

Aggregates Panel Members:- J Anderson, R N Copping (Chairman), R Sanderson, HM Saunders, WA Storey, G F Wenham

## **STRATEGIC ISSUES ARISING FROM THE RESPONSES TO THE KEY ISSUES CONSULTATION PROCESS**

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### **1. Purpose of Report**

- 1.1 To advise members of the Aggregates Panel about the responses to the Key Issues Document consultation and to seek guidance on a number of strategic and policy issues.

### **2. Background**

- 2.1 As part of the review of the Minerals Local Plan, the County Council consulted on a Key Issues Document from 29 October 2001 to 4 January 2002. The main purpose of this exercise has been to gain stakeholder input into the Review process. Therefore, the views of residents, local community groups, parish and district councils, the aggregates industry and other interested parties were sought. This resulted in approximately 900 letters of response and six petitions. Representatives of local communities and some individuals were also given an opportunity to present their views to a meeting of the Panel held on 17 April 2002.

- 2.2 A summary of these responses was published at the beginning of April. A number of general themes in those comments have been identified. Whilst most responses are about the impact of extraction at particular locations, there is also comment on strategic issues relevant to the future direction of the Minerals Local Plan review. These latter responses are discussed later in this report.

- 2.3 The next major stage of the Plan process is to publish a First Deposit Review of the Minerals Local Plan. This is the first of the statutory stages of the plan when it is placed on formal 'deposit' for a strictly limited period of public consultation. It is the first statement of the Council's future policies for all minerals related development. Before drafting this plan, the Council needs to make decisions on a number of important issues. The three important areas to consider are set out below:

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- Identifying the strategic direction for the Plan Review.
- Continuing the process of reducing the AFS/IS sites to a smaller number compatible with the regional apportionment guidelines, including the selection criteria to be used.
- Determining the structure and format of the Plan.

2.4 The purpose therefore of this report is to seek Members views on these issues.

2.5 The anticipated timetable for the next stages is as follows:

23 April:	Aggregates Panel to consider strategic issues and direction for plan
Early June:	Aggregates Panel to agree first draft of the policies and sites that will go forward for the Strategic Environmental Appraisal (SEA) to be carried out by Land use Consultants.
Mid July	Aggregates Panel to consider responses to the SEA and prepare recommendations to put forward to Cabinet
September	Make final recommendations on policies and sites to Cabinet and then Full Council (if further changes to the Plan are made in July requiring SEA).
October	Publish, and consult for a statutory 6 week period, the First Deposit Minerals Local Plan Review.

### **3. Strategic Direction for the Review Plan**

3.1 This report identifies a number of strategic issues, including some which will impact on the site identification methodology by identifying strategic criteria to be considered in the next round of site selection. This report also aims to reflect the general thrust of comments made during and after the Key Issues Consultation process, including the meeting of the Aggregates Panel held on 17 April 2002.

3.2 Underlying all planning decisions should be principles of ‘sustainable development’ and the need to achieve the best practicable environmental option. The ‘need’ for a mineral related development should not outweigh any environmental, social or economic effects. There is always a difficult balance to strike between the conflicting aims of conserving resources and the need for minerals for construction to sustain economic growth. The purpose of the plan should be to provide for the needs of the wider community in the most long-term sustainable way.

3.3 The key issues for sustainable mineral development<sup>1</sup> are:

- the use and management of mineral resources and the environmental constraints placed on the availability of resources in the longer term, having regard to the implications of present and future demand, and the contribution which minerals make to economic growth.
- The environmental impact of minerals provision and the overall quality of the environment achievable after restoration.

3.4 Translating this into a land use plan that has a clear strategic direction means first making a clear statement of objectives – what we want the plan to achieve. The following statements reflect all the detailed aims and objectives identified in the Key

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<sup>1</sup> See also Appendix 1: extract from “Sustainable Development: the UK Strategy” HMSO 1994

Issues Document, but are condensed into a set of broad strategic objectives for the Review Plan, taking on board the consultation responses.

### **Overall Objectives**

**Aim 1:** to encourage the efficient use of materials including maximising the use of recycled aggregates and reducing the use of primary aggregates, thereby reducing reliance on land won sources of material.

**Aim2:** to identify and safeguard mineral resources to ensure that there are sufficient environmentally acceptable sources to maintain an appropriate level of current and future supply in accordance with Government guidance.

**Aim 3:** to prevent the unnecessary sterilisation of mineral resources

**Aim 4:** to ensure that the environmental impacts caused by mineral operations and the transport of minerals are kept, as far as possible, to an acceptable minimum

**Aim 5:** to encourage sensitive working, reclamation and aftercare practices so as to preserve or enhance the overall quality of the environment and promote biodiversity where appropriate.

**Aim 6:** to enable stakeholders to contribute to planning for minerals in Hertfordshire

**It is recommended that to these objectives be incorporated into the plan with all policies being tested against them to ensure they represent sustainable development. Any identified sites should therefore balance need with the economic, social and environmental impacts.**

- 3.5 To pursue these goals will require a combination of a sound strategy and more detailed policies. Policies in the plan would examine the role of different transport options and the role that recycling can have in helping to provide minerals for the very long term.
- 3.6 Other sections of this report translates these broad goals into specific issues to address in formulating policies for the control of mineral development including the strategic site selection criteria for sand and gravel.

#### **4. Current uncertainties including the implications of the Government's Review of Mineral Planning Guidance (MPG) Note 6: Guidelines for Aggregates Provision in England and the Planning Green Paper**

- 4.1 MPG6 provides guidance on the regional provision of land-won sand and gravel. It is a forecast based largely on past demand and recognition that increasingly land-won aggregates could be supplied by alternatives such as recycling and sea dredging. 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 areas of search or preferred areas where the mineral could be extracted.
- 4.2 The current MPG6 was published in 1994. The Panel are aware of the Government's intentions to revise MPG6 and have previously considered the implications of any review. The Government has recently announced that it does not intend to review MPG6 at this time, in light of the Planning Green Paper. However, it intends to publish a draft interim statement updating aggregate demand estimates and regional guideline figures for consultation. The latest estimate is that this will be published in July (although it was initially intended to be early Spring).
- 4.3 The Green Paper proposes that County Councils retain their responsibilities for minerals and waste planning and that Minerals Local Plans should be retained. However, as the Panel considered at its last meeting, these local plans do not sit well with the other policy-planning framework that the Government is proposing. Therefore, there is some uncertainty both regarding the Plan's format (which is considered later in this report) and the level of provision it should plan for (if any.)
- 4.4 Whether or not the concept of landbanks (the mechanism which helps determine the total amount of sand and gravel to be provided for in the Plan) survives, it is highly likely that the identification of areas within which future extraction might be acceptable will continue to be a central element of aggregates planning in a plan led system to give certainty in the planning process. The question remaining, therefore, is how many sites might ultimately need to be identified.
- 4.5 Some consultees have argued that the Plan process should be put on hold until these matters are resolved. However, this would be inappropriate, as the County Council would be under pressure to grant planning permission for sites on an ad hoc basis on their merits. 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.
- 4.6 The amount of sand and gravel the county should contribute to the region's needs, based on the current MPG6 guidelines is 2.4 million tonnes per annum (mtpa). However, during the ten years to 2000, the average annual sales of sand and gravel were just under 2 mtpa, and for the seven years to 2000, it was only 1.7 mtpa. A similar trend has been experienced across the region. The differences can be accounted for through changing economic circumstances, a declining road building programme, the increased in supply of recycled materials, imports, and sea dredging. However it should be noted that Hertfordshire does import crushed rock and historically has been a net importer of aggregates to meet demand.

- 4.7 The Green Paper advises that local planning authorities should continue to develop their planning policies in line with Government guidance until such time as any proposed changes have been agreed and the relevant legislation is in place. For the Minerals Local Plan one of the critical implications of these uncertainties is how many sites should be identified in the Plan. At this stage therefore it is proposed that the current guidance in MPG6 be used as a base line or “worst-case scenario” and that the implications of assessing future demand based on previous production also be assessed. A third scenario between these two should also be considered to acknowledge that the county does import material for its use.
- 4.8 Whilst the plan needs to identify areas where provision to meet the county’s contribution to regional need could come from, current guidance also advises that plans should make a commitment to ensure a landbank (stock of planning permissions that would enable production to continue over a fixed period, currently 7 years) at the end of the Plan period. Sites do not have to be identified specifically but the County Council would need to be able to demonstrate that such resources can be brought forward should this be necessary. The site selection process will enable this to be demonstrated.
- 4.9 The following scenarios indicate the following:

**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 = 16.8 mt – see para 4.8 above)

Estimated permitted reserves in 2004 = 12 mt  
**Plan needs to identify 16.8 mt (plus 16.8 mt)**

**Scenario 2: *Necessary provision for 2004 – 2016 based on average of last 3 year’s production (1998-2000)***

1.6 mtpa x 12 years = 19.2 million tonnes  
(plus 1.6 mtpa x 7 years that could be brought forward = 11.2 mt – see para 4.8 above)

Estimated permitted reserves in 2004 = 12 mt  
**Plan needs to identify 7.2 mt (plus 11.2 mt)**

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

2 mtpa x 12 years = 24 million tonnes  
(plus 2 mtpa x 7 years that could be brought forward = 14 mt – see para 4.8 above)

Estimated permitted reserves in 2004 = 12 mt

**Plan needs to identify 12 mt (plus 14 mt)**

**It is recommended that the Plan be prepared on the basis of current Government advice but that the implications of a potential reduction in the regional requirements be examined as part of the preparation process.**

**5. Sterilisation**

- 5.1 Mineral resources are tremendously valuable to the wider community. To prevent their permanent loss, and in accordance with national and regional guidance, the Structure Plan, the Minerals Local Plan and the district local plans all include policies to resist the sterilisation of minerals when other development is proposed, by encouraging its prior extraction.
- 5.2 This approach formed the basis for identifying the current preferred areas in the Plan and was a key recommendation from the Inspector following the 2<sup>nd</sup> Local Plan Inquiry.

**In order to meet one of the key objectives it is recommended that the Review retain a policy to avoid sterilisation of mineral resources. In particular, where potential locations for extraction are identified which are under pressure from other forms of development, either directly or on adjacent land, greater weight should be identifying these locations in the plan, subject to their meeting the other sustainability criteria.**

**6.0 Site Selection**

- 6.1 The purpose of this section of this report is to identify the strategic approaches to site selection issues as a framework to determine the spread, general location and approach against which the more detailed criteria will be applied, in order to meet the objectives of the Plan

**Cumulative Impact/environmental capacity**

- 6.2 An important principle in land use planning for mineral extraction is the concept that it is a temporary use of land. However for some sites, the concept of temporary can spread over a considerable length of time to the effect that in the life span of some residents it can appear to be a permanent use of land. Therefore, an important issue in selecting these sites is the concept of cumulative impact.

- 6.3 One of the difficulties is that the areas where sand and gravel reserves remain are also the areas with a (often very long) history of working. Most settlements in the sand and gravel belt have experienced or continue to experience extraction and in many instances the potential locations for extraction represent the remaining viable reserves in an area.
- 6.4 In stark terms, the choice could be between wholly new ‘green field’ sites, or to continue in existing localities through either site extensions or new openings in the area. The former option brings the problems of extraction activity to a wholly new area, whilst the latter, prolongs disturbance for the existing active areas. However, as with all site selection criteria, no one factor emerges to dominate the selection process for one or another site. There are many factors to take into account, each with a varying weight. Also, there is the reality that where these sites do hold a commercially viable reserve they are likely, at some point, be subject to pressure for extraction.
- 6.5 Local residents made a number of responses. Comment focused on the need to end extraction in certain areas to give a reprieve from the disturbance caused. Equally, other local residents stated that some areas should not be selected *because* they are on green field sites. The responses from industry, where relevant, supported policies that facilitated the expansion of existing sites. However, generally the industry welcome identification of new sites and indeed have put forward a number of their own suggestions identified as IS sites in the key Issues Document.
- 6.6 Over recent years there has been a decline in the number of processing plants in the county, thereby reducing its productive capacity. This is likely to lead to pressure to identify sites that can support their own processing plant, which in turn can lead to additional environmental impacts. Extensions to sites reliant on existing plant could be disadvantageous by perpetuating plant in less than desirable (or sustainable) locations, also existing permissions may mean that existing plant such as Tyttenhanger is already committed beyond the end of the plan period.
- 6.7 A further issue is that cumulative impact can be perceived both in terms of existing and historic workings. Given that sand and gravel can only be worked where it is found and that the majority of the potential locations are close to existing or historic workings it is suggested that the following criteria approach be adopted in identifying sites.
- a) that cumulative impact be measured in terms of impact from existing workings (including the potential impacts from dormant workings); and
  - b) where any cumulative impact in terms of the capacity of the environment to absorb working is exacerbated by any adverse legacy of historic working.
- 6.8 To conclude, it is very difficult to adopt a simple broad brush to resolve this dilemma. Some local environments will be able to absorb continued extraction activity much better than others. Similarly, some will be better able to absorb new extraction activity, however these will always bring a considerable environmental impact. Existing sites, in some localities, have established infrastructure, such as

haul roads and processing plants, and especially for more modern sites, may be better connected to the highway network. Whilst this evidence may tend to support favouring extensions to existing sites, it should not preclude the selection of 'green field' sites.

**It is recommended that the following criteria approach be adopted in identifying sites:**

- a) that cumulative impact be measured in terms of impact from existing workings (including the potential impacts from dormant workings); and**
- b) where any cumulative impact in terms of the capacity of the environment to absorb working is exacerbated by any adverse legacy of historic working.**

**It is proposed that the site selection process should only give more weight to site extensions, or sites in the same locality, where the capacity of an area to absorb further extraction can be demonstrated.**

### **Larger or smaller sites**

- 6.9 Some respondents have commented on this issues. Obviously, choosing to focus site selection upon just larger sites will realise fewer sites than if focused upon just smaller sites.
- 6.10 The main issues are similar to the comments about whether to select green field sites or site extensions. Large sites bring containment to a locality, but they also bring greater levels of disruption to an area. Similarly, smaller sites will have reduced impact locally, compared to larger sites, but will spread overall mineral extraction disturbance more widely in the County.
- 6.11 On balance, however, it is likely that the benefits from larger sites, provided they are strategically located with good access, would outweigh the benefits of a larger number of smaller sites. In any event, most of the potential locations are centred around Hertford, Welwyn and St Albans in the middle of the county. Larger sites would enable a high level of investment and operating standards and also provide wider opportunities for restoration –there is often more scope for low-level restoration to be absorbed in the landscape over a larger area.

**It is recommended that the site selection process should concentrate on the minimum number of larger sites required to meet the county's contribution to the region's needs. If more than one site is required then their location should demonstrate the wider capacity of the area to absorb the consequential environmental effects.**

## 7. Designation of identified sites

- 7.1 A key role of the plan is to identify the locations from which the County will provide its contribution to the regional apportionment of aggregates. There are three alternatives in terms of defining area boundaries.

***Specific Sites:*** Sites that have high degree of certainty in terms of landowners being willing to make their land available and that any planning application is likely to be acceptable in planning terms. These tend to be more closely defined than preferred areas.

***Preferred areas:*** Generally areas of known resources where planning permission might reasonably be anticipated by the industry.

***Areas of Search:*** Not all proposals within an area of search will necessarily be acceptable but it is likely that these areas will contain some sites which are. Areas of search could be used to identify land where planning permission might be granted if there is a shortfall in supply should specific sites or preferred areas identified not come forward.

- 7.2 The adopted Minerals Local Plan identifies specific sites (those where planning permission was approved in principle but the grant of the permission was contingent on the satisfactory conclusion of a S106 Agreement) and preferred areas. Initially it had adopted an area of search approach, but this was subsequently amended to give both the public and the industry more certainty regarding what land might reasonably be expected to be used for extraction.

- 7.3 Irrespective of its designation, any proposal for extraction would need to be the subject of a planning application (and probably an environmental impact assessment) and would need to demonstrate that it meets all the policies of the plan.

- 7.4 Although many objections have been received about specific locations, respondents to the Key Issues Document have not objected to the preferred area approach. Whilst this should be the main site designation in addition, any sites which have been the subject of a Council resolution that planning permission should be granted subject to prior conclusion should be identified as a specific site.

**It is therefore recommended that the Review identify Preferred Areas for future extraction. In addition, any sites which have been the subject of a Council resolution that planning permission should be granted subject to prior conclusion should be identified as a specific site.**

## 8. Restoration

- 8.1 Following extraction, the next most important issue is restoration (also known as reclamation) of the site. Restoration means the return of the land to a beneficial

after-use. The strategic approach taken to restoration has a number of impacts, including the type of site selected and subsequently the impact on waste disposal opportunities. Sites can be restored at a low-level, where no landfill takes place, at an intermediate level with some landfill, or restored to its former level. Landfilling raises its own set of issues, which are dealt with in the Waste Local Plan. The importance at this stage is that the landscape impact of different sites will demand different types of restoration. In addition, sites where there is no waste disposal will almost without exception have less environmental impact than where there is landfilling. However to balance this, there are some sites that due to their dramatic effect on the landscape will require high level restoration (but not land-raising).

- 8.2 Many residents raised issues in their responses about the impact of potential waste disposal operations. It appeared from many letters that the community has a general perception that these sites will automatically become waste disposal sites and this often generated greater concerns than those related to extraction. Comments about, smells, litter and pollution especially suggest the fear that these sites will become household waste disposal venues. Detailed policies relating to waste management including disposal are included in the Waste Local Plan. It should be noted however that it is the County Council's policy (both in the Structure Plan and the Waste Local Plan) that landfill of waste should be the last resort and is only acceptable where it can be demonstrated that it represents the Best Practicable Environmental Option (BPEO) for the waste concerned and accords with the proximity principle.
- 8.3 However, this issue is relevant to this plan process in that the sites selected in the plan may have different options for best level of restoration. Sites, which are best restored to their original contours to mitigate the landscape impact, will require some degree of waste disposal. Other sites, however, may be quite satisfactorily restored at a lower or intermediate level.
- 8.4 Limiting landfill void by choosing sites that do not need restoration to former levels will help a strategy to move waste higher up the 'waste hierarchy' by reducing the opportunities for waste disposal. On balance, it is considered that the site selection process should, where possible, avoid sites requiring restoration that needs waste disposal to achieve satisfactory landscape and after-use. Sites requiring inert waste, where this can be demonstrated to be the BPEO may also be acceptable. This approach would reflect many of the concerns of local residents.

**It is recommended that, subject to the other criteria in this report, the site selection process should give priority to sites that can be satisfactorily restored without the need for waste disposal operations. Sites requiring inert waste, where this can be demonstrated to be the BPEO may also be acceptable.**

## 9. Agricultural Land Grade 1, 2 and 3a and Landscape Value

- 9.1 A number of the potential locations represent the best and most versatile agricultural land. It is increasingly evident that returning land to this grade of agricultural use is one of the more challenging restoration options.
- 9.2 Whilst a number of respondents objected to potential locations on the basis of loss of agricultural land issues such as loss of woodland, wildlife features and impact on the environment featured more highly. However it is clear that the impacts of extraction on the rural environment and all that embraces were of significant importance to many consultees.
- 9.3 Government advice is that considerable weight should be attached to protecting the best and most versatile land because of its special importance. It does not, however, preclude mineral extraction from such land. What will be important is the restoration of such land either to its former use or a beneficial new use.
- 9.4 The value placed on landscape also featured in the consultation responses. District/Borough Local Plans define the boundaries of Landscape Conservation Areas and Government advice is that proposals in these areas will need to be given careful consideration. There is an issue that the definition of Landscape Conservation Areas across the county falls to ten different authorities to determine. Therefore, it may not form a consistent selection criterion.
- 9.5 It was for this reason that the Framework for Site Selection Strategy incorporated the principle of landscape character assessment. This identifies the key features and a statement of the relative uniqueness of the landscape. Additional work carried out as part of the preparation for the Plan Review has included an assessment of the capacity of the landscape to accommodate mineral extraction and recommendations for restoration.
- 9.6 Whilst it would be inconsistent to rule out any potential locations for mineral extraction on the basis that they represent the best and most versatile land or are landscape conservation areas, both factors need to be given very careful consideration in the site selection process. Sites which do not have these constraints and which offer more opportunities for sustainable minerals development should therefore be afforded greater weight.

**Sites which do not represent the best and most versatile land or are not designated as landscape conservation areas and which offer more opportunities for sustainable minerals development should be afforded greater weight.**

## 10. Access

- 10.1 Access issues featured very highly with consultees. Heavy Goods vehicle movements generated by extraction sites and particularly in relation to subsequent infilling are often the most visible aspects of quarrying.
- 10.2 Access is also important in sustainability terms. Sites should have good access to the main route networks as well as being well-located for the markets that serve. Most quarries will support ancillary processes such as the production of ready-mix concrete: this has a travelling distance of about 15 miles and this needs to be taken into account in terms of meeting Hertfordshire markets.
- 10.3 Given the importance of access it is recommended that sites offering the most sustainable options in terms of access be given a higher weighting, subject to there being no other over-riding constraints.

**Sites offering the most sustainable options in terms of access should be given a higher weighting, subject to there being no other over-riding constraints**

## 11. Chalk and Clay

- 11.1 The plan will cover all non-energy minerals, but sand and gravel are the most important and significant for their land use implications in Hertfordshire. Other known resources currently excavated in Hertfordshire include clay and chalk. For these two minerals, the government does not publish guidance on production levels that affects Hertfordshire. However, one respondent suggests the government is considering guidance on brick clays. Although MPG10 provides advice for the cement industry, this is not relevant to Hertfordshire. Chalk is used for agricultural purposes and the clay that is extracted is used for specialist brick manufacture. Based on previous production figures it would appear that, given the limited demand for both these minerals, there are sufficient permitted reserves to meet the needs of the county throughout the proposed Plan period.
- 11.2 The current Minerals Local Plan controls development related to these minerals through detailed development control policies. No specific sites for future working are identified, and planning applications are determined on their merits relevant to the operations at a chosen location. The applicant also has to demonstrate a proven need for these two minerals. Responses received in the consultation process support the maintenance of the current planning framework.

**It is recommended that no additional strategic policies be included in the Minerals Local Plan regarding the extraction of chalk and clay.**

## **12. Other Issues**

- 12.1 Many other technical issues were raised in the responses to the Key Issues Document and at the meeting on 17 April 2002. These clearly require considerable technical evaluation to assess their significance for extraction, or whether any problems could be overcome through site engineering or other solutions.
- 12.2 All of these issues are normally considered in the planning application process, particularly with an Environmental Impact Assessment. There is also considerable Government guidance on these technical issues. For the purposes of the Plan it is sufficient to look at the principles of extraction and any opportunities or constraints that may make a site more or less acceptable, rather than the fine detail.
- 12.3 Given the immense level of detailed investigation required for each of these technical issues, it is considered inappropriate to investigate these further in the stage of site selection. It is quite clear in Government guidance that the identification of preferred areas in a local plan does not automatically mean development will be approved. Any planning application would have to be considered on its own merits and it is entirely open to this Council to refuse planning permission where technical issues have not been satisfactorily resolved.

## **13. Format and Structure of the Plan**

- 13.1 The Government's Green Paper – Planning: Delivering a Fundamental Change – has been commented upon previously by this Council. Whilst there may be many reservations on the solutions the Government puts forward, it nonetheless advocates a wholesale re-think of the way plans are devised. The Green Paper re-emphasises the Government's belief in a plan led system – that is, planning decisions should be in accordance with the development plan unless there are material considerations to indicate otherwise. It also says that Councils should deliver shorter, better-focused, plans that can be adopted and revised more quickly. The Government also wishes to see local communities more closely involved in the process of plan preparation.
- 13.2 Whilst it is difficult to see how this can be done in the framework proposed by the Government, the overall aims it has set out for the development plan system are welcomed. In respect of public involvement, it is considered that the Key Issues Document process, including the public meeting on 17 April 2002 goes a considerable way to achieving this end.
- 13.3 The next stage is to make the new plan more accessible – i.e. easier for the non-technical member of the public to understand, and more flexible, meaning that it is able to be adapted to changes in national policy or local circumstances. To achieve this, it is proposed to approach the structure and content of the Review Plan in a very different way to the presently Adopted Plan.
- 13.4 Much of what makes most local plans inaccessible is their complexity, including use of highly technical language and the length of the plan, often including repetition of national and regional guidance. However, plan making is a very

technical process, in arriving at the various supply figures and policy conclusions there is much background information. The Council has to present this information in order to explain its policies. This technical information usually forms much of the basis of debate and cross-examination at local plan inquiries.

- 13.5 In addition, there is an existing Government Planning Policy Guidance note about the content of the local plan and the process that should be followed. This does not sit comfortably with the proposals in the Green Paper. Despite this, it is considered that some considerable weight should be given to the Green Paper's objectives, because it is more recent, and further, the Government proposes to press ahead with legislation based upon its contents and the responses to its consultations.
- 13.6 To accommodate both objectives of flexibility and accessibility, it is proposed that the Review Plan be structured as follows: -
- 13.7 The main part of the Review Plan would give a relatively non-technical outline of the plan process and the objectives for the Minerals Local Plan Review. It would include a limited number of policies to support these strategic objectives, cross-referencing to appropriate guidance (much as the Structure Plan policy for Green Belt does at present). It would also include policies that provide a broad umbrella for assessing planning applications against key criteria. In the current plan, each of these policies is fleshed out in considerable detail with supporting text. However, it is past experience that it is on these matters of detail that plans can quickly become out of date. The Government produces large amounts of technical guidance through Statutory Instruments, Circulars, and Mineral Planning Guidance notes that are updated at irregular but frequent intervals.
- 13.8 Currently, to change any of these development control policies requires a full or partial review of the plan. There is at present an alternative route for Councils to develop additional advice on particular issues, known as Supplementary Planning Guidance (SPG). The Government has stated that where SPG has been prepared with wide public debate and involvement of affected commercial sectors, then it will be given great weight when determining planning appeals. However, in PPG12 the Government's statement on the preparation and content of development plans, the advice is quite clear in that development control policies must not be delegated to Supplementary Planning Guidance. Clearly though, Government thinking on development plans is in a period of flux, and it is unclear where exactly they will go.
- 13.9 It is proposed that the development control policies in the Plan be complemented by Supplementary Planning Guidance. This would be published as a separate document seen as ancillary to the main Review Plan. It would comprise statements, technical information and justification on a wide range of development control issues. The first version of the SPG will be prepared in parallel with the main Review Plan. Therefore, it will be subject to widespread consultation.
- 13.9 It is considered that if the main part of the review plan is solely focused upon strategy, including site selection for aggregates, and the technical detail in control of planning applications is within SPG, then the plan would achieve the twin goals of

being shorter and more accessible to the local community. In this first instance of using of this new approach, the process of preparing the strategic main part and the SPG on detailed control in parallel will not lead to the quicker delivery of a Review Plan. However, in subsequent years, with many fewer issues to consider, the time scale benefits are likely to be considerable.

- 13.10 All of the technical information needed to prepare the main strategic policies of the plan will be placed in Appendices to the Plan. Topics covered could include: Government guidance on regional needs; calculation of the 'Landbank'; alternative ways we could have selected sites; the development plan system; site selection methodology.

**It is recommended that the Plan focus on the strategic objectives and policies for sustainable mineral extraction in Hertfordshire, complemented by detailed development control criteria set out in Supplementary Planning Guidance and technical appendices.**

## 14.0 Conclusions

- 14.1 This report has addressed a number of the strategic policy issues on which member guidance is sought to enable the next stages of the plan preparation process to proceed. A number of these will be important in giving weight to the various criteria to be considered in more detail as part of the site selection process. The recommendations contained within the report have sought to achieve a policy direction to ensure that mineral development in Hertfordshire promotes sustainable development principles, balancing the need for the mineral against social, economic and environmental considerations.

- 14.2 It is therefore concluded that the recommendations in this report as set out in **boxed bold type** should be agreed.

## Appendix 1

### Sustainable Development: the UK Strategy (1994)

“Minerals are important natural resources which are essential in the production of many goods and services. There are large reserves of many useful minerals in the UK, but it is, nevertheless, crucially important to ensure that they are used efficiently and to recycle and minimise waste wherever possible.”

“The key issues for sustainability are:

- the use and management of mineral resources and the environmental constraints placed on the availability of resources in the longer term, having regard to the implications of present and future demand, and the contribution which minerals make to economic growth.
- The environmental impact of minerals provision and the overall quality of the environment achievable after restoration.”

MPG1 states that:-

*“In decision making, all the costs and benefits of a development including the environmental costs and benefits, need to be taken into account. In particular the objectives for sustainable development for minerals planning are:*

- (i) to conserve minerals as far as possible, whilst ensuring an adequate supply to meet needs;*
- (ii) to ensure that the environmental impacts caused by mineral operations and the transport of minerals are kept, as far as possible, to an acceptable minimum;*
- (iii) to minimise production of waste and to encourage efficient use of materials, including appropriate use of high quality materials, and recycling of wastes;*
- (iv) to encourage sensitive working, restoration and aftercare practices so as to preserve or enhance the overall quality of the environment;*
- (v) to protect areas of designated landscape or nature conservation value from development, other than in exceptional circumstances and where it has been demonstrated that development is in the public interest; and*
- (vi) to prevent the unnecessary sterilisation of mineral resources.”*