1. Introduction

The purpose of this topic paper is to provide background information on the development of the Environmental Policies Chapter within the emerging Minerals Local Plan (MLP).

This topic paper has been prepared in advance of the Draft Plan consultation. It comprises an introduction to the existing policies within the adopted Minerals Local Plan, updated requirements of national planning policy since the existing policy was adopted, an explanation of how the policies have been consulted on and subsequently developed, the approach of other mineral planning authorities to planning for environmental issues, and the approach taken within the Draft MLP.

2. The Adopted Minerals Local Plan

The existing Minerals Local Plan (adopted 2007) contains policies and supporting text on Bio-diversity, Landscape, and Criteria for the Control of Mineral Development to Protect Critical Capital and Other Environmental Assets.

The individual policies are as follows:

**MINERALS POLICY 9 ~ CONTRIBUTION TO BIO-DIVERSITY**

Proposals for mineral development should, where appropriate, provide opportunities to contribute to the delivery of the national, regional, and local biodiversity action plan targets. Additionally, proposals that prejudice the delivery of these targets or would result in the loss of, or damage to habitats and/or species will not be supported. Where appropriate, the minerals planning authority will seek long-term overall enhancement to local biodiversity through restoration or by other means such as by the attachment of conditions or planning obligations.

**MINERALS POLICY 12 ~ LANDSCAPE**

All mineral extraction and related development proposals will be required to take account of existing and, where appropriate, historic landscape character and maintain its distinctiveness. Planning applications may be refused where
there is significant local landscape intrusion and loss of important landscapes or distinctive landscape features.

Development proposals will be expected to:

i) respect landscape character both during operations and in proposals for reclamat;
ii) ensure that any distinctive landscape features are protected from the impact of development;
iii) be accompanied by landscape conservation, design and management measures that both strengthen the character and enhance the condition of the landscape.

The County Council will have regard to the visual impact of proposals (including any proposed mitigation measures to minimise visual or other intrusion) on sensitive landuses, including areas of public access.

Particular regard will be had to the Hertfordshire Landscape Strategy in assessing proposals.

MINERALS POLICY 17 ~ CRITERIA FOR THE CONTROL OF MINERAL DEVELOPMENT TO PROTECT CRITICAL CAPITAL AND OTHER ENVIRONMENTAL ASSETS

All proposals for mineral extraction and related development (including after uses):

i) shall not be permitted where they would result in the permanent loss or damage or significant and irreversible change to those particular characteristics and features that define the special quality of critical capital or other environmental assets as defined in the Structure Plan (the degree of protection given will be appropriate to status according to their international, national or local importance);
ii) shall include proposals for mitigation, where appropriate, that will provide for the maintenance and enhancement of critical capital or other environmental assets as defined in the Structure Plan, including where temporary loss would occur;
iii) shall not be permitted if the development would cause the permanent loss in quality or extent of the best and most versatile agricultural land unless there is an overriding need for the development, and either sufficient land in lower grades is unavailable, or available lower grade land has an environmental value which outweighs the agricultural considerations;
iv) shall not be permitted if the development and/or subsequent afteruse would have a negative quantitative and/or qualitative impact on the water environment, including main rivers, ordinary water courses and groundwater resources, unless appropriate measures can be imposed to mitigate any harmful effects;
v) shall not be permitted if the development would increase the risk of flooding or have a material negative impact on the storage or flow capacity of the floodplain, unless the risk or impact can be obviated; 
vi) shall not be permitted in the Chilterns Area of Outstanding Natural Beauty unless exceptional circumstances indicate otherwise; 
vii) shall not result in the net reduction in either the quantity or quality of woodland, trees or hedges, whether directly or indirectly. Where quantity or quality is lost, redress in equivalent measures will be sought, with species to be agreed with the mineral planning authority, so as to recreate a suitable landscape and habitat sympathetic to the proposed restoration scheme and afteruse. Enhancement of existing woodland, trees and hedges through improved management will be sought. Development proposals must ensure the appropriate management of both retained vegetation cover such as trees and hedgerows, and new planting over the long term.

3. Current National Planning Policy

The National Planning Policy Framework1 (NPPF) sets out the requirements of the county council with regards to the protection and/or enhancement of the natural environment.

Paragraph 109 of the NPPF sets out the overarching environmental requirements of the planning system:

“The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

Paragraph 110 also sets out the overarching aim when producing Local Plans:

In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural

environment. Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework.

The rest of Chapter 11: Conserving and Enhancing the Natural Environment sets out further considerations, guidance and aims.

4. Developing a Strategy for Environmental Protection.

The existing Plan was adopted prior to the introduction of the NPPF. The review of the MLP has presented an opportunity to revisit the environmental policies within the emerging MLP and incorporate the updated requirements of national policy in the local context.

Environmental assessment research methods have developed since the adoption of the MLP so the existing policies require strengthening to enable the Minerals Planning Authority to request applicants to submit more and/or different assessments at an application stage. This will help to ensure that adverse impacts from proposed developments on amenity, wildlife habitats and the natural and built environment are properly assessed and mitigation measures are put in place where necessary.

After reviewing national policy and other mineral planning authority Local Plans, a meeting was held with Development Management officers at the County Council to discuss the policies to be included in the review of the MLP. The conclusions from this work led to the presentation of a list of environmental policies within a larger group of ‘Development Management Policies’. These policies were presented in the Initial Consultation document for consultees to comment on. The full list was as follows, with environmental policies highlight in bold:

Policy 15: Reservoirs  
Policy 16: Green Belt  
Policy 17: Cumulative Impact  
Policy 18: Water Resource  
Policy 19: Heritage and Setting  
Policy 20: Landscape  
Policy 21: Biodiversity  
Policy 22: General Environmental and Amenity Protection  
Policy 23: Road Traffic and Transport  
Policy 24: Rights of Way  
Policy 25: Soils and Agricultural Land  
Policy 26: Restoration  
Policy 27: After-care and After-use

At that stage of Plan production, detail of the content was not required so the question posed by the County Council was to ensure that the list of topics covered was sufficient for the emerging MLP.

Initial Consultation Representations

The following question was asked in the Initial Consultation document.
Issue 22

Does the list of Development Management Policy headings cover all the topics that should be included in the Minerals Local Plan?

There was a general consensus within the representations that the list of development management policies contained the necessary topics related to minerals planning.

A decision would have to be made as to whether or not the policies would be grouped as ‘development management policies’ in the emerging MLP, but this would not impact the content of the policies themselves.

It was not always clear to consultees where a particulate issue would be included within policy so the policy headings will be reviewed prior to the publication of the Draft MLP to ensure clarity.

See the next pages for examples of consultee responses to Issue 22 with respect to the environmental policies.
<table>
<thead>
<tr>
<th>Comment ID.</th>
<th>Issue No.</th>
<th>Name of Consultee</th>
<th>Summary of Representation</th>
<th>HCC Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>MLPIC17</td>
<td>22</td>
<td>Herts and Middx Wildlife Trust (Matt Dodds)</td>
<td>Yes - However, net impacts must be quantified in an objective way to a nationally accepted standard. The Biodiversity Impact Assessment Calculator is the most appropriate mechanism of achieving this (see MLPIC15 - issue 4). It should be explicitly referred to in the text.</td>
<td>It is considered a mechanism that is a nationally accepted standard would be beneficial to objectively measure impacts of biodiversity and support the aspiration to provide net gains where possible. This could be included in the supporting text within the draft Plan.</td>
</tr>
<tr>
<td>MLPIC102</td>
<td>22</td>
<td>Historic England (Kayleigh Wood)</td>
<td>Yes - Historic England welcome the inclusion of Policy 19 on Heritage and Setting</td>
<td>Noted - retain policies.</td>
</tr>
<tr>
<td>MLPIC108</td>
<td>22</td>
<td>Aylesbury Vale District Council (David Broadley)</td>
<td>DM policies: question which topic area impacts such as a noise, light, dust and other pollutants will be taken into account, possibly Policy 22, although requires more clarity. Question the difference between water resources and reservoirs.</td>
<td>Draft Policy 22: General Environmental and Amenity Protection is proposed to contain reference to impacts from noise, light, dust and other pollutants. Draft Policy 15: Water Reservoirs, will seek to ensure that development does not leave water supply more vulnerable to the increased impacts of climate change whereas draft Policy 18: Water Resources will take account of the potential impacts by development to the water environment.</td>
</tr>
<tr>
<td>MLPIC240</td>
<td>22</td>
<td>Turnberry Planning</td>
<td>Development management policies should require</td>
<td>The Development Management</td>
</tr>
<tr>
<td>Reference</td>
<td>Applicant/Expertise</td>
<td>Comments</td>
<td></td>
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<tr>
<td>MLPIC278</td>
<td>Hertfordshire University (Stephanie Gray)</td>
<td>applicants to fully assess and mitigate their impact on environmentally sensitive issues on neighbouring land uses, such as Bayfordbury Observatory. Should not consider applications where impact cannot be mitigated using precautionary principle where appropriate.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MLPIC292</td>
<td>Natural England (Gordon Wyatt)</td>
<td>See General Statement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MLPIC292</td>
<td>HCC Ecology (Martin Hicks)</td>
<td>Paragraphs 14.12 – 14.15 recognise that the natural environment is the main receptor for the impact of minerals extraction, as this will be directly damaged by the works themselves. Impacts can be addressed by means of appropriate restoration and aftercare to provide net gains. In Table 6, Policies 26 and 27 should also include Objectives 5 and 9, as in many cases these will be directly relevant to restoration and subsequent site management.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MLPIC298</td>
<td>HCC Landscape (Jennifer Clarke)</td>
<td>It is considered that the delivery of temporary or permanent landscape mitigation measures in advance of, and during the operational stage of any development would be taken on a site-by-site basis and the existence of a sensitive receptor such as the Bayfordbury observatory would be taken into consideration.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Comment noted. Once the objectives have been amended following this process of consultation, the objectives will be assigned to the relevant policies which will be drafted and included in the Draft Plan, currently scheduled for consultation in Autumn 2016.
<table>
<thead>
<tr>
<th>MLPIC313 22</th>
<th>HCC - Natural, Historic and Built Environment (Alison Tinniswood)</th>
<th>Fully support reference to valued landscapes, the determination of value should be based upon best practice guidance.</th>
<th>site-by-site basis and would usually be detailed in a phasing plan for the extraction works.</th>
</tr>
</thead>
</table>

We would welcome the inclusion of a statement specifically relating to Historic Environment, in line with those relating to Natural Environment, Transport, and Climate Change (p60-61).

Historic Environment will be included in the Heritage and Setting DM policy within the draft Plan. The text within the Initial Consultation was merely an introduction to some of the requirements of the Plan.
5. Subsequent Informal Consultation

Following the general agreement that the list of policies suggested in the Initial Consultation document was appropriate, County Council officers consulted Development Management officers at the County Council as well as officers from outside of the planning department to provide comments on the wording of a group of draft policies. This led to changes in policy wording as well as minor changes to policy headings. For example, the Water Resources policy became the Water Management policy and the Heritage and Setting policy became the Historic Environment policy.

These comments were incorporated where considered appropriate and presented to planning officers at the 10 district/borough councils within Hertfordshire as well as officers at the Environment Agency, Historic England and Natural England for further informal comments prior to the Draft Plan consultation.

Again, there was general consensus that the policies covered the correct issues and contained appropriate wording. Minor amendments were made to some of the environmental policies without changing the focus or processes of the original drafts.

6. Other Authorities approach to this issue

The following table shows the approach other mineral planning authorities to environmental policy in their adopted Mineral Local Plans:

<table>
<thead>
<tr>
<th>Mineral Local Plan</th>
<th>Environmental Policies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Essex Minerals Local (adopted 2014)</td>
<td>DM1 – Development Management Criteria</td>
</tr>
<tr>
<td></td>
<td>Proposals for minerals development will be permitted subject to it being demonstrated that the development would not have an unacceptable impact, including cumulative impact with other developments, upon:</td>
</tr>
<tr>
<td></td>
<td>1. Local amenity (including demonstrating that the impacts of noise levels, air quality and dust emissions, light pollution and vibration are acceptable),</td>
</tr>
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<td></td>
<td>2. The health of local residents adjoining the site,</td>
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<td></td>
<td>3. The quality and quantity of water within water courses, groundwafer and surface water,</td>
</tr>
<tr>
<td></td>
<td>4. Drainage systems,</td>
</tr>
<tr>
<td></td>
<td>5. The soil resource from the best and most versatile agricultural land,</td>
</tr>
<tr>
<td></td>
<td>6. Farming, horticulture and forestry,</td>
</tr>
<tr>
<td></td>
<td>7. Aircraft safety due to the risk of bird strike,</td>
</tr>
</tbody>
</table>
8. The safety and capacity of the road network,
9. Public Open Space, the definitive Public Rights of Way network and outdoor recreation facilities,
10. The appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness,
11. Land stability,
12. The natural and geological environment (including biodiversity and ecological conditions for habitats and species),
13. The historic environment including heritage and archaeological assets.


There are 27 saved General and Environmental Policies including:

- GE9 Landscape protection and Landscape
- GE10 Protection/ enhancement of trees and woodland
- GE11 Protection of sites of national nature conservation importance
- GE13 Species and Habitat Protection and Enhancement
- GE14 Archaeology
- GE15 Statutorily designated Historic Buildings and Sites
- GE16 Local Historic Buildings, Conservation Areas and Historic Environment sites
- GE19 Flooding
- GE20 Water Resources

Cambridgeshire and Peterborough Minerals and Waste Core Strategy (Adopted July 2011)

A range of policies are contained, including:

**CS33 Protection of Landscape Character**
Mineral and waste management development will only be permitted where it can be demonstrated that it can be assimilated into its surroundings and local landscape character area in accordance with the Cambridgeshire Landscape Guidelines, local Landscape Character Assessments and related supplementary planning documents.

**CS34 Protecting Surrounding Uses**
Mineral and waste management development will only be permitted where it can be demonstrated that there would be no significant harm to the environment, human health or safety, existing or proposed neighbouring land uses, visual intrusion or loss to residential or other amenities.

Mitigation measures will be required, including where appropriate a buffer zone, between the proposed development and neighbouring existing or proposed
sensitive land uses.

**CS35 Biodiversity and Geodiversity**

Minerals and waste management development will only be permitted where it has been demonstrated that there will be no likely significant adverse impact on sites of local nature conservation or geological interest, such as County Wildlife Sites or Regionally Important Geological Sites, or any landscape feature that is of principal importance for wild flora or fauna.

Where it can be demonstrated that there are overriding benefits development may be permitted subject to compensation and / or mitigation measures, including biodiversity creation and / or enhancement measures which must be put in place and managed.

Proposals for new habitat creation and enhancement must have regard to priorities set out in the Cambridgeshire and Peterborough Biodiversity Action Plan and supporting Habitat and Species Action Plans.

**CS36 Archaeology and the Historic Environment**

Mineral and waste development, including extraction and restoration, will not be permitted where there is:

a. an adverse effect on any designated heritage asset, historic landscape, or other heritage asset of national importance, and / or its setting unless there are substantial public benefits that outweigh that harm or loss

b. any significant adverse impact on a site of local architectural, archaeological or historical importance

Minerals or waste development may be permitted on a site of local archaeological importance where satisfactory mitigation measures (including preservation in situ of archaeological remains through appropriate, monitored management plans and/or archaeological investigation followed by the publication of the results in accordance with agreed written schemes of investigation) have been defined following consideration of the results of prior evaluation.

In fenland landscapes development proposals must also address the hydrological management of the site and the potential effects of draw down / de-watering impacts on known archaeological remains. This assessment may be required to address an area beyond the planning application boundary.

**CS39 Water Resources and Water Pollution Prevention**

Mineral and waste management development will only be
permitted where it is demonstrated that there would be no significant adverse impact or risk to:

a. the quantity or quality of surface or ground water resources; and
b. the quantity or quality of water abstraction currently enjoyed by abstractors unless acceptable alternative provision is made; and
c. the flow of groundwater at or in the vicinity of the site.

All proposed mineral and waste management development will be required to incorporate adequate water pollution control and monitoring measures.

| Kent Minerals and Waste Local Plan 2013-30 (Adopted July 2016) | **Policy DM 2**  
**Environmental and Landscape Sites of International, National and Local Importance**  
Proposals for minerals and/or waste development will be required to ensure that there is no unacceptable adverse impact on the integrity, character, appearance and function, biodiversity interests, or geological interests of sites of international, national and local importance.  
(this then contains additional detail on International Sites, National Sites and Local Sites)  

| **Policy DM 3**  
**Ecological Impact Assessment**  
Proposals for minerals and waste developments will be required to ensure that they result in no unacceptable adverse impacts on Kent’s important biodiversity assets.  

These include internationally, nationally and locally designated sites, European and nationally protected species, and habitats and species of principal importance for the conservation of biodiversity / Biodiversity Action Plan habitats and species.

Proposals that are likely to have unacceptable adverse impacts upon important biodiversity assets will need to demonstrate that an adequate level of ecological assessment has been undertaken and will only be granted planning permission following:

1. an ecological assessment of the site, including preliminary ecological appraisal and, where likely presence is identified, specific protected species surveys  
2. consideration of the need for, and benefits of, the development and the reasons for locating the development in its proposed location  
3. the identification and securing of measures to mitigate any adverse impacts (direct, indirect and cumulative)  
4. the identification and securing of compensatory
measures where adverse impacts cannot be avoided or mitigated for
5. the identification and securing of opportunities to make a positive contribution to the protection, enhancement, creation and management of biodiversity

The approaches varied from having broad all-encompassing policies to having large quantities of specific policies covering individual issues. The Draft MLP will contain a middle ground approach with a few key environmental policies containing a reasonable but not-exhaustive array of environmental requirements.

7. Way Forward for the Draft Plan

Following the Initial Consultation and subsequent informal consultation with officers at County Council, the district/borough councils and appropriate statutory consultee bodies, the following environmental policies were developed for the Draft MLP.

They have been grouped together with Chapter 13: Environmental Policies which contains supporting text explaining their purpose and content. The draft policies are proposed as follow:

Policy 15: Water Management

Proposals for mineral extraction and associated development, including restoration, will be required to take into account the impact on water supply, water quality and flood risk. Proposals will be permitted where it can be demonstrated that:

- there is no adverse impact to water quality, nature conservation and amenity value of water resources from the proposed development;
- the proposals reduce flood risk, taking account of climate change allowances, and do not cause adverse impacts on the flow and quality of surface and groundwater on the site and elsewhere;
- development or operations on the site are directed away from areas of high risk of flooding;
- developments meet the National and Local principles/standards for Sustainable Drainage Systems (SuDS) design to reduce surface water run-off; and
- restoration of the site will enhance water management and alleviate the risk of flooding.
Policy 16: Historic Environment

Proposals for mineral extraction and associated development will be permitted where it can be demonstrated that the proposal will protect, conserve and where appropriate enhance the historic environment.

Proposals will be required to describe the significance of any heritage assets affected by the proposals, including any contribution made by their setting, integrity and distinctiveness and the level of the impact within a Heritage Statement. The assessment should use relevant historic, archaeological, environmental and heritage asset records and appropriate expertise, where necessary, and inform mitigation measures proportionate to the affected heritage assets’ importance.

The county council will expect developers to record the evidence and make any archives and subsequent assessment publicly accessible to promote the understanding of the heritage asset.

Policy 17: Landscape and Green Infrastructure

Proposals for mineral extraction and associated development must take into account the existing landscape and should protect and/or enhance the landscape character, quality and visual amenity.

Proposals for mineral extraction and associated development will be permitted where it can be demonstrated that throughout the life time of the development (including restoration):

- there is no unacceptable landscape intrusion or loss of distinctive landscapes;
- the visual impact has been minimised through appropriate landscape and visual mitigation;
- the protection of designated landscapes (e.g. AONB) and sites (e.g. Ancient Woodlands) are maintained;
- continued long term improvements are made to the wider ecological networks and green infrastructure; and
- the landscape is strengthened, enhanced and the highest practicable environmental standards are achieved.

Proposals must assess the landscape character, quality and visual impact through a full Landscape and Visual Impact Assessment with reference to the Hertfordshire Landscape Character Assessment, other future relevant assessments and where appropriate the relevant management plan and landscape character assessment for AONB and Regional Park.
Policy 18: Biodiversity

Proposals for mineral extraction, associated development and restoration must provide opportunities for the delivery of the national and local biodiversity aims for net gains for biodiversity. The existing baseline conditions of ecological networks where evident, the Hertfordshire Strategic Green Infrastructure Plan and the relevant local plans for Green Infrastructure should be taken into account.

Proposals for mineral extraction and associated development will be permitted where it can be demonstrated that throughout the life time of the development (including restoration):

- the impact on biodiversity through loss of or damage to habitats and/or species is minimised;
- there is a net gain in biodiversity, during restoration and aftercare, where appropriate;
- biodiversity networks can be enhanced and contribute to the wider ecological networks and local green infrastructure;
- there is no irreversible or significant adverse impact on International and National statutory nature conservation sites (Special Areas of Conservation, Special Protection Areas, Ramsar sites, National Nature Reserves, Sites of Special Scientific Interest);
- the protection of priority habitats (including Ancient Woodlands, Veteran trees and priority species) is promoted and maintained;
- adequate mitigation is in place to compensate for irreversible damage or loss of European Protected Species including their place of rest/shelter.

Proposals must submit an ecological survey and scheme for monitoring the biodiversity within the site prior to, during and after extraction.

Policy 19: Protection and Enhancement of Environment and Amenity

Proposals for mineral extraction and associated development will be permitted where all of the following are clearly demonstrated:

- consideration has been given to the natural, built and historic environment, public health and safety, quality of life and amenity;
- assessments have shown there will not be any unacceptable adverse impacts or harm to the natural, built and historic environment and amenity;
- appropriate mitigation measures have been incorporated to protect the natural, built and historic environment and amenity; and
- where possible, enhancements have been made to the natural, built and historic environment and amenity.