

Policy Evidence Report

Policy 9: Incidental Mineral Extraction

**Hertfordshire Minerals and Waste
Local Plan 2040**

Hertfordshire County Council



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

June 2022

For information about this document please contact:

Minerals and Waste Planning Policy
Spatial Planning Unit
Hertfordshire County Council
Tel: +(44) 01992 556227
Email: MineralsandWaste@hertfordshire.gov.uk
hertfordshire.gov.uk/mwlp

Spatial Planning Unit CHN216
Hertfordshire County Council
County Hall
Hertford
SG13 8DN

If you require assistance interpreting or translating this document, please contact 0300 123 4040.

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 9: Incidental Mineral Extraction 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 9:
 - Paragraph 120:
'Planning policies and decisions should: a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside'
- 2.3. The PPG section on Minerals states:
 - 'Planning for the supply of minerals has a number of special characteristics that are not present in other development:
 - minerals can only be worked (ie extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited. This means that it is necessary to consider protecting minerals from non-minerals development and has implications for the preparation of minerals plans and approving non-mineral development in defined mineral safeguarding areas; ...

- working may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated; ...
- enforcement to secure compliance with conditions that are necessary to mitigate impacts of minerals working operations; and
- following working, land should be restored to make it suitable for beneficial after-use.'

Paragraph: 001 Reference ID: 27-001-20140306

- 'For mineral extraction sites where expected extraction is likely to last for a short period of time, it is usually appropriate for the mineral planning authority to impose a detailed set of planning conditions relating to restoration and aftercare as part of the planning permission.'

Paragraph: 043 Reference ID: 27-043-20140306

3. Local Context

- 3.1. Common examples of incidental extraction include the construction of agricultural or potable water reservoirs. The construction of these could involve the extraction of significant quantities of mineral, whether it be for climate change mitigation, enhanced water supply or another valid reason. Where this is the case, or where extracted mineral is to be removed from site, the proposal should be determined by the MPA.
- 3.2. These proposals can also favour sustainable development where the extracted mineral is to be used on-site or close to the extraction site, to minimise the required transportation of mineral to an end-use by road, or where the mineral is to be used to enhance the character and quality of Hertfordshire's landscape and environments.

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 11: Incidental Extraction. The policy read as follows:

Policy 11: Incidental Extraction

Proposals for development involving the incidental extraction of mineral as a subordinate and ancillary element of other development outside of Specific Sites and Preferred Areas will only be permitted where it can be demonstrated that:

- there is a proven need for the non-mineral development;
- the amount of mineral to be extracted is consistent with the purpose and scale of the development;
- the extracted mineral will be put to sustainable use;
- the transportation of extracted mineral to processing sites will not have a significant adverse impact on highways safety and the effective operation of the highway network;
- the phasing and duration of development proposals guarantee the worked land is restored as early as practicable and without the need for imported material; and
- the proposals are consistent with the other policies within this Plan.

Applicants must submit details of the location where extracted minerals will be transported for processing, where appropriate, and the proposed use of extracted minerals.

The county council will expect a working plan to be submitted, providing details of how and when the non-mineral developments are to be undertaken and completed.

- 4.3. During the Regulation 19 consultation, no representations were made in relation to this policy. Therefore, no changes have been made to the policy as a result of this consultation.

5. Alternative Reasonable Options

- 5.1. The following alternative options have been considered (and fully assessed in the Sustainability Appraisal Report):
- Option 1 – No Policy. Rely on National Policy together with any other relevant policies in the development plan
 - Option 2 – A policy for dealing with applications for incidental mineral extraction, with criteria relating to the need and sustainable use of the mineral (preferred)
 - Option 3 – A policy similar to Option 2, with more flexible criteria

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.