

Policy Evidence Report

Policy 2: Meeting Sand and Gravel Needs

**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 2: Meeting Sand and Gravel Needs 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 sustainable use of minerals is a key section within the NPPF. The following points within the NPPF relate to Policy 2:
 - Paragraph 209 explains that ‘it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.’
 - In paragraph 210 it is stated that planning policies should ‘provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction’.
 - Of particular importance is paragraph 213 that states: ‘Minerals planning authorities should plan for a steady and adequate supply of aggregates by:
 - a) preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years’ sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);

- b) participating in the operation of an Aggregate Working Party and taking the advice of that party into account when preparing their Local Aggregate Assessment;
- c) making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans, taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;
- d) taking account of any published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;
- e) using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
- f) maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised;
- g) ensuring that large landbanks bound up in very few sites do not stifle competition; and
- h) calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.'

2.3. The PPG contains its own section dedicated to minerals. While the entire document is relevant to the plan, the points that are most relevant to this policy are:

- 'The Managed Aggregate Supply System seeks to ensure a steady and adequate supply of aggregate mineral, to handle the significant geographical imbalances in the occurrence of suitable natural aggregate resources...It requires mineral planning authorities which have adequate resources of aggregates to make an appropriate contribution to national as well as local supply...
 - at local level, mineral planning authorities are expected to prepare Local Aggregate Assessments, to assess the demand for and supply of aggregates'.

Paragraph: 060 Reference ID: 27-060-20140306

- 'Landbanks of aggregate mineral reserves, or aggregate landbanks, are principally a monitoring tool to provide a mineral planning authority with early warning of possible disruption to the provision of an adequate and steady supply of land-won aggregates in their particular area.
Aggregate landbanks should be used principally as a trigger for a mineral planning authority to review the current provision of aggregates in its area and consider whether to conduct a review of the allocation of sites in the plan. In

doing so, it may take into account the remaining planned provision in the minerals local plan.’

Paragraph: 080 Reference ID: 27-080-20140306

- Mineral planning authorities should plan for the steady and adequate supply of minerals in one or more of the following ways (in order of priority):
 - Designating 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;
 - Designating Preferred Areas, which are areas of known resources where planning permission might reasonably be anticipated. Such areas may also include essential operations associated with mineral extraction; and/or
 - Designating 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.

Paragraph: 008 Reference ID: 27-008-20140306

3. Local Context

- 3.1. Hertfordshire County Council have a duty under the NPPF to produce a Local Aggregate Assessment (LAA) annually. The LAA is an evidence base document that contributes towards the review of Hertfordshire’s Minerals Local Plan. Its primary purpose is to set out the current level of aggregate supply and demand for Hertfordshire and to calculate the current landbank of sand and gravel.
- 3.2. The LAA states an annual provision rate for Hertfordshire, calculated using the 10-year average sales figure with a 10% increase to provide flexibility and accommodate to future growth. The landbank is therefore calculated based on the number of years this annual provision rate can be sustained with the current permitted reserves.
- 3.3. The LAA 2020 concludes that Hertfordshire currently has a landbank below 7 years, therefore the emerging MWLP must address this shortfall by making appropriate provision for Mineral Extraction.
- 3.4. Hertfordshire is also a member of the East of England Aggregate Working Party (EEAWP). The National and Regional Guidelines for Aggregates Provision 2009 states that 236Mt of land won sand and gravel will need to be provided by the East of England between 2005 and 2020. Hertfordshire, as a member, must contribute to this figure which is discussed within the Hertfordshire LAA.

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 (PSMLP) was published for a ten week Regulation 19 consultation from 14 January 2019 to 22 March 2019. This document included Policy 3: Aggregate Supply. The policies read as follows:

Policy 3: Aggregate supply

The county council will seek to maintain a steady and adequate supply with at least a seven year landbank of sand and gravel reserves to support sustainable economic growth in accordance with the Hertfordshire Local Aggregate Assessment throughout the Plan period to enable appropriate contribution to the national, sub-national and local needs.

- 4.3. Policy 3: Aggregate Supply sought to, in accordance with the NPPF, maintain a steady and adequate supply of mineral resources over the plan period based on the figures within the Hertfordshire LAA.
- 4.4. During the Regulation 19 consultation, 5 representations were made in relation to this policy. The main issues of these are summarised below:
- a) The policy should include a breakdown of figures, such as the apportionment figure, for transparency.
 - b) The policy should be strengthened to place more responsibility on mineral operators in the event of an abandoning of a minerals site.
 - c) It is questioned why the county is providing for an additional 7 year landbank after the plan period.
- 4.5. Policy 4: Working of Specific Sites or Preferred Areas was also included within the Proposed Submission Minerals Local Plan. This policy defined the Specific Sites and Preferred Area for mineral extraction, linking their operation to the other policies in the plan.

Policy 4: Working of Specific Sites or Preferred Areas

Provision for Hertfordshire's apportionment contribution will be met by the identification of Specific Sites and Preferred Areas. Specific Sites for sand and gravel extraction are identified on Inset Maps 1-3 and the Policies Map. These sites are:

- Specific Site 1 - Hatfield Aerodrome
- Specific Site 2 - Hatfield Quarry – Furze Field
- Specific Site 3 - Hatfield Quarry – Land adjoining Coopers Green Lane

A Preferred Area is identified on Inset Map 4 and the Policies Map. This area is:

- Preferred Area 1 – The Briggens Estate (Olives Farm)

Proposals for mineral extraction within the Specific Sites or Preferred Area must fulfil the requirements as set out within the planning briefs. Proposals for mineral extraction outside of the Specific Sites or Preferred Area will be considered against the policies within the Plan, with specific reference given to Policy 3: Aggregate Supply.

- 4.6. During the Regulation 19 consultation, 356 representations were made in relation to this policy. The main issues of these are summarised below:
- d) The removal of the Preferred Area was raised in the majority of the comments to this policy.
 - e) The text '*Planning applications for mineral extraction at unallocated sites will be refused unless a significant case for mineral demand could be demonstrated with particular reference to Policy 3: Aggregate Supply*' should be added to the policy to strengthen the council's position.
 - f) Some clarification was required for specific site details.
 - g) Concerns regarding the cumulative effects of the Specific Sites and their environmental impact.
 - h) Highways concerns were raised for all sites listed in the policy.
 - i) There was concern for the presence of the bromate plume at the Specific Sites. Given that the sites are all affected by the Bromate Plume, this should be noted within the policy.
 - j) There are concerns relating to the proposed timings for the sites.
 - k) It was raised that the Specific Sites are grouped, creating a heavy reliance on Hatfield for mineral extraction.
 - l) There were comments raised regarding the relationship of the allocated sites with other proposed or planned infrastructure projects.
 - m) It was stated that the inclusion of all 4 sites is not necessary as the plan makes provision for a greater quantity of mineral than required.
 - n) Preferred Area 1 should be seen in, and respond to, the wider context of the emerging Harlow Gilston Garden Town proposal as it could deliver a substantial strategic green space on the Hertfordshire / Essex border. The plan should refer

to the emerging Essex Green Infrastructure Strategy – which will support suitable restoration to deliver sustainable development objectives. Reference to ANGST standards should be considered to address any identified deficiencies.

4.7. The County Council considers the following as responses to the points raised:

- a) The policy has been amended to include a breakdown of figures.
- b) National planning policy has strengthened over the years, and minerals planning now operates on a restoration first principle, including the requirement for a restoration scheme to be submitted with the planning application, along with a requirement to restore the site as early as possible and in a phased manner where appropriate.
- c) The council accepts that planning for a 7 year landbank at the end of the plan period is not necessary, and has therefore removed this from the Plan.
- d) All sites submitted have been assessed through a site selection process and the proposed allocations are deemed to be the most appropriate.
- e) This area of the policy wording has been amended to stress that applications for mineral extraction will only be acceptable where they would meet an identified shortfall in the landbank. This is necessary to ensure a steady and adequate supply of mineral.
- f) The council welcomes clarification in relation to site specific details and these have been amended in the revised policy and site briefs.
- g) Cumulative impacts are considered under Policy 26: Cumulative Impacts.
- h) The proposed allocations have been assessed in consultation with the Highways Authority. Since the Proposed Submission consultation on the withdrawn emerging Minerals Local Plan, further highways work has been carried out on Preferred Area 1 (now site MA1), and this is reflected in the revised policy and site brief.
- i) Reference to the bromate plume was specifically mentioned in the site briefs, and the policy clearly stated that proposals must fulfil the requirements of the site briefs. This has however now been brought into the revised policy.
- j) The timings of the sites have been stated within the site briefs for clarity.
- k) It is accepted that sites were grouped, however mineral allocations are largely dictated by the geology. A thorough call for sites and sites assessment process was undertaken and the preferred allocations were deemed the most appropriate.
- l) It is important to consider proposed allocations in the context of other proposed development. These considerations have been taken into account in the Site Briefs.
- m) The inclusion of all 4 sites was necessary to meet the identified need for sand and gravel over the plan period, including maintaining a landbank at the end of the plan period. Since consultation on the now withdrawn emerging Minerals Local Plan, the council has recalculated the reserves, re-assessed the approach to maintaining its landbank and recalculated its annual provision rate. Specific Site 2 also now has planning permission. The plan period has also been

extended. The remaining sites now included in the emerging Minerals and Waste Local Plan are all required to meet the identified need.

- n) The revised Policy and corresponding Site Brief explicitly refer to the Harlow Gilston Garden Town proposals. The MWLP also states that proposals should refer to the Hertfordshire Green Infrastructure Plans, the emerging version of which references the design codes as part of the Strategic Landscape Masterplanning work for the Gilston developments. Reference to ANGST standards is not considered necessary in this policy.

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 allocates more sites than required in order to provide maintenance of a landbank of 7 years beyond the plan period
- Option 2 – A policy which allocates sites for development and provides a mechanism for ensuring supply in the event of non-maintenance of the landbank (preferred)
- Option 3 – Similar to option 2, but without a specific mechanism to ensure maintenance of landbank

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.