

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

Policies Topic Paper

Version 3 - November 2018

1. Introduction

The purpose of this topic paper is to explain how the policies contained within the existing Minerals Local Plan (2007), have evolved throughout the Minerals Local Plan review.

This topic paper includes an introduction to the current policies (policies contained within the Minerals Local Plan 2007); a summary of the national policy requirements that have been used to inform the emerging Minerals Local Plan policies and a review of any internal and external strategies and plans that were taken into consideration when shaping and formulating the policies of the new Minerals Local Plan.

This Topic Paper then sets out how the list of policies proposed for inclusion within the new Minerals Local Plan, have evolved throughout the review process, in response feedback received at public consultation stages (Initial Consultation stage and Draft Plan Consultation stage) as well as changes to national policy.

2. Current adopted HCC policies

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

Strategic policies aid the delivery of the overall strategy of the Minerals Local Plan (2007), meaning that they are used by Planning Officers when looking at/assessing the overall need and contribution of developments proposed. These policies cover the types of applications which could be received by the Minerals Planning Authority. The purpose of these policies is to maintain Hertfordshire characteristics whilst balancing the need for local, land-won minerals. The current Minerals Local Plan has 10 strategic overarching policies covering the following:

- Minerals Policy 1: Aggregates Supply
- Minerals Policy 2: Need for Mineral Working
- Minerals Policy 3: Sites for Sand and Gravel Extraction and the working of Preferred Areas
- Minerals Policy 4: Applications outside Preferred Areas
- Minerals Policy 5: Mineral Sterilisation
- Minerals Policy 6: Other Non-energy minerals
- Minerals Policy 7: Secondary and Recycled Materials

- Minerals Policy 8: Recycling Facilities on Mineral Sites
- Minerals Policy 9: Contribution to Bio-diversity
- Minerals Policy 10: Railheads and Wharves

Operational policies are more detailed, focusing on the potential impacts of the operation and the day to day working mineral sites. The purpose of these policies is to provide a framework to ensure that mineral extraction takes place in an environmentally acceptable way and contributes to the objectives of sustainable development. The adopted Minerals Local Plan 2007 has nine operational policies which cover the following:

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

3. National Policy Audit

Officers commenced with the review of the Minerals Local Plan (2007) in 2014, by gathering evidence to inform the content of the emerging Minerals Local Plan. Part of this evidence gathering involved reviewing the adopted Minerals Local Plan policies against current national policy and guidance, which at the time included the National Planning Policy Framework (NPPF) 2012 and the Planning Practice Guidance (2014). Reviewing national policy requirements identified the need to make moderate changes to policy within the emerging Minerals Local Plan

In July 2018, the government revised the NPPF to implement reforms made to the planning and delivery of housing (which had been made through previous papers including the Housing White Paper, The Planning for The Right Homes in the Right Places consultation and the Draft revised NPPF consultation). The NPPF 2018 continues to recognise the importance of minerals and states that a minimum landbank of seven years for sand and gravel must be maintained.¹

The policy audit identified that methods of working and environmental assessments have developed over time, thus requiring the strengthening of the policies to be included in the emerging Minerals Local Plan. Adapting the policies to take into account these changes will allow the Minerals Planning Authority to require more assessments at the planning application stage,

¹ Paragraph 207 of the NPPF 2018

which will ensure any significant adverse impacts from proposed developments (on amenity, wildlife habitats and the natural and built environment) are properly assessed and mitigation measures are put in place where necessary.

The requirements of the NPPF 2018 have been taken into account in the preparation of the revised Minerals Local Plan and were implemented into the emerging document following Draft Plan consultation, when the document was re-drafted to its Proposed Submission stage.

4. Reviewing other Mineral Planning Authorities Local Plans

In revising the Minerals Local Plan it's 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 Minerals Local Plans, some of the key areas that the review of the Hertfordshire Minerals Local Plan needed to address included:

- Presumption in favour of sustainable development
- Sustainable provision of minerals
- Climate Change – A new policy is needed to reflect key national policy drivers including the Kyoto Protocol, the Climate Change Act 2008, Flood and Water Management Act 2010 and the NPPF 2018.
- Mineral Safeguarding Areas (MSA)– a new policy is needed to review the existing Mineral Consultation Areas (MCA) and identify Minerals Safeguarding Areas for sand and gravel and clay
- Borrow pits –A separate policy on Borrow Pits is required. Criteria may need to include supply, timescales and the environmental benefits and mitigation measures needed to minimise adverse environmental impacts
- Groundwater, surface water and sustainable drainage -some Mineral Local Plans cover the issues of flood risk and sustainable drainage within policies relating to climate change
- Secondary and Recycled Aggregates – A revised policy is required and must consider key issues such as the change of temporary to permanent facilities, suitable locations for facilities, facilities permitted within existing quarries and sites located within the green belt
- Soils – sustainable management of soils and direct placement is an issue that the review of the plan may need to consider

Reviewing Internal and External Plans and Strategies

In addition to reviewing other Minerals Planning Authorities Minerals Local Plans, the county council must also take into account internal and external plans and strategies that may be relevant to the Minerals Local Plan.

The Internal Plan and Strategies included:

- The Hertfordshire County Council (HCC) Corporate Plan 2017-2021
- Hertfordshire's Local Transport Plan (LTP) 2018-2031
- Hertfordshire's Landscape Character Assessments
- Mineral Consultation Areas in Hertfordshire (Supplementary Planning Document January 2008)

The external Plans and Strategies included documents such as;

- Hertfordshire Local Enterprise Partnership (LEP) Strategic Economic Plan (SEP) 2020/21
- The Biodiversity Action Plan (BAP) for Hertfordshire
- The Chilterns Area of Outstanding Natural Beauty (AONB) Management Plan 2014- 2019

5. Initial Consultation Stage

The Initial Consultation Document² was published for an eight week consultation period from Monday 03 August 2015 to Friday 16 October 2015. The Initial Consultation Document contained a series of Issues that the Minerals Planning Authority was considering moving forward in the review of the Minerals Local Plan.

Following the conclusions of the above work (outlined in Parts 3, 4 and 5 of this paper) the following list of policy headings was compiled and put forward for consideration at the Initial Consultation Stage:

- Policy 1: Sustainable Development
- Policy 2: Climate Change
- Policy 3: Sustainable Provision of Minerals
- Policy 4: Aggregate Supply

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- Policy 5: Secondary and Recycled Aggregates
- Policy 6: Clay
- Policy 7: Chalk
- Policy 8: Mineral Safeguarding Areas and Mineral Consultation Areas
- Policy 9: Mineral Sterilisation
- Policy 10: Working of Specific Sites or Preferred Areas
- Policy 11: Applications outside Specific Sites or Preferred Areas
- Policy 12: Sustainable Transport
- Policy 13: Railheads and Wharves
- Policy 14: Borrow Pits
- Policy 15: Water Reservoirs
- Policy 16: Green Belt
- Policy 17: Cumulative Impact
- Policy 18: Water Resource
- Policy 19: Heritage and Setting
- Policy 20: Landscape
- Policy 21: Biodiversity
- Policy 22: General Environmental and Amenity Protection
- Policy 23: Road Traffic and Transport
- Policy 24: Public Rights of Way
- Policy 25: Soils and Agricultural Land
- Policy 26: Restoration
- Policy 27: After-care and After-use

The purpose of publishing the above list of policies within the Initial Consultation Document was to determine whether interested parties felt that the revised list of policies was appropriate or whether it omitted topics that should be included in the revised Minerals Local Plan.

Response to the Initial Consultation

The feedback received in response to the Initial Consultation, specifically for the Policy related Issues (stated as Issues 21-23 in the Initial Consultation Document), identified that there was overall support for the suggested list of policy headings. It was clear that amendments were required in order to make it clear what the content of the policies would be and what the difference is between Strategic and Development Management Policies

6. Draft Plan Consultation Stage

Following the Initial Consultation, the next stage in the review of the Minerals Local Plan was to prepare and consult on the 'Draft Minerals Local Plan'.

The Draft Minerals Local Plan was prepared using the feedback received in response to the Initial Consultation. The suggested policies put forward for inclusion within the Draft Minerals Local Plan were altered so that their content was clearer. This was achieved through a combination of changes to policy headings, merging of policies and the addition of one policy. The list of policies included within the Draft Minerals Local Plan was as follows:

Policy 1: Sustainable Development
Policy 2: Climate Change
Policy 3: Aggregate Supply
Policy 4: Working of Specific Sites or Preferred Areas
Policy 5: Secondary and Recycled Aggregates
Policy 6: Brick Clay
Policy 7: Chalk
Policy 8: Mineral Safeguarding
Policy 9: Rail Heads and Wharves
Policy 10: Concrete Batching, Asphalt and Coated Stone Plants
Policy 11: Borrow Pits
Policy 12: Incidental Extraction
Policy 13: Green Belt
Policy 14: Cumulative Impact
Policy 15: Water Management
Policy 16: Historic Environment
Policy 17: Landscape
Policy 18: Biodiversity
Policy 19: Protection and Enhancement of Environment and Amenity
Policy 20: Strategic Transport
Policy 21: Operational Transport
Policy 22: Public Rights of Way
Policy 23: Soils and Agricultural Land
Policy 24: Restoration
Policy 25: Aftercare and After-use

The Draft Minerals Local Plan was published for a ten week consultation, from Monday 04 December 2017 to Friday 09 February 2018.

Response to the Draft Plan Consultation

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

To see a summary of the feedback received in response to the Draft Plan consultation, please follow the link below:

<https://democracy.hertfordshire.gov.uk/ieListDocuments.aspx?CId=218&MIId=1154>

7. 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.

The list of policies included within the Proposed Submission Minerals Local Plan includes the following:

- Policy 1: Sustainable Development
- Policy 2: Climate Change
- Policy 3: Aggregate Supply
- Policy 4: Working of Specific Sites or Preferred Areas
- Policy 5: Substitute or Secondary and Recycled Materials
- Policy 6: Brick Clay
- Policy 7: Chalk
- Policy 8: Mineral Safeguarding
- Policy 9: Safeguarding Bulk Transport and Bulk Handling and Processing Sites
- Policy 10: Borrow Pits
- Policy 11: Incidental Extraction
- Policy 12: Green Belt
- Policy 13: Cumulative Impact
- Policy 14: Water Management
- Policy 15: Historic Environment
- Policy 16: Landscape and Green Infrastructure
- Policy 17: Biodiversity
- Policy 18: Protection and Enhancement of Environment and Amenity
- Policy 19: Health and Wellbeing
- Policy 20: Strategic Transport
- Policy 21: Operational Transport
- Policy 22: Public Rights of Way
- Policy 23: Soils and Agricultural Land
- Policy 24: Restoration
- Policy 25: Aftercare and After-use

The Proposed Submission Minerals Local Plan will be published for a ten week consultation period from Monday 14 January 2019 to Friday 22 March 2019. This Topic Paper (along with a host of other Topic Papers) will be published at the same time as the Proposed Submission document, to support the document and provide explanations of how the different topics covered within the emerging Minerals Local Plan have evolved throughout its review.

8. 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