

Policy Evidence Report

Policy 10: Secondary and Recycled Materials

**Hertfordshire Minerals and Waste
Local Plan 2040**

Hertfordshire County Council



Supporting Regulation 22(c)(iii)(iv)

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1. Introduction

- 1.1. Hertfordshire County Council is reviewing its adopted Minerals Local Plan, Waste Local Plan and supporting documents. These comprise the following documents (with adoption date):
 - Minerals Local Plan Review (March 2007)
 - Minerals Consultation Areas SPD (November 2007)
 - Waste Core Strategy and Development Management Policies DPD (November 2012)
 - Waste Site Allocations DPD (July 2014)
 - Employment Land Areas of Search SPD (November 2015)
- 1.2. The documents listed above are to be replaced by a single Minerals and Waste Local Plan (MWLP) covering the period to 2040. The new MWLP will set the overall spatial framework and development management policies for sustainable minerals and waste management development in Hertfordshire.
- 1.3. This Policy Evidence Report provides a context and justification for the creation of Policy 10: Secondary and Recycled Materials in the emerging Minerals and Waste Local Plan.

2. National Policy Context

- 2.1. The National Planning Policy Framework (NPPF 2021) and National Planning Practice Guidance (PPG) provide the basis of national planning policy.
- 2.2. The following points within the NPPF relate to Policy 10:
 - Paragraph 210 states that planning policies should ‘so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously...’ and should ‘...safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material’.
 - Paragraph 210 also explains that policies should ‘set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality’.

2.3. The PPG section on Minerals states:

- Planning authorities should safeguard existing, planned and potential storage, handling and transport sites to:
 - ensure that sites for these purposes are available should they be needed; and
 - prevent sensitive or inappropriate development that would conflict with the use of sites identified for these purposes.
- Planning authorities should consider the possibility of combining safeguarded sites for storage, handling and transport of minerals with those for processing and distribution of recycled and secondary aggregate. This will require close co-operation between planning authorities.

Paragraph: 006 Reference ID: 27-006-20140306

2.4. The Waste Management Plan for England 2013 states that 'inert waste can and should be recovered or recycled whenever possible. However, the disposal of inert waste in or on land i.e. landfill, remains a valid way of restoring quarries and worn out mineral workings where this is a planning requirement.'

3. Local Context

3.1. 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. Due to Hertfordshire's location directly to the north of London, CD&E wastes are also imported into Hertfordshire from out of the county. Much of this material is sent to landfill (either in or outside of Hertfordshire) but could be recycled and re-used, reducing the need to extract primary, land-won minerals.

3.2. In addition to this, Hertfordshire 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 Circular Economy Statements. The county has a handful of facilities that can recycle inert waste to produce construction products.

4. Minerals & Waste Local Plan Policy

4.1. Prior to the publication of the emerging MWLP, the Council was preparing separate Minerals and Waste Plans, which were at differing stages of production. The emerging Minerals Local Plan (MLP) was published for a Regulation 19 Proposed Submission consultation in 2019, and the emerging Waste Local Plan (WLP) was published for a Regulation 18 Draft Plan consultation in 2021. These emerging Plans have now been brought together into a single MWLP. The Policy which this Evidence Report relates to has been formulated from one or more relevant policies in those previous emerging

Plans, and takes into account the representations received at those previous stages of consultation.

Proposed Submission Minerals Local Plan 2019

- 4.2. The Proposed Submission Minerals Local Plan was published for a ten week Regulation 19 consultation from 14 January 2019 to 22 March 2019. This document included Policy 5: Substitute or Secondary and Recycled Materials. The policy read as follows:

Policy 5: Substitute or Secondary and Recycled Materials

The county council will support the increased use of substitute or secondary and recycled materials in place of primary land-won aggregates in development proposals to reduce reliance on land-won minerals and to maximise the quantity of Construction, Demolition and Excavation waste diverted from disposal.

The county council will support the expansion of existing and provision of new facilities to increase the current capacity 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.

- 4.3. During the Regulation 19 consultation, 3 representations were made in relation to this policy however only one representation directly related to this policy. This is summarised below:
- a) The policy should be expanded to include support for facilities that make direct provision for access by rail or barge.
- 4.4. The county council's response to the representations received is stated below:
- a) This policy does not limit proposed or planned sites to road transport. The use of alternative forms of transport such as rail and water is given support within Policy 24: Transport.

Draft Waste Local Plan 2021

- 4.5. The Draft Waste Local Plan was published for a ten week Regulation 18 consultation from 11 January 2021 to 19 March 2021. This document included Strategic Policy 6: Beneficial Use of Residual Inert Material. The policy read as follows:

Strategic Policy 6: Beneficial Use of Residual Inert Material

Inert waste arising from construction, demolition and/or excavation that cannot be recycled should, as a first priority, be directed to engineering works, the restoration of mineral workings (in accordance with an approved restoration scheme) or derelict land requiring fill as part of re-restoration to a beneficial after use (in accordance with an approved scheme).

Proposals for the use of inert waste must identify the source of the waste and as a minimum, proposals will clearly demonstrate that they:

- Will not undermine the availability of such waste for use in the type of mineral restoration schemes; and
- Will result in a material improvement to the agricultural grade or classification of the land; and
- Will use the appropriate amount of material necessary; and
- Do not conflict with other policies in this Plan and with any relevant locational or site specific policies.

- 4.6. During the consultation on the Draft Waste Local Plan, this policy received 8 representations. Generally, they were in support of the inclusion of this policy. The points raised are summarised below:
- a) The benefits of the use of this material aren't limited to agricultural land as there can be biodiversity benefits also (biodiversity net-gain). It is recommended that the policy include a bullet point stating: '*will result in a measurable net gain in biodiversity*'.

- b) The policy should consider the need to require assessments of material balances for major applications. The policy could cross reference Policy 15: Sustainable Design and Resource Efficiency as the principles of sustainable waste management also apply here.
- c) Textual amendment required to state *'Inert waste ... that cannot be re-used or recycled'* to ensure that direct re-use of materials is not overlooked.
- d) The policy is unclear as to what type of development this is applicable to and who's responsibility it may be.
- e) The following text is suggested to be added to the first paragraph of the policy: *'Such a scheme should be submitted with all major applications. The Waste Planning Authority should be consulted on the content prior to planning consent.'*

4.7. The county council's response to the above representations is as follows:

- a) Policy 15: Biodiversity and Geodiversity covers the requirement for a proposal to demonstrate a measurable biodiversity gain, therefore adding the suggested amendments in this policy would be a duplication of the requirement. Agricultural land requirements are however covered under Policy 17: Soils and Agricultural Land, therefore the third bullet point has been removed.
- b) The Plan should be read as a whole, therefore there is no need to cross-reference to other policies.
- c) The Council accepts this textual amendment for clarity, the Policy wording has been amended accordingly.
- d) This policy will form part of the Development Plan for the area and therefore can be used in the determination of any relevant planning application, be it a County matter application or one submitted to a Local Planning Authority.
- e) The requirements for an afteruse and/or restoration scheme are covered under Policy 13: Restoration and Aftercare.

5. Alternative Reasonable Options

5.1. The following alternative options have been considered (and fully assessed in the Sustainability Appraisal Report):

- Option 1 – A policy which supports the increased use of secondary and recycled materials and supports the expansion of existing and the provision of new facilities to increase capacity for the processing and distribution of these materials (preferred)
- Option 2- A similar policy to Option 1 but which would also identify specific allocated sites for the provision of facilities to process and distribute secondary and recycles aggregates
- Option 3 – A policy similar to Option 1 but which doesn't prioritise the use of recycled inert material for specific uses

6. Conclusion

- 6.1. This Policy Evidence Report demonstrates the justification for the inclusion of this policy in the emerging Minerals and Waste Local Plan Draft Plan. It summarises the national policy context and local context, along with the main issues raised through previous consultation and how the council has addressed those issues.
- 6.2. Any representations received on this policy at the Regulation 18 consultation stage will be carefully considered by the county council and used to inform any changes to the policy wording as appropriate.
- 6.3. This Policy Evidence Report was written to support the Draft Plan (Regulation 18) consultation. The next iteration of this report, to be published in support of the Proposed Submission (Regulation 19) version of the Plan, will summarise the main issues arising from the Regulation 18 consultation and will form part of the Regulation 22 statement, as set out by the Town and Country Planning (Local Planning) (England) Regulations 2012.