

Standing up for Hertfordshire's countryside

Mr. Chay Dempster
Spatial and Land Use Planning Unit
Hertfordshire County Council
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Start address here

Our Ref:

Your Ref:

25th January 2019 (by email)

Dear Mr. Dempster,

Application No. PL/0963/18

Extraction of 3.5 million tonnes (MT) of sand and gravel, infrastructure works and import of 3.1 mt inert material for restoration to agriculture, ponds, and woodland on land adjoining Cooper's Green Lane, Hatfield, Hertfordshire.

CPRE Hertfordshire has serious concerns regarding this application, which should be refused planning permission on the grounds of prematurity, or deferred for consideration at a much later stage of the planning process, following critical decisions on both the Proposed Submission Minerals Local Plan and the Welwyn Hatfield Local Plan for the reasons set out below.

Minerals Local Plan

Until the emerging Minerals Local Plan has been independently examined and a decision taken on whether the land in the area of this proposal should be allocated for mineral working, any such proposal must be treated as a windfall development and determined in accordance with the current adopted Minerals Local Plan and the NPPF.

At present the proposal conflicts with those policies and should therefore be refused because the site is neither an allocated sand and gravel site nor a preferred area of extraction, and would result in an unnecessary increase in sand and gravel reserves threatening the working and timely restoration of the sites in the adopted Minerals Local Plan.

Welwyn Hatfield Local Plan

The Submission Welwyn Hatfield Local Plan is currently the subject of independent examination and includes a proposal to build 1,650 houses mostly within the area of this planning application, but neither that proposal nor the Plan itself have been found 'sound' by the Inspector, and pending adoption of the Plan the Council cannot presume that the development will proceed.

As the County Council is aware, the Borough Council is reviewing the housing proposals in the submission Local Plan in the light of a further Green Belt Review as a result of the advice of the Local Plan Inspector, and will be inviting the submission of proposals for additional housing sites before the formal examination resumes later in 2019. Unless and until the current housing proposal is approved there is no need for any action to ensure extraction of sand and gravel from the site so as to prevent its sterilization by housing development.

Sand and Gravel supply

We also have major concerns about the implications of the amount of the proposed sand and gravel extraction in the short to medium term that would result from this proposal for the overall supply of aggregates from within the County, in the context of decisions yet to be taken on the amount of land won aggregates that should be extracted over the next Minerals Local Plan period.

Clearly, and as we stated in response to your consultation on the HMLP in October 2015, the appropriate level of provision in the Plan should be based on the scale of development set out in adopted district Local Plans and statutory infrastructure plans. Plans at an 'emerging' Plan stage with controversial large scale housing targets should not be used as a basis for assumptions in the Minerals Local Plan.

The quantity of sand and gravel extraction should also reflect the reality of the recession and low rates of development, rather than attempting to compensate for it. As we pointed out in 2015, the Regional Apportionment figure of 1.39 million tonnes per annum (mtpa) is excessive in this respect, but the 10-year extraction average will be too low because the length and depth of the recession should be treated as exceptional, and is unlikely to be repeated during the Plan period.

In our comments on the emerging Minerals Plan sent by email on 9 February 2018, we noted that the figure in paragraph 5.6 under the 'Need for Aggregates', of 1.39 mtpa to be planned for, was set in 2009 (now a decade ago) and only for the period to 2020, (next year). That figure was carried forward in Section 8 (Strategic Aggregates Supply), in paragraph 8.4, as a commitment that Herts is 'obliged' to meet under this out-of-date apportionment, but that figure is only valid until 2020, and the Plan should be based on future requirements, not forecasts from over a decade ago, or out-of-date development plan assumptions.

CPRE strongly advised against the use of pre-recession, pre-NPPF, and pre-Brexit projections, and the Plans based on them, that would in our view render the Minerals Plan unsound. This is particularly the case when the figures for future supply (paragraph 8.6) were intended to ensure supply not just for 15 years, but also a further 7 years, which would mean the use of the arbitrary provision figure of 1.39 mtpa, for 31 years, nearly a third of a century, from the date it was originally agreed in 2009.

Until a sound figure for future aggregates extraction in the County has been determined through the Minerals Local Plan process and the capacity of existing permitted sites and existing preferred areas to meet that new figure approved, taking into account other sources not requiring new extraction sites, no significant new mineral sites should be permitted.

Site Specific issues

In addition to the requirement that the application is tested against the full range of relevant planning and environmental criteria, to determine whether there are any such reasons for the application to be refused, we also wish to highlight the importance of potential cumulative impacts from the proposed workings and other developments in the immediate vicinity of the site. Such development includes not just the construction of 1,650 houses proposed for the same site, but also the 1,100 houses proposed for the adjacent Symondshyde Farm site to the north west, also awaiting approval through the Welwyn Hatfield Local Plan process.

Of equal concern to CPRE Hertfordshire however is the likely cumulative impacts of the parallel operation of the site with the continued operation of the Hatfield Quarry site to the south west by Cemex.

If sand and gravel extraction and restoration of the two sites does not take place concurrently however, there will be a decade or more delay to the restoration of the existing operational site and permitted extension at Hatfield Quarry, with the consequential significant impact on the neighbouring communities. Neither of these scenarios is acceptable in our view.

Finally, the emerging Minerals LP will need to include a policy for minerals development in the Green Belt requiring proposals to be consistent with local and neighbourhood plan policies as well as the other policies in the Minerals Local Plan and the NPPF. The wording of the policy should ensure that the proposed restoration of any new or extended mineral working site in the Green Belt does not conflict with any of the five specified Green Belt purposes. Until the Welwyn Hatfield Local Plan is approved and the long term future of the site is determined, the acceptability of restoration proposals, a key element of any sand and gravel site planning permission, cannot be assessed by the County Council.

On balance, based on the information provided, we consider that this application should be resisted.

Yours sincerely,

Steve Baker