Hertfordshire County Council
Minerals Local Plan Review

Draft Minerals Local Plan and Minerals Local Plan Omission Sites Consultations

STATEMENT OF ISSUES RAISED

September 2018
1 Introduction to the ‘Statement of Issues Raised’ document

This document has been prepared to help summarise the large number of representations received by Hertfordshire County Council in response to the consultations on the Draft Minerals Local Plan (DMLP) and the Draft Minerals Local Plan Omission Sites documents.

Background

The DMLP was the first published draft version of the emerging minerals planning document for Hertfordshire which, once adopted, will become part of the statutory Development Plan for the county.

It was prepared under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The DMLP document contained a spatial portrait of Hertfordshire, vision and objectives for mineral development, policies to implement the vision and objectives throughout the Plan period, and sites for potential mineral extraction.

The Omission Sites document contained details of the sites which were assessed and considered for inclusion in the DMLP, but following site assessment procedures, were excluded from the published document.

Over 5,000 representations were submitted in total during the consultation period from 04 December 2017 to 09 February 2018. Of these, 3,252 representations were submitted regarding the DMLP and 1,839 regarding the Omission Sites document.

Document Layout and Content

The response to the two consultation exercises was significant, and several reoccurring themes were expressed throughout the majority of representations. Consequently, it was considered appropriate to produce a document that simplified the responses thematically, and removed duplication between consultee representations where possible.

This document, called the ‘Statement of Issues Raised’, presents Hertfordshire County Council’s responses to the reoccurring issues expressed, and has been developed to be read as suitable standalone document, but can also be read alongside the Cabinet Panel Report presented of the Hertfordshire County Council Growth, Infrastructure and Planning Cabinet Panel meeting on 20 September 2018 (https://democracy.hertfordshire.gov.uk/ieListDocuments.aspx?CId=218&MId=1154&Ver=4).

The Statement of Issues Raised is ordered thematically.

- Chapters 2 – 25 provide the county council’s response to the reoccurring issues that arose in representations received for the DMLP. Responses ordered by chapter from the DMLP document. In some instances, the number of representations necessitated the representations to be ordered by more than just chapter number.
Chapter 26 provides the county council’s response to representations from the DMLP Omission Sites document.

A compilation of summaries of all individually submitted representations can be found on the council’s Draft Mineral Local Plan webpages (www.hertfordshire.gov.uk/draftmineralslocalplan). This document, called the “Table of All Representations Received on the Hertfordshire County Council Draft Minerals Local Plan and HCC Responses”, comprises a table which arranges all the individually submitted representations in DMLP order. The HCC Response column within the table refers the reader to specific responses within this document for the majority of representations. A small number of representations requiring no further action have been responded to directly in the table and are excluded from this document. Representations that suggested making amendments to wording of policies or supporting text will be considered in the production of the Proposed Submission Minerals Local Plan.

The key documents referenced in this report are listed in a bibliography at the end of the document with hyperlinks provided.
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Acronyms

   This refers to the Draft Minerals Local Plan document published for consultation between 04 December 2017 and 09 February 2018.

2. **HCC** – Hertfordshire County Council
   Hertfordshire County Council has a statutory obligation as Mineral Planning Authority for Hertfordshire to plan for minerals in the county.

3. **MLP** – Minerals Local Plan
   In accordance with the Town and Country Planning Act 1990 (as amended), Hertfordshire County Council has a duty to prepare and review a Minerals Local Plan. The county council is in the process of reviewing the Minerals Local Plan.


5. **NPPG** – National Planning Practice Guidance.
   The National Planning Practice Guidance expands on the National Planning Policy Framework.

6. **SA** – Sustainability Appraisal.
   Sustainability Appraisal is a statutory requirement of the Planning and Compulsory Purchase Act 2004. It is designed to ensure that the Development Plan Document preparation process maximises the contribution that a Plan makes to sustainable development and minimises any potential adverse impacts.
2 General Comments Regarding the Plan

Draft Minerals Local Plan and Omission Sites Document

Issue 2.1 The Draft MLP and Omission Sites Documents are inadequate and should be redrafted taking account of comments submitted.

HCC Response: In accordance with Regulation 18 (3) of the Town and Country Planning (Local Planning) (England) Regulations 2012, all representations received during both the DMLP consultation and the DMLP Omission Sites consultation will be taken into account by the county council.

The DMLP document will be redrafted in light of representations received during the consultation ahead of publication of a Regulation 191 Proposed Submission version of the DMLP.

Issue 2.2 What will the Plan period be?

HCC Response: The DMLP document has been prepared to plan for future minerals supply within Hertfordshire and to help determine and guide proposals for the extraction of minerals and associated development. Plans must cover at least a 15 year period from the date that they are adopted. This means that the time period the plan will cover will be a minimum of 15 years after it is adopted. The current timeframe from 2016 – 2031 may need to be amended to reflect the delay in plan production.

The provisional date of adoption for the emerging MLP is summer 2020. The county council is currently reviewing its Minerals and Waste Development Scheme which sets out the timetable for the production of planning documents prepared by the Minerals and Waste Planning Authority.

Whilst the plan period will cover a 15 year period, the county council has a commitment to review the MLP every 5 years after it has been adopted.

1 Town and Country Planning (Local Planning) (England) Regulations 2012
3 Commenting on the Plan

Consultation Procedure

Issue 3.1 The consultation timeframe was not appropriate.

HCC Response: It is very difficult to find a timeframe that would be suitable to everyone and the planning documents have to follow the set process for their production. The DMLP and DMLP Omission Sites documents were published for consultation for a ten week period starting at 9am on Monday 04 December 2017 and ending at 5pm on Friday 09 February 2018.

The timing of the consultation period was determined by the internal decision making procedures that form Hertfordshire County Council’s constitution and had to be followed in order to gain permission for a public consultation.

On 01 November 2017 the DMLP was presented to the Environment, Planning and Transport Cabinet Panel where it was recommended that the document be published for consultation. Papers, minutes and a draft copy of the DMLP from this Cabinet Panel meeting can be read online at:


The DMLP was taken to Cabinet on 13 November 2017. The Chairman of the Environment, Planning and Transport Cabinet Panel made the recommendation to Cabinet that the document should be published for consultation.

The final stage of Councillor-involvement to approve the DMLP for public consultation was County Council, where the document was presented to all elected Councillors as part of the full County Council, and a vote was held to decide whether the document may be published. The DMLP went to the last County Council of 2017, held on 21 November 2017. County Councillors voted that public consultation could begin on 04 December 2017.

Legislation and Hertfordshire County Council’s adopted ‘Statement of Community Involvement’ (January 2013) dictate that planning consultations should last a minimum of six weeks. It is common practice for consultations to be extended to eight or ten weeks when they fall across holiday periods. The consultation period was extended by four weeks to take account of the Christmas break.

Officers offered reasonable extensions to consultees upon request and continued to accept representations after the formal consultation period deadline and.

Issue 3.2 Consultation publicity was insufficient.

HCC Response: The DMLP and DMLP Omission Sites documents (and supporting documents) were available to view online throughout the consultation period, either on the county council’s online consultation portal (Objective), on the HCC Minerals Planning webpages or on the HCC Consultations webpages:

HCC consultation portal: http://hertscconsult.objective.co.uk/portal
Hard copies of the DMLP document and Sustainability Appraisal (SA) were available to view at County Hall, Hertford, as well as all county libraries, public deposit points, and District and Borough Council offices. Additional hard copies were provided to people upon request.

CD ROMs containing all of the consultation and supporting documents were sent to all county libraries, public deposit points, District and Borough Council offices and all Hertfordshire and adjoining Parish Councils.

Site notices were placed at all three Proposed Specific Sites and the Proposed Preferred Area on 01 December 2017 and were taken down at end of the formal consultation period.

Using GIS data available to the county council, a letter notifying local residents about the consultation was sent to all addresses within 250 m of the three Proposed Specific Sites and the Proposed Preferred Area. This totalled 1,222 letters.

It was not considered necessary to hold public stakeholder events but when attendance was requested at public events or Parish Council meetings, officers attended or arranged alternative representatives from the Council attended and were well-informed of the proposals. Stakeholders were informed how to respond to the consultation within the DMLP document, on notification letters and on the official response form. Contact details of the Minerals and Waste Policy Team were also provided if consultees required further information or advice and officers responded to all emails and phones calls.

Issue 3.3 Who was directly consulted for the Draft Minerals Local Plan?

HCC Response: In line with the county council’s adopted ‘Statement of Community Involvement’, the county council notified numerous stakeholders directly regarding the Draft Minerals Local Plan.

This included but was not limited to:

- All Hertfordshire Parish Councils and adjoining Parish Councils;
- All Hertfordshire District and Borough Councils and adjoining authorities;
- Statutory consultation bodies (including the Environment Agency, Natural England and Historic England);
- Duty to Cooperate bodies (including the Local Enterprise Partnership);
- Local MPs and MEPs;
- Members of industry;
- Industry representatives;
- Known community groups;
- Households within 250 m of Proposed Specific Sites and Proposed Preferred Areas identified within the DMLP;
- Consultees from previous stages of consultation;
- Consultees who requested to be added to the consultation database prior to the consultation start date.

Stakeholders were contacted by email or letter. Certain consultees received copies of the DMLP documentation either in hard copy or on a CD ROM. A reminder letter/email was sent to stakeholders two weeks before the consultation deadline.

Issue 3.4 Residents are concerned that the council has not considered the local community in the consultation process.

HCC Response: Whilst the DMLP was the first document published as part of the MLP review to contain sites for future mineral extraction, and as such was the first to gain such public interest, the review of the MLP has been ongoing since 2014. Multiple aspects of formal and informal consultation have occurred as part of the review which have been undertaken in line with the county council’s adopted ‘Minerals and Waste Development Scheme’ and ‘Statement of Community Involvement’.

Previous consultations have been appropriately publicised, enabling responses from a wide variety of stakeholders. Responses have helped to determine the strategic content of the emerging Plan and to develop a Site Selection methodology with which sites could be objectively assessed prior to inclusion in the Regulation 18 DMLP.

The DMLP was produced to allow interested parties, including members of the public, to submit representations on the identified and omitted sites/areas for the county council to consider in the preparation of a Proposed Submission MLP.

Using GIS data available to the county council, a letter about the Regulation 18 DMLP consultation was sent to all addresses within 250 m of the three Proposed Specific Sites and the Proposed Preferred Area, totalling 1,222 letters.

Issue 3.5 Residents believe the decision to identify areas/sites, and the potential resultant mineral extraction, should be subject to a democratic vote and not decided through the planning process.

HCC Response: Elected County Councillors are important decision-makers throughout the entire duration of a Local Plan review. This is the case for the Hertfordshire MLP review.

The planning system was established to regulate the development and use of land for determining planning applications (development management). Known as the ‘Plan-led system’, each planning authority is required to produce a Development Plan which sets out the land-use policies that will subsequently be used when making planning decisions.

Hertfordshire County Council is the Minerals Planning Authority for the county, and has a statutory responsibility to plan for future minerals supply within Hertfordshire and determine proposals for the extraction of minerals and associated development.
Under Regulation 18 (and subsequently Regulation 19) of the Town and Country Planning (Local Planning) (England) Regulations 2012, the county council has a statutory responsibility to consult on the emerging MLP and to invite and consider representations received by different stakeholders and interested parties.

All stages of plan production are produced in line with regulations and also in accordance with the county council's procedures. Planning documents are taken to a cross party Cabinet Panel for discussion and member consideration. Draft plans and decisions to undertake consultations are also taken to the Cabinet (which is made up of Executive Members) and also ratified by Full Council (all elected County Councillors). Following a minimum of two stages of public consultation (Regulation 18 and Regulation 19), an independent Planning Inspector, appointed by the Secretary of State will hold an Examination in Public to determine whether the Plan has been prepared in accordance with legal and procedural requirements, and whether it is sound.

Modifications deemed necessary by the Planning Inspector to make the Plan 'sound' following the Examination in Public are then subject to an additional round of public consultation. The final version of the emerging Plan is presented to all 78 democratically elected County Councillors at full County Council. At County Council, Councillors will then vote and decide whether the emerging Minerals Local Plan should be adopted.

**Online Consultation Portal**

**Issue 3.6** Methods of responding to consultation were not user friendly, particularly the online consultation portal.

**HCC Response:** The DMLP and DMLP Omission Sites consultation were hosted on the county council's online consultation portal (Objective). The online consultation portal is used by the county council and many other Local Planning authorities for numerous reasons.

It is a portal that is publically available that allows consultees to register for an account themselves. Users can navigate to specific sections of published documents online using the expandable table of contents, or page by page if desired. Objective was set up so that consultees could add comments on any specific part of the document. Using the ‘Add Comments’ buttons, which were linked to every single paragraph or table or diagram, consultees could submit comments at the exact location they wanted.

By allowing consultees to have their own account, it allows consultees to view or amend their representation/s and set up alerts for future consultations. Objective also allows consultees to view all representations made by other individuals, anonymously, in compliance with General Data Protection Regulations.

Alternatively, officers within the Minerals and Waste Policy team were able to register consultees who didn’t use the portal onto the system so that their comments would also be publically visible.
It was possible to view and download the DMLP and DMLP Omission Sites document, and all supporting documents online through the portal as PDFs, or on the HCC Minerals Planning webpages.

For consultees who did not want to or could not access the consultation portal, the DMLP document (and supporting Sustainability Appraisal,) was available in hard copy at County Hall, Hertford, as well as all county libraries, public deposit points, and all District and Borough Council offices.

Representations could be received directly on the portal, or via email or post. Responses could not be accepted over the telephone. This was to ensure representations could not be misinterpreted and that we received the correct data protection consent.

Issue 3.7 “Questions” were attached to the consultation document were confusing.

HCC Response: Consultees could comment on any part of the DMLP or DMLP Omission Site document.

There were no set questions to complete. An official form was provided that could be downloaded online, either from the HCC Minerals Planning Webpages or online consultation portal. Consultees were asked to note which part of the consultation they were responding to, and were then welcome to write their representation in a text box provided.

The form layout was replicated on the online consultation portal for consultees who chose to respond directly online.

Issue 3.8 Consultees cannot see comments made by other consultees.

HCC Response: All comments received were logged on to the online portal and could be viewed. In line with the General Data Protection Regulations (2018), no personal data was viewable.

The Draft Minerals Local Plan Document

Issue 3.9 The consultation document is lengthy and not comprehensible

HCC Response: We understand that planning documents are unavoidably lengthy with technical content. The DMLP and DMLP Omission Sites documents are technical planning documents, which must include and cover all statutory legislative and National Policy requirements to guide and control development within the authority. The DMLP sets out:

- The spatial portrait of Hertfordshire;
- A vision and objectives for the Plan;
- The quantified need for mineral development;
- Identified mineral sites / areas for future mineral extraction;
- Mineral reserves and infrastructure that should be safeguarded;
• Policies against which future planning applications will be determined to balance the need for development against the impacts of proposed development; and
• Targets and Indicators with which the emerging MLP will be monitored.

As such, whilst the document was written to be understood by experts and non-experts alike, the inclusion of technical language and content is unavoidable.

To help consultees understand the content of the DMLP, a number of topic papers providing additional details were published on the consultation portal and on the county council webpages. The topic papers covered the following subjects:

• Apportionment;
• Brick Clay;
• Chalk;
• Concrete Batching, Asphalt and Stone Coating Plants;
• Environmental Policies;
• Minerals Safeguarding;
• Non-Conventional Extraction;
• Policies;
• Railheads and Wharves;
• Site Selection; and
• Transport.

Issue 3.10 The information made available to the public does not allow readers to identify affected areas.

HCC Response: The document was uploaded to the county council's online consultation portal where readers could use an expandable table of contents to locate specific areas of interest within the Plan. As such, consultees were not required to read the entire documents but could select the relevant chapter/s prior to submitting comments.

For consultees who did not want to use the consultation portal to read the document, PDF versions of the DMLP and DMLP Omissions Sites document could be downloaded from Objective and from the county council webpages. This allowed consultees to navigate to the relevant chapter/s prior to submitting comments.

For consultees who did not want to or could not access the DMLP document online, hard-copies and CD ROMs were available at County Hall, Hertford, as well as all county libraries, public deposit points, and all District and Borough Council offices.

All versions of the document contained maps and Inset Maps at an appropriate scale to identify the exact locations identified for future mineral extraction.

Issue 3.11 The information made available to the public was insufficient.

HCC Response: The county council provided a number of technical documentation in support of the DMLP consultation. These documents explained the statutory assessments which had been undertaken in the preparation of the DMLP and, when updated taking account of representations to the DMLP, will form an important part
of the evidence base at latter stages of Plan-production when the Plan is submitted to the Secretary of State.

The documents were available to view in PDF format on the consultation portal, the county council webpages and electronic copies were sent to all county libraries, public deposit points, District and Borough Council offices and all Hertfordshire and adjoining Parish Councils. This included:

- HCC Minerals Local Plan Sustainability Appraisal Report;
- HCC Minerals Local Plan Habitat Regulations Assessment Report;
- Site Selection Report;
- Strategic Flood Risk Assessment Addendum for the Draft Minerals Local Plan;
- Equalities Impact Assessment Addendum for the Draft Minerals Local Plan;
- Health Impact Assessment; and

In addition, a set of Topic Papers were published alongside the supporting documents to provide further background information on subject areas included in the DMLP.
4 Policy Context

Development Plan for Hertfordshire

Issue 4.1 Town and Parish Councils are omitted from the Development Plan.

HCC Response: As stated in the DMLP, the Hertfordshire Development Plan comprises of the following documents:

- The existing Minerals Local Plan (adopted 2007)
- The Waste Local Plan, which comprises:
  - The Waste Site Allocations document (adopted 2014)
- The 10 District and Borough Local Plans
- Any adopted Neighbourhood Plans.

Defined in section 38 of the Planning and Compulsory Purchase Act 2004, as amended, the Development Plan of an area includes all adopted Local Plans, Neighbourhood Plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force.

Town and Parish Councils are not directly addressed in the list of Development Plan documents; however as stated, any adopted neighbourhood plan prepared by a Parish or Town Council would become part of the Development Plan.

Issue 4.2 Liaison Groups have not been considered in the draft policy.

HCC Response: The previous Minerals Local Plan included criteria within a policy regarding local liaison groups. Given the comments received a new policy has been drafted to ensure that future proposals demonstrate the positive outcomes of mineral extraction. The creation of local liaison groups could be detailed within the supporting text for this suggested policy.

The county council’s Statement of Community Involvement (adopted January 2013), sets out bodies with whom the council may consult depending on the nature and scope of the planning document being prepared.

Local liaison groups are identified as organisations to be consulted with as appropriate.

Local Policy Drivers

Issue 4.3 The Chilterns AONB should be included as a local policy driver.

HCC Response: The list of local policy drivers is not exhaustive; the DMLP has been prepared taking a number of documents into account, including those listed. The Chilterns AONB has been considered through DMLP Policy 17: Landscape and Planning and Compulsory Purchase Act 2004: Part 3 – Development Plan – Section 38

National Planning Policy Framework (July 2018)
Green Infrastructure. Should a minerals planning application fall close to the Chilterns AONB (or any other AONB in Hertfordshire), Policy 17 would be applied to the development in its determination.

Policy 17 works to ensure that minerals proposals protect and/or enhance landscape character, quality and visual amenity and sets out criteria which must be met by proposals before they can be permitted, which includes the protection of designated landscapes (e.g. AONB’s) are maintained.
5 Key Challenges for Hertfordshire

Data Sources

Issue 5.1 The 2014 ONS population figures are inaccurate and excessive. The Plan should look at more recent data, forthcoming projections and trends.

HCC Response: Information provided in Chapter 4: Key Challenges for Hertfordshire provides the context for the need for mineral planning in Hertfordshire. Data sources will be updated as Plan-production progresses to the Proposed Submission stage.

Issue 5.2 The stated future housing levels are excessive. The figure of 91,000 is not a sound basis for future minerals planning.

HCC Response: The total of 91,000 homes by 2031 is the combined housing projection from the ten District/Borough Local Plans in Hertfordshire (at the time of writing). This figure will be updated to incorporate any changes to the objectively assessed needs for housing in Hertfordshire since the DMLP was produced.

It is important to note that the figure of 91,000 homes has not been used to calculate the amount of mineral required. The DMLP has used the agreed sub-national apportionment figures to calculate future mineral requirements. This section of the DMLP provides background information about the key challenges that the county is facing. It is important that the MLP continues to plan for a steady and adequate supply of aggregate to enable house building and other construction-based development across the county (and beyond).
6 Minerals in Hertfordshire

Imports and Exports

Issue 6.1 The MLP should set out measures to promote self-reliance in areas importing Hertfordshire aggregates. This would reduce the need for primary aggregate production in Hertfordshire.

HCC Response: Planning authorities are given responsibility by central Government for preparing, implementing, and reviewing Development Plans for their own authority area. The county council does not have the ability to control the level of self-reliance of other authorities, and does not have the ability to control market decisions which may or may not result in mineral imports and exports.

The type of minerals that can be worked will depend on the geology of an area and minerals can only be worked where they naturally occur. As such, whilst Hertfordshire can produce its own supplies of sand and gravel, it cannot produce its own supplies of other materials, such as hard rock. Other parts of the country experience the exact opposite situation. Because of this, transportation of various mineral types, sometimes incorporating long distances, is unavoidable.

For this reason, mineral planning authorities must put in place policies, as part of the Development Plan, to “provide for the extraction of mineral resources of local and national importance” (NPPF paragraph 204 (a)).

Minerals planning authorities must also put in place policies to “take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials” (NPPF paragraph 204 (b)). The DMLP, and other minerals planning document around the country, supports the increased use of secondary and recycled aggregates in place of primary land-won aggregates. However, this does not preclude the necessity for extracting primary mineral resources or importing and exporting minerals.
7 Vision and Objectives

Issue 7.1 Amendments were suggested to the vision and objectives.

HCC Response: The vision and objectives were drafted as part of an informal stakeholder event hosted in March 2015, attended by District/Borough Council officers, members of industry and community groups. These were consulted upon in the MLP Initial Consultation (August to October 2015) within Issues 1 – 5. Representations received during the Initial Consultation process were taken into account and suggested changes were presented to Environment, Planning and Transport Cabinet Panel in February 2016.

These amendments were carried forward into the DMLP and the content of the DMLP was influenced by the vision and objectives. The DMLP was presented to Environment, Planning and Transport Cabinet Panel and ratified by full County Council in November 2017.

Following Member approval, and previous stages of informal and formal consultation, it is not envisioned that the wording used within the vision and objectives in the DMLP will be significantly altered, however specific wording amendments will be considered during the preparation of the Proposed Submission Minerals Local Plan.

Vision

Issue 7.2 How can Mineral development minimise impacts and maximise improvements on human health?

HCC Response: It is recognised that mineral operations have the potential for unavoidable negative impacts on a range of receptors. The emerging MLP will set out policies that balance the need for mineral development against the impacts that any proposal will have. This will ensure that planning permission for extraction is only granted where the impacts during mineral working can be mitigated.

With regard to health impacts, applications may be requested to submit a Health Impact Assessment, as part of the Environmental Impact Assessment requirements, which assesses all potential impacts on health and safety as a result of the proposed development. This could include issues such as air quality, vehicle movements and artificial lighting amongst a large number of impacts.

Sand and gravel extraction is essential for the continued supply of houses, schools, buildings and infrastructure and planning for its sustainable supply is a requirement of national policy. The emerging MLP will include supporting text which requests applicants to submit a Health Impact Assessment and policies will ensure that, following completion of extraction, mineral sites are positively planned with health and wellbeing in mind. Policy wording will be added to the DMLP to ensure that restoration of mineral sites is seen as a way in which to improve and enhance the county’s green infrastructure ‘offer’ for recreation and physical activity. This might include: improved Rights of Way; improved and/or new local amenity and recreational facilities; community facilities and access to natural services; or opportunities for formal/informal sport and recreation.
Positively planned restoration can provide benefits to long-term human health through improvements to physical health and to psychological and social wellbeing.

**Issue 7.3 Does ‘the sustainable use of minerals’ include the actual extraction?**

**HCC Response:** The “Sustainable use of minerals” is a reference to the overall need to plan for minerals as they are a finite resource. The sustainable use of minerals covers a number of aspects such as the protection of valuable mineral resources which the DMLP safeguards from unnecessary sterilisation from non-minerals development. Details of the reasons and procedures for mineral safeguarding are included in Chapter 10: Safeguarding within the DMLP. Encouraging the use of secondary and recycled aggregates also preserves primary aggregate, thereby safeguarding it for future need.

**Issue 7.4 There are no guidelines for monitoring and enforcement when breaches of permissions occur. Legal action should be considered and implemented.**

**HCC Response:** The monitoring and enforcement of planning permissions is a separate function of the county council, not a function of Local Plan production. The procedures which county council follow in cases where breaches of permission occur are set out in the Town and County Planning Act (2012) (as amended) rather than in local Development Plan policy.

**Objective 5**

**Issue 7.5 How can the DMLP promote sustainable transport of minerals by road? No proposed sites are support transport by rail or waterway.**

**HCC Response:** It is acknowledged that no sites currently put forward in the DMLP document are directly served by rail or water aggregate terminals.

The DMLP document continues to promote and encourage the sustainable transport of minerals by rail and water by safeguarding “existing, planned and potential sites for the bulk transport, handling and processing of minerals” in line with National Planning Policy Framework guidance. Safeguarding aggregate terminals supports any future planning application for mineral extraction or associated development which could utilise sustainable transport modes.

Where mineral development contributes to additional traffic movements, the county council encourages HGV traffic to use primary route network as defined and set out in ‘Policy 16: Freight and Logistics’ of Hertfordshire’s adopted Local Transport Plan. A Transport Assessment may be required for developments which generate a significant volume of transport movements, and where required, the Transport Assessment would set out the role of Green Transport Plans in mitigating transport impacts.

**Objectives**

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4 Paragraph 204. National Planning Policy Framework (July 2018)

5 Hertfordshire’s Local Transport Plan (May 2018)
Issue 7.6  Objectives should have a spatial element.

**HCC Response:** It is considered that the spatial element of the emerging Plan is included in the identification of sites and promotion of sustainable development taking account of the policies included in the Plan. These are expanded in policies and supporting text. The objectives have sufficient reference to sites and areas and issues such as sustainable transport. The county council will consider and address amendments to the DMLP document where required.

Issue 7.7  How will objectives be enforced with no monitoring or enforcement policies established?

**HCC Response:** Objectives are not enforced. Policies are drafted taking account of the Plan’s objectives to ensure that the overarching vision of a Plan is achieved. Policies are then applied by county council case officers when determining whether or not to grant permission to a planning application. Planning permissions are monitored and enforced against in line with procedures set out in legislation.
8 Presumption in Favour of Sustainable Development

Policy 1: Sustainable Development

Issue 8.1 Policies 1 and 4 give insufficient weight to the protection of the natural environment, agricultural productivity, biodiversity and scenic quality as compared to the need for mineral extraction.

HCC Response: The county council’s approach to protecting Hertfordshire’s natural, historic and built environment is outlined in ‘Chapter 13: Environmental Polices’ of the DMLP document.

This chapter sets out five specific polices addressing water management, historic environment, landscape and green infrastructure, biodiversity and the protection and enhancement of environment and amenity, which where relevant would be used to determine any planning application submitted to the county council.

It is considered that further reference to protection of the natural, historic and built environment in Policy 1 would result in unnecessary duplication of wording.
9 Strategic Aggregate Policies

Future Demand for Minerals

Issue 9.1 The DMLP bases future mineral demand on the East of England Sub-regional Apportionment figure. The NPPF says that allocations should be based on a rolling average of 10-years’ sales data.

HCC Response: Minerals help to provide the infrastructure, buildings, energy and goods that the country and Hertfordshire needs. The NPPF paragraph 207 states that:

“Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

- preparing an annual Local Aggregate Assessment...to forecast future demand, based on a rolling average of 10-years’ sales data and other relevant local information...
- participating in the operation of an Aggregate Working Party and taking the advice of that party into account when preparing their Local Aggregate Assessment.”

Hertfordshire County Council participates in the East of England Aggregate Working Party (EoEAWP) which took a stance that, collectively, members of the region would continue to plan in line with the sub-regional apportionment figure rather than a rolling average of 10-years’ sales data. This approach was agreed by HCC Cabinet decision at the outset of the review process in November 2014 and was given further support by consultee representations to the Minerals Local Plan Initial Consultation (2015). Within the DMLP, this meant allocating sufficient land to supply 1.39 million tonnes of sand and gravel per year (the apportionment figure), rather than 1.15 million tonnes per year (average sales figure).

This approach has been taken across the East of England due to the fact that the 10-year sales period incorporated a period of major economic recession (which started in 2008) that significantly impacted the construction industry, and hence mineral demand. The use of a period of unusually low demand to project future demand is expected to give a misleadingly low figure. This could lead to under supply of important minerals.

Additionally, the significant levels of development being planned for by Hertfordshire’s District and Borough Councils and nearby in London will likely necessitate an increasing supply of minerals. Plans include increased numbers of housing, the required infrastructure to cope with increased levels of housing/residents, and large infrastructure projects designed to promote further economic growth.

The sub-regional apportionment was therefore agreed as a more realistic basis for future demand than the historical sales figures and will be used to offer the flexibility of mineral supply that is expected to be required by the Government’s promoted growth agenda.
Reference should be made to future government guidance that may be issued or updated with regard to MASS or an alternative means of mineral supply.

**HCC Response**: Changes to national policy and guidance will be monitored in the annual Local Aggregate Assessment. The county council will consider and address amendments to the DMLP document where required. Specific wording amendments will be considered during the preparation of the Proposed Submission Minerals Local Plan.

Mineral demand in the MLP should be based on future requirements.

**HCC Response**: Mineral demand in the MLP is based on future requirements as set out in national guidance. National Planning Policy (paragraph 207) states that Minerals Planning authorities should plan for a steady and adequate supply of aggregates by looking at a range of information which includes, average sales data for a rolling 10 year period, local information, the contribution from other sources (such as marine aggregates and recycled material), national and sub-national guidelines and advice from the Aggregates Working Party. This data is then set out in the annual Local Aggregates Assessment to forecast demand.

Hertfordshire imports some minerals which don’t occur here and as well as supplying local markets, exports the ones that do.

**Landbanks**

The DMLP plans for 22 years of extraction instead of 15 years.

**HCC Response**: Paragraph 207 of the NPPF states that as the Minerals Planning Authority for Hertfordshire, the county council:

“should plan for a steady and adequate supply of aggregates by maintaining landbanks of at least 7 years for sand and gravel.”

A landbank is the total quantity of mineral that has been granted planning permission to be extracted at a point in time. The figure is presented as the number of years’ worth of supply it represents based on the annual demand. For example, if the annual demand was 2 million tonnes per year, and planning permissions existed to extract 10 million tonnes worth of mineral, the county would have a 5 year landbank. This would be below the 7 year requirement of national policy.

To maintain a 7 year landbank at all times during the emerging MLP Plan period, the DMLP identified 22 years’ worth of mineral for extraction. This would in theory, allow a 7 year landbank in the 15th year of the Plan period.

At the time the DMLP was produced, 11.75 million tonnes of mineral already had permission to be extracted6. This is an 8.45 year landbank and was excluded from

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6 11.75mt Permitted Reserves come from a combination of permissions for: Panshanger Quarry, Tyttenhanger Quarry, Westmill Quarry, Hatfield Quarry (Symondshyde extraction site), Thorley Hall Farm and Pynesfield.
calculations when determining how many additional extraction sites were required in the DMLP.

<table>
<thead>
<tr>
<th>Landbank</th>
<th>Tonnage</th>
</tr>
</thead>
<tbody>
<tr>
<td>EoEAWP Sub-Regional Apportionment figure</td>
<td>1.39 million tonnes</td>
</tr>
<tr>
<td>22 year landbank (22 x 1.39 mt)</td>
<td>30.58 million tonnes</td>
</tr>
<tr>
<td>Permitted reserves (as of 31/12/2016)</td>
<td>11.75 million tonnes</td>
</tr>
<tr>
<td>Minimum total requirement of new sites in the DMLP.</td>
<td>18.83 million tonnes</td>
</tr>
</tbody>
</table>

These figures will be updated in the preparation of a Proposed Submission MLP to take account of diminishing permitted reserves and planning permissions granted since the DMLP was published.

It should be noted that planning to have a 7 year landbank at the end of the Plan period does not mean that the DMLP is proposing 22 years’ worth of mineral extraction within the 15 year Plan period.

**Oversupply**

**Issue 9.5** The DMLP identified more mineral than required by a 22 year landbank

**HCC Response:** At the time of publishing the DMLP, Hertfordshire had a shortfall of 18.83 million tonnes for the proposed Plan-period. The DMLP identified 25.75 million tonnes.

The reason for allocating more than the identified shortfall is due to the uncertainty of exactly when the sites will come forward. Whilst the emerging Plan will be able to roughly control when the sites would be needed, it cannot state an exact time frame or even guarantee that an application will come forward for extraction. Therefore, the Plan requires an element of flexibility which can only be supplied through the allocation of more minerals than is required.

The county council does not consider this to be an unsound approach as the proposed policy wording in the emerging MLP will ensure that the issue of ‘need’, which is monitored through the annual Local Aggregate Assessment, will be a key consideration as part of decision-making for individual proposals at the planning application stage.

The flexibility of identifying over-and-above the requirements will also be beneficial should any of the identified Specific Sites or Preferred Area get delayed and, alternatively, risk the landbank falling below policy requirements.
It is also envisaged that some of the sites will be operating beyond the end of the emerging MLP Plan period, ensuring that some of the allocated mineral over-and-above the 18.83 million tonnes shortfall will be worked at a later date.

<table>
<thead>
<tr>
<th>Minimum total requirement of new sites in the DMLP.</th>
<th>18.83 million tonnes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specific Sites</td>
<td>Tonnage</td>
</tr>
<tr>
<td>Propose Specific Site 1 – Hatfield Aerodrome</td>
<td>Estimated 8 million tonnes</td>
</tr>
<tr>
<td>Proposed Specific Site 2 – Hatfield – Furze Field</td>
<td>Estimated 0.45 million tonnes</td>
</tr>
<tr>
<td>Proposed Specific Site 3 – Hatfield Quarry – Land Adjoining Coopers Green Lane</td>
<td>Estimated 6.6 million tonnes</td>
</tr>
<tr>
<td>Proposed Preferred Area 1 – The Briggens Estate</td>
<td>Estimated 10.7 million tonnes</td>
</tr>
</tbody>
</table>

**Site Selection**

**Issue 9.6** Confirmation should be provided to show that the identified provision would not represent a 'large Landbank bound up in very few sites' contrary to Paragraph 145 of the NPPF

**HCC Response:** The DMLP document has identified three Proposed Specific Sites and one Proposed Preferred Area for mineral extraction. This is in addition to the existing operation sites, of which one is expected to be worked for a significant period of the emerging MLP Plan period. This is considered compliant with paragraph 207 of the NPPF, as the county council has not placed reliance on a single site for meeting the future aggregate need.

**Issue 9.7** By selecting only sufficient sites to meet the required demand, the Plan effectively pre-determines the planning process

**HCC Response:** Paragraph 8.14 states that the Proposed Specific Sites and Proposed Preferred Area are anticipated to contribute to the Hertfordshire landbank in the future.

The sites identified in the plan would still be subject to the planning application process and may be approved, refused or withdrawn. Any planning application for mineral extraction or associated development submitted to the county council for consideration are determined on their merits against all relevant emerging / extant policies.
Issue 9.8  More of the omitted sites should have been included as Specific Sites to encourage greater completion and effective development control.

**HCC Response:** The site selection study has assessed all of the sites that were put forward against a series of criteria, including their economic viability and deliverability. The sites identified are considered to be the most suitable and deliverable to meet the requirements. The reasons for omitting sites are set out in Chapter 7 of the ‘Hertfordshire MLP Sustainability Appraisal including Strategic Environmental Assessment’ and were presented to Environment, Planning and Transport Cabinet Panel in September 2017.

The Papers and minutes from the September 2017 Cabinet Panel meeting can be read online at: [https://democracy.hertfordshire.gov.uk/CeListDocuments.aspx?CommitteeId=236&MeetingId=665&DF=07%2f09%2f2017&Ver=2](https://democracy.hertfordshire.gov.uk/CeListDocuments.aspx?CommitteeId=236&MeetingId=665&DF=07%2f09%2f2017&Ver=2)

**Policy 3: Aggregate Supply**

Issue 9.9  Maintenance of a 7 year landbank should be a separate policy.

**HCC Response:** Paragraph 207 of the NPPF states that minerals planning authorities should maintain landbanks of at least 7 years for sand and gravel. As the emerging MLP will be produced in conformity with the NPPF, it is not considered necessary to create a separate policy for maintaining a 7 year landbank.

Issue 9.10  To help protect residential properties, a lower level of extraction should be sought to reduce pressure for extraction at the planning application stage and restrictions on phasing of extraction should be included to discourage excessively intensive extraction rates.

**HCC Response:** Policy 3 is not site specific. Details regarding the level of extraction and phasing of working at Specific Sites would an issue dealt with at the planning application stage. Planning applications would need to address these issues in line with the other policies of the MLP.

**Working of Specific Sites or Preferred Areas**

Issue 9.11  How are sites / area allocations defined?

**HCC Response:** National planning practice guidance defines Specific Sites, Preferred Areas and/or Areas of Search as:

**Specific Sites** – where viable resources are known to exist, landowners are supportive of minerals development and the proposal is likely to be acceptable in planning terms. Such sites may also include essential operations associated with mineral extraction;

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Preferred Areas – areas of known resources where planning permission might reasonably be anticipated. Such areas may also include essential operations associated with mineral extraction;

Areas of Search – areas where knowledge of mineral resources may be less certain but within which planning permission may be granted, particularly if there is a potential shortfall in supply.

Issue 9.12 The significance of the 'name change' of the Briggens Estate becoming a 'Preferred Area'

HCC Response: Proposed Preferred Area 1: The Briggens Estate was referred to as MLPCS010 during early stages of Plan-production, after it had been submitted to the county council as part of a Call for Sites exercise and was being assessed for potential inclusion in the DMLP. The assessment of the sites concluded that the level of information known about the site and the identified potential impacts meant that it didn’t meet the requirements to be categorised as a Specific Site. It did meet the requirements to be categorised as a Preferred Area.

Three Specific Sites were also included in the DMLP and the promoted site at the Briggens Estate made up the remaining shortfall in mineral supply. Therefore, it is the only Preferred Area in the DMLP and is known as ‘Proposed Preferred Area 1: The Briggens Estate’.

Policy 4: Working of Specific Sites or Preferred Areas

Issue 9.13 Policy 4 does not say aggregate need will be met exclusively by the identified Sites/Area.

HCC Response: Noted, the addition of a specific policy to determine applications outside of those identified will be considered.

Issue 9.14 An additional policy is needed to assess planning applications against for proposals which do not fall under Policy 4.

HCC Response: Noted, the addition of a specific policy to determine applications outside of those identified will be considered.

Issue 9.15 A robust monitoring procedure should be used to ensure the likelihood of applications coming forward within the Preferred Area.

HCC Response: The Minerals Local Plan is monitored on an annual basis through the Local Aggregate Assessment which is responsible for forecasting future demand, reporting policy implementation and monitoring the sites which have been brought forward.

Issue 9.16 It is against NPPF 145 to identify just a single Preferred Area. The adopted MLP identified three.

HCC Response: Paragraph 207 of the NPPF (previously paragraph 145) states that Hertfordshire County Council as the Minerals Planning Authority should make provision for land-won aggregates in the form of Specific Sites, Preferred Areas
and/or area of search. Policy 4 identifies a combination of Specific Sites and Preferred Areas helping to ensure Hertfordshire’s Landbank is not ‘bound up in very few sites.’

Of the three Preferred Areas identified in the adopted MLP (2007):

- Preferred Area No.1 – Land at BAe has come forward as Proposed Specific Site 1: Hatfield Aerodrome in the DMLP
- Preferred Area No.2 – Rickneys Quarry was not bought forward through the Sustainability Appraisal assessment.
- Preferred Area No.3 – Land at Coursers Road has been worked through extensions to the neighbouring Tyttenhanger Quarry and was therefore not appraised for inclusion in the emerging MLP.

**Issue 9.17** What happens if the obligation is not secured or the decision notice is not issued prior to the adoption of this Plan for either of the two Specific Sites that have already been subject to determination through the development control regime?

**HCC Response:** The plan making process is separate to the decision making process. These sites have been identified as being suitable (in principle) for mineral extraction and identification in the MLP does not preclude the need to secure planning permission.

**Issue 9.18** Draft Policy 4 should be assessed in context with Paragraphs 79, 80, 88 and 90 of the NPPF.

**HCC Response:** Mineral extraction is an exception to inappropriate development in the green belt (subject to maintaining the openness) and planning applications are determined in accordance with the Development Plan and the NPPF is a material consideration.

**Issue 9.19** A dedicated Policy to guide developments at Proposed Preferred Area 1 would be beneficial due to the scale of the allocation.

**HCC Response:** It is not considered necessary to create a specific policy for Proposed Preferred Area 1: The Briggens Estate.

Any planning application submitted to the county council for consideration at Proposed Preferred Area 1 would be considered against the accompanying planning brief, and the policies within the Development Plan, which includes all policies in the emerging MLP / extant MLP.

This is considered sufficient to guide and determine any potential development at the site.

**Issue 9.20** The Plan has failed to identify potential supply which may come forward from strategic residential sites in Hertfordshire as a consequence of the approach to prior extraction.
HCC Response: The county council has regular Duty to Cooperate meetings with the 10 District and Borough Councils within the county and provides mineral related comments on all sites that they are considering for housing development. Many sites that are being taken forward for housing will not be suitable for mineral extraction due their size, location, proximity to other development and geology. Where the county council believes that mineral sterilisation may be an issue of concern the Safeguarding Policies will be applied. Some strategic allocations within the District/Borough Local Plan have specific policy wording which seeks prior extraction, however the level of mineral which may be extracted is often reduced in order to deliver a suitable land form for built development.

Issue 9.21 The joint effect of Policies 1 and 4 are unclear and do not state whether applications outside of designated sites/areas will be refused or what tests must be met for them to be granted permission.

HCC Response: Policy 1 sets out that the county council will grant permission where the proposals accord with the policies in the Development Plan. Applications outside of the designated site/areas would be assess against policies in the Development Plan, including all other policies in the emerging MLP / extant MLP as well national policy guidance from the NPPF.

Noted, the addition of a specific policy to determine applications outside of those identified will be considered.

Issue 9.22 The Draft MLP does not include flexible wording (like the adopted MLP does) to support potentially lower levels of extraction than that stated in Chapter 8 and the Inset Maps.

HCC Response: The figures set out in chapter 8 of the DMLP are all stated as estimates with the inset map briefs stating ‘potential workable reserves’ and ‘anticipated annual output’. The annual Local Aggregates Assessment is used to monitor extraction and may trigger a review of the plan if the landbank falls below the required level.

Secondary and Recycled Aggregates

Issue 9.23 The scale of secondary and recycled aggregate contribution to the apportionment should be stated.

HCC Response: The exact contribution which secondary and recycled aggregates make is difficult to calculate. The annual Local Aggregates Assessment monitors the sales of both primary and secondary aggregates and relies on returns from industry to provide the information. At present, the sales of secondary and recycled aggregates go a little way to making up the gap in primary sales being less than the apportionment figure.

Issue 9.24 An explanation of how secondary and recycled aggregate provision might lead to a reduction in the need to extract land-won aggregates should be included.
HCC Response: Paragraph 8.20 policy background says “The county council is committed to promoting the use of alternative materials to reduce the reliance on land-won material and make the most sustainable use of finite resources.’ The county council will consider adding more detail on this issue.

Issue 9.25 No account has been taken of the Minerals Planning Authority's need to plan to minimise primary extraction via the use of recycled aggregates.

HCC Response: As the Minerals Planning Authority for Hertfordshire, the county council has an obligation to provide for the “extraction of mineral resources of local and national importance,” involving the primary extraction of minerals.

The county council should also consider “the contribution that substitute or secondary and recycled materials and minerals waste would make to supply materials.” Support for secondary and recycled aggregates is set out in ‘Policy 5: Secondary and Recycled Aggregates’ of the DMLP document.

Issue 9.26 Building methods are changing. The requirement for aggregate extraction is decreasing as much of required for building aggregate can be supplied by secondary and recycled materials from the demolition of buildings and structures or from existing quarries.

HCC Response: The county council as Minerals Planning Authority for Hertfordshire is still obligated by national policy to provide for the extraction of mineral resources of local and national importance. Building methods do change over time, however the need for concrete remains. Aggregates are needed for foundations and footings in buildings and for the different layers of road construction. The Minerals industry provides information regarding the demand for aggregates and is engaged in discussions with Government and the individual Aggregates Working Parties.

Issue 9.27 The cross-reference to the WLP, with regards safeguarding aggregate recycling facilities, should be moved to Section 10 of the MLP and potentially on the Proposals Map.

HCC Response: It will be considered whether reference to safeguarding secondary and recycled aggregate facilities is better suited in Chapter 10 of the emerging MLP, and how this could be incorporated on the Policies Map.


HCC Response: The county council as the Minerals Planning Authority for Hertfordshire must plan for a steady and adequate supply of aggregates, including the provision of land-won aggregates as set out in paragraph 207 of the NPPF.

The identification of sites for primary land-won mineral extraction does not disregarded the county council’s obligation to take account of alternative supplies in mineral plans, as also set out in paragraph 207 of the NPPF.

Any planning application put forward on Proposed Preferred Area 1: The Briggens Estate will be required to submit a suitable Restoration Strategy. The Restoration
Strategy will be assessed against Policy 24: Restoration and other policies contained in this plan.

**Policy 5: Secondary and Recycled Aggregates**

Issue 9.29  **Policy 5 should support the expansion of existing and provision of new facilities to increase the current capacity to process or recycle 0.35 million tonnes of secondary and recycled aggregate per year.**  

**HCC Response:** Policy 5 does offer support to new facilities. It is not considered necessary to include the existing capacity to process or recycle secondary and recycled aggregate. Wording will be considered regarding the extension of existing facilities. The capacity will be monitored on an annual basis through the LAA. The county council will consider and address amendments to the DMLP document where required.

Issue 9.30  **Policy 5 should also state that HCC would object to development near to existing facilities which might curtail the existing process or prevent the extension of existing facilities.**  

**HCC Response:** Hertfordshire’s secondary and recycled aggregate facilities are classed as waste management facilities, because of the role they play in managing the county’s Construction, Demolition and Excavation waste arisings.

As such, existing secondary and recycled aggregate sites with planning permission, and sites on which planning permission is subsequently granted for waste management, are safeguarded under ‘Policy 5: Safeguarding of Sites’ in the Waste Core Strategy & Development Management Policies document.

It is considered unnecessary to replicate wording in Policy 5 of the emerging MLP as sites are safeguarded under the adopted Waste Local Plan.

Issue 9.31  **Policy 5 should be prescriptive on avoiding aggregate recycling in designated areas that should be protected from such as (e.g. Green Belt).**  

**HCC Response:** ‘Policy 13: Green Belt’ in the DMLP document outlines the county council’s stance on proposals for mineral extraction and associated development in the Green Belt.

As Green Belt considerations are set out in Policy 13, it is not considered necessary to repeat wording in Policy 5, as any application submitted to the county council for a secondary and recycled aggregates facility would be assessed against all relevant policies in the emerging MLP.

Issue 9.32  **Waste permits are a legal requirement and would be dealt with by the EA. Waste polices are in the WLP.**  

**HCC Response:** The county council will consider adding a reference to the Waste Local Plan in the policy and/or supporting text.
Issue 9.33  Policy 5 and Policy 14 could benefit from greater clarity on how proposals are expected to demonstrate there will be no adverse impacts and how cumulative impact has been considered. This could be achieved by cross-referencing to Policy 19 where the requirement for formal assessments is articulated.

HCC Response: Any planning application submitted to the county council for consideration would need to demonstrate how it has addressed the issues set out in the accompanying planning brief and extant policies within the Development Plan.

A number of documents may be required to support a planning application, demonstrating how potential impacts of the proposed development have been considered.

As a planning application will be assessed against all relevant policies, which may include Policy, 5, 14 and 19, it is not considered necessary to duplicate wording in Policy 5.
10 Sustainability Appraisal

A statutory requirement of emerging Local Plans is that they have undergone a Sustainability Appraisal. The purpose of a Sustainability Appraisal is to promote sustainability development by integrating sustainability considerations into the preparation and adoption of Local Plans. As such, the likely social, environmental and economic impacts of the contents of an emerging Local Plan document must be assessed from the outset of its production.

Land Use Consultants (LUC), independent consultants, were appointed to undertake the Sustainability Appraisal incorporating Strategic Environmental Assessment for the review of the MLP. They produced the “Hertfordshire Minerals Local Plan Sustainability Appraisal including Strategic Environmental Assessment - November 2017” in support of the production of the DMLP. This was published for consultation alongside the DMLP.

A number of representations were submitted regarding the Sustainability Appraisal. Comments were made regarding the appraisal framework, data sources, methodology and perceived issues with the assessment. The representations were passed to LUC. Taking the representations into account, minor amendments were made to the framework against which the social, environmental and economic impacts of the emerging MLP are assessed and the assessments of sites being considered for inclusion in the emerging MLP were re-appraised. The updated Sustainability Appraisal of sites was incorporated into the Site Selection assessment of each site.

LUC’s responses to each individual representation will be included in the “Table of Representations Received to the Hertfordshire County Council Draft Minerals Local Plan and HCC Responses” and will be included as an appendix in the version of the Hertfordshire Minerals Local Plan Sustainability Appraisal including Strategic Environmental Assessment report published in support of the Proposed Submission version of the MLP.
11 Potential Mineral Sites

Site Assessment Methodology

Issue 11.1 Who undertook the site assessments?

HCC Response: Land Use Consultants, an independent consultancy, were appointed by the council following a competitive contract exercise to develop and implement a site assessment methodology. As part of their assessment, an independent geologist was sub-contracted to help confirm the viability and deliverability of the promoted sites.

Issue 11.2 How was the site assessment methodology developed?

HCC Response: Land Use Consultants (LUC) and county council officers ran an interested parties event in March 2015. A wide range of stakeholders attended, including District and Borough planning officers, regulatory bodies, members of industry and community groups in order to provide views regarding a preliminary methodology proposed by LUC.

Taking account of feedback from the event, LUC developed an amended methodology which incorporated a Call for Sites exercise, inviting stakeholders to put forward sites for consideration, and a subsequent three ‘sieves’ (stages) assessment:

- Draft Sieve 1 - Resource Assessment
- Draft Sieve 2 - Major Constraints
- Draft Sieve 3 - Detailed Assessment

The ‘sieves’ were intended to screen out sites from further detailed assessment if they did not meet the criteria of a particular sieve. For example, only sites that passed Sieve 1 would progress to Sieve 2.

The methodology was consulted on as part of the Minerals Local Plan Initial Consultation (2015). Representations were largely supportive of the proposed methodology but suggested that: economic viability of sites promoted by industry would be determined by the site promoter before putting a site forward; ancient woodland should not be considered more of a constraint than other international and national nature designations as a major constraint because impacts can be mitigated within detailed site proposals as part of planning applications; and changes to the ranking against certain criteria.

Taking account of the representations received, LUC amended the methodology. The purpose of the original economic viability criteria was re-examined and led to the original Sieves 1 and 2 being switched round, so that major constraints are examined first.

This methodology was agreed by HCC Cabinet decision in February 2016.

Issue 11.3 How were sites assessed?
**HCC Response:** A Call for Sites exercise was undertaken in spring 2016 whereby the county council invited interested parties to submit sites that they considered suitable for potential future mineral extraction.

The council received 20 submissions during the Call for Sites process, 18 of which were for sand and gravel extraction and two for brick clay extraction.

Land Use Consultants (LUC) assessed the sites submitted through the Call for Sites and the three Preferred Areas included in the adopted MLP (2007) against the three-sieve site assessment methodology agreed specifically for the review of the MLP through previous public consultation.

Sieve 1: Major Constraints sought to screen out sites and areas that were known to affect absolute constraints to future minerals working. None of the 20 sites were screened out at this stage.

Sieve 2: Resource Assessment considered 10 of the sites to have adequately demonstrated economic viability and deliverability during the emerging Plan-period. The remaining sites were considered not to have sufficient information to determine economic viability and deliverability but in the absence of necessary information to disregard the sites as unviable or uneconomic, all sites progressed to Sieve 3. Sieve 2 incorporated the use of an independent geologist to help confirm the viability and deliverability of the promoted sites.

Sieve 3: Detailed Site Assessment involved the consideration of high level designations together with more detailed Local Planning and environmental constraints, considerations and opportunities, and (where practicable) site specific details, including findings from the parallel Sustainability Appraisal (SA) process, Landscape and Visual Sensitivity Study and comments from HCC Highways officers. Each constraint for each site was evaluated against a previously agreed scoring system.

Sites were then ordered taking account of the scores across Sieve 3, Sieve 2 and the parallel studies/assessment. This allowed LUC to make a conclusion about the suitability of each site for assessment.

The conclusions and details of the assessments were published alongside the DMLP in a document called Site Selection Report, available at [www.hertfordshire.gov.uk.draftmineralslocalplan](http://www.hertfordshire.gov.uk.draftmineralslocalplan). The Sustainability Appraisal (incorporating Strategic Environmental Assessment) and Strategic Flood Risk Assessment were also published and are available at the same link.

All supporting assessments were updated following the DMLP consultation to take account of changes to policy and guidance, new sites submitted, and issues highlighted by consultees.

It should be noted that the inclusion of a Specific Site or Preferred Area in the emerging MLP will not preclude the requirement for proposal-specific assessments to be undertaken and submitted to the county council at the planning application stage. The site assessment and subsequent selection of sites in the emerging MLP is based on a higher level assessment than is required for planning applications.
This is in line with the requirement of NPPF paragraph 31 which states that ‘The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.’.

Site Selection for the Draft Minerals Local Plan

Issue 11.4   How were the Sites and Areas selected for inclusion in the DMLP

HCC Response: County council officers used the conclusions of Land Use Consultants’ (LUC) Site Selection Report to assemble a series of site option combinations for consideration to establish which combination was most appropriate to meet the Plan requirements and be included within the DMLP. The options were developed with a review of the deliverability and potential tonnage yield from each site.

The options started with the top ranked sites from the findings of the LUC Site Selection Report and successively removed sites that: have become Permitted Reserves since being submitted to the county council; have issues surrounding economic viability and deliverability; and that HCC Highways have stated have ‘significant Highways concerns’.

This left a group of four sites submitted as part of the Call for Sites:

- MLPCS008: Furze Field;
- MLPCS006: Hatfield Aerodrome;
- MLPCS009: Land Adjoining Coopers Green Lane;
- MLPCS010: The Briggens Estate (as a Preferred Area).

The exact reasoning for the selection and exclusion of sites was approved by HCC Cabinet Decision in September 2017 and can be viewed at Item 7 at: https://democracy.hertfordshire.gov.uk/CeListDocuments.aspx?Committeeid=236&M eetingId=665&DF=07%2f09%2f2017&Ver=2.

‘Section 7: Mineral Sites and Preferred Area Options – Summary of SA Findings’ in the Sustainability Appraisal report for the emerging MLP, also summarises the findings of the statutory Sustainability Appraisal in relation to the social, economic and environmental objectives for the potential mineral sites options providing support to the reasoning for why sites were or were not included in the DMLP.

Following approval to include these four locations in the Draft Minerals Local Plan, they were included within Policy 4 of the DMLP, in accordance with the definitions of Specific Sites and Preferred Areas set by planning guidance.

- Proposed Specific Site 1: Hatfield Aerodrome;
- Proposed Specific Site 2: Hatfield – Furze Field;
- Proposed Specific Site 3: Hatfield Quarry – Land adjoining Coppers Green Lane;
- Proposed Preferred Area 1: The Briggens Estate.
Issue 11.5  What consultation has occurred with regards to the Sites and Areas?

**HCC Response:** As described above, the production of the Site Selection Methodology was undertaken taking account of informal and formal stages of consultation before sites were submitted to the county council during the Call for Sites exercise.

The DMLP was produced to allow interested parties, including members of the public, to submit representations on the identified and omitted sites/areas for the county council to take into account in the preparation of a Proposed Submission Minerals Local Plan. The DMLP Omission Sites document was published to ensure that public consultation takes place on all sites submitted to the county council and considered for inclusion in the emerging MLP.

The DMLP and DMLP Omission Sites Document allow consultation on the sites and areas prior to a Proposed Submission Minerals Local Plan being produced for further comment before being submitted to the Secretary of State with the intention of adopting it into Hertfordshire’s Development Plan.

Issue 11.6  The DMLP makes no reference to ‘spatial strategy’ which should be an assessment criteria to support the allocation of sites in the Plan.

**HCC Response:** Spatial strategy is a key consideration when preparing a Local Plan. It is considered that, although not explicitly stated, the Site Selection Methodology incorporated a consideration of spatial strategy when assessing sites based on their location near to various receptors and planning constraints such as proximity to the Primary Route Network or allocated housing developments. Specific wording amendments will be considered during the preparation of the Proposed Submission Minerals Local Plan.

Issue 11.7  The commercial viability and supply risk associated with the suggested combination of sites should be assessed.

**HCC Response:** The economic viability and deliverability of individual sites was assessed by LUC as part of the Site Selection Methodology. It was considered unnecessary to assess the viability and risk of groups of sites as well. Mineral operators are aware of other mineral developments in the county due to the public nature of the planning system. Market forces will define whether groups of sites can be worked and mineral operators would not promote proximate sites if they believed the risk of commercial viability was too high.

**Submission of New Sites during the DMLP Consultation**

Issue 11.8  HCC should reconsider their assessment of ‘Land at Cromer Hyde Farm’ (MLPCS001) in accordance with attached Plan ‘Cromer Hyde Timing Proposal’ and in accordance with:

- preliminary geotechnical ground investigation confirming the presence of a viable sand and gravel reserve estimated at 2.8 million tonnes with potential for substantial margins from sensitive receptors, including the
Brocket Hall Registered Park and Gardens, woodland, residential properties and rights of way; and

• an agreement between CEMEX UK and Gascoyne Cecil Estates for a conveyor to run across their land to the existing Hatfield Quarry plant off Oaklands Lane.

**HCC Response:** MLPCS001: Land at Cromer Hyde Farm was re-assessed as MLPCS001RS through the Site Selection Methodology and the Sustainability Appraisal (incorporating Strategic Environmental Assessment) by Land Use Consultants (LUC).

**Issue 11.9** Following discussions between the owner of these sites and your officers I have been asked to submit a 'Call for Sites Proforma' for:

• Land adjacent to Coursers Farm (North Mymms East), and

• Land adjacent to Coursers Farm (North Mymms West).

It is considered that both these areas could be independently worked for sand and gravel with full restoration back to farmland. Access can be provided onto Coursers Road with all traffic being routed to the Bell Roundabout / Junction 22 of the M25.

**HCC Response:** MLPCS021: North Mymms West and MLPCS022: North Mymms East have been assessed through the Site Selection Methodology and the Sustainability Appraisal (incorporating Strategic Environmental Assessment) by Land Use Consultants (LUC).

**Issue 11.10** The Trustees would like to promote a new sand and gravel site to be known as ‘Warren Farm’.

The site would provide for further progressive expansion of existing quarrying and landfill operations at Tyttenhanger Quarry, utilising the existing processing plant and with inert material being imported for restoration via a new access on Coursers Road. Estimated reserves of sand and gravel are 2 million tonnes, comprising a blend of sharp sand and soft sand deposits.

**HCC Response:** MLPCS023: Warren Farm has been assessed through the Site Selection Methodology and the Sustainability Appraisal (incorporating Strategic Environmental Assessment) by Land Use Consultants (LUC).

**Brownfield Land**

**Issue 11.11** Mineral extraction should occur on brownfield land.

**HCC Response:** Brownfield land is defined within the NPPF as:

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“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

The minerals that may exist on such sites might have already been removed, the void filled and the land built upon. Due to the previously developed nature of brownfield land, it is likely that a significant proportion of any mineral reserve at the site would already be considered sterilised. This means that the mineral is inaccessible for potential future use, and could therefore not contribute to the steady and adequate supply of mineral that Hertfordshire County Council as the Minerals Planning Authority for the county must plan for.
12 Specific Sites to the West of Hatfield

Cumulative Impact of SS1, SS2 and SS3

Issue 12.1  Locating all three Proposed Specific Sites in North-West Hatfield places undue cumulative impact upon one part of the county.

HCC Response: Minerals can only be worked where they naturally occur and the council must have a degree of certainty that the sites identified in the plan are deliverable. It is acknowledged that the three Specific Sites in the DMLP are in relative proximity to one another and cumulative impacts were taken into account when assessing the sites, when considering site options and when drafting the Site Briefs for inclusion in the DMLP.

Cumulative impact was a criterion of Sieve 3: Detailed Site Assessment as part of the Site Selection Methodology which was developed through public consultation. It was a consideration of the Sustainability Appraisal of individual sites as well as of potential groupings of sites in the DMLP. It was a part of the Landscape Sensitivity Study. It was a consideration in the resolution to grant permission for extraction activities at Specific Sites 1 and 2 which form a more detailed assessment than is required for an allocation to be justified as part of Plan production.

Wording contained in the Site Brief specifies that it is intended that Specific Sites 2 and 3 will be worked one after another, and only when the current extraction operations at Hatfield Quarry – Symondshyde Extraction Site are completed. The cumulative impacts of these sites will therefore be minimised by the policy intention to work the sites consecutively. In addition, the existing processing plant is the major constraint on how much mineral can be worked at Hatfield Quarry. Regardless of the size of new extraction sites, the quantity of annual processing at the site (which controls subsequent issues such as on-site extraction and vehicle movements) will therefore not significantly alter with new, successive planning permissions. The current level of operations is considered appropriate in planning terms and is likely to continue to be considered appropriate if it does not change significantly.

Specific Site 1 has a resolution to grant planning permission (subject to a Section 106 legal agreement), taking account of the cumulative impact of itself and the existing operations at Hatfield Quarry. As mentioned above, the new sites are not expected to increase or intensify the operations at Hatfield Quarry meaning that the cumulative impact of Specific Site 1 with Specific Site 2, and subsequently with Specific Site 3, are also likely to be considered appropriate at the planning application stage.

Issue 12.2  Existing and proposed sites adjoin one-another to form one vast area, effectively one quarry.

HCC Response: It is common practice to work extraction sites in phases and to restore each phase in turn after mineral extraction has been completed. Progressive working and restoration can lessen the overall impact of mineral working on the environment. The phasing and direction of working can be particularly relevant to minimising the impact on residential and local amenity.
Proposals for mineral extraction and associated development should be accompanied by a Restoration Strategy and Aftercare Management Strategy which explains how the proposed site is to be restored, including if a phased approach is taken (where appropriate).

**Conflicting Land-Use**

**Issue 12.3** The 12 month deadline for a Section 106 agreement to be signed for Proposed Specific Site 1 has passed.

**HCC Response:** Noted. The resolution to grant permission has not been removed and the site is still considered acceptable, in planning terms, for mineral extraction. The Site Selection Methodology and Site Selection studies seek to identify sites as allocations in the plan. Any sites that are allocated will still be subject to the normal development management process in to gain planning permission for a specific proposal. The county council will consider and address amendments to the DMLP document where required to update the information given.

**Issue 12.4** Commitment to fund a future country park at Ellenbrook has not been addressed at Proposed Specific Site 1. Mineral extraction may result in the delivery being delayed.

**HCC Response:** As stated in the Site Brief, as part of an historic planning permission, a Section 106 legal agreement was signed providing for the creation of a Country Park on the land west of Ellenbrook. This was guided by the Hatfield Aerodrome Supplementary Planning Guidance document adopted by Welwyn Hatfield Borough Council in 1990. The establishment of a Country Park remains a requirement of the original Section 106 agreement.

As such, no mineral extraction can occur at the site until a Deed of Variance to the original Section 106 between the county council, Welwyn Hatfield Borough Council, St Albans City and District Council and the landowner has been formally sealed to provide for the establishment of Ellenbrook Park and Ellenbrook Park Trust.

The requirements of legal agreements will not be amended by the inclusion or exclusion of Hatfield Aerodrome in the emerging MLP. The timing of the working of the site will also be subject to the conditions attached to any planning permission and in line with the legal agreements.

**Issue 12.5** Welwyn Hatfield Borough Council is concerned about the volume of mineral extraction and length of time extraction is proposed to take place for at Proposed Specific Site 3 (‘6.6 million tonnes over 14 years as opposed to 3.8 million tonnes over a 9 year period anticipated by the landowner and minerals operator.’)

**HCC Response:** Noted. At the time of producing and publishing the DMLP, clarification had not been provided by the site promoter regarding revised proposals for extraction at the site in light of the corresponding intention to provide future residential development as promoted through the emerging Welwyn Hatfield Local Plan. Therefore a figure of 6.6 million tonnes was included in the DMLP as the only tonnage provided to the county council as part of the Call for Sites exercise.
Clarification has since been submitted to the county council. The county council will consider and address amendments to the DMLP document where required.

Issue 12.6 A Memorandum of Understanding between HCC and Welwyn Hatfield Borough Council contains contradictory statements about the prevention of housing delivery and sterilisation of minerals. Combined with Welwyn Hatfield Borough Council’s objection to the inclusion of PSS3 in the Draft MLP, it is clear that Welwyn Hatfield Borough Council intends to sterilise all or most of the 6.6 million tonnes of mineral. Policies should be strengthened to prevent sterilisation at the expense of housing delivery in the draft MLP.

**HCC Response:** HCC continues to work with Welwyn Hatfield Borough Council and the promoters of Specific Site 3 regarding the master planning of the area. Draft policies within the Welwyn Hatfield Local Plan acknowledge the mineral sterilisation issues and the Memorandum of Understanding sets out the continued working arrangements for the master planning of the area.

Issue 12.7 Policy 14 could extend the period for extraction, delaying the delivery of a strategic housing site in Welwyn Hatfield beyond the plan period. This would be unacceptable to Welwyn Hatfield Borough Council.

**HCC Response:** Details within the Site Brief and policies within the Plan will be taken into account at the time an application is received. Minerals should be worked in a timely manner and in a phased approach, allowing for the proposed residential development within the emerging Welwyn Hatfield Local Plan at the same site.

Issue 12.8 Effects could be managed on Site 3 by reducing tonnage of minerals to be extracted, and through use of existing conveyor belts, and using minerals on construction of new housing on the site.

**HCC Response:** Noted. The site has been promoted on the basis that the existing conveyors are used. On site use of mineral in the construction of houses would be encouraged by the county council.

Issue 12.9 Figure 14 in the Draft Submission Welwyn Hatfield Local Plan suggests a possible location for a new secondary school within one of the parcels of land that forms part of the Proposed Specific Site and the Hat1 housing site allocation in the Draft Submission Welwyn Hatfield Local Plan. Would be helpful if the Minerals Local Plan could forward and accelerate the extraction of sand and gravel to a point early in the plan period due to need for HCC to be able to provide additional school capacity at North West Hatfield.

**HCC Response:** As a means of controlling the cumulative impacts of the identified Specific Sites, extraction at Specific Site 3 is intended to follow the completion of extraction at Specific Site 2 which is a relatively short operation and has a resolution to grant permission. The current timescales included in the DMLP and the emerging Welwyn Hatfield Local Plan, as agreed in a Memorandum of Understanding between the authorities, is considered appropriate for the delivery of a the school.
Spatial Distribution

Issue 12.10  Of 20 promoted sites, the three identified in the consultation document all lie within west Hatfield.

HCC Response: Minerals can only be worked where they naturally occur and their spatial distribution will depend on the geology of the area. The site assessment also considered the deliverability of sites. It is acknowledged that the three Specific Sites in the DMLP are in relative proximity to one another and the combination of existing sites (some of which will remain operational for a significant period of the emerging MLP) with the Specific Sites and the Preferred Area identified in the DMLP, are spread East-to-west across the county. It is not intended that the three Specific Sites will all be worked at once, or as the sole operational extraction sites in the county at any one time during the emerging Plan period.

Health and Social Impacts

Issue 12.11  No benefits for local residents. Short and medium term benefits should be identified to offset negative impacts

HCC Response: Any application submitted to the county council will have to meet the requirements of the policies set out in the Development Plan. The policies in the emerging MLP have been prepared in consultation with numerous statutory planning bodies, District and Borough Councils and community groups to ensure that proposals seek to enhance the environment and local amenity where appropriate.

The long term benefits of mineral extraction can include increased access to open space with the restoration of the countryside seen as a way in which to improve and enhance the county’s green infrastructure ‘offer’ for recreation and physical activity. Opportunities for environmental improvements can include:

- New or increased habitat
- Improved public access
- Enhanced green infrastructure
- New and/or improved local amenity and recreational facilities
- Increased opportunities for walking and cycling and other physical activity
- Increased opportunities for informal sport and recreation
- Improved environmental and wildlife education opportunities
- Improved community facilities and accessibility to natural services

Air Quality

Issue 12.12  There is concern about the potential detrimental impacts of mineral extraction and associated vehicle movements on public health.

HCC Response: The county council acknowledges that some adverse impacts are unavoidable when carrying out mineral extraction, and that dust and vehicular emissions are a consequence of all mineral extraction operations.

The Draft Minerals Local Plan addresses air and noise pollution generated by mineral operations and human health in Chapter 13 under General Environmental

If a planning application comes forward on the site, the emerging MLP may require that a Health Impact Assessment is submitted to assess all potential impacts on health as a result of the proposed development. Air quality will form a significant part of this assessment.

Issue 12.13 What air quality assessments have been carried out in the Sandpit Lane and Oaklands Lane area?

**HCC Response:** It is recognised that there may be negative impacts as a result of mineral extraction and these should be assessed in detail at the planning application stage. The county council may request specific studies and assessments as part of a planning application and will use polices and legislation to seek such studies. Where negative impacts are recognised, conditions may be attached to any planning permission to ensure the effects are mitigated.

**Water – Protection**

Issue 12.14 The Nast Stream should be improved and/or appropriate mitigation put in place to avoid negative impacts on the Ellen Brook Water Framework Directive water body.

**HCC Response:** Noted. This is a requirement of Policy 15: Water Management.

Issue 12.15 Two sites are located just outside of a Source Protection Zone 2 of our Essendon source.

**HCC Response:** Noted: Policy 15: Water Management puts in place a requirement for applicants at the planning application stage to demonstrate that proposals cause no adverse impacts to water quality and amenity value of water resources.

**Water – Bromate**

Issue 12.16 All three Specific Sites are located within the Bromate plume which could cause adverse impacts to water supply and water quality.

**HCC Response:** Ten of the sites submitted to the county council and assessed for inclusion in the emerging MLP fall within the Bromate plume.

This existence of the Bromate plume does not preclude the extraction of mineral. As stated in the relevant Site Briefs in the DMLP, proposals for extraction within the plume will require an extensive plan of groundwater level and quality monitoring before, during, and after the working. The plume will need to be assessed and shown that it will not be spread either vertically or laterally as a result of proposed works. This is a specific addition to the requirements of DMLP Policy 15: Water Management which requires all applications for mineral extraction to demonstrate that there is no adverse impact to water quality and amenity value of water resources. As part of the production of the DMLP, the Environment Agency were consulted to confirm that the location of a site in the Bromate plume did not preclude
minerals development. As part of their response they provided the wording included in the Site Briefs.

Issue 12.17  The Bromate plume will affect the economic viability of the Specific Sites

HCC Response: As part of the Site Selection Methodology, the economic viability and deliverability of promoted sites was assessed. It is considered that all three Specific Sites have viable and deliverable mineral reserves based on the information provided by proposed mineral operators.

Water – Flood Risk

Issue 12.18  There is a risk of flooding at and nearby to these sites.

HCC Response: A Level 1 Strategic Floor Risk Assessment (2015) was prepared at the outset of the MLP review to support the production of the emerging MLP. Promoted sites were assessed in an Addendum to the SFRA (2015) called the Sequential Test of Mineral Sites in the Draft Minerals Local Plan (2017). This addendum was used to demonstrate that proposed development in the emerging MLP was outside of high and medium flood risk areas and that the proposed developments were considered appropriate in the locations identified in the DMLP.

Planning Practice Guidance categorises sand and gravel extraction as ‘Water Compatible Development’. As such, extraction is deemed appropriate in all flood risk vulnerability classifications, even in Flood Zone 3b (known as the functional floodplain). Processing facilities are appropriate in all flood risk vulnerability classification apart from Flood Zone 3b. This is partially because of the positive effect mineral workings can have mitigating flood risk as an increase to flood water storage, either temporarily during extraction or permanently if designed into the restoration scheme.

It should be noted that the inclusion of a Specific Site or Preferred Area in the emerging MLP will not preclude the requirement for proposal-specific assessments to be undertaken and submitted to the county council at the planning application stage. A Flood Risk Assessment will be needed as part of any proposal for mineral extraction to show that mineral proposals will reduce flood risk and not cause adverse impacts on flow of surface water on the site or elsewhere.

Recreation

Issue 12.19  Site is currently used by for several recreational purposes. Residents are concerned about possible loss of the site for this use.

HCC Response: The current recreational uses on the site are with the permission of the land owner. HCC is working with St Albans District Council, Welwyn Hatfield Council and the land owner regarding the long term recreational uses of the site (including the provision of a Country Park).

Rights of Way

Issue 12.20  Rights of Way will be severely disrupted.
HCC Response: Some of the access routes onto and around the site are permissive paths and are not Rights of Way. Mineral extraction and associated development must, where possible, ensure that public Rights of Way are protected and not adversely affected by the proposal. Where this is not possible, any planning application submitted to the county council for consideration would need to ensure that good quality, safe and convenient alternative provision is made or suitable replacement Right(s) of Way are secured.

Transport – Traffic

Issue 12.21  The Specific Sites are not well located in relation to the Primary Road Network.

HCC Response: Access to Proposed Specific Site 1: Hatfield Aerodrome is on the A1057 and the existing processing plant to be used for Proposed Specific Sites 2 and 3 is located on Oaklands Lane, close to the A1057. The A1057 is identified as a Main Distributor road in the Hertfordshire Local Transport Plan.

HCC Highways, as the Highways Authority for Hertfordshire, is the statutory body with responsibility to determine whether roads are appropriate. HCC Highways have considered these roads an appropriate link to the Primary Route Network in response to historic planning applications for mineral extraction in the local area and as part of their assessment of promoted sites which fed into the Site Selection Methodology for the DMLP.

Issue 12.22  Has the number of additional HGV journeys generated by the Plan been calculated?

HCC Response: Detailed transport modelling is a requirement at the planning application stage when there is greater certainty regarding proposed developments. As part of the assessment for planning applications at Hatfield Quarry – Furze Field and Hatfield Aerodrome, applicants and HCC Highways modelled total number of HGV vehicles for specific proposals, taking account of cumulative impact with existing vehicle movements. These were deemed appropriate levels of additional HGV movements as both applications gained resolutions to grant permission, subject to legal agreements not related to traffic generation.

Issue 12.23  Local road network is already congested at peak times.

HCC Response: The Specific Sites have all been assessed by HCC Highways during Plan-production and the assessments have been incorporated into the Site Selection Methodology undertaken by Land Use Consultants (LUC) in support of the emerging MLP.

Any planning application submitted to the county council for consideration would need to demonstrate how it has addressed the issues set out in the accompanying planning brief and extant policies within the Development Plan. A number of documents may be needed to support a planning application, including a transport assessment.
HCC Highways will be consulted on any future planning application and would review any submissions to ensure traffic movements related to the proposal were appropriate. This may include Routing Agreements to avoid unsuitable roads or to ensure HGVs reach the Primary Route Network in the most appropriate way.

Any planning application submitted to the county council for consideration that generates significant volumes of transport should be supported by a Transport Assessment detailing the cumulative impacts of the development from transport and vehicle movements. The Transport Assessment must also address how access to the Primary route network is suitable and how impact on road safety and congestion has been addressed.

**Transport – Routing**

**Issue 12.24** There are a number of inappropriate and unsuitable roads in the surrounding area. HCC Highways must place conditions to control the roads used by HGVs.

**HCC Response:** The Specific Sites have all been assessed by HCC Highways during Plan-production and the assessments have been incorporated into the Site Selection Methodology undertaken by Land Use Consultants (LUC) in support of the emerging MLP.

Any planning application submitted to the county council for consideration would need to demonstrate how it has addressed the issues set out in the accompanying planning brief and extant policies within the Development Plan. A number of documents may be needed to support a planning application, including a transport assessment.

HCC Highways will be consulted on any future planning application and would review any submissions to ensure traffic movements related to the proposal were appropriate. This may include Routing Agreements to avoid unsuitable roads or to ensure HGVs reach the Primary Route Network in the most appropriate way.

**Transport – Access**

**Issue 12.25** Site access should be located away from residential areas.

**HCC Response:** The exact access to proposed sites would be determined at the planning application stage. The location would be determined taking issues such as traffic and road safety into account.

**Transport – Safety**

**Issue 12.26** Concerned about road safety issues related to increased HGV traffic.

**HCC Response:** As part of the site assessment, comments from HCC Highways were provided with regards to road safety, amongst other things, and taken into account in the overall ranking of promoted sites and the selection of sites in the DMLP.
Any planning application submitted to the county council for consideration would need to demonstrate how it has addressed the issues set out in the accompanying planning brief and extant policies within the Development Plan. A number of documents may be needed to support a planning application, including a transport assessment which would address safety concerns.

**Transport – On-site**

**Issue 12.27** Vehicle movement on site should be located away from residential areas.

**HCC Response:** On-site movements would be considered as part of any planning application and would be linked to the phasing plan for extraction and the location of plant and machinery on-site.

**Issue 12.28** Long distance conveyor belts should be considered to reduce the need for further highway movements.

**HCC Response:** In line with ‘Policy 20: Strategic Transport’ the county council would support the use of conveyor belts as an alternative method of transport, minimising highways movements.

**Transport – Sustainable Transport**

**Issue 12.29** Sites are not near any railheads. Transportation is unsustainable.

**HCC Response:** HCC acknowledges that no site carried forward into the DMLP is near any railhead. The county council will encourage the sustainable transport of minerals by road at identified sites and would expect a Transport Assessment to be submitted with any planning application that meets the criteria listed in ‘Policy 21: Operational Transport’.

The sites and areas in the DMLP, in combination with the current operational extraction sites, is considered to offer a spatial spread of sites across the county from east to west, near to the Primary Route Network, which can reduce vehicle miles compared to other potential groups of sites.

**Viability / Risk**

**Issue 12.30** There are risks of supply and viability associated with locating all sand and gravel sites in a small area.

**HCC Response:** Minerals can only be worked were they naturally occur and so their spatial distribution is dependent on the geology of the area. The three Specific Sites and Preferred Area identified within the DMLP, in combination with the currently operational extraction sites, are spread east-to-west across the county. Although three Specific Sites are included in the Hatfield location, they will not all be worked at once and will not be relied on for the entire minerals supply of Hertfordshire due to other extraction sites operating during the Plan period.

**Green Belt**
Issue 12.31  Concentration of sites conflicts with the openness and results in loss of Green Belt.

**HCC Response:** The NPPF deems mineral extraction ‘not inappropriate’ within the Green Belt\(^9\) so long as it does not conflict with the purposes of including land in Green Belt\(^10\).

Minerals working can therefore be accommodated within the Green Belt. Any planning application located in Green Belt and submitted to the county council would be assessed against ‘Policy 13: Green Belt’ which states ‘proposals must site machinery to preserve the openness of the Green Belt’.

The temporary nature of mineral extraction means that as extraction finishes, Green Belt land can be restored to its original or former condition. It is common practice to work extraction sites in phases and to restore each phase in turn, lessening the overall impact of mineral working on the environment and minimising the loss of land.

**Restoration**

Issue 12.32  Has ‘waste management, including waste storage’ been considered as restoration?

**HCC Response:** Restoration is considered on a site-by-site basis and would be detailed in a Restoration Strategy submitted with a planning application. To restore land to pre-extraction levels, workings are frequently infilled using inert waste. Inert wastes are ‘wastes that do not undergo any significant physical or biological transformations when deposited in a landfill’. This may include construction waste, for example concrete or masonry, or excavation waste, for example soils from other built development projects.

It is common practice to work extraction sites in phases and to restore each phase shortly after the extraction has completed. This means infilling using inert material would occur throughout the sites operation and not as one major undertaking when all mineral extraction is complete.

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\(^9\) Paragraph 146. NPPF.
\(^10\) Paragraph 134. NPPF.
13 Proposed Preferred Area 1: The Briggens Estate

This chapter addresses representations received regarding Proposed Preferred Area 1: The Briggens Estate, henceforth referred to as PPA1. A number of representations were received suggesting amendments to the wording of policies and supporting text. These specific wording changes will need to be considered when drafting the Proposed Submission MLP.

The chapter is split into two parts. Issues 13.1 to 13.10 address the key issues raised in the standard text of the “Say No To The Quarry” form produced by the Stop Briggens Quarry Group, of which the council received 2,414 copies.

Issues 13.11 - 13.37 address all other representations submitted regarding PPA1, including issues highlighted by individual consultees in the “additional comments” section of the Stop Briggens Quarry Group form.

DMLP Representation Form - ‘Stop Briggens Quarry Group’

Issue 13.1 The inclusion of the Briggens Estate as a ‘Preferred Area’ for sand and gravel mineral extraction makes these policies unsustainable and unsound.

HCC Response: Before the emerging MLP is adopted, the Plan will be examined by an independent inspector who will consider the ‘soundness’ of the plan. This is a specific stage of Plan production. Set out in Paragraph 35 of the NPPF, Plans are ‘sound’ if they are:

a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

The NPPF and DMLP Policy 1: Sustainable Development set out the principles of sustainable development which will need to be taken into account when determining planning applications. Also, as part of the Plan making process, policies and sites are subject to a Sustainability Appraisal which informs the plan to ensure that sustainability considerations are integrated.
Issue 13.2  The proposed plan to quarry for gravel for 22 years is excessive and any development of this site for this purpose will negatively impact local communities.

HCC Response: Depending on the nature of the geology and the specific mineral deposit, many sand and gravel sites are worked over a long period of time with the impacts on the surrounding area managed via conditions or legal agreements. Working sites in a phased approach allows for area to be restored as they are worked progressively and the details of such phasing would be part of a detailed working and restoration scheme. Any planning permission would also be issues with conditions attached to ensure negative impacts are mitigated.

Issue 13.3  Local and strategic roads in the area are already at capacity and there does not appear to be a solution to the highways access problems.

HCC Response: Any planning application submitted to the county council for consideration would need to demonstrate how it has addressed the issues set out in the accompanying planning brief and extant policies within the Development Plan. A number of documents may be required to support a planning application, including a transport assessment.

Issue 13.4  Detrimental consequences include unacceptable noise levels, raised levels of pollution from mining activities (silica dust) and increased HGV traffic and safety issues relating to the proximity of mining activities to schools, nurseries and residences.

HCC Response: Any planning application submitted to the county council for consideration would need to demonstrate how it has addressed the issues set out in the accompanying planning brief and extant policies within the Development Plan. A number of documents may be required to support a planning application, including a transport assessment and Environmental Impact Assessment which would need to consider the likely significant effects from the development (emissions such as dust) and risk to human health.

Issue 13.5  This proposal would result in the loss of working farms and livelihoods.

HCC Response: The landowner would be responsible for any negotiations with their tenants regarding the potential change of use for the area. Many minerals workings are on agricultural land with the restoration returning the land to agriculture of at least the same, if not better grade. Often mineral sites are worked in phases with agricultural uses still continuing on area that are not subject to extraction or that have already been restored.

Mineral extraction also creates employment in the local area.

Due to the temporary nature of mineral extraction, proposals for mineral development should be accompanied by a Restoration Strategy and Aftercare Management Strategy setting out how the site is to be restored and the after-use proposed. The after-use of a site can be a return to the existing use.
Issue 13.6  The Briggens site is currently home to numerous BAP priority species. These species, as well as the ancient woodland adjacent to the site and the water supply would be harmfully affected.

HCC Response: The proximity of the ancient woodland was taken into account in the site selection process and would need to be taken into account within any planning application, with appropriate buffer zones implemented to ensure protection. Detailed assessments would also be required to accompany any planning application regarding the impacts and mitigation measures proposed for the protection of the natural habitat, species and water environment. Specific development management policies would be applied and conditions attached to any permission.

Issue 13.7  The inclusion of the Briggens site in the Plan is in conflict with the East Hertfordshire District Plan strategic growth plans and vision, which has allocated the land immediately adjacent to the site for the development of 10,000 houses.

HCC Response: As with all the District and Borough Local Plans across the county, the East Hertfordshire District Plan seeks to deliver a large number of homes. These homes will need a considerable amount of aggregate to build them and this aggregate will need to come from a suitable, sustainable supply. The county council has regular meetings with East Hertfordshire District Council and both councils are fully aware of the minerals issues on PPA1 and the proposed allocation for housing. The county council has been provided with detailed geological reports which concluded that the mineral beneath the strategic growth area was not economically viable. The inclusion of the Briggens Estate as PPA1 does not contradict or conflict with the housing aspirations on land in the vicinity and any mineral dug from the area could be used in the construction. This close proximity of mineral resources is more sustainable than transporting large quantities of aggregate into the area from sources further afield.

Issue 13.8  The cumulative impact of the simultaneous development of both Briggens and Harlow North sites on the existing and neighbouring communities, as well the wider area, would without doubt be severe and I do not believe, viable.

HCC Response: Cumulative impacts were taken into account as part of the site selection study and would also need to be assessed at the time of any application. The DMLP includes a specific policy (Policy 14) on cumulative impact. The detailed timing of both the housing development and any mineral extraction would need to be taken into account when master planning the area and when considering any specific planning application for mineral working. It is anticipated that both the housing and any mineral extraction would be progressed in a phases.

Issue 13.9  The Briggens Estate, as a location for sand and gravel extraction is “unsustainable”, and Hertfordshire County Council has failed to demonstrate that this site could be delivered with any reasonable degree of certainty during the plan period.
HCC Response: The deliverability of a site is dependent on the geology of the area and the willingness of the land owner and potential minerals operator to take the site forward. All three of these elements have been proven to the county council in the site selection process. In line with the NPPF, the county council has identified a combination of Specific Sites and a Preferred Area to ensure a steady and adequate supply of minerals is maintained. The evidence which demonstrates the suitability of the Plan, including the sites, will also be subject to an Examination in Public led by a Planning Inspector appointed by the Secretary of State.

Issue 13.10 I support the detailed report endorsed by Say No to the Quarry: ‘Community’s Response and Objections’ to this consultation

HCC Response: The county council note the contents of the report produced by RSK on behalf of Stop Briggens Quarry Group which carries out a preliminary mineral assessment looks at the Land near Olives Farm. HCC responses to this report are set out within the remainder of Chapter 13.

Local and National Policy

Issue 13.11 The identification of PPA1 contradicts national planning policy, as well as policies and documents within Hertfordshire’s Development Plan.

HCC Response: Hertfordshire County Council is the Minerals Planning Authority for Hertfordshire. The county council has a statutory responsibility to plan for future mineral supply within Hertfordshire, ensuring the steady and adequate supply of minerals supply within the county.

This should be achieved by designating Specific Sites and/or Preferred Areas for mineral extraction, as set out in the National Planning Practice Guidance11.

The emerging MLP has been appraised to ensure it doesn’t conflict with competing land use designations. The Site Selection Report and Sustainability Appraisal produced in support of the DMLP assessed potential conflicting land uses that currently exists, has been allocated in adopted/emerging District and Borough Local Plans or has been granted planning permission. The site assessments have been updated taking account of progress with District and Borough Local Plans after the consultation on the DMLP. The identification of PPA1 is not considered to contradict national or local policy.

The county council has consulted formally and informally with the District and Borough Councils (and others) under the duty to cooperate, to ensure that policy wording within the Draft Minerals Local Plan does not conflict with other Local Planning authority Plans.

There is no current planning application at PPA1. Any application for mineral extraction or associated development that may come forward on PPA1, would be determined against the accompanying planning brief and extant policies within the Development Plan. This means that any application must prove that it complies with any relevant policies within the adopted and emerging Minerals Local Plan.

11 NPPG. Paragraph: 008 Reference ID: 27-008-20140306. Revision date: 06 03 2014
East Herts District Council considers impacts of PPA1 in combination with impacts of non-mineral development within the vicinity of the site would be contrary to the NPPF, national and international legislation and would be inconsistent with Objective 6 of the Draft Minerals Plan. Specifically paragraphs: 79, 80, 88, 90 and 145 of the NPPF (2012). Allocation is also inconsistent with Draft Minerals Plan policies 16, 17, 18, 19 and 20.

HCC Response: Paragraph 146 of the NPPF (previously paragraph 90) states that provided the development preserves the openness and does not conflict with the purposes of Green Belt, mineral extraction is not inappropriate within the Green Belt.

The county council acknowledges the District Plan designation for non-mineral development within the vicinity of the site. Any planning application that may come forward on PPA1 would need to demonstrate compliance with national Green Belt policy, and extant Green Belt policies within Hertfordshire’s Development Plan.

It is common practice to work extraction sites in phases and to restore each phase in turn shortly after the extraction has been completed. Progressive working and restoration can lessen the overall impact of mineral working on the environment.

Paragraph 207 (previously paragraph 145) of the NPPF sets out how Mineral Planning Authorities should plan for a steady and adequate supply of aggregates which includes ensuring that large landbanks bound up in very few sites do not stifle competition. The county council acknowledges that PPA1 is the only identified Preferred Area and is the largest site identified in the Plan. However, PPA1 is identified alongside three Proposed Specific Sites and it is considered that the Plan is in conflict with NPPF Paragraph 207.

Due to the size of the Briggens site and the idea that this would not be developed until the other sources are depleted, this would leave Tarmac and the Briggens site being almost the sole supplier of gravel in Hertfordshire. This is counter to the idea of having more smaller and competitive sites in the region.

HCC Response: The MLP identifies three Specific Sites across the county in addition to PPA1 and those that are currently being worked. The current and proposed sites are worked by a number of different aggregate companies. In line with the NPPF, the MLP will need to be reviewed every five years and will be monitored annually through the Local Aggregates Assessment. If the landbank falls below the minimum requirement this may trigger a review which would require revisiting the Specific Sites and Preferred Areas.

Site Timeframe and Operations

How can mineral extraction be considered temporary?

HCC Response: Mineral working is classed as a temporary use of land in the NPPG, although it is acknowledged that working often takes place over a long period.
of time\(^{12}\). The reclaiming of land to its former or an enhanced condition marks mineral working as temporary. Land should be reclaimed at the earliest opportunity and high quality restoration and aftercare of sites should take place\(^{13}\).

**Issue 13.15** There is concern about potential operational details of a quarry at PPA1.

**HCC Response:** The DMLP document has identified land at the Briggens Estate as a Proposed Preferred Area for mineral extraction, which is an area of known resource where planning permission might reasonably be anticipated.

There is no current planning application on PPA1. Any application for mineral extraction or associated development that may come forward on PPA1 would be determined against the accompanying Site Brief and extant policies within the Development Plan.

It would be expected that during the planning application stage, the site promoter would submit several supporting documents, presenting the results of further technical assessments. These documents would be used to support the application and potential operation of the site (e.g. timeframe of extraction, site area).

Additionally, during the planning application stage, conditions would be set to determine the operational details and mitigation measures for possible mineral extraction, and if applicable, any associated development (e.g. operational hours, use of lighting, vehicle movements).

**Issue 13.16** Concerned that the terms of an option agreement with a mineral operator are being finalised.

**HCC Response:** Hertfordshire County Council is not involved in option agreements which are formed between site promoters and land owners.

**Issue 13.17** Where would the mineral extracted from PPA1 be used or sold?

**HCC Response:** Due to transport costs, aggregates such as sand and gravel are generally sold local (approximately 40 mile radius) to where they are dug. If minerals or aggregate are of national importance (i.e. they don’t naturally occur in very many locations), they may travel greater distances. The county council would not control the use or sale of minerals from PPA1.

**Stanstead Abbotts Community Concerns**

**Issue 13.18** Residents are concerned about the impacts of minerals development on nearby residents and those living in or visiting the surrounding villages.

**HCC Response:** The county council acknowledges that the potential of mineral extraction at PPA1 could cause disruption to the residents surrounding the site.

\(^{12}\) NPPG. Paragraph: 001 Reference ID: 27-001-20140306 Revision date: 06 03 2014

\(^{13}\) Paragraph 204. NPPF (July 2018)
Whilst this does not prevent the identification of the site for mineral extraction, any application submitted to the county council for determination would need to demonstrate how it has addressed the issues set out in the accompanying planning Site Brief and extant policies within the Development Plan. Policies have been drafted to protect the natural, built and historic environment. This incorporates issues related to the highways network, watercourses, ecology and biodiversity, and health and amenity.

Policies in the emerging MLP have all been developed taking account of informal and formal consultation with: District and Borough Councils; statutory bodies such as the Environment Agency, Historic England and Natural England; and statutory consultees including HCC Highways, HCC Natural, Built and Historic Environment and HCC Rights of Way to ensure that the emerging MLP ensures that future proposals meet relevant regulatory requirements and best practices.

If proposals are granted permission, the county council may consider it appropriate to set Planning Conditions for certain mitigation measures to ensure that the adverse impacts from future operations are controlled.

Issue 13.19 Identification of PPA1, and potential resultant mineral extraction, would not benefit the local community.

HCC Response: Any application submitted to the county council will have to meet the requirements of the policies set out in the Development Plan. The policies in the emerging MLP have been prepared in consultation with numerous statutory planning bodies, District and Borough Councils and community groups to ensure that proposals seek to enhance the environment and local amenity where appropriate.

The long term benefits of mineral extraction can include increased access to open space with the restoration of the countryside seen as a way in which to improve and enhance the county’s green infrastructure. Other benefits may include:

- Increased access to land for recreation and physical activity;
- Opportunities for environmental improvements such as new or enhanced, habitat;
- Improved public access;
- Enhanced green infrastructure;
- New and/or improved local amenity and recreational facilities;
- Increased opportunities for walking and cycling and other physical activity;
- Increased opportunities for informal sport and recreation;
- Improved environmental and wildlife education opportunities;
- Improved community facilities and accessibility to natural services.

Resident’s Property Concerns

Issue 13.20 The identification of PPA1 and potential mineral extraction may reduce property values in the local area.

HCC Response: Loss of property value is a concern to residents who are local to many types of development. Planning decisions are made in the public interest and
are concerned with balancing the need for the development with the need to protect the environment.

As set out in Government guidance: ‘…planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations’\textsuperscript{14}.

Local authorities have to plan for all types of development, for example, the District Councils plan for new housing and new industrial development. The county council is the Minerals Planning Authority for Hertfordshire, and is therefore obligated to evaluate potential sites for extraction; however the county council do not carry out extraction, which is the work of mineral operators.

Issue 13.21 Potential dust accumulation may result in greater cleaning costs for residents.

\textbf{HCC Response}: In line with National Policy, the DMLP contains policies which ensure that proposals clearly demonstrate that impacts have been assessed and mitigation measures proposed. Any planning application would need to be submitted with a number of supporting documents which would include the appropriate assessment of dust. Mitigations measures can be imposed via conditions attached to permission.

**Public Health and Social Impacts**

Issue 13.22 PPA1 should be excluded as no Health Impact Assessment has been undertaken.

\textbf{HCC Response}: There is no current planning application at PPA1. If a planning application comes forward on the site, it would need to be accompanied by an Environmental Impact Assessment which would need to consider any health impacts. A Health Impact Assessment may be undertaken to assess the health impacts as part of the EIA requirements. The policies and supporting text of the DMLP state that assessments and studies may be required to be submitted (e.g. Policy 19) to assess the potential health impacts as a result of the proposed development and the need for mitigation measures.

Issue 13.23 There is concern about the potential detrimental impacts of mineral extraction and associated vehicle movements on public health.

\textbf{HCC Response}: The county council acknowledges that some adverse impacts are unavoidable when carrying out mineral extraction, and that dust is a consequence of all mineral extraction operations.

The DMLP addresses air pollution generated by mineral operations and human health in Chapter 13 under General Environmental and Amenity Protection and Policy 19. The potential impacts of operational transport on human health are addressed in Chapter 14 under Operational Transport and Policy 21.

\textsuperscript{14} National Planning Practice Guidance Paragraph 008
There is currently no planning application at PPA1. Any planning application submitted to the county council for consideration would need to demonstrate how it has addressed health impacts as part of the Environment Impact Assessment and in line with the Site Brief and extant policies within the Development Plan. Applicants would also be required to submit a number of supporting documents which may include a Health Impact Assessment to assess all potential impacts on health as a result of the proposed development.

**Issue 13.24** Concerned about crystalline silica particulates and their potential impact on human health as a carcinogen.

**HCC Response:** The county council acknowledges that dust is a consequence of all mineral extraction operations.

The Health and Safety Executive is an independent regulator involved in health and safety within Great Britain’s workplaces. The Health and Safety Executive provide guidance on silica for quarry workers. The following information is taken from the Health and Safety Executive regarding silica and respirable crystalline silica.

‘One of the health risks from working in the quarry industry is that of exposure to fine dust containing crystalline silica (otherwise known as quartz). Quartz is found in almost all kinds of rock, sands, clays, shale and gravel. Workers exposed to fine dust containing quartz are at risk of developing a chronic and possibly severely disabling lung disease known as "silicosis". It usually takes a number of years of regular daily exposure before there is a risk of developing silicosis. Silicosis is a disease that has only been seen in workers from industries where there is a significant exposure to silica dust, such as in quarries, foundries, the potteries etc. No cases of silicosis have been documented among members of the general public in Great Britain, indicating that environmental exposures to silica dust are not sufficiently high to cause this occupational disease.’

There is currently no planning application at PPA1. Any planning application submitted to the county council for consideration would need to demonstrate how it has addressed health impacts as part of the Environment Impact Assessment and in line with the planning brief and extant policies within the Development Plan. Applicants would also be required to submit a number of supporting documents which may include a Health Impact Assessment to assess all potential impacts on health as a result of the proposed development.

**Issue 13.25** Any permission given on this application would infringe on our Human Rights under articles 1, 8 and 6(1) of the Act.

**HCC Response:** The county council acknowledge the Human Rights Act 1998 and the protection of these rights and freedoms. By producing a Minerals Local Plan, the county council is exercising its statutory obligation as the local Minerals Planning Authority for Hertfordshire to produce a local development document which contains

15 Health and Safety Executive: Silica [http://www.hse.gov.uk/quarries/silica.htm](http://www.hse.gov.uk/quarries/silica.htm)
statements regarding ‘[…]the allocation of sites for a particular type of development or use’ under the Town and Country Planning (Local Planning) (England) Regulations 2012\textsuperscript{16}.

The requirements of the Human Rights Act 1998 would need to be considered when determining a specific planning application. This includes the human rights of the adjoining residents under Article 8, the right to respect for private and family life, and the right of enjoyment of property under Article 1 of the First Protocol. The balance would consider the economic interests of the community as a whole and the human rights of other individuals.

The human rights of the owners of a site (First Protocol Article 1, that is the right to make use of their land) would also need to be balanced; i.e. a refusal of planning permission may infringe their right and that too would need to be balanced against the need to protect the environment and the amenity of adjoining residents.

In making that ‘on balance’ judgement, it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions.

**Water and Flood Risk**

**Issue 13.26** There is concern about the possible impact of mineral extraction on water management, including water supply, quality and flood risk.

**HCC Response:** The county council acknowledges that mineral workings have the potential to impact water resources at an extraction site, or as part of the wider area.

In accordance with national guidance, a Level 1 Strategic Flood Risk Assessment was produced for the review of the Minerals Local Plan, with a subsequent addendum produced which assessed the sites considered within the DMLP. Results of the assessment found that PPA1 is appropriate for sand and gravel extraction, with a low risk of flooding or other impacts to water quantity or quality. It is envisaged that this SFRA Addendum will be reviewed and updated by the MPA in time for the publication of the Regulation 19 Proposed Submission Minerals Local Plan.

The county council’s approach to water management in regards to mineral working and any associated development, is set out in Chapter 13: Environmental Polices and within Policy 15: Water Management.

There is no current planning application on PPA1. Any planning application submitted to the county council for consideration would need to demonstrate how it has addressed water management in line with the planning brief and extant policies within the Development Plan. This would cover issues related to water quantity and water quality related to surface water and groundwater, both at the site of the application and in the surrounding areas.

It is expected that any planning application for mineral extraction would also submit an individual Flood Risk Assessment, which would specifically assess whether the development is acceptable in flood risk terms, both within the site and on the

\textsuperscript{16} The Town and Country Planning (Local Planning) (England) Regulations 2012: Regulation 5(1).
surrounding area and describe mitigation measures incorporated into the proposals for proposed development to meet the Policy requirements.

In line with consultation procedures for planning applications, the Environment Agency and Lead Local Flood Agency would be consulted regarding any submitted application/s. They would provide advice on the assessments and mitigation measures undertaken by the applicant related to water management and would advise the council of the need for any Planning Conditions that should be included in a planning permission, if granted by the council.

**Natural and Historic Environment**

**Issue 13.27** There is concern about the impact of possible mineral extraction at PPA1 on the surrounding landscape, historic environment, and biodiversity.

**HCC Response:** The purpose of the Minerals Local Plan is to balance the need for mineral extraction against the potential impacts that mineral extraction can have on the local community and the environment.

Chapter 13 of the DMLP sets out the county council’s environmental policies which cover the historic environment (Policy 16), landscape and Green Infrastructure (Policy 17), biodiversity (Policy 18) and the protection and enhancement of environment and amenity (Policy 19). All future mineral proposals must meet the requirements set out in each policy in order to be granted planning permission.

There is no current planning application at PPA1. Any planning application submitted to the county council for consideration would need to demonstrate how it has addressed each aspect of the environment in line with the planning brief and extant policies within the Development Plan.

Any planning application submitted to the county council for consideration should be supported by a range of technical documents which address the environment. This may include but is not limited to:

- A Heritage Statement;
- An archaeological assessment
- a full Landscape and Visual Impact Assessment;
- an ecological survey;
- a biodiversity monitoring scheme;
- a Dust Assessment Study;
- an Air Quality Assessment; and
- a Health Impact Assessment.
- A Soil Management and Handling Strategy (with an Agricultural Assessment where appropriate).

All proposals should also be accompanied by a Restoration Strategy and Aftercare Management Strategy which set out the reclamation of land to its former condition following mineral working, with support for improvements and enhancements to the area. The county council’s approach to restoration, after-use and aftercare are set

Issue 13.28  PPA1 will produce a large carbon footprint.

**HCC Response:** If a planning application comes forward on the site, the application would need to demonstrate how it has addressed the issues set out in the accompanying Site Brief and extant policies within the Development Plan. Any application would also need to comply with national planning guidance, such as the NPPF, which addresses climate change and greenhouse gas emissions.

‘Policy 2: Climate Change’ within the DMLP document sets out how any proposal for mineral extraction or associated development must demonstrate effective adaptation and resilience measure to potential climate changes in the form of a Climate Change Statement, which should have regard to minimising greenhouse gas emissions.

**Green Belt**

Issue 13.29  There are concerns about potential mineral extraction at PPA1, which is located in the Green Belt.

**HCC Response:** Due to the temporary nature of mineral extraction and associated development, the NPPF deems mineral extraction ‘not inappropriate’ within the Green Belt, provided it preserves the openness of Green Belt and does not conflict with the purposes of including land in Green Belt\(^{17}\). Policy 13: Green Belt of the DMLP sets out the county council’s approach to protecting the Green Belt.

East Herts District Council has confirmed that “the Briggens Estate land between Stanstead Abbotts and the Gilston Area allocation will remain designated as Green Belt”\(^{18}\).

There is no current planning application at PPA1. If a planning application is submitted to the county council for consideration at the site, it would need to demonstrate how it is compliant with national Green Belt policy and has addressed issues set out in the planning brief and policies within the Development Plan.

To minimise the loss of Green Belt land, it is common practice to work extraction sites in phases, and to restore each phase in turn shortly after extraction has been completed. Applications would have to show how proposals site machinery in suitable locations onsite and could seek, where appropriate, to enhance the Green Belt’s beneficial use following restoration of the site.

**Transport and Rights of Way**

Issue 13.30  There is concern about the potential transport implications if mineral extraction occurs at PPA1. This includes possible impacts on traffic, road safety, vehicle routing and site access.

\(^{17}\) Paragraph 146. NPPF.

\(^{18}\) Draft Minerals Local Plan Response DMLP1266
**HCC Response:** PPA1 was assessed by HCC Highways during Plan-production and the assessments were incorporated into the Site Selection Methodology undertaken by Land Use Consultants (LUC) in support of the emerging MLP. As the Highways Authority for Hertfordshire, HCC Highways noted that, whilst there are traffic sensitive routes, known areas of congestion and roads with unsuitable weight limits near to the site, the proposed location for access on the B181 with HGV movements directed to the A414 is an acceptable approach. As part of their representations to the DMLP\textsuperscript{19}, HCC Highways also highlighted that there were opportunities to explore the following options which could help to further mitigate transport issues:

- Use of existing service slip roads by Ryegate Farm, which are not in current use on the A414
- Additional slip roads at the A414/B181 Roydon Road junction
- Provision of a direct access (including non-vehicular access) to the proposed Gilston development.

There is no current planning application at PPA1 and the HCC Highways assessment of the site does not replace the need for suitable detailed assessment and mitigation measures at the planning application stage. Any planning application submitted to the county council for consideration would need to demonstrate how it has addressed the issues set out in the accompanying planning brief and extant policies within the Development Plan. Policy 21: Operational Transport in the DMLP sets out the county council’s approach which proposals must comply with. This covers issues of safety, effective operation of the highway network, amenity, health and the natural, built and historic environment. A number of documents may be needed to support a planning application, including a transport assessment.

HCC Highways will be consulted on any future planning application and would review any submissions to ensure traffic movements related to the proposal were appropriate. This may include Routing Agreements to avoid unsuitable roads or to ensure HGVs reach the Primary Route Network (which includes the A414) in the most appropriate way.

Any planning application submitted to the county council for consideration that generates significant volumes of transport should be supported by a Transport Assessment detailing the cumulative impacts of the development from transport and vehicle movements. The Transport Assessment must also address how access to the Primary Route Network is suitable and how impact on road safety and congestion has been addressed.

**Issue 13.31** PPA1 is within the approach route to Stanstead airport. The risk of bird strikes to air craft should be considered.

**HCC Response:** PPA1 does not lie within an Airport Safeguarding Zone, as assessed within the Site Selection Report.

\textsuperscript{19} Draft Minerals Local Plan Response DMLP1543
Issue 13.32  PPA1 is of concern to Broxbourne Borough Council due to the potential increase in HGV traffic on the A10 - designated in part as an AQMA through Broxbourne. Broxbourne would ‘expect a significant contribution’ from the proposal towards improvements on the A10 to mitigate impacts of the development.

HCC Response: Developer contributions would be determined at the planning applications stage as part of any legal agreement (Section 106).

Restoration, After-use and After Care

Issue 13.33  What are the plans for the after use and restoration of the site? How will restoration be secured?

HCC Response: There is no current planning application at PPA1. If a planning application comes forward on the site, the proposal would be required to submit an appropriate outline Restoration Strategy and Aftercare Management Strategy. Both strategies would be assessed against all relevant emerging and extant policies, such as those listed in ‘Chapter 16: Sustainable Reclamation’ of the Draft Minerals Local Plan document. All after-use proposals must be specified and if the after-use proposals involve a change of use from the existing use, further planning permission may be required.

As noted in Chapter 16: Sustainable Reclamation, the county council will make use of planning obligations and conditions, where appropriate, to secure the restoration and aftercare of sites.

The monitoring of mineral sites takes place through regular site visits carried out by the county council’s Planning Enforcement Officers. During these visits, Planning Enforcement Officers will check that sites are operating in compliance with the planning permission and associated planning conditions.

Landfill Restoration

Issue 13.34  Concerned about the use of PPA1 for landfill after extraction has finished.

HCC Response: To restore land to pre-extraction levels, mineral workings are frequently infilled using inert waste. Inert wastes are ‘wastes that do not undergo any significant physical or biological transformations when deposited in a landfill’. This may include construction waste, for example concrete or masonry, or excavation waste, for example soils from other built development projects.

It is common practice to work extraction sites in phases and to restore each phase in a timely manner after the extraction has completed. This means infilling using inert material would occur throughout a site’s operation and not as one major undertaking when all mineral extraction is complete.

The inert nature of the waste used in restoration-driven landfill, is unlikely to generate odour or attract noticeable pest – species. There should also be no leachate. These are the products of biodegradable waste. Biodegradable waste is defined by the EU Landfill Directive as ‘any waste that is capable of undergoing
anaerobic or aerobic decomposition’, an example of which is residual household waste. Hertfordshire’s geology and sensitive groundwater restrict the use of landfill for biodegradable waste. Any waste brought to site would be monitored under the Waste Duty of Care Code of Practice issued under Section 34 of the Environmental Protection Act (1990). It is therefore unlikely that biodegradable waste would be landfilled at PPA1.

Issue 13.35  There should be other ways to deal with waste (e.g. incineration).

HCC Response: As referenced in Chapter 16: Sustainable Reclamation of the DMLP, any planning application submitted to the county council considering the use of inert material for the restoration of a site would be assessed against the Development Plan policies to ensure their suitability.

Inert waste includes materials such as soils and rubble from construction projects. This is a significant waste stream in Hertfordshire due to the large quantity of construction projects in the county and in nearby London. A proportion of this waste stream can be recycled at recycled aggregate facilities however there is a capacity shortage to fully manage this waste stream. The use of inert material to fill a void space created by mineral extraction can be considered a suitable way to restore the site to achieve the planned after-use of a site.

Proposed Development around PPA 1 including the Gilston Area.

Issue 13.36  To reduce the need to identify new mineral extraction sites, mineral extraction should occur prior to construction at the Gilston Area proposed in the emerging East Herts District Plan.

HCC Response: The emerging MLP promotes the extraction of minerals prior to built development taking place to prevent the sterilisation of minerals. This prevents the unnecessary permanent loss of the minerals and is considered sustainable planning by national policy. However, this can only be implemented where there is a suitable mineral deposit and it can practically be extracted in advance of the proposed scheme. In line with national policy, Policy 8: Mineral Safeguarding in the DMLP sets out the county council’s approach to prior extraction.

As part of the production of the East Herts District Plan, HCC were in correspondence with planning officers and with the site promoters for the Gilston Area. The county council requested that detailed mineral investigations were undertaken to determine the quantity and quality of underlying minerals and demonstrate whether the mineral could practically be extracted prior to the proposed non-mineral development.

Based on the findings of the detailed geological reports, the investigation concluded that the mineral beneath the strategic growth area was not economically viable. However, policy wording has been included in the emerging East Herts District Plan to ensure that, where opportunities exist, mineral extracted during the non-mineral development can be used on-site to reduce the demand to import material to site.

Issue 13.37  Residents are concerned about possible cumulative impacts from any potential mineral extraction at PPA1 and other proposals in the area.
including the Gilston housing development, and the Energy from Waste facility at Ratty’s Lane.

**HCC Response:** Policy 14: Cumulative Impacts in the DMLP sets out the county council’s approach to assessing the cumulative impact of an individual development or the cumulative impact of numerous developments that occur either concurrently or successively.

As part of the Site Selection Methodology and Sustainability Appraisal undertaken in support of the DMLP, cumulative impact was considered when ascertaining the suitability of sites/areas for inclusion. The East Herts District Plan has progressed through the statutory stages of Plan-production since the consultation on the DMLP and is likely to be adopted into the Development Plan for Hertfordshire shortly with agreed boundaries and proposed development. This information has been incorporated into the updated Site Selection Methodology and Sustainability Appraisal assessments and is not justification for the removal of land at the Briggens Estate as an identified Preferred Area within the emerging MLP.

Site assessments undertaken during the preparation of the emerging MLP do not prevent the requirement for detailed assessment at the planning application stage. The cumulative impacts would need to be assessed at the time of an application to ensure that all relevant developments are taken into account. Any planning application at PPA1 will still need to demonstrate that cumulative impacts have been appropriately considered as set out in Policy 14.
14 Industrial Aggregate Policies

A number of representations were received suggesting amendments to the wording of policies and supporting text. These specific wording changes will need to be considered when drafting the Proposed Submission MLP.

Brick Clay

Issue 14.1  How will safeguarding of Brick clay around Hemel Hempstead impact major development proposals from the SADC Local Plan?

HCC Response: The safeguarding of resources does not preclude other development coming forward and does not create a presumption that the resources will be worked. The county council should be consulted on planning applications which fall within any safeguarding area and will provide comments as necessary.

Policy 6: Brick Clay

Issue 14.2  EH Smith (Holdings) Ltd confirm that Bovingdon Brickworks has ceased brick production and that brick production infrastructure at the site has been mothballed. It is the intention of the brickworks owner that the site be promoted through the Dacorum Borough Local Plan for alternative employment uses.

HCC Response: Whilst the site has not yet been allocated or gained planning permission for alternative development, the fact that the brick-making infrastructure has been mothballed with no intention of being re-instated means that Bovingdon Brickworks no longer forms a strategic site in the county for brick-making and does not require future safeguarding. Its inclusion in the Draft Minerals Local Plan will be removed in the Proposed Submission Minerals Local Plan, leaving the site free to seek alternative development. This leaves the county without an operational brickworks meaning that amendments to Policy 6: Brick Clay will be needed.

Issue 14.3  Policy 6 should include criteria to prevent adverse impacts on neighbouring land uses, the environment and the community, and be consistent with policies set out in local and neighbourhood plans, not just in the MLP.

HCC Response: This chapter and policy will need to be updated to reflect the situation with Bovingdon Brickworks. The supporting text (9.7) does state that the Development Plan would need to be taken into account and the Development Plan includes the local and neighbourhood plans, not just the MLP.
15 Safeguarding

A number of representations were received suggesting amendments to the wording of policies and supporting text. These specific wording changes will need to be considered when drafting the Proposed Submission MLP.

Safeguarded Sites

Issue 15.1 HCC did not make any objection at the Welwyn Hatfield Borough Council Local Plan Examination Hearing to the intention to locate housing and a primary school 100m from an existing secondary and recycled aggregates facility.

HCC Response: The county council provided comments regarding the wording of specific policies and also has continued to raise the issue of existing sites at the regular meetings that take place between the county council, Borough Council and land owner for the site in question. There is a Memorandum of Understanding between the councils to continue working together for the master planning of the area. The county council has recommended suitable buffer zones around existing sites and continues to safeguard them.

Mineral Safeguarding Areas (MSAs) and Mineral Consultation Areas (MCAs)

Issue 15.2 Definition of a MSA remains unclear.

HCC Response: MSAs are defined in national policy as:

“An area designated by minerals planning authorities which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development.”

In Hertfordshire, the MSA and MCA coincide to cover the same area, as to trigger consultations with the county council as Minerals Planning Authority. The supporting text can be amended to provide greater clarity.

Issue 15.3 What area does the MSA cover?

HCC Response: In Hertfordshire MSAs have been identified for sand and gravel and for brick clay based on British Geological Survey data at a 1:50,000 scale. Each MSA covers the whole mapped resource and does not exclude areas which are already subject to other designations or those which are already sterilised by existing urban development. However, all previously worked areas have been removed from the MSAs and a 100 m buffer has been added to all remaining resource areas. Additional guidance on this area can also be provided online once the policy has been adopted.

The MSA continues to cover urban areas to promote prior extraction and opportunistic extraction where appropriate in urban regeneration.

Issue 15.4 It would not be possible to implement the MSA / MCA and their implications will confuse.
**HCC Response:** Mineral safeguarding is a requirement in national policy and the responsibility of all Local Planning authorities. Chapter 10 of the DMLP sets out the county council’s approach to MSAs and MCAs. If a planning application for non-mineral development submitted to the District/Borough Council (unless it falls within the stated thresholds for excluded development) fall within the MCAs, the Minerals Planning Authority should be consulted to consider the potential for unacceptable mineral sterilisation.

The county council has worked with each of Hertfordshire’s ten District and Borough Councils to provide the computer files required to display the MSA / MCA on their Policy Maps as part of their Local Plan.

The county council continues to work with each authority to determine the best way to address minerals and waste concerns in each respective Local Plan.

**Issue 15.5** The MSA/MCAs should also be shown on District and Borough Local Plan maps.

**HCC Response:** The NPPF clearly states that planning policies should safeguard mineral resources and the NPPG states that District/Borough Councils should show Mineral Safeguarding Areas on their policy maps. The county council has worked with each of Hertfordshire’s ten District and Borough Councils to provide the computer files required to display the MSA / MCA on their Policy Maps as part of their Local Plan.

The county council continues to work with each authority to determine the best way to address minerals and waste concerns in each respective Local Plan.

**Issue 15.6** What good practice examples have influenced HCC’s approach to MCA / MSA?

**HCC Response:** The NPPG refers to the Mineral Safeguarding in England: Good Practice Advice for safeguarding minerals and the county council liaises with the East of England Aggregates Working Party and other Minerals Planning Authorities regarding best approaches to mineral safeguarding.

To support the DMLP document, several topic papers were produced to provide additional information for consultees on key topics. Section 5 of the ‘The Mineral Safeguarding Topic Paper’ lists examples of mineral safeguarding policies used by other mineral planning authorities.

**Prior extraction**

**Issue 15.7** The county council should not impose any unnecessary mineral safeguarding measures or unreasonable requirements in relation to prior extraction that could impact upon the deliverability of intended new strategic land uses. Extraction of mineral reserves should occur in the most opportunistic and intuitive way, rather than a less flexible 'minerals first' policy.

**HCC Response:** Paragraph 204 of the NPPF states that planning policies should “set out policies to encourage the prior extraction of minerals, where practical and
environmentally feasible, if it is necessary for non-mineral development to take place.” Minerals are essential and finite and so need to be protected from unnecessary sterilisation. National and local policies take into account whether extraction would be practical and environmentally feasible. The need for prior extraction would be the subject of early engagement between any developers, District/Borough Councils and the county council.
16 Non-Conventional Aggregate Extraction

A number of representations were received suggesting amendments to the wording of policies and supporting text. These specific wording changes will need to be considered when drafting the Proposed Submission MLP.
17 Protecting Hertfordshire

A number of representations were received suggesting amendments to the wording of policies and supporting text. These specific wording changes will need to be considered when drafting the Proposed Submission MLP.

Green Belt

Issue 17.1  Is mineral extraction appropriate in the Green Belt?

**HCC Response:** Due to the temporary nature of mineral extraction and associated development, the NPPF deems mineral extraction ‘not inappropriate’ within the Green Belt, provided it preserves the openness of Green Belt and does not conflict with the purposes of including land in Green belt.\(^{20}\) Policy 13: Green Belt of the Draft Minerals Local Plan sets out the county council’s approach to protecting the Green Belt.

If a planning application for mineral extraction is submitted to the county council for consideration, the application would need to demonstrate how it is compliant with national Green Belt policy and has addressed issues set out in the planning brief and policies within the Development Plan.

To minimise the loss of Green Belt land, it is common practice to work extraction sites in phases, and to restore each phase in turn shortly after extraction has been completed. Applications would have to show how proposals site machinery in suitable locations onsite and could seek, where appropriate, to enhance the Green Belt’s beneficial use following restoration of the site.

Issue 17.2  Post mineral extraction site in the Green Belt sites – will the land come forward for housing development?

**HCC Response:** If a planning application comes forward for mineral extraction on a site, the proposal would be required to submit an appropriate outline Restoration Strategy and Aftercare Management Strategy. Both strategies would be assessed against all relevant emerging and extant policies, such as those listed in ‘Chapter 16: Sustainable Reclamation’ of the DMLP. All after-use proposals must be specified and if the after-use proposals involve a change of use from the existing use, further planning permission may be required. If a land owner/developer wanted to develop housing (or built development) on the site, the proposals would be subject to a separate planning application made to the District/Borough Council for their consideration and determined in accordance with their adopted Local Plan (and other policies in the Development Plan).

As noted in Chapter 16: Sustainable Reclamation, the county council will make use of planning obligations and conditions, where appropriate, to secure the restoration and aftercare of sites.

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\(^{20}\) Paragraph 146. NPPF.
Aviation Safety

Issue 17.3 The MOD principal concern regarding MWLP in Hertfordshire is creation of open water bodies that attract large / flocking birds which can be hazardous to RAF operations / aircraft.

HCC Response: Aerodrome safety was factored into the LUC ‘Hertfordshire Minerals Local Plan Site Selection Report’. Proposed Specific Site 1: Hatfield Aerodrome was identified as having a minor negative effect on Luton Airport Safeguarding Zone; however this effect would be dependent on whether water bodies are proposed as part of the site restoration.

All other sites were not found to be within an Airport Safeguarding Zone.
18 Environmental Policies

A number of representations were received suggesting amendments to the wording of policies and supporting text. These specific wording changes will need to be considered when drafting the Proposed Submission MLP.

Water Management

Issue 18.1  How is water management considered and protected?

HCC Response: The county council acknowledges that mineral workings have the potential to impact water resources at the mineral site, or as part of the wider area. Policy 15: Water Management puts in place a requirement for applicants at the planning application stage to demonstrate that no adverse impacts to water quality and amenity value of water resources.

Any planning application submitted to the county council for consideration would need to demonstrate how it has addressed water management in line with the planning brief and extant policies within the Development Plan. This would cover issues related to water quantity and water quality related to surface water and groundwater, both at the site of the application and in the surrounding areas.

It is expected that any planning application for mineral extraction would also submit an individual Flood Risk Assessment, which would specifically assess whether the development is acceptable in flood risk terms, both within the site and on the surrounding area.

In line with consultation procedures for planning applications, the Environment Agency and Lead Local Flood Agency would be consulted regarding any submitted application/s. They would provide advice on the assessments and mitigation measures undertaken by the applicant related to water management and would advise the council of the need for any planning conditions that should be included in a planning permission, if granted by the council.

Policy 17: Landscape and Green Infrastructure

Issue 18.2  There should be an increased focus on AONBs in the DMLP. HCC has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the Chilterns Area of Outstanding Natural Beauty (Countryside and Rights of Way Act 2004 Section 85).

HCC Response: The Chilterns AONB is referenced in Chapter 13 of the DMLP within ‘Landscape and Green Infrastructure’ and Policy 17:Landscape and Green Infrastructure.

Any planning application submitted to the county council for consideration would need to demonstrate how it has addressed the issues set out in the accompanying planning brief and extant policies within the Development Plan, which, if appropriate, would include consideration of the Chilterns AONB.
Biodiversity

Issue 18.3 When sites are in close proximity to ancient woodland, the Woodland Trust would request that effort is made to appropriately buffer these woodlands with new planting to protect their unique and irreplaceable nature.

HCC Response: Ancient Woodlands are addressed in in Chapter 13 of the DMLP within ‘Landscape and Green Infrastructure’ and Policy 17: Landscape and Green Infrastructure.

Any planning application submitted to the county council for consideration would need to demonstrate how it has addressed the issues set out in the accompanying planning brief and extant policies within the Development Plan.

Policy 18: Biodiversity

Issue 18.4 Loss or damage to habitats is to be avoided in the first instance. Only if there are no other suitable alternatives, then impact is to be minimised. Likewise with protected species, avoidance of impact in the first instance, with mitigation required only where there is no alternative.

HCC Response: Comment noted. The DMLP states that proposals should demonstrate how development will mitigate any potential impacts in accordance with the mitigation hierarchy (which is then defined in the glossary).

Issue 18.5 Schemes must also provide a restoration plan which provides net gain in biodiversity and creation of habitats.

HCC Response: Comment noted. DMLP Policy 24: Restoration requires restoration plans and Policy 18: Biodiversity sets out that proposals must provide opportunities for biodiversity net gains. The county council’s approach to sustainable reclamation of land post mineral extraction is set out in Chapter 16: Sustainable Reclamation. Policy 25 sets out that all after-use proposals should support and enhance existing places of nature conservation for habitats and species.
19 Highways and Transport

A number of representations were received suggesting amendments to the wording of policies and supporting text. These specific wording changes will need to be considered when drafting the Proposed Submission MLP.

Issue 19.1 When possible, the first stage of mineral movement should be kept off public roads.

HCC Response: On-site movements would be considered as part of any planning application and would be linked to the phasing plan for extraction and the location of plant and machinery on-site.

Issue 19.2 When transporting minerals from site, vehicles should access Primary Routes via the shortest available path. If this involves traffic using Main Distributor or Secondary Distributor routes:

- Restrictions on times of travel should be implemented;
- Measures put in place to ensure increased maintenance of the roads traversed; and
- Careful attention given to avoiding excessive traffic volumes.

HCC Response: Any planning application submitted to the county council for consideration would need to demonstrate how it has addressed the issues set out in the accompanying planning brief and extant policies within the Development Plan. A number of documents may be needed to support a planning application, including a transport assessment.

HCC Highways will be consulted on any future planning application and would review any submissions to ensure traffic movements related to the proposal were appropriate. This may include Routing Agreements to avoid unsuitable roads or to ensure HGVs reach the Primary Route Network in the most appropriate way.

Any planning application submitted to the county council for consideration that generates significant volumes of transport should be supported by a Transport Assessment detailing the cumulative impacts of the development from transport and vehicle movements. The Transport Assessment must also address how access to the Primary route network is suitable and how impact on road safety and congestion has been addressed.

Issue 19.3 The Primary Route Network runs close to sensitive internationally protected habitats (e.g. the Chilterns Beechwoods Special Area of Conservation.)

HCC Response: Any planning application submitted to the county council for consideration that generates significant volumes of transport should be supported by a Transport Assessment detailing the cumulative impacts of the development from transport and vehicle movements. The Transport Assessment must also address
how access to the Primary route network is suitable and how impact on road safety and congestion has been addressed.

HCC Highways will be consulted on any future planning application and would review any submissions to ensure traffic movements related to the proposal were appropriate. This may include Routing Agreements to avoid unsuitable roads or to ensure HGVs reach the Primary Route Network in the most appropriate way.

Rights of Way

Issue 19.4 HCC must monitor and enforce existing Rights of Way.

HCC Response: Mineral extraction and associated development must, where possible, ensure that public Rights of Way are protected and not adversely affected by the proposal. Where this is not possible, any planning application submitted to the county council for consideration would need to ensure that good quality, safe and convenient alternative provision is made or suitable replacement Right(s) of Way are secured.

Policy 22: Public Rights of Way provides further detail on the county council’s approach to maintaining and where possible enhancing public Rights of Way.
20 Protection of Soils

A number of representations were received suggesting amendments to the wording of policies and supporting text. These will be considered when drafting the Proposed Submission MLP.

Policy 23: Soils and Agricultural Land

Issue 20.1  A soils management and handling strategy is better secured under a planning condition and provided on a phase-by-phase basis rather than at the outset of a permission.

HCC Response: By stating the county council’s expectation that any planning application for mineral extraction or associated development would be expected to submit a Soils Management and Handling Strategy in policy, the county council has a firmer stance to secure the protection of soils and agricultural land within the county before planning conditions are agreed.
21 Sustainable Reclamation

A number of representations were received suggesting amendments to the wording of policies and supporting text. These will be considered when drafting the Proposed Submission MLP.

Restoration

Issue 21.1 What conditions may be put in place to combat potential impacts from inert infill (e.g. settlement / methane gas).

To restore land to pre-extraction levels, workings are frequently infilled using inert waste. Inert wastes are ‘wastes that do not undergo any significant physical or biological transformations when deposited in a landfill’. This may include construction waste, for example concrete or masonry, or excavation waste, for example soils from other built development projects.

The inert nature of the waste used in restoration-driven landfill, is unlikely to generate odour or attract noticeable pest – species. There should also be no leachate. These are the products of biodegradable waste. Biodegradable waste is defined by the EU Landfill Directive as ‘any waste that is capable of undergoing anaerobic or aerobic decomposition’, an example of which much of what makes up the residual fraction of household waste. Hertfordshire’s geology and sensitive groundwater restrict the use of landfill for biodegradable waste. It is therefore unlikely that additional residual household waste landfill would occur in Hertfordshire.

As part of any planning application, applicants will be required to submit an Aftercare Management Strategy which will set out the steps to be undertaken to ensure land is brought back into the required standard for after-use. If planning permission were given for the infilling of a void with waste, the type of waste would be controlled via the imposition of planning conditions and also through controls implemented by the Environment Agency.

Issue 21.2 How will restoration be supervised? What enforcement will be implemented for non-compliance?

HCC Response: Enforcement measures and the monitoring of minerals sites, including restoration, are managed once planning permission is obtained and the development of a site has commenced.

The monitoring of mineral sites takes place through regular site visits carried out by the county council’s Planning Enforcement Officers. During these visits, Planning Enforcement Officers will check that sites are operating in compliance with their permitted planning application and associated planning conditions.

Policy 24: Restoration

Issue 21.3 These policies miss the opportunity to highlight local priorities that could be incorporated into restoration.

HCC Response: Local priorities regarding the reclamation of sites post mineral working are addressed in Policy 25: Aftercare and After-Use which states that after-
use proposals should ‘respect and enhance the local character of an area’ amongst numerous other criteria.

**After Care and After-Use**

**Issue 21.4** A detailed aftercare strategy is better secured under a planning condition than at the outset of permission.

**HCC Response:** By stating the county council’s expectation that any planning application for mineral extraction or associated development would be expected to submit and Aftercare Management Strategy in policy- the county council has a firmer stance to secure the restoration and aftercare of sites before planning conditions are agreed.
22 Appendix 1 – Targets and Indicators

Issue 22.1 Amendments were suggested to the Targets and Indicators included in Appendix 1 of the Plan

HCC Response: The monitoring the implementation of the MLP following its adoption is important. In line with the NPPF, an adopted Local Plan must be reviewed at least every 5 years and the emerging MLP will be monitored on an annual basis through the Hertfordshire County Council Local Aggregate Assessment.

The suite of Targets and Indicators will be reviewed taking account of representations and any revisions made to policy wording in the production of the Proposed Submission Minerals Local Plan.

Issue 22.2 HCC requires a more determined approach to monitoring the criteria and enforcing breaches of planning conditions.

HCC Response: The county council has enforcement powers which sit outside the Minerals Local Plan and the council’s Plan-making function. The Minerals Local Plan is used to guide new minerals development as it comes forward and assist in the determination of minerals planning applications. Planning decisions that have been made in accordance with the adopted Plan are subject to Planning Conditions which are monitored and enforcement action taken where appropriate.

Enforcement measures and the monitoring of minerals sites are both matters which are dealt with once planning permission is obtained and the development of a site has commenced.

The monitoring of mineral sites takes place through regular site visits which are carried out by Hertfordshire County Council’s Planning Enforcement Officers. During these visits, Officers will check that sites are operating in compliance with their planning permission and associated planning conditions.

The monitoring and enforcement procedures carried out by Planning Enforcement Officers, is supported and guided through Hertfordshire County Council’s ‘Standards and Code of Practice for Development Control Enforcement’.

The ‘Standards and Code of Practice for Development Control Enforcement’ set out the county council’s enforcement functions and powers in undertaking enforcement action. They also set out site monitoring procedures and detail the required frequency of visits to operating mineral sites. The county council’s monitoring and enforcement procedures are themselves subject to review and consideration by elected Members.
23 Appendix 2 – Policies Map

Issue 23.1 In addition to the Sites and Areas being proposed for extraction in this document, the Policies Map should show extraction sites that are: currently being extracted; currently used for landfill; un-remediated; and being prepared for extraction.

HCC Response: The content of the policies map is set out in regulation and should be a geographical representation of the policies within the Plan. The map should show allocated Specific Sites, Preferred Areas and safeguarding areas. It isn’t possible to show all historic working on this map.

Issue 23.2 Should the Policies Map identify the Mineral Safeguarding Areas?

HCC Response: The DMLP Policies Map shows the Mineral Consultation Areas for sand and gravel and for brick clay. The county council will reconsider the best approach to showing the Minerals Safeguarding Areas and Minerals Consultation Areas on the Policies Map in line with the NPPF and NPPG in the Proposed Submission Minerals Local Plan.

Discussions with Hertfordshire’s District and Borough Councils will continue to determine how the Mineral Safeguarding Areas and/or Mineral Consultation Areas are best shown on their Policies Maps. It should be noted that the Mineral Safeguarding Areas and the Mineral Consultation Areas cover the same area.

Issue 23.3 Policies maps should consider the advantages of online GIS forms of publication.

HCC Response: Subject to licensing issues, the county council will consider using an online GIS system in conjunction with a ‘hard-copy’ Policies Map for persons without access to a computer.

Issue 23.4 The MCA should be available to LPAs as a reference GIS map layer

HCC Response: The county council has sent each of Hertfordshire’s ten District and Borough Councils the electronic shapefiles files required to display the MSA/MCA on their Policy Maps as part of their Local Plans.

Issue 23.5 References should be provided for the constraint map source / bodies responsible for updating the web information associated with the DMLP

HCC Response: Maps are produced in line with the requirements set out in the Regulations and the county council licensing and copyright requirements. With regard to British Geological Survey data, there is an existing agreement between the county council and British Geological Survey to supply complimentary licenses to the District and Borough Councils to enable them to use up to date data on their own Policies and constraints maps.
24 Appendix 3 – Inset Maps and Site Briefs including Proposed Specific Sites and Preferred Areas

Issue 24.1  Maps do not display proximity of PSS1, PSS2 and PSS3.

**HCC Response:** The county council will consider whether a new Inset Map to show the proximity of Proposed Specific Site 1, 2 and 3 should be included in the Proposed Submission Minerals Local Plan.

Issue 24.2  Inset Map 1 does not show ‘important four foot diameter gas main that intrudes into the western end on the site area or the possibility of unexploded ordnance.’

**HCC Response:** Inset Maps are produced using Ordnance Survey data at an appropriate scale to show the policy. The purpose of Inset Maps is not to show constraints to development. Utility companies are statutory consultees at the planning application stage.
25 Glossary

A number of representations were received suggesting amendments to the wording of policies and supporting text. These will be considered when drafting the Proposed Submission MLP.
Background

Chapter 26 covers issues which were raised in response to the Draft Minerals Local Omission Sites Document.

In spring 2016, the county council carried out a Call for Sites exercise as part of the Minerals Local Plan review process. This process involved the county council inviting landowners, agents and mineral operators to put forward pieces of land which may provide suitable locations for future mineral extraction. Each of the sites put forward through this process, were assessed against an intensive framework to identify which of them were most suitable for inclusion within the Draft Minerals Local Plan.

An omission site is a parcel of land that has been assessed and subsequently rejected from the Draft Minerals Local Plan. The Draft Minerals Local Plan Omission Sites document provided the reasoning for sites not being taken forward.

DMLP Omission Sites ‘Stop Bengeo Quarry’ Form

The county council received 1,772 DMLP Omission Sites forms from the ‘Stop Bengeo Quarry’ community group regarding the exclusion of ‘MLPCS003: Land at Ware Park’ and ‘Preferred Area 2: Land adjoining Rickneys Quarry’ from the Draft Minerals Local Plan.

The response set out below in Issue 26.1 provides the county council’s response to the standard text template used by the majority of those who submitted Omission Sites forms. Additional comments submitted alongside the standard text template have been responded to separately.

Issue 26.1 “I would like to express my strong support for the removal from the MLP of site ID MLPPCS003 “Land at Ware Park” known as Bengeo field and Site ID PA2 "Land north and south of Rickneys Quarry".

Development of these sites could have a high impact on ancient woodland, groundwater (Source Protection Zone 1), recreation (PRoW), sensitive land use, landscape, sustainable transport and pollution to the environment. PA2 was not put forward by landowners or industry in the call for sites. The period extension for work to be commenced at Rickneys has expired. “

HCC Response: Comment noted. ‘MLPCS003: Land at Ware Park’ and ‘Preferred Area 2: Land adjoining Rickneys Quarry’ were omitted from the emerging MLP following assessment in the SA. Reasons why both sites were not selected can be read in Section 7 or Table 7.5 of the ‘Hertfordshire Minerals Local Plan Sustainability Appraisal including Strategic Environmental Assessment.’
MLPCS003: Land at Ware Park

Issue 26.2  The county council is unable to validate that there is no health risk.

HCC Response: MLPCS003: Land at Ware Park scored minor negative, uncertain effects on SA Objective 9.1\(^{21}\) due to the proximity of the site to sensitive receptors and the potential impacts of dust, noise, vibration and light pollution associated with mineral development.

Issue 26.3  Contrary to the statement that all current Preferred Areas will be included in the SE / SEA process, PA2 south was omitted. This is assumed to be on the basis the submitted site Land at Ware Park was for the same area as PA2 south. This is not the case as Land at Ware Park included two additional areas to the east, so is a different site.

HCC Response: PA2 has been assessed in its entirety, and the southern part of the area also assessed separately as site MLPCS003. Site MLPCS003 was assessed separately because it makes up the southern portion of PA2 and includes two small additional areas to the east which are outside PA2.

Issue 26.4  The assessment of the Land at Ware Park did not appear to take into consideration (or give weight to) the consultee replies to the application. Had it done so then some of the conclusions can be shown to be overly negative.

HCC Response: The MLP process is separate to that of the planning application process and responses to any planning application are specific to that proposal. It is not appropriate for the plan making process to look at specific representations made to a planning application. The site/area was omitted from the draft Minerals Local Plan as a result of the site assessment process not the planning application process or outcome.

Issue 26.5  The above is compounded by the inclusion of the two eastern areas being a main contributor to the poorer scores. This demonstrates that by not assessing PA2 south separately to Ware Park has resulted in a misleading result.

HCC Response: PA2 has been assessed in its entirety without the two sections to the east which are included in MLPCS003. The southern part of the area was assessed separately as site MLPCS003 which included the two sections to the east of MLPCS003.

Issue 26.6  The reasons for dropping the continued identification are referred to in the submission to the Consultation Draft. The replacement of Rickneys / PA2 / Land at Ware Park by the Land at Briggens appears to be based on two reasons.

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\(^{21}\) SA Objective 9.1: To protect health and amenity of local residents and communities from the impacts of mineral workings and associated transport.
• the site (Rickneys Preferred Area 2) was not promoted in the call for sites process (Cabinet Report),

• to provide an alternative scenario from the Preferred Areas.

Neither of these reasons are based on any sound evidence nor on planning grounds.

HCC Response: The site selection study assessed all the sites put forward and the final report from the independent consultants helped the council group the sites into options which were then considered and assessed (Sustainability Appraisal) prior to the final grouping of sites being identified in the draft plan and subject to public consultation.

MLPCS004: Land at Pynesfield

Issue 26.7  MLPCS004 falls within the aerodrome height and birdstrike statutory safeguarding zones surrounding RAF Northolt. Any proposed structures in this area which may exceed 91.4m or include the development of open water bodies, the creation of wetland habitat, refuse and landfill sites need to be reviewed by this office.

HCC Response: This site is not being progressed through the MLP process. If the site was being progressed the county council would have taken this advice into account.

MLPCS007: Barwick

Issue 26.8  Youngsbury (Grade II Listed Landscape) should be added to the list of heritage assets. Suggested it should be added for future reference.

HCC Response: Comment noted. MLPCS007: Barwick was scored ‘significant negative’ for impact on landscape, assessed through ‘SA Objective 3: To conserve and enhance Hertfordshire’s landscape assets such as landscapes of natural beauty and greenspaces’. This site is not being progressed through the MLP process. If the site was being progressed the county council would have taken this advice into account.

MLPCS011: Water Hall Quarry – Farm Field Area

Issue 26.9  Supports the omission of MLPCS011: Water Hall Quarry - Farm Fields. Inadequate restoration has damaged the setting of the area.

HCC Response: Comment noted.

MLPCS012: Water Hall Quarry - Broad Green Area.

Issue 26.10  Extraction would damage the setting of the registered landscape at Bayfordbury. This information should be added to the assessment for future reference.
**HCC Response:** Comment noted. Impacts on registered landscapes were considered in the SA through ‘SA Objective 3: To conserve and enhance Hertfordshire’s landscape assets such as landscapes of natural beauty and greenspaces’. This site is not being progressed through the MLP process. If the site was being progressed the county council would have taken this advice into account.

**MLPCS016: Water Hall Quarry – Howe Green Area**

Issue 26.11  Site forms part of the setting of Woolmers Park, which is on the HGT list of parks and gardens of Local Historic Importance in East Herts. This information should be added to the assessment for future reference.

**HCC Response:** Comment noted. Impacts on landscape were considered in the SA through ‘SA Objective 3: To conserve and enhance Hertfordshire’s landscape assets such as landscapes of natural beauty and greenspaces.’ This site is not being progressed through the MLP process. If the site was being progressed the county council would have taken this advice into account.

**MLPCS019: Pipers End**

Issue 26.12  Site is in close proximity to II* Woolmers Park Mansion and situated within the setting of the house. Extraction would damage heritage assets. This information should be added to the assessment for future reference.

**HCC Response:** Comment noted. Impacts on heritage asses were considered in the SA through ‘SA Objective 2: To conserve and enhance the quality of the historic environment including landscape history, human history, and archaeological history’. This site is not being progressed through the MLP process. If the site was being progressed the county council would have taken this advice into account.

**MLPCS020: Roundhill Wood**

Issue 26.13  MLPCS020) falls within the birdstrike statutory safeguarding zone surrounding Halton Airfield. Any proposals in this area which include the creation of wetland habitat should be refused and landfill sites need to be reviewed by this office.

**HCC Response:** Comment noted. This site is not being progressed through the MLP process. If the site was being progressed the county council would have taken this advice into account.

**Preferred Area 2: Land North and South of Rickneys Quarry**

Issue 26.14  Supports the exclusion of Preferred Area 2: Land North and South of Rickneys Quarry because of significant contamination threat to water-supply boreholes. Previous applications on the site have been refused. Operations at Rickneys have largely removed the protection of the chalk aquifer provided by the original covering of soil, sand and gravel. Access to any new quarry would be through these unprotected areas. The area of chalk aquifer between Bengeo and Chapmore End should
now be designated by Council as needing special long-term protection from any further disturbance by quarrying.

HCC Response: Comment noted. The presence of and the need to protect ground water were considered as part of the site selection study, with advice sought from the EA. This site is not being progressed through the MLP process. If the sites were to be reconsidered or specific proposals were to be the subject of a planning application, further advice would be sought from the EA.

Issue 26.15 Previous planning applications at the site have been refused.

HCC Response: The plan making process is separate from the planning application process. The reasons for refusal relating to a specific planning application may be taken into account where relevant but wouldn’t be the only reason for not taking a site forward.

Issue 26.16 Previous workings have never been restored in line with the original planning applications.

HCC Response: Comment noted.

Issue 26.17 Additional reasons for the exclusion of Preferred Area 2: Land North and South of Rickneys Quarry include:

- Previous planning applications at the site have been refused.
- Proximity to sensitive development.
- There is an air and noise pollution risk.
- There is a significant threat to water supply boreholes.
- Impact of public rights of way.
- Loss of community asset and Green Belt.
- Increased HGV traffic and reduction in road safety.
- Previous workings have never been restored in line with the original planning applications.
- Site was not put forward during the Call for Sites procedure.
- Concerned area has ‘suffered enough already’
- Site lies within Source Protection Zone 1.
- Impact nearby Ancient Woodland.
- Impact on landscape and wildlife.
- Quarrying will impact house values.
- The public does not support these sites.
- Risk to human health.
- Threat to chalk aquifer.
- Against Conservative Green Strategy plans.
- There is no need for site.

HCC Response: Comment noted.

Issue 26.18 Preferred Area No. 2 of the adopted Minerals Local Plan lies to the north of HERT4 of the emerging East Herts District Plan.
**HCC Response:** The potential allocation at HERT4 (within the East Herts Local Plan) was taken into account in the site selection study.

**Issue 26.19** Objection received from landowner/operator regarding the exclusion of the existing quarry and Preferred Area at Rickneys as they were not put forward for consideration.

**HCC Response:** The county council invited all mineral operators, agents, landowners etc. (on the existing database, including Hanson) to put forward sites for the minerals Local Plan review. No part of PA2 or Rickneys Quarry was put forward by Hanson through the call for sites or initial consultation. In reviewing the Minerals Local Plan, all the Preferred Areas were reassessed as part of the site selection study to establish new:

**Specific Sites** – where viable resources are known to exist, landowners are supportive of minerals development and the proposal is likely to be acceptable in planning terms. Such sites may also include essential operations associated with mineral extraction;

**Preferred Areas** – areas of known resources where planning permission might reasonably be anticipated. Such areas may also include essential operations associated with mineral extraction;

**Areas of Search** – areas where knowledge of mineral resources may be less certain but within which planning permission may be granted, particularly if there is a potential shortfall in supply

as defined in the National planning practice guidance\(^{22}\) to ensure future mineral supply.

The site selection study assessed all the sites put forward and the final report from the independent consultants helped the council group the sites into options which were then considered and assessed (Sustainability Appraisal) prior to the final grouping of sites being identified in the draft plan and subject to public consultation.

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\(^{22}\) National Planning Policy Guidance. Paragraph: 008 Reference ID: 27-008-20140306. Revision date: 06 03 2014
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Hertfordshire County Council Local Aggregates Assessment (2017)
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Hertfordshire County Council Minerals and Waste Development Scheme (adopted November 2016),
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Hertfordshire County Council Statement of Community Involvement (2013)

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