

**HERTFORDSHIRE COUNTY COUNCIL CONSULTATION
MINERALS AND WASTE DRAFT LOCAL PLAN 2040
(REGULATION 18)**

Presented by the Head of Planning.

SUMMARY

Hertfordshire County Council are consulting on their Draft Minerals and Waste Local Plan (Regulation 18 version). The combined draft Local Plan presents policies that support the supply of minerals to meet needs over the plan period (to 2040), protect mineral resources, and safeguard a network of waste management facilities to deal with the various waste arisings over the plan period. Policies covering landscape and green infrastructure, biodiversity, the protection and enhancement of amenity are likely to be significant in relation to the Regional Park. The draft Local Plan includes a Mineral Allocation Site MAS01 the Briggens Estate, which lies adjacent to the Park boundary east of Stanstead Abbots. Detailed comments are included on this matter in relation to future restoration strategies and alternative options for access to the site. These are set out as part of the Authority's formal comments to the draft Local Plan at Appendix A to this report.

RECOMMENDATIONS

Members Approve: (1) the comments as set out in Appendix A as the Authority's formal response to the consultation by Hertfordshire County Council on the draft Minerals and Waste Local Plan 2040 (Regulation 18 version).

BACKGROUND

- 1 This is the first draft of the combined Minerals and Waste Local Plan (Regulation 18 stage) which, once adopted, will become part of the statutory Development Plan for Hertfordshire. It sets out the vision, objectives and spatial strategy for minerals and waste planning in Hertfordshire up to 2040. It seeks to ensure a steady and adequate supply of minerals to meet needs over the plan period, to protect mineral resources, and to support and safeguard a network of waste management facilities to deal with the various waste arisings over the plan

period.

- 2 The Plan must demonstrate that it complies with national policies set out in the National Planning Policy Framework, the National Planning Policy for Waste and Planning Practice Guidance. A Sustainability Appraisal and Habitats Regulations Assessment (HRA) of the draft Local Plan have also been undertaken and informed the content of the Plan.
- 3 This combined Minerals and Waste Local Plan builds upon previous work and consultation undertaken on the separate Minerals and Waste Local Plans from 2019 and 2021 respectively. These were withdrawn in Dec 2021 when the council decided to bring together the work undertaken into a single Minerals and Waste Local Plan 2040. Each policy in the Plan is, however accompanied by a separate Policy Evidence Report, which sets the national and local policy context for that policy and details the issues raised during previous consultations on the earlier versions of the Plans including Hertfordshire County Council's (HCC) response to those issues.
- 4 Once adopted this Local plan will replace the Waste Core Strategy and Development Management Policies DPD 2011-2026 (adopted 5th November 2012), the Waste Site Allocations Document DPD 2011-2026 (adopted on 15th July 2014) and the Minerals Local Plan 2002-2016 (adopted March 2007).
- 5 The Authority has previously responded to consultations on both the Minerals and the Waste Local Plans. An officer response was made to the early stages of the Waste Local Plan consultation in March 2021. From 2019 until early 2021 a number of Duty to Co-operate meetings were also held between HCC and LVRPA officers to discuss details of the emerging Minerals Local Plan prior to its withdrawal. These officer meetings have recently been reinstated, to be held on a regular basis.
- 5 The Minerals and Waste Local Plan relates to those areas of the Park that lie within East Hertfordshire District Council and Broxbourne Borough Council. This includes all of the Regional Park between Ware and Rye House, areas to the west of the River Lee Navigation at Broxbourne, including the Spitalbrook site and to the south, still west of the Navigation, areas of the River Lee Country Park as far south as the Station Road/Highbridge Street entrance including the site of the Lee Valley White Water Centre. Please refer to the Plan at Appendix B to this report.
- 7 Park Development Framework Proposals for Areas 6, 7 and 8 are relevant. These are focused on enhancing and extending the varied opportunities for informal recreation, access to nature, angling, sailing, walking and cycling to be found within the River Lee Country Park and further north, through to Nazeing, Spitalbrook and Rye House. Opportunities for new leisure attractions and associated visitor hubs are offered by sites in Broxbourne and further north around Ware and Stanstead Abbots where the landscape maintains a strong rural character. The emphasis here is on protecting natural resources and heritage interest to link together sites of biodiversity and cultural value. Proposals seek to improve access, where appropriate, to the important semi-natural wetland and woodland habitats many of which are designated as SSSIs and form part of the Lee Valley Special Protection Area (SPA).
- 8 Following the outcome of this Reg 18 consultation HCC will produce a Proposed Submission version (Reg 19) of the Minerals and Waste Local Plan in March –

April 2023 for a further round of consultation. Independent Examination of the Plan is indicated to be in October 2023 with adoption late 2023 early 2024.

THE DRAFT MINERALS AND WASTE LOCAL PLAN 2040

- 9 **Core Policies** - There are three Core Policies: Policy 1 is focused on Climate Change and the requirement for minerals and waste management development to demonstrate how mitigation measures have been incorporated to minimise future effects of climate change. Policy 2 Meeting Sand and Gravel Needs identifies three sites for mineral extraction, although minerals development would also be permitted outside these sites, in some circumstances.
- 10 The Plan does not allocate new sites for waste management. Rather Policy 3: Meeting Waste Management Needs sets out broad locations where waste management is supported, namely existing Waste Management Sites, land allocated for employment in the Development Plan or existing employment land within the development limits of existing/new major settlements – the latter of which are listed in the policy and include Broxbourne, Cheshunt, Hoddesdon and Ware.
- 11 The Plan includes policies to safeguard Mineral Allocation Sites (MAS), Mineral Development Sites (MDS), Waste Management Sites (WMS) and Water Recycling Sites (WRS), including associated infrastructure such as sites for bulk transport, handling – Transport Infrastructure Sites (TIS), through the use of Site Safeguarding Areas (SSAs) and Site Consultation Areas (SCAs). The Rye Meads Sewage Works located within the Park is classified as a Water Recycling Site. Policy 5 Mineral Safeguarding Areas (MSA) requires consultation with the Minerals Planning Authority and a Mineral Resource Assessment where non-mineral development falls within an MSA except for development within a site allocated in the Development Plan (Policy 5 f)).
- 12 **Development policies** provide support for increased use of secondary and recycled materials (Policy 10) and seek to ensure new waste management development and minerals development is of a high quality design and contributes to resource efficiency Policy 11.
- 13 Restoration, aftercare and after-use are fundamental to mineral extraction and associated development. Policy 13 sets out specific requirements in this respect and these include, in summary:
 - restoration led strategies to be submitted at the application stage demonstrating that restoration will take place at the earliest opportunity and to a high environmental standard, a phased approach is to be taken where appropriate;
 - use of inert material is not to have unacceptable adverse impacts upon the environment, local amenity and transport movements;
 - aftercare and after-use proposals should be compatible with the landscape character of the area and not cause unacceptable harm, provide improved/increased public access to the countryside and create public open space for recreation, deliver biodiversity gain and support and enhance existing places of nature conservation for habitats and species; and
 - all proposals involving aftercare will be required to submit an Aftercare Management Strategy for the site in accordance with the proposed

after-use.

- 14 Policy 14 Green Belt recognises, in accordance with the NPPF, that proposals for the winning and working of minerals in the Green Belt including restoration are acceptable in principle, providing that they preserve its openness and do not conflict with the purposes of including land within it. Waste management proposals are generally considered inappropriate development in Green Belt terms so proposals for new or extensions to existing waste management facilities in the Green Belt will be required to demonstrate very special circumstances that outweigh the harm to the Green Belt. Proposals for mineral related development such as bulk transport, handling and processing of minerals would also need to demonstrate very special circumstances.
- 15 Policy 15 Biodiversity and Geodiversity has regard to the hierarchy of designated sites within the County and to the priority habitats and species that require special consideration. The highest level of protection is afforded to European and internationally designated biodiversity sites. Supporting text states that proposals for mineral or waste development must be accompanied by an Ecological Survey and assessment of the impacts on designated sites, habitats, species and connections to existing ecological networks that may be affected.
- 16 The draft Local Plan recognises the need for development proposals to conserve and enhance landscape character, quality, visual amenity and green infrastructure networks, Policy 16 Landscape and Green Infrastructure and the importance of conserving and enhancing the historic environment, Policy 18 Historic Environment. Policy 19 Protection and Enhancement of Amenity considers the impact of minerals and waste proposals on the amenity of the users of neighbouring land and potential impacts relating to matters such as light pollution, noise, air quality, human health and safety.
- 17 Policy 21 tackles Water Management and the need to ensure there are no adverse impacts to water quality, nature conservation and the amenity value of water resources as well as ensuring full consideration is given to protecting water supply, water quantity and reducing flood risk. Specific policies are also included for Transport – Policy 24 and Public Rights of Way - Policy 25. Importantly the draft Local Plan states that there should be no loss to the Public Rights of Way Network as a result of minerals or waste operations. The use of rights of way to obtain vehicular access to a site will not be permitted unless it can be clearly demonstrated that the safety of people using the PRoW can be adequately protected.
- 18 **Briggens Estate - Mineral Allocation Site MAS01**
The draft Local Plan identifies The Briggens Estate as a Mineral Allocation Site MAS01 (under Policy 2 Meeting Sand and Gravel Needs). This allocation lies outside but adjacent to the Park between the A414 and B181 east of Stanstead Abbots. Please refer to Appendix C to this report. Policy 2 sets out the specific site requirements which must be fulfilled:
 - proposals must accord with the requirements of the Heritage Impact Assessment;
 - access to the site must be from the B181 Roydon Road;
 - the site entrance must be engineered to prevent traffic travelling through Stanstead Abbots;

- the restoration strategy must be agreed in consultation with the Lee Valley Regional Park Authority and include footpath/cycle connectivity to link Stanstead Abbots with the Harlow Gilston Garden Town; and
 - an appropriate buffer is to be established on the northern and western boundary of the site.
- 19 Appendix 1 to the Local Plan includes a Site Brief for the Briggens Estate. This identifies a potential workable sand and gravel reserve of 8.8Mt with an annual anticipated output of 500,000 tonnes. It is expected to be worked in the latter half of the plan period (from 2030) with extraction over 18 years. The Site Brief sets out the 'Site Considerations' in respect of the natural environment, timings and phased working, transport and access and restoration. Proposals for sand and gravel extraction must demonstrate how these have been addressed.

COMMENTS ON THE DRAFT LOCAL MINERALS AND WASTE PLAN

- 20 **Statutory requirements of Lee Valley Regional Park Act in relation to Local Plan**
The supply of minerals and waste management are strategic matters and include matters of a cross boundary nature. It is therefore appropriate that these matters should be combined as one Local Plan. This will also bring policy up to date in line with current planning guidance and enable current issues such as climate change, water quality and quantity, the natural and historic environment and human health and well-being to be addressed across both sectors. The strategic policies within the Local Plan will apply to the statutory Regional Park area within East Herts District Council and Broxbourne Borough Council and to areas adjoining the Park boundary in terms of environmental, and quality of life impacts.
- 21 It is important therefore that reference is made to the Regional Park and that the Local Plan recognises the statutory requirements of the Lee Valley Regional Park Act 1966 (the Park Act). Reference should also be made to the Authority's Park Development Framework (PDF) and the area proposals contained within as they relate to the Regional Park within the County. These matters are set out in the letter at Appendix A to this report.
- 22 Safeguarding and Consultation Areas for minerals and waste management sites, and the water recycling site at Rye Meads overlay the Regional Park boundary. This is due to the land use history of the Regional Park, its location centred upon the River Lee and Lee Navigation, and its proximity to employment areas such as Ware, Hoddesdon, Broxbourne and Cheshunt.
- 23 Mineral safeguarding areas are shown across a large proportion of the County given that much of the area is underlain with sand and gravel. This includes Mineral safeguarding areas along the fringes of areas previously worked for gravel within the Park in Broxbourne, at Spitalbrook, Dobbs Weir and parts of the River Lee Country Park (RLCP). These sites are however identified in the Broxbourne Local Plan as part of the Regional Park allocated for leisure, recreation and nature conservation.
- 24 The development of new waste facilities would not be considered an appropriate use within the Regional Park, given its remit, although it is recognised that existing, well established employment and industrial sites that also exist within and on the Park boundary may provide future opportunities. Policy covering landscape, biodiversity and amenity will be important in protecting the Park and

its remit in this respect.

25 Development Policies

Appropriate policy guidance is provided for the restoration, aftercare and after-use of mineral sites (Policy 13) although some points have already been raised with HCC officers about strengthening references to biodiversity net gain and to links with local and regional biodiversity strategies.

26 Policy 15 Biodiversity and Geodiversity and the detail in supporting text is generally supported. The Authority's comments in the letter at Appendix A to this report seek a number of amendments to fully recognise the value of functionally linked land or habitats within the Park that support the designated sites, in particular the role of Stanstead Innings in relation to the Lee Valley SPA at Rye Meads and its use by Bittern. An update to the Habitats Regulations Assessment (HRA) is also required to take account of the Authority's specific knowledge of habitats within the Park. This will be important for more detailed work on assessing impacts and restoration plans for the Briggens Estate.

27 The section on Landscape and Green Infrastructure will need to identify the Regional Park as an important component of the County's landscape and green infrastructure and draw upon the detail in the Lee Valley Landscape Character Assessment and Landscape Strategy. The policy seeks to ensure landscape mitigation and enhancement are integral to any development scheme and this is supported although a definition of the term 'valued landscape' is required to make better sense of the policy as a whole.

28 The importance of Policy 19 is noted in terms of how it might protect the amenity of the Regional Park and those visiting the Park. The scope of policies relating to Water Management and Public Rights of Way are supported.

29 The Briggens Estate Mineral Allocation Site MAS01 and Site Brief

The Site Specific Requirements for MAS01 The Briggens Estate set out under Policy 2 Meeting Sand and Gravel Needs are supported, but the Site Brief raises two main issues that require further comment and this is set out in the Authority's response at Appendix A to this report.

Restoration - The restoration strategy and its delivery are important considerations for the Authority given the proximity of the Briggens Estate in relation to the Park. The brief suggests a County Park style restoration across the site and this would sit well with the adjoining Regional Park providing major biodiversity gains and heritage enhancements are delivered. New access links for pedestrians, cyclists and potentially horse riders, appropriately designed and located will also be important to connect this new open space with both the Park and the new Harlow Gilston Garden Town development to the east.

30 Access - The current Site Brief is not clear on access arrangements for site traffic. It suggests consideration be given to opening up the A414 west facing slip roads located at the end of Netherfield Lane. HCC is seeking to explore all options at this stage to enable materials from Briggens Estate to be moved both eastwards via the existing A414 slip roads off from the B181 and potentially in a westerly direction by creating a new link from the B181 across the Park to the slip roads adjacent to Netherfield Lane. It is recognised in the brief that

"Operational management of the slips would be required to prevent non-site traffic, and suitable operational arrangements of the underpass under the A414

including consideration/mitigation of any impacts on bridleway Stansted Abbots 019."

- 31 Any new road connection in this area would need to be taken across land in the Authority's ownership and would therefore require the Authority as landowner to facilitate the access link as part of the wider proposal for the Mineral Allocation Site. It is understood that further work is in hand to explore the suitability of this alternative access.
- 32 At this point, given the lack of detail in the Local Plan, the Authority can only comment in relation to its planning consultee role and these comments are set out in the letter attached as Appendix A to this report. Once further detail is made available and potential impacts on the Authority's landholdings clarified a decision will be taken by the Authority as landowner and the matter discussed at a future Executive Committee of the Authority.

ENVIRONMENTAL IMPLICATIONS

- 33 There are no environmental implications arising directly from the recommendations in this report but the Minerals and Waste Local Plan will, once adopted contain policies that guide and control development and the use of land within the County that could have an impact on the protection, enhancement, and development of the Regional Park.

FINANCIAL IMPLICATIONS

- 34 There are no financial implications arising directly from the recommendations in this report.

HUMAN RESOURCE IMPLICATIONS

- 35 There are no human resource implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

- 36 Planning applications referred to this Authority are submitted under the consultative arrangements of Section 14 (4-7) of the Lee Valley Regional Park Act 1966. The Act requires a local planning authority to consult with the Authority on any planning application for development, whether within the designated area of the Park or not, which might affect any part of the Park.
- 37 The Park Act enables the Authority to make representations to the local planning authority, which they shall take into account when determining the planning application.

RISK MANAGEMENT IMPLICATIONS

- 38 There are no risk management implications arising directly from the recommendations in this report.

EQUALITY IMPLICATIONS

- 39 There are no equality implications arising directly from the recommendations in this report.

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BACKGROUND REPORTS

Hertfordshire Minerals and Waste Local Plan 2040 July 2022
consultation draft (Reg 18)

Habitats Regulations Assessment

June 2022

APPENDICES ATTACHED

Appendix A	The Authority's draft response to Hertfordshire County Council
Appendix B	Plan showing the Regional Park area within Herts County Council
Appendix C	Plan showing Briggens Estate in relation to the Regional Park
Appendix D	Plan showing Authority landownership in relation to Briggens Estate

LIST OF ABBREVIATIONS

SPA	Special Protection Area
PDF	Park Development Framework
SSSI	Site of Special Scientific Interest
MAS	Mineral Allocation Sites
HRA	Habitat Regulations Assessment
MDS	Mineral Development Site
WMS	Waste Management Site
WRS	Water Recycling Site
TIS	Transport Infrastructure Site
SSA	Site of Safeguarding Areas
SCA	Site Consultation Areas
MSA	Mineral Safeguarding Areas
NPPF	National Planning Policy Framework
RLCP	River Lee Country Park
BAP	Biodiversity Action Plan



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22 September 2022

Dear Christopher

RE: HERTFORDSHIRE COUNTY COUNCIL MINERALS AND WASTE LOCAL PLAN 2040 CONSULTATION DRAFT, JULY 2022 (REGULATION 18), LEE VALLEY REGIONAL PARK AUTHORITY COMMENTS

Thank you for consulting the Regional Park Authority on the combined draft Minerals and Waste Local Plan.

A report on this matter was considered by the Authority's Members at the Lee Valley Regeneration and Planning Committee on the 22 September 2022 when the following comments were agreed.

Lee Valley Regional Park and Statutory requirements of Lee Valley Regional Park Act in relation to Local Plan documents

The combined Minerals and Waste Local Plan relates to those areas of the Park that lie within East Hertfordshire District Council and Broxbourne Borough Council. This includes all of the Regional Park between Ware and Rye House, areas to the west of the River Lee Navigation at Broxbourne, including the Spitalbrook site and to the south, still west of the Navigation, areas of the River Lee Country Park as far south as the Station Road/Highbridge Street entrance including the site of the Lee Valley White Water Centre.

Reference to the Regional Park that recognises the statutory requirements of the Lee Valley Regional Park Act 1966 (the Park Act) and the remit of the Authority should be included within the Local Plan. This matter was discussed by officers at a recent Duty to Co-operate meeting. A Regional Park reference might be most appropriate under the Landscape and Green Infrastructure section, although clearly the Park's remit also relates to a number of policies in the Plan, for example biodiversity, protection and

enhancement of amenity and historic environment. It would be helpful if this reference also included the Authority's Park Development Framework and the area proposals contained within as they relate to the Regional Park within the County. The Authority has a specific remit to develop, improve, preserve and manage the Regional Park for leisure, recreation, sport and nature conservation and Section 14 of the Park Act enables the Authority to prepare proposals for these purposes. The relevant sections of the Park Development Framework are proposals set out for Area 6 'The River Lee Country Park', Area 7 'The Wetland Park: Spitalbrook to Roydon' and Area 8 'The Upper Valley: Rye Meads to Ware'.

These are available online via the following link: <https://www.leevalleypark.org.uk/park-development-framework> Riparian planning authorities are required to include the Authority's proposals in their relevant planning strategies and policies even though inclusion does not infer that the planning authority accepts these. For the purposes of the Park Act Hertfordshire County Council is a riparian Authority.

Other relevant documents include the Authority's Landscape Character Assessment and Landscape Strategy April 2019, and the Lee Valley Regional Park's Biodiversity Action Plan 2019 – 2029. These are available via the above and the following link: <https://www.leevalleypark.org.uk/biodiversity-action-plan>

It is important that the statutory boundary of the Regional Park and its remit is considered as part of the strategic planning process for Minerals and Waste, not least because the extent of the Regional Park and its proximity to employment areas such as Ware, Hoddesdon, Broxbourne and Cheshunt means that Safeguarding and Consultation Areas for minerals and waste management sites, and the water recycling site at Rye Meads overlay the Regional Park boundary. It is also important that the Local Plan recognises that areas of the Park identified as Mineral safeguarding areas are 'allocated' via the relevant Local Plans (Broxbourne Borough Council and East Herts District Council) for leisure, recreation and nature conservation purposes in accordance with the Park's remit and PDF.

The development of new waste facilities would not be considered an appropriate use within the Regional Park, given its remit as stated above; although it is recognised that existing, well established employment and industrial sites that also exist within and on the Park boundary may provide future opportunities.

Comments on the Development Policies

Green Belt

Most of the Regional Park within Hertfordshire County is also designated as Green Belt. It is noted that Policy 14 Green Belt requires any application for minerals related development, and either new or the expansion of existing waste management facilities, to demonstrate "very special circumstances" sufficient to outweigh the harm to the Green Belt together with any other harm identified" and adopts a criteria based approach to the protection of the Green Belt when considering planning applications. This policy position is supported.

Along its western boundary the Regional Park lies in close proximity to the urban areas of Broxbourne, Hoddesdon and Ware including a number of industrial sites and employment land; considered in the draft Plan as suitable areas for the location of waste facilities. Although outside the Regional Park and the Green Belt the development or expansion of waste facilities within these areas would have the potential to impact significantly on the openness, ecology and general public enjoyment of the Park, given its proximity. This would need to be a consideration in the early stages of any waste proposal planning application and reference should be made to the proximity issue in justification text under Policy 3 Meeting Waste Management Needs or Policy 14 Green Belt.

Restoration

Policy 13 Restoration, Aftercare and After-use is supported. A reference to biodiversity net gain should be added to strengthen the policy and aftercare and after-use proposals should also be required to demonstrate that they have taken account of local and regional Biodiversity Strategies when setting out measures to support and enhance nature conservation for species and habitats.

Biodiversity

The Local Plan section on Biodiversity and Geodiversity is, in general welcomed and supported. Policy 15 provides the highest level of protection for sites designated at the International and European Level which includes the Lee Valley Special Protection Area (SPA) and Ramsar site. It states that "Development proposals that are likely to have an adverse effect on the integrity of such sites will not be permitted unless exceptional circumstances can be clearly demonstrated."

Consideration needs to be given here to sites that lie outside the SPA (or SAC) but which still contribute to the value of the site. This is the case within the Regional Park. Stanstead Innings, a site which lies outside but adjacent to the SPA (Rye Meads component) and the A414, has an important role in supporting the SPA and is used by Bittern. It therefore contributes to the function of the SPA and offers a buffer area for wildlife and importantly the Bittern. The same is true for a section of Rye Meads managed by the Herts and Middlesex Wildlife Trust (HMWT), south of the A414, again outside of the SPA but a site where Bittern are recorded.

The HRA recognises the importance of 'functionally linked habitats' in this respect and states that the requirement for all proposals to submit an ecological survey would mean that these habitats would be identified. It proposes the following amendment (in red font) to supporting text under para 5.117 which the Authority endorses:

"Proposals for new or extensions to existing minerals or waste development must be accompanied by an Ecological Survey and assessment of the impacts on designated sites, habitats, species and connections to existing ecological networks that may be affected. The type of impacts that could arise include habitat loss, damage or fragmentation; noise, vibration or light; changes in public access; air pollution; changes in water quality or flow; and vermin. **Where a development site has wetland habitats, the ecological assessment should consider whether the site may be used by bird species from a SPA or Ramsar site**".

However the role of functionally linked habitats within the Regional Park are fundamental to the ongoing resilience of designated sites and future of protected species such as the Bittern, particularly given the ever increasing pressure from development in surrounding areas. The Authority therefore wishes to see this point covered by policy and proposes the following amendments to Policy 15

Sites which benefit from designation at an International and European Level, including Ramsar sites, SPAs and SACs, will be afforded the highest level of protection. Development proposals that are likely to have an adverse effect on the integrity of such sites **and functionally linked habitats will** not be permitted unless exceptional circumstances can be clearly demonstrated.

Such circumstances will only exist if:

- a) there is an overriding need in the public interest;
- b) no alternative locations are available for the development; and
- c) appropriate **mitigation, in the first instance**, and then offsetting is provided

The HRA also needs to be updated. It has mapped the Priority habitats within the Lee Valley SPA/Ramsar which lie within 200m of the A414 in order to consider air pollution from vehicle emissions. Paragraph 5.51 notes that this habitat is unlikely to be suitable for Bitterns. However the reedbed at Stanstead Innings and that at Rye Meads, managed by HMWT is immediately adjacent to the A414. The HRA concludes (para 5.55) that *"the area of the SPA / Ramsar which could feasibly be affected by air pollution is considered to be highly unlikely to support bittern due to a lack of suitable habitat (reedbed) and high levels of disturbance."* Whilst this is generally correct, the Authority can confirm that Bittern from the SPA use both Stanstead Innings and the HMWT reedbed on the south of the A414. Air pollution from additional traffic movements along the A414 generated by any mineral or waste developments would therefore be material to the impact on the SPA.

The last section of Policy 15 requires all proposals for minerals and waste developments to submit an ecological survey 'prior to development taking place'. This should be amended to ensure the ecological survey is submitted with the application so ecological matters can be considered as early as possible.

Landscape, Green Infrastructure and Amenity

This section of the draft Local Plan should identify the Regional Park as an important component of the County's landscape and green infrastructure and draw upon the detail in the Lee Valley Landscape Strategy and Guidelines. Any development proposals within or adjacent to the Park will be expected to take account of this strategy alongside the PDF and BAP.

Reference is made in supporting text and the policy to 'valued landscapes' and the need to ensure minerals and waste proposals will throughout the lifetime of the development protect and enhance these valued landscapes. The amenity, recreational, ecological and heritage importance of the regional Park's landscape would suggest it is a valued landscape for people and wildlife. It would be helpful if

this term could be defined to understand this element, and the implications of the policy.

The inclusion of policy focused on the protection and enhancement of amenity (Policy 19) is welcomed. This deals with a number of important issues (light pollution, air quality, noise and human health and safety) that are relevant to visitor enjoyment of the Park and the protection of habitats and wildlife corridors. The Authority would emphasise, in terms of the Park, the importance of minimising and mitigating for light pollution and the need to ensure dark corridors for wildlife movement and feeding are maintained. A minor amendment is required to supporting text at paragraph 5.159 to reference protected species as follows:

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

The Authority supports the policy requirement to consider the operational movement of vehicles beyond the immediate environs of the development site and the amenity impacts that may arise across a wider area. As noted in the HRA (para 5.15) this policy in association with Policy 15 Biodiversity provides important safeguards in respect of potential air pollution impacts on designated sites and Protected species within the Park as discussed above for the Lee Valley SPA. Proposals will need to ensure associated ecological surveys assess this wider area for impacts.

Water Management and Public Rights of Way

Policy 21 Water Management is supported, in particular its emphasis on ensuring proposals demonstrate that they will have no unacceptable adverse impacts to the water environment, including the flow and quality of surface water and groundwater. The Authority also endorses the policy requirement that proposals must demonstrate that they conserve and enhance the water environment. As stated in the HRA (paragraph 5.10) *"it provides additional safeguards for proposals within or close to water bodies (i.e. the Lee Valley SPA/Ramsar or its functionally linked land)."*

The inclusion of a separate policy on Public Rights of Way - Policy 25 is welcome. Protecting existing or providing alternative routes of equal quality and safety will be important to the Regional Park where facilities are proposed on the boundaries of the Park, and for example within industrial areas adjoining the Park boundary. On the western boundary of the Park this can coincide with the River Lee and Navigation towpath. It will be important to ensure the towpath route is referenced and that access issues along the towpath form part of any considerations in relation to the use of the Lee Navigation as a future means of transport.

MAS01 Briggens Estate Site Brief

The Authority supports the Site Specific Requirements for MAS01 The Briggens Estate set out under Policy 2 Meeting Sand and Gravel Needs. Two matters relating to the Site Brief require further consideration and these are discussed below.

Restoration Strategy

The requirement for the restoration strategy to be agreed with the Park Authority is welcomed, the Briggens Estate lies outside but adjacent to the Regional Park on the boundary of a more rural area known as Ryegate Farm and Netherfield Lane with the Stanstead Innings Local Wildlife Site close by. Further to the south lies the Rye Meads SSSI with Amwell Nature Reserve and SSSI to the north both of which form part of the Lee Valley SPA/Ramsar site.

Given the location of the Briggens Estate within an area of significant ecological importance the Authority proposes that other stakeholders are also engaged with agreeing the detail of the restoration strategy, namely Natural England, the Herts and Middlesex Wildlife Trust, and the RSPB. The Site Considerations should identify the opportunity to deliver major biodiversity gain drawing on regional and local biodiversity strategies to provide the framework and specify that designs for restoration will need to be future-proofed with consideration given to potential impacts of climate change.

The emphasis on the historic environment and the need for plans to conserve and enhance heritage assets is supported.

Post restoration management responsibilities should be clarified together with how the funding to enable this will be secured. This needs to be agreed prior to works commencing. The site brief proposes that the area be worked in a phased manner from east to west and restoration is also likely to be phased, starting early in the process. Buffer planting along the northern and western boundary which will be adjacent to the Regional Park would commence as the first phase of extraction takes place and this will need to be maintained over the Plan period and beyond.

Access and Transport

The policy requirements specify access into and out from the Briggens Site from the B181 and this can be achieved using the current highway configuration with site traffic using the existing slip roads from and onto the A414 from the B181. Traffic management at the entrance and within the local area would ensure no site traffic passes through Stanstead Abbots.

However the Site Brief raises as a potential consideration the "re-opening of the west facing slip roads on the A414 with a suitable connection between the slip roads and the B181. This would require operational management of the slips to prevent non-site traffic, and suitable operational arrangements of the underpass under the A414 including consideration/mitigation of any impacts on bridleway Stanstead Abbots 019."

This proposed alternative would require an access road across a portion of the Regional Park in order to link the west facing slip roads at the bottom of Netherfield Lane with the B181. As the County are aware land to the east of Ryegate Farm up to the boundary with the Briggens Estate is in the Authority's ownership. This proposed option would therefore require the Authority as landowner to facilitate the access link as part of the wider proposal for the Minerals Site. It is understood that further work is in hand to explore the suitability of this alternative access, which would enable materials to be transport more easily to the west of the County.

The Authority's comments on this matter are made under its planning consultee role. Issues relating to land ownership would need to be considered separately and once more detail is available as to the preferred access options that could be explored.

At this stage, whilst the Site Brief includes proposals to manage use of the slip roads and access through the underpass by HGVs, it is still considered that a new access through the underpass for site traffic would be challenging for Regional Park visitors. In particular there is concern about the amenity and safety of those people using the underpass as part of a recreational route and bridleway through the Park. The creation of a road further into the Park would also impact upon the attractive landscape character of the area and draw traffic and associated air pollution and disturbance closer to the SPA and Stanstead Innings with associated impacts on habitats and protected species.

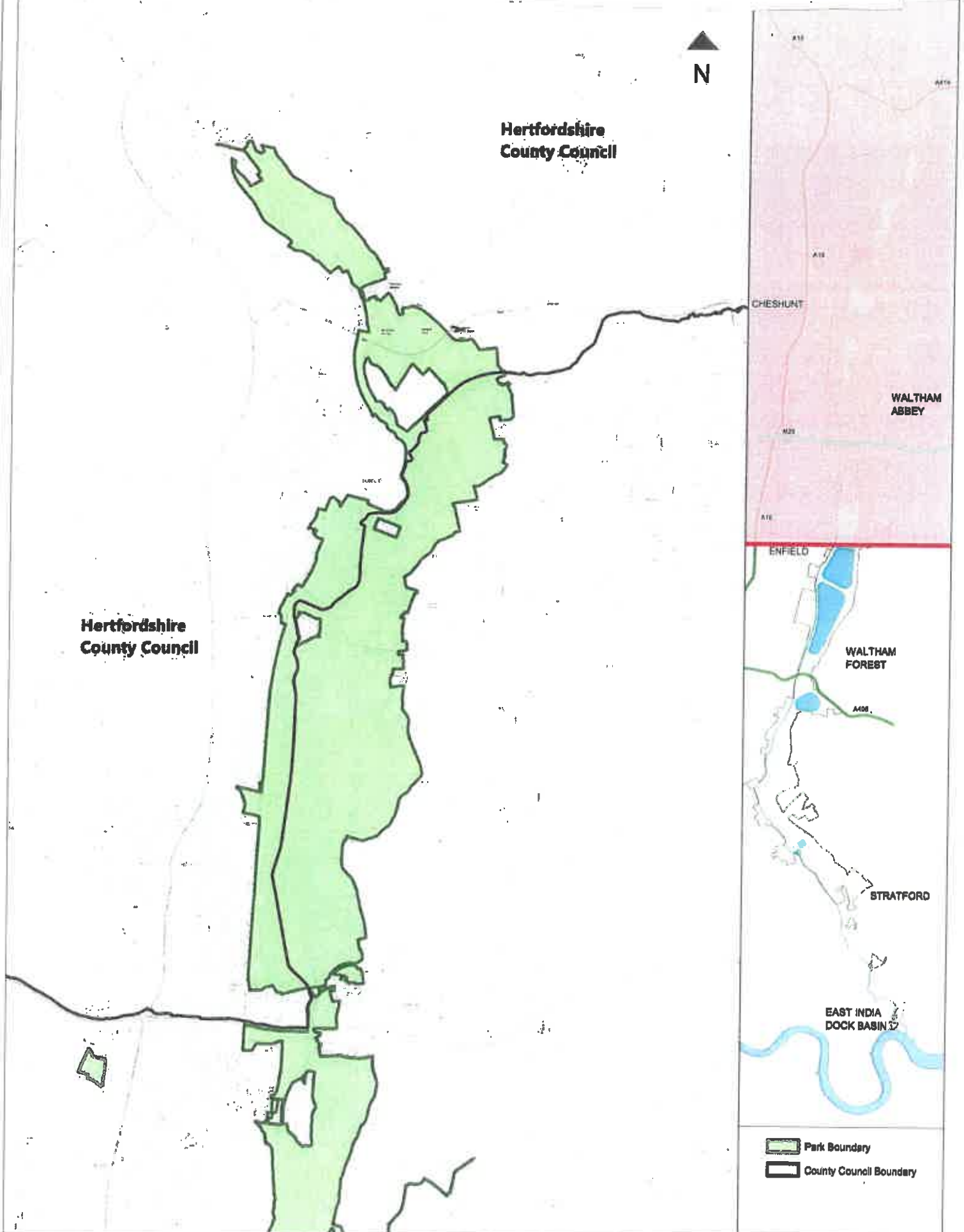
Further discussion would be appropriate on this matter once details are available and made available to officers. Any issues arising that relate to the Authority's land ownership would need to be considered by Members at a future Executive Committee of the Authority.

The Authority looks forward to engaging further with County officers on the matters raised above as part of the Duty to Co-operate process to help inform the next stage of the Local Plan process.

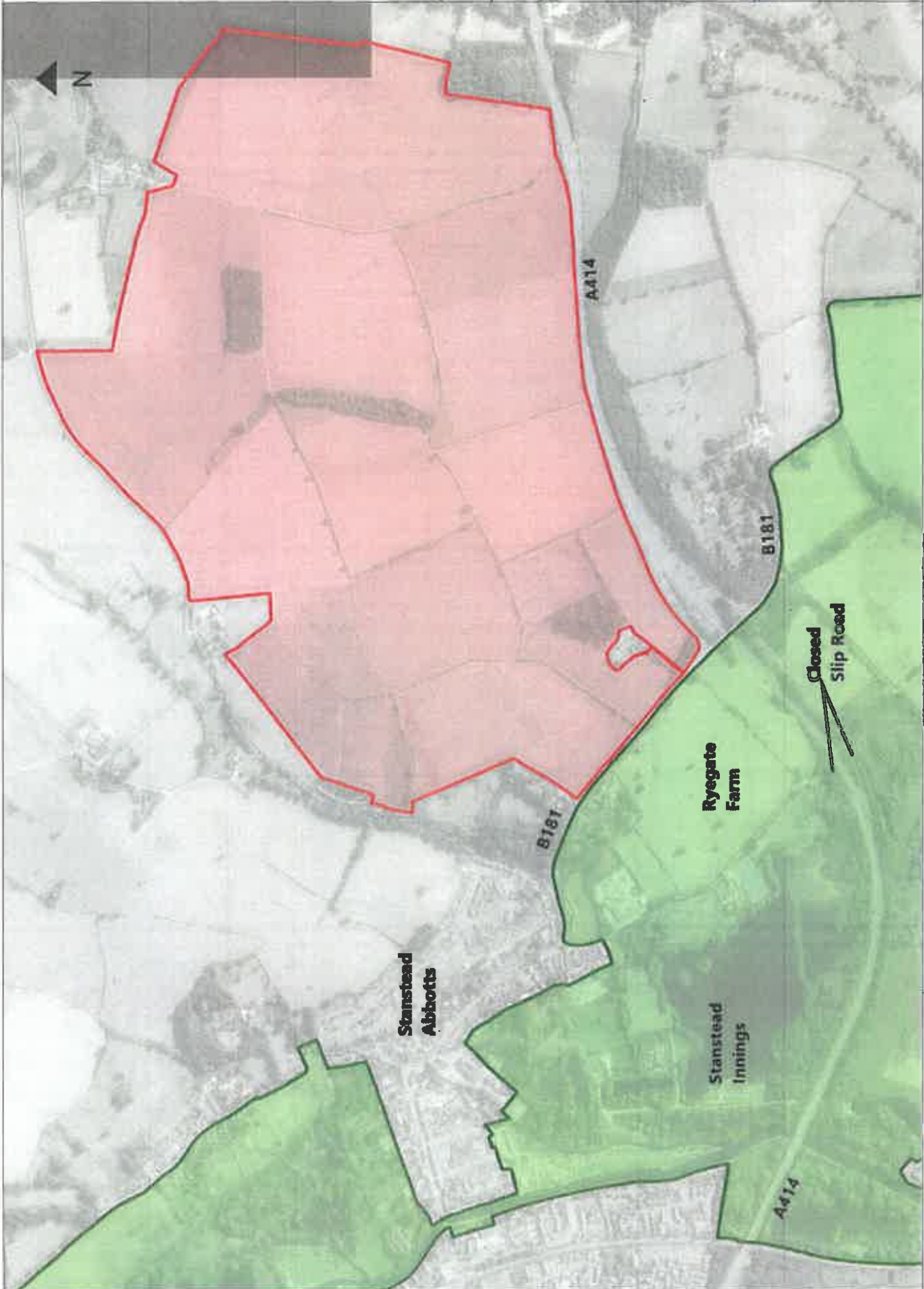
Yours sincerely

Claire Martin
Head of Planning
Lee Valley Regional Park Authority

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Lee Valley Regional Park within Hertfordshire County Council



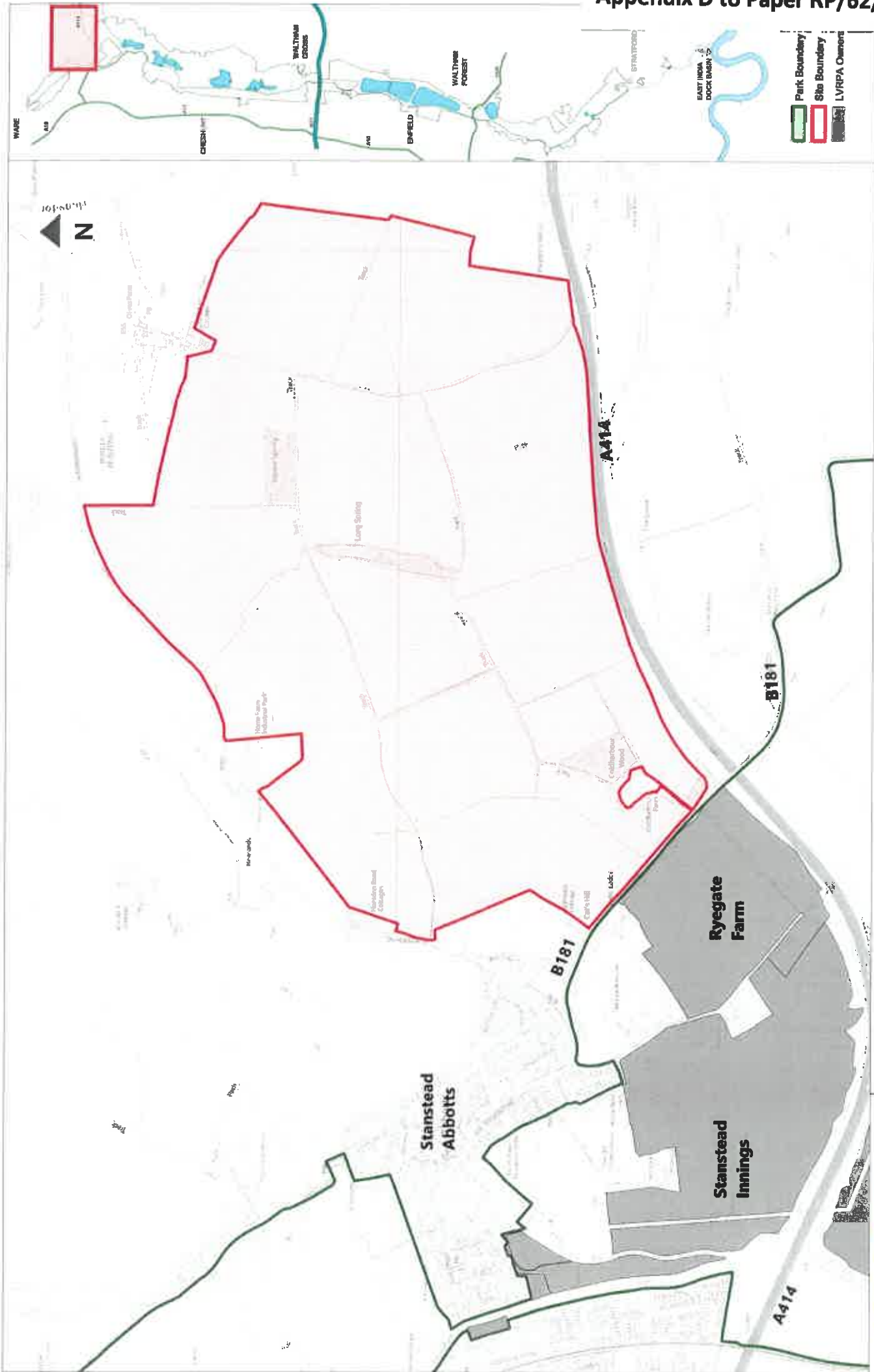
Briggens Estate: Context Plan

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Briggsens Estate LVRPA Context

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