

**HERTFORDSHIRE
MINERALS LOCAL PLAN REVIEW
INITIAL CONSULTATION DOCUMENT**

August-October 2015

2016-2031

Adopted 2018

Table of Contents

1	Chapter 1: Introduction	2
2	Chapter 2: Background	4
3	Chapter 3: Minerals in Hertfordshire	7
4	Chapter 4: Vision	9
5	Chapter 5: Objectives	16
6	Chapter 6: Plan Length	20
7	Chapter 7: Quantity of Sand and Gravel Provision	23
8	Chapter 8: Site Selection for Sand and Gravel Extraction	26
9	Chapter 9: Sterilisation and Windfall Sites	32
10	Chapter 10: Minerals Safeguarding Areas and Minerals Consultation Areas Site Selection	40
11	Chapter 11: Clay	43
12	Chapter 12: Chalk	46
13	Chapter 13: Secondary and Recycled Aggregate	49
14	Chapter 14: Policies used to Determine Applications	56
15	Chapter 15: Sustainability Appraisal	63
16	Chapter 16: Summary	67
	Appendix 1: Hertfordshire Minerals Local Plan Site Selection Methodology Report – Table 4.1 Evaluation Framework for Sieve 3	68

1 Chapter 1: Introduction

Overview

- 1.1 Hertfordshire County Council, as Minerals Planning Authority for Hertfordshire, is seeking the views of all interested parties on the way forward for mineral planning in the county.
- 1.2 This initial document is the first consultation that Hertfordshire County Council has published during the process of reviewing the county's existing Minerals Local Plan (MLP) (adopted March 2007).
- 1.3 The document sets out the issues and potential options for the matters that will be addressed in the reviewed MLP which, once adopted, will replace the existing MLP as the minerals planning document for Hertfordshire. It will set out the overall approach to minerals planning in the county and be used by county council officers when determining planning applications.
- 1.4 This paper has been prepared to give consultees a thorough grounding of each highlighted issue. However, this is a non-technical document and so a series of additional documents have been published to provide the reader with extra details if required. These can be accessed at www.hertsdirect.org.uk by searching for 'minerals planning' or on the online consultation portal <http://hertsc-consult.objective.co.uk/portal>.

Document Content

- 1.5 Chapters 2-3 provide details of the background to minerals planning policy and the minerals specific to Hertfordshire. The following Chapters 4-15 focus on individual topic areas in more detail, highlighting the issue/s related to that topic which the county council is requesting feedback on.
- 1.6 Chapters 4-15 have a consistent layout. The issue/s related to the topic are highlighted in a box at the top of the page and are followed by a section of text containing background information relevant to the issue/s, expanding on the reasons behind the issue/s, the potential options that the county council could take and, in some cases, the knock-on effect of selecting each option.
- 1.7 After the explanatory text, the initial issue is repeated with a list of potential options highlighted in a subsequent box. Where topics have more than one issue, the boxes for the issue and potential options are fitted into the text at the end of the section relevant to that issue.

How to respond

- 1.8 The county council would like as wide a response as possible to this initial consultation. This is an important opportunity to tell the council your views on planning for minerals in Hertfordshire and is an opportunity to comment on the suggested policy headings in preparation for the draft Minerals Local Plan.
- 1.9 The county council would like consultees to respond with their preferred option for the issues based on the options provided in the boxes in each chapter. In some cases, it is possible to select more than one option, and there will always be an opportunity to provide details behind your preference, alternative options or further comments in a text response section called “any other comments”, though there will be a limit to the length of comment.
- 1.10 Responses can be submitted either through the council’s **online consultation portal (Objective)** or by sending completed response forms, available from the consultation portal, to us either by email or letter.
- 1.11 A full list of options for response submission:
- | | |
|-----------------------------|--|
| Online Consultation Portal: | http://hertscc-consult.objective.co.uk/portal |
| Email response forms: | minerals.planning@hertfordshire.gov.uk |
| Address for printed forms: | Minerals and Waste Policy Team, Spatial Planning and Economy, CHN 216, Hertfordshire County Council, County Hall, Pegs Lane, Hertford, SG13 8DN. |
| Phone no. for queries: | 0300 123 4040 |
- 1.12 This initial consultation paper is being published for consultation for a ten-week period starting at **9am on Monday 03 August 2015** and ending at **5pm on Friday 16 October 2015**. Please ensure that your responses reach us by the closing date.

2 Chapter 2: Background

The planning system

- 2.1 The planning system was established to regulate the development and use of land. Its main aim is to balance the demand for development against the protection of the environment and wider surroundings. Planning decisions are made having regard to the planning system and are taken in the wider public interest.
- 2.2 The Government sits at the highest point of the UK planning system, setting national visions and objectives based on European policies that local governments must implement.
- 2.3 In March 2012, the Government introduced the National Planning Policy Framework (NPPF) as the overarching national planning policy for the UK.
- 2.4 The NPPF includes a presumption in favour of sustainable development, with local planning authorities expected to 'positively seek opportunities to meet the development needs of their area'.
- 2.5 To provide a structure to the planning system, local planning authorities have a statutory responsibility to prepare, implement and review development plans for the local area in line with national policy.
- 2.6 A development plan is a series of documents that establishes the vision of a local planning authority, setting out policies and proposals for the development and use of land in that area by informing day-to-day decisions as to whether or not planning permissions should be granted.
- 2.7 The majority of a county's development plan is formed by the local plans of the district councils. However, the NPPF recognises minerals as being 'essential to support sustainable economic growth and our quality of life' and states that the provision of minerals should be included in the plan as a strategic priority to ensure 'a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs'. This is also the case for waste.
- 2.8 Therefore, in Hertfordshire, the development plan comprises:
 - 10 district local plans,

- the waste local plan¹, and
- the minerals local plan.

Hertfordshire County Council Responsibilities

- 2.9 Under the two-tier system employed in Hertfordshire, the county council acts as Minerals Planning Authority and has responsibility for all minerals matters in the county. As the Minerals Planning Authority, the county council has a statutory responsibility to plan for future minerals supply and to determine mineral planning applications. It fulfils this responsibility by preparing the Minerals Local Plan, as part of the development plan, to promote sustainable development in the county and determine planning applications against.

What is the MLP?

- 2.10 The MLP combines the legal requirements set in national policy with knowledge of the local environment and the high level aims of Hertfordshire County Council.
- 2.11 The MLP must plan for a steady and adequate supply of aggregates based on information presented in the Hertfordshire Local Aggregate Assessment. The MLP sets out the amount of minerals to be planned for and identifies sites which have viable reserves for extraction. The MLP includes policies to protect the environment and wider surroundings whilst balancing the need for the minerals and promoting sustainable development.

The need to review the MLP

- 2.12 The Minerals Planning Authority has a statutory duty to keep an up-to-date local plan and national policy states that, to ensure this, frequent reviews of the plan should be undertaken. The existing MLP was adopted in March 2007 with the policies immediately saved for 3 years prior to being saved for another 3 years in 2010. This all occurred before the introduction of the NPPF and as such the contents need reviewing.
- 2.13 As well as remaining up to date with national policy, the review will ensure that recently published guidance is followed, new information is taken account of and changing circumstances in Hertfordshire are reflected. This provides appropriate guidance to mineral operators and the general public as to where future mineral extraction should take place.

The MLP Review Process

¹ The Waste Local Plan for Hertfordshire consists of the Waste Core Strategy & Development Management Policies Development Plan Document (adopted November 2012) and the Waste Site Allocations Development Plan Document (adopted July 2014).

- 2.14 Reviewing an adopted plan is a lengthy, technical process which will take a number of years. This document is the first written consultation provided to the general public following an Interested Parties event held on 19 March 2015. This event comprised three sessions, a session focusing on the vision and objectives of the MLP, a session concentrating on potential methodologies for site selection and a session on the objectives for the Sustainability Appraisal of the MLP review.
- 2.15 Following the ten-week consultation period, all responses will be reviewed and where possible incorporated into a draft Minerals Local Plan for publication in 2016. Additionally, a 'call for sites' consultation will be held and the site selection methodology will be used to select sites for inclusion within the draft plan. The draft MLP will include policies and selected sites based on the responses of this initial consultation document and the call for sites consultation. The draft MLP will be published for consultation for at least 6 weeks.
- 2.16 Following the feedback from the draft consultation, the Minerals Local Plan will be reviewed with the aim of submission for independent examination in 2017 and adoption as county council policy in 2018. The timeline of the Minerals Local Plan review process is shown in Table 1.

Table 1

Minerals Local Plan Timetable		
	2014-2015	Evidence Gathering
Summer	2015	Initial Consultation
Winter	2015	Call for Sites
Autumn	2016	Draft Plan
Summer	2017	Submission to secretary of state
Summer	2018	Adoption of Minerals Local Plan

3 Chapter 3: Minerals in Hertfordshire

Minerals worked in Hertfordshire

- 3.1 In Hertfordshire the three main types of naturally occurring worked minerals are sand and gravel, chalk and brick clay.

Sand and Gravel

- 3.2 Sand and gravel are normally worked together and are the major aggregates² worked in Hertfordshire. Sand and gravel deposits are found in most parts of the county although they are concentrated in the southern part of the county in an area often referred to as the sand and gravel belt. This area covers the whole of the District Council areas of Three Rivers, Watford, Hertsmere, Welwyn Hatfield and Broxbourne. Large parts of the City and District of St Albans and East Herts are covered, together with a small part of Dacorum. North Herts District and Stevenage Borough fall outside the sand and gravel belt.
- 3.3 Sand and gravel from Hertfordshire is typically used by the construction industry. Most is washed and screened to remove clay particles and to separate the various sized stones. Larger stones are usually crushed and screened again. Most sand extracted in Hertfordshire is sharp sand and is suitable for making concrete when mixed with various selections of gravel sizes, cement and water.

Chalk

- 3.4 The scale of working for chalk is relatively small. Chalk is mainly quarried at a small number of sites to the north and west of the sand and gravel belt. Chalk in Hertfordshire is extracted for use as an agricultural lime on farms both within and outside the county.

Brick Clay

- 3.5 The only brick clay extraction occurs at a site in the west of the county. Brick clay is extracted for use at the specialist brickworks in the county in Bovingdon.

Minerals Linked with other areas

Hard Rock

- 3.6 There is no hard rock found in the county. Hertfordshire imports crushed rock by rail. Reserves from outside of Hertfordshire will be relied upon for this source of mineral.

² Aggregate – a broad term used to describe coarse-grained material used in construction

Marine Aggregates

- 3.7 Hertfordshire is a land locked county and as such contains no areas suitable for the dredging of marine aggregates. A relatively small amount of marine sand and gravel is consumed in the county which is imported via Kent and London.

The Need for Aggregates

- 3.8 Minerals are essential to our everyday life and help secure further economic and social development through the construction industry. They are used to build houses, roads, businesses, transport infrastructure and more. They are also required for our services like hospitals, schools and sports facilities as well as use for agricultural purposes and many other resources.
- 3.9 The average sales of sand and gravel in Hertfordshire for the 10-year period from 2004 to 2013, was 1.12 million tonnes. This varied from a low of 0.97 million tonnes in 2005 to a high of 1.27 million tonnes in 2011 with no clear upward or downward trend. The Hertfordshire Local Aggregate Assessment concludes that due to the recession, the last 10 years' sales figures do not necessarily show a true picture for the real demand for sand and gravel.
- 3.10 This is illustrated by the fact that the annual sales figures for the 2004-2013 did not match the apportionment figure (the amount which Hertfordshire has a duty to plan annual extraction for) in any single year. The apportionment figure for Hertfordshire is currently 1.39 million tonnes.
- 3.11 It is evident from the Government's agenda for growth and the resultant potential housing numbers that there will be a rise in the amount of sand and gravel required.
- 3.12 However, minerals are a limited natural resource and can only be extracted where they are found. This means that to ensure a sustainable future, the re-use of aggregates, or recycled aggregates, should be encouraged to ensure their continuous supply.
- 3.13 The Minerals Local Plan can generate a strategy for the extraction or re-use of the aggregates that are needed to enhance the economy and quality of life for social, environmental and economic purposes, whilst maintaining and enhancing the quality of the surrounding environment.

4 Chapter 4: Vision

Issue 1-3:

Which aspects of national policy and Hertfordshire County Council priorities does Vision 1 cover adequately?

Which aspects of national policy and Hertfordshire County Council priorities does Vision 2 cover adequately?

Which style of vision do you prefer?

The Need for a Vision

- 4.1 National policy requires the county council, as Minerals Planning Authority for Hertfordshire, to include a vision in the Minerals Local Plan (MLP).
- 4.2 The vision, alongside a corresponding set of objectives, will set out the overall approach to minerals planning in the county. The vision should cover social, economic and environmental factors. The vision and objectives will be reflected throughout the entire local plan from which the need for sites and policies to assess applications against will follow.
- 4.3 The existing Minerals Local Plan (2002-2016) does not include a vision statement and as such this will be a new addition for the review of the document which must comply with national policy, the corporate vision and priorities of Hertfordshire County Council.

National Policy and Guidance

- 4.4 National policy refers to planning positively within a local plan, towards a shared vision for future development. The vision should set out a locally-specific strategy for the area which positively and proactively encourages sustainable economic growth, creating a shared vision with communities of the residential environment and facilities they wish to see.
- 4.5 The vision should set out the character of the county and be clear, concise, realistic, measurable and achievable across the period of the plan whilst providing points that can be easily translated into policy and deliverable outcomes.

Hertfordshire County Council Corporate Vision and Priorities

- 4.6 The Corporate Plan 2013-17 for Hertfordshire contains high level policy setting out how the council will deliver its aim for Hertfordshire to be “the County of Opportunity”. At the top level of this aim is the county council’s vision:

“We want Hertfordshire to remain a county where people have the opportunity to live healthy, fulfilling lives in thriving, prosperous communities.”

- 4.7 The county council has set out 4 key priorities that describe the vision in greater detail and, if met, collectively ensure that the vision is achieved. The priorities are to give the people of Hertfordshire:

- an opportunity to thrive,
- an opportunity to prosper,
- an opportunity to be happy and safe, and
- an opportunity to take part.

- 4.8 To deliver its services and overall vision, the county council recognises that it will need to work with partners from the public sector, business and voluntary and community groups to demonstrate 5 identified values and behaviours. The work of all partners must demonstrate that we are:

- citizen focussed,
- acting with integrity,
- getting things right,
- continuing to innovate, and that
- every penny counts.

- 4.9 The vision included in the review of the Minerals Local Plan must reflect the corporate vision and instil the priorities, values and behaviours identified in the corporate plan. It does this by providing an approach to minerals planning which supplies the construction industry with the materials required to develop infrastructure that gives communities an opportunity to thrive and prosper without causing significant adverse impacts.

The MLP Draft Visions

- 4.10 Following an interested parties event, at which Hertfordshire County Council officers presented a preliminary draft vision to obtain initial feedback from attendees, two draft visions have been developed for consultation as part of this publication.

- 4.11 The county council would like the opinions of consultees on the aspects of national and Hertfordshire County Council policy that the two visions cover adequately and an overall preference for the style for either of the two draft visions.

- 4.12 The two visions are shown below:

Draft Vision 1

Throughout the plan period, Hertfordshire will continue to provide a steady and adequate supply of sand and gravel to enable local growth and support wider and national supply obligations. This will be achieved through sustainable transport options including the sustainable importation of non-indigenous rock. Infrastructure will be protected to enable this to continue. There will be continued support for clay extraction to supply the specialist brickworks within the county. Mineral extraction will respect the rural character of Hertfordshire with its large expanse of Green Belt, collection of towns and strategic transport routes connecting with London and other counties.

The supply of naturally occurring minerals will be used sustainably by utilising the supply of alternative materials in construction projects. The prior extraction of naturally occurring minerals will be expected before other development takes place on land. The sustainable and beneficial use of materials will mitigate against impacts and seek to improve the natural, built and historic environments, climate change and human health now and in the future. The high quality restoration and subsequent management of mineral sites will be carried out as early as possible to conserve and enhance Hertfordshire's landscape and natural environment. Opportunities for outdoor recreation, improved biodiversity, improved agricultural land and water management will be delivered.

Issue 1:

Which aspects of national policy and Hertfordshire County Council priorities does Vision 1 cover adequately?

Options:

Select more than 1 option if appropriate

- Planning positively
- Driving towards sustainable development and economic growth
- Locally distinctive to Hertfordshire
- Provides a vision for what the county will be like in 20 years
- Based on current trends and trajectories
- Clear
- Concise
- Realistic
- Measurable
- Provide points that can be translated into policy
- Shared vision for future development
- Meets the needs of the communities
- Protects against sterilisation of minerals
- Citizen focused
- Acting with integrity
- Getting things right
- Innovative
- Every penny counts
- Any other comments

Draft Vision 2

The vision for Hertfordshire in 2040 is:

‘The predominant rural character of Hertfordshire with some densely populated urban areas will be preserved with the large expanse of Green Belt between dispersed towns within the county and strategic transport routes connecting with London and other counties maintained.

A steady and adequate supply of sand and gravel will be delivered to enable local economic growth to support an increased population and will have met wider and national supply obligations. Clay extraction to supply the specialist brickworks within the county will be supported.

The transport of minerals will be by sustainable transport methods including the importation of non-indigenous rock. Infrastructure will be protected to enable this to continue.

The supply of naturally occurring mineral resources of sand, gravel and clay will be conserved for future generations. Prior extraction in cooperation with interested parties will be expected before other development takes place on land. The most effective use will be made of the natural minerals at the same time as utilising the supply of alternative materials in construction projects.

The sustainable use of minerals will have maximised improvements on the natural, built and historic environments, climate change and human health now and in the future. High quality restoration and subsequent management of mineral sites will be carried out as early as possible to conserve and enhance Hertfordshire’s landscape and environments. Opportunities for outdoor recreation, improved biodiversity, agricultural land and water management will have been delivered.’

Issue 2:

Which aspects of national and Hertfordshire County Council policy does Vision 2 cover adequately?

Options:

Select more than 1 option if appropriate

- Planning positively
- Driving towards sustainable development and economic growth
- Locally distinctive to Hertfordshire
- Provides a vision for what the county will be like in 20 years
- Based on current trends and trajectories
- Clear
- Concise
- Realistic
- Measurable
- Provide points that can be translated into policy
- Shared vision for future development
- Meets the needs of the communities
- Protects against sterilisation of minerals
- Citizen focused
- Acting with integrity
- Getting things right
- Innovative
- Every penny counts
- Any other comments

Issue 3:

Which style of vision do you prefer?

Options:

- a. Version 1
- b. Version 2
- c. Any other comments?

5 Chapter 5: Objectives

Issue 4-5:

Would meeting all of the objectives ensure that the visions presented in Chapter 4 are achieved?

Having developed the list of objectives in accordance with the guidance provided, and having taken account of feedback from a public consultation event, do you think the county council has developed the correct set of objectives?

The Need for Objectives

- 5.1 To achieve the vision of the Minerals Local Plan (MLP), a series of objectives must be put in place.
- 5.2 The objectives are vitally important as they will be the guiding principles in the development of robust and comprehensive policies that set out the quality of minerals development expected for the county.
- 5.3 Together, the vision and objectives set out the overall approach to minerals planning in Hertfordshire by providing a foundation to the local plan from which the need for sites and policies to assess applications against will follow.

National Policy and Guidance

- 5.4 National policy is less prescriptive for the requirements of local plan objectives than it is for the contents of a vision, merely stating that the policies contained in the Local Plan should be based on a series of stated objectives for the future of the area.
- 5.5 National guidance provides a range of characteristics that local plan objectives must meet. These are to:
 - Be of a typical number (10-20)
 - Be manageable to guide key areas of the plan development
 - Be clear and realistic
 - Be locally distinctive and spatial in terms of the wider planning framework
 - Identify how national policy influences priorities and objectives

- Include wider corporate priorities and planning objectives of neighbouring areas
- Link with objectives in the Sustainability Appraisal³ scoping report.

5.6 In accordance with this guidance and feedback from an interested parties event held prior to the publication of this consultation document, the following list of objectives has been developed for the MLP review in line with the two MLP draft visions and the Corporate Plan 2013-17 for Hertfordshire:

³Planning Authorities must carry out a Sustainability Appraisal when preparing a local plan. This will appraise the sustainability of any proposals and will help the authority to assess how the plan will contribute to the achievement of sustainable development promoted by national policy.

Draft Objectives

- Obj1. To encourage the sustainable use of minerals by utilising secondary and recycled aggregates which will reduce the reliance on primary won aggregates
- Obj2. To enable sustainable local economic growth by identifying adequate mineral extraction sites within Hertfordshire sufficient to meet the requirements of the Local Aggregate Assessment and safeguarding existing infrastructure for non-indigenous aggregates to provide the building materials to enable built development and associated infrastructure
- Obj3. To conserve sand, gravel and clay resources for current and future generations
- Obj4. To promote/encourage the sustainable transport of minerals by road, rail and water, including the safeguarding of railheads
- Obj5. To ensure the sustainable delivery of mineral extraction and restoration of sites while protecting people, the natural, built and historic environments from harm and mitigating against adverse cumulative impacts
- Obj6. Ensure that mineral development addresses the impacts it will have on climate change and how climate change may impact upon it
- Obj7. To positively contribute to the natural environment and cultural heritage with timely mineral extraction and high quality and progressive restoration to achieve a beneficial after use. The after use will protect and enhance the environment, including landscape improvements
- Obj8. To provide a steady and adequate supply of minerals which includes safeguarding resources for future use, extracting minerals prior to other development taking place and using minerals in construction on the land from which they are extracted.
- Obj9. To increase public access to the countryside and enhance biodiversity through enhancing the amenity value of land when restoring extraction sites

Issue 4:

Would meeting all of the objectives ensure that the visions presented in Chapter 4 are achieved? If not please specify why not.

Options:

- a. Yes
- b. No, please explain
- c. Any other Comments

Issue 5:

Having developed the list of objectives in accordance with the available guidance, and having taken account of feedback from a public consultation event, do you think the county council has developed the correct set of objectives?

Options:

- a. Yes
- b. No
- c. Any other comments

6 Chapter 6: Plan Length

Related objectives:

Obj3 – To conserve sand, gravel and clay resources for current and future generations

Obj7 – To positively contribute to the natural environment and cultural heritage with timely mineral extraction and high quality and progressive restoration to achieve a beneficial after use. The after use will protect and enhance the environment, including landscape improvements

Issue 6:

How long should the duration of the Minerals Local Plan be?

Why a Plan Length Needs Defining

- 6.1 The county council should plan for a steady and adequate supply of minerals throughout the duration of the Minerals Local Plan (MLP). The first step to achieving this is to define the length of the plan.
- 6.2 The existing Minerals Local Plan covers a 14 year period 2002-2016 and current national policy states that new plans should preferably cover a 15 year period taking account of longer term requirements.
- 6.3 A 15 year plan length will ensure that a suitably long term view is taken account of within the plan and, together with the statutory reviews of the minerals industry in the county, allows for the local plan to remain up to date with national policy.
- 6.4 The length of the plan is set by the Minerals Planning Authority. As Minerals Planning Authority for Hertfordshire, this allows the county council to develop an alternative length of plan to that preferred by national policy should it be appropriate for the local area. This ensures the county council can take account of the minerals available in Hertfordshire, the national policy related to each mineral, what these minerals are used for and if this effects how they should be planned for.

Potential Range of Plan Length

6.5 With national policy advising local plans to take account of longer term requirements, it can be assumed that the MLP should be no shorter than the preferred duration of 15 years. However, policy implies that the length of the plan could be longer for Hertfordshire due to the minerals found in the county. The following sections show there are two clear options for setting the length of the MLP.

15 Year Plan

6.6 National policy states that new plans should preferably cover a 15 year period.

6.7 The predominant mineral in Hertfordshire is sand and gravel, normally extracted together. National policy stipulates that for sand and gravel, the MLP must ensure there are 7 years' worth of minerals with granted planning permission for future extraction at all times. This is called a landbank and a 7 year landbank must be in place throughout the duration of the MLP.

6.8 Bearing this in mind, a 15 year plan length, with the identification of a further 7 years supply of sand and gravel to meet the stipulated requirements at the end of the plan period, would necessitate 22 years of minerals supply being identified.

6.9 This does not prevent the use of a 15 year plan length, as preferred by national policy; it merely implies that the MLP will actually need to plan for 7 years longer than the designated plan length.

25 Year Plan

6.10 National policy stipulates that 25 years' of permitted reserves are identified for brick clay as part of the MLP. Although the level of brick clay extraction is relatively low in the county, this requirement could prompt the use of a longer plan length, 25 years, to cover the time period of brick clay reserves.

6.11 If a 25 year plan was used, the MLP would need to identify 32 years' worth of sand and gravel to maintain the 7 year landbank.

Issue 6:

How long should the duration of the Minerals Local Plan be?

Options:

- a. 15 years with the identification of an additional 7 years' sand and gravel supply
- b. 25 years with the identification of an additional 7 years' sand and gravel supply
- c. An alternative length, please specify
- d. Any other comments

7 Chapter 7: Quantity of Sand and Gravel Provision

Related objectives:

Obj2 – To enable sustainable local economic growth by identifying adequate mineral extraction sites within Hertfordshire sufficient to meet the requirements of the Local Aggregate Assessment and safeguarding existing infrastructure for non-indigenous aggregates to provide the building materials to enable built development and associated infrastructure

Obj5 – To ensure the sustainable delivery of mineral extraction and restoration of sites while protecting people, the natural, built and historic environments from harm and mitigating against adverse cumulative impacts

Issue 7:

What quantity of sand and gravel should the county council plan for each year?

Annual Quantity

- 7.1 The county council should plan for a steady and adequate supply of minerals throughout the duration of the Minerals Local Plan (MLP). To achieve this, the county council must first determine the quantity of sand and gravel that constitutes a steady and adequate supply of minerals for Hertfordshire.
- 7.2 This quantity will be assigned as an annual figure but with the adoption of a 15 or 25 year plan, the requirement to maintain a 7 year landbank at the end of the plan necessitates the identification of 22 or 32 years' worth of the annual quantity in the plan.
- 7.3 There are two clear figures on which the county council could base the annual quantity.

The East of England Aggregate Working Party (EEAWP) Apportionment Figure

- 7.4 National policy instructs Minerals Planning Authorities to participate in regional Aggregate Working Parties and take account of its advice. Hertfordshire

County Council participates in the East of England Aggregate Working Party (EEAWP).

- 7.5 One of the roles of Aggregate Working Parties is to assign sub-regional apportionment figures so that Minerals Planning Authorities know how much sand and gravel to plan for. The figure was 1.99 million tonnes per year at the time of adopting the existing MLP, but was subsequently reviewed in 2009, now standing at 1.39 million tonnes per year for the period 2005-2020.
- 7.6 The sub-regional apportionment figure is based on a thorough evidence base and is calculated using a complex model incorporating a range of variables, factoring in a portion of secondary and recycled aggregate. It is currently considered a reliable figure which has had much work undertaken to justify it.
- 7.7 Because of the thorough background that was used to calculate it, the EEAWP has taken the stance that, collectively, members of the region should continue to plan in line with the sub-regional apportionment figure.
- 7.8 Bearing in mind national policy's instruction to take account of Aggregate Working Party advice, the Hertfordshire MLP should base future minerals extraction on this figure of **1.39 million tonnes per year** until 7 years after the end of the plan.

10 Year Average Sales

- 7.9 National policy states that Minerals Planning Authorities should prepare an annual Local Aggregates Assessment outlining the demand for and supply of aggregates based on 10 year average sales and other relevant local information. It also states that the Local Aggregate Assessment should be a leading document in the review of the MLP as it will form the basis for the provision of the supply of aggregate.
- 7.10 Policy goes on to say that Minerals Planning Authorities may decide, as an Aggregate Working Party collective, to plan for more or less than set out in the guidelines based in their Local Aggregate Assessment if supported by robust evidence and if properly justified, having regard to local and national need.
- 7.11 The latest Hertfordshire Local Aggregate Assessment (2014) calculates the 10-year average of sales (2004-2013) as 1.12 million tonnes of sand and gravel per year. This is lower than the EEAWP apportionment figure.
- 7.12 The Local Aggregate Assessment concludes that due to the recession, the last 10 year sales figures do not necessarily show a true picture for the real demand for sand and gravel. The figure is thought to be even more of an underestimate when projecting forward in light of the Government's agenda

for promoting growth because the increased housing being planned in District Council local plans in Hertfordshire will increase the demand for sand and gravel as construction materials.

7.13 If the MLP plans for sand and gravel in line with the average sales figure of **1.12 million tonnes** per year until 7 years after the end of the plan, this would potentially leave the construction industry short of required materials.

Plan Length Comparison

7.14 The difference between the EEAWP sub-regional apportionment and the 10 year average sales figure is further emphasized when considered as supply for the entirety of the plan length. If assuming either a 15 or 25 year plan period, the following quantities of sand and gravel must be identified during the review of the MLP and allocated as part of specific sites or preferred areas:

Table 2

	Annual extraction figure	15 year plan length (plus 7 year landbank)	25 year plan length (plus 7 year landbank)
EEAWP Apportionment	1.39 million tonnes	30.58 million tonnes	44.48 million tonnes
10 Year Average Sales	1.12 million tonnes	24.64 million tonnes	35.84 million tonnes

Issue 7:

What quantity of sand and gravel should the county council plan for each year?

Options:

- a. 1.39 million tonnes, as specified by the East of England Aggregate Working Party apportionment figure
- b. 1.12 million tonnes, based on 10-year average sales figures
- c. An alternative quantity. Please specify
- d. Any other comments

8 Chapter 8: Site Selection for Sand and Gravel Extraction

Related objectives:

Obj2 – To enable sustainable local economic growth by identifying adequate mineral extraction sites within Hertfordshire sufficient to meet the requirements of the Local Aggregate Assessment and safeguarding existing infrastructure for non-indigenous aggregates to provide the building materials to enable built development and associated infrastructure

Obj7 – To positively contribute to the natural environment and cultural heritage with timely mineral extraction and high quality and progressive restoration to achieve a beneficial after use. The after use will protect and enhance the environment, including landscape

Issue 8-11:

Is the proposed idea to split the site selection methodology into three ‘sieves’, with an additional Call for Sites exercise the right approach to take?

Is the proposed desk-based methodology for Sieve 1 appropriate?

Is the limited depth of analysis proposed for Sieve 2 appropriate?

Is the detailed assessment proposed for Sieve 3 appropriate?

The Need for Sites

- 8.1 The county does not currently have sufficient permitted reserves of sand and gravel to fulfil its requirement to provide a steady and adequate supply of minerals for Hertfordshire for the duration of the next Minerals Local Plan (MLP). To address this, once the annual quantity requirement has been confirmed, the county council must undertake a process of site selection to

allocate sufficient land across the county which may be granted planning permission for mineral extraction.

8.2 National planning guidance states that the MLP should plan for minerals supply by designating one or more of the three following sites, in priority order:

- Specific Sites,
- Preferred Areas, and/or
- Areas of Search

8.3 Land Use Consultants (LUC), an external consultancy firm, has been instructed by the county council to develop a methodology which can be used to identify appropriate sites for future minerals extraction. Once confirmed, LUC will apply the methodology on behalf of the county council.

LUC - Hertfordshire Minerals Local Plan Site Selection Methodology Report

8.4 HCC and LUC ran an Interested Parties event on 19 March 2015. A wide range of stakeholders were invited to the event to provide views regarding a preliminary methodology proposed by LUC.

8.5 Taking account of the feedback from the event, LUC developed an amended methodology, details of which are included in the Hertfordshire Minerals Local Plan Site Selection Methodology Report. The report is published alongside this Initial Consultation document as a supporting document.

8.6 An outline of the proposed process is given below with greater detail given in Chapter 4 of the supporting document.

Overview of Proposed Methodology

8.7 The proposed methodology for site selection involves the process of identifying potential sites for mineral extraction, then narrowing down alternative options to identify the most appropriate sites and/or areas for allocation within the MLP.

8.8 The methodology follows a similar process to that used for the existing MLP, though using more appropriate selection criteria. The process comprises three stages, called 'sieves', which are used to progressively discount sites from the study until the most suitable sites remain to be included in the MLP.

- Sieve 1 – Resource Assessment
- Sieve 2 – Major Constraints
- Sieve 3 – Detailed Site Assessments

- 8.9 In addition to Sieve 1, operators and land owners will be asked to put forward their own sites as part of a Call for Sites exercise due to take place in winter 2015. Sites put forward with appropriate supporting information will be taken through to Sieve 2.

Issue 8:

Is the proposed idea to split the site selection methodology into three 'sieves', with an additional Call for Sites exercise the right approach to take?

Options:

- a. Yes
- b. No, please explain
- c. Any other comments

Sieve 1 – Resource Assessment

- 8.10 Sieve 1 will comprise a desk-based study and identify where economically viable sand and gravel deposits are found within Hertfordshire.
- 8.11 Deposits will be identified using the most recently published geological maps and accompanying reports by the British Geological Survey.
- 8.12 Deposits will be identified as economically viable using the following series of criteria which will be used as general guidelines rather than as rigid limits:

Sieve 1 Criteria

- a. There should be an estimated minimum resource of approximately 1 million tonnes available (but smaller quantities - anything more than 500,000 tonnes - should be allowed for extensions to existing sites).
- b. There should be a minimum mean thickness of sand and gravel of 5 metres gross (i.e. including any material near the top or bottom of the deposit which may not be capable of full extraction).
- c. The maximum ratio between overburden/interburden (i.e. the layers of materials other than sand and gravel that lie above or within the sand and gravel deposits) and the deposit itself should be 1:1.
- d. There should be a maximum fines content (i.e. the proportion of silt and clay within the deposit) of 15%.

8.13 Any sites put forward through a separate Call for Sites exercise, planned for winter 2015, will automatically pass through to Sieve 2 as it is assumed the operator or owner will have already determined that the resources are economically viable. However, they would need to provide site specific justification for this as an indicator of deliverability during the plan period.

Issue 9:

Is the proposed desk-based methodology for Sieve 1 appropriate?

Options:

- a. Yes
- b. No, please explain
- c. Any other comments

Sieve 2 – Major Constraints

- 8.14 Sieve 2 will assess the areas of resources identified in Sieve 1 and the Call for Sites exercise against constraints which are considered to be entirely incompatible with sand and gravel extraction.
- 8.15 Sieve 2 will limit the depth of analysis in an attempt not to exclude potential sites from the exercise prematurely, appreciating that this stage can be a difficult balancing act between beneficially narrowing the potential sites for the next Sieve without narrowing the search too quickly.
- 8.16 Resource areas identified in Sieve 1 or through the Call for Sites exercise that fall within the following constraints will not be taken through to Sieve 3:

Sieve 2 Constraints

- a. Urban areas
- b. Sites with extant planning permission for other development (for the sites and/or areas identified by HCC, these will be limited to those whose area is greater than 5ha due to difficulties associated with collection of data for smaller sites such as house extensions etc.).
- c. Ancient Woodland

Issue 10:

Is the limited depth of analysis proposed for Sieve 2 appropriate?

Options:

- a. Yes
- b. No, please explain
- c. Any other comments

Sieve 3 – Detailed Site Assessments

- 8.17 Sieve 3 will involve the consideration of high level designations and also more detailed local planning and environmental constraints, considerations and

opportunities, plus site specific details, including deliverability and sustainability findings from the parallel Sustainability Appraisal process.

- 8.18 Sites that have passed through Sieve 2 will be assessed against a list of more detailed criteria and subjected to an evaluation process and scoring system. This will allow for a more detailed comparison to be made between criteria assessed for each site and also between site options.
- 8.19 The criteria have been informed by national policy guidance which outlines the principal issues that should be addressed combined with the experience of the specialist consultants that have been appointed to develop and apply the site selection process.
- 8.20 The table of criteria and details of the scoring system can be seen in Table 4.1 – Evaluation Framework for Sieve 3 from the LUC report in Appendix 1.

Issue 11:

Is the detailed assessment proposed for Sieve 3 appropriate?

Options:

- a. Yes
- b. No, please explain
- c. Any other comments

Identification of Specific Sites, Preferred Areas or Areas of Search

- 8.21 Once potential sites and/or areas have been assessed through the site selection process, consideration will be given as to whether each of them should be identified as a Specific Site, Preferred Area or Area of Search. This will depend on the level of information and known degree of deliverability of the area/sites in question, as indicated by national planning guidance.
- 8.22 If the required tonnage to meet Hertfordshire's shortfall in sand and gravel is not identified through the identification of Specific Sites, Preferred Areas or Areas of Search, then sites discounted at earlier sieve stages may have to be re-assessed. Alternatively, further site identification or an additional Call for Sites exercise may have to take place.

9 Chapter 9: Sterilisation and Windfall Sites

Related objectives:

Obj2 – To enable sustainable local economic growth by identifying adequate mineral extraction sites within Hertfordshire sufficient to meet the requirements of the Local Aggregate Assessment and safeguarding existing infrastructure for non-indigenous aggregates to provide the building materials to enable built development and associated infrastructure

Obj3 – To conserve sand, gravel and clay resources for current and future generations

Obj5 – To ensure the sustainable delivery of mineral extraction and restoration of sites while protecting people, the natural, built and historic environments from harm and mitigating against adverse cumulative impacts

Obj7 – To positively contribute to the natural environment and cultural heritage with timely mineral extraction and high quality and progressive restoration to achieve a beneficial after use. The after use will protect and enhance the environment, including landscape improvements

Issues 12-14:

How should the Minerals Local Plan support the prevention of mineral sterilisation?

Should the Minerals Local Plan continue to use the formal consultation procedure?

How should the Minerals Local Plan cover the topic of windfall sites?

Mineral Sterilisation and Windfall Sites

- 9.1 Minerals can only be worked where they are found so it is essential that the available minerals resources are preserved for potential future extraction.
- 9.2 Mineral sterilisation refers to non-mineral development or land-use changes occurring on mineral bearing land preventing the future extraction opportunities of the mineral resource. If mineral sterilisation occurs, it results in the mineral resources being lost.
- 9.3 A windfall site is a mineral site that is not allocated within the Mineral Local Plan (MLP), but which becomes available for development during the lifetime of the plan. Windfall sites may be brought forward to prevent sterilisation.
- 9.4 This section covers the issues of sterilisation and windfalls sites with regards to sand and gravel resources. Other minerals will be covered later in the document.

National Policy Requirements

- 9.5 To protect mineral resources across the county, national policy states that the MLP must identify a series of Minerals Safeguarding Areas and Minerals Consultation Areas.
- 9.6 Safeguarding is the process used in the planning system to ensure that known mineral resources are not unnecessarily sterilised by non-mineral developments preventing the future extraction of minerals in the area.
- 9.7 Minerals Safeguarding Areas are designated areas which contain specific minerals of local and national importance whilst Minerals Consultation Areas are geographical areas based on the Safeguarding Areas which trigger consultation between the county and district/borough councils regarding the issue of non-minerals development. Safeguarding and Consultation Areas must both be included in district/borough local plans once adopted in the MLP.
- 9.8 Whilst the designation of the areas does not prohibit non-mineral development, the presence of minerals will be factored into decisions about future land-use by planning officers when proposals for other developments arise. Furthermore, the assignment of a Minerals Safeguarding Area does not mean the resource will ever be worked.
- 9.9 The county council must determine how it will incorporate the safeguarding and consultation areas into policy in the MLP once they have been identified.

How to include Minerals Safeguarding Areas and Minerals Consultation Areas in Policy

- 9.10 A policy could be included that identifies the Minerals Safeguarding Areas and Minerals Consultation Areas and sets a series of thresholds that determine whether or not the district/borough councils consult the county council on the issue of non-minerals development in these areas.
- 9.11 Alternatively, a policy could be included on minerals sterilisation, encouraging the prior extraction of minerals before non-mineral developments occurs, where practicable and environmentally feasible. The policy would help protect significant resources that would otherwise be sterilised, if it is necessary for non-mineral development to take place or if land could be improved following suitable restoration. The significant resources would be the designated safeguarding and consultation areas. The policy would also support non-mineral development if it can be shown that the land affected does not contain potentially workable minerals or that the proposed development does not constrain potential future extraction.
- 9.12 These two policies could be combined into one policy identifying the designated areas as well as the encouragement of prior extraction of minerals to prevent the sterilisation by non-mineral developments.
- 9.13 On the other hand, this could be split into two separate policies. The first policy would identify the designated areas and set a series of thresholds to determine whether or not the county council is consulted on the issue of non-minerals development in these areas. The second policy would encourage the prior extraction of minerals to avoid the sterilisation of minerals by non-mineral development.
- 9.14 One last option would be not to include these general policies but to allow policy officers to deal with incoming proposals on a site-by-site basis, incorporating the issue of minerals sterilisation as windfall sites that have come forward.

Issue 12:

How should the Minerals Local Plan support the prevention of mineral sterilisation?

Options:

- a. Include a policy that identifies the Minerals Safeguarding Areas and Minerals Consultation Areas and sets the thresholds for non-mineral proposals in these areas which the county council wishes to be consulted on
- b. Include a policy on minerals sterilisation which encourages the prior extraction of minerals before non-mineral developments
- c. Include a policy that combines the identification of Minerals Safeguarding Areas and Minerals Consultation Areas with the encouragement of prior extraction to avoid the sterilisation of minerals by non-minerals development
- d. Include two separate policies. One policy identifying the Minerals Safeguarding Areas and Minerals Consultation Areas and the thresholds for non-minerals proposals which ensure consultation with the county council, and one policy encouraging the prior extraction of minerals to avoid the sterilisation of minerals by non-mineral developments
- e. Deal with proposals on a site-by-site basis as a windfall site
- f. Any other comments.

Mineral Consultation Areas in Hertfordshire Supplementary Planning Document

- 9.15 At the time when the existing MLP was adopted, there was no requirement from national policy to identify Minerals Safeguarding Areas or Minerals Consultation Areas and hence the county council has not previously identified any Minerals Safeguarding Areas in Hertfordshire.

- 9.16 However, the Mineral Consultation Areas in Hertfordshire Supplementary Planning Document was adopted in January 2008 which identified a series of Minerals Consultation Areas for sand and gravel resources and explained the way in which the county and district/borough councils will work together to protect these resources.
- 9.17 Whilst the areas designated in the Supplementary Planning Document will be replaced by the areas identified through the site selection methodologies described in chapter 8, the rest of the document will be reviewed for inclusion in the new MLP.
- 9.18 The Supplementary Planning Document contains a formal consultation procedure that the district/borough councils and county council follow when there are proposals for development in the designated areas that the county council wishes to respond to.
- 9.19 However, in order to avoid an unnecessary number of consultations on applications that could be objected to, the Supplementary Planning Document contains a list of criteria that exclude certain developments from consultation. These are developments that would not bring about the new sterilisation, or will not lead to the long term sterilisation, of underlying mineral deposits.
- 9.20 The categories of application that are excluded from consultation are:

Excluded Developments

- (i) applications on land already built upon (except for major applications - that is, applications for residential development consisting of 10 or more dwellings, or if the number of dwellings is not known, where the site area is 0.5ha or more; and in the case of other development, where the floorspace to be created is 1000 sq metres or more, or if the site area is 1ha or more. Such applications will be subject to the consultation procedures);
- (ii) applications for infilling development in towns and villages (subject to the same exception as above);
- (iii) applications for domestic extensions or garages and similar structures within the curtilage of an existing dwellinghouse;
- (iv) applications for development which is in accordance with the provisions of an adopted local plan or other development plan document and which relates to an allocation, or to an area action plan designation;
- (v) 'reserved matter' submissions pursuant to an outline permission;
- (vi) applications for temporary dwellings or other similar structures; and
- (vii) advertisement applications.

- 9.21 The county council must determine whether to include the consultation procedure as part of the next MLP and if so, whether the list of excluded developments remains appropriate or if it requires alterations.

Issue 13:

Should the Minerals Local Plan continue to use the formal consultation procedure?

Options:

- a. Yes
- b. Yes – but amendments are required for the excluded categories. Please specify
- c. No – the county council should be consulted on all proposals for non-minerals development in Minerals Consultation Areas
- d. Any other comments

Windfall Sites

- 9.22 Whilst the MLP will intend that new extraction sites take place in the Specific Sites and Preferred Areas identified through a site selection study, it is acknowledged that in some circumstances, extraction at other sites could be allowed.
- 9.23 This could be when the minerals landbank for the county falls below the required level or where sterilisation by non-mineral developments could be prevented at sites not allocated for extraction within the plan. An example of this kind of *windfall* site is a site allocated for residential development in an adopted district local plan.
- 9.24 Due to the potential large scale of forthcoming windfall sites, the decision of whether to extract the mineral or to sterilise the resource by non-mineral development should not be included in a policy specifically about sterilisation. This is because the policy's objection to sterilisation would restrict any non-mineral development unless it can be shown that there is an overriding need for the development. However, there are ways in which sterilisation could be avoided or minimised without preventing the development.
- 9.25 Whilst national policy does not specifically outline policy for windfall sites, it does encourage policies to be set out to encourage prior extraction of minerals with other options being to phase non-mineral developments with the gradual extraction of minerals, or to use mineral deposits on-site as part of the development.

- 9.26 With this in mind, the county council must determine how to include the issue of windfall sites into policy within the MLP.
- 9.27 As is the case in the existing MLP, the MLP could include a general policy related to all applications outside of Specific Sites and Preferred Areas that specifies when planning permission may be granted for mineral extraction. Avoiding minerals sterilisation could be one of the permitted circumstances along with the requirement to maintain the county's landbank or the demonstration that the timely working of Preferred Areas will not be affected.
- 9.28 Alternatively a new policy could be included specifically related to the use of windfall sites for minerals extraction to avoid sterilisation of the minerals. This policy could promote a phased approach to the development to allow the prior extraction of resources without inhibiting the development fully by insisting that the entire resource was extracted prior to developments commencing.

Issue 14:

How should the Minerals Local Plan cover the topic of windfall sites?

Options:

- a. Incorporate windfall sites into a policy related to mineral extraction applications for sites outside of Specific Sites and Preferred Areas
- b. Include a policy specifically about the use of windfall sites for mineral extraction, promoting a phased approach to development to allow the gradual extraction of minerals in sync with the non-mineral development
- c. Any other comments

10 Chapter 10: Minerals Safeguarding Areas and Minerals Consultation Areas Site Selection

Related objectives:

- Obj3 – To conserve sand, gravel and clay resources for current and future generations
- Obj5 – To ensure the sustainable delivery of mineral extraction and restoration of sites while protecting people, the natural, built and historic environments from harm and mitigating against adverse cumulative impacts
- Obj7 – To positively contribute to the natural environment and cultural heritage with timely mineral extraction and high quality and progressive restoration to achieve a beneficial after use. The after use will protect and enhance the environment, including landscape

Issue 15:

Is the proposed selection procedure for Minerals Safeguarding Areas and Minerals Consultation Areas appropriate?

Minerals Safeguarding Areas and Minerals Consultation Areas

- 10.1 The Minerals Local Plan (MLP) will define Minerals Safeguarding Areas and Minerals Consultation Areas for sand and gravel in order to prevent needless sterilisation of future mineral resources. It may also define areas for brick clay reserves.
- 10.2 As with the sand and gravel site selection methodology, Land Use Consultants (LUC), an external consultancy firm, has been instructed to develop a site selection methodology on behalf of the county council to identify a series of safeguarding areas for Hertfordshire. LUC will apply the methodology once it has been confirmed.
- 10.3 Taking account of feedback received at an Interested Parties event, held jointly by HCC and LUC, LUC has developed a methodology, details of which are included in the Hertfordshire Minerals Local Plan Site Selection

Methodology Report published alongside this Initial Consultation document as a supporting document.

- 10.4 A brief outline of the proposed process is given below but please read Chapter 6 of the attached report prior to responding to questions 16.

Overview of Safeguarding and Consultation Areas Site Selection Methodology

- 10.5 The basic procedure for minerals safeguarding is clearly set out in national guidance and comprises 7 sequential steps:

Minerals Safeguarding Area Selection Procedure

1. Identify the best geological and mineral resource information
2. Decide which mineral resources to safeguard and the physical extent of MSAs
3. Undertake Consultation on MSAs
4. Decide on the approach to safeguarding in the local plan.
5. Include Development Management Policies in the local plan
6. Include safeguarding in district-level local plans,
7. Include mineral assessments in the local list of information requirements.

- 10.6 Step 1 will likely identify British Geological Survey (BGS) digital resource information for development plans as the best available mineral data with relevant material from Industrial Mineral Assessment Unit reports used to refine the BGS maps.
- 10.7 Step 2 will comprise the identification of resource boundaries and appropriate buffer zones around them using the BGS digital resource. Areas of resources may potentially be excluded if evidence suggests their extraction is not economically viable but the extent of the safeguarding areas will not exclude areas which are already subject to other designations or those which have already been sterilised by urban development.
- 10.8 The defined boundaries will be part of a public consultation due for summer 2016. This will give an opportunity to comment on the shape and extent of the areas prior to their inclusion in policy as part of the MLP as part of steps 4-6.

Issue 15:

Is the proposed selection procedure for Minerals Safeguarding Areas and Minerals Consultation Areas appropriate?

Options:

- a. Yes
- b. No, please explain
- c. Any other comments.

11 Chapter 11: Clay

Related objectives:

Obj2 – To enable sustainable local economic growth by identifying adequate mineral extraction sites within Hertfordshire sufficient to meet the requirements of the Local Aggregate Assessment and safeguarding existing infrastructure for non-indigenous aggregates to provide the building materials to enable built development and associated infrastructure.

Obj3 – To conserve sand, gravel and clay resources for current and future generations

Issue 16:

How should the Minerals Local Plan encourage and support the extraction of brick clay so that the county can meet the requirement of national policy to have 25 years' worth of permitted reserves?

National Policy

- 11.1 Hertfordshire County Council must plan for a steady and adequate supply of industrial minerals by providing a stock of permitted reserves⁴ of at least 25 years for brick clay.
- 11.2 The existing Minerals Local Plan (MLP) was adopted before this became a requirement so Hertfordshire does not currently have approved planning permissions that accumulate to 25 years' worth of brick clay supplies.

Clay extraction in Hertfordshire

- 11.3 The scale of working clay in Hertfordshire is relatively small with extraction only occurring at one specialist brickworks in the west of the county.

⁴ "Permitted reserves" are resources of mineral with approved planning permission for the extraction of a specified amount of mineral.

- 11.4 Whilst it is possible that the specialist brickworks may submit a planning application to work a different area of the same clay deposit, thereby increasing the current level of permitted reserves, this is not guaranteed.
- 11.5 With the geology highly variable and the brick clay production very specialist in its nature, it is also far from guaranteed that applications for clay extraction at other sites will come forth. Therefore, the MLP must specify how the county council will attempt to encourage the extraction of brick clay to tackle the issue of not currently being able to meet the requirement of national policy to provide 25 years of permitted reserves. There are three main mechanisms which the MLP could use to attempt to make up the permitted reserves deficit.

Minerals Safeguarding Areas and Minerals Consultation Areas

- 11.6 In line with national policy, the Minerals Local Plan will need to define Minerals Safeguarding Areas and Minerals Consultation Areas where evidence suggests minerals resources of local and national importance are present.
- 11.7 As explained in chapter 9, the MLP will designate safeguarding and consultation areas for sand and gravel reserves as a method of preventing unnecessary sterilisation by non-mineral development. This could also be an option for clay.
- 11.8 Safeguarding does not ascertain the amount of mineral that is able to be extracted, nor will economic or full environmental assessments have been carried out. Minerals sites within a safeguarding area would therefore require the approval of a planning application supported by detailed information.
- 11.9 The designation of safeguarding and consultation areas for clay reserves will support the county council's aim to meet policy requirements by ensuring land suitable for clay extraction is not made unavailable by non-mineral development.

Preferred Areas

- 11.10 Due to the nature of the resources, the full site selection hierarchy of Specific Sites, Preferred Areas and Areas of Search is not applicable to clay as it is with sand and gravel, as described in chapter 8.
- 11.11 However, the MLP could identify the whole clay resource as an Area of Search and incorporate sites put forward during the Call for Sites exercise as Preferred Areas where the county council would ideally like clay extraction to take place process.

- 11.12 There may be more than one preferred area in the plan which would collectively meet the anticipated need for the minerals.
- 11.13 Though these locations would have been identified for clay extraction, a planning application would have to come forward and provide suitable evidence to suggest that any significant adverse environmental impacts of extraction operations can be overcome.

Supporting Policy

- 11.14 The MLP could also include a policy to provide general support to planning applications that propose to extract brick clay so long as the submitted application provided suitable evidence to suggest any significant adverse environmental impacts can be overcome.

Issue 16:

How should the Minerals Local Plan encourage and support the extraction of brick clay so that the county can meet the requirement of national policy to have 25 years' worth of permitted reserves?

Options:

Select more than 1 option if appropriate

- a. Identify Minerals Safeguarding Areas and Minerals Consultation Areas to safeguard clay resources from sterilisation by non-mineral development
- b. Identify Preferred Areas where the county council would ideally like clay extraction to occur
- c. Include a policy that provides general support to planning applications that propose to extract brick clay
- d. Any other comments

12 Chapter 12: Chalk

Related objectives:

Obj2 – To enable sustainable local economic growth by identifying adequate mineral extraction sites within Hertfordshire sufficient to meet the requirements of the Local Aggregate Assessment and safeguarding existing infrastructure for non-indigenous aggregates to provide the building materials to enable built development and associated infrastructure

Obj3 – To conserve sand, gravel and clay resources for current and future generations

Issues 17-18:

Should the Minerals Local Plan support the safeguarding of chalk resources by identifying Minerals Safeguarding Areas and Minerals Consultation Areas?

How should the Minerals Local Plan support the extraction of chalk resources?

National Policy Requirements

- 12.1 National policy requires Minerals Planning Authorities to maintain stocks of permitted reserves for industrial minerals. However, because the chalk in Hertfordshire is extracted for use as an agricultural lime on farms to improve soil quality rather than as an aggregate in cement production, the mineral is not classified as an industrial mineral and the county council is not obliged by policy to maintain a supply.
- 12.2 Therefore, the county council must determine the level of support that the Minerals Local Plan (MLP) gives to the safeguarding or extraction of chalk resources in Hertfordshire.

Support for the Safeguarding of Chalk Resources

- 12.3 As explained in chapter 9, the MLP will designate Minerals Safeguarding Areas and Minerals Consultation Areas for sand and gravel reserves as a

method of preventing unnecessary sterilisation by non-mineral development. This could also be an option for chalk.

- 12.4 The designation of safeguarding areas would ensure mineral resources are available for future extraction, without the presumption that the minerals would ever be worked.
- 12.5 However, due to the low level of chalk extraction in the county, it could be considered excessive to safeguard large areas of land that might be used beneficially by district/borough councils for non-mineral developments.
- 12.6 Therefore, the MLP could forgo any specific support to the safeguarding of chalk resources on the premise that chalk is not an important local mineral.

Issue 17:

Should the Minerals Local Plan support the safeguarding of chalk resources by identifying Minerals Safeguarding Areas and Minerals Consultation Areas?

Options:

- a. Yes
- b. No
- c. Any other comments

Support for the Extraction of Chalk Resources

- 12.7 The low levels of chalk used in the county equates to sales of approximately 25-30,000 tonnes per year and this demand is met by extraction at only three operational chalk sites.
- 12.8 The MLP could omit support for the extraction of chalk on the premise that the current levels of chalk extraction are appropriate for the level of use in the county and that national policy does not stipulate that any further support is necessary.
- 12.9 On the other hand, to provide further support to the chalk industry, the MLP could include a policy that looks to safeguard the three sites for the continued extraction beyond their current planning permission cessation dates. This would promote the continuation of extraction in the county, albeit on a continued small scale for use in agriculture, by providing opportunities to

extend the extraction at existing sites which may be a more economically viable option than beginning small-scale extraction at new sites.

- 12.10 The MLP could include the same policy for non-energy minerals as the existing MLP saying simply that county council planning officers will only grant applications for chalk extraction if there is a need for the mineral that cannot be met by existing permitted reserves, and if the need for the mineral can clearly be demonstrated to outweigh the adverse effects of the proposed development
- 12.11 Alternatively, policy in the MLP could encourage new, small scale extraction operations, in order to increase the amount of chalk it currently produces for agricultural use in the county and in neighbouring counties. This would enable an increase of chalk sales without promoting larger scale use of chalk extraction which may lead to exportation and unsustainable, long distance transportation of Hertfordshire's resources.

Issue 18:

How should the Minerals Local Plan support the extraction of chalk resources?

Options:

- a. It shouldn't - current extraction levels are appropriate for the use of chalk in the county
- b. It should include policy to support the safeguarding of active extraction sites
- c. It should keep the existing non-energy mineral policy which would only grant permission to chalk extraction if the need for minerals cannot be met by existing reserves
- d. It should include policy to encourage new, small scale extraction operations.
- e. Any other comments

13 Chapter 13: Secondary and Recycled Aggregate

Related objectives:

- Obj1 – To encourage the sustainable use of minerals by utilising secondary and recycled aggregates which will reduce the reliance on primary won aggregates
- Obj3 – To conserve sand, gravel and clay resources for current and future generations
- Obj5 – To ensure the sustainable delivery of mineral extraction and restoration of sites while protecting people, the natural, built and historic environments from harm and mitigating against adverse cumulative impacts

Issue 19-20:

How should the Minerals Local Plan support the production of secondary and recycled aggregate for use as an alternative to primary, land-won minerals?

Should the Minerals Local Plan encourage the installation of secondary and recycled aggregate facilities on existing mineral sites rather than at new sites?

Overlap between the MLP and Waste Local Plan

- 13.1 The Minerals Local Plan (MLP) sets out the plan to supply a steady and adequate supply of minerals to Hertfordshire. The Waste Local Plan (WLP) plays the equivalent role for the county's waste management.
- 13.2 It sets out the spatial vision and strategic objectives for waste planning in Hertfordshire, containing the policies needed to implement the objectives and the site allocations identified for potential waste management facilities.
- 13.3 The county council must determine the level of overlap between the Minerals Local Plan and the Waste Local Plan for the matter of secondary and recycled aggregate⁵.

⁵ Definitions:

- 13.4 The WLP aims to reduce the amount of construction, demolition and excavation waste produced and sent to landfill in the county each year (approximately 1.5 million tonnes). However, this same issue requires inclusion in the MLP as a large proportion of the waste which arises could be used as secondary or recycled aggregate in place of land-won material.
- 13.5 National policy states that Minerals Planning Authorities should take account of the contribution that substitute materials could make to the supply of minerals, before considering extraction of primary land-won minerals.
- 13.6 However, the use of secondary and recycled minerals is sometimes seen as potentially detrimental with a range of negative environmental impacts so the county council must decide whether or not to continue to support the production of these aggregate resources as an alternative to primary, land-won minerals.

Advantages and Disadvantages of Secondary and Recycled Aggregate Production

- 13.7 In 2007, it was estimated that 70 million tonnes of the 275 million tonnes of aggregate used in the UK every year, a highly significant portion, came from alternative sources (ie. secondary and recycled aggregate). More recently, for Hertfordshire, whilst the sales of land-won sand and gravel show no clear upward or downward trend over the last 10 years, as shown in Table 3, the quantity of processed secondary and recycled material has risen significantly.

Table 3

Year	Sales of soft sand and sharp sands and gravel (tonnes)	Recycled and Secondary Aggregate Processing (tonnes)	Total aggregate production in Hertfordshire (tonnes)
2004	1,047,000	78,390	1,125,390
2005	965,238	95,951	1,061,189
2006	1,230,885	172,238	1,403,123

-
- Primary (or land-won) aggregates: coarse-grained material extracted directly from the ground used mainly in the building and construction industry
 - Secondary aggregates: aggregates produced as a by-product of other processes and used instead of primary aggregates
 - Recycled aggregates: aggregates obtained from the treatment of materials formerly used for another process

2007	1,010,466	267,210	1,277,676
2008	988,517	229,769	1,218,286
2009	1,214,306	258,427	1,472,733
2010	1,172,890	346,560	1,519,450
2011	1,268,465	303,869	1,572,334
2012	1,123,645	316,941	1,440,586
2013	1,130,295	329,457	1,459,752

- 13.8 The increased production of secondary and recycled aggregate has therefore eased the demand for land-won materials, meaning that primary minerals are preserved for future use and, on the whole, are used more sustainably in the county.
- 13.9 In addition to this, the production of secondary and recycled materials ensures there is a choice of available materials for built development projects, providing a potentially cheaper source of materials where lower grade material is adequate.
- 13.10 However, secondary and recycled aggregate operations are traditionally seen as un-neighbourly due to a range of local environment effects including:
- visual impacts of crushing and screening plants,
 - dust from the processing and transportation of materials,
 - noise from the engines powering the plant,
 - additional transport impacts on the highways network.
- 13.11 Many of these issues can be addressed and minimised by good working practices and the implementation of planning conditions by county council planning officers. It can also be argued that the use of secondary and recycled aggregate is more sustainable than the provision of new sites for primary extraction seeing as many operations occur at existing extraction operations where sites are already established and the space provided by the extraction process provides good screening.

How to Support the Provision of Secondary and Recycled Aggregate in the MLP

- 13.12 Should the county council continue to support the production of secondary and recycled aggregate, it must determine whether or not to continue with the

stance of the existing MLP or to strengthen the support given through policy in the MLP review with a range of potential options.

Continue Current Levels of Support

- 13.13 The county council could include the same policies as in the existing MLP.
- 13.14 The stance of the current MLP is to seek, encourage and support the increased use of secondary and recycled aggregate by providing support to operations in appropriate locations, especially if they reduce the need for extraction of land-won aggregates.
- 13.15 The MLP also supports proposals for recycling facilities on minerals sites provided that the duration of development is appropriate for a site and that operations do not prejudice the long term beneficial restoration of a site.

Refer applicants to the Waste Local Plan

- 13.16 Alternatively, the MLP could include encouragement for the provision of secondary and recycled aggregate but include supporting text that refers applicants to the Waste Local Plan for further detail and guiding policies.
- 13.17 This would simplify the overlap between the two local plans, by acting as a method of reducing the amount of demolition and construction waste sent to landfill whilst maintaining a consistent position to the use of recycled and secondary material.

Strengthen Levels of Support for Secondary and Recycled Aggregate Processing Facilities with Policy

- 13.18 The MLP cannot insist upon the installation of secondary and recycled aggregate facilities ahead of new extraction sites. However, the MLP could go further than offering general support to the installation of secondary and recycled aggregate facilities, by including stronger policy and substantial supporting text to support applications proposing to process waste aggregates and thereby increase the production of alternative aggregates that could be supplied to the construction industry across the county.
- 13.19 The identification of sites would be left to the Waste Local Plan but the inclusion of policy encouraging the installation of facilities would complement the Waste Local Plan by ensuring there are two mechanisms for reducing the amount of waste sent to landfill and reducing the amount of primary mineral extraction.

Highlight Sites

- 13.20 The MLP could promote the provision of secondary and recycled aggregate further by highlighting sites that are being used for the processing of secondary and recycled aggregates as well as including stronger policies and text supporting the installation of secondary and recycled aggregate facilities.
- 13.21 It would be impossible to identify sites that could be used for aggregate re-processing in the future, as is the case for future extraction sites, due to the nature and duration of the operations. However, the identification of active operations would lend support to the beneficial operations and act as examples for future operations to follow.

Issue 19:

How should the Minerals Local Plan support the production of secondary and recycled aggregate for use as an alternative to primary, land-won minerals?

Options:

- a. It should not provide any support
- b. Maintain the same stance as the existing Minerals Local Plan and provide support to the installation of secondary and recycled aggregate processing facilities in appropriate locations
- c. Encourage the provision of secondary and recycled aggregates but refer applicants to the Waste Local Plan for further information and guiding policy
- d. Strengthen policy and text to compliment the Waste Local Plan by encouraging the installation of secondary and recycled aggregates facilities to produce alternative materials
- e. Identify sites that may currently be being used to produce secondary and recycled aggregates as well as strengthening policy and text to encourage the installation of secondary and recycled aggregate facilities
- f. Any other comments

Co-located Sites versus Standalone Sites

- 13.22 Should the county council continue to support the installation of secondary and recycled aggregate facilities, the MLP could specify whether or not it would favour the installation of temporary, co-locational facilities ahead of new, standalone ones.
- 13.23 Historically, primary excavation sites have often operated secondary and recycled aggregate plants on the same site, a common example being waste inert recycling facilities at sand and gravel quarries.
- 13.24 The use of a site which is already being used for mineral extraction provides benefits to the site operator with site management practices already in place and space formed by the mineral extraction providing well screened locations for the second operation.
- 13.25 These sites could be favoured for planning permission in the MLP, with the second operation being allocated the same duration of planning permission as the existing extraction operation they share a site with.
- 13.26 This ensures that a site would be utilised for a second beneficial operation rather than exposing two separate sites to the potential environmental harm of industrial operations as would occur if secondary and recycled aggregate facilities were granted planning permission at separate sites.
- 13.27 On the other hand, it could be argued that instead of the MLP promoting the co-location of facilities in all instances, county council planning officers should be left to assess the location of applications against development management policies on a case-by-case basis.
- 13.28 This would ensure that aspects that may affect the environmental performance of an operation, such as transportation, can be taken into due consideration prior to the granting or refusal of planning permission. It would also help to avoid the unnecessary refusal of operations where co-location is not an economically viable option.

Issue 20:

Should the Minerals Local Plan encourage the installation of secondary and recycled aggregate facilities on existing mineral sites rather than at new sites?

Options:

- a. Yes
- b. No
- c. Any other comments

14 Chapter 14: Policies Used to Determine Applications

Related objectives:

Obj1-9

Issue 21-23:

Does the list of strategic policy headings cover all the topics that should be included in the Minerals Local Plan?

Does the list of development management policy headings cover all the topics that should be included in the Minerals Local Plan?

Referring back to Chapter 5: Objectives, does the draft list of policy headings meet the objectives which will be included in the Minerals Local Plan?

Policies Review

- 14.1 The Minerals Local Plan (MLP) will contain a collection of policies to ensure that the requirements of national policy, the vision and objectives of the Minerals Local Plan (MLP), and thereby the higher-level corporate vision for Hertfordshire County Council, are met whilst providing planning officers with a framework against which they can assess submitted planning applications.
- 14.2 An audit of the policies contained in the existing MLP recognised that a number of current policies would require moderate rewording and that brand new policy topics were required in a couple of instances for the MLP to be considered fully up to date and compliant with national policy.
- 14.3 A brief overview of the required amendments and additions to the existing MLP's policy from the audit is provided in Table 4:

Table 4

Topic	Requirement
Sustainable development	Reflect the approach of national policy to achieve sustainable development
Climate Change	Reflect new national policy drivers

	Consider Sustainable Drainage Systems Focus on site restoration and aftercare
Safeguarding land won minerals	Identify Minerals Safeguarding Areas and Minerals Consultation Areas Promote the use of alternative materials
Site Selection	Reflect the new priority of sites identified Ensure extraction does not occur at non-preferred sites, such as at borrow pits.
Local amenities	Require more assessment to be presented to the Minerals Planning Authority at the application stage Specific criteria for the control of environmental impacts Minimising the compromise on local amenities
Clay	Provision of 25 year supplies
Water resources	Ensure no adverse impact on water quality and supply Take account of the impact climate change may have on water resources
Soil management	Protection of high quality soils and agricultural quality

- 14.4 At this stage of the MLP review process, the county council does not need to finalise the content and wording of policies but needs to confirm the topic headings for each policy and ensure that it plans to include all the issues relevant to Hertfordshire in the subsequent stages of consultation prior to the adoption of the new local plan.

Strategic Policies

- 14.5 The MLP will contain a collection of strategic policies to aid the delivery or overall strategy of the plan, as defined by the vision and objectives. These policies cover the types of applications which could be received by the county council with the purpose of these policies to maintain Hertfordshire characteristics whilst balancing the need for local, land-won minerals.
- 14.6 Taking account of the findings of the policy audit in line with national policy and the need to provide a robust foundation to the MLP in order for Hertfordshire to achieve its vision and objectives, the list of strategic policy

headings in Table 5 has been developed for review. The objectives that each policy relates to shown in the right hand column.

Table 5

Strategic Policies	Objectives Linked to
Policy 1: Sustainable Development	1, 2, 3, 8
Policy 2: Climate Change	6
Policy 3: Sustainable provision of minerals	1, 2, 3, 8
Policy 4: Aggregate Supply	1, 2, 8
Policy 5: Secondary and Recycled Aggregates	1
Policy 6: Clay	5
Policy 7: Chalk	5
Policy 8: Mineral Safeguarding Areas and Mineral Consultation Areas	2, 3, 8
Policy 9: Mineral Sterilisation	3, 8
Policy 10: Working of Specific Sites or Preferred Areas	2, 5
Policy 11: Applications outside Specific Sites or Preferred Areas	5
Policy 12: Sustainable Transport	4
Policy 13: Railheads and Wharves	4
Policy 14: Borrow Pits	4, 5, 7

Issue 21:

Does the list of strategic policy headings cover all the topics that should be included in the Minerals Local Plan?

Options:

- a. Yes
- b. The list is too extensive and could be streamlined
- c. The list misses certain topics relevant to Hertfordshire
- d. Any other comments

Development Management Policies

- 14.7 Development management policies are included in the MLP to provide a framework that ensures mineral extraction in Hertfordshire takes place in an environmentally acceptable way.
- 14.8 These policies will be taken into account by county council planning officers when determining planning applications and will promote the planning system's presumption in favour of sustainable development. They will maintain a balance between the need for local, land-won mineral extraction with the associated impacts to a wide spectrum of environment matters affecting people, the natural environment, transport and climate change.

People

- 14.9 Minerals extraction sites can cause a number of general amenity issues, such as excessive noise levels, dust and diminished air quality to local residents and can have unavoidable negative impacts to heritage sites with archaeological interest.
- 14.10 The MLP will support applications looking to mitigate these impacts through the use of modern, efficient techniques, for example with quieter machinery and well-designed acoustic plans or management practices to reduce the amounts of dust being released into the air or onto nearby roads.
- 14.11 In the instances where applications may occur on or near to designated sites, the MLP will require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation prior to granting planning permission to the relevant authority.

Natural Environment

- 14.12 The natural environment is the main recipient of harm from minerals extraction with a wide range of potential impacts to biodiversity, landscape, watercourses and soils.
- 14.13 Planning applications will be assessed to ensure that any permitted operations will not be susceptible to flooding and will not increase the risk of flooding. The MLP will require that individual site specific Flood Risk Assessments are submitted for all proposals with an Environmental Statement which assesses significant adverse impacts on water quality and a river management plan, should the proposal affect a relevant water body. Sustainable Drainage Plans must also be produced for the approval of new drainage systems in new developments or redevelopments.
- 14.14 The MLP will ensure that sites be restored at the earliest opportunity and to a high environmental standard. Proposals should consider the habitat and species that may be affected within the planned area of development and should contribute to the natural and local environment by minimising the impact on biodiversity and providing net gains where possible. Phased restoration and after-care plans will be enforced on a site-by-site basis, utilising the highest environmental standards to restore sites to a high quality providing long-term benefits to the environment and local community.
- 14.15 The MLP will contain a criteria-based approach against which proposals for developments on or affecting protected wildlife, geodiversity sites or protected landscapes will be judged. Plans should highlight the importance of valued landscapes and the special characteristics of protected landscapes including Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest, Ancient Woodlands and National Parks.

Transport

- 14.16 The MLP will encourage proposals to consider sustainable transportation of minerals in order to reduce the impacts of transport on local infrastructure and climate change.
- 14.17 Railheads⁶ and wharves⁷ will be safeguarded to prevent the loss of existing facilities for potential bulk transport of materials by rail and water, thereby reducing the need for vehicular movements on the local transport network.

⁶ Railheads: a point on a railway from which roads and other transport routes begin allowing supplies to be unloaded and distributed by road

⁷ Wharfs: a point by a body of water at which vessels may be moored and unloaded

Climate Change

- 14.18 The MLP will encourage a low carbon future by enforcing all proposals to demonstrate how effective measures to minimise and be resilient to the future impacts of climate change have been incorporated into the design and location of developments.
- 14.19 This will ensure that developments will not promote climate change through their operations and also that the developments will not be susceptible to the environmental alterations that climate change may cause.
- 14.20 Measures could include, but not be limited to, renewable energy, minimising greenhouse gas emissions, on-site water efficiency, reducing flood risks, restoration of site and after-uses and secondary aggregates.

Policy Headings

- 14.21 Based on the requirements of national policy to cover the issues described above, the list in Table 6 of development management policies to be included in the MLP has been developed for review with the objectives that each policy relates to shown in the right hand column.

Table 6

Development Management Policies	Objectives Linked to
Policy 15: Water Reservoirs	1, 5
Policy 16: Green Belt	5
Policy 17: Cumulative Impact	5, 6
Policy 18: Water Resources	5, 6
Policy 19: Heritage and Setting	5, 7
Policy 20: Landscape	5, 7
Policy 21: Biodiversity	5, 7, 9
Policy 22: General Environmental and Amenity Protection	5
Policy 23: Road Traffic and Transport	4, 5
Policy 24: Public Rights of Way	9

Policy 25: Soils and Agricultural Land	5
Policy 26: Restoration	7
Policy 27: After-care and After-use	7

Issue 22:

Does the list of development management policy headings cover all the topics that should be included in the Minerals Local Plan?

Options:

- a. Yes
- b. The list is too extensive and could be streamlined
- c. The list misses certain topics relevant to Hertfordshire
- d. Any other comments

Issue 23:

Referring back to Chapter 5: Objectives, does the draft list of policy headings meet the objectives which will be included in the Minerals Local Plan?

Options:

- a. Yes
- b. No
- c. Any other comments

15 Chapter 15: Sustainability Appraisal

Related objectives:

- Obj1 – To encourage the sustainable use of minerals by utilising secondary and recycled aggregates which will reduce the reliance on primary won aggregate
- Obj5 – To ensure the sustainable delivery of mineral extraction and restoration of sites while protecting people, the natural, built and historic environments from harm and mitigating against adverse cumulative impacts
- Obj6 – Ensure that mineral development addresses the impacts it will have on climate change and how climate change may impact upon it

Issue 24:

Are the headline objectives of the Sustainability Appraisal appropriate as a framework to determine the sustainability of the Minerals Local Plan?

Sustainability Appraisal

- 15.1 Under national policy, it is mandatory for a Minerals Local Plan (MLP) to undergo a Sustainability Appraisal to systematically appraise the social, environmental and economic effects of the plan. The Sustainability Appraisal ensures that decisions are made that accord with the planning system's presumption in favour of sustainable development.
- 15.2 At this early stage of the plan preparation process, the county council must determine the objectives of the Sustainability Appraisal that the MLP will be subject to throughout the preparation process.
- 15.3 The objectives form a key component of the Sustainability Appraisal as they set out the framework that the effects of proposed options, policies and sites will be assessed against during each stage of the preparation of the MLP.

Land Use Consultants – Sustainability Appraisal Scoping Document

- 15.4 Land Use Consultants (LUC), an external consultancy firm, has been instructed to undertake the Sustainability Appraisal for the MLP review on behalf of the county council.
- 15.5 Following feedback at an Interested Parties event on 19 March 2015, LUC developed the Hertfordshire Minerals Local Plan SA Scoping Report which has been published as a supporting document for the Initial Consultation.
- 15.6 The report contains baseline information specific to Hertfordshire and the objectives of the Sustainability Appraisal that are proposed for the appraisal process. The objectives are presented as a series of headline objectives covering particular themes with sub-objectives providing further detail on each issue.
- 15.7 The report has been provided to the three statutory consultees, Natural England, Historic England and the Environment Agency, to seek their views in relation to the scope and level of detail to be included in the Sustainability Appraisal.
- 15.8 In order to receive a wider collection of representations than those from the statutory consultees, the proposed headline objectives are included below for readers to provide feedback regarding the proposed focus of the appraisal.

Draft Sustainability Appraisal Headline Objectives

Environmental

1. To protect, conserve and enhance **natural habitats, species and geological features** including those requiring conservation action under the UK Biodiversity Action Plan (UK BAP) and Biodiversity 2020. To protect and where possible, enhance the quality of the historic environment
2. To conserve and enhance the quality of the **historic environment** including landscape history, human history, archaeological history.
3. To conserve and enhance Hertfordshire's **landscape** assets such as landscapes of natural beauty and greenspaces.
4. To protect **water resources**, water quality and the function of the water environment from pollution and over abstraction.
5. To minimise the effects of **climate change** and reduce emissions of greenhouse gases
6. To avoid the risk of **flooding**, by directing development away from areas at highest risk and promote opportunities for implementing alleviation / mitigation during site restoration.
7. To protect and ensure the **sustainable use of mineral resources**.

Economic

8. To maximise the potential economic benefits of mineral extraction for the **economy** in Hertfordshire.

Social

9. To protect and improve **health and amenity** for individuals and communities within Hertfordshire.

Issue 24:

Are the headline objectives of the Sustainability Appraisal appropriate as a framework to determine the sustainability of the Minerals Local Plan?

Options:

- a. Yes
- b. No
- c. Any other comments

16 Chapter 16: Summary

16.1 Responses can be submitted either through the council's **online consultation portal (Objective)** or by sending completed response forms, available from the consultation portal, to us either by email or letter.

16.2 A full list of options for response submission:

Online Consultation Portal:	http://hertscc-consult.objective.co.uk/portal
Email response forms:	minerals.planning@hertfordshire.gov.uk
Address for printed forms:	Minerals and Waste Policy Team, Spatial Planning and Economy, CHN 216, Hertfordshire County Council, County Hall, Pegs Lane, Hertford, SG13 8DN.
Phone no. for queries:	0300 123 4040

16.3 This initial consultation paper is being published for consultation for a ten-week period starting at **9am on Monday 03 August 2015** and ending at **5pm on Friday 16 October 2015**. Please ensure that your responses reach us by the closing date.

Appendix 1: Hertfordshire Minerals Local Plan Site Selection Methodology Report – Table 4.1 Evaluation Framework for Sieve 3

Criterion	Justification	Scoring	Data available
1. Heritage designations	<p>Heritage designations are protected by the NPPF. These include Scheduled Monuments, Listed Buildings, Conservation Areas, and Registered Historic Parks and Gardens. Such designations may be directly affected by minerals workings through their removal or damage, or by affecting their setting.</p> <p>Whilst the setting of heritage assets can be a critical part of their significance, it is not possible to consider this at the strategic planning stage. This will be an important consideration at the planning application stage.</p> <p>Working of minerals can lead to the investigation and recording of archaeological deposits, increasing knowledge and understanding. In addition, the restoration of a minerals site may improve the setting of a heritage asset. However it is not practicable to consider such issues at the strategic planning stage, but could be important issues at the planning application stage.</p>	N/A	<p>GIS national datasets from Historic England.</p> <p>GIS information from HCC and district authorities.</p>
		Sites or areas which do not overlap with heritage designations.	
		Sites which partly overlap or are immediately adjacent to heritage designations.	
		Sites that contain heritage designations.	
2. International and national ecological designations	<p>International and national ecological designations are protected through European and National legislation. Such sites include Ramsar sites, Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs).</p> <p>These nature conservation designations are given the</p>	The potential for positive effects on ecological designations is dependent on the exact nature and proposed design of the restoration of the minerals site, which may not be known until the planning application stage.	<p>GIS national datasets from Natural England's MAGIC database.</p> <p>GIS information from HCC.</p> <p>Information</p>
		Sites which are outside and do not overlap with international and national ecological	

Criterion	Justification	Scoring	Data available
	highest level of protection and therefore should be protected against harm and in general mineral extraction within them should be avoided. However, it is recognised that in certain situations, minerals development can have positive effects on these designations. For example, through the provision of flood alleviation or the creation of specific habitats.	<p>designations.</p> <p>Sites which are partly within or immediately adjacent to international and national ecological designations.</p> <p>Sites that are entirely within international and national ecological designations.</p>	provided through the Call for Sites.
3. Landscape designations	Landscape Designations (e.g. AONB) are protected by the NPPF. Such areas may be affected by the development of mineral workings. Landscape designations in poor condition could be enhanced through high quality restoration. However, this will not be able to be determined until the planning application stage.	<p>The restoration of minerals sites is increasingly adopting innovative practice and this could have positive effects on landscape designations. However, this would be very dependent on the exact nature and proposed design of the restoration of the minerals site, which may not be known until the planning application stage.</p> <p>Sites which are outside of landscape designations.</p> <p>Sites which are partly within or immediately adjacent to landscape designations.</p> <p>Sites that are entirely within landscape designations.</p>	<p>GIS national datasets from Natural England's MAGIC database.</p> <p>GIS information from HCC.</p> <p>Information provided through the Call for Sites.</p>
4. Local Nature Reserves	Locally important sites of nature conservation should be protected under the NPPF. Where possible, biodiversity loss, including direct loss of habitats and indirect losses through the fragmentation of green infrastructure networks, should be avoided. It is also necessary to consider sites that are not afforded statutory protection but are of local importance;	The restoration of minerals sites is increasingly adopting innovative practice and this could have positive effects on local nature reserves for restoration to nature conservation. However, this would be very dependent on the exact nature and proposed design of the restoration of the minerals site, which may not be known until	<p>GIS information from HCC.</p> <p>Any relevant information from the HRA.</p> <p>Information</p>

Criterion	Justification	Scoring	Data available
	especially those that provide ecological connectivity. However, the level of detail to aid understanding of potential impacts on ancient woodland would not be known until the planning application stage.	<p>the planning application stage.</p> <p>Sites which are outside of local nature reserves.</p> <p>Sites which are partly within or immediately adjacent to local nature reserves.</p> <p>Sites that are entirely within local nature reserves.</p>	provided through the Call for Sites.
5. Aquifers	Aquifer designations are defined in the EU Water Framework Directive, and these designations reflect the importance of aquifers in terms of groundwater as a resource (drinking water supply) but also their role in supporting water flows and wetland ecosystems. Mitigation measures and/or a precautionary approach to the operation of mineral workings can often be implemented. However, this is unlikely to be known until the planning application stage.	<p>N/A</p> <p>Sites which are outside of a designated aquifer.</p> <p>Sites which are located partly or entirely within a Secondary Aquifer.</p> <p>Sites which are located partly or entirely within a Principal Aquifer.</p>	Environment Agency Dataset/ GIS information from HCC.
6. Groundwater vulnerability	The NPPF states that local planning authorities should set out environmental criteria against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the natural environment, including from impacts on the flow and quantity of surface and groundwater and migration of contamination from sites. The extent to which a minerals extraction site	<p>N/A</p> <p>Sites located within Source Protection Zone 4 or outside of all Source Protection Zones.</p>	GIS information from HCC.

Criterion	Justification	Scoring	Data available
	<p>will affect groundwater on a potential site depends on the type of mineral worked, site design and characteristics, and the geological conditions. Mineral sites that are in Source Protection Zone (SPZ) 1 could potentially lead to loss of contaminants or accidental pollution incidents. Potential for adverse effects on water quality will also be assessed at the planning application stage.</p>	<p>Sites located within Source Protection Zones 2 and 3</p> <p>Sites located within Source Protection Zone 1</p>	
<p>7. Sustainable transport and pollution to the environment (dust, air, water)</p>	<p>Environmental receptors, including humans, are protected from pollution through a number of planning and environmental regulations. Mineral workings have the potential to result to pollution of water courses, aquifers and the air. However, there are strict environmental controls in place to prevent this occurring at the site level. Potential for adverse effects on surface water quality will be assessed at the planning application stage.</p> <p>Proposals for all types of minerals sites could contribute to increasing air pollution with regards to minerals transportation by road, as well as any air pollution associated with the operation of the sites and processes used such as dust from blasting, crushing and processing.</p> <p>The further vehicles transporting minerals have to travel along local roads (i.e. not on the primary road network), the higher the potential for more localised air pollution as they are likely to travel more slowly on local roads. In addition, if the mineral site is within, or vehicles are travelling through, AQMAs where existing air pollution issues have been identified, there is more potential for negative effects on air quality.</p>	<p>N/A</p> <p>Sites where associated traffic would not be likely to travel through an Air Quality Management Area, or are located adjacent to a strategic road network.</p> <p>Sites where associated traffic would be likely to travel through an Air Quality Management Area, or are in close proximity to a strategic road network.</p> <p>Sites located within an Air Quality Management Area, or not in close proximity to a strategic road network.</p>	<p>Visual analysis of Ordnance Survey (OS) base maps.</p> <p>GIS information from HCC.</p> <p>Information provided through the Call for Sites.</p>

Criterion	Justification	Scoring	Data available
<p>8. Sustainable transport</p>	<p>The NPPF states that plans and decisions should ensure developments that generate significant movements can maximise the use of sustainable transport modes.</p> <p>The majority of minerals sites will involve road transportation with some involving more movements than others. However, proximity to rail lines/depots/sidings, rivers/canals or wharves could provide opportunities to explore more sustainable modes of transporting minerals.</p>	N/A	<p>National datasets and OS base map.</p> <p>GIS information from HCC.</p> <p>Information provided through the Call for Sites.</p>
		Sites with direct access to the rail network or navigable waterway network.	
		Sites with economically viable access to the rail network or navigable waterway network.	
		Sites distant from the rail network or navigable waterway network.	
<p>9. Cumulative effects</p>	<p>The NPPF states that local planning authorities should take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality. The NPPF states that local planning authorities must put in place policies that ensure high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation.</p> <p>Opportunities may sometimes exist for the creation of positive cumulative effects by adopting a landscape-scale approach to mineral extraction and restoration - for example by creating or re-establishing wildlife corridors and connectivity of habitats; by creating water storage / flood alleviation features; and/or by creating aesthetically pleasing landscape features.</p>	Opportunities exist for contributing to a landscape-scale approach to mineral extraction and restoration. For example, this could include contributions to identified green infrastructure networks or corridors, but will depend upon the information available regarding such initiatives.	<p>Visual analysis of Ordnance Survey (OS) base maps.</p> <p>GIS information from HCC.</p>
		Sites that are distant from existing mineral sites, or sites that are adjacent to or within close proximity to existing mineral sites but are distant from sensitive receptors and settlements.	
		Sites that are adjacent or in close proximity to existing mineral sites and within close proximity to the same settlement or sensitive receptor(s).	
		N/A	

Criterion	Justification	Scoring	Data available
10. BAP Priority Species or Habitats	<p>The NPPF requires that, where possible, biodiversity loss, including direct loss of habitats and indirect losses through the fragmentation of green infrastructure networks, should be avoided. It is also necessary to consider sites that are not afforded statutory protection but are of local importance; especially those that provide ecological connectivity (including BAP habitats).</p>	<p>The restoration of minerals sites is increasingly adopting innovative practice and this could have positive effects on BAP Priority Species and Habitats for restoration to nature conservation. However, this would be very dependent on the exact nature and proposed design of the restoration of the minerals site, which may not be known until the planning application stage.</p> <p>Sites which are outside of areas known to include BAP Priority Species and Habitats.</p> <p>Sites which are partly within known to include BAP Priority Species and Habitats.</p> <p>Sites that are entirely within known to include BAP Priority Species and Habitats.</p>	<p>GIS information from HCC.</p> <p>Any relevant information from the HRA.</p> <p>Information provided through the Call for Sites.</p>
11. Geodiversity	<p>National and locally important sites of geological/geomorphological interest (e.g. Local Geological Sites, formally RIGS) should be protected under the NPPF. Although it is noted that quarrying often provides substantial opportunities for the creation of new geological exposures and for the creation of geodiversity trails.</p> <p>The NPPF requires planning authorities to aim to prevent harm to geological conservation interests through the use of criteria based policies, including minimising impacts on geodiversity. Mineral sites can potentially contribute to geodiversity by preserving and conserving geological features/landscapes that contribute towards the link between people, landscape</p>	<p>The site provides one or more opportunities for the creation of new geological exposures and /or for the creation of geodiversity trails.</p> <p>Sites that are either distant from geological conservation sites, or which hold opportunities to incorporate, enhance or preserve important geological features within the site.</p> <p>Sites that are within or adjacent to national sites of geological interest (SSSI) or Local Geological Sites (LGS), other than those which are classed as 'finite' sites.</p> <p>Sites that are within geological or</p>	<p>GIS information from HCC.</p> <p>Information provided through the Call for Sites.</p>

Criterion	Justification	Scoring	Data available
	and their culture. However, due to the methods of extraction and processing, this is more likely at less intensive sites (e.g. building stone) than aggregate sites.	geomorphological SSSIs which have been classified as 'finite' sites.	
12. Ecological status of water bodies	<p>The EU Water Framework Directive (2000/60/EC) looks at the ecological health of both groundwater and surface water with the aim of achieving 'good ecological status' by 2027, and to ensure that there is no deterioration from existing statuses.</p> <p>The operation of mineral extraction sites can have a number of different impacts on habitats and species either within the boundary of the extraction site or in proximity to the site. There may be the potential for water pollution e.g. through addition of dust and silts to waterbodies or through accidental spills or run-off of oil from machinery for example. Thereby affecting the ecological status of water bodies.</p> <p>Noise and vibration arising from sand and gravel extraction could also affect aquatic species, however, it should be possible to avoid or mitigate adverse impacts, for example by timing works to avoid critical periods (e.g. spawning or breeding periods), or preventing work from being undertaken at night to avoid disturbance to nocturnal species (e.g. otters).</p>	N/A	<p>Visual analysis of Ordnance Survey (OS) base maps.</p> <p>Any relevant information from the HRA.</p>
		Sites which are not located near to a water body.	
		Sites located adjacent to a water body.	
		Sites located within the boundary of a water body.	
13. Sensitive land uses	Minerals sites could have effects on the health and amenity of local residents and communities from dust, noise and vibration. The NPPF is clear that minerals planning authorities should ensure that unavoidable noise, dust and particle emissions and any blasting	N/A	Visual analysis of Ordnance Survey (OS) base maps.
		Sites are distant from sensitive land uses.	

Criterion	Justification	Scoring	Data available
	vibrations are controlled and mitigated or removed at source. Past (e.g. Minerals Policy Statement 2) and current guidance (e.g. NPPF) state that residential properties and other sensitive uses can be affected by dust up to 1km from the source, and that concerns are most likely to be experienced near to sources, generally within 100m depending on site characteristics and in the absence of appropriate mitigation.	<p>Sites are in close proximity to sensitive land uses.</p> <p>Sites are located adjacent to or within the boundary of sensitive land uses.</p>	
14. Proximity of allocated residential or built development	There could be potential for land use conflict where minerals sites are within or in close proximity to areas allocated for future residential or built development, as mineral resources could be sterilised or mineral operations could conflict with the neighbouring sensitive land uses. Mineral sterilisation could be avoided via prior extraction. Conflict between mineral operations and sensitive land uses could be mitigated by the use of stand-off distances, noise bunds and visual screening. However, the potential for this to occur would not be known until the planning application stage for either land use.	<p>N/A</p> <p>Sites are located away from planned built development.</p> <p>Sites are located in close proximity to or adjacent to planned built development.</p> <p>Sites are located within the boundary of planned built development.</p>	<p>Data on housing allocations from HCC.</p> <p>Visual analysis of relevant Local Plan maps for areas planned for future residential development, however, the certainty of these development locations depends on the status of the Local Plan in question, i.e. how close to Adoption it is.</p>
15. Recreation	The NPPF requires that planning decisions should guard against the unnecessary loss of valued social, recreational and cultural facilities and services, particularly where this would reduce the community's	Sites that have the potential for major enhancements for existing Public Rights of Way, open spaces or recreational facilities and/or the development of new Public Rights of Way, open	GIS information from HCC, plus analysis of OS base map for other types

Criterion	Justification	Scoring	Data available
	<p>ability to meet its day-to-day needs. Sites could have effects on the amenity of users of Public Rights of Way, open spaces (e.g. common land, access land, community forests) and recreational facilities if they are in close proximity. There may also be opportunities for enhancement to recreational facilities during the development of particular mineral sites, as set out in the NPPF. In addition, there may be opportunities to create new recreation areas/open spaces during the restoration of mineral sites.</p>	<p>spaces or recreational facilities</p> <p>Sites that have the potential for minor enhancements for existing Public Rights of Way, open spaces or recreational facilities, or are located away from Public Rights of Way, open spaces or recreational facilities</p> <p>Sites that are located within close proximity of Public Rights of Way, open spaces or recreational facilities.</p> <p>Sites that are adjacent to or are located within the boundary of Public Rights of Way, open spaces or recreational facilities.</p>	<p>of leisure/ recreational facilities and open spaces. Analysis of Sustrans Maps⁸ will be completed for cycle routes.</p>
16. Restoration	<p>The NPPF states that local planning authorities must put in place policies that ensure high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation.</p> <p>Appropriate restoration (i.e. the formation of final landform contours and replacement of soils) and reclamation (i.e. making the site suitable for an appropriate after-use), has always been an important aspect of mineral planning and is specified by conditions attached to most modern mineral permissions. Restoration should take place at the</p>	<p>N/A</p> <p>Sites where there are clear opportunities for high quality restoration and aftercare.</p> <p>Sites where there are some opportunities for high quality restoration and aftercare.</p> <p>Sites where there is no prospect of restoration and reclamation to an appropriate future land use</p>	<p>Information provided through the Call for Sites.</p>

⁸ Available at: <http://www.sustrans.org.uk/ncn/map?gclid=CIWvqcnx47kCFTIQtAodzCMACQ>

Criterion	Justification	Scoring	Data available
	earliest opportunity, during a phased extraction or if appropriate upon completion of quarrying.		
17. Land ownership	The extent to which options put forward by industry are within their control can have a bearing on the likelihood sites will be available during the emerging MLP plan period.	N/A	Information provided through the Call for Sites.
		Sites in the control of the industry.	
		Sites not in the control of the industry.	
		N/A	
18. Green Belt	NPPF states that the Government attaches great importance to Green Belts, noting that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF lists mineral extraction as a form of development which is not inappropriate in Green Belt providing that it preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt.	N/A	GIS information from HCC; check the purposes for its designation does not conflict with mineral working.
		Sites located outside of Green Belt and/or site located within Green Belt but do not conflict with the purposes for its designation.	
		Sites located within Green Belt which conflict with the purposes for its designation.	
		N/A	
19. BMV land	Minerals extraction is not precluded on BMV. It has long been recognised that minerals working can be accommodated on best and most versatile (BMV) agricultural land, provided that high environmental standards are maintained, best practice soil handling techniques are adhered to and sites are well restored.	N/A	National datasets
		Sites not located within BMV Land or on lower grades (not 1, 2 or 3).	
		Sites located within higher grades of BMV land.	

Criterion	Justification	Scoring	Data available
	Although, the potential to ensure these standards may not be known until the planning application stage.	N/A	
20. Flood risk	<p>As stated in the PPG, local authorities should take a sequential approach to developing in areas at risk of flooding, giving preference to locating development in Flood Zone 1, followed by Flood Zone 2 then Flood Zone 3.</p> <p>Minerals working and processing (except sand & gravel working) are classed as less vulnerable, which means that they are potentially compatible with all flood zones except for Flood Zone 3b, the functional floodplain⁹. Sand and gravel workings are classed as water-compatible development and are potentially suitable for all flood zones including 3b, the functional floodplain. However, National Planning Practice Guidance¹⁰ also states that mineral workings should not increase flood risk elsewhere and need to be designed, worked and restored accordingly.</p>	<p>Some sites, which may dewater, may hold the potential to store excess water in times of heavy rain, which would be seen as a positive in terms of preventing flood risk. However, this may not be known until the planning application stage.</p> <p>Sites located within Flood Zones 1-3a and sand and gravel sites located within 3b.</p> <p>No sand and gravel sites located within Flood Zone 3b.</p> <p>N/A</p>	GIS information from HCC.

⁹ Available at: <http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/flood-zone-and-flood-risk-tables/table-3-flood-risk-vulnerability-and-flood-zone-compatibility/>

¹⁰ Available at: <http://planningguidance.planningportal.gov.uk/blog/guidance/flood-risk-and-coastal-change/the-sequential-risk-based-approach-to-the-location-of-development/>