

Policy Evidence Report

Policy 14: Green Belt

**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 14: Green Belt 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 14:
 - Paragraph 138 states the five purposes of the Green Belt: 'a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'
 - Paragraph 140 states: 'Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period...'
 - Paragraph 141 states: 'Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development...'

- Paragraph 145 explains that ‘local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.’
- Paragraph 147 states that ‘inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.’
- Paragraph 150 explains that ‘certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
 - a) mineral extraction;
 - b) engineering operations;
 - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.’

2.3. The PPG contains a section specifically detailing the role of the Green Belt within the planning system:

- Where it has been demonstrated that it is necessary to release Green Belt land for development, strategic policy-making authorities should set out policies for compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land.

Paragraph: 002 Reference ID: 64-002-20190722

2.4. The National Planning Policy for Waste 2014 states:

- Paragraph 6 - Green Belts have special protection in respect to development. In preparing Local Plans, waste planning authorities, including by working collaboratively with other planning authorities, should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development. Local planning authorities should recognise the particular locational needs of some types of waste management facilities when preparing their Local Plan.

3. Local Context

- 3.1. Over half of the land area of Hertfordshire is designated as Metropolitan Green Belt and therefore, there is a need to preserve its openness.
- 3.2. 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. 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 repair damaged and derelict land. Minerals can only be worked where they are found, and this must be considered when determining mineral proposals within the Green Belt.
- 3.3. This means there is only a limited amount of land available outside of the Green Belt in Hertfordshire to manage the county's waste. Much of the land outside of the Green Belt is urban land. This limits the availability of non-Green Belt sites that may be suitable for other uses as well as waste uses. The use of employment land and brownfield land for the delivery of housing further reduces the availability of non-Green Belt land for other uses such as waste.

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 12: Green Belt. The policy read as follows:

Policy 12: 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 the Green Belt throughout the duration of mineral 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 any of the five purposes and should 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.

- 4.3. During the Regulation 19 consultation, 5 representations were made in relation to this policy. The main points of these are summarised below:
- a) The policy should be expanded to address all development opportunities stated in paragraph 141 of the NPPF.
 - b) The term 'appearance' should be changed to 'amenity' to be consistent with paragraph 145 of the NPPF.
 - c) The plan should apply the principles of the Green Belt policy specifically to the Chilterns AONB in order to give it protection from potential future mineral extraction.
 - d) The policy should include wording to require development proposals to be consistent with local and neighbourhood plan policies, other policies within the plan and the NPPF. The first paragraph of the policy should be appended with '*Local and any Neighbourhood Plans for the area, and the NPPF*'.
- 4.4. The county council's response to the representations received is stated below:
- a) The development opportunities listed in paragraph 141 of the (2019) NPPF are covered in other policies within the Plan, which should be read as a whole, therefore no change is required to the Green Belt policy.
 - b) The policy wording has been changed to reflect this suggestion.
 - c) This policy relates to land within the Green Belt. Policy wording relating to the AONB is found in Policy 16: Landscape and Green Infrastructure.
 - d) Any proposals for minerals and waste development must demonstrate how they satisfy all policy within the Development Plan for that area, including local and neighbourhood plan policies. The Development Plan should be read as a whole.

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 4: Green Belt. The policy read as follows:

Strategic Policy 4: Green Belt

In line with current policy and guidance, applications for new and/or expansion of existing waste management facilities within the Green Belt will be required to demonstrate 'very special circumstances' sufficient to outweigh the harm to the Green Belt together with any other harm identified. In considering proposals within the Green Belt, the following criteria will be taken into account as material considerations:

- i) the allocations status of the site;
- ii) the need for the development cannot be met by alternative suitable non-Green Belt site(s);
- iii) the location of the proposal in relation to the source of the waste (proximity principle)
- iv) the availability of sustainable transport connections;
- v) the specific site characteristics and design;
- vi) the wider economic and environmental benefits of sustainable waste management, including the need for a range of facilities;
- vii) the duration, level of activity and mitigation measures proposed; and
- viii) any specific locational advantages of the proposed site.

- 4.6. During the consultation on the Draft Waste Local Plan, this policy received 8 representations. The points raised are summarised below:
- a) The fourth list item should be changed to include a clause stating '*or the potential for*' to consider possible sustainable transport methods as well as those already existing:
 - i. '*the availability or the potential for sustainable transport connections*'
 - b) The criteria in this policy should include a requirement to demonstrate through a Landscape and Visual Impact Assessment that the development would not be harmful. The list could also include other potential sources of harm. The decision must be a balancing exercise that assesses harm, rather than just demonstrating the benefits of an application.
 - c) The policy wording should include a criterion to state that previously developed land in the Green Belt should be considered if alternative suitable non-Green Belt sites cannot be identified.
 - d) The phrase 'very special circumstances' is too broad and could lead to unnecessary development in the Green Belt. Instead, it should be specified the areas of Green Belt suitable for some forms of development.

- 4.7. The county council's response to the above representations is as follows:
- a) The Council recognises the importance of sustainable transport connections, and the creation of new and improved connectivity, therefore the policy wording has been amended to address this.
 - b) Strategic Policy 14: Green Belt, requires applicants to demonstrate very special circumstances sufficient to outweigh the harm to the Green Belt, together with any other harm identified. Other policies of the plan will be applied to proposals in the Green Belt where appropriate. Policy 16: Landscape and Green Infrastructure requires proposals to assess the landscape character, quality and visual effects of the development through a full Landscape and Visual Impact Assessment or Landscape Visual Appraisal. It is considered that the combined application of all appropriate policies would ensure that the potential harm from proposed developments is sufficiently assessed.
 - c) The consideration of previously developed land within the Green Belt is a consideration highlighted in the NPPF, however the Council feels that it would be beneficial to include this within the criteria in the Policy, therefore the Policy has been amended accordingly.
 - d) The phrase 'very special circumstances' is consistent with national policy. The Green Belt and the range of potential application types are too broad to specify within policy. The relevant policies for the area and the other policies within the Development Plan must also be considered for any planning proposal.

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 mineral extraction in principle whilst ensuring the openness of the Green Belt is protected. Other development must demonstrate very special circumstances
 - Option 2 – A similar policy to Option 1 but which provides detailed criteria which must be taken into account as material considerations (preferred)
 - Option 3 – A similar policy to Option 2, but which is more restrictive, requiring all forms of development to demonstrate very special circumstances

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.