

**HERTFORDSHIRE COUNTY COUNCIL**

**CABINET**

**MONDAY 10 MAY 2004 AT 2.00 P.M.**

**COUNTY COUNCIL**

**TUESDAY 18 MAY 2004 AT 10.30 A.M.**

*(please retain for County Council meeting)*

Agenda item no.

**Cabinet**

**4**

**County Council**

**13**

**MINERALS LOCAL PLAN REVIEW 2002 – 2016  
DRAFT PROPOSED PRE-INQUIRY CHANGES FOR PUBLIC CONSULTATION**

Report of the Director of Environment

Author: Tanya Burdett

Tel: 01992 556227

Executive Member: Derrick Ashley

**1. Purpose of report**

To seek approval for the draft Proposed Pre-Inquiry Changes document in light of the representations made to the Second Deposit Draft and several accidental omissions from Respondent No. 228 (Kennedy); and for the public consultation arrangements and overall timetable for progressing the Pre-Inquiry Changes.

**2. Summary**

- 2.1 The Minerals Local Plan, adopted in July 1998, forms part of the Development Plan for Hertfordshire, guiding how and where mineral extraction should take place within the county. 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 The Hertfordshire Minerals Local Plan Review is being progressed in accordance with current planning legislation, however, proposed changes to the planning system outlined in the Planning and Compulsory Purchase Bill have been taken into account. 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). The Minerals SPG explains in greater depth how many of the policies would be implemented, but does not form part of the Development Plan.
- 2.3 The First Deposit Draft of the Minerals Local Plan Review 2002 – 2016 was approved by Cabinet and County Council in September 2002 following a

comprehensive site evaluation process, together with a review of all the policies in the Plan to identify gaps and the areas that the Plan needed to take into account as part of the Review. The Second Deposit Draft incorporated amendments that had been recommended by the Aggregates Panel in response to representations made as a result of the public consultation on the First Deposit Draft.

- 2.4 The Second Deposit Draft of the Minerals Local Plan Review 2002 – 2016 was placed on public consultation between 13 October and 24 November 2003. The County Council received over 400 forms in relation to this document, of which only twenty-two (22) were regarded as new, duly-made objections (submitted by 12 objectors in total).
- 2.5 Pre-Inquiry Changes (PIC's) are now proposed to the document. The PICs do not constitute formal changes to the Plan and will need to be formally incorporated into the plan after the public inquiry has taken place through the modification process, nevertheless the PIC's will assist in providing information as to what further modifications are likely to be made as a result of the impending Public Local Inquiry and Inspector's Report and Recommendations on further revisions to the Plan. PIC's provide an opportunity for the Council to keep respondents informed of its thinking in terms of outstanding objections that have been accepted by the Council and for which changes are proposed to the existing Plan.
- 2.6 The PIC's stage is also a useful opportunity for the County Council to identify sites that have been put forward by consultees for inclusion in the Plan, but which have been reviewed and intentionally omitted by the Council as part of the plan development process. This helps to inform the Inspector of previous correspondence in relation to alternative sites, which is an issue that is likely to be raised at the Inquiry by several respondents.
- 2.7 The Aggregates Panel has met and considered the proposed response to Second Deposit Draft representations, response to objections made by Respondent No. 228, and the subsequent PICs document in two separate meetings held on 26 February and 22 April 2004. The Aggregates Panel recommended:
- that in the light of Arlington's objection, the boundary for Preferred Area 1 remain unchanged with the exception of minor alterations to exclude the Ellenbrook Linear Park,
  - that it be made clear in relation to Preferred Area 1 that any reclamation of extraction areas be consistent with the master plan objectives to achieve a country park on the Green Belt land;
  - that the draft PIC's document be revised in accordance with the above and other amendments agreed at its meeting on 22 April 2004.

### **3. Conclusion**

- 3.1 Cabinet are invited to:

- consider the representations made to the Second Deposit Draft and agree appropriate responses (Appendix A);
- consider and approve the draft Pre-Inquiry Changes (PIC's) document (Appendix B);
- consider the proposed consultation on the PIC's and approve the process; and
- make recommendations on the above to full Council.

## **1. Background to Pre-Inquiry Changes (PIC's)**

- 1.1 The Hertfordshire Minerals Local Plan has now been through several stages of review and public consultation. The first round involved public review of the Key Issues document in October 2001, which resulted in the 'First Deposit Draft' of the Minerals Local Plan Review. This document was placed on public 'deposit' between 7 October and 16 December 2002. The Cabinet and County Council examined all responses received from the First Deposit in detail, in meetings held on 8 September 2003 and 16 September 2003 respectively. Where the County Council considered changes proposed by consultees were acceptable, these were incorporated in the 'Second Deposit Draft'.
- 1.2 The Second Deposit Draft was approved for public release by the County Council on 16 September 2003 and placed on exhibition for public comment from 13 October to 24 November 2003. The Second Deposit Plan is the second formal stage in reviewing the County Council's existing Minerals Local Plan 1998.
- 1.3 The County Council received over 400 responses concerning the Second Deposit Draft, including 22 new objections, 248 objections to the Plan being maintained (from First Deposit submissions) and 46 objections (to the First Deposit Draft) being withdrawn. The remainder were considered to be invalid objections as they either restated First Deposit objections or did not relate to changes made between the First and Second Deposit Drafts.
- 1.4 Second Deposit representations have been considered on two occasions by the Aggregates Panel, in meetings held on 15 December 2003 and 26 February 2004.
- 1.5 At this stage of the process the Council can only consider duly made representations to the Plan. Planning Policy Guide Note 12 – Development Plans, states that at second deposit stage, objections can only be made regarding the changes that have been made to the first deposit draft (e.g. as a result of a previous objection). The County Council can not accept representations that should have been made at the first deposit stage. A summary of the duly made representations is attached at Appendix A, which sets out the suggested response by the County Council as recommended by the Aggregates Panel.

- 1.6 Where it is recommended that further changes to the Plan should be made Appendix B sets out the existing wording in the Draft Plan and the proposed revised wording. If agreed, these changes would then form Pre-Inquiry Changes, which would be the subject of further consultation.
- 1.7 Due to an administrative error, not all representations from Respondent No. 228 were acknowledged in the Second Deposit Draft. Significant correspondence has taken place between the County Council and the individual Respondent (Kennedy family) to rectify this, culminating in comprehensive consideration of all objections made by this family at the Aggregates Panel meeting on 15 December 2003. Of the 35 objections received, seven were accepted and of these, three were overlooked in the Second Deposit Draft document. These have been rectified as part of the Proposed Pre-Inquiry Changes.
- 1.8 Other proposed Pre-Inquiry Changes relate to objections received on Second Deposit Draft or where further improvements to the Plan are considered appropriate at this stage. Where proposed Hertfordshire County Council responses were endorsed by the Aggregates Panel in meetings held 26 February and 22 April 2004.
- 1.9 Landowner consent is generally in place with each of the three Preferred Areas, although in the case of Preferred Area 1, BAe Hatfield, the landowner (Arlington Property Developments Limited) has outlined some reservations regarding inclusion of land in the plan. Scott Brownrigg and Turner have made formal written representation to both First and Second Deposit Drafts on Arlington's behalf, raising several issues. The County Council has sought Counsel's opinion on applicability of these issues, and concluded that only one of their objections can be considered to be duly made, covering Inset Map Number 8 and associated buffer areas. Other comments are not considered duly made. None-the-less regard has been given to their submission because of the potential implications for the supply provision set out in the Plan.
- 1.10 Subsequent discussion with Arlington has established that they would wish to see an amendment to the preferred area boundary to exclude the Ellenbrook Linear Park which forms a public space between the Green Belt land and the Development land. Work on the Linear Park is nearing completion and clearly it is not anticipated that extraction would take place from this area. The Panel has endorsed the recommendation that the preferred area boundary be amended to exclude the Park and that the "planning proposals" for the preferred area be amended reflect this.
- 1.11 Arlington initially also sought to amend the boundary of the preferred areas to exclude areas to the northern part of the site where it is understood that the mineral is not proven, and there are barren areas. However at this stage it is not possible to clearly delineate this on a plan and Arlington are intending to carry out further mineral investigations works in this area.

- 1.12 The Panel therefore recommend that the boundary remain unchanged, subject to the amendment in 1.10 above, and that it is made clear that reclamation of any extraction areas are consistent with the master plan objectives to achieve a country park on the whole of the Green Belt Land. The planning brief has been amended to reflect this.
- 1.13 A requirement of the Plan's development is that it is the subject of Strategic Environmental Assessment (SEA) / Sustainability Appraisal (SA) at each stage. The PICs are currently being assessed in this manner and the outcome of this process will be reported orally.
- 1.14 Next Steps  
If approved by Cabinet and County Council then Pre-Inquiry Changes would be placed on deposit for a 6-week period from the end of May. At this stage they would not be formal amendments to the Plan but can be considered by the Inspector at the Local Plan Inquiry and, if supported by the Inspector, would then be proposed as Modifications to the Plan.
- 1.15 A Public Local Inquiry is to be held to hear unresolved objections made to the First and Second Deposit Drafts of the Minerals Local Plan Review. The Inquiry will open on 7 September 2004 for an estimated 4 weeks. The Inspector is Ms Mary T O'Rourke BA (Hons) DipTP MRTPI.
- 1.16 The duration of the Inquiry will become clearer following the Pre-Inquiry Meeting to be held on 27 May at which Objectors should have clarified whether they wish to appear at the Inquiry or have their objections considered as written representations. Both methods carry equal weight. The purpose of the Pre-Inquiry Meeting is to help the inspector and all interested parties to prepare for the Inquiry. The Inspector will outline how the Inquiry will be conducted and the procedures to be followed.
- 1.17 A *Programme Officer* has been appointed for the Inquiry. He will deal with all procedural, administrative and programming matters. The Programme Officer is not a Council officer but works under the direction of the Inspector. The Programme Officer's contact details are as follows:

Mr Jeremy Herring  
Programme Officer  
Minerals Local Plan Review – Public Inquiry  
County Hall, Pegs Lane  
Hertford Herts SG13 8DN  
Tel. 01992 555652  
Fax. 01992 555644  
Email. [jeremy.herring@hertsc.gov.uk](mailto:jeremy.herring@hertsc.gov.uk)

## **2. Update on Aggregates Provision and Implications for PIC's**

- 2.1 Uncertainty around Government advice as to how much primary land-won aggregate (sand and gravel in Hertfordshire's case) needs to be planned for has also been an issue for the Plan Review. *The National and Regional Guidelines for Aggregate Provision in England 2001 – 2016* have now been published and the new figure for the East of England is to make provision for 256 million tonnes of land-won sand and gravel. The Regional Planning Panel for East of England apportioned this amongst the six planning authorities in the region in a meeting held 21 November 2003. Using the ten year method the annual call on reserves will be 1.99 million tonnes for Hertfordshire. It was noted at this meeting that Hertfordshire County Council had reservations with the methodology used to calculate this.
- 2.2 The Hertfordshire Minerals Local Plan was progressed on the basis of testing three supply scenarios (high, medium and low), ranging from the current apportionment figure (high – 2.4 mtpa) to the average of the last three years sales (low – 1.63 mtpa). Given that the overall figure for the region has been reduced, the Plan is robust enough to accommodate an apportionment based on the low-to-medium estimates. The figure released in November 2003 (1.99mtpa) is regarded as being in this order.
- 2.3 The First and Second Deposit Drafts of the Minerals Local Plan Review identified three preferred areas for possible future gravel extraction. These three preferred areas (land north of Hertford, land at British Aerospace, Hatfield and land at Coursers Road, near London Colney) remain the same in the Pre-Inquiry Changes.
- 2.4 With regard to the matters raised in paragraphs 1.10–1.11 the initial assessment of reserves at the BAe site allowed for areas where mineral was not proven. It also incorporated allowance for a buffer zone between the Development land and Green Belt land (and other buffer zones). Consequently the amendment to remove the Linear Park should not have a significant impact on the overall estimate of reserves.

## **3. Public Consultation Proposals**

- 3.1 The Pre-Inquiry Changes consultation process is not a formal stage of the Plan Review, although will assist in clarifying any outstanding issues for some respondents at the Inquiry. It may also result in some respondents withdrawing objections prior to the Inquiry.
- 3.2 Guidance recommends that PIC's be: 'advertised in the same way as the deposited plan, and objections and representations invited.' Interested parties will be able to object, support or make comments on the proposed changes by filling in the appropriate form.

- 3.3 This Pre-Inquiry Changes stage is for the public and organisations to consider the changes that are proposed to the Second Deposit Draft and decide whether they are acceptable, and in particular to establish whether the changes would enable the withdrawal of those objections that the changes seek to meet.
- 3.4 In addition to the prescribed consultation and publicity for the Plan, it is recommended that the following methods be used:
- Direct mailing of consultation documents to significant organisations and stakeholders, including Parish Councils;
  - Writing to all those who indicated that they want to be kept informed of the Plan's progress following the First and Second Deposit Drafts; and
  - A copy of the consultation documents be made available on HertsDirect, together with on-line response forms.
- 3.5 All representations made in relation to the PIC's will be summarised and the County Council's response made available to all relevant respondents, prior to their due date for submission of Proofs of Evidence. The timing of this process, presuming the PIC's are released soon after the County Council meeting, is tight but achievable, and includes:
- PIC's deposit period – 31 May to 9 July 2004 (six weeks)
  - Due date for respondents Proofs of Evidence – Tuesday 27 July 2004 (six weeks prior to Inquiry start date)
  - Due date for HCC response to respondents Proofs – Tuesday 10 August 2004

#### **4. Overall Programme for the Minerals Local Plan Review**

- 4.1 PPG12 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 needs to be indicative until the scale of objection to plan proposals is known. An indicative timetable, updated from that presented in September 2003, is presented below.

<b>Timetable for Minerals Local Plan Review</b>		
2002	September	County Council approval of First Deposit Draft Plan
2002	October-December	Public consultation on First Deposit Draft Plan
2003	Spring/Summer	Consideration of responses to First Deposit Draft Plan and preparation of Second Deposit Draft Plan
2003	September	County Council approval of Second Deposit Draft Plan
2003	Oct - Nov	Public consultation on Second Deposit Draft Plan
2004	February	Aggregates Panel consideration and endorsement of HCC response on submissions to Second Deposit Draft
2004	22 April	Aggregates Panel recommendations on proposed Pre-Inquiry Changes

2004	10 & 18 May	Cabinet and County Council approval of proposed Pre-Inquiry Changes
2004	27 May	Pre-Inquiry Meeting, Council Chambers
2004	May-July	Public consultation on Pre-Inquiry Changes
2004	July 2004  27 July 2004 10 August 2004	Assessment of representations to Pre-Inquiry Changes and Incorporation in proofs. Receipt of Respondent Proofs of Evidence HCC Response to Respondent Proofs of Evidence and other material for Public Local Inquiry
2004	7 Sept - 8 Oct	Public Local Inquiry
2004	Autumn/ Winter	Inspector's Report and Recommendations
2005	Winter/ Spring	Further Modifications
2005	Spring/ Summer	Adoption

## **5. Financial Implications**

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

## **6. Conclusions**

- 6.1 This report sets out the various stages that have been undertaken to progress the Review of the Minerals Local Plan, the outcomes of the First and Second Deposit Draft consultations, the advice of the Aggregates Panel, proposals for consultation on the Pre-Inquiry Changes and an indicative timetable for the remainder of the Review process.
- 6.2 The Cabinet is asked to make an appropriate recommendation to County Council regarding endorsement of responses to the Second Deposit Draft and individual respondent No. 228, approval of the Pre-Inquiry Changes and progressing through the next stages of the development plan process.

- ⇒ Appendix A – Second Deposit Draft – Responses by Subject  
 ⇒ Appendix B – Proposed Pre-Inquiry Changes Document