

General Response No. 1

To Objections Made To The Minerals Local Plan Review (First Deposit Draft) – Site Selection and other issues.

Site selection statement.

Introduction

An important part of the Minerals Local Plan review is to identify locations for the quarrying of sand and gravel (aggregates). A large number of respondents have challenged the County Council site selection methodology. This statement sets out the steps taken to arrive at the sites that are proposed for inclusion in the Minerals Local Plan.

National government guidance on site selection is provided by Planning Policy Guidance. PPG12:Development Plans; (Annex A point 8.) states that; *'These plans (Minerals Plans) should carry forward policies which provide for the supply of minerals.... They should indicate in more detail than is possible in structure plans those areas where mineral resources are to be safeguarded for future working.'*

MPG1: General Considerations and the Development Plan System (para 45) states that; *'Minerals Local Plans should indicate areas for possible future working. MLP policies and the areas indicated on the proposals map should show how a MPA proposes to provide its supply of minerals and where mineral extraction could or is most likely to take place. This may take the form of Specific Sites, Preferred Areas or Areas of Search'.*

The County Council has adopted a definition for specific sites as being those with a current planning permission or a resolution to grant planning permission. Areas of search are much bigger areas which have potential for future sand and gravel extraction but which would need further investigation. Preferred areas are those that have undergone a series of investigations, have viable reserves and a real chance of coming forward within the Plan period.

It is with this in mind that Hertfordshire County Council has taken the approach of identifying preferred areas within its Minerals Local Plan in order to provide a degree of certainty to meet future supply.

Preferred areas are areas with no current planning permission, but are identified in the Plan as the locations favoured for the mineral working needed to meet the Plan's requirements.

The County Council considered that if sites were not identified in the Plan it would come under pressure to grant planning permission on an ad hoc basis. It would deny the opportunity to assess whether sites that come forward through planning applications represent the most sustainable option of all the potential reserves on a comprehensive and comparative basis. It has therefore identified preferred sites for extraction.

Detailed Site Selection Process.

The County Council employed consultants (Babtie) in 1998 to work on a methodology in order to identify sites for possible future extraction. This methodology and the 'Framework for Site Selection Strategy' was adopted (in late 1998) as the starting point of the Minerals Local Plan Review, following a consultation period with stakeholders.

This site selection strategy set out the site selection process that has been used to evaluate the County's mineral resources and find the most sustainable sites for extraction.

The site selection process aimed to:

- ◆ assess all known sand and gravel areas in the county
- ◆ identified areas likely to contain workable reserves of economically viable minerals
- ◆ identify specific sites(those with planning permission), preferred areas (those with significant potential) and areas of search (resource blocks for further study) for mineral working consistent with government advice
- ◆ carry out a staged evaluation of mineral resources
- ◆ carry out a landscape character assessment for the southern part of the county
- ◆ apply a sieve based approach to site selection incorporating a sustainability assessment of potential sites.

This background information provided the fundamentals for identifying possible aggregate sites. The County Council then undertook an extensive site selection process in order to identify the most sustainable locations for this extraction.

This involved:

1. a desk top evaluation of mineral resources in the county to identify economically viable resource blocks,
2. testing these resources blocks against a series of environmental and other constraints to identify areas suitable for further investigation as potential sites for mineral extraction; (the County Council also invited the aggregates industry to put forward sites for consideration)
3. a pre-deposit draft consultation exercise on key issues including the 'least worst' 21 potential locations, for further investigation;
4. comparative evaluation of all these sites, incorporating feedback from the consultation exercise;
5. independent sustainability appraisal of the potential sites.

The site selection process was detailed in the Key Issues document together with a flow chart simplifying the sieving process (attached). Each stage of the process is referred to as a sieve, because at each stage some locations will be caught by the terms of that particular assessment, while others will fall through for further analysis at a later stage.

Sieve 1(including point 1 above) – Resource Assessment: Identifying where economically viable sand and gravel deposits are likely to be found.

Sieve 2 (including point 2 above) – Assessing the areas passing through sieve 1 against a series of major planning constraints.

Sieve 3A and B (including points 3,4 & 5 above)– Assessing the surviving areas against a more detailed set of sustainability criteria, and undertaking a comparative assessment of all the surviving sites to identify those which appear most suitable for inclusion in the Deposit Plan. It was this stage of the process that addressed the specific concerns, such as impact on landscape, wildlife sites and rights of way, raised by many consultees.

The sites were then compared against each other.

The site selection process has determined what the County Council believes to be the most sustainable areas within the County for extraction. The County Council will ensure that environmental, social and economic impacts are minimised by planning controls if a planning application is received.

Responses to other points made by residents are dealt with below.

The issue of the impact on property values has been raised in many letters to the County Council as part of this consultation process. Loss of property value is a concern to residents who are local to many types of development. The only provisions for compensation within the Town and Country Planning legislation relate to development carried out by a public authority. An example is a new motorway.

Consequently, therefore there are no provisions to claim compensation for the loss in value of land or buildings. The Council's obligation to evaluate potential sites for extraction is very different to actually carrying out the extraction work itself.

Local authorities have to plan for all types of development, for example, the district council's plan for new housing and new industrial development. Despite many instances where development could result in a reduction in property value, successive central Governments have determined that compensation is not payable. The same applies to mineral extraction.

A number of objections have also been made by people who have moved into the area and were not notified of the site selection process when purchasing their property. When the County Council provides information relating to land searches, they highlight current, past and proposed development with regard to minerals and waste. At the Key Issues stage of the Minerals Local Plan the sites were not **proposed** areas for extraction but were areas where the County Council wanted to explore their potential further. This meant that the potential sites would not be identified on a standard land search.

If an area were to appear in the adopted Minerals Local Plan as a preferred area it does not mean that a proposal for extraction exists or that extraction will happen in

the future. Preferred area status does not mean a site necessarily will be given **planning permission**, but it is identified in the Plan only as the locations favoured for the mineral working needed to meet the Plan's requirements. They would not, therefore be revealed on a land search unless the property buyer specified a search included identified areas in the Development Plan.

◆ *'Site boundary should be minimised and buffer zones used.'*

Precise site boundaries would be determined at the application stage and conditions imposed on a planning permission if granted. The second deposit draft will refine the sites in light of the public consultation on the first deposit.

◆ *'Plan should be for a shorter period.'*

Timing of the Minerals Local Plan review and the period it is to cover have been determined in conjunction with the County's Structure Plan review (to 2016). If it becomes apparent that the Minerals Local Plan needs to be reviewed earlier, it will be done so as necessary. In any event, current guidance states that plans should be reviewed at least every five years.

◆ *'Objections not seriously considered by the County Council' and 'decisions taken before consultation'.*

All representations received by the County Council have been carefully considered and have been taken into account when producing the different stages of the Plan, this will continue to happen. However, some comments will not lead to changes being made and those arguments will be tested through the Local Plan Inquiry process.

◆ *'Selection of preferred areas is in conflict with Green Belt Policy'.*

PPG2 states that ...'minerals extraction need not be inappropriate development: it need not conflict with the purposes of including land in Green Belts, provided that high environmental standards are maintained and that the site is well restored.....mineral extraction.....should, so far as possible contribute to the achievement of the objectives for the use of land in Green Belts...'

◆ *'The Landscape Character Assessment has not been properly consulted upon'.*

The consultation process for the Landscape Character Assessment (LCA) for the Southern part of Hertfordshire was carried out in accordance with guidelines set out by the Countryside Agency.

The County Council consulted stakeholders on the LCA in 2000 in order for the strategy to be produced. (This included District Councils, Action groups and Government Agencies. A list of those consulted is available on request.) It is a dynamic document that is always under review due to the changing environment. The Landscape Strategy is intended to be Supplementary Planning Guidance to the County Council's Structure Plan.

◆ *'Planning permission (for Preferred Area 2- North of Hertford) was refused, why now has HCC changed its mind?'*

The site known, as Rickneys has been the subject of a number of applications in the past, however the site selection process has considered all viable resources within the county regardless of past planning history.

The preferred area in the first deposit draft is similar to that which the Secretary of State was minded grant permission in 1997. Issues of detail relating to any new planning permission would have to be determined at the application stage should one be submitted. The Plan says that at present the County Council does not object to the site 'in principle' but would consider any application on the basis of its social, economic and environmental impacts.

The current planning permission at the Rickneys site is still valid and all planning conditions attached to it will be enforced. Any variation to the current conditions or a new application for an extension would be dealt with on their own merits.

- ◆ *Objections have also been received to the consultation process although it is unclear what aspect of the process undertaken by the County Council is objected to.*

The consultation process was carried out in accordance with PPG12 and County Council's legal audit is a record of what has and is intended to be done. A copy of the legal audit and the statement of procedures followed for the consultation process are available on request. The County Council has consulted far in excess of that specified within the Government guidelines.

- ◆ *The issue of the possibility of landfill has also been raised.*

In certain circumstances the restoration of a particular site may require some landfilling in order to achieve the optimum levels. This is identified in the planning statements relating to the preferred areas. Applications outside the preferred areas would need to meet the tests of policies 4 and 14 of First Deposit Draft. Any proposals for landfill would also be judged against the policies of the Hertfordshire Waste Local Plan.

General Response No. 2

Statement regarding the scenarios used for developing the Minerals Local Plan Review and the overall plan provision for aggregates.

Emerging Government guidance in relation to aggregates supply indicated that aggregate provision from Hertfordshire was likely to decrease from the current apportionment of 2.4 million tonnes per annum (mtpa). In view of this, the County Council developed three scenarios in order to assist the development of the Minerals Local Plan Review. The three scenarios were:

Scenario 1: *Necessary provision 2004 - 2016 (from the anticipated date of adoption with a minimum plan period of 10 years, but County Council has concluded it should be coincident with the Structure Plan) based on current apportionment:*

2.4 mtpa x 12 years = 28.8 million tonnes.
(plus 2.4 mtpa x 7 years that could be brought forward at the end of the Plan period = 16.8 mt)

Estimated permitted reserves in 2004 = 11.4 mt
Plan needs to identify 17.4 mt (plus 16.8 mt)

Scenario 2: *Necessary provision for 2004 – 2016 based on average of last 3 year's production (1999-2001)*

1.63 mtpa x 12 years = 19.6 million tonnes
(plus 1.63 mtpa x 7 years that could be brought forward at the end of the Plan period = 11.4 mt)

Estimated permitted reserves in 2004 = 11.4 mt
Plan needs to identify 8.2 mt (plus 11.4 mt)

Scenario 3: *Necessary provision for 2004 – 2016 based on allowance for imports¹*

2 mtpa x 12 years = 24 million tonnes
(plus 2 mtpa x 7 years that could be brought forward at the end of the Plan period = 14 mt)

Estimated permitted reserves in 2004 = 14.7 mt
Plan needs to identify 12.6 mt (plus 14 mt)

The scenarios looked at the period from the proposed date of adoption to the end of the Plan period in 2016. The estimated permitted reserves in 2004 were therefore calculated as being the known reserves at the end of 2001 less estimated sales for 2002 and 2003, which were estimated as the average of the previous three years' sales.

The table following paragraph 3.4.5, which is based on the period from the first Deposit Draft of the Review in 2002 (in accordance with normal practice) effectively

¹ i.e. recognising that Hertfordshire is probably a net importer of aggregates and may need to increase supply in order to meet its own needs.

restores these estimated sales figures to the permitted landbank, i.e. whilst the plan period is 2 years longer than the period looked at in the scenarios, the additional two years of permitted reserves are also included.

The scenarios were used as a tool to help inform how many sites would be needed to meet the future sources of supply. For this planning purpose, the County Council adopted the lowest scenario (Scenario 2). Following the site selection process, land at BAe was identified as the most sustainable option. However, the County Council took the view that it would not rely on a single site for meeting future need. This was on the basis that if the site did not come forward in a timely way then there could be pressure to release less suitable sites and a potential “planning by appeal” situation.

In practice, therefore, as paragraph 3.4.5 identifies, all three supply scenarios, including the current apportionment could be met from Preferred areas 1 and 2, for the Plan period. The implications of the scenarios, however, become apparent at the end of the Plan period in terms of how much provision would be made. The following table shows how the preferred areas could contribute to the Plan’s overall provision. The table shows the low and high estimates of potential yield. For clarity, it also demonstrates what the level of provision would be based on the current apportionment figures.

	Estimated yield: Million tonnes (mt)	
	Low	High
Permitted reserves at end of 2001 (landbank) ²	14.7	14.7
Estimated total contribution from:		
BAe	12.0	15.0
Rickneys south	<u>5.0</u>	<u>6.0</u>
	31.7	35.7
Estimated additional contribution of Coursers Road towards the end of the Plan period	<u>4.5</u>	<u>4.5</u>
	36.2	40.2
Regional apportionment million tonnes per annum (mtpa)	Number of years	
Excluding Coursers Road		
@ 2.4 mtpa	13.2 yrs	14.9 yrs
@ 1.7 mtpa	18.7 yrs	21.0 yrs
Including Coursers Road		
@ 2.4 mtpa	15.1 yrs	16.8 yrs
@ 1.7 mtpa	21.3 yrs	23.7 yrs

This shows that there is sufficient flexibility in the plan to meet varying needs, including those based on the current apportionment figures.

² Excludes consent for borrow pit at Plashes Farm which is unlikely to be implemented

Some consultees have queried why the landbank is not calculated on the basis of the average of the last three years' sales in any event, as happens in other counties.

MPG6 states that for forward planning purposes (the Minerals Local Plan) all counties will plan on the basis of their annual sub-regional apportionment figure times the number of years in their plan period. Where plans do not reflect these guidelines, counties in the former south east region should be based on the apportionment set out in guidance from SERPLAN. For all other regions, where plans do not reflect the sub-regional apportionment then they should be based on the average of the last three years' production for which figures are available.

For the time being this guidance still applies. It is uncertain what guidance will be included in the revised MPG6 at this time.