to the budget manager; and
- support budget managers in identifying problems and solutions.

## **2.8 Statement of Responsibility and Accountability - Chief Internal Auditor**

2.8.1 The Chief Internal Auditor must ensure adequate and effective internal audit coverage of the County Council's activities.

2.8.2 The Chief Internal Auditor's reporting lines are set out in Section 8 of these Regulations.

## SECTION THREE

### EXECUTIVE DECISIONS

This section sets out the requirements in order to comply with the statutory guidance on the financial aspects of executive decisions, under the access to information regime for local authorities in England. The Government's aim is to ensure open and accountable decision-making.

#### **3.1 Financial Thresholds for Key Decisions**

The County Council sets financial thresholds for key decisions which are significant having regard to the Council's budget for the service or function concerned. The current level is £500,000 or above in respect of expenditure or savings (i.e. £500,000 per year, or where the decision is a commitment to a contract, across the term of the contract).

#### **3.2 Forward Plans**

The Chief Officer is to provide the Chief Legal Officer with all the necessary information about key decisions in order to update the Forward Plan. This should also include the reasons for those decisions and relevant officer reports and background papers, which will then, where appropriate, be made publicly available

#### **3.3 Officer Delegations (decision-takers)**

- The Chief Officer must ensure all departmental officer delegations are kept under continuous review;
- All departmental officer delegation information must be in a format prescribed by the Chief Legal Officer; and
- All departmental officer delegation information must be logged with the Chief Legal Officer, in the *Sub Delegations* register.

## SECTION FOUR

### INTERNAL CONTROL FRAMEWORK AND STANDARDS FOR FINANCIAL TRANSACTIONS

This section sets out the basic internal control framework and financial standards regime, which aims to minimise the occurrence of significant control failings and weaknesses (that is, in any action, procedure or operation). All staff must understand the internal control and risk implications of the tasks they perform, and act accordingly.

#### 4.1 Responsibility for Overall Framework

The Service Lead Finance Officer is responsible for ensuring that control systems and procedures are in place **within their department**; whilst individual staff members are responsible for ensuring that the standards are complied with at all times.

The Service Lead Finance Officer is also responsible for ensuring that monitoring processes are in place to review regularly the effectiveness and operation of these standards.

#### 4.2 Features of Internal Control

The basic internal control features applicable to each area of activity can be summarised as follows:

- formal allocation of responsibilities;
- organisational structure and reporting channels;
- segregation of duties;
- personnel (are competent, suitably qualified and trained);
- completeness and accuracy of the records;
- verification and certification of transactions;
- secure and effective systems (including access to and storage of accounting records);
- documentation (of procedures and business transactions);
- preparation of documentation (set of instructions); and
- physical security.

If the internal control principles are in place and observed they should:

- PREVENT unwanted events or failures;
- DETECT where things have gone wrong or not happened; and
- CORRECT the processes to stop further problems occurring.

#### 4.3 Financial Policies

All financial transactions must be carried out in accordance with the relevant finance Policies for Budget Management, Buying and Paying (including Purchasing), and Raising Income and Debt Management (published on the Intranet [here](#)).

#### **4.4 Financial Standards**

The following financial standards apply to financial transactions.

##### **4.4.1 Financial Standard - Revenue & Capital Budget Management**

- There must be specific budget approval for all expenditure.
- Each budget is allocated to a named individual.
- Budget managers accept accountability for their budgets and the level of service to be delivered.
- Budget managers must ensure that all expenditure accords with the objectives and priorities set out in the service plan, and reflected in the approved budgets.
- Budget managers follow an approved certification process for all expenditure.
- Income and expenditure is properly recorded and accounted for.
- Performance levels are monitored and necessary action taken.
- Processes are in place to meet corporate needs for the management of the budget for the County Council as a whole.
- In practice this means the provision of service:
  - budget planning information (base budget return);
  - monitor (revenue and capital) reports; and
  - outturn reports.

*In accordance with the instructions and timetable set out in the guidance published by the Chief Finance Officer.*

##### **4.4.2 Financial Standard – accounting systems**

To support this budget management and to meet statutory accounting requirements, all Income, expenditure, assets and liabilities of the Department must be properly recorded and accounted for. This will include:

- Regular in-year monitoring and validation of balance sheet entries.
- The accounting systems and processes to ensure:
  - production of accurate, effective management and budget\accounting information which is easily accessible, timely, relevant and complete and pertinent to officers and Members;
  - integrity of decision making;
  - support for the policy making processes of the Department and County Council as a whole;
  - demonstration of implementation of agreed policy objectives;
  - high personal effectiveness of budget managers and budgetary control;
  - flexible capacity for changes to information requirements as service requirements evolve;
  - prompt processing of all data and month and year end closure of accounts;
  - secure and auditable systems, and effective and efficient financial administration in achievement of value for money in financial systems;
  - satisfaction of all legal requirements for the financial accounts to be a true and complete record of the income and expenditure, and assets and liabilities

of the department and County Council.

*All the above is to be established within a controlled and disciplined environment which, amongst other things, avoids, or identifies immediately significant departures from service policy.*

- The accounting systems also to be capable of providing appropriate, accurate and timely management information for the corporate centre.

#### 4.4.3 Financial Standard - Personnel and Payroll

- Payments are made only to bona-fide employees.
- Payments are in accordance with individuals conditions of employment.
- Payments are made only in respect of services provided to the Department.
- Salaries, wages and expenses are processed only through the payroll system to ensure proper deductions are made for income tax, national insurance and, where applicable, superannuation.
- Amendments to the payroll are duly authorised and promptly and properly processed by the Department, in particular, where failure to do so would result in an overpayment.
- Payments are charged to the appropriate expenditure code, coupled with frequent reconciliations against approved budget.
- The Department to check, at least annually, that gross pay agrees with contracts or other authorised documents and that deductions have been correctly determined.
- The Department to ensure that, where practicable, the duties of authorising appointments, making changes to individuals' conditions or terminating the employment of staff are separated from the duties of processing claims.
- Processes are in place to meet corporate needs for the management of the payroll function of the County Council as a whole.
- Processes are in place to recover overpayments with minimum delay.

#### 4.4.4 Financial Standard - Orders for Goods and Services

- The County Council's Contract Regulations must be complied with in full in all cases. Similarly, best procurement practice must also be observed and adhered to.
- Resources are available to meet expenditure.
- Purchase Orders must be raised on SAP for all goods and services, except :
  - orders where payments will be processed through feeder systems
  - utilities (e.g. water, electricity and gas) rents, national non- domestic rates and petty cash payments;
  - exceptional circumstances where payment is required before a VAT invoice is provided; and
  - In cases of emergency a verbal order may be made, provided a SAP order is raised at the earliest opportunity and the supplier notified of the SAP order number.
- SAP online orders over £500 are to be approved online by the designated authoriser or their delegated authoriser, as held within

the system.

- Staff must not use official orders to obtain goods and services for their private use.

#### 4.4.5 Financial Standard - Delivery of Goods and Services

Staff must check goods and services upon receipt to ensure they are in accordance with the order. Ideally this check should be carried out by someone other than the person who input the order, and who will approve payment against the order in SAP.

#### 4.4.6 Financial Standard - Payment of Creditors

- Payment only to be made where:
  - a proper VAT invoice is matched against a receipted SAP purchase order;
  - invoice details have been supplied in an approved interface file; or
  - invoices or requests for payment have been manually coded and approved by an authorised member of staff where no SAP order was placed
- In the case of all payments the following conditions must apply:
  - goods or services have been confirmed as received;
  - expenditure has been properly incurred and is within budget provision;
  - prices accord with quotations, tenders, contracts or catalogue prices and arithmetic is correct;
  - discounts where available have been taken;
  - the correct accounting treatment of VAT has been applied; and
  - the payment is correctly coded.
- All paid invoices shall be stored securely in a manner that will facilitate retrieval (this may include via electronic image).
- Payment must not be made on a photocopied invoice or a statement from a supplier; particular care to be taken with invoices sent as email attachments, to avoid duplicate payment.
- Payment must not be made on an invoice without the supplier's VAT Registration Number.
- Invoices must be processed in accordance with best practice regarding prompt payment; and arrangements made to monitor performance.
- Any individual purchase from an Imprest account is not to exceed the overall imprest limit.

#### 4.4.7 Financial Standard - Income

- Wherever possible, payment should be collected before goods and services are provided.
- Debtor invoices must not be raised for amounts below £25. This refers to all debts other than client charges such as home care, day care and residential care or where required by statute or to preserve a legal right or obligation, such as wayleaves and rents.
- Where possible, consideration should also be given to the need to raise an invoice for less than £50 due to administrative costs of processing invoices.
- Where goods and services are provided on credit, accounts must be raised and settlement obtained with minimum delay.
- For all intended write-offs of debt, the authorising officer must first ensure that:



- no instalment agreement has been set up;
  - all reasonable steps have been taken to recover the debt;
  - there is no reasonable prospect for cost-effective recovery, in whole or in part, either directly or by offset against payment due to the debtor. Debts of under £25 are not currently routinely referred for legal action if the reminder process has proved ineffective;
  - budgetary provision exists, or virement has been arranged and authorised as appropriate for the debt to be written off against a valid ledger code;
  - that the Debt Write-Off Policy is reviewed.
- All write-offs must be actioned on SAP using the Debt Write Off Form.
  - Debts raised for incorrect amounts or in error should be corrected by raising a credit note or supplementary invoice.

*Further information can be found in the Income Collection and Debt Management Policy.*

#### 4.4.8 Financial Standard - Banking and Cash Handling

- All banking arrangements including the setting up and closing of accounts for all official County Council funds, rest solely with the Chief Finance Officer.
- Changes to authorised cheque signatories to be approved by the Chief Finance Officer.
- No imprest petty cash account is permitted to go into overdraft.
- No form of borrowing or loan facility is permitted.
- All monies must be properly recorded, receipted and promptly banked using the correct procedures and the appropriate stationery.
- Money collected and deposited must be reconciled to the bank account at least monthly.
- Income must be accurately recorded against the right budget and exceptions corrected.
- Only an approved level of cash is held on the premises (in accordance with insurance limit).
- Money is securely held whilst awaiting banking.

#### 4.4.9 Financial Standard - Insurance

- Staff to be provided with relevant information and kept up-to-date regarding insurance arrangements.
- All risks are identified and evaluated.
- Acceptable levels of risk are determined and insured against where appropriate.
- Staff to notify the insurance section of all new risks, property, equipment and vehicles which require insurance or any other alteration affecting existing insurances.
- Staff to immediately inform the insurance officer of all accidents, losses and other incidents which give rise to an insurance claim.
- Inventories are to be kept for desirable, portable and attractive items which have a value of £200 or more. Such registers are to be in a form agreed with the Chief Internal Auditor

#### 4.4.10 Financial Standard - Taxation

- Staff to be provided with relevant information and kept up-to-date on tax issues.
- All taxable transactions are identified, properly carried out and accounted for.

- Staff to be instructed on required record keeping.
- Records to be maintained in accordance with instructions.
- Appropriate, accurate and timely management information is provided to the corporate centre to enable returns to be made to the appropriate authorities within the stipulated timescale.

#### 4.4.11 Financial Standard - Retention and Disposal of Financial Records

All financial and accounting records and supporting documentation are retained and stored for the defined period in accordance with the *Guidelines on Retention and Disposal of Financial Records*.

## SECTION FIVE

### STRATEGIC FINANCIAL MANAGEMENT AND REPORTING REQUIREMENTS

This section sets out the overall arrangements for strategic financial management and reporting, including decisions on balances and reserves. It also sets out the financial limits at which budget changes are to be reported and approved.

#### 5.1 Strategic Financial Management

There are three key strategic financial processes - budget setting within the Integrated Planning process, in-year budget monitoring, and year-end accounts. For each of these, the Chief Finance Officer must each year arrange for the timely publication of the procedures, guidance and timetables in support of these key financial processes. Chief Officers must ensure that arrangements that meet service needs and corporate requirements are in place; and that their staff members comply with these arrangements.

In carrying out these processes, the Chief Finance Officer and Chief Officers must ensure that they and their staff follow the principles and guidance set out in Section Two.

Chief Officers, in consultation with the Chief Finance Officer, must report financial information in a full and clear manner to Members. This will ensure decisions are informed by a sound understanding of the financial consequences.

Chief Officers must report to the Chief Finance Officer and Members, at the earliest opportunity, any matter that may have a significant financial impact on the County Council.

#### 5.2 County Council Budget

The budget sits within the Council's Integrated Plan; full Council is required by law to approve the Council's budget, which is considered and recommended to the County Council for approval by the Cabinet after review by Overview & Scrutiny Committee.

#### 5.3 General Contingency

The Chief Finance Officer is responsible for the administration of the general contingency budget. The Chief Finance Officer will make a report to the Cabinet if the general contingency is likely to be exceeded as a result of unforeseen claims or forecasts.

#### 5.4 General Balances and Reserves

5.4.1 Key decisions regarding application of general balances are taken in the budget report, approved by County Council, and the quarterly Finance Monitor, approved by Cabinet.

General reserves are maintained at a prudent level, so as to ensure that the Council can be prepared for unexpected events. In addition, earmarked reserves are held for specific policy decisions. For each reserve established, both the purpose and subsequent timeframe for usage will need to be clearly defined. Any transfer to reserves requires Cabinet approval, except where the reserve has been agreed to operate on a rolling top up basis. Transfers from reserves require authorisation at Service Board level, provided that the planned expenditure is in line with the specific purpose of the reserve. If transfers from reserves are being made for a different reason, then further Cabinet approval will be required. If any element of a reserve is no longer required, then the Service Board may authorise its release into general balances.

## **5.5 Statement of Accounts**

In order to meet the external statutory reporting deadlines, the audited Statement of Accounts will either be approved by full council or the Audit Committee.

## **5.6 Revenue/Capital Virement and Carry Forward Rules**

The framework for virement and carry-forward recognises the need for management flexibility within and between financial years. The framework aims to balance incentives for services to benefit from efficiency and planned savings with the need to ensure in overall terms that policy and service priorities are being met where unplanned under or overspending occurs.

- 5.6.1 Chief Officers must ensure that net expenditure does not exceed the total of their service's delegated budget. Overspending on individual budgets should be dealt with wherever possible by managing expenditure and achieving offsetting underspends on other budgets within the service area, and will be a first call on these savings. The County Council, the Executive or the Chief Executive may require further action by the services to address or compensate for overspends.
- 5.6.2 Budget restructurings are where budget is moved but will be used for the same purpose, for example where there has been a service reorganisation. Budget Managers can approve a budget restructuring within their own cost centres; or for movements between areas, the approval of both Budget Managers is required. Virements are movements where the budget is to be used for a different purpose. Virements that will change Council policy must be approved by the County Council (in the case of plans, strategies or documents comprising the policy framework as set out in section 4.1.1 of the Constitution) or otherwise by Cabinet.
- 5.6.3 Chief Officers, together with their service lead finance officer, will agree and regularly review local delegations for virements below £250,000.
- 5.6.4 Any requests for Carry Forwards must identify the planned spend which has been delayed or the grant or other income which has been received late in the year, and state the purpose for which they will be used in the new financial year. They are subject to Cabinet approval.

#### 5.6.5 Change to Council Policy

No virement (transfer between budgets) or carry-forward, regardless of value, should change County Council policy unless approved by the Council (in the case of plans, strategies or documents comprising the policy framework as set on in section 4.1.1 of the Constitution) or otherwise by Cabinet.

#### 5.6.6 No Change to Council Policy

The levels of authorisation for revenue/capital virement where there is no change to Council Policy are:

£	Virement to be approved by
0 - 249,999	Chief Officer of relevant service or Chief Finance Officer. For Capital Virements, Chief Finance Officer must be consulted. Approval may be delegated under local schemes.
250,000 - 499,999	Chief Officer of relevant service or Chief Finance Officer in either case in consultation with the appropriate Portfolio Executive Member and the Executive Member (Resources, Property & the Economy).
500,000 +	Cabinet.

All requests for virements, carryforwards and movements to/from reserves must be submitted and authorised using the appropriate forms.

In all cases where virements give rise to ongoing commitments, offsetting savings must also be identified to meet these.

5.6.7 Where approvals for virement of more than £500,000 are needed urgently, the general exception or special urgency procedure must be followed, as set out in the Constitution (Annex 4, Sections 12 and 13).

5.6.8 Should the final outturn monitor and Statement of Accounts prove to be different from that predicted when carry-forwards are approved, then **either**:

- if there are further underspends beyond that projected for the service as a whole, these sums will go into general reserves at the year-end; **or**
- if the projected underspend for a service does not occur, carry-forward requests will need to be reduced accordingly.

5.6.9 The exceptions to the above framework are schools with locally managed budgets, which carry-forward their balances (surplus or deficit) subject to the Surplus Balance Control Mechanism. Locally managed schools (LMS) will operate to the authority's Scheme for Funding Schools and other local financial regulations.

## SECTION SIX

### FINANCIAL INFORMATION SYSTEMS

These Regulations cover those financial information systems, which hold or generate data or information that forms part of the prime financial record of the Council.

In Hertfordshire, financial information systems are delivered within the Council's IS/ICT Strategy, which is subject to regular review.

- 6.1. The Chief Finance Officer is legally responsible for all financial systems, which operate within the County Council.
- 6.2 The Chief Finance Officer will be responsible for providing core systems for statutory accounting purposes.
- 6.3 Approval must be sought from the Service Lead Financial Officer and the Chief Finance Officer for all new financial systems and changes to existing financial systems, whether developed within the County Council or provided by third parties. Any systems that interface with the Council's core financial system must comply with the requirements of the Feeder System Policy
- 6.4 Internal Audit must be given the opportunity to carry out - a pre-implementation audit prior to live implementation of all financial systems, and developments to existing financial systems.
- 6.5 The Chief Finance Officer and Chief Officers must ensure that financial systems are managed in a professional and secure manner by a nominated responsible officer, with full operational and procedural documentation, and that all staff and contractors are aware of their responsibilities and are adequately trained and supported.
- 6.6 Chief Officers and the Chief Finance Officer must agree processes for the operation of interfaces between local and corporate systems.
- 6.7 Chief Officers must comply with the necessary guidance issued by the Chief Finance Officer, covering:
  - operation and management of the ledger system;
  - code structures;
  - code classes and groups;
  - ensuring that income and expenditure is correctly recorded and accounted for;
  - record keeping and supporting documentation; and
  - reconciliation of local and central financial systems.

- 6.8 Chief Officers must ensure that their staff understand their responsibilities and are adequately trained and supported.
- 6.9 The Chief Finance Officer and Chief Officers must ensure that all financial systems comply with the Council's ICT policies, and in particular:
- Are registered under the Data Protection Act;
  - Are operated in line with the relevant IT security policies, standards and guidelines as published on the Intranet (and that staff are aware of these documents); and
  - Are covered by a business continuity plan which safeguards against the loss of critical data and allows for its recovery following a major incident or other interruption in service.
- 6.10 Data held in financial information systems must be retained in accordance with the Council's Data Retention policy; and must be capable of retrieval to meet Freedom of Information and other statutory requests.

## SECTION SEVEN

### CAPITAL

This section covers the specific regulations and processes for capital expenditure and funding.

#### 7.1 Capital Programme and Capital Strategy

The Council must balance its available resources with priorities for capital spending, within the constraints of affordability, cashflow and statutory restrictions. The Council's Integrated Plan includes a Capital Strategy which sets out its priorities for capital investment. These provide a framework for reviewing and prioritising bids for capital spend. The Capital Programme within the Integrated Plan gives approval to the overall budget for capital spending, and specific schemes and programmes within this budget. However, inclusion in the Capital Programme does not in itself give approval for these schemes and programmes to commence (see section 7.1.4), The process for submitting, authorising and reviewing non-school capital projects is set out in Process Diagram 1.

##### 7.1.1 Development of Business Cases

- Chief Officers must ensure that all proposed capital schemes, irrespective of funding source(s), have an approved capital business case prior to the start of a project. All schemes in the Capital Programme must be reviewed annually.
- Chief Officers must ensure all proposed capital schemes, irrespective of funding source(s), which involve a property and/or ICT element have been developed in accordance with guidance issued by the County Property Officer and the Assistant Director – Improvement & Technology respectively.
- Chief Officers must ensure that the Chief Finance Officer is consulted during the project initiation stage where the proposed capital schemes involve partnerships with other organisations or financing from other public service bodies and private sector organisations.
- Chief Officers must ensure that the County Property Officer and Chief Finance Officer are consulted during the project initiation stage where proposed capital schemes involve the acquisition or disposal of property capital assets; and must comply with section 123 of the Local Government Act 1972 (the '1972 Act'), to ensure best value is achieved, that is, that any disposal is for consideration that is not less than the best consideration reasonably obtainable (subject to the provisions of section 123 (2) of the 1972 Act relating to the consent of the Secretary of State and disposals by way of a short tenancy).

##### 7.1.2 Development and Review of Capital Programme

All capital projects including self-financing, grant aided or externally assisted programmes must be included within the overall capital programme.



Business cases developed for the annual Capital Programme are normally reviewed by the Policy and Resources Officer Group. Chief Officers must comply with the process and provide the necessary information by the appointed times for the review of all capital schemes as determined by this group.

### **7.1.3 Funding Additional Project Spend**

The overall cash programme for capital expenditure by year, by service, cannot be exceeded without Cabinet approval for all funding sources other than ring-fenced grants, and external contributions to specific schemes (including the use of Section 106 contributions), and use of revenue budgets or reserves as below.

Where grant aided, revenue funded or externally assisted programmes arise outside of the capital programme planning cycle, these may only be added to the capital programme after approval by the Chief Finance Officer, who will confirm that funding is secured and all necessary approvals have been obtained. The increase to the capital programme will then be reported to Cabinet in the quarterly Finance Monitor. Additional spend met from revenue contributions must be approved under the Revenue Budget Virements regulations (section 5.6.6). Spending funded from reserves must meet the approved purpose of the reserve: where this is not the case, Cabinet approval for the use of the reserve is required.

Where Council funded schemes arise outside of the capital programme planning cycle and increase the need for borrowing, or existing schemes require additional Council funding, the approval of full Council is required, following approval of the scheme by Cabinet .

### **7.1.4 Project Authorisation**

Inclusion of a scheme in the Council's approved capital programme does not, in itself, constitute approval to enter into the scheme or incur capital expenditure. The Scheme must be approved through the Council's normal decision making processes. In addition no capital contracts may be entered into, or expenditure incurred, unless the Chief Finance Officer has authorised the scheme to commence, having confirmed that the scheme has been properly approved, that all funding sources are in place and all necessary capital accounting issues have been considered, and the following processes and approvals have been completed.

For schemes under £250,000, authorisation by the Chief Finance Officer only is required, provided consultation has taken place as set out in section 7.1.1.

For Schemes £250,000 and above, as a minimum the service Chief Officer and Chief Finance Officer must review the scheme. The Chief Finance Officer must decide, in consultation with the Executive Member Resources, Property & the Economy and the relevant service Executive Member, whether the scheme must be taken to Cabinet Panel and be approved by Cabinet.

For Annual Provisions or other programmes comprising a number of smaller schemes, Chief Finance Officer authorisation will be given on approval of the Capital Programme within the Integrated Plan, provided that the scheme has gone

through relevant decision making processes. However for programmes over £5m p.a. (excluding schools) a planned programme of works should be approved by Cabinet, following consultation with Members. The programme for schools maintenance should be reported to Schools Forum for consultation.

#### **7.1.5 Approval of project cost variances**

Where additional costs are identified, either at contract tender or during the project, additional budget must be approved or transferred.

- Budget may be transferred from other schemes, if available. Transfers must be approved in accordance with the Virement regulations (section 5.6.6).
- Additional spend to be met from external funding (grants, contributions etc.) or from service revenue budget or reserves, must be approved by the Chief Finance Officer. For additional spend of £250,000 or more, the Chief Finance Officer must consult with the relevant service Executive Member and the Executive Member for Resources, Property and the Economy. Additional spend over £500,000 must be reported to Cabinet for approval.
- Additional spend to be met from new county capital funding, and so potentially increase the need to borrow, must be approved by full Council following a recommendation from Cabinet and the relevant service Cabinet Panel and Resources, Property & the Economy Cabinet Panel. Reports must show:
  - an explanation of why the funding is required.
  - details of valuing engineering/reduction in scope that has been undertaken or considered.
  - details of the risks should the additional budget not be approved

Once approved, these budget changes will be reported in the quarterly Finance Monitor.

#### **7.1.6 Monitoring of Capital Schemes**

- The County Property Officer is responsible for the in-year monitoring of all Council delivered/project managed property projects of the capital programme.
- The Assistant Director Improvement & Technology is responsible for the in-year monitoring of all Council delivered /project managed ICT related projects of the capital programme.
- Service Chief Officers (supported by Service Lead Finance Officers) are responsible for the in-year monitoring of all other projects within the capital programme.
- In-year capital monitoring information must include:
  - analysis of variances from budget in year over £100k, between (a) re-programming / re-profiling cash flow and (b) over / under spending; and

- explanations for the variance and any impact on subsequent years' programmes.
- Reprogramming of budget between years must be approved by Cabinet (normally as part of the Finance Monitor report)
- For every capital project, the Service Chief Officer will nominate a Project Sponsor. For property projects, the County Property Officer or for ICT projects the Assistant Director Improvement & Technology will nominate a Budget Manager and Budget Holder. For non-property or non-ICT projects, a Budget Manager and Budget Holder will be nominated by the Service Chief Officer.
- The Budget Holder must report monthly via the Capital Budget Monitor to Finance, the Project Sponsor and the Service Chief Officer. The Budget Holder must also report monthly using the Capital Budget Monitor to the Assistant Director Property regarding all property projects.
- The County Property Officer (property projects) and Service Lead Finance Officers (non-property and ICT projects) must ensure that reliable systems and processes are in place, and documented for the monitoring of income and expenditure relating to capital schemes, ensuring that cash flow implications are properly identified and reported.
- The Capital Team in Finance must ensure that reliable systems and processes are in place, and documented for identifying capital accounting and valuation implications.

#### **7.1.7 Post Project Review**

For all capital schemes over £500k, the project sponsor should ensure a post implementation review is conducted, within the timeframe agreed with the relevant Chief Officer and with the support of the project manager involving all stakeholders as well as consultants and contractors. They should circulate the final report to the relevant Chief Officer and County Property Officer. The Executive Member Resources and the relevant service Executive Member must receive a copy of the report where significant issues have arisen.

Where savings have arisen on a project, these must be reported through the monitoring process. Savings may be vired to other projects, following the process at 7.1.5.

At year-end, any savings or under-spend not vired to other schemes or approved by Cabinet for reprogramming to subsequent years will be taken as a corporate savings and are not available to support additional service capital schemes.

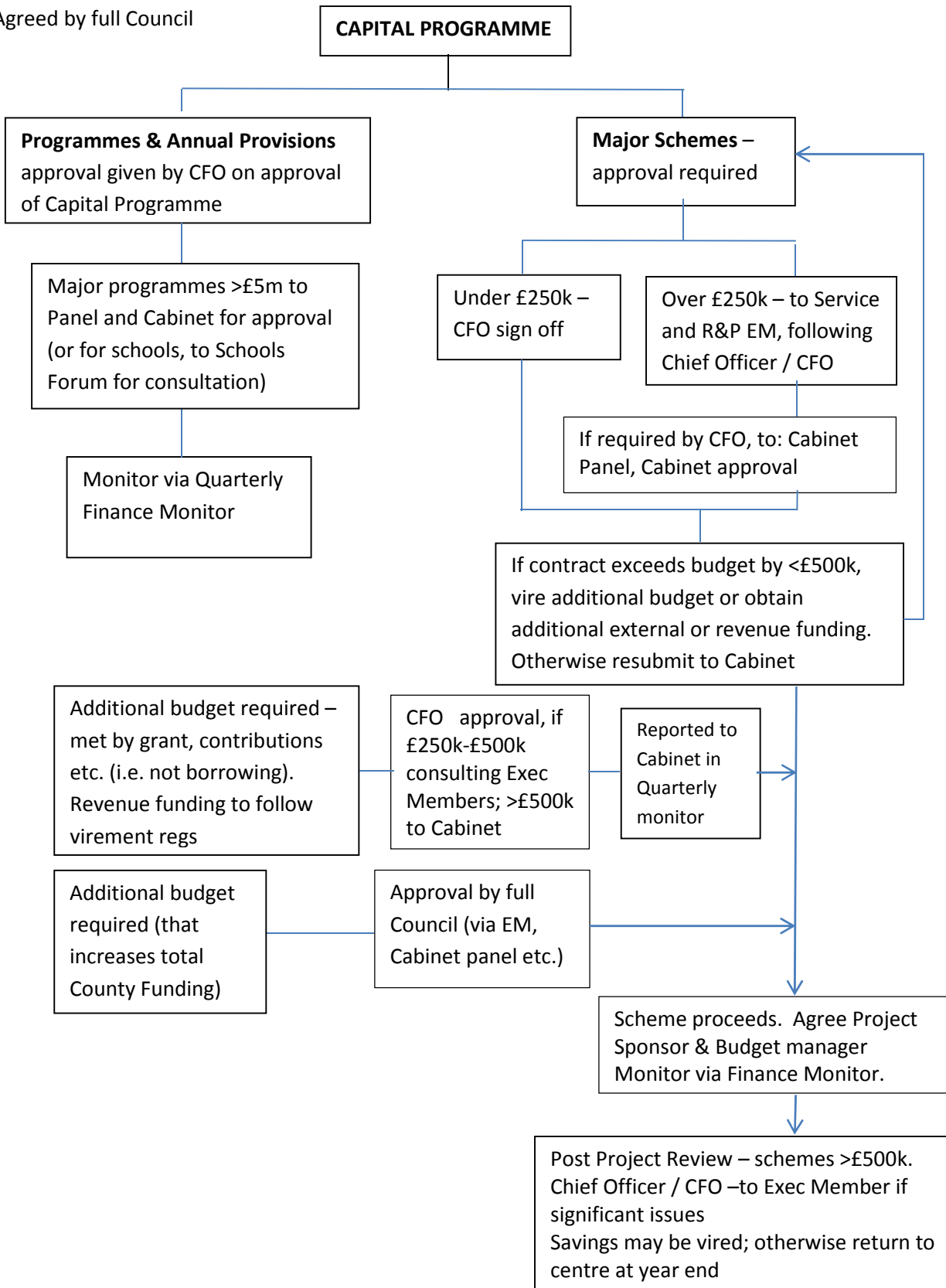
Any overspends must be reported to Cabinet in the Quarterly Finance Monitor. Services will be expected to take action to identify offsetting underspends, which will also be reported to Cabinet for approval.

**Process Diagram 1:**

Approval and Monitoring of Capital Projects, following inclusion in Capital Programme.

NB this diagram sets out the approval for funding/spend. Relevant decision making processes need to be followed to approve the scheme in principle – this may be via Cabinet or delegated officer decision

Agreed by full Council



## **7.2 Invest to Transform / Invest to Achieve Capital Receipts**

- 7.2.1 The Invest to Transform and Invest to Achieve Capital Receipts reserves are used to fund spend that will produce efficiency savings and/or service improvements, or enable the achievement of capital receipts. In both cases a business case must be produced indicating the level and timing of payback for the investment, and detailing the risks and dependencies. For Invest to Transform projects, the business case should also detail how project success will be measured.
- 7.2.2 Bids must be approved in accordance with the terms of operation for these reserves, as approved by Cabinet.

## **7.3 Capital Spend funded from other reserves**

- 7.3.1 Where capital projects are to be funded from reserves other than Invest to Transform and Invest to Achieve, the scheme and use of reserve must be approved by Cabinet following consideration by the relevant service Cabinet Panel and consultation with the Executive Member for Resources, Property & the Economy.

## **7.4 Prudential Code for Capital Finance in Local Authorities**

- 7.4.1 To comply with the Prudential Code a series of prudential indicators must be set annually by full Council.
- 7.4.2 The Chief Finance Officer is responsible for ensuring that all matters required to be taken into account in making the decision are reported to council and that procedures are in place to monitor performance against the indicators set.

## SECTION EIGHT

### INTERNAL AUDIT

The Council is required under the *Accounts and Audit Regulations (England) 2015* to maintain an adequate and effective system of internal audit. The terms of reference of the Council's Internal Audit are as follows.

#### 8.1 Responsibilities and objectives

Internal Audit is an assurance function that provides an independent and objective opinion to the Council on the control environment, by evaluating its effectiveness in achieving the Council's objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.

#### 8.2 Organisational independence

Internal Audit is independent of the Council's day-to-day management and of the activities that it audits, while working in partnership with management to improve the control environment and helping the Council to achieve its objectives.

#### 8.3 Accountability

8.3.1 The internal audit function is delivered by the staff of the Hertfordshire Shared Internal Audit Service, who report to and are managed by the – Council's Chief Internal Auditor (the Head of Assurance). The Chief Internal Auditor will also report to the Chief Finance Officer on any matters affecting that officer's statutory duties.

8.3.2 The Chief Internal Auditor will report to the Audit Committee on:

- The internal audit charter;
- The strategy, plans and performance of internal audit;
- The implementation of internal audit recommendations; and
- The annual Internal Audit report and other summary reports.

8.3.3 As required by the Public Sector Internal Audit Standards, the Chief Internal Auditor will conduct an annual review of the effectiveness of the system of internal audit, and will provide the Committee with factual information relevant to this review.

8.3.4 The Chief Internal Auditor will ensure that good working relationships between internal audit staff and elected members are established and maintained, in compliance with the *Protocol for Relationships between Members and Officers*, and will act as Lead Officer for the Audit Committee.

#### 8.4 Remit

Internal Audit's remit extends to the whole of the Council's control environment: this includes the Council's systems of governance, risk management and internal control arrangements, as well as its systems of financial and performance management.

## **8.5 Review of control environment**

Internal Audit's work will contribute to and co-ordinate an annual review of the effectiveness of the Council's control environment, leading to the preparation of the Council's Annual Governance Statement for scrutiny and approval by the Audit Committee.

## **8.6 Fraud and corruption**

8.6.1 Any employee or member of the Council who suspects fraud, corruption or other financial irregularity must ensure that this is reported promptly to the Chief Internal Auditor for possible investigation.

8.6.2 Normally, employees must first report any complaint, allegation or suspicion of such an irregularity to their Chief Officer, who must report this to the Chief Internal Auditor.

8.6.3 Exceptionally, if an employee believes that the matter cannot be properly resolved in this way, they should report it direct to the Chief Internal Auditor, or follow the council's Whistleblowing Procedure.

8.6.4 The Chief Internal Auditor must consider whether an investigation is appropriate, and, if so decided, must arrange for such an investigation. The Chief Officer must agree any further action with the Chief Internal Auditor before proceeding.

8.6.5 The Chief Internal Auditor, in consultation with the relevant Chief Officer, the Chief Legal Officer and, if relevant, the Chief Finance Officer, will decide whether any matter concerning financial irregularity is referred to the police for further investigation.

8.6.6 An employee who suspects money laundering activity must report this promptly to the Chief Internal Auditor, who is designated as the Council's Money Laundering Reporting Officer (see Section 16 of these Regulations).

8.6.7 If the Head of Assurance is not available, then the Chief Internal Auditor role will be fulfilled by the relevant Audit Manager.

## **8.7 Consultancy work**

Internal Audit may carry out consultancy or other investigative work, as commissioned by the Chief Finance Officer or other senior officer, provided that it does not adversely affect the resources available for the core assurance work.

## **8.8 Resource requirement**

The Chief Internal Auditor will evaluate the staff and other resources needed to deliver the annual audit plan, and will also assess the impact of unplanned work (such as fraud investigations) on available resources. He or she will agree appropriate action with the Chief Finance Officer if the resources are evaluated as not matching those required.

## **8.9 Right of audit access and responses to reports**

- 8.9.1 The staff of the Chief Internal Auditor must be given access to any document, information or explanation that they require from employees or members in order to carry out their duties. This right of access is not limited to financial information or accounting records. If a manager is concerned about giving access to non-financial information, he or she may request a discussion with the Head of Assurance or relevant Audit Manager before it is disclosed.
- 8.9.2 Any employee responsible for the development of, or a major change to, a computerised financial system must give Internal Audit reasonable opportunity to evaluate the adequacy of the system's controls before live operation.
- 8.9.3 Recipients of Internal Audit reports must provide a formal response to these, in accordance with a timescale set out by the Chief Internal Auditor, stating the action intended to address any recommendations.



## SECTION NINE

### TRADING UNITS AND COMPANIES

A primary aim of trading is to give clients and providers the freedom to manage and transform services in line with users' needs. This may be delivered via a trading unit or through the formation of a separate entity, such as a Company.

#### 9.1 Trading Units

9.1.1 A trading unit is defined as a unit within the county council that seeks to cover its costs and any pre-determined financial target by income from clients, and where the client has the freedom to negotiate on price, quality and/or volume. The Corporate Framework for Trading provides a basis for a code of conduct that safeguards the authority's financial position, ensures the market works to support the provision of front line services, and provides a fair basis of trading between unit and client.

#### 9.1.2 Duties of the Chief Finance Officer

The Chief Finance Officer must:

- Ensure that arrangements between individual trading units and clients do not adversely affect the financial interests of the corporate body.
- Agree a course of action with the Chief Officer of a Trading Unit on significant financial issues, which could:
  - affect the delivery of a service provided by a trading unit; or
  - affect the viability of a trading unit.
- Authorise named financial officers to help Chief Officers of Trading Units and clients meet their obligations as defined in the Corporate Framework for Trading.

#### 9.1.3 Duties of Chief Officers

This section encompasses the duties of both the Chief Officer responsible for the trading unit and the Chief Officer responsible as client for the delivery of the front line service. In some instances both client and trading unit responsibilities may sit with the same Chief Officer. In the case of individual community schools the role of "Client Chief Officer" is taken on by the Governing Body of the school but the Director of Children's Services will act as Client Chief Officer on behalf of schools in general.

Trading Unit and Client Chief Officers must:

- Discuss significant financial issues outlined above with the Chief Finance Officer in order to agree an appropriate course of action.
- Ensure that there is a nominated trading unit manager who is held accountable for meeting the duties set out in the Corporate Framework for Trading, and that the necessary systems, procedures and processes are established to support this Framework.
- Arbitrate with the Trading Unit / Client Chief Officer in the event of a dispute between the client and the trading unit or invoke any complaints procedures

agreed between both parties. Where there is no formal process and disputes cannot be resolved the matter is to be referred to the Chief Executive (or nominee).

## **9.2 Companies**

9.2.1 The establishment and viability of all new companies must be approved by Cabinet, following preparation of a full business case and consideration of the appropriate form of vehicle by the Chief Legal Officer and Chief Finance Officer. The Business Case should set out the options being considered and measure these against the desired outcomes. It should also demonstrate the statutory basis for the provision of the service or activity under consideration.

9.2.2 Once established, the Chief Finance Officer will be responsible for:

- Taking decisions as shareholder where appropriate;
- Monitoring the ongoing viability and performance of company activities, with a view to ensuring that the County Council's interests are being protected; and
- Ensuring that company accounts are consolidated within the County Council's financial statements in accordance with proper accounting standards and relevant legislation.

## SECTION TEN

### MANAGEMENT OF BUSINESS PROJECTS

For these Regulations, a business project has the following features:

- a specific **new** product or service **change** where the outcome has significant service delivery, organisational or financial consequences for the County Council and its partners;
- a change to cross-service or functional working where the outcome has significant service delivery, organisational or financial consequences for the County Council and its partners;
- non-recurring work with a specified start and finish date; and
- involves significant one-off expenditure whether of a capital or revenue nature e.g. capital programme, bid to Invest to Transform Fund or other reserves.

These Regulations commence with the preparation of the preliminary business case following the initial feasibility stage.

- 10.1 The Chief Officer must appoint a Project Sponsor who will be responsible for managing all aspects of the project including delivery of the project objectives within the constraints of the agreed budget.
- 10.2 The Project Sponsor must ensure that robust project management and project governance arrangements are established. **This must include production of a Project Initiation Document (PID) which covers the project's purpose, risks, costs, resources, timelines and benefits.**
- 10.3 The PID must be signed off by the relevant officers dependent on the type of project and its funding. Projects funded from the Capital Programme, Invest to Transform Fund or other reserves must have the required financial approvals as set out in section 7 and section 5.4. Projects funded from revenue budget must have the approval of the budget holder and any other **appropriate authorisation**, as determined by the project sponsor.
- 10.4 The Project Sponsor must ensure that all staff involved in projects are competent and appropriately trained in order to fulfil their roles and responsibilities.
- 10.5 The Project Sponsor must ensure that the Service Lead Finance Officer is party to all key decisions which affect the financial viability or costs of the project.
- 10.6 The Project Sponsor must monitor the effectiveness of project managers in keeping projects within prescribed financial parameters, by means of **regular updates including a progress report and risk log.**

- 10.7 The Project Sponsor must be satisfied that adequate and effective project and change control mechanisms are in place.
- 10.8 The Project Sponsor is responsible for ensuring that a timely project review takes place; and that outcomes are measured against appropriate metrics defined at the outset of the project.
- 10.9 The Service Lead Finance Officer must ensure that appropriate option appraisal is carried out on each project by suitably trained or experienced finance staff. This should include consideration of whole life costs, sensitivity analysis and risk assessment.
- 10.10 The Service Lead Finance Officer must ensure that appropriate cost management and reporting procedures are in place and being followed.
- 10.11 The Service Lead Finance Officer must ensure that the business case is updated for any changes, ensuring that the benefits still justify the investment in the project.

## SECTION ELEVEN

### CROSS SECTOR PARTNERSHIP WORKING

CIPFA's *A Statement on the Role of the Chief Finance Officer in Local Government* identifies clearly that the "... the statutory role of the Chief Finance Officer does not stop at the boundaries of the local authority, but extends into partnerships, joint ventures and controlled companies".

A partnership is a co-operative relationship between two or more independent parties, which is designed to secure some shared objective or mutual operational benefits. It can take all sorts of forms, but it is generally assumed to exclude the familiar relationships between client and contractor, and between employer and staff.

One form of partnership is where the partners pool budgets to achieve their joint objectives, although each partner still retains their statutory responsibilities for the functions carried out under the pooled fund.

Given the wide range of partnerships it is not practical to set out the detailed financial requirements of every type of partnership, and therefore the Regulations concentrate on the principles.

#### 11.1 Chief Officer

The Chief Officer must:

- Ensure that the Chief Finance Officer is consulted at the project initiation stage in developing the proposal, and is involved in all critical decision-making stages leading up to and including the decision to create a partnership.
- Ensure that appropriate approvals are obtained before any negotiations are concluded to work with external bodies.
- Maintain a register of all contracts entered into with external bodies in accordance with procedures specified in the Council's Contract Regulations.
- Ensure that before entering into agreements with external bodies, a risk management appraisal has been provided to the Chief Finance Officer.
- Ensure that such agreements and arrangements do not impact adversely upon the services provided for the Council.
- Ensure that all agreements and arrangements are properly documented.

#### 11.2 Service Lead Finance Officer

##### 11.2.1 Pooled health and local authority budgets:

The Service Lead Finance Officer must:

- approve the financial arrangements in support of the partnership, in consultation with the Chief Finance Officer.
- ensure that the Pool Manager provides the County Council's Chief Finance Officer in the prescribed format and in a timely fashion the information and data necessary

for:

- medium term financial planning;
- financial monitoring;
- disclosure in the notes to the Consolidated Revenue Account in the Annual Statement of Accounts. The minimum being the purpose of the pool, the identity of the partner bodies, the gross income and expenditure of the pool and the County Council's contribution; and
- completion of government returns and statistical returns for CIPFA and other bodies.
- agree the protocols and arrangements for professional dialogue between:
  - the County Council's Chief Finance Officer and the Host Authority Responsible Financial Officer; and
  - the County Council's Chief Internal Auditor and the Host Authority Chief Internal Auditor.
- ensure that the written agreement between the partners includes:
  - statements of how much financial variation will be allowed;
  - how the partners anticipate that the budget will be kept to;
  - how underspends and overspends will be dealt with;
  - the financial monitoring and reporting arrangements;
  - the corporate governance arrangements (including risk management, the internal control framework and financial standards);
  - professional dialogue arrangements;
  - the audit and inspection rights and arrangements;
  - banking arrangements;
  - insurance;
  - and the charging policies of the local authority within the partnership arrangements.

#### 11.2.2 Local Strategic Partnerships – including the Hertfordshire Local Enterprise Partnership

The Service Lead Finance Officer must:

- Provide such financial and performance information and data as deemed necessary in the specified format and time period in order that the County Council, as the nominated Accountable Body, can fulfil its duties and responsibilities in connection with the financial management of these partnerships.
- Ensure all terms and conditions linked to funding passed to partner organisations are fully complied with.
- Develop and maintain robust systems for the four key financial processes as well as risk management and internal control within and between partners.
- Maintain such reasonable and accurate financial and other records (for example asset register) relating to these partnerships.

#### 11.2.3 Other forms of partnerships:

The Service Lead Finance Officer must:

- Approve the financial arrangements in support of the partnership, in consultation with the Chief Finance Officer.
- Carry out those responsibilities and duties set out in the CIPFA's *Financial*

*Control and Budgeting for Local Authority Partnerships: A Practical Guide* dated 2001. An overview of the responsibilities (appraisal, budgeting, financial monitoring and control, and financial reporting) can be found on pages 6 to 9 of the above mentioned CIPFA publication.

## SECTION TWELVE

### EXTERNAL FUNDING

External funding is potentially an important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the County Council.

#### **12.1 Chief Officer**

The Chief Officer must:

- 12.1.1 Ensure that the key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood;
- 12.1.2 Ensure that funds are acquired only to meet the priorities of the County Council;
- 12.1.3 Ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements;
- 12.1.4 Ensure that all claims and submissions are reviewed by a Finance Business Partner or Head of Finance, and authorised as required;
- 12.1.5 Ensure that all claims for funds are made by the due date; and
- 12.1.6 Ensure that the project progresses in accordance with the agreed project plan and that all expenditure is properly incurred and recorded.

#### **12.2 Service Lead Finance Officer**

The Service Lead Finance Officer must:

- 12.2.1 Ensure that all the funding notified by external bodies is received and properly recorded in the County Council's accounts; and
- 12.2.2 Ensure that audit requirements are met.



## SECTION THIRTEEN

### RISK MANAGEMENT

Risk management is:

- The identification, analysis, and economic control of all risks, which threaten the assets, activities and objectives of an organisation;
- An umbrella discipline that cuts across all areas of the authority's activities, from the strategic to the operational, and needs to be integral to all activities; and
- About being 'risk aware' – in managing risk the Council seeks to minimise losses, though not necessarily eliminate threats.

Although services can reduce their exposure to the financial consequences of certain risks by way of insurance it must be stressed that insurance does not prevent loss and is not a substitute for good risk management. By reducing, or even preventing, the incidence of losses, whether they result from crime or accident, the County Council will benefit from reduced costs of providing insurance cover and will also avoid the disruption and wasted time caused by losses and insurance claims.

#### 13.1 Chief Officers:

13.1.1 Are responsible for ensuring that risk management is integrated into both the business planning and finance planning processes. Specifically, the preparation of business plans and budgets are undertaken in the light of the identified risks facing the authority;

13.1.2 Must establish and maintain effective systems and processes for identifying, profiling, evaluating and managing all significant strategic and operational risks, which includes:

- i) the awareness and understanding of the key issues,
- ii) the maintenance of a risk register and
- iii) plans and controls to mitigate and manage these risks;

The process requires answers to the following questions:

- What is the risk? (risk identification)
- What will happen to desired outcomes? (risk evaluation - impact)
- How likely is the event to happen? (risk evaluation - probability)
- Does the benefit outweigh the risk? (risk/benefit analysis)
- Can we do anything to reduce the risk? (risk reduction)
- Has anything happened which alters the risk? Are controls being as effective as expected? (risk monitoring)
- What plans can we put in place in case the event should happen? (contingency/service continuity planning)
- What insurance can we buy to mitigate the risk, or can we contract out this risk? (risk transfer)
- What financial provisions should we hold for the primary or residual risk? (risk funding)

13.1.3 Must notify the Risk & Insurance Manager of any significant risk that takes place irrespective of whether it was identified through the Department's risk management system;

- 13.1.4 Must seek to minimise the risk of significant service disruption by ensuring that they have in place appropriate and robust business/service continuity plans;
- 13.1.5 Must supply annually the Chief Legal Officer/Chief Internal Auditor with whatever information is necessary and within the prescribed deadline in order for the County Council to complete the Annual Governance Statement to be appended to the Statement of Accounts
- 13.1.6 Must supply the Chief Finance Officer with whatever information is necessary and within the prescribed deadline in order for the County Council to comply with the Audit Commission's *Code of Audit Practice*, which requires the external auditors to annually evaluate the risk assessment and management arrangements of local authorities.

## **13.2 Risk and Insurance Manager**

The Risk and Insurance Manager is responsible for:

- 13.2.1 Developing and maintaining an effective policy and strategy on managing risk, which has the support of the Chief Executive and Chief Officers;
- 13.2.2 Developing and maintaining a framework for managing risk;
- 13.2.3 Keeping under continuous review the departmental arrangements for managing risk to ensure that risk is being managed to an acceptable standard, and report to the Chief Officer if corrective action is necessary; and
- 13.2.4 Advising the Council on matters of risk management, and for raising awareness of and promoting risk management amongst its staff.

## SECTION FOURTEEN

### INSURANCE

Services can reduce their exposure to the financial consequences of certain risks by way of insurance. In summary, payment of a premium to an insurance provider can be exchanged for an agreed sum, if damage, loss or death occurs.

#### 14.1 Chief Officer

Each Chief Officer must:

- 14.1.1 Have regard to the need to safeguard the financial interests of the County Council and to have special fidelity cover for officers with substantial financial responsibilities.
- 14.1.2 With the advice of the Risk and Insurance Manager, decide whether assets and risks within their service are adequately insured, or if uninsured, should be insured.
- 14.1.3 Inform the Risk and Insurance Manager of the assets and interests under their control to be covered by the policies in force and must report on any substantial new risks arising within their services.
- 14.1.4 Ensure that the insurance list or inventory are updated on a continuous basis and checked annually.
- 14.1.5 Make appropriate and robust business/service continuity plans should a major incident occur which would have a significant impact on their service.
- 14.1.6 Seek to minimise the risk of losses occurring, but in the event that they do occur, they shall immediately report the circumstances to the Risk and Insurance Manager, who shall make the necessary claims against the insurance policies.

#### 14.2 Risk and Insurance Manager

- 14.2.1 The Risk and Insurance Manager is responsible for:
  - Ensuring that all assets and liabilities are properly identified by Chief Officers, by receiving updated insurance lists or inventories, and insured where necessary;
  - Reviewing policies and assessing their impact upon the County Council's Self Insurance Fund;
  - Managing the operation of the County Council's Self Insurance Fund;
  - Reviewing reports received from the County Council's risk management and insurance consultants;
  - Advising and keeping under constant review the County Council's premium renewal strategy;
  - Advising and keeping under constant review the most economic balance between self-insurance and insurance purchase;
  - Maintaining effective claims handling procedures, in the processing and

monitoring of claims; and

- Sharing claims management information with the Heads of Departments, working together to reduce future exposure to risk particularly those areas expecting a high incidence of claims.

14.2.2 The Risk and Insurance Manager must inform Chief Officers of the insurance policies in force and the conditions thereof and Chief Officers must ensure that those conditions are enforced.

14.2.3 The Risk and Insurance Manager will act as lead officer for insurance matters on major departmental initiatives, including new contracts, development of new systems and procedures as appropriate.

14.2.4 The Risk and Insurance Manager will advise authority staff and external contacts on insurance matters, including providing advice and guidance on policy issues, and the renewal terms of all policies.

14.2.5 The Risk and Insurance Manager will resolve all queries and complaints received by the Insurance Section to the satisfaction of all parties, without prejudicing the County Council's position.

### **14.3 Settling of insurance claims**

The settling of insurance claims against the Council will be subject to approval as follows:

<b>Amount</b>	<b>Minimum approval required</b>
Up to £25,000	Claims Officers
In excess of £25,000 and up to £200,000	Senior Insurance Officer /Risk & Insurance Manager
In excess of £200,000 and up to £500,000	Insurer
In excess of £500,000 and up to £1m	Insurer
In excess of £1m	Insurer

### **14.4 Insurance - Retention of Monies and Cash**

The Council no longer insures against the loss of cash. Service Lead Finance Officers are responsible for ensuring that appropriate arrangements are in place for holding monies within their services and the following are the recommended limits:

- £4,000 in the custody or under the actual supervision of an employee (i.e. cash in transit);

- up to £5,000 in a locked safe (depending upon the quality of safe and its overnight limit. The overnight limit - depends on the type of safe, location and whether it is free standing or cemented into a wall; and up to £100 in a locked receptacle, but not in a safe or strong room.

## SECTION FIFTEEN

### INCOME

The fees and charges levied by councils are an important source of income. Income can be a vulnerable asset and effective collection systems are necessary to ensure that it is collected promptly for chargeable events and that all income due is identified, collected, receipted and banked properly.

#### 15.1 Chief Officer

Each Chief Officer must:

- 15.1.1 Establish and keep under review a charging and credit policy for the supply of goods or services, including the appropriate charging of VAT;
- 15.1.2 Ensure that all income due to the County Council is identified and charged correctly, in accordance with the charging and credit policy;
- 15.1.3 Ensure that all income is collected from the correct person, at the right time, using the correct procedures;
- 15.1.4 Ensure all money received by, or on behalf of, the Council is paid fully and promptly into the appropriate Council bank account in the form in which it is received;
- 15.1.5 Wherever possible, have at least two people present when post is opened so that money received by post is witnessed and recorded; this requirement must be met where post regularly contains money;
- 15.1.6 Ensure Income is not used to cash personal cheques or other payments;
- 15.1.7 Ensure a record is kept of money received directly by employees of the Council to provide a clear audit trail;
- 15.1.8 Ensure money collected and deposited is reconciled to the appropriate bank account on a regular basis;
- 15.1.9 Establish a segregation of duties where the responsibility for cash collection is separated from that for identifying the amount due; and that responsibility for reconciling the amount due is separated from handling of the amount received;
- 15.1.10 Ensure income is only held on premises up to insurance levels approved by the Chief Finance Officer (see section 14.4). All income must be secured in lockable and, where possible, non-portable storage to safeguard against loss or theft;
- 15.1.11 Ensure all appropriate income documents are retained and stored for the defined period in accordance with the Council's document retention policy and schedule;
- 15.1.12 Ensure full compliance with the County Council's overall charging policy and rules set out in the Income Collection and Debt Management Policy.

## **15.2 Service Lead Finance Officer**

The Service Lead Finance Officer must ensure that effective systems and procedures are in place to:

- 15.2.1 Collect income and provide audit evidence to document this;
- 15.2.2 Pursue non-payment of invoices within defined timescales;
- 15.2.3 Monitor and report the level and age of debt monthly, requiring budget managers/holders take timely debt recovery action where appropriate; and
- 15.2.4 Correctly make accounting adjustments to the ledger for any debt written-off.

## SECTION SIXTEEN

### MONEY LAUNDERING

Although the relevant Regulations relating to money laundering do not, in many cases directly apply to local authorities, guidance from CIPFA states that local authorities should comply with the requirements of these Regulations. All members of staff and those acting on behalf of the Council, must follow the Council's Anti Money Laundering Policy, published on the Intranet. This Policy sets a limit on payments to the Council in the form of cash; place a duty on members of staff who suspect money laundering activity to report this to the Money Laundering Reporting Officer; and require that officer to make appropriate reports to the National Crime Agency.

#### *The Money Laundering Reporting Officer*

The officer nominated to receive disclosures about money laundering activity within the Council is the Head of Assurance Services, who can be contacted as follows:

Head of Assurance Services  
Shared Internal Audit Service  
Postal Point SROB105  
Hertfordshire County Council  
Robertson House  
Six Hills Way  
Stevenage  
Herts SG1 2FQ  
Direct dial number: 01438 845508 (Comnet: 55508) Fax: 01438  
845501 (Comnet: 55501)

In the absence of the Head of Assurance, the Audit Managers are authorised to deputise.



## SECTION SEVENTEEN

### TREASURY MANAGEMENT

This section sets out how the Council operates its treasury management function and how it complies with the Chartered Institute of Public Finance and Accountancy (CIPFA) *Treasury Management in the Public Services: Code of Practice* (the TM Code).

Treasury Management is defined as:

*'The management of the Council's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.'*

17.1 The Chief Finance Officer is responsible for maintaining:

- a Treasury Management Policy Statement, stating the policies, objectives and approach to risk management of its treasury management activities.
- Treasury Management Practices (TMPs) and setting out the manner in which the organisation will seek to achieve policies and objectives and prescribing how it will manage and control those activities.

17.2 The Chief Finance Officer must ensure that the Policy Statement and TMPs follow the recommendations contained in the TM Code, subject only to amendment where necessary to reflect the particular circumstances of the authority. Such amendments will not result in the authority materially deviating from the TM Code's key principles.

17.3 The Chief Finance Officer must ensure that the County Council will receive reports on its treasury management policies, practices and activities, including as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close.

17.4 The Chief Finance Officer is responsible for ensuring that the key principles set out in the Treasury Management Policy Statement for managing the authority's treasury management activities are abided by.

17.5 The Chief Finance Officer has responsibility for the implementation and regular monitoring of its treasury management policies and practices to Cabinet, and for the execution and administration of treasury management decisions, who will act in accordance with the Council's policy statement and TMPs and CIPFA's Standard of Professional Practice (the SoPP) on Treasury Management.

17.6 County Council nominates Audit Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies. At budget setting time, the Audit Committee will delegate this function to the Overview and Scrutiny Committee to enable the treasury management strategy to be considered alongside the budget.

**HERTFORDSHIRE COUNTY COUNCIL**

**CABINET  
MONDAY, 13 NOVEMBER 2017 AT 2.00 PM**

**COUNTY COUNCIL  
TUESDAY, 21 NOVEMBER 2017 AT 10.00 AM**

**CHANGES TO THE COUNTY COUNCIL'S CONSTITUTION**

Agenda Item No.

**16**

**13**

Report of the Chief Legal Officer

Author: Mary Cormack, Assistant Chief Legal Officer  
(Tel: 01992 556274)

Executive Members: David Williams, Resources, Property and the Economy  
Derrick Ashley, Environment, Planning and Transport

**1. Purpose of report**

1.1 To request that Council delegates its functions under the High Speed Rail (London – West Midlands) Act 2017 to the Development Control Committee and to the Chief Executive and Director of Environment and authorises the Chief Legal Officer to amend Annex 3 to the Constitution accordingly.

**2. Summary and Background**

2.1 The High Speed Rail (London – West Midlands) Act 2017 (“the Act”) provides that planning permission is deemed to be granted under Part 3 of the Town and Country Planning Act 1990 for the construction of Phase 1 of the High Speed 2 (“HS2”) rail link between London and Birmingham (“the deemed planning permission”).

**Highways**

2.2 Schedule 4 to the Act enables the County Council as highway authority to object (within 28 days of receiving notice, and on specified grounds) to works that would require the opening of an access on to, or the alteration of, a highway used by vehicular traffic.

**Planning**

2.3 Schedule 17 of the Act sets out the conditions of the deemed planning permission and provides that certain ancillary matters must be approved by the relevant planning authority. The County Council is the relevant planning authority for approving ancillary matters relating to:-

- Waste or soil disposal or the excavation of bulk material from borrow pits
  - The routes by which anything is to be transported on a highway (other than a special or trunk road) by a large goods vehicle to a site where the number of large goods vehicle movements exceeds 24 on any day .
- 2.4 Annex 3 to the Constitution contains the Schemes of Delegation to Committees and to Officers.
- 2.5 Paragraph 2.2 (i) of Annex 3 delegates all the functions of the Council relating to Town and Country Development as specified in Schedule 1A to the Local Authorities (Functions & Responsibilities)(England) Regulations 2000 (“the Regulations”) to the Development Control Committee.
- 2.6 Paragraph 4.4.5 (i) of Annex 3 delegates all the functions of the Council relating to Town and Country Development as specified in Schedule 1A to the Regulations (except for the approvals listed at paragraph 4.4.5 (l)) to the Chief Executive and Director of Environment.
- 2.7 Paragraph 4.4.5 (iv) of Annex 3 delegates all the functions of the Council relating to highways and rights of way matters as set out in Schedule IB paras 41, 46A, 47, 47A, and 48 to 55 and Schedule 11 paras 1 to 34 of the Regulations
- 2.8 The Regulations are updated from time to time but do not currently specify functions under the Act. In order for applications under the Act to be dealt with efficiently and in a manner consistent with other planning applications.

Council is requested to delegate

(i) its highways functions under Schedule 4 of the Act to the Chief Executive and Director of Environment.

(ii) its town and country planning functions under Schedule 17 of the Act to the Development Control Committee and to the Chief Executive and Director of Environment.

### **3. Recommendation**

3.1 That Council:

- (a) agrees the changes to the Council’s Constitution as set out in paragraph 2.8 the Report;
- (b) authorises the Chief Legal Officer to amend Annex 3 to the Constitution to give effect to the decision at (a) above.

#### **4. Financial Implications**

4.1 There are no financial implications arising from this report.

##### *Background Information*

High Speed Rail (London – West Midlands) Act 2017

<http://www.legislation.gov.uk/ukpga/2017/7/contents/enacted>