

# Policy Evidence Report

## Policy 11: Sustainable Design and Resource Efficiency

**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 development plan 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 11: Sustainable Design and Resource Efficiency 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 11:
  - Paragraph 126 – ‘The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.’
  - Paragraph 128 – ‘To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences.’

2.3. The PPG includes a section based on design:

- 'Planning policies can set out the design outcomes that development should pursue as well as the tools and processes that are expected to be used to embed good design. Appropriate policies can be included within:
  - a plan's vision, objectives, and overarching strategic policies
  - non-strategic policies in local or neighbourhood plans
  - supplementary planning documents, such as local design guides, masterplans or design codes, which provide further detail on specific design matters

*Paragraph: 002 Reference ID: 26-002-20191001*

- 'Strategic policies can also be used to set key design requirements for strategic site allocations and explain how future masterplanning and design work is expected to be taken forward for these sites.'

*Paragraph: 003 Reference ID: 26-003-20191001*

2.4. The National Planning Policy for Waste (NPPW) also discusses sustainable design:

- 'Positive planning plays a pivotal role in delivering this country's waste ambitions through: ... ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste.'
- The NPPW states that when determining waste planning applications, waste planning authorities should 'ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located'.
- In addition, when determining non-waste planning applications, a waste planning authority must ensure that:
  - 'new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;
  - the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.'

2.5. In addition, the government has produced a National Design Guide 2021. The guide states ten characteristics of good design that can be incorporated into local requirements and used to inform planning applications. In particular, the characteristic 'Resources' relates to this policy:

- 135 – 'Well-designed places and buildings conserve natural resources including land, water, energy and materials. Their design responds to the impacts of climate

change by being energy efficient and minimising carbon emissions to meet net zero by 2050.’

- 145 – ‘A well-designed place is durable and adaptable, so that it works well over time and reduces long-term resource needs. The re-use and adaptation of existing buildings reduces the consumption of resources and contributes to local character and context.’

2.6. Our Waste, Our Resources: A Strategy for England 2018 discusses sustainable use and design. The strategy largely focuses on the implementation of the Waste Hierarchy and the Circular Economy within design, planning and production of goods.

### **3. Local Context**

3.1. In 2019 Hertfordshire County Council declared a Climate Emergency. Following this, the Hertfordshire Sustainability Strategy 2020 was produced. The strategy sets out a series of aims and ambitions for tackling this issue, one of which is to ‘increase resource efficiency threefold in the County by 2050.’

3.2. In addition to this, guidance is contained in 'Building Futures: a Hertfordshire guide to promoting sustainability in development', prepared by all eleven local authorities in the Hertfordshire. The purpose of ‘Building Futures’ is to provide practical, user-friendly guidance for planning officers and developers on how to make development in Hertfordshire as sustainable as possible. It is an evolving web-based guidance document, which will be updated to address emerging policy requirements, legislation changes and new examples of good practice. The ‘Building Futures’ guide also includes a waste module.

### **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.

## Draft Waste Local Plan 2021

- 4.2. 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 15: Sustainable Design and Resource Efficiency. The policy read as follows:

### **Strategic Policy 15: Sustainable Design and Resource Efficiency**

New and existing developments, including waste management facilities, must be of good design and contribute to resource efficiency. As a minimum, all new development proposals will be required to demonstrate how the principles of sustainability (Hertfordshire Sustainable Design Guide) have been addressed by submitting supporting evidence incorporating the following:

- i) Construction and demolition methods that minimise waste generation and facilitate the re-use/recycling of materials and buildings, as far as practicable on site;
- ii) Design principles and construction methods that minimise the use of primary aggregates and encourage the use of high quality building materials made from local recycled and secondary resources; and
- iii) Good and innovative design with layout principles that allow effective sorting, recycling, composting and collection of waste within the site.

Local Planning Authorities should include waste prevention and reduction policies in their local plans.

All new development proposals must demonstrate in supporting evidence how the principles of sustainable development, covering economic, social and environmental aspects, as set out in the Hertfordshire Sustainable Design Guide, have been addressed.

Development proposals must be supported by a comprehensive Circular Economy Statement which includes details of the management of waste at all stages of development (construction, demolition and subsequent occupation). The Waste Planning Authority should be consulted on the content of Circular Economy Statements prior to approval.

- 4.3. 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) It is considered that not all development proposals would require a Circular Economy Statement to be produced should the developer already be heavily contributing to sustainable design and resource use.
  - b) A condition is requested that requires a full record of materials upon completion of a project.

- c) The phrase *'in its lifetime'* is suggested for addition as a suffix in point iii) such that it refers to all stages of development.
- d) Concern is raised that the production of a Circular Economy Statement may not be viable for smaller scale developments. The policy should include thresholds and/or size limits for when this would be required. The following wording is suggested for the last two paragraphs of the policy:
  - i. *'All strategic scale proposals must demonstrate ...'*
  - ii. *'Strategic scale proposals must be supported by a ...'*
- e) The point was raised as to whether, should local design codes be required by national policy, would the policy still take precedence.

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

- a) It is noted that many developers place heavy weight on sustainable design and resource efficiency, however a Circular Economy Statement should still be produced for a new development both as a recording process for the development and for the monitoring of national waste targets. The Policy has however been amended to require Circular Economy Statements for major developments.
- b) The policy states that a Circular Economy Statement must document the details of the management of waste at all stages of development (construction, demolition and subsequent occupation).
- c) The policy wording clearly states that Circular Economy Statements are required to cover all stages of development.
- d) The Council accepts the needs for thresholds, and therefore the policy has been amended such that the requirement only applies to 'major' developments (as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015).
- e) It is difficult to determine how Local Design Codes will be applied to waste management development at this stage. It is not yet clear what will happen to the National Planning Policy for Waste (NPPW), nor how waste planning will fit into the planning reforms. In response to the consultation on the revisions to the NPPF in March 2021, the Waste Planning Authority requested to understand whether the requirement for all local planning authorities to prepare design codes is intended to apply to Minerals and Waste Planning Authorities.

## **Draft Waste Facilities Design Guide 2021**

- 4.5. As part of the consultation on the Draft Waste Local Plan 2021, the council also consulted on a draft Waste Facilities Design Guide Supplementary Planning Document 2021.
- 4.6. The purpose of this Supplementary Planning Document (SPD) was to provide planning guidance into the aspects of design of waste management facilities and the expectations of Strategic Policy 15 of the Draft Waste Local Plan 2021. The SPD

included the key principles of the Waste Hierarchy, Net Self-sufficiency and the Proximity Principle.

- 4.7. During the consultation on the Draft Waste Local Plan, the SPD received 13 representations. Generally, they were in support of the SPD. The points raised are summarised below:
- a) The point was raised as to whether, should local design codes be required by national policy, would the SPD still be valid.
  - b) Point 5.6 states the following *'The number and layout of parking spaces plays a central role in the efficient throughput of waste processed at a HWRC.'* The use of the word 'processed' within this context could be mis-interpreted, as recycling centres only act as a point of collection and no materials are processed there. It is requested that this sentence is altered to read *'The number and layout of parking spaces plays a central role in the capacity and efficiency of a recycling centre.'*
    - i. Figure 4 – The representation provides an image as a replacement to the drawing.
    - ii. Figure 11 – As Waterdale does not have its own trailers the following text is suggested as a replacement: *'Located adjacent to the Waterdale Recycling Centre, material is bulked in bays ready for collection by bulk haulage vehicles'*.
  - c) The abbreviation 'eWLP' is used, it is unclear what this stands for.
  - d) Point 7.5 - The majority of sustainable forms of transport are located within, or within close proximity, to urban areas. As identified within the Design Guide, paragraph 6.4, waste facilities located within urban areas can result in conflict with other land uses such as housing. Therefore, it is not always possible or practicable to provide a waste facility which is well served by sustainable forms of transport.
  - e) Reference to *'Household Waste Recycling Centres (HWRCs)'* is made throughout the SPD. This should be changed to *'Recycling Centres (RCs)'*.
  - f) In those cases where developers provide waste facilities as part of a development, the SPD could also include an initial checklist for developers to ensure that the land offered is suitable, appropriate and considered at an early stage.
  - g) It is suggested that the SPD contain more support for waterborne transport of waste.
  - h) These suggested changes are intended to help to make the text more consistent with the wording in the NPPF:

*6.23 - Hertfordshire's environment contains an interesting variety of designated heritage assets including listed buildings and structures, scheduled monuments, conservation areas and registered parks and gardens as well as a range of non-designated heritage assets. Like any other development*



*proposal, waste developments must conserve and enhance the significance of heritage assets (including any contribution made to that significance by setting).*

*6.24 - Non-strategic Policy 14: Historic Environment of the eWLP aims to conserve and enhance the significance of heritage assets (physical structure and features of historic interest as well as the, contribution made to significance by setting) and puts provisions in place for their protection as well as the recording, interpretation and publication of findings where the potential impact on a feature necessitates its removal from site.*

*6.26 - Locations for proposed waste developments should ensure they can sit sensitively in the wider historic environment in a way that would be sympathetic to local character/ local history. Siting should not be harmful to the character, appearance, and setting of the historic environment and specific assets. Consideration should also be given to the potential effect on sites of archaeological importance.*

- i) 'Traffic and Access' (Paragraphs 6.27- 6.39):
  - (i) Reference to Strategic Policy 8 of the emerging Waste Local Plan should be incorporated. The policy requires proposals that generate significant transport movements to be supported by a Transport Assessment, which should detail the cumulative impacts of the development from transport and vehicle movements. Where appropriate, the Transport Assessment should set out measures to minimise movements by road based HGVs.
  - (ii) Paragraphs 6.30 and 6.31 of the document refer to Strategic Policy 7 on Strategic Transport. The sites need to be well-located in terms of the origins of the waste, such as households and businesses as well as facilities in terms of the onward destination of materials including for processing, further treatment, or disposal.
  - (iii) Paragraph 6.33 – it is considered important that there are pre-application advice discussions before any planning application is submitted for new or existing expansion/s of site/s.
  - (iv) Paragraph 6.34 opportunities for sustainable transport needs to be delivered through action and within a 'Travel Plan' document that is regularly reviewed.
  - (v) Construction Management Plan (CMPs) will be required for all proposals to ensure highway safety and reduced risk to highway users.

Layout and Access (Paragraphs 7.21 – 7.28)

- (i) All waste development access must be in compliance with Policy 5 of Hertfordshire's Local Transport Plan (LTP) to ensure safety, be suitable for all people, be built to an adequate standard and adhere to the County Council's Highway Design Standards.

- (ii) All new developments are to ensure satisfactory provision for electric charging and low or zero emission vehicles under the site operator which, where practicable, use fuels from renewable sources.

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

- a) It is difficult to determine how Local Design Codes will be applied to waste management development at this stage. It is not yet clear what will happen to the National Planning Policy for Waste (NPPW), nor how waste planning will fit into the planning reforms. In response to the consultation on the revisions to the NPPF in March 2021, the Waste Planning Authority sought clarity as to whether the requirement to prepare design codes is intended to apply to Minerals and Waste Planning Authorities.
- b) Point 5.6, Figure 4 and Figure 11 have been amended accordingly.
- c) Reference to the *eWLP* has been removed and the document now references the new Minerals & Waste Local Plan (MWLP).
- d) Point 7.5- the wording has been updated to reflect that it is not always possible or practicable to provide a waste facility which is well served by sustainable forms of transport
- e) All references to HWRCs were updated to instead reflect the new term used by the Waste Disposal Authority.
- f) It is not felt that a check list is necessary
- g) This is promoted within the Transport Policy
- h) The suggested changes to 6.23, 6.24 and 6.26 were considered reasonable and have been implemented.
- i) Suggested amendments to the sections on 'Traffic and Access' and 'Layout and Access' provided by Hertfordshire County Council's Highways Development Team have been implemented to reflect the requirements of the LTP.

## 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 requiring proposals to address design and resource efficiency, supported by Design Guidance but no Circular Economy requirements
- Option 2 – A less detailed Policy than Option 1 which is not supported by Design Guidance or with Circular Economy requirements
- Option 3 – A Policy requiring proposals to address design and resource efficiency, supported by Design Guidance and requiring Circular Economy Statement for Major developments (preferred)

## 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.