1. Introduction

The purpose of this topic paper is to examine the current adopted policies used for minerals planning and their relationship to national policy to ascertain whether there is a need to update the current policies. The Minerals Local Plan was adopted in 2007 and since then there has been changes to national policy and guidance; examples of recently adopted Minerals Local Plan under the new national policy and guidance have also been examined.

This topic paper includes an introduction to the current policies; a summary of the review of national policy, other Minerals Authorities’ Local Plans and internal and external strategies and plans. From this assessment, this paper summarises the type of policies needed going forward with the review

2. Current adopted HCC policies

The current minerals policies for Hertfordshire are set out in the Hertfordshire Minerals Local Plan adopted 2007 and are split into two categories - strategic and operational policies.

Strategic policies are high level policies which aid the delivery of the overall strategy of the plan. These policies cover the types of applications which could be received by the Minerals Planning Authority. The purpose of these policies is to maintain Hertfordshire characteristics whilst balancing the need for local, land-won minerals. The current Minerals Local Plan has 10 strategic overarching policies covering the following:

- Minerals Policy 1: Aggregates Supply
- Minerals Policy 2: Need for Mineral Working
- Minerals Policy 3: Sites for Sand and Gravel Extraction and the working of Preferred Areas
- Minerals Policy 4: Applications outside Preferred Areas
- Minerals Policy 5: Mineral Sterilisation
- Minerals Policy 6: Other Non-energy minerals
- Minerals Policy 7: Secondary and Recycled Materials
- Minerals Policy 8: Recycling Facilities on Mineral Sites
- Minerals Policy 9: Contribution to Bio-diversity
- Minerals Policy 10: Railheads and Wharves

Operational policies are more detailed, looking at impacts of the operation and the day to day working of the site. The purpose of these policies is to provide a framework to ensure that mineral extraction takes place in an environmentally
acceptable way and contributes to the objectives of sustainable development. The Minerals Local Plan has nine operational policies which cover the following:

- Minerals Policy 11: Cumulative Impact
- Minerals Policy 12: Landscape
- Minerals Policy 13: Reclamation Scheme
- Minerals Policy 14: After Use
- Minerals Policy 15: Landfill
- Minerals Policy 16: Transport
- Minerals Policy 17: Criteria for the control of mineral development to protect critical capital and other environment assets
- Minerals Policy 18: Operational criteria for the control of mineral development
- Mineral Policy 19: Enforcement of Planning Control

3. National Policy Audit

Officers undertook a review of the adopted policies against current national policy and guidance, and identified a need to make moderate changes to policy within the emerging MLP. In summary it was identified that the policies must:

- Be positively worded
- Give specific criteria for the control of environmental impacts
- Remove any reference to the Regional Spatial Strategies which are no longer in existence
- Give regards to the sub-national apportionment and the use of the Local Aggregate Assessment, which is now a requirement for Mineral Planning Authorities to produce, to determine the size of landbanks
- Manage mineral extraction through a network of Strategic Sites, Preferred Areas and/or Areas of Search
- Protect against mineral sterilisation through Minerals Safeguarding Areas and Minerals Consultation Areas

Many of the current adopted policies contain reference to previous national policy, guidance and the Managed Aggregate Supply System Guidance. Although national policy has changed, much of this detail has remained within the National Planning Practice Guidance (NPPG).

National policy states the importance of maintaining a landbank of nationally important mineral to enable growth. For Hertfordshire this is an aggregates landbank of a minimum of seven years for sand and gravel and a 25 year supply of brick clay. The new Minerals Local Plan will need to reflect these requirements.

National policy also maintains the importance for Hertfordshire to play its role in the Aggregate Working Party (AWP) in line with the NPPG. The AWP continues to have a central role in providing the mineral need nationally, sub-nationally and locally. The AWP is made up of Mineral Planning Authorities and other relevant industry representatives as a technical group looking at the data on aggregate demand and supply in their area. The group provides advice to individual Mineral
Planning Authorities on the Local Aggregate Assessment and the overall demand and supply for the Aggregate Working Party area. The overall aggregate provision in England is then monitored by the National Aggregate Co-ordinating Group.

The policy audit identified that methods of working and environmental assessment have developed over time, thus requiring the strengthening of existing policies within the emerging MLP. This will allow the Minerals Planning Authority to require more assessments at an application stage to ensure any significant adverse impacts from the proposed development on amenity, wildlife habitats and the natural and built environment are properly assessed and mitigation measures are put in place where necessary.

It is acknowledged that minerals can only be worked where they are found. However the cumulative impact of minerals sites will need to be addressed in the Minerals Local Plan review. This includes not only likely impacts from the development on the local area, but impacts by the working of individual sites or from a number of sites in a locality.

The review also emphasises the need for sites to be restored to a high environmental standard as soon as practicable, normally initiated through a phased approach. Details of reclamation should be included with any proposal for extraction and if necessary (exceptional circumstances) assisted with legal agreements to ensure guarantee of a sites restoration.

4. Reviewing other Mineral Planning Authorities Local Plans

In reviewing other Mineral Planning Authorities Local Plans policies, the key areas that the review of the Hertfordshire Minerals Local Plan needs to address include:

- **Sustainable Development** - Presumption in favour of sustainable development reflecting the approach within the NPPF Paragraph 15 in which Local Plans should be based upon and reflect presumption in favour of sustainable development with clear policies that will guide how presumption should be applied locally. Although there is no standard policy wording, the new policy should include a positive approach to Sustainable Development.

- **Sustainable provision of minerals** - new policies should include wording around a steady and adequate supply of minerals and encourage the use of secondary and recycled aggregates as required by the NPPF. In this instance, the use of alternatives to primary land won materials should be considered before further sites for extraction if needed to meet the sub national apportionment for sand and gravel.

- ** Provision for Clay** to meet the need for a 25 year supply. Many of the policies examined support existing brickworks. Hertfordshire has one existing brickworks, it is therefore suggested that a separate policy for clay is developed. With regards to new sites coming forward or extensions to
existing sites, example policies supports extension to existing sites where permitted reserves are insufficient to maintain the 25 year supply.

- **Climate Change** – A new policy is needed to reflect key national policy drivers including the Kyoto Protocol, the Climate Change Act 2008, Flood and Water Management Act 2010 and the NPPF. The policy will need to consider issues such as:
  - Greenhouse gas emissions
  - Energy Use
  - Water efficiency
  - Sustainable Drainage Systems (SuDS)
  - Restoration and after-use

- **Mineral Safeguarding Areas (MSA) and Mineral Consultation Areas (MCA)** – a new policy is needed to review the existing Mineral Consultation Areas and include Minerals Safeguarding Areas and Mineral Consultation Areas to reflect the requirements in the NPPF and NPPG. The current MCA Supplementary Planning Document is being reviewed as part of the MLP.

- **Borrow pits** – from the policies examined, the criteria that would need to be included in a policy on borrow pits includes:
  - Supply – what the project is in relation to i.e. a major project
  - Timescales – short term i.e. the sites not being retaining longer than needed
  - Environmental benefits and mitigation measures minimising any significant adverse environmental impacts

- **Agricultural Reservoirs resulting from mineral extraction** - Proposals for this type of development will need to be considered on their own individual merits. If an separate policy is developed the key issues to consider are:
  - Whether the proposal involves taking the extracted mineral off site and where mineral is going to be processed?
  - Need for the minerals to be considered in line with the county mineral resources and landbank
  - The need for sustainable water management and water supply

- **Groundwater, surface water and sustainable drainage** some Mineral Local Plans cover the issues of flood risk and sustainable drainage within policies relating to climate change. However the key points that need to be considered by a water based policy include reducing surface run-off, the provision of sustainable drainage to not increase overall flooding in the area.

- **Secondary and Recycled Aggregates** – the key issues raised in examining other policies include:
  - Consideration of the change of temporary to permanent facilities and the need to demonstrate that this change would not cause significant adverse environmental impacts.
o Suitable locations - including existing quarries and appropriate waste management sites, provided that any negative impacts can be avoided or mitigated to an acceptable level
o Recycling facility permitted within an existing quarry – making sure that the duration of the development does not prejudice the restoration or long term enhancement of the site
o Sites located within the green belt – the need to preserve the openness of the green belt

- Soils – sustainable management of soils and direct placement is an issue that the review of the plan may need to consider, this includes protection of high quality soils and agricultural quality. The policies examined have taken a criteria based approach for development on agricultural land 1, 2 and 3a and include the following key points:
  o high standard soil management to return sites at least as good as previous standard;
  o benefit of restoring land to other use outweighs the loss of the use of agricultural land;
  o protection of soils during construction/extraction

- Unconventional Oil and Gas explorations – Hertfordshire does not currently have any commercial reserves in the county. Consideration was given regarding the need for a policy to deal with any applications for Oil and Gas development if they were to come forward in the future. If a policy is developed consideration should be given to environmental and amenity impacts and suitable site location. If an individual policy is not developed the other operational policies within the plan should be sufficient to be able to deal with this issue.

5. Reviewing Internal Plans and Strategies

In reviewing internal plans and strategies, the Minerals Local Plan needs to take account of the following.

The Hertfordshire County Council (HCC) Corporate Plan 2013-2017 aims to ensure Hertfordshire remains a county where people have the opportunity to live healthy, fulfilling lives in thriving prosperous communities.

Hertfordshire’s Local Transport Plan (LTP) 2011-2013 and its review document which aims to provide a safe, efficient and resilient transport system that keeps the county moving, supports economic growth, maintains and enhances the environment and reduces greenhouse gas emissions. Transport is currently covered under Policy 16. This policy needs to reflect the aims the LTP. This policy will need to take account the need to reduce carbon emissions and maximise sustainable transport where possible.

The Councils strategy for Hertfordshire’s Landscape through the Landscape Character Assessments aim’s to develop and implement Green Infrastructure (GI) for multifunctional areas. The Minerals Local Plan uses the Landscape Character Assessments to ensure the landscape retains it character after extraction.
Landscape is covered by Chapter 4 and Policy 12 (Landscape) which explains how Landscape Character Assessment’s help to identify the features in the landscape, monitoring change, understanding the locations sensitivity and informing conditions for any development or change. The review of policies for restoration should also reflect Hertfordshire’s overall strategy for the landscape aiming to develop and implement GI areas and networks, as an integral part of mineral restoration.

Mineral Consultation Areas in Hertfordshire (Supplementary Planning Document January 2008), was produced to prevent mineral sterilisation in certain areas. This SPD also provides protection for rail depots and mineral resource blocks in the north of the county. The current SPD will be reviewed as part of the review of the Minerals Local Plan and will need to link to the current policies for mineral sterilisation and the safeguarding of rail depots and wharves.

6. Reviewing External Plans and Strategies

In reviewing external plan and strategies, the Minerals Local Plan needs to take account of the following.

Hertfordshire Local Enterprise Partnership (LEP) is a business-led partnership which aims to boost the local economy and create new jobs. The LEP has produced a Strategic Economic Plan (SEP), which has secured an investment of £200 million up until 2020/21. The aim of the LEP/SEP is to deliver 16,600 new homes, 12,000 new jobs and boost the local economy by £3 billion by 2030. The MLP should recognise the aims and objectives of the LEP to ensure minerals are considered as part of the growth of the county. Hertfordshire County Council’s Local Aggregate Assessment is a background document to the MLP and includes known major development schemes within and around the county that may require the supply of minerals. Appendix 4: Summary of Hertfordshire’s Characteristics would be a suitable place for this in the review.

The Biodiversity Action Plan (BAP) for Hertfordshire is set up by Hertfordshire Environmental Forum which aims to stimulate environmental awareness and encouragement of involvement, as well as sustainability at all levels. The Minerals Local Plan includes a policy for the contribution to Biodiversity (Policy 9). The need for mineral sites to monitor biodiversity throughout the whole extraction time, including restoration, should be included within the review. The monitoring of biodiversity would ensure that any changes or affects that may occur are recorded.

The Chilterns Area of Outstanding Natural Beauty (AONB) Management Plan 2014-2019 produced by the Chilterns Conservation Board aims to conserve and enhance the natural beauty (landscape, farming and forestry, biodiversity, water environment and historic environment), increase understanding and enjoyment as well as foster social and economic wellbeing. The Minerals Local Plan contains two policies which relate to the AONB, (Policy 9- the Contribution to Biodiversity and Policy 12 – Landscape). The Countryside Rights of Way Act (2000) places a duty on all Local Authorities to produce plans which outline policies for the management of AONBs.
7. Suggested Policies at Initial Consultation Stage

After reviewing national policy, other Mineral Local Authority Plans, internal and external strategies, a meeting was held with Development Management officers at the County Council to discuss future policies for the review of the Minerals Local Plan.

Following the conclusion of this work, the list of policy headings below were compiled and put forward at the Initial Consultation Stage:

Policy 1: Sustainable Development
Policy 2: Climate Change
Policy 3: Sustainable Provision of Minerals
Policy 4: Aggregate Supply
Policy 5: Secondary and Recycled Aggregates
Policy 6: Clay
Policy 7: Chalk
Policy 8: Mineral Safeguarding Areas and Mineral Consultation Areas
Policy 9: Mineral Sterilisation
Policy 10: Working of Specific Sites or Preferred Areas
Policy 11: Applications outside Specific Sites or Preferred Areas
Policy 12: Sustainable Transport
Policy 13: Railheads and Wharves
Policy 14: Borrow Pits
Policy 15: Water 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: Public Rights of Way
Policy 25: Soils and Agricultural Land
Policy 26: Restoration
Policy 27: After-care and After-use

Policy 1 -15 were referred to as strategic policies and policies 17 – 27 as operational policies.

The purpose of the consultation was to determine whether interested parties felt that the revised list of policies was appropriate or whether it omitted topics that should be included in the review of the Minerals Local Plan.

8. Response to Initial Consultation

The suggested policies were assessed against a series of three questions (stated as Issues 21-23 in the Initial Consultation Document), to determine whether or not they met the draft objectives of the Plan and covered all the necessary topics. The three issues taken forward to Initial Consultation were as follows:
Issue 21

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

There was a general consensus that the list of strategic policy headings contained the necessary topics related to minerals planning. It was not always clear to consultees where a particular topic would be included within policy so the policy headings will be reviewed to ensure clarity in the draft Minerals Local Plan.

There was some confusion regarding the difference between Strategic Policies and Development Management policies. This may have been due to the two lists being separated in the Initial Consultation document. A decision will be made regarding whether or not to keep Strategic and Development Management policies separate in the draft Plan. This decision will be based on the layout and clarity of the document together with policy considerations.

Specific policy wording will be included and consulted on as part of the draft Minerals Local Plan.

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 from representations to the consultation and from Development Management input that the list of Development Management policy headings contained the necessary topics related to minerals planning. It was not always clear to consultees where a particular topic would be included within policy so the policy headings will be reviewed to ensure clarity in the draft Minerals Local Plan.

A decision will be made regarding whether or not to keep Development Management policies separate from Strategic policies in the draft Plan. This decision will be based on the layout and clarity of the document together with policy considerations.

Specific policy wording will be included and consulted on as part of the draft Minerals Local Plan.

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?

There was a general consensus that the draft list of policy headings meets the draft objectives. Following revisions to the draft objectives taking account of the representations received from this consultation, the policy headings will be
reviewed to ensure clarity in the draft Plan and policy wording will be drafted with an aim to ensure the list of policies continues to meet the objectives.

Please see the next pages for examples of consultee representations and HCC responses to Issues 21-23.
<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>MLPIC176</td>
<td>21</td>
<td>Mineral Products Association (David Payne)</td>
<td>Yes - There may be some duplication eg. Policies 8 and 9 both address Safeguarding and Sterilisation</td>
<td>The overriding response to Issue 12 was to include two separate policies on this subject, one to identify the extent of MSA and MCAs and the thresholds for consultation with the County Council, and one policy to encourage the prior extraction of minerals as part of non-minerals developments.</td>
</tr>
<tr>
<td>MLPIC341</td>
<td>21</td>
<td>Welwyn Hatfield Borough Council (Sue Tiley)</td>
<td>WHBC considers that there should be a strategic policy which sets out the requirements for different types of mineral, including sand and gravel, in the county and what the strategy is for delivering that. It is not clear from the list whether this will be covered.</td>
<td>The requirements for the quantities of different minerals will be set out in Policy and supporting text.</td>
</tr>
<tr>
<td>MLPIC42</td>
<td>21</td>
<td>Hertsmere Borough Council (Richard Blackburn)</td>
<td>Yes - Policy headings covers all topics provided it is handled succinctly</td>
<td>See General Statement</td>
</tr>
<tr>
<td>Comment ID.</td>
<td>Issue No.</td>
<td>Name of Consultee</td>
<td>Summary of Representation</td>
<td>HCC Response</td>
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<tr>
<td>MLPIC158</td>
<td>22</td>
<td>Cemex UK Operations Ltd (Kirsten Hannaford-Hill)</td>
<td>Yes - development management policy headings cover all topics. Suggest adding depots/ancillary infrastructure to Policy 13.</td>
<td>Rail heads and associated infrastructure at the site will be safeguarded under Policy 13, as instructed by the NPPF (para 143), to ensure that infrastructure for sustainable transport of minerals by rail is available should there be a demand for it. Additional activities that may have permission from LPAs will not be included in the MLP.</td>
</tr>
<tr>
<td>MLPIC313</td>
<td>22</td>
<td>HCC - Natural, Historic and Built Environment (Alison Tinniswood)</td>
<td>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).</td>
<td>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.</td>
</tr>
<tr>
<td>MLPIC341</td>
<td>22</td>
<td>Welwyn Hatfield Borough Council (Sue Tiley)</td>
<td>WHBC considers that the list of DM Policies should be expanded to cover the same issues used for the selection of sites for example the inclusion of proximity of allocated residential or built development and associate noise and dust impacts. It is not clear if these are all covered in this list.</td>
<td>It is considered that the contents of the DM policies will closely match the list of criteria in the Site Selection Methodology. Rather than duplicating the site selection list, the list of DM policies will have fewer headings but incorporate more detailed requirements that are required at the planning application stage. The two lists perform different roles and as such should be drawn up to perform these roles specifically. It is anticipated that the policy entitled General Environmental and Amenity Protection will contain reference to impacts from noise, light, dust and other pollutants, though the title of the policy will be reviewed to ensure clarity in the draft Plan.</td>
</tr>
<tr>
<td>Comment ID.</td>
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<td>Name of Consultee</td>
<td>Summary of Representation</td>
<td>HCC Response</td>
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<tr>
<td>MLPIC341</td>
<td>23</td>
<td>Welwyn Hatfield Borough Council (Sue Tiley)</td>
<td>This will depend on the wording of the policies</td>
<td>Comment noted. The wording will be drafted and reviewed taking account of the objectives.</td>
</tr>
<tr>
<td>MLPIC278</td>
<td>23</td>
<td>Natural England (Gordon Wyatt)</td>
<td>Yes</td>
<td>See General Statement</td>
</tr>
<tr>
<td>MLPIC106</td>
<td>23</td>
<td>SLR Consulting Ltd on behalf of Brett Aggregates Ltd (Chris Lowden)</td>
<td>Yes - policy headings meet the objectives.</td>
<td>See General Statement</td>
</tr>
</tbody>
</table>
9. Way forward for Draft Plan

The suggested policies going forward for the Minerals Local Plan review have been altered in response to the Initial Consultation. It was apparent that certain amendments were required to make the content of policies clearer. This required a combination of changes to policy headings, merging of policies and the addition of one policy. The changes made to the list of policy headings after the Initial Consultation were as follows:

- Policy 8: Mineral Safeguarding Areas and Mineral Consultation Areas and Policy 9: Mineral Sterilisation have been merged together to form Policy 8: Mineral Safeguarding
- Policy 3: Sustainable Provision of Minerals, was not taken forward on revision of the draft plan
- Policy 10: Concrete Batching, Asphalt and Coated Stone Plants has been introduced into the list of policies for the Draft Plan
- Policy 11: Applications outside Specific Sites or Preferred Areas, was not taken forward on the revision of the draft plan

Below is the list of Proposed Policies included in the Draft 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
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