

**HERTFORDSHIRE COUNTY COUNCIL**

**CABINET**

**MONDAY, 13 NOVEMBER 2017 AT 2.00PM**

**COUNTY COUNCIL**

**TUESDAY, 21 NOVEMBER 2017 AT 10.00AM**

Agenda Item No

**13**

Agenda Item No

**7A**

**CONSULTATION ON THE DRAFT MINERALS LOCAL PLAN**

*Report of the Chief Executive and Director of Environment*

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Executive Member: Derrick Ashley, Environment, Planning & Transport

**1. Purpose of report**

- 1.1. To enable Members to consider whether to approve the Draft Minerals Local Plan, attached at Appendix 1 to the report, for a period of formal consultation of at least six weeks to commence in December 2017, in accordance with regulation 18 of Part 6 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

**2. Summary**

- 2.1. The Minerals Planning Authority (MPA) has a statutory responsibility to prepare a Minerals Local Plan (MLP) for Hertfordshire in line with national policy and regulations.
- 2.2. The existing Minerals Local Plan, adopted in March 2007, requires a formal process of review to ensure that the contents of the Plan reflect changes made to national policy, through the National Planning Policy Framework, and to ensure that recent guidance and changing circumstances in the county are incorporated into the county's minerals policy.

**3. Recommendation**

- 3.1. The Environment, Planning and Transport Cabinet Panel considered a report on this item of business at its meeting on 1 November 2017. The Panel recommended to Cabinet:-

*“That Cabinet recommends to Council that County Council approves the Draft Minerals Local Plan, attached at Appendix 1 to the report, for a ten week period of public consultation from 4 December 2017 to 9 February 2018, in accordance with Regulation 18 Town and Country Planning (Local Planning) (England) Regulations 2012.”*

- 3.2 Cabinet’s recommendation to County Council will be circulated in the Council Order of Business.

#### **4. Background**

- 4.1. The MLP review commenced in 2014/2015 with an assessment of the evidence base needed and an initial stakeholder engagement event. This event covered the main issues associated with minerals planning, the need for an approach which could be applied to identify suitable sites for extraction and the start of the sustainability appraisal process. Those invited to the event included: statutory consultees, District and Borough Councils, adjoining authorities, industry representatives and interested parties.
- 4.2. The first formal stage of public consultations was the Initial Consultation. This document was presented to Environment, Planning and Transport Planning, Cabinet and County Council in July 2015 in order to undertake a formal public consultation from August – October 2015.
- 4.3. Responses to the initial consultation document informed changes to the Plan’s vision and objectives and also guided the drafting of updated and new policies to cover the issues raised.
- 4.4. In parallel, the site selection methodology was developed with independent consultants (Land Use Consultants (LUC)) and subject to public consultation at the same time. The final methodology was presented to the Environment, Planning and Transport Planning Panel in February 2016. The purpose of the methodology was to assess the sites and/or areas identified for their economic viability. Each site/area was assessed against a set of local planning and environment constraints.
- 4.5. Once the Site Selection Methodology was established, the next stage in the process was to undertake a Call for Sites. This was a request for sites within Hertfordshire that contain mineral resources (primarily sand and gravel) and which may be suitable for extraction to be put forward for consideration. This took place between February and April 2016.
- 4.6. Consultants have provided an independent assessment of the sites put forward by industry and also the Preferred Areas in the adopted 2007 Plan. Each site/area has been assessed against the set of 22 criteria within the site selection methodology. A report was finalised in March 2017 which assessed the sites and preferred areas in terms of the potential impacts of extraction on the surrounding environment.

- 4.7. Following the application of the site selection methodology, consideration was given as to whether sites should be identified as a Specific Site, Preferred Area and/or Area of Search as appropriate. This depended on the level of information and known degree of deliverability of the areas/sites in question.

#### Sand and Gravel

- 4.8. The site option combinations were presented to Environment, Planning and Transport Cabinet Panel - [Environment, Planning & Transport Cabinet Panel - 7 September 2017](#) and Cabinet in 25 September 2017 [Cabinet - 25 September 2017](#). Having considered the conclusions of reports and assessments undertaken, on balance the most appropriate sand and gravel sites to take forward to the Draft Minerals Local Plan are:
- Furze Field;
  - Hatfield Aerodrome;
  - Land Adjoining Coopers Green Lane (all three being specific sites); and
  - Briggens Estate (as a preferred area).

The combination of the three specific sites and one preferred area identified in the draft Plan provide the necessary tonnage to meet the Plan requirements, provide flexibility and do not stifle competition.

#### Brick Clay

- 4.9. To address the requirement to provide a stock of permitted reserves of at least 25 years for brick clay (paragraph 146 of the NPPF) the draft Plan:
- Identifies the current permitted reserves, and
  - Safeguards resources through defined Mineral Safeguarding Areas.

### 5. The Draft Minerals Local Plan

- 5.1. Once adopted, the Minerals Local Plan will cover a 15 year plan period (2016-2031) and identify sufficient sites to meet the identified requirements over that time period. The Plan has a total of 25 strategic, allocation and development management policies, intended to guide the determination of applications. The full draft document for public consultation is attached at Appendix 1 to this report and a brief summary of its content and policies set out below:

- **Chapter 1:** Introduction, the purpose and scope of the Plan, timescale for Plan production and previous stages
- **Chapter 2:** Details for how to comment on the Plan and next steps
- **Chapter 3:** Policy Context; the planning system, international and national policy drivers
- **Chapter 4:** Key challenges for Hertfordshire, population, housing, economic growth
- **Chapter 5:** Minerals in Hertfordshire, the need for aggregates, supply, imports, exports and marine
- **Chapter 6:** Vision and objectives
- **Chapter 7:** Sustainable development and climate change

- **Chapter 8:** Strategic aggregate policies: supply and need, areas and sites, secondary and recycled aggregates
- **Chapter 9:** Brick clay and chalk
- **Chapter 10:** Safeguarding: Mineral Consultation Areas, Mineral Safeguarding, rail heads and wharves, concrete batching plants
- **Chapter 11:** Non-conventional aggregate extraction: Borrow pits and incidental extraction
- **Chapter 12:** Protecting Hertfordshire: Green Belt and cumulative impact
- **Chapter 13:** Environmental Policies: Water, Historic Environment, Landscape and Green Infrastructure, Biodiversity
- **Chapter 14:** Highways and Transport: Strategic and Operational policies, Rights of Way
- **Chapter 15:** Protection of Soils
- **Chapter 16:** Sustainable reclamation: Restoration, Aftercare and Afteruse

## 5.2 **Minerals Local Plan Policies**

Following internal and external engagement, the resulting proposed policies have been developed for inclusion within the draft Minerals Local Plan:

- Policy 1: Sustainable Development**
- Policy 2: Climate Change**
- Policy 3: Aggregate supply**
- Policy 4: Working of Specific Sites or Preferred Areas**
- Policy 5: Secondary and Recycled Aggregates**
- Policy 6: Brick Clay**
- Policy 7: Chalk**
- Policy 8: Mineral Safeguarding**
- Policy 9: Rail heads and Wharves**
- Policy 10: Concrete Batching, Asphalt and Coated Stone Plants**
- Policy 11: Borrow Pits**
- Policy 12: Incidental Extraction**
- Policy 13: Green Belt**
- Policy 14: Cumulative Impact**
- Policy 15: Water Management**
- Policy 16: Historic Environment**
- Policy 17: Landscape and Green Infrastructure**
- Policy 18: Biodiversity**
- Policy 19: Protection and Enhancement of Environment and Amenity**
- Policy 20: Strategic Transport**
- Policy 21: Operational Transport**
- Policy 22: Public Rights of Way**
- Policy 23: Soils and Agricultural Land**
- Policy 24: Restoration**
- Policy 25: Aftercare and After-use**

- 5.3 The Plan also includes targets and indicators to monitor the implementation of the policies, which will be reported on an annual basis through the Authority Monitoring Report.
- 5.4 The specific sites and preferred area are shown on a series of inset maps accompanied by planning briefs which are designed to guide any development.
- 5.5 The policies map is a geographical illustration of the application of the Minerals Local Plan policies and is in line with the relevant regulations.

## **6. Omission Consultation**

- 6.1. The Council wishes to ensure full public consultation takes place on all sites promoted to them as part of the MLP process. All sites and areas forming the assessment work will be subject to specific public consultation in the form of an 'Omissions Consultation'. An omission site is a parcel of land that has been assessed and subsequently rejected.
- 6.2. The list of those sites which have been omitted from the process is attached at Appendix 2 to the report and consultation will take place in parallel with the Draft MLP. A summary of the key reasons for their omission was presented to the Environment, Planning and Transport Panel on 7 September 2017 [Environment, Planning & Transport Cabinet Panel - 7 September 2017](#) and is set out in the consultation document.

## **7. Supporting documents and consultation**

### **7.1 Sustainability Appraisal**

A Sustainability Appraisal (SA), incorporating the requirements of the European Union (EU) Strategic Environmental Assessment (SEA) Directive, has been carried out to inform the ongoing preparation of the Plan and to ensure sustainable development concerns are fully integrated and alternative options are considered. A SA report will be published alongside the Plan and a final SA Report will be published alongside the Proposed Submission Draft version of the Plan.

The policies and site allocations in the MLP have been subject to a detailed appraisal against the SA objectives which were developed at the scoping stage of the SA process. Generally the vision, objectives and policies have been assessed as having an overall positive effect.

### **7.2 Strategic Flood Risk Assessment**

As required by the NPPF, the Minerals Local Plan is supported by a desktop based Level 1 Strategic Flood Risk Assessment (SFRA). The SFRA was prepared in line with guidance published by the Environment Agency at the outset of the review of the Minerals Local Plan. An addendum to this document was produced to include site specific assessments in preparation for the publication of this document.

### 7.3 Habitats Regulation Assessment

Article 6 of the Habitats Directive requires local plans to be assessed for their impacts on European designated sites to avoid adverse impacts on these and must be undertaken when a plan is being developed. The Habitats Regulations Assessment (HRA) concluded that none of the policies or potential site allocations in the Minerals Local Plan are considered likely to have a significant effect on the European sites within 10km of Hertfordshire.

### 7.4 Health Impact Assessment

A high level assessment was completed with colleagues from Public Health which concluded that the Minerals Local Plan is a policy framework that will not have direct impact on health and wellbeing. Any individual site proposals that come forward in line with this framework may have a potential impact on health. The local plan states that a site specific HIA may be required at planning application stage.

### 7.5 Informal Consultation and Engagement

The draft policies have been subject to internal and external informal consultation with Environment Agency, Historic England, Natural England, District and Borough Councils and other Duty to Cooperate bodies.

## 8. Next Steps

- 8.1. Subject to Cabinet approval (13 November 2017) and County Council (21 November 2017), the public consultation on the Draft Minerals Local Plan document (including sites and policies) will be in accordance with regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's adopted Statement of Community Involvement. The consultation on the document will be for 10 weeks commencing on 4 December 2017.
- 8.2. The outcomes of the consultation of the Draft Minerals Local Plan will be presented to Members in 2018.

1 November 2017	Environment, Planning and Transport Cabinet Panel presented with the Draft MLP (including policies and sites) for consideration for consultation and Omissions Consultation
13 November 2017	Cabinet invited to recommend to Council the Draft MLP (including policies and sites) for consultation and Omissions Consultation
21 November 2017	County Council invited to agree the Draft MLP (including policies and sites) for consultation and Omissions Consultation

December 2017 – February 2018	Regulation 18 - Draft MLP Consultation and Omissions Consultation
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## **9. Financial Implications**

- 9.1. Plan production is the normal business of the Minerals and Waste Policy Team and the cost of plan production can be covered by existing budgets. The estimated costs for the Minerals Local Plan review are set out in the Minerals and Waste Development Scheme (adopted November 2016). The budget for the next three years has been based on previous plan production costs.

## **10. Equalities Impact Assessment (EqIA)**

- 10.1. When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered, the equality implications of the decision that they are making.
- 10.2. Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 10.3. The Equality Act 2010 requires the County Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.
- 10.4. An Equality Impact Assessment (EqIA) has been undertaken for the review of the Minerals Local Plan and it is intended that this EqIA will be reviewed for each work and consultation stage of the Plan production. The Minerals Local Plan review EqIA concludes that potential equality impacts may arise during stakeholder events and consultations and proposes a range of reasonable mitigations to minimise the potential impacts. The EqIA is attached at Appendix 3 to the report.

*Appendix 1 – Draft Minerals Local Plan Consultation document*

*Appendix 2 – Omissions Consultation document*

*Appendix 3 - EqIA*



Background Information :

The National Planning Policy Framework (2012), DCLG

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

The National Planning Practice Guidance (2014), DCLG

<https://www.gov.uk/government/collections/planning-practice-guidance>

Town and Country Planning (Local Planning) (England) Regulations 2012

[http://www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi\\_20120767\\_en.pdf](http://www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi_20120767_en.pdf)

Minerals Local Plan Equalities Impact Assessment & Draft Plan consultation Addendum

Minerals Local Plan Health Impact Assessment

Minerals Local Plan Strategic Flood Risk Assessment

Three documents located: <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/minerals-planning/minerals-local-plan-review/minerals-local-plan-review.aspx>

Minerals Local Plan Sustainability Appraisal, LUC

Minerals Local Plan Habitats Regulations Assessment, LUC

Two documents located: <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/minerals-planning/minerals-local-plan-review/sustainability-appraisal.aspx>

Environment, Planning and Transport Cabinet Panel, 1 November 2017  
[Environment, Planning & Transport Cabinet Panel - 1 November 2017](#)