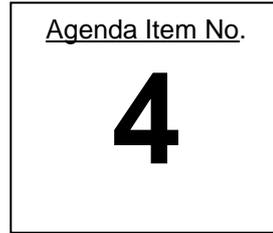


HERTFORDSHIRE COUNTY COUNCIL

**ENVIRONMENT, PLANNING & TRANSPORT
CABINET PANEL**

TUESDAY, 2 FEBRUARY 2016 AT 10.00 AM



**IMPLEMENTATION OF THE SITE SELECTION METHODOLOGY AND TO
UNDERTAKE THE CALL FOR SITES FOR THE MINERALS LOCAL PLAN
REVIEW**

Report of the Chief Executive and Director of Environment

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Executive Member: Derrick Ashley, Executive Member for Environment,
Planning & Transport

1. Purpose of report

1.1 To present to Members the proposed site selection methodology for sand and gravel (Appendix 1), and to inform Members of the next stages of plan production to undertake a call for sites for the Minerals Local Plan review.

2. Summary

2.1 The Minerals Planning Authority (MPA) has a statutory responsibility to prepare a Minerals Local Plan in line with national policy and regulations. National policy requires the MPA to identify/allocate sites for future mineral extraction to ensure there is a steady and adequate supply of minerals for Hertfordshire.

2.2 The proposed site selection methodology for sand and gravel is being presented to Members following a formal consultation on the draft site selection methodology. The draft methodology was previously presented to Environment, Planning and Transport Cabinet Panel in July 2015 as part of the Minerals Local Plan Initial Consultation.

2.3 The process involves identifying potential sites through a call for sites and potential areas through a resource assessment, followed by a sieving exercise (outlined further in Section 4) to identify the most appropriate sites and/or areas for allocation within the Minerals Local Plan.

2.4 The purpose of the methodology is to ensure that the sites and/or areas identified within the plan are likely to be economically viable, have been assessed against a set of local planning and environment

constraints and sustainability findings to ensure that they are deliverable in practice.

- 2.5 The next stage of plan production is to implement the proposed site selection methodology through a call for sites and subsequent detailed site assessment. This work will establish an evidence base to inform the decision as to which sites go forward into the draft plan.

3. Recommendation

- 3.1 That the Panel notes the proposed site selection methodology as set out in Section 4 and Appendix 1 and recommends to Cabinet that Cabinet approves the implementation of the site selection methodology and the undertaking of the call for sites.

4. Background

- 4.1 In line with the national policy¹, Mineral Planning Authorities should plan for the steady and adequate supply of minerals through designating Specific Sites, Preferred Areas and/or Areas of Search.
- 4.2 In order to achieve this requirement, the County Council has produced a draft site selection methodology for the Minerals Local Plan to assess and identify sites which may form part of the next iteration of the plan.
- 4.3 The site selection methodology for sand and gravel forms a key part of the review of the adopted Minerals Local Plan. The site selection methodology has been developed with independent consultants appointed to undertake the Site Selection Study.
- 4.4 The draft site selection methodology was subject to a formal consultation from 3 August 2015 to 16 October 2015. There were 39 representations (comprising 115 individual comments) received on the draft site selection methodology. A summary of the responses received together with the County Council's responses to them are attached at Appendix 2.
- 4.5 The main issues arising from the consultation are summarised below:
- 4.6 **Economic Viability Criteria** - The consultation representations received indicated confusion regarding the use of the economic viability criteria for industry promoted sites. The main issue identified was that economic viability would be determined by the promoter before putting a site forward, and therefore the criteria were not flexible.
- 4.7 **Major Constraints criteria** - Representations to the consultation largely questioned the placement of ancient woodland in major constraints, either suggesting that it should lie within the detailed site

¹ National Planning Policy Framework March 2012 and the National Planning Practice Guidance, March 2014

assessment criteria or that other international and national nature designations should be moved to major constraints. Representations also highlighted the importance of international and national nature conservation designations.

- 4.8 **Detailed Site Assessment criteria** – Representations reiterated points similar to those raised above for major constraints. In addition to many representations raising issues which would be dealt with at a site specific stage.
- 4.9 Taking account of the representations received, the methodology has been amended and is set out below. The purpose of the original economic viability criteria has been re-examined and has led to the original Sieves 1 and 2 being switched round, so that major constraints are examined first.
- 4.10 The final proposed methodology also includes ancient woodland within Sieve 3 with an additional 'dark red' (very high) category in the scoring framework. This will allow for international and national designations (including ancient woodland) subject to an exceptions or alternatives test in national policy, to be highlighted through the use of the 'dark red' (very high) category in the scoring.

Proposed Site Selection Methodology (Appendix 1 includes the scoring criteria)

Sieve 1 – Major Constraints

- Urban areas
- Sites with extant planning permission for other development; for the identification of preferred areas or areas of search , these will be limited to those sites whose area is greater than 5ha due to difficulties associated with collection of data for smaller planning permissions such as house extensions etc.
- Previously worked sites

- 4.11 Areas identified within the sieve 1 criteria outlined above will be identified and removed from the process.

Sieve 2 – Resource and Economic Viability

- 4.12 Sieve 2 is not an exclusionary sieving stage. It is the overall viability that will be checked as part of Sieve 2. For sites put forward during the call for sites process, it is assumed that the operator or owner will already have determined that the resources are economically viable. It would be expected that a certain level of information is provided by the site promoter to demonstrate that their proposed site is economically viable.
- 4.13 In relation to the identification of broad areas of search and/or preferred areas, the British Geological Survey (BGS) resource maps

will be amended where practicable with available up-to-date information.

Sieve 3 – Detailed Site Assessments

Criteria for:

- Ancient Woodland
- Aquifers
- Biodiversity Action Plan priority species or habitats
- Best and Most Versatile agricultural land
- Cumulative effects
- Ecological status of water bodies
- Flood Risk
- Geodiversity
- Green Belt
- Groundwater vulnerability
- Heritage designations
- International and national ecological designations
- Land ownership
- Landscape designations
- Local Nature Reserves
- Local Wildlife Sites
- Proximity of allocated residential or built development
- Recreation
- Restoration
- Sensitive land uses
- Sustainable transport
- Sustainable transport and pollution to the environment (dust, air and water)

- 4.14 For sieve 3, each criterion proposed will be considered in turn to inform a detailed comparative evaluation following the sieving process. This process would look at the potential site/area options, drawing on the findings of the Sustainability Appraisal (which incorporates the Strategic Environmental Assessment (SEA)). This detailed assessment would inform any recommendations as to which sites/areas are included within the draft Minerals Local Plan.

5. Next Steps

- 5.1 It is proposed that the call for sites takes place from 29 February 2016 to 10 April 2016. A proforma has been drafted (Appendix 1) setting out the minimum requirements for the submission of sites.
- 5.2 Following this, any sites put forward will be assessed against the site selection methodology and proposed sieving criteria.
- 5.3 It is anticipated that the specific sites (allocated) will be selected from those put forward through the call for sites process and following the

sieving stages identified in the Draft Plan of the Minerals Local Plan review.

- 5.4 Broad areas of search and/or preferred areas for inclusion within the draft plan will be identified using the British Geological Survey resource maps, amended where practicable with available up-to-date information.

6. Financial Implications

- 6.1 Development of the Site Selection Methodology and undertaking the call for sites, including employing consultants to carry out the work, are included in existing budgets. The approximate costs of document production are set out in the Minerals and Waste Development Scheme.

7. Equality Impact Assessment (EqIA)

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 An Equality Impact Assessment (EqIA) has been undertaken for the review of the Minerals Local Plan. This was previously presented to the Environment, Planning and Transport Cabinet Panel in July 2015 as part of the Minerals Local Plan Initial Consultation.
- 7.5 An addendum to the Minerals Local Plan review EqIA has been produced for this particular stage of the process as attached at Appendix 3. It is not anticipated that people with protected characteristics will be affected disproportionately by the undertaking of a call for sites, as at this stage it does not allocate new sites or

introduce new policies in addition to those contained within the adopted Minerals Local Plan.

- 7.6 In order to ensure that the actions identified by the main EqIA are taken into account and, to ensure that the protected characteristics of those who may not already be engaging with the County Council for the Minerals Local Plan are not affected disproportionately and are fully aware of the call for sites, the following approach is proposed:
- Inform the district and borough councils of the call for sites and request that the letter is placed at the deposit points
 - Publish a press release
 - Make the documents and information for the call for sites available online
 - Notify known landowners, operators and agents of mineral bearing land

Appendix 1 – (LUC Site Selection Report December 2015 including Call for Sites Proforma) available at this link: [Hertfordshire Minerals Local Plan Site Selection Methodology Report](#)

Appendix 2 – Summary of Site Selection Methodology Representations made to Initial Consultation available at this link: [Summary of Representation for Site Selection for Sand and Gravel Extraction \(Issues 8-11\)](#)

Appendix 3 – EqIA Addendum December 2015

Background documents referred to and used in writing this report:

Hertfordshire Minerals Local Plan Initial Consultation document (August 2015)
<http://www.hertsdirect.org/docs/pdf/h/18857322/hertsminlocplninitcons.pdf>

Equality Impact Assessment (EqIA) Hertfordshire Minerals Local Plan Review January 2015, <http://www.hertsdirect.org/docs/pdf/m/eqiahmlp.pdf>

Minerals and Waste Development Scheme (adopted November 2014),
<http://www.hertsdirect.org/services/envplan/plan/hccdevplan/mwds/>

The National Planning Policy Framework (2012), DCLG
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

National Planning Practice Guidance (2014), DCLG
<http://planningguidance.communities.gov.uk/blog/guidance/minerals/>

Town and Country Planning (Local Planning) (England) Regulations 2012
http://www.legislation.gov.uk/uksi/2012/767/pdfs/uksi_20120767_en.pdf