

HERTFORDSHIRE COUNTY COUNCIL  
AGGREGATES PANEL  
FRIDAY 5 JULY 2002

**Item**  
**4**

Revised Draft

**HERTFORDSHIRE MINERALS LOCAL PLAN REVIEW**  
**2004-2016**

**FIRST DEPOSIT DRAFT**  
**POLICIES**  
**SEPTEMBER 2002**

## **MINERALS POLICY 1 ~ NEED FOR MINERAL WORKING**

**When determining planning applications for mineral extraction the County Council will take into account the need for the mineral(s) concerned, in terms of:-**

- i) the existing quantity of permitted reserves of the mineral(s);**
- ii) the rate at which, and the timescale over which it is expected that those permitted reserves will be worked;**
- iii) the proposed rate and timescale for working of the mineral deposit;**
- iv) the existence of resources of the mineral which are identified within this plan as being desirably worked at an early stage of the plan period; and**
- v) the county's agreed contribution to regional supply of the minerals as set out in Minerals Policy 2.**

**Subject to the above considerations, where an adequate landbank of permitted reserves exists, planning permission will not be granted.**

**Proposals for the extraction of any mineral in the County will have to demonstrate, before meeting any of the criteria set out in other policies within this Plan, that there is a national, regional or local need for the mineral that can not be met from other sources.**

**Planning permission will not be granted where proposals would conflict with the other policies of this plan.**

## **MINERALS POLICY 2 ~ SUPPLY OF SAND AND GRAVEL**

**Planning permission for the extraction of proven economic mineral reserves will only be granted where it is necessary to ensure that adequate supplies are available to meet the county's agreed apportionment of regional supply, provided individual proposals satisfy the relevant provisions of this plan.**

**The County Council will endeavour to ensure the maintenance of an appropriate landbank of sand and gravel reserves in accordance with government guidance, throughout the Plan period, consistent with the above apportionment to enable an appropriate contribution to be made to meet the region's varying needs.**

### **MINERALS POLICY 3 ~ SITES FOR SAND AND GRAVEL EXTRACTION AND THE WORKING OF PREFERRED AREAS**

Specific Sites for sand and gravel extraction are identified on the Proposals Map and listed in Appendix 1. These are :

- i) sites which have a valid planning permission for mineral extraction including active sites with unworked permitted reserves and sites on which extraction has not commenced; and
- ii) sites which are subject to a resolution of the County Council to grant planning permission.

The following sites as defined on the Proposals and Inset Maps are identified as Preferred Areas for future mineral working:

e.g.

Preferred Area 1:

Preferred Area 2:

etc

Proposed mineral working within the Preferred Areas defined in this Plan will be permitted only when:

- a) they contribute to maintaining the County's appropriate contribution to local, regional and national aggregate needs, including the maintenance of a landbank in accordance with Mineral Policy 2; and
- b) the application satisfactorily fulfils the requirements of the Proposals for that Preferred Area as identified with the Inset Maps; and
- c) the proposals are in accordance with other relevant policies of this Plan.

### **MINERALS POLICY 4 ~ MINERAL STERILISATION**

Mineral extraction will be encouraged prior to other development taking place where any significant mineral resource would otherwise be sterilised or where despoiled land would be improved following restoration.

The Mineral Planning Authority will object to any development proposals within, or adjacent to, areas of potential mineral resource, which would prevent, or prejudice potential future mineral extraction unless it is satisfied that:

- i) the land affected does not contain potentially workable mineral deposits; and/or
- ii) there is an overriding need for the development; and,
- iii) the mineral cannot practically be extracted in advance, and/or,
- iv) the extraction of the mineral is not in accordance with other relevant policies within this Plan.

## **MINERALS POLICY 5 ~ APPLICATIONS OUTSIDE PREFERRED AREAS**

**Applications to develop land for mineral extraction outside of the Preferred Areas will be refused planning permission unless:**

- i) the landbank is insufficient and there is a need for the proposal to maintain the County's appropriate contribution to local, regional and national need that cannot be met from the identified areas; and**
- ii) it can be demonstrated that the proposals would not prejudice the timely working of Preferred Areas; or**
- iii) the sterilisation of resources will otherwise occur.**

**In these circumstances more favourable consideration will be given to proposals:**

- a) for working reserves which might be sterilised in the long term by proposals for other development, including a preference for borrow pits, where a reserve can meet a specific demand not easily met from elsewhere and would not otherwise be workable; and/or**
- b) in areas already subjected to mineral extraction which clearly demonstrate that the reserves will be exploited comprehensively and enable the completion of working of a residual area of mineral resource that would be impractical to exploit in any other way, together with achieving comprehensive restoration for the whole area; and**
- c) proposals which will enable the land affected to be put to sustainable afteruse, including the conversion of under-used agricultural land to new woodland or appropriate recreational uses and promote biodiversity; and**
- d) which clearly demonstrate that the cumulative effect of workings in any particular area of the County does not give rise to any unacceptable environmental consequences.**

## **MINERALS POLICY 6 ~ CUMULATIVE IMPACT**

**In considering planning applications for mineral working, the County Council will take into account the environmental capacity of the locality, i.e. the capability of the area to absorb the proposed additional activity in terms of the incremental effects of the development over and above the existing and planned land uses. In particular, the cumulative extent to which the environment remains damaged by workings, the extent of land in operational use, the impact of processing and other plant, and the type, size and numbers of vehicles generated, from site preparation through to final restoration, will be assessed in the light of other land uses already taking place, with planning permission and proposed in the development plan.**

## **MINERALS POLICY 7-- LANDSCAPE**

**All mineral extraction and related development proposals will be required to take account of existing landscape character and maintain its distinctiveness. Planning applications may be refused where there is significant local landscape intrusion and loss of important landscapes or distinctive landscape features.**

**Development proposals will be expected to:**

- i) respect landscape character both during operations and in proposals for reclamation;**
- ii) ensure that any distinctive landscape features are protected from the impact of development, including the use of appropriate buffer zones;**
- iii) be accompanied by landscape conservation, design and management measures that both strengthen the character and enhance the condition of the landscape.**

**The County Council will have regard to the visual impact of proposals (including any proposed mitigation measures to minimise visual or other intrusion) on sensitive landuses, including areas of public access,.**

**Particular regard will be had to the Hertfordshire Landscape Strategy in assessing proposals.**

## **MINERALS POLICY 8 ~ TRANSPORT**

**Mineral development will only be permitted when the provision for vehicle movement within the site, the access to the site, and the conditions of the local highways network are such that the traffic movements likely to be generated by the development would not compromise highway safety, the effective operation of the road network, residential amenity or the local environment.**

**In assessing the likely impact of traffic movements, account will be taken of any highway improvements, traffic management or other mitigating measures that may be provided in association with the development. Applicants must demonstrate, by a detailed transport appraisal, that the safest and least environmentally damaging methods of transporting minerals from extraction/production to markets, that are practically achievable, are used.**

**Planning permission will normally only be granted for the extraction of minerals which are capable of being transported from sites via Primary and Distributor Roads (as defined in the County Council's Local Transport Plan).**

**Where the transport of material would require the use of local roads (as defined in the County Council's Local Transport Plan) to gain access from the site to the major road network, or where other roads may be unsuitable on traffic safety, engineering or environmental grounds for increased levels of heavy traffic, applicants for**

**planning permission will normally be required to carry out, and submit the results of a study of the impact of heavy goods vehicle traffic on road safety and the environment.**

#### **MINERALS POLICY 9 ~ RAILHEADS AND WHARVES**

**Existing and disused railhead and wharves will be safeguarded where they have potential for the exportation and importation of minerals and secondary/recycled aggregates.**

**Proposals for new aggregate terminals for rail and water transport will be supported subject to assessment against the other policies of this plan.**

#### **MINERALS POLICY 10 ~ RECLAMATION SCHEME**

**The County Council will not allow land worked for minerals to become derelict or remain out of beneficial use. All applications for mineral workings must be accompanied by a detailed, full proposal for restoration, afteruse and aftercare. Where appropriate, this should include proposals for long-term landfill gas and leachate management control and monitoring. The proposed restoration and afteruse must be integral with the design of the proposed workings as a whole, irrespective of the proposed afteruse.**

**The County Council will refuse applications for mineral working if:**

- i) there are no proposals for restoration, afteruse and at least, a five year aftercare programme; or**
- ii) the proposed form of restoration or afteruse is inappropriate for the landscape character of the area or would involve detrimental environmental impact, including the impact on the highway network; or**
- iii) the proposals, although feasible, are considered unlikely to occur within a reasonable timescale; or**
- iv) the details of the proposal for restoration (and, where appropriate, aftercare) are considered to be inadequate; or**
- v) satisfactory arrangements have not been concluded by the applicant to secure effective control over the site for restoration and aftercare purposes.**

## **MINERALS POLICY 11 ~ LANDFILL**

**The County Council will require any infilling of pits to be achieved within an appropriate timescale and in such a way as to minimise settlement. Applicants must be able to demonstrate that where restoration with fill, particularly non-degradable (inert) fill, is proposed, there is a sufficient total quantity of fill likely to be available to ensure restoration at the required rate. Sufficient resources must be made available for site preparation, reinstatement and restoration. Permission may be refused if it cannot be demonstrated that suitable material is available.**

**When determining an application for filling, the County Council will pay particular regard to the standard of restoration which can be achieved and, where appropriate, to the past and present restoration record of the operator. Permission may be refused where there is serious doubt as to whether satisfactory restoration could be achieved. In certain circumstances the County Council may require an operator to secure an appropriate restoration bond to ensure that the final restoration and aftercare is properly achieved.**

**Any application which includes reclamation by using imported fill material will be considered against the relevant policies of the Waste Local Plan.**

## **MINERALS POLICY 12 ~ AFTERUSE**

**Mineral operators will be required to facilitate proposals for sustainable after-use as part of the reclamation scheme. Proposals for afteruse will, where appropriate:**

- i) respect and/or enhance the local character of the area;**
- ii) benefit the local community;**
- iii) support and diversify the local economy;**
- iv) provide improved and increased public access to the countryside and recreation and create public open space;**
- v) support and enhance national, regional and local biodiversity;**
- vi) contribute to achieving the objectives for the Watling Chase Community Forest or any regional park.**

**All after-use proposals must be acceptable in terms of traffic impact, both on the highway and on local communities**

## **MINERALS POLICY 13 ~ CONTRIBUTION TO BIO-DIVERSITY**

**Proposals for mineral development should, where appropriate, provide opportunities to contribute to the delivery of the UK, Eastern Region and local biodiversity action plan targets. Additionally, proposals that prejudice the delivery of these targets or would result in the loss of, or damage to, habitats and/or species will not be supported. Where appropriate, the minerals planning authority will seek long-term overall enhancement to local biodiversity through restoration or by other means i.e. by the attachment of conditions or planning obligations.**

## **MINERALS POLICY 14 ~ OTHER NON-ENERGY MINERALS**

**Proposals for chalk or clay extraction by extensions to existing workings, at new “greenfield” sites, or at sites where no valid planning permission exists, will only be permitted where:**

- i) it can be demonstrated that need for the mineral cannot be met adequately from existing permitted reserves or other sources; and**
- ii) the need outweighs any adverse environmental, local amenity and other impacts of its winning and working; and**
- iii) they are in accordance with other relevant policies of this Plan.**

## **MINERALS POLICY 15 ~ RECYCLING/REPROCESSING FACILITIES ON MINERAL SITES**

**The County Council will support proposals for facilities for recycling/reprocessing materials for use as secondary or recycled aggregates in appropriate areas.**

**Proposals which seek to use mineral sites and associated plant for recycling and reprocessing plant for imported secondary and recyclable materials for use as aggregates will be permitted where:**

- i) it does not cause significant adverse impacts to local communities, by way of visual intrusion, noise, dust and transport (including to, from, and in and around the site);**
- ii) the duration of development is appropriate for the location;**
- iii) it does not prejudice the long-term beneficial restoration of the site; and**
- iv) it accords with other relevant policies of this Plan and the Waste Local Plan.**

## **MINERALS POLICY 16 ~ GENERAL CRITERIA FOR THE CONTROL OF MINERAL DEVELOPMENT**

**All proposals for development associated with the extraction of minerals from land will be considered in the light of national and regional policy guidance, other relevant policies of the Development Plan and any relevant Supplementary Planning Guidance to the Development Plan.**

**Any proposal which, in the view of the County Council, would have significant environmental effects by reason of its nature, size or sensitivity of location or involves the disposal of significant quantities of waste will need to be accompanied by an environmental statement.**

## **MINERALS POLICY 17 ~ OPERATIONAL CRITERIA FOR THE CONTROL OF MINERAL DEVELOPMENT**

**Applications for development associated with the extraction of minerals from shall, where appropriate:**

- i) include a comprehensive scheme of working and restoration, including detailed proposals for soil handling (stripping, movement, storage and replacement) and a schedule of extraction operations;**
- ii) demonstrate a satisfactory restoration landform, including full details of landscaping and long term land management, which can be secured within a reasonable timescale and are appropriate to the area. The final landform should be one apparently created naturally and set harmoniously within the surrounding landscape;**
- iii) where restoration to agriculture is proposed, demonstrate that the proposals will achieve reclamation to the highest practicable grade, which must be at least equivalent to that which previously existed;**
- iv) include measures to minimise visual intrusion and any impact on the local landscape;**
- v) ensure that the proposals do not encroach within at least ten metres from the canopy spread of all periphery or other retained trees (including isolated mature trees within hedgerows) nor within three metres from the canopy spread of hedgerows;**
- vi) incorporate an appropriately defined buffer zone in order to safeguard sensitive land-uses. The following matters will be taken into account when delineating the buffer zone at the application stage of development:**
  - a) topography of the site and surrounding areas;**
  - b) natural and manmade features, which may reduce the impact of development, for example landscape features, roads, railway lines etc.;**
  - c) the direction of the prevailing wind;**
  - d) the proximity of the proposed development to sensitive land-uses including residents;**
  - e) duration and direction of the proposed working; and**
  - f) location of plant and other ancillary development;**
- vii) demonstrate that no significant noise intrusion will arise from the development;**
- viii) ensure that public rights of way are not adversely affected or, where this is not possible, that good quality, safe and convenient alternative provision is made. The use of rights of way to obtain vehicle access to a site will not be permitted unless it can be clearly demonstrated that the safety of rights of way users can be adequately protected. Where necessary, long-term reinstatement or suitable replacement of footpaths will be secured. In addition, proposals that are likely to have an adverse effect on high status routes will not be permitted. Proposals should enhance the public rights of way network through the**

**creation of new rights of way and/or open space, or the improvement of public access;**

- ix) include proposals for the submission of an annual report detailing progress over the previous twelve months, operational proposals for working and restoration for the ensuing twenty-four months and compliance with conditions;**
- x) include proposals to prevent the soiling of the public highway including the provision of suitably surfaced access roads, wheel cleaning equipment and sheeting to prevent dust or spillage.**

### **Critical Capital and other Important Environmental Assets**

The Structure Plan defines critical capital and other important environmental assets. These are defined as:

- i) The Chilterns Area of Outstanding Natural Beauty;
- ii) Special Areas of Conservation, Special Protection Areas, National Nature Reserves, Ramsar Sites and Sites of Special Scientific Interest;
- iii) Local Nature Reserves, Wildlife Sites, ecological features of Wildlife Site quality and Prime Biodiversity Areas;
- iv) Identified landscapes of high historic value, including Registered Parks and Gardens of Special Historical Interest;
- v) Regionally Important Geological/Geomorphological Sites (RIGS);
- vi) Species of fauna and flora protected by law or identified in the UK Biodiversity Action Plan as in need of particular conservation action;
- vii) Hedgerows of ecological or historical importance;
- viii) Scheduled Ancient Monuments and other archaeological remains of both national and more local importance, and their setting;
- ix) Listed buildings and their settings and other buildings of architectural, archaeological or historic merit;
- x) Conservation Areas;
- xi) Unregistered historic parks and gardens, and their setting;
- xii) Sites with historic associations.

**MINERALS POLICY 18 ~ CRITERIA FOR THE CONTROL OF MINERAL DEVELOPMENT TO PROTECT ENVIRONMENTAL ASSETS**

**Applications for development associated with the extraction of minerals:**

- i) shall not be permitted where they would result in the permanent loss or damage or significant and irreversible change to those particular characteristics and features that define the special quality of environmental assets as defined in the Structure Plan;**
- ii) shall include proposals for mitigation, where appropriate, that will provide for the maintenance and enhancement of environmental assets as defined in the Structure Plan, including where temporary loss or damage would occur;**
- iii) shall not be permitted if the development would cause the permanent loss in quality or extent of the best and most versatile agricultural land unless there is an overriding need for the development, and either sufficient land in lower grades is unavailable, or available lower grade land has an environmental value recognised by a statutory wildlife, historic or archaeological designation which outweighs the agricultural considerations;**
- iv) shall not be permitted if the development would have a negative quantitative and/or qualitative impact on the water environment, including groundwater resources, unless appropriate measures can be imposed to mitigate any harmful effects;**
- v) shall not be permitted if the development would increase the risk of flooding or have a material negative impact on the storage or flow capacity of the floodplain, unless the risk or impact can be obviated;**
- vi) shall not be permitted in the Chilterns Area of Outstanding Natural Beauty unless exceptional circumstances indicate otherwise;**
- vii) shall not result in the net reduction in either the quantity or quality of woodland, trees or hedges, whether directly or indirectly. Where quantity or quality is lost, redress in equivalent measures will be sought, with species to be agreed with the mineral planning authority, so as to recreate a suitable landscape and habitat sympathetic to the proposed restoration scheme and afteruse. Enhancement of existing woodland, trees and hedges through improved management will be sought. Development proposals must ensure the appropriate management of both retained cover and new planting over the long -term.**

## **MINERALS POLICY 19 ~ APPLICATIONS FOR NEW CONDITIONS**

**In determining applications for new conditions under the provisions of the Planning and Compensation Act 1991 or the Environment Act 1995, the County Council will consider such applications against other relevant policies of the Development Plan and national guidance.**

## **MINERALS POLICY 20 ~ ENFORCEMENT OF PLANNING CONTROL**

**Where the County Council considers it expedient to do so, it will most rigorously pursue its powers to remedy breaches of planning control, including breaches of planning conditions and development occurring without planning permission. In deciding whether to take such action, and the appropriate course of action, the County Council will have regard to its adopted 'Planning Enforcement – Code of Practice and Policy' and other factors relevant to the particular circumstances of each case.**

## **Appendix 1: Specific Sites for sand and gravel extraction**

- (i) Dobbs Weir<sup>1</sup>**
  - Great Westwood Quarry**
  - Hatfield Quarry**
  - Hoddesdon Quarry**
  - Hollingson Meads**
  - Panshanger**
  - Plashes Farm<sup>2</sup>**
  - Pole Hole Quarry**
  - Tyttenhanger Quarry**
  - Ware Quarry**
  - Water Hall Quarry**
  - Westmill Quarry**
  
- (ii) (none at the time of drafting)**

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<sup>1</sup> Plant site in Herts, main reserves in Essex but some reserves remaining under plant

<sup>2</sup> Only to be worked in connection with the construction of the A10 by-pass