

HERTFORDSHIRE COUNTY COUNCIL

**GROWTH, INFRASTRUCTURE, PLANNING AND THE
ECONOMY CABINET PANEL
THURSDAY, 5 JULY 2018, AT 10.00AM**

Agenda Item No.

6

**WASTE LOCAL PLAN REVIEW, SUMMARY OF REPRESENTATIONS MADE TO
THE INITIAL CONSULTATION**

Report of the Chief Executive

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Economy

1. Purpose of report

1.1 To present to the Panel a summary of the representations made during the Initial Consultation for the review of the Waste Local Plan, the officers suggested response to these representations ([Appendix 1](#) to this report, a hard copy is available to view in Members lounge) and options for the way forward for the Waste Local Plan review.

2. Summary

2.1 As Waste Planning Authority for Hertfordshire, the County Council has a statutory responsibility to prepare, implement and review a Waste Local Plan in line with national policy and regulations¹.

2.2 The County Council is in the early stages of a review process. The currently adopted Waste Local Plan is comprised of the Waste Core Strategy and Development Management Policies document, adopted in 2012, and the Waste Site Allocations document, adopted in 2014. The outcome of the completed review will be the adoption of a new Waste Local Plan, which replaces the existing Plan, as part of the Development Plan² for Hertfordshire.

2.3 The first formal stage of consultation prescribed by legislation and set out in the adopted Statement of Community Involvement (SCI)³, is an Initial Consultation. The purpose of an Initial Consultation is to seek views from

¹ The main considerations are the National Planning Policy Framework (NPPF) (2012), the Localism Act (2011), the Planning and Compulsory Purchase Act (2004) and the Town and Country Planning Act (1990) as amended.

² The Development Plan for Hertfordshire consists of the 10 District & Borough Local Plans, the Minerals Local Plan, the Waste Local Plan and the adopted Neighbourhood Plans.

³ This statement of Community Involvement takes into account the most recent changes in legislation through the Localism Act 2011 and subsequent Town and Country Planning (Local Planning) (England) Regulations 2012.

interested parties on the subject of the planning document being prepared and to invite representations to be made regarding the content of the future plan.

- 2.4 The County Council developed an Initial Consultation document which was subject to an eight week period of consultation from 05 February until 30 March 2018. The document contained 29 issues related to the contents of the emerging Plan, for which consultees could select their preferred option/s from a suggested list and provide reasoning for their selection or alternative suggestions. One issue allowed consultees to provide comments on topics they believed pertinent to the Waste Local Plan but not covered by the Initial Consultation document.
- 2.5 A total of 51 consultees responded, making 551 individual representations between them. Consultees included seven District and Borough Councils, a selection of Parish Councils and adjoining authorities, as well as industry representatives. An overview of the main themes of the representations for each chapter is set out in Section 6, paragraph 6.1 – 6.22.
- 2.6 A summary of all consultees and their representations, as well as the County Council's suggested responses to them, are listed in a series of tables in Appendix 1. A general statement is included for each chapter summarising the main themes of the representations and the Council's response. A bespoke response has been included for the representations which raised additional points to the main themes.
- 2.7 The County Council will take into account all representations in the preparation of the Draft Waste Local Plan.

3. Recommendation

3.1 That the Panel

- I. notes the schedule of representations to the consultation and the suggested response to them (Appendix 1).
- II. considers the recommended option of a 'Call for Sites' as set out in Section 7 which directs the way forward for the next steps of the Waste Local Plan review.

4. Background to the Waste Local Plan Initial Consultation Document

- 4.1 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.
- 4.2 The Initial Consultation document addressed this by allowing interested parties to make representations regarding the contents of the Waste Local Plan at an early stage of the review process before policies are drafted, and potential sites are identified in subsequent consultation stages.

- 4.3 The document provided a background to waste planning in Hertfordshire before focussing on individual topics, organised by chapter, in sufficient detail for consultees to understand the subject and give their views on the issues identified in the document.
- 4.4 The document contained 29 issues, the first 28 of which were presented with a number of options together with an opportunity to provide reasoning for the selection or any additional comments related to the issue.
- 4.5 The issues covered a broad range of topics including draft versions of the Plan Vision and Objectives, options for key strategic issues such as waste data and capacity forecasting, the identification of 'Allocated Sites', 'Areas of Search', or 'Employment Land Areas of Search', safeguarding, and the policies used to determine applications. Each topic will be discussed in further detail, including a summary of the representations made and proposed responses in Section 6.
- 4.6 The 29th issue allowed consultees to provide additional comments on topics they thought important for the emerging Plan that were not covered by the Initial Consultation document.

5. Sustainability Appraisal and Strategic Environmental Assessment

- 5.1 Independent consultants, Land Use Consultants (LUC) was appointed to undertake the required Sustainability Appraisal of the Waste Local Plan review.
- 5.2 Following feedback at the Interested Parties event on 23 August 2017, LUC produced a Sustainability Appraisal scoping report incorporating Strategic Environmental Assessment which details how the Waste Local Plan review process will be assessed in relation to environmental, social and economic issues.
- 5.3 Whilst there are only three statutory consultees for the Sustainability Appraisal, the headline objectives of the appraisal framework were included in the Initial Consultation document to ensure that a wider audience could be consulted and have input on the final appraisal process. The full scoping report was published as a supporting document to the consultation and the statutory consultees were asked to provide their representations as part of the Initial Consultation.
- 5.4 The representations made regarding the scoping report are included in the summary table (Appendix 1). The representations have been forwarded to LUC to be incorporated into the final version of the Sustainability Appraisal framework which will be used for the remainder of the Plan review.

6. Summary of Main Representations and Officer Recommended Response

- 6.1 A brief summary of the main representations made and suggested response are shown below, organised by chapter.

Vision

- 6.2 The draft vision was widely supported by consultees who agreed that multiple aspects of national policy and the County Council's priorities were covered. Comments were received addressing terminology and requesting the vision be made more locally distinctive to Hertfordshire.
- 6.3 As a result it is proposed to make minor amendments to the wording of the vision to reflect these comments, and add more locally distinctive elements, such as reference to the Herts Waste Partnership and Hertfordshire's relationship to London.

Objectives

- 6.4 The objectives of the Waste Local Plan, shown in the table below in Table 1, should ensure that the vision is achieved, As such; consultees were asked whether the draft objectives would accomplish this, or whether they should be amended.

Table 1 – Waste Local Plan 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.

6.5 Opinion was split with many consultees considering them appropriate and other consultees requesting additional detail to be included in a number of objectives. It is considered that additional details can be reflected in the policies and supporting text which will be drafted in latter stages of Plan production. Potential reprioritising of the objectives was also proposed, however the objectives are not intended to be in a priority order.

Single Plan Approach and Plan Length

6.6 All consultees who responded to this issue supported the production of a single document Plan covering a 15 year period. A minor number of comments suggested the Plan length should be longer than 15 years, in line with emerging District Plans that plan beyond 2031. The County Council proposes to follow a 15 year plan period in line with the majority of support, noting that the Waste Local Plan period will be 15 years starting from the time of adoption, covering beyond 2031.

Waste Data and Capacity Gap

6.7 Issues 7 to 17 allowed consultees to comment on the County Council's proposed approach to calculating the capacity gaps for different types of waste management facility in Hertfordshire. Consultees were asked to comment on the use of different growth scenarios, waste management targets, and the overarching approach to quantifying the County's future production of waste.

6.8 There was no unanimous agreement on quantifying current and future waste arisings. The reasoning behind planning for high growth is considered more robust than the more aspirational, low growth scenarios, and the use of high growth assumptions is acknowledged to provide additional flexibility to the emerging Waste Local Plan. In light of this it is proposed to base Capacity Gap calculations on 'high growth' waste arising scenarios.

6.9 Targets for waste management performance and data sources, specifically the County Council's Local Authority Collected Waste Spatial Strategy and the Waste / Hazardous Waste Data Interrogator, were considered appropriate. Representations were received suggesting additional data sources and where appropriate, some suggestions will be incorporated into the original proposed methodology. Consultees were in agreement that site-by-site analysis of existing site capacity is the best indicator of the county's current provision.

6.10 Taking account of the findings of the Draft Waste Capacity Report (2017), in combination with the responses to the Initial Consultation, capacity gaps for

specific types of waste management can be forecast for the duration of the emerging Plan period.

- 6.11 The main waste streams identified as requiring additional management facilities are Non-Hazardous waste, which is a combination of Local Authority Collected Waste and Commercial and Industrial Waste, and Construction, Demolition and Excavation Waste. Local Authority Collected Waste and Commercial and Industrial Waste are combined together because the facilities that manage these waste streams do not differentiate between the two types due to their similar physical composition. Table 2 summarises the identified capacity gaps throughout the emerging Waste Local Plan period.

Table 2 – Key Capacity Gaps

Year	Capacity gap for Non-Hazardous waste recycling and composting	Capacity gap for Non-Hazardous residual waste	Capacity gap for Construction, Demolition and Excavation Waste recovery
2018	175,000t	360,000t	135,000t
2024	320,000t	585,000t	870,000t
2031	505,000t	560,000t	1,600,000t

Waste Sites and Areas

- 6.12 Consultees were asked their preferred approach given the choice of Allocated Sites, Areas of Search, Employment Land Areas of Search and Criteria-Based Policies when identifying sufficient opportunities to meet the waste needs of Hertfordshire.
- 6.13 Allocated sites are those regarded as the most suitable locations for waste management, offering greater certainty for the waste industry, local planning authorities and Hertfordshire’s residents. There are currently eight adopted Allocated Sites in the Waste Site Allocations document (2014) of which three are identified as existing Strategic Sites. The five sites located within the Green Belt contain or have been used for waste management provision in the past, or are previously developed sites in whole or in part. No new waste management facilities have come forward on the adopted Allocated Sites.
- 6.14 Areas of Search cover wider areas of the County, indicating broad optimal locations for management of specific waste streams. There are five adopted Areas of Search, two for organic waste recovery, and three for Local Authority Collected Waste treatment and transfer. Areas of Search are beneficial because they can be located close to sources of waste, limiting the distance waste vehicles travel to treatment facilities. Their wider area coverage provides flexibility for the Waste Planning Authority, but less certainty, and may include land in competition with other development.
- 6.15 Employment Land Areas of Search specifically cover employment land designated in the adopted District and Borough Local Plans. They include land designated as use for general industry (B2) and storage and distribution (B8), which is considered compatible with waste management uses. There are 60

Employment Land Areas of Search currently adopted in the Waste Local Plan. These areas are in all 10 District and Borough Councils across Hertfordshire offering a wide area for facilities to come forward. Changes to Permitted Development Rights now facilitate change in land use from B8 to residential development and this has seen a reduction in the size of many Employment Land Areas of Search either directly, or from the proximity of new incompatible development.

- 6.16 The final option presented as an alternative to identifying any sites or areas is the use of criteria-based policies which could be strengthened and used to determine individual applications. This method offers less certainty for planning authorities, but greater flexibility for changing circumstances throughout the Plan-period.
- 6.17 Responses to the consultation fully supported the use of Allocated Sites, citing the certainty they provide. The seven District and Borough Councils who responded to the consultation also fully endorsed the use of Allocated Sites. While Areas of Search were also widely supported, there was minor concern expressed by three districts addressing their potential proximity to residential development, and the lack of sites coming forward on any of the adopted Areas of Search. The majority of consultees agreed with identifying Employment Land Areas of Search, with the District and Borough Councils requesting a reassessment of adopted Employment Land Areas of Search to remove or delete employment land no longer suitable for waste management purposes. For sites that may come forward on unallocated land, consultees endorsed the use of criteria-based policies in combination with identified sites and/or areas. It was requested that the Waste Local Plan reflect the County Council's Local Authority Collected Waste Spatial Strategy by including Household Waste Recycling Centre Areas of Search and two sites for potential new Household Waste Recycling Centres.
- 6.18 Several consultees noted that no new waste management facilities have come forward on the currently adopted Allocated Sites, and that these sites should be reassessed for their viability and deliverability. The County Council proposes that all currently adopted Allocated Sites, Areas of Search and Employment Land Areas of Search are reassessed during any emerging site selection process.

Safeguarding

- 6.19 There was unanimous support for the safeguarding of sites, with a varied response to the approach this should take. Over a third of consultees favoured the currently adopted method of safeguarding whereby all operational and permitted waste sites are safeguarded. Consultees who supported more streamlined safeguarding, through strategic sites or exemptions, provided suggestions on what strategic sites/exemptions could include.
- 6.20 Identifying consultation areas around safeguarded waste sites was universally supported by consultees, who noted the importance of consultation areas to prevent encroachment of incompatible development. Consultees invited

ongoing communication with the County Council to define the size of any consultation area, and their potential extension into neighbouring authorities.

Policies Used to Determine Applications.

- 6.21 Issues 24 to 27 covered the emerging Waste Local Plan policy headings that will help Hertfordshire to achieve its vision and objectives, and ensure waste facilities in Hertfordshire are delivered in an environmentally acceptable way.
- 6.22 There was general support for the proposed Strategic and Development Management Policies, with the majority of consultees agreeing that the suggested new policy headings met gaps in the policy areas identified, and that the draft list of policy headings meet the objectives. Several comments were received regarding terminology, which the county council proposes to address through new policy wording, drafted in partnership with relevant stakeholder or government bodies. Additional requests for separate policies covering specialised issues, such as historic environment and Area of Natural Beauty (AONBs), will be covered in more overarching policies to keep the Waste Local Plan streamlined.

Sustainability Appraisal

- 6.23 Issue 28 covered the draft headline objectives of the LUC Sustainability Appraisal and asked consultees whether they were appropriate as a framework to assess the sustainability of the Waste Local Plan.
- 6.24 All consultees who responded to Issue 28 supported the Sustainability Appraisal headline objectives, with only one representation commenting on the possible need for re-wording of a specific objective. All comments received have been forwarded to LUC who will finalise the SA framework and subsequently use it to appraise the review of the Plan.

Additional Comments

- 6.25 Issue 29 was included to provide consultees with an opportunity to raise any matter they thought had not been covered by the rest of the consultation document.
- 6.26 A number of consultees used this opportunity to provide waste data sources and further information, either via guidance documents or specific site examples, which could support the development of the Waste Local Plan. Other consultees re-iterated their support for the emerging Plan, and requested additional information be provided in the form of topic papers as Plan production progresses. The suggested guidance documents have been noted and will be reviewed as policies and supporting text is drafted.

7. Next Steps

- 7.1 An important evidence base document to support the Waste Local Plan review focuses on waste data and the need to establish current capacity and future need for waste management facilities. Chapter 8 of the Initial Consultation document: Waste Data & Capacity Gap; drew from the Draft Waste Capacity Gap Report (2017). The report identifies certain gaps for specific waste management requirements and will be updated taking account

of the responses to the Initial Consultation, and throughout the remainder of Plan-production.

- 7.2 Another important and potentially sensitive issue is that of the need to identify specific sites and/or areas for waste uses. This topic was covered in Issues 18- 21 from 'Chapter 9: Waste Sites & Areas'.
- 7.3 Consultees were asked their views on Allocated Sites, Areas of Search and Employment Land Areas of Search. Criteria-based polices, an alternative to site identification, whereby the policies against which individual applications could be determined are strengthened, offering less certainty but greater flexibility to changing circumstances over the Plan-period, was also proposed to consultees.
- 7.4 The responses concluded that the best approach was a combination of criteria-based polices, with a clear consensus that the Waste Local Plan should continue to identify sites for future waste development. This support by consultees leads to the need to establish a method for this purpose.
- 7.5 There are a number of ways in which sites could be identified:
- Appoint independent consultants to create a site assessment methodology and apply it. An approach that has been tested before with little success in identifying many suitable sites.
 - A 'Call for Sites' is undertaken. The County Council would contact landowners, including the County Council as a landowner, and waste industry representatives, seeking sites to be put forward that meet basic criteria, such as, viability and deliverability. This would allow the Council to judge the level of interest in supplying sites.
- 7.6 Given the difficulty in identifying suitable sites for waste uses, it is proposed that a Call for Sites be undertaken with a view to appointing independent consultants to assess the outcome if a significant number of sites are put forward. As part of the assessment of sites, all presently adopted Allocated Sites, Areas of Search and Employment Land Areas of Search would also be reassessed for suitability. This Call for Sites would be undertaken over the summer and allow for internal consultation with the County Council's Highways and other specialist areas.
- 7.7 An indicative timetable of the Waste Local Plan Review process, which also factors in the potential Call for Sites, is shown in Table 3. A more definitive timetable will be produced as the Minerals and Waste Development Scheme is updated. It is currently planned to present the updated Minerals and Waste Development Scheme to Members of the Growth, Infrastructure, Planning and the Economy Cabinet Panel in November 2018.

Table 3 – Waste Local Plan Review Timetable

Summer 2018	Call for Sites
Summer 2019	Draft Plan consultation

Spring 2020	Consideration of Draft Plan consultation responses
Summer / Autumn 2020	Proposed Submission for public participation.
Winter 2020	Submission
Spring 2021	Examination
Summer 2021	Inspector's Report
Autumn / Winter 2021	Finalisation
Winter 2021	Adoption

8. Financial Implications

- 8.1 The cost of producing the Waste Local Plan, (printing, distribution, adverts etc) and employing consultants to carry out the required Site Selection and Sustainability Appraisal are included in existing budgets.

9. Equality Impact Assessment (EqIA)

- 9.1 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.
- 9.2 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.
- 9.3 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.
- 9.4 It is not anticipated that people with protected characteristics will be affected disproportionately by the proposals set out in this report although Panel will make no decision with regard to its contents.

Appendix 1 – Summary of Representations to the Initial Consultation.

Background Documents referred to and used in writing this report

Hertfordshire Waste Local Plan Initial Consultation document (February 2018),
<https://www.hertfordshire.gov.uk/media-library/documents/about-the-council/consultations/waste-local-plan/1.%20hcc%20wlp%20ic%20consultation%20document.pdf>

Hertfordshire Waste Local Plan ‘Sustainability Appraisal of the Hertfordshire Waste Local Plan Scoping Report’ (September 2017),
<https://www.hertfordshire.gov.uk/media-library/documents/about-the-council/consultations/waste-local-plan/3.%20luc%20sustainability%20appraisal%20scoping%20report.pdf>

Hertfordshire Waste Local Plan ‘Habitats Regulations Assessment of the Hertfordshire Waste Local Plan Scoping Report’ (August 2017),
<https://www.hertfordshire.gov.uk/media-library/documents/about-the-council/consultations/waste-local-plan/4.%20luc%20habitats%20regulations%20assessment%20scoping%20report.pdf>

Hertfordshire Waste Local Plan Draft Waste Capacity Gap Report (2017),
<https://www.hertfordshire.gov.uk/media-library/documents/environment-and-planning/planning/planning-in-hertfordshire/waste-local-plan/draft-capacity-gap-report.pdf>

Waste Core Strategy and Development Management Policies document (adopted November 2012),
<https://www.hertfordshire.gov.uk/media-library/documents/environment-and-planning/planning/planning-in-hertfordshire/waste-local-plan/waste-core-strategy-and-development-management-policies-document.pdf>

Waste Site Allocations document (adopted July 2014),
<https://www.hertfordshire.gov.uk/media-library/documents/environment-and-planning/planning/planning-in-hertfordshire/waste-local-plan/the-waste-site-allocations-document-2.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>

The National Planning Policy Framework (2012), Ministry of Housing, Communities & Local Government,
<https://www.gov.uk/guidance/national-planning-policy-framework>

Town and Country Planning (Local Planning) (England) Regulations 2012,
http://www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi_20120767_en.pdf