

Topic paper for the review of the  
Hertfordshire County Council Minerals Local Plan

**Chalk**

Version 3 - November 2018

**1. Introduction**

The purpose of this topic paper is to provide commentary on the considerations that have been taken into account during the development of the chalk policy throughout the review of the adopted Minerals Local Plan (MLP).

This topic paper has been updated since the Draft Plan and prepared in advance of the Proposed Submission Plan consultation. It comprises an introduction to chalk, an outline of Hertfordshire's existing chalk reserves and their use, the requirements for the provision of chalk, the issues and options when planning for chalk, and the approach to planning for chalk within the revised MLP.

**2. Chalk in Hertfordshire**

Hertfordshire contains three main types of naturally occurring land-won minerals: sand and gravel (which are usually worked together), chalk and clay. Chalk is a form of sedimentary limestone rock and the scale of chalk extraction is relatively small compared with the other minerals extracted in the county. Many chalk extraction sites have been used in the past, essentially for local use, however today chalk is quarried at only a small number of sites in the county.

The geology of Hertfordshire is largely Chalk of the Cretaceous period (the geological period of time also known as the 'Age of the Dinosaurs', which ended approximately 66 million years ago), overlain in the south and east by London Clay and in the far north and northwest by small areas of Gault Clay.

Chalk occurs as bedrock throughout much of the county. This means it is the main mass of rocks forming the Earth's geology in the area. There are two types of chalk that have been laid down over different geological time periods within Hertfordshire – White Chalk and Grey Chalk. The Grey Chalk is the oldest and is found in the north and far west of the county. It is soft and greyish in colour and contains fossils. White Chalk however contains more flints and runs through Watford and Hertford. It protrudes along the sides of the valleys of the rivers Ash and Lea near Hertford and the Colne valley. As a major aquifer (underground layer of permeable rock which water travels through) chalk is the most important source of groundwater in the county.

Much of the chalk within Hertfordshire exists within the Chilterns area on the western side of the county. This area consists of rolling chalk hills capped with superficial Clay-with-Flints deposits overlaying the bedrock geology. The area

from Tring to Hitchin is characterised by a dramatic steep face, with a gentler dip slope towards Welwyn, St Albans and Watford. Moving north east the landscape moves into the East Anglian chalk, characterised by gentler slopes running from the Chilterns through Hertfordshire and South Cambridgeshire. The distinctive, chalk topography of this area is a continuation of the Chilterns landscape. The Chilterns is designated as an Area of Outstanding Natural Beauty (AONB). The North Eastern part of the AONB covers an area of West Herts. It was designated on account of the quality of the chalk landscape with its dramatic chalk steep slope, open downland and rolling dip slope.

The county council uses British Geological Survey (BGS) data for information about mineral resources and guidance on mineral planning policy and legislation. BGS provides public-good science for government, and research to understand earth and environmental processes, providing objective and authoritative geoscientific data, information and knowledge to help society use its natural resources responsibly.

### **3. Chalk Uses & Sites**

Chalk is not extracted in Hertfordshire as an industrial mineral to be worked in construction (e.g. for use in cement) but it is instead used as an agricultural lime on farms to improve soil quality. It can also be used in small amounts in the pharmaceutical industry.

Reserves of chalk are tied up within the few sites in the county. The larger chalk sites are no longer extracting, so only a small amount is produced in Hertfordshire now.

#### Chalk Extraction Sites

There are currently three chalk extraction sites in Hertfordshire with planning permission to extract but only one is operating (Bedwell Park Quarry). For further details relating to chalk sites please refer to the council's Local Aggregate Assessment<sup>1</sup>.

It is not unusual for chalk sites to have other operations taking place on site such as aggregate recycling of concrete and hardcore. This is recorded within the list of aggregate recycling sites in the Authority's Monitoring Report (AMR).

### **4. The Adopted Minerals Local Plan**

The current policy in relation to chalk is outlined below:

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<sup>1</sup> <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/planning-in-hertfordshire/minerals-and-waste-planning/minerals-planning/minerals-planning.aspx>

## **Minerals Policy 6 – Other non-energy minerals**

Proposals for chalk or clay extraction will only be permitted if:

- i) it can be demonstrated that need for the mineral cannot be met adequately from existing permitted reserves or other sources; and
- ii) The need for the mineral in question can clearly be demonstrated to outweigh all adverse effects of the proposed development.

The adopted Minerals Local Plan states that existing consents for chalk will ensure a continued supply up to and beyond the end of the Plan period<sup>2</sup>.

The Plan states that in policy terms, applications for chalk extraction are to be:

*'judged on general considerations common to every type of mineral development. Although many of the policies within the Plan are relevant to the working of other minerals, Minerals policy 6 provides an overarching policy in respect of proposed clay and chalk workings.'*<sup>3</sup>

The adopted Plan states that, as much of the county's chalk is located within the Chilterns AONB, planning applications would be carefully considered against Minerals Policy 17 (Criteria for the control of mineral development to protect critical capital and other environmental assets) as well as other policies within the Plan.

## **5. Current National Planning Policy**

The NPPF<sup>4</sup> sets out the requirement for maintaining a stock of permitted reserves for specific minerals. In terms of chalk, the footnote attached to paragraph 207(c) of the NPPF states that:

*'Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:*

*c) maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment;*

*These reserves should be at least 10 years for individual silica sand sites; at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.'*

<sup>2</sup> Paragraph 3.7.1 of the adopted Minerals Local Plan 2002-2016, adopted March 2007

<sup>3</sup> Paragraph 3.7.2 of the adopted Minerals Local Plan 2002-2016, adopted March 2007

<sup>4</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Hertfordshire does not have any cement plants. Therefore there is no requirement for the maintenance of a stock of permitted reserves to support the investment for new or existing plants.

## **6. Reviewing other Mineral Planning Authorities Local Plans**

In revising the Minerals Local Plan it is important to review other, more recently adopted Minerals Local Plans. This helps to identify gaps in the adopted Minerals Local Plan policies and provides examples of how national policy requirements have been implemented into local policy. In reviewing other approaches to planning for chalk resources, more recently adopted plans were considered, adopted 2011-2014.

One (Central Bedfordshire) is a significant producer of chalk, one other (Cambridgeshire and Peterborough) has a cement works, whereas the authority that Hertfordshire is similar to in respect of chalk reserves is Essex which has localised deposits used for agricultural and pharmaceutical uses. Essex County Council has chosen to include a policy within their Minerals Local Plan stating that it will only support small-scale chalk extraction for agricultural and pharmaceutical uses at one quarry.

## **7. Initial Consultation Stage**

In line with the NPPF, there is no requirement for the MLP to plan for the provision of 15 years of chalk as it does not have a cement works to maintain and no other counties depend on a supply of chalk from Hertfordshire.

Whilst the emerging MLP does not need to plan for a provision of chalk during the plan period, the council considers that the Local Aggregate Assessment should continue to include monitoring information relating to the extraction sites and sales. Any trends in sales would then be evident in annual reviews of the Local Aggregate Assessment.

The issue that the County Council has had to address is whether to include support for the extraction and safeguarding of chalk reserves, and if so, how safeguarding could be included to prevent incompatible non-mineral development taking place near known resources of chalk to the potential detriment of existing or future occupants.

### Response to the Initial Consultation

Responses to the Initial Consultation were split between whether or not to safeguard chalk resources by identifying Mineral Safeguarding Areas and Mineral Consultation Areas. The revision of the NPPF in July 2018 has since removed the need for any Mineral Consultation Areas.

The majority of responses considered that a continuation of the existing adopted policy to be the most appropriate approach to planning for chalk. This would only support chalk extraction when a need for additional extraction sites can be demonstrated.

## **8. Draft Plan Consultation Stage**

A new Chalk Policy was included in the Draft MLP. The policy set out the conditions for which chalk extraction may be considered acceptable and how any proposals must be in accordance to other Policies in the MLP to be granted permission. The policy contains the same support for chalk extraction as the existing other, non-energy Mineral Policy. However, this is specifically for chalk and not for other non-energy such as clay.

After the inconclusive response to safeguarding chalk reserves in the Initial Consultation, the Draft MLP does not establish Mineral Safeguarding Areas and Mineral Consultation Areas to safeguard wider areas of chalk like it does for sand and gravel and brick clay, however a policy is still needed to determine applications that may come forward.

The draft chalk policy is proposed as follows:

### **Policy 7: Chalk**

Proposals for chalk extraction will be permitted where it can be demonstrated that:

- there is a need for additional chalk supply for agricultural use; and
- the proposals are consistent with other policies within this Plan.

A total of 2,578 consultees responded to the consultation on the Draft Minerals Local Plan, submitting a total of 3,252 individual representations between them.

Consultees included all of the District and Borough Councils, a selection of Parish Councils and adjoining authorities, industry representatives and a significant number of local residents.

## **9. Minerals Local Plan Proposed Submission Document**

The next stage in the Minerals Local Plan review involved re-drafting the document from 'Draft Plan' stage to 'Proposed Submission' stage, to take into account (where possible) the feedback received from the consultation on the Draft Mineral Local Plan as well as changes to national policy.

A limited number of responses were received regarding the chalk policy which has resulted in slight changes to the supporting text to add clarity.

The chalk policy is proposed as follows:

**Policy 7: Chalk**

**Proposals for chalk extraction will be permitted where it can be demonstrated that:**

- **there is a need for additional chalk supply for agricultural use; and**
- **the proposals are consistent with other policies within this Plan.**

**10. Next Steps**

The county council intends to submit the Proposed Submission Minerals Local Plan and all representations received to the Secretary of State for independent Examination.

An independent Planning Inspector will be appointed to hold an 'Examination in Public' for the emerging Minerals Local Plan. The Planning Inspector will review all representations submitted in response to the publication of the Proposed Submission Plan and will assess the Minerals Local Plan against all relevant legislation and national Policy requirements. The county council may need to make modifications to the emerging Minerals Local Plan throughout this process, in response to the discussions at the Examination in Public.

Following the conclusions of the Examination in Public, the council will consult on any modifications which accompany the Inspector's Report and then adopt the new Minerals Local Plan.

The table below sets out the next steps for the emerging Minerals Local Plan, following the ten week publication of the Proposed Submission Minerals Local Plan Document.

**Table 1 – Minerals Local Plan Review Timetable**

Summer 2019	Submission
Autumn 2019	Examination
Winter 2019	Inspector's Report
Winter 2019 / Spring 2020	Finalisation
Summer 2020	Adoption