

HERTFORDSHIRE COUNTY COUNCIL

CABINET

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COUNTY COUNCIL

THURSDAY 19 SEPTEMBER 2002 AT 10:30 A.M.

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9

County Council

7.2

MINERALS LOCAL PLAN REVIEW TO 2016

1ST DEPOSIT DRAFT FOR PUBLIC CONSULTATION

Report of the Director of Environment

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1. Purpose of Report

To seek County Council approval for the 1st Deposit Draft Minerals Local Plan Review and accompanying Supplementary Planning Guidance, the public consultation arrangements and the overall timetable for progressing the Review.

2. Summary

2.1 The Minerals Local Plan forms part of the Development Plan for Hertfordshire, guiding how and where mineral extraction should take place in the county. The current Minerals Local Plan was adopted in July 1998. Government advice is that plans should be reviewed at least every five years and the adopted Plan includes a commitment for any review of the Plan to include an evaluation of all resources from which areas for future working will be identified.

2.2 A comprehensive site evaluation process has taken place, together with a review of all the policies in the Plan to identify gaps and the areas that Plan needs to take into account as part of the Review. The Review has been undertaken during a period of uncertainty, both in terms of Government advice as to how much primary land-won aggregate (sand and gravel in Hertfordshire's case) needs to be planned for and proposed changes to the planning system which will replace Minerals Local Plans with Mineral Development Frameworks.

2.3 To address the first issue the draft Plan Review has been prepared on the basis of testing three different supply scenarios: the first based on current guidance; the second on the average of the last three years sales; and the third taking a middle figure. The Aggregates Panel has recommended that the lowest scenario be adopted. It also recommends that future provision of land-won primary aggregates should not be reliant on a single site. It therefore recommends that land at BAe , near Hatfield (currently a preferred area in the adopted Plan) and land at Rickneys Quarry should be identified as preferred areas for future extraction during the Plan

period to 2016. In order to ensure that permissions come forward towards the end of the Plan period to meet the requirement to maintain a seven-year landbank at all times the Aggregates Panel also recommend that land at Coursers Road near London Colney be identified for working through Tyttenhanger plant. This land could not be worked earlier as existing permissions at Tyttenhanger mean that the plant is committed for most of the Plan period.

- 2.4 To address the second issue, the proposed format of the Plan draws together strategic and operational policies, with much of the latter adopting a criteria based approach. This is supported by draft Supplementary Planning Guidance (SPG) to explain in greater depth how many of the policies would be implemented, but which is not part of the Development Plan.
- 2.5 The report also sets out a proposed timetable for the Plan, leading to its proposed adoption in 2004, although this can only be indicative for the later stages as the timing will depend on the number of objections received at each Deposit stage

3. Conclusion

This report sets out the various stages that have been undertaken to progress the Review of the Minerals Local Plan, the advice of the Aggregates Panel, proposals for consultation on the 1st Deposit Draft of the Review and an indicative timetable for the Review process. The Cabinet is asked to make an appropriate recommendation to County Council regarding approval of the 1st Draft Plan and progressing through the next stages of the development plan process.

1. Background to the Review of the Minerals Local Plan

- 1.1 Hertfordshire has only a limited range of indigenous minerals – predominantly sand and gravel (aggregates), which mainly underlies the southern half of the county and is used for construction. Non-aggregate minerals in the county comprise limited pockets of brickclay, used for the manufacture of specialist bricks, in the extreme west of the county and pockets of chalk, used for agricultural lime, which are found in the west, north and east of the county.
- 1.2 The Minerals Local Plan forms part of the Development Plan for Hertfordshire (together with the Structure Plan, the Waste Local Plan and District Local Plans), guiding where and how future mineral extraction should take place. The County Council’s first Minerals Local Plan was adopted in July 1998, after a very lengthy process, which started in 1991.
- 1.3 The Minerals Local Plan is a statutory document produced and adopted by the County Council, setting out the policies relating to the extraction of minerals in the county.
- 1.4 Development Plans should be up-to-date and relevant and Government policy is that development plans should be reviewed at least every 5 years. In his report following the Minerals Local Plan Inquiry into the now adopted Minerals Local Plan, the Inspector emphasised this requirement and recommended that the current Plan include a commitment to an early evaluation of those resources from which further areas for future working will be identified, demonstrating that all the costs and benefits of working these resources have been evaluated and compared. This recommendation was adopted and the current Mineral Local Plan indicates that the first review would commence within 12 month’s of the Plan’s adoption (para 2.4.39).

2. Review process

- 2.1 Work on the Review of the Minerals Local Plan commenced almost immediately after its adoption. One important aspect of the Review, and in line with the Inspector’s recommendation referred to in para 1.4 above, is the identification of sites from where the future provision of aggregates would come. The first step, therefore, was to adopt a Framework for Site Selection Strategy (Environment Committee - October 1998) after a period of public consultation. This Framework sets out how the County Council would go about identifying sites for inclusion in the Review of the Plan to meet the future needs of Hertfordshire and the County Council’s commitment to meeting regional need.
- 2.2 In addition, the adopted Plan was ‘scoped’ to identify any shortcomings against government and other guidance to identify the areas that any Review of the Plan would need to address.

2.3 The Review of the Plan has therefore included the following steps:

- a desk top evaluation of the aggregate resources in the county to identify economically viable resource blocks, including discussions with operators and key landowners;
- testing these blocks against an initial series of environmental and other constraints (known as "sieving") to identify areas suitable for further investigation as potential sites for aggregate extraction;
- a consultation exercise between October 2001 and January 2002 on a wide range of key issues relevant to the Plan Review, including seeking views on 21 (from an original list of 35) potential locations for future extraction;
- consideration of the responses to the Key Issues consultation, including an Open Panel Meeting in April 2002, to enable respondents to present their views to the Panel;
- after taking into account the consultation responses, further consideration of the 21 potential locations against a set of sustainability criteria and carrying out a comparative evaluation of the sites to identify those which represent the most sustainable for future extraction;
- consideration of the strategic issues to be taken into account when developing the Minerals Local Plan Review aims and policies;
- testing the supply policy against three different scenarios to help identify how much provision the Review should include (and in turn, how many sites should be identified to meet that provision);
- preparation of draft policies for the Review which have then been the subject of a Strategic Environmental Appraisal, and modified in light of that Appraisal.

2.4 Throughout the period the Review has been taking place there has been some uncertainty over how Government guidance in relation to aggregates supply might change. Minerals Planning Guidance Note (MPG) No. 6 advises how the demand for aggregates should be met nationally, regionally and at the local level through development plans and when considering individual planning applications. The guidance also sets out the level of provision required each year for each region (the sub-regional apportionment) and the principle of 'landbanks' (a stock of planning permissions sufficient to meet aggregate needs over a given period of time, currently seven years). The sub-regional apportionment for each Mineral Planning Authority is determined through Regional Aggregates Working Parties (RAWP's). It ultimately determines how much aggregate extraction Mineral Local Plans should plan for, which in turn has to be translated into identifying the County's preferred areas where the aggregate could be extracted.

2.5 MPG 6 was last revised in 1994 and should be reviewed every 4 years. A draft Consultation Paper was issued in October 2000 setting out various options for identifying appropriate regional levels of supply of aggregates. Draft interim guidance on regional supply figures was published in August 2002 for consultation, and indicates that the total predicted demand for all aggregates in England between 2001 and 2016 is about 24% less than the forecast from 1992-2006.

- 2.6 The County Council has been aware that the demand for aggregates has been declining over recent years. This, together with the consultation in 2000 on issues relating to MPG 6, suggested that any revised guidance would recommend lower supply figures than in the current guidelines. The Review, therefore, has been prepared on the basis of testing three different supply scenarios and their implications for the amount of provision the Plan will need to make, and ultimately the number of sites that would be identified to meet that provision.
- 2.7 The three scenarios were based on:
- 1) the existing apportionment figure of 2.4 million tonnes per annum (mtpa)
 - 2) the average of the last three years sales at 1.7 mtpa
 - 3) a middle figure of 2 mtpa.
- 2.8 The result of testing of these scenarios against the outcomes of the site selection process, together with a recommendation that the Plan should not rely on just one preferred area, indicated that land at BAe (a preferred area in the adopted Minerals Local Plan) and land at Rickneys Quarry could meet the supply requirements of all three scenarios during the Plan period to 2016. In order to ensure that permissions come forward towards the end of the Plan period to meet the requirement to maintain a seven-year landbank at all times, Scenario 2 could be delivered by identifying land at Coursers Road near London Colney. In any event, given that planning permission has been granted on adjoining land at this site, there is considerable merit in identifying this land to enable a comprehensive proposal to be considered. It should be noted that any contribution from this land could only come forward later in the Plan period as existing consents at Tyttenhanger mean that the processing plant is fully committed for most of the Plan period. Scenarios 1 and 3 would require additional land over and above Coursers Road to be identified to meet requirements at the end of the Plan period.
- 2.9 The Aggregates Panel have recommended that Scenario 2 be adopted for the purposes of the Plan Review, i.e. that land at BAe and land at Rickneys Quarry should be identified as being preferably worked earlier in the Plan period and land at Coursers Road towards the end of the Plan period. This level of provision would allow flexibility as Government guidance emerges, provides an opportunity to stimulate aggregates provision from sources other than primary land-won, whilst still enabling an appropriate contribution of sand and gravel to meet regional and local needs. This recommendation has been incorporated in the draft Plan attached to this report with the preferences for timing reflected in the planning proposals for the three preferred areas. It is also consistent with the recently published draft guidance referred to in para 2.5.

3. Format of the Plan

- 3.1 As indicated in para 2.2 above the adopted Plan has been scoped to identify any gaps, areas that need updating in light of changes to guidance or best practice, or policies that are redundant. The overall preparation of the Plan Review has also been mindful of the Government's intentions to modernise planning and proposals put forward in the Planning Green Paper. More recently the Government has announced that it intends to replace Minerals Local Plans with Minerals Development Frameworks. In the meantime, the Government has advised that it is vitally important that development plan preparation should continue between now and the commencement of the new legislation which it hopes to introduce. It advises that many of the principles that will underpin Development Frameworks can be acted upon under the current system. These include a clear expression of a core strategy and more use of criteria based policies as a framework of development control. The Government has indicated that it will be issuing guidance in autumn 2002 on how local planning authorities can incorporate Development Frameworks principles in their draft plans prior to the commencement of any new legislation.
- 3.2 Within this time of change, therefore, the Aggregates Panel have recommended that this Review of the Minerals Local Plan adopts a flexible framework of strategic and operational policies with reasoned justification, supported by Supplementary Planning Guidance (SPG) to provide further clarification on policy implementation.
- 3.3 Although Supplementary Guidance is not policy and therefore does not formally need to be approved by full Council in the same way that the 1st Deposit Draft of the Minerals Local Plan Review does, Government advice is that supplementary planning guidance will be given more weight in decision making where it has been subject to public consultation and has involved the affected sectors of the business community during its preparation. Therefore, the Aggregates Panel recommends that this guidance be published in the first instance in parallel with the review of the Minerals Local Plan to facilitate that consultation.
- 3.4 The Draft Deposit Plan and draft SPG are attached as Appendices 1 and 2 to this report.

4. Public Consultation Proposals

- 4.1 This is the first formal stage of the Plan Review process and much of the consultation requirements are prescribed in Planning Policy Guidance Note No. 12: Development Plans. If Cabinet and full Council approve the content of the draft Plan and SPG then consultation could commence on Monday 7 October 2002. PPG 12 advises that the consultation period should be a minimum of 6 weeks, but advises against longer periods. However, given the importance of the Plan and the need to allow consultees to give it proper consideration it is suggested that the consultation period end on Monday 16 December, a total of 10 weeks.
- 4.2 The Deposit Draft, as its name implies, must be placed on formal deposit so that it is available for inspection by interested parties. It is intended that the Review is

available at County Hall, all District Council Offices and all libraries. It is also a requirement that statutory notices be placed in local newspapers as well as the London Gazette.

- 4.3 In addition it is recommended that the following consultation methods be used:
- direct mailing of consultation documents to significant organisations and stakeholders, including Parish Councils;
 - writing to all those who have indicated that they wish to be kept informed of the Plan’s progress following the Key Issues stage;
 - a copy of the consultation documents made available on the web, together with on-line response forms;
 - erecting site notices at suitable locations in the proposed preferred areas;
 - carrying out a neighbour consultation in the vicinity of the proposed preferred areas on the same basis as the County Council’s policy for consulting on planning applications;
 - arranging structured meetings with those most affected by the proposed preferred areas to discuss details such as buffer zones, other mitigation and afteruse.

5. Overall programme for the Minerals Local Plan Review

- 5.1 Should Cabinet and full Council decide to progress with consultation on the 1st Deposit Draft of the Review in line with the timetable outlined above, PPG 12 advises that local authorities should publicly adopt a timetable leading to the adoption of the Plan at the start of the Plan preparation process. Such a timetable may need to be indicative until the scale of objection to plan proposals is known. An indicative timetable was included at the Key Issues stage but there has been some slippage since then. It is therefore recommended that the following indicative timetable be considered for approval with an appropriate caveat regarding the uncertainties that may arise as a result of the consultation process.

<i>Timetable for Minerals Local Plan Review</i>		
2002	Sept	County Council approval of 1 st Deposit Draft Plan
2002	Oct – Dec	Public consultation on 1 st Deposit Draft Plan
2003	Spring	Consideration of responses to 1 st Deposit Draft Plan and preparation of 2 nd Deposit Draft
2003	Summer	Public consultation on 2 nd Deposit Draft
2003	Winter	Local Plan Inquiry
2004	Spring/Summer	Modifications
2004	Autumn/Winter	Adoption

6. Financial Implications

- 6.1 The costs of printing and those associated with the consultation process can be met from existing budgets. The costs of any Local Plan Inquiry have been budgeted for separately.

7. Conclusions

- 7.1 This report sets out the various stages that have been undertaken to progress the Review of the Minerals Local Plan, the advice of the Aggregates Panel, proposals for consultation on the 1st Deposit Draft of the Review and an indicative timetable for the Review process. The Cabinet is asked to make an appropriate recommendation to County Council regarding approval of the 1st Draft Plan and progressing through the next stages of the development plan process.

Background information used by the author in compiling this report

“A Framework for Site Selection Strategy”, Herts County Council October 1998

Aggregates Panel papers

Planning Policy Guidance Note No 12 “Development Plans” 2000

Minerals Planning Guidance Note No 6 “Guidelines for Aggregates Provision in England” 1994

“Planning for the Supply of Aggregates in England: a Consultation Paper” DETR October 2000

“Draft National and Regional Guidelines for Aggregates Provision in England 2001-2016: Consultation Paper”, ODPM August 2002.