



For official use only:

Received date:

Registered date:

Rep No:

Ack'd:

## Hertfordshire Minerals Local Plan

### Initial Consultation Document

#### Representation Form

This initial consultation document contains a range of issues and options that will help the county council, as Minerals Planning Authority for Hertfordshire, to progress with the review of the adopted Minerals Local Plan (2007). As part of this initial consultation, the county council is seeking your views on the content of the local plan and how certain issues should be managed within policy. The document also contains outline site selection methodologies that will be implemented further into the review process to identify preferred areas for mineral extraction and safeguarding. The full details of the timetable for plan production are set out in the Initial Consultation document.

The online consultation portal is the county council's preferred method of receiving comments. This can be found at <http://hertsc-consult.objective.co.uk/portal>. Instructions on how to register and enter representations are provided on the website.

If you are unable to use the online consultation portal, please use this form to make representations. Comments will also be accepted by letter (sent to the address at the end of this form) or email to [minerals.planning@hertfordshire.gov.uk](mailto:minerals.planning@hertfordshire.gov.uk). If you wish to send attachments, only documents that have been produced in Microsoft Word (.doc), standard Rich Text Format (RTF), pdf, or jpeg formats can be accepted electronically. It is not guaranteed that information presented in other formats can be opened by the council's IT system.

Further copies of the representation form are available from the county council on 01992 556227 or may be downloaded from the county council's website: [www.hertsdirect.org/mineralslocalplan](http://www.hertsdirect.org/mineralslocalplan).

If you require information on the Minerals Local Plan in an alternative format, or if you require help to translate this information, please contact the county council on 0300 123 4040.

## Part 1 – Details

### Respondents details

Name: Steve Baker

Organisation: CPRE Hertfordshire

Address: 31a Church Street,  
Welwyn, Herts

Tel No: 01438 717587

Post Code: AL6 9LW

Fax:

Email: office@cpreherts.org.uk

### Agent details (if applicable)

Name:

Organisation:

Address:

Tel No:

Fax:

Post Code:

Email:

**Important note:** The information you provide will be held on a database. The information will be used in accordance with the Data Protection Act 1998 and may be used by other sections of Hertfordshire County Council to respond to you. **The information you provide will be publicly available for any other person to inspect.** Your contact details will be removed prior to publicising your representation (this includes your signature).

## Part 2 – Responses

### VISION

#### Issue 1

**Which aspects of national policy and Hertfordshire County Council priorities does Vision 1 cover adequately?**

(Please select all that apply)

- |   |                          |
|---|--------------------------|
| Planning positively.....  | <input type="checkbox"/> |
| Driving towards sustainable development and economic growth.....    | <input type="checkbox"/> |
| Locally distinctive to Hertfordshire.....                           | <input type="checkbox"/> |
| Provides a vision for what the county will be like in 20 years..... | <input type="checkbox"/> |
| Based on current trends and trajectories.....                       | <input type="checkbox"/> |
| Clear.....  | <input type="checkbox"/> |
| Concise.....  | <input type="checkbox"/> |
| Realistic.....  | <input type="checkbox"/> |
| Measurable.....   | <input type="checkbox"/> |
| Provide points that can be translated into policy.....              | <input type="checkbox"/> |
| Shared vision for future development.....                           | <input type="checkbox"/> |
| Meets the needs of the communities.....                             | <input type="checkbox"/> |
| Protects against sterilisation of minerals.....                     | <input type="checkbox"/> |
| Citizen focussed.....   | <input type="checkbox"/> |
| Acting with integrity.....  | <input type="checkbox"/> |
| Getting things right.....   | <input type="checkbox"/> |
| Innovative.....   | <input type="checkbox"/> |
| Every penny counts.....   | <input type="checkbox"/> |

#### **Any other comments**

It is not a NPPF requirement to express overall aims of Plan as a 'Vision', and the HCC 'corporate' plan is not relevant to the Plan's function as a statutory DPD.

The wording does not adequately address the fundamental necessity of protection of the people living in the County, and of the environment, from harm, while meeting the expectations of national policy to supply minerals.

In any amended wording, the word 'towns' in first paragraph of the Vision, should be changed to 'settlements' to reflect the equal contribution of distinct villages and hamlets to the character of the County.

#### Issue 2

**Which aspects of national policy and Hertfordshire County Council priorities does Vision 2 cover adequately?**

(Please select all that apply)

- Planning positively.....
- Driving towards sustainable development and economic growth.....
- Locally distinctive to Hertfordshire.....
- Provides a vision for what the county will be like in 20 years.....
- Based on current trends and trajectories.....
- Clear.....
- Concise.....
- Realistic.....
- Measurable.....
- Provide points that can be translated into policy.....
- Shared vision for future development.....
- Meets the needs of the communities.....
- Protects against sterilisation of minerals.....
- Citizen focussed.....
- Acting with integrity.....
- Getting things right.....
- Innovative.....
- Every penny counts.....

**Any other comments**

It is not a NPPF requirement to express overall aims of the Plan as a 'Vision', and the HCC 'corporate' plan is not relevant to the Plan's function as a statutory DPD.

The wording does not adequately address the fundamental necessity of protection of the people living in the County, and of the environment, from harm while meeting the expectations of national policy to supply minerals. ]

The word 'towns' in first paragraph of the Vision, should be changed to 'settlements' to reflect the equal contribution of distinct villages and hamlets to the character of the County.

**Issue 3**

**Which style of vision do you prefer?**

(Please select one answer)

Version 1.....

Version 2.....

**Any other comments**

Neither wording provides an adequate balance between the exploitation of minerals in line with Government policy and protection of the County's communities and the environment from harm.

**OBJECTIVES**

**Issue 4**

**Would meeting all of the objectives ensure that the visions presented in Chapter 4 are achieved?**

(Please select one answer)

Yes.....

No.....

**If you selected no, please provide your reasons**

**Any other comments**

**Issue 5**

**Having developed the list of objectives in accordance with the available guidance, and having taken account of feedback from a public consultation event, do you think the county council has developed the correct set of objectives?**

(Please select one answer)

Yes.....

No.....

**If you selected no, please provide your reasons**

Objective 2 – the word ‘sites’ should be changed to ‘defined areas’ to reflect NPPF paragraph 145.

Objective 5 – the word ‘against’ after ‘mitigate’ is superfluous.

Objective 6 – the objective should be to mitigate the impact that mineral-related development would otherwise have on climate change.

Objective 7 – add at the end of the first sentence ‘consistent with the adopted Development Plan’ to ensure the afteruse is appropriate. This objective should also include the restoration of land after working as soon as possible in accordance with NPPF paragraph 143.

**Any other comments**

## PLAN LENGTH

### Issue 6

#### How long should the duration of the Minerals Local Plan be?

(Please select one answer)

15yrs with the identification of an additional 7yrs' sand and gravel supply.....

25yrs with the identification of an additional 7yrs' sand and gravel supply.....

An alternative length..... ✓

#### If you selected "an alternative length", please provide your reasons

The timescale should be 15 years but with an enforced commitment to review and updating to ensure that there is always a minimum of 7 years supply available.

NPPF paragraph 17 does not mean that a longer Plan period is necessary, and a longer period would result in inconsistency with other elements of the Development Plan, and in particular the district Local Plans, an important issue when dealing with the extraction of minerals in advance of development, and 'safeguarding'.

#### Any other comments

## QUANTITY OF SAND AND GRAVEL PROVISION

### Issue 7

#### What quantity of sand and gravel should the county council plan for each year?

(Please select one answer)

1.39 million tonnes, as specified by the East of England Aggregate Working party apportionment figure.....

1.12 million tonnes, based on the 10-year average sales figures.....

An alternative quantity..... ✓

**If you selected “an alternative quantity”, please provide your reasons**

The appropriate quantity should be based on the scale of development set out in adopted district Local Plans and statutory infrastructure plans. Plans at an early draft stage with controversial large scale housing targets should not be used as a basis for assumptions in the Plan.

The quantity of sand and gravel extraction should also reflect the reality of the recession, not attempt to compensate for it. The Regional Apportionment figure is excessive in this respect, but the 10-year average will be too low because the length and depth of the recession should be treated as exceptional, and unlikely to be repeated during the Plan period.

**Any other comments**

**SITE SELECTION FOR SAND AND GRAVEL EXTRACTION**

**Issue 8**

**Is the proposed idea to split the site selection methodology into three ‘sieves’, with an additional Call for Sites exercise, the right approach to take?**

(Please select one answer)

Yes.....

No.....

**If you selected no, please provide your reasons**

**Any other comments**

3 Sieves are acceptable provided they cover the appropriate aspects at each stage – see comments on Issues 9 to 11.

**Issue 9**

**Is the proposed desk-based methodology for Sieve 1 appropriate?**

(Please select one answer)

Yes.....   
No..... ✓

**If you selected no, please provide your reasons**

The scope of the Sieve is inadequate because it fails to address fundamental constraints that should eliminate some areas from further consideration. This is as important as the potential suitability of a mineral resource, and should form part of the initial sieve. Land within Conservation Areas, the Chilterns AONB, a NNR or SSSI, or an area protected by an international designation such as SPA or SAC would be such a constraint that would rule the area out of further consideration. This is consistent with NPPF paragraphs 116, 118, 119 and 144 which state that sites in these areas should normally be avoided by, or protected from development.

The title of Sieve 1 should be amended to reflect this second part of the initial sieve. The only acceptable alternative process would be to include a new Sieve 2, comprising such 'absolute' constraints.

**Any other comments**

The Sieve 1 caveat described in paragraph 8.13 that would allow some areas to avoid the sieving process subject to relevant information being provided by the proposed operator, should specifically require that information to address criteria 'a' to 'd' in the Sieve 1 process.

**Issue 10**

**Is the limited depth of analysis proposed for Sieve 2 appropriate?**

(Please select one answer)

Yes.....   
No..... ✓

**If you selected no, please provide your reasons**

Criterion 'a' should not be limited to 'urban' areas because of the difficulty of defining this, but should exclude all areas of existing built development.

Similarly, constraint 'b' within Hertfordshire would include areas that are subject to a Planning commitment to development, either by way of planning permission, or allocated for development in a Development Plan Document. Such a commitment would prevent mineral extraction or delay mineral working. For consistency the wording used in paragraph 9.20 on page 37, for 'Excluded Developments' in the Council's proposed SPD would be a suitable alternative.

**Any other comments**

See comments on Sieve 1 (Issue 9) above

**Issue 11**

**Is the detailed assessment proposed for Sieve 3 appropriate?**

(Please select one answer)

Yes.....   
No..... ✓

**If you selected no, please provide your reasons**

Please see comments on Sieve 1.

Criteria 1 to 3 - Areas abutting or which would otherwise potentially have an adverse impact on the protected designations set out in Sieve 1, should always be graded '4' (red). Only in the event that Sieve 3 is unable to identify unconstrained areas that can supply sufficient land-won aggregates, should areas subject to national and international policy protection as set out in the NPPF, be re-assessed to identify areas that will do so with the least harmful impact.

Criterion 9 – Cumulative impact cannot be assessed without having first assessed individual impacts, but these are not included in the Sieve 3 criteria. The relationship of this criterion with criterion 13 (Sensitive Land Uses) needs to be reconsidered because at present they do not address the key sieving requirement of enabling a comparison between potential areas for their degree of impact in terms of environmental and human impact, either alone or cumulatively.

Criterion 18 – Green Belt – Sites in the Green Belt 'which conflict with the purposes for its designation' should by definition be graded '4' (red) not '3' because they would conflict with NPPF paragraph 14.

**Any other comments**

**STERILISATION AND WINDFALL SITES**

**Issue 12**

**How should the Minerals Local Plan support the prevention of mineral sterilisation?**

(Please select one answer)

- Include a policy that identifies the Minerals Safeguarding Areas and Minerals Consultation Areas and sets the thresholds for non-mineral proposals in these areas which the county council wishes to be consulted on.....
- Include a policy on minerals sterilisation which encourages the prior extraction of minerals before non-mineral developments.....
- Include a policy that combines the identification of Minerals Safeguarding Areas and Minerals Consultation Areas with the encouragement of prior extraction to avoid the sterilisation of minerals by non-minerals development.....
- Include two separate policies. One policy identifying the Minerals Safeguarding Areas and Minerals Consultation Areas and the thresholds for non-minerals proposals which ensure consultation with the county council, and one policy encouraging the prior extraction of minerals to prevent the sterilisation of minerals by non-mineral developments.....
- Deal with proposals on a site-by-site basis as a windfall site.....

**Any other comments**

There would still need to be separate policies for MSAs and MCAs which are identified for different purposes, with MSA's only likely to cover parts of the MCA's.

**Issue 13**

**Should the Minerals Local Plan continue to use the formal consultation process introduced in the Mineral Consultation Areas in Hertfordshire Supplementary Planning Document?**

(Please select one answer)

- Yes.....
- Yes – but amendments are required for the excluded categories.....
- No – the county council should be consulted on all proposals for non-minerals development in Minerals Consultation Areas .....

**If you selected “Yes – but amendments are required for the excluded categories”, please provide details of your suggested amendments**

**Any other comments**

**Issue 14**

**How should the Minerals Local Plan cover the topic of windfall sites?**  
(Please select one answer)

- Incorporate windfall sites into a policy related to mineral extraction applications for sites outside of Specific Sites and Preferred Areas.....
- Include a policy specifically about the use of windfall sites for mineral extraction, promoting a phased approach to development to allow the gradual extraction of minerals in sync with the non-mineral development...

**Any other comments**

**MINERALS SAFEGUARDING AREAS AND MINERALS CONSULTATION AREAS SITE SELECTION**

**Issue 15**

**Is the proposed selection procedure for Minerals Safeguarding Areas and Minerals Consultation Areas appropriate?**  
(Please select one answer)

- Yes.....
- No.....

**If you selected no, please provide your reasons**

**Any other comments**

The wording implies that MSA's and MCA's will cover the same areas, and would appear to be inconsistent with the approach described in Chapter 9.

Only parts of the areas within which minerals exist will need to be categorised as MCA's within which the County Council would need to be consulted when a relevant application is submitted to the district council, and smaller areas within those MCA's protected from future development by MSA designation.

**CLAY**

**Issue 16**

**How should the Minerals Local Plan encourage and support the extraction of brick clay so that the county can meet the requirement of national policy to have 25 years' worth of permitted reserves?**

(Please select all that apply)

Identify Minerals Safeguarding Areas and Minerals Consultation Areas to safeguard clay resources from sterilisation by non-minerals development..

Identify Preferred Areas where the county council would ideally like clay extraction to occur.....

Include a policy that provides general support to planning applications that propose to extract brick clay..... ✓

**Any other comments**

Such support should be conditional on the proposal meeting appropriate criteria to ensure that extraction avoids sensitive locations and avoids harm to communities and the environment.

**CHALK**

**Issue 17**

**Should the Minerals Local Plan support the safeguarding of chalk resources by identifying Minerals Safeguarding Areas and Minerals Consultation Areas?**

(Please select one answer)

Yes.....

No..... ✓

**Any other comments**

**Issue 18**

**How should the Minerals Local Plan support the extraction of chalk resources?**

(Please select one answer)

- It shouldn't - current extraction levels are appropriate for the use of chalk in the county.....
- It should include policy to support the safeguarding of active extraction sites.....
- It should keep the existing non-energy mineral policy which would only grant permission to chalk extraction if the need for minerals cannot be met by existing reserves..... ✓
- It should include policy to encourage new, small-scale extraction operations.....

**Any other comments**

**SECONDARY AND RECYCLED AGGREGATE**

**Issue 19**

**How should the Minerals Local Plan support the production of secondary and recycled aggregate for use as an alternative to primary, land-won minerals?**

(Please select one answer)

- It should not provide any support.....
- Maintain the same stance as the existing Minerals Local Plan and provide support to the installation of secondary and recycled aggregate processing facilities in appropriate locations.....
- Encourage the provision of secondary and recycled aggregates but refer applicants to the Waste Local Plan for further information and guiding policy.....
- Strengthen policy and text to compliment the Waste Local Plan by encouraging the installation of secondary and recycled aggregate facilities to produce alternative materials.....
- Identify sites that may currently be being used to produce secondary and recycled aggregates as well as strengthening policy and text to encourage the installation of secondary and recycled aggregate facilities..

**Any other comments**

Option 1 conflicts with the NPPF which requires support for secondary aggregate production and use of recycled aggregate.  
Support should be through the MLP, not the WLP, but complement policies to encourage Recycling of waste materials in the Waste Local Plan.  
The call for sites should include inviting potential sites for secondary and recycled aggregate production, for 'sieving' as for primary minerals sites.

**Issue 20**

**Should the Minerals Local Plan encourage the installation of secondary and recycled aggregate facilities on existing minerals sites rather than at new sites?**

(Please select one answer)

Yes.....  
No..... ✓

**Any other comments**

Could be on both existing and new sites, but limited in duration to the period of mineral extraction from a minerals site, and in the case of existing sites, subject to them having existing on-site mineral processing plant, and in all cases, meeting criteria to prevent and mitigate harm to sensitive land uses and the environment.

**POLICIES USED TO DETERMINE APPLICATIONS**

**Issue 21**

**Does the list of strategic policy headings cover all the topics that should be included in the Minerals Local Plan?**

(Please select one answer)

Yes.....   
The list is too extensive and could be streamlined.....   
The list missed certain topics relevant to Hertfordshire..... ✓

**If you selected "the list is too extensive", please provide your reasons**

[Empty box for providing reasons]

**If you selected “the list missed certain topics”, please provide your reasons**

Environmental Criteria should be a separate ‘topic’ – not part of ‘local amenities’.

**Any other comments**

Meeting HCC’s ‘Corporate’ Vision and Objectives is not an appropriate Minerals Planning criterion.

**Issue 22**

**Does the list of development management policy headings cover all the topics that should be included in the Minerals Local Plan?**

(Please select one answer)

- Yes.....
- The list is too extensive and could be streamlined.....
- The list missed certain topics relevant to Hertfordshire.....

**If you selected “the list is too extensive”, please provide your reasons**

**If you selected “the list missed certain topics”, please provide your reasons**

MSA’s and MCA’s will need to have separate policy statements.

There will need to be a policy or policies setting out appropriate criteria to avoid and mitigate environmental harm. In particular there are no policy headings for preventing noise, dust, air quality or visual (separate from ‘landscape’) impacts.

The proposed policy (17) on Cumulative Impact, should follow the other policies dealing with specific impacts that will then be considered cumulatively and in combination with impacts of other development.

**Any other comments**

**Issue 23**

**Referring back to Section 4: Objectives, does the draft list of policy headings meet the objectives which will be included in the Minerals Local Plan?**

(Please select one answer)

- Yes.....
- No.....

**If you selected no, please provide your reasons**

Objective 5 to protect people and the environment from harm is not met by the draft list of policies.

**Any other comments**

**SUSTAINABILITY APPRAISAL**

**Issue 24**

**Are the headline objectives of the Sustainability Appraisal appropriate as a framework to determine the sustainability of the Minerals Local Plan?**

(Please select one answer)

- Yes.....
- No.....

**If you selected no, please provide your reasons**

**Any other comments**

**Part 3  
Declaration**

Signature:



Date:

16 October 2015

- √ *Tick here to be notified at a specific address when the document is adopted by the county council.*

*Address for notification (if different):*

*As above*

Thank you for your representations.

All representations must be received by **5pm Friday 16 October 2015**.

Once you have completed your response please email it to:  
[minerals.planning@hertfordshire.gov.uk](mailto:minerals.planning@hertfordshire.gov.uk) or post it to:

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

If you require further information or advice please contact the Minerals and Waste Policy Team on: 01992 556227.