

Matter 8 – Community Infrastructure

Issue 4 – Health and Wellbeing – Policies S13 and HW1-HW5

Q1 Are policies SP13 and HW1-HW5 justified, effective and consistent with national planning policy?

- 1.1 Yes, it is considered that Policies SP13 and HW1-2 are justified, effective and consistent with national planning policy.
- 1.2 Policy SP13 sets out the strategic objectives for health and wellbeing to be achieved through the application of the policies of the Local Plan. It is considered to be justified and effective in this regard. It is also consistent with national planning policy as set out in paragraph 191 of the 2023 NPPF:

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

- 1.3 Policies HW1 and HW2 apply paragraph 191 of the 2023 NPPF in a local context. This is noted in the Sustainability Appraisal of the draft St Albans Local Plan (LPCD 03.01) which says in paragraph 9.3.3:

Policy HW1 (Noise and Air Pollution) is the primary policy of note. It is a fairly standard policy; however, there is a degree of local specificity in respect of noise pollution, with the supporting text explaining: “The DEFRA England Noise and Air Quality Viewer online shows three large noise corridors affecting the District: the M1, A1 and M25.” There are also other significant sources of noise pollution locally.

- 1.4 On reflection, Policy HW3 is not considered to be effective. The policy is titled ‘Contaminated Land’, but the policy primarily references contaminated groundwater rather than contaminated land. As Policy HW4 covers groundwater contamination it is proposed that a Main Modification be made to move those parts of Policy HW3 that refer to contaminated groundwater to HW4 as set out below and in SADC/ED85A and SADC/ED85C. With the proposed modification, both Policies HW3 and Policy HW4 are justified, effective and consistent with national planning policy, in particular paragraph 191 of the 2023 NPPF.

- 1.5 The proposed Main Modification to Policy HW4 also incorporates a modification requested by the Environment Agency (originally to Policy HW3), in their representation on the Regulation 19 Draft Local Plan, to provide more detail on the groundwater pollution arising from the Contaminated Land Special Site in Sandridge, St Leonard's Court.
- 1.6 The proposed main modifications to Policies HW3 and HW4 are:

Amend Policy HW13 as follows:

Any development proposals which would cause harm to the environment or neighbouring land or properties from a significant increase in pollution into the air, soil or any water body by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances, will not be permitted. ~~Two sites in the District have particular groundwater contamination that must be taken into consideration for proposals in these locations:~~

- ~~• There is a Contaminated Land Special Site in Sandridge, St Leonard's Court, from which a plume of bromate and bromide groundwater pollution stretches some 20 kilometres. Land use in this area should not exacerbate the groundwater pollution or interfere with remediation e.g. with infiltration drainage or losing monitoring infrastructure and access to sample the groundwater and surface water; and~~*
- ~~• The groundwater beneath Buncefield Oil Depot and down-hydraulic gradient (approximately stretching to the southeast) is impacted by fire-fighting chemicals, including PFAS.~~*

~~For both of these above locations the Environment Agency must be consulted at the early stage of any proposals.~~

Amend Policy HW4 as follows:

The Council supports the prevention of groundwater pollution and the protection of groundwater as a resource. Development must take account of the relevant ~~Source~~ advice with regards to the Source Protection Zone that it lies within. Developers must comply with the most up to date guidance provided by the Environment Agency (EA) to safeguard groundwater against pollution and seek the advice of the EA.

Two sites in the District have particular groundwater contamination that must be taken into consideration for proposals in these locations:

- There is a Contaminated Land Special Site in Sandridge, St Leonard's Court, from which a plume of bromate and bromide groundwater pollution stretches some 20 kilometres, approximately eastwards. Land use in this area should not exacerbate the groundwater pollution or interfere with remediation e.g. with infiltration drainage, or losing or damaging monitoring infrastructure and access to sample the groundwater and surface water; and*
- The groundwater beneath Buncefield Oil Depot and down-hydraulic gradient (approximately stretching to the southeast) is impacted by fire-fighting chemicals, including PFAS.*

For both of these above locations the Environment Agency must be consulted at the early stage of any proposals.

- 1.7 Policy HW5 considered to be justified and consistent with national planning policy.

1.8 Paragraph 123 of the 2023 NPPF says:

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

1.9 Paragraph 191 of the 2023 NPPF also references health and living conditions.

1.10 Policy HW5 provides a local context for the use of Health Impact Assessments to achieve the aims of the above paragraphs of the NPPF.

1.11 However, for the reasons set out under Q2 below, Policy HW5 is not considered to be effective, and requires modification as set out at Q2.

Q2 Is it sufficiently clear to users of the Plan when a Health Impact Assessment is required? Is Policy HW5 effective in this regard?

2.1 On reflection, Policy HW5 is not considered to be sufficiently clear to users of the Plan as to when a Health Impact Assessment is required and the policy requires modification to make it effective.

2.2 The policy refers to the guidance provided by Hertfordshire County Council on use of Health Impact Assessments. This guidance, the Health Impact Assessment methodology set out in Hertfordshire County Council's Health Impact Assessment Guidance and Toolkit, is a material consideration in the determination of planning applications. It sets out recommended thresholds for requiring a Health Impact Assessment as follows:

3.1.1 Housing

100 or more residential units. This threshold may be reduced depending on the nature, scale and location of the development.

[3.1.2 and 3.1.3 cover Waste and Minerals which are not applicable to the SADC Local Plan]

3.1.4 Non-residential space

No threshold set. HIA requirements will be determined by the nature, scale and location of the development. A screening assessment must be undertaken as per the recommendations in section 3.2.

3.1.5 National Significant Infrastructure Projects (NSIP)

All projects which fall within the NSIP definition, for example, an airport expansion. Where NSIP straddles other counties, HIA's should be cross boundary.

- 2.3 These thresholds have been incorporated into Policy HW5.
- 2.4 Whilst the wording of Policy HW5 is considered clear with regard to the thresholds which apply, the introductory paragraph implies there may be other applications for which a Health Impact Assessment might be required. The policy is only intended to require Health Impact Assessments to those applications that meet the thresholds set out in the policy. To make it clear that only applications that meet the threshold require a Health Impact Assessment a modification is required as follows (and as set out in SADC/ED85A and SADC/ED85C):

Amend Policy HW5 as follows:

~~Health Impacts Assessments are required for proposals that may have an adverse impact on the immediate area and affect people living in the development and close by. More specifically, Health Impact Assessments should be provided as part of certain planning applications in accordance with the latest Hertfordshire County Council Position Statement, and in line with the local Health Impact Assessment methodology set out in Hertfordshire County Council's Health Impact Assessment Guidance and Toolkit document.~~ Health Impact Assessments should have regard to the latest Hertfordshire County Council Position Statement, and the local Health Impact Assessment methodology set out in Hertfordshire County Council's Health Impact Assessment Guidance and Toolkit document.

A Health Impact Assessment must be submitted for the following types of applications:

- a) Residential proposals of 100 dwellings or more (however this threshold may be reduced depending on the nature and scale of the development);*
- b) Major transport infrastructure improvements, including major new roads or major new junctions, existing rail networks, rail stations, the Government permitted Strategic Rail Freight Interchange and the proposed Hertfordshire Essex Rapid Transit (HERT);*
- c) Any other locally or nationally significant infrastructure project;*
- d) Landfill, waste treatment and management facilities, major composting facilities, anaerobic digesters, new minerals workings and aggregate depots, other permanent infrastructure such as coated stone plants or ready mix plants and recycling centres;*
- e) Developments subject to an Environmental Impact Assessment; and*
- f) Non-residential developments of over 1,000 square metres.*

Where a Health Impact Assessment has identified an issue that may have a significant adverse impact, the applicant should set out how this will be addressed and mitigated as part of the proposal.