

# Policy Evidence Report

## Policy 6: Brick Clay

**Hertfordshire Minerals and Waste  
Local Plan 2040**

**Hertfordshire County Council**



Supporting Regulation 22(c)(iii)(iv)

June 2022

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# 1. Introduction

- 1.1. Hertfordshire County Council is reviewing its adopted Minerals Local Plan, Waste Local Plan and supporting documents. These comprise the following documents (with adoption date):
  - Minerals Local Plan Review (March 2007)
  - Minerals Consultation Areas SPD (November 2007)
  - Waste Core Strategy and Development Management Policies DPD (November 2012)
  - Waste Site Allocations DPD (July 2014)
  - Employment Land Areas of Search SPD (November 2015)
- 1.2. The documents listed above are to be replaced by a single Minerals and Waste Local Plan (MWLP) covering the period to 2040. The new MWLP will set the overall spatial framework and development management policies for sustainable minerals and waste management development in Hertfordshire.
- 1.3. This Policy Evidence Report provides a context and justification for the creation of Policy 6: Brick Clay in the emerging Minerals and Waste Local Plan.

## 2. National Policy Context

- 2.1. The National Planning Policy Framework (NPPF 2021) and National Planning Practice Guidance (PPG) provide the basis of national planning policy.
- 2.2. The following points within the NPPF relate to Policy 6:
  - Paragraph 214 states that minerals planning authorities should plan for a steady and adequate supply of industrial minerals by ‘taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made’.
  - Paragraph 214 also states that planning for a steady and adequate supply should be achieved by ‘maintaining a stock of permitted reserves ... <sup>74</sup>’  
*<sup>74</sup>These reserves should be at least ... 25 years for brick clay’.*

## 3. Local Context

- 3.1. Clay working and brick production has previously occurred in Hertfordshire due to the existence of isolated and localised pockets of brick clay in the north west of the county.
- 3.2. Due to the highly variable geology of clay resources, bricks produced in Hertfordshire were locally distinctive and served sub-national and local markets as a material in the construction and restoration of traditional brick and flint building styles, complementing

the local heritage. As of 2018, there is no remaining infrastructure for the production of bricks within the county.

## 4. Minerals & Waste Local Plan Policy

4.1. Prior to the publication of the emerging MWLP, the Council was preparing separate Minerals and Waste Plans, which were at differing stages of production. The emerging Minerals Local Plan (MLP) was published for a Regulation 19 Proposed Submission consultation in 2019, and the emerging Waste Local Plan (WLP) was published for a Regulation 18 Draft Plan consultation in 2021. These emerging Plans have now been brought together into a single MWLP. The Policy which this Evidence Report relates to has been formulated from one or more relevant policies in those previous emerging Plans, and takes into account the representations received at those previous stages of consultation.

### Proposed Submission Minerals Local Plan 2019

4.2. The Proposed Submission Minerals Local Plan was published for a ten week Regulation 19 consultation from 14 January 2019 to 22 March 2019. This document included Policy 6: Brick Clay. The policy read as follows:

#### **Policy 6: Brick Clay**

Proposals for brick clay workings will be permitted where it can be demonstrated that:

- the level of permitted reserves for a specified brickworks is insufficient to maintain brick clay production for at least 25 years;
- the proposal directly contributes towards the required supply for brick clay at the specified brickworks; and
- the proposals are consistent with other policies within this Plan.

4.3. During the Regulation 19 consultation, 2 representations were made in relation to this policy. The main points of these are summarised below:

a) The policy should include criteria that are sufficient to prevent adverse impacts on neighbouring land uses, the environment and the community, and therefore also be consistent with policies set out in Local and Neighbourhood Plans for the area in every case, and not just the policies in the Minerals Plan.

4.4. The county council's response to the representations received is stated below:

a) This policy does not include criteria for the prevention of adverse impacts as this is covered by the other plan policies. The policy in itself is not necessarily inconsistent with other Local and Neighbourhood Plans. Any application will be

decided on its merits against the policies in the Development Plan for that area comprising the MWLP, the Local Plan and any Neighbourhood Plans.

## **5. Alternative Reasonable Options**

- 5.1. The following alternative options have been considered (and fully assessed in the Sustainability Appraisal Report):
- Option 1 – A policy which supports proposals for brick clay workings where it is demonstrated that the brick clay reserve are below 25 years (preferred)
  - Option 2 – A policy similar to Option 1, but which does not restrict new sites for brick clay extraction being permitted where a 25-year reserve of brick clay is already being met

## **6. Conclusion**

- 6.1. This Policy Evidence Report demonstrates the justification for the inclusion of this policy in the emerging Minerals and Waste Local Plan Draft Plan. It summarises the national policy context and local context, along with the main issues raised through previous consultation and how the council has addressed those issues.
- 6.2. Any representations received on this policy at the Regulation 18 consultation stage will be carefully considered by the county council and used to inform any changes to the policy wording as appropriate.
- 6.3. This Policy Evidence Report was written to support the Draft Plan (Regulation 18) consultation. The next iteration of this report, to be published in support of the Proposed Submission (Regulation 19) version of the Plan, will summarise the main issues arising from the Regulation 18 consultation and will form part of the Regulation 22 statement, as set out by the Town and Country Planning (Local Planning) (England) Regulations 2012.