

Policy Evidence Report

Policy 9: Incidental Mineral Extraction

**Hertfordshire Minerals and Waste
Local Plan 2040**

Hertfordshire County Council



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1. Introduction

- 1.1. Hertfordshire County Council is reviewing its adopted Minerals Local Plan, Waste Local Plan and supporting documents. These comprise the following documents (with adoption date):
 - Minerals Local Plan Review (March 2007)
 - Minerals Consultation Areas SPD (November 2007)
 - Waste Core Strategy and Development Management Policies DPD (November 2012)
 - Waste Site Allocations DPD (July 2014)
 - Employment Land Areas of Search SPD (November 2015)
- 1.2. The documents listed above are to be replaced by a single Minerals and Waste Local Plan (MWLP) covering the period to 2040. The new MWLP sets the overall spatial framework and development management policies for sustainable minerals and waste management development in Hertfordshire.
- 1.3. This Policy Evidence Report provides a context and justification for the creation of Policy 9: Incidental Mineral Extraction in the emerging Minerals and Waste Local Plan. It also contains a reasoning for the changes made to the policy between the Draft Plan publication and the Proposed Submission Plan publication.

2. National Policy Context

- 2.1. The National Planning Policy Framework (NPPF 2023) and National Planning Practice Guidance (PPG) provide the basis of national planning policy.
- 2.2. The following points within the NPPF relate to Policy 9:
 - Paragraph 124:
'Planning policies and decisions should: a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside.'
- 2.3. The PPG section on Minerals states:
 - *'Planning for the supply of minerals has a number of special characteristics that are not present in other development:*
 - *minerals can only be worked (ie extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited. This means that it is necessary to consider protecting minerals from non-minerals*

development and has implications for the preparation of minerals plans and approving non-mineral development in defined mineral safeguarding areas; ...

- *working may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated; ...*
- *enforcement to secure compliance with conditions that are necessary to mitigate impacts of minerals working operations; and*
- *following working, land should be restored to make it suitable for beneficial after-use.'*

Paragraph: 001 Reference ID: 27-001-20140306

- *'For mineral extraction sites where expected extraction is likely to last for a short period of time, it is usually appropriate for the mineral planning authority to impose a detailed set of planning conditions relating to restoration and aftercare as part of the planning permission.'*

Paragraph: 043 Reference ID: 27-043-20140306

3. Local Context

- 3.1. Common examples of incidental extraction include the construction of agricultural or potable water reservoirs. The construction of these could involve the extraction of significant quantities of mineral, whether it be for climate change mitigation, enhanced water supply or another valid reason. Where this is the case, or where extracted mineral is to be removed from site, the proposal should be determined by the MPA.
- 3.2. These proposals can also favour sustainable development where the extracted mineral is to be used on-site or close to the extraction site, to minimise the required transportation of mineral to an end-use by road, or where the mineral is to be used to enhance the character and quality of Hertfordshire's landscape and environments.

4. Minerals & Waste Local Plan Policy

- 4.1. The Draft Minerals and Waste Local Plan was published for a Regulation 18 public consultation from 22 July to 31 October 2022. During the consultation period, members of the public, industry and other bodies were invited to comment on the policies within the Plan. This report shows the draft policy as published within the Draft Plan document, along with the main issues raised and the council's response to them.

Minerals and Waste Local Plan Draft Plan 2022

- 4.2. The Regulation 18 Draft Plan document included Policy 9: Incidental Mineral Extraction. The policy read as follows:

Policy 9: Incidental Mineral Extraction

Proposals for development involving the incidental extraction and off-site removal of mineral will only be permitted where it can be clearly demonstrated that:

- a) there is a proven need for the non-mineral development;
- b) the amount of mineral to be extracted is consistent with the purpose and scale of the development;
- c) the extracted mineral will be put to sustainable use; and
- d) the phasing and duration of development proposals ensure the worked land is restored as early as practicable and without the need for imported material.

Applicants must submit details of where the extracted mineral will be transported to for processing, and its proposed after-use.

The county council will expect a working plan to be submitted, providing details of how and when the non-mineral development is to be undertaken and completed.

Where mineral is being extracted for the purposes of reservoir creation, it may be necessary to maximise the depth of the reservoir in order to reduce sterilisation of mineral.

4.3. During the Regulation 18 consultation, 1 representation was made in relation to this policy. The main issue of this is summarised below:

- a) It is suggested to add the following to the policy: **'The reservoir is ultimately shaped and landscaped to blend in with and enhance the landscape character of the area, maximising biodiversity'**.

4.4. The council's response to the issue is as follows:

- a) Policy 13: Restoration, Aftercare and After-use will be applied to proposals involving incidental extraction of mineral resources for the purposes of reservoir creation. Policy 13 includes several criteria which will cover the concerns regarding blending in with and enhancing the landscape character of the area and maximising biodiversity. See criteria i) to p) of Policy 13.

5. Alternative Reasonable Options

5.1. The following reasonable alternative options have been considered (and fully assessed in the Sustainability Appraisal Report):

- Option 1 – No Policy. Rely on National Policy together with any other relevant policies in the development plan
- Option 2 – A policy for dealing with applications for incidental mineral extraction, with criteria relating to the need and sustainable use of the mineral (preferred)
- Option 3 – A policy similar to Option 2, with more flexible criteria

6. Conclusion

- 6.1. This Policy Evidence Report demonstrates the justification for the inclusion of this policy in the emerging Minerals and Waste Local Plan Proposed Submission Plan. It summarises the national policy context and local context, along with the main issues raised through previous consultation and how the council has addressed those issues.
- 6.2. Any representations received on this policy at the Regulation 19 consultation stage will be submitted alongside the Local Plan to the Secretary of State as part of the examination process.
- 6.3. This Policy Evidence Report was written to support the Proposed Submission Plan (Regulation 19) consultation. This report forms part of the Regulation 22 statement, as set out by the Town and Country Planning (Local Planning) (England) Regulations 2012.