

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

**Recommended responses to objections to the First Minerals Local Plan Review – recommendations not to amend the Plan.**

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**1. Purpose of Report**

- 1.1 To consider certain responses to the First Deposit Draft Minerals Local Plan and to seek the Panel's agreement to the recommendations not to amend the draft Plan.

**2. Back ground**

- 2.1 This report considers comments made on the Plan in the following two categories:

- objections to the Plan where the officer recommendation is that proposed changes, or other comments, are not accepted.
- comments in support of the Plan.

These two elements are considered in Plan order.

- 1.3 This report does **not** consider the comments made to selection of sites, the Preferred Areas, or the excluded sites and other sites proposed by objectors to the Plan, which will be considered at a later Panel meeting. Comments on the Supplementary Planning Guidance will also be considered at a later date.

- 1.4 This report does not consider every objection in detail, but draws out the main themes of these responses. The full response to every representation is made in the table dated 20 March 2003, previously circulated to the Panel.

**2. Discussion**

Chapter 1 (Pages 1 – 4 of the Table previously circulated)

- 2.1 Chapter 1 is the introduction to the Plan: it sets out how the planning system works in relation to minerals land use planning and includes a discussion of the minerals contained in Hertfordshire. Aggregates are the main mineral extracted in Hertfordshire. Decisions for minerals

related development would be made in the context of national and regional guidance.

- 2.2 Comments ranged from those dealing with strategic issues through to more detailed matters. Some respondents considered that the Plan does not provide an integrated strategic approach, and consultation was inadequate. Also, there are conflicting responses with a recommendation that the 'landbank' should be reduced to 5 years and, contrarily, supply guidelines should be more in line with present MPG6, rather than those proposed in the draft review.
- 2.3 The detailed responses to these themes are made in the Appendix circulated previously. A number of responses also refer to the 'General responses Nos. 1 and 2, considered by the Panel at the last meeting.
- 2.4 This Chapter provides an important framework for the rest of the Plan. It is a clear statement of the parameters in which land use planning for minerals must work. It does recognise that there are considerable environmental costs, including impact on residents arising from mineral extraction. However it also acknowledges that there are vital economic benefits from mineral extraction.
- 2.5 The amount of aggregate Hertfordshire should supply from land-won sources is an important and continuing debate, with the Government having sought opinions on revised guidance that could significantly reduce supply obligations. Until such time as that guidance is published, there will be an element of uncertainty to mineral supply expectations. However the County Council firmly considers that the most recent patterns of sales should drive future land won supply expectations and stated this opinion in its response to the Government's consultation. As well as reducing the total environmental impact of quarrying activity, such an approach ensures that future increases in demand are met from alternative, recycled and secondary, sources.

Chapter 2 (Pages 5 – 7 of the Table previously circulated)

- 2.6 Having set out the national policy framework, and other factors that will input into the Plan, Chapter 2 sets out the aims for the Plan, and how those aims will be achieved.
- 2.7 Overall, these aims seek to achieve a fair balance between the competing interests associated with mineral extraction. The Plan does recognise a balance between society's wider need for minerals and the environmental impact caused by extraction.
- 2.8 Comment in support, and objection, is made to a wide range of issues and aims. On a detailed matter, comment is made that the plan period is too long; the suggestion is that it should be for the ten years suggested in Government guidance. However, the proposed Plan period now accords with the Structure Plan review time-scale. This

would also be consistent with any emerging district local plans (although in future, under the new planning framework they may plan up to 2021 to accord with emerging regional planning guidance).

Chapter 3 (Pages 8 – 94 of the Table previously circulated. Pages 20 – 86 relate to site-specific objections)

- 2.9 A large proportion of comments on this Chapter refer to the sites identified, or not identified, as Preferred Areas in Minerals Policy 3. These will be the subjects of a separate report to another Panel meeting. This report also excludes those matters considered at the last panel meeting (Item 5).
- 2.10 This chapter sets out the strategic policies for the control of mineral related development. In particular, it focuses upon the supply of aggregates and the role of the system of regional apportionment to ensure that each county area makes an appropriate contribution to the region's need for sand and gravel.
- 2.11 It also sets out policies for determining whether the principle of mineral extraction is acceptable at a particular location. Preferred Areas for mineral extraction are identified as is the approach the County Council will take to planning applications for aggregate extraction outside of those Preferred Areas.
- 2.12 A number of the comments were about the three options for aggregate supply (scenarios). There is clear divide between mineral operators who argue for greater levels of supply and local residents and action groups who argue for lower levels of supply. This matter has been considered in great depth and Aggregates Panel have previously agreed that such objections will be responded to in terms of 'General Response No. 2'.
- 2.13 Minerals Policy 2 concerns the importance of applicants demonstrating 'need' for a mineral. There were objections to this mainly from mineral operators, but also GO East. These objections were considered at the last Panel meeting.
- 2.14 Minerals Policy 5 sets out the Council's approach to ensure that minerals are not sterilised by surface development both within or adjacent to potential mineral supplies. Most comments are generally supportive of this policy, but many suggestions are made for alterations. In particular respondents suggest the use of Mineral Consultation Areas (MCAs). These are one method open to local planning authorities to safeguard deposits that are, or may become, economically important.
- 2.15 The County Council has previously not identified MCAs in the Minerals Local Plans. It is not proposed to change this approach for the present Review. Nearly all of the sand gravel deposits are within the Metropolitan Green Belt, and these deposits also cover nearly all of

southern Hertfordshire. Therefore, any MCA would either be so large as to result in an unwieldy and bureaucratic process or, in trying to reduce the size of the MCA, risk failing to consider applications that may also contain valuable resources. In any event, as the majority of the sand gravel reserves are within the green belt, there are already procedures in place for the County Council to monitor district local plans and major planning applications

- 2.16 There is general support for recycling facilities on mineral sites (Minerals Policy 7) but this is tempered with some concern over the operation of these facilities, particularly the environmental impacts and the potential to unnecessarily prolonging the life of quarries.
- 2.17 In general, any increase in supply of alternative sources will lead to existing primary material sources lasting longer; in other words quarries will remain operational for longer periods. The impact of a quarry on a locality can be measured in terms of both its longevity of operation and the intensity of activity taking place at any one time. Where recycling facilities are proposed, very careful attention will be given to the total environmental impact of both the quarrying and recycling activity. These will be a prime consideration in determining the outcome of a planning application.
- 2.18 In addition to the effect of any planning conditions, the length of time a quarry is operational will be subject to the economic climate prevailing within the building industry. A lessening of demand for aggregate will prolong activity at a quarry, irrespective of recycling activity. However a recycling facility will help improve the quality and quantity of supply of alternatives to land won minerals, thus ensure supplies are more sustainable in the long run and the need to open up new areas for primary extraction is deferred. On balance, therefore, no alterations are proposed to this policy.

Chapter 4 (Pages 94 – 127 of the Table previously circulated)

- 2.19 Chapter 4 of the Plan considers the policies to control operational activity at quarries. A key principle is the concept of cumulative impact. Minerals Policy 10 clearly states that this is the “**capability of the area to absorb the proposed additional activity over and above the existing and planned land uses.**” There were twelve objections to this policy and the supporting text, the majority of which express concern that the policy could be stronger. However, it is recommended that these are not accepted as it is considered that the policy objective is clear and unambiguous.
- 2.20 A number of objectors suggest that the concept of cumulative impact should include past activity. It is considered as this could be unreasonably onerous upon applicants and would be impractical to use. It would be extremely difficult to define a time-limit, and it is not a principle used in other areas of land use planning.

- 2.21 Policies 12 and 13 deal with reclamation and afteruse respectively. Reclamation has the special meaning in minerals planning of including restoration, aftercare and afteruse. Minerals Policy 12 therefore covers these three areas and requires submission of schemes that detail the operators' proposals in these matters. Minerals Policy 13, on afteruse, specifically deals with the types of use that may be appropriate.
- 2.22 Representations both support and oppose details of these two policies. The policies are supported as a positive measure to ensure that permanent damage to local landscapes and environments generally is avoided. A number of detailed comments are made about wording. It is suggested that these would improve the strength of the policy. These are not recommended because the policy is based on tried and tested wording which has proved sufficient to enable the Council to take action when it is considered necessary.
- 2.23 Some industry respondents argue that the requirement of a fully detailed scheme at an early stage is unreasonable because that will depend on how market forces influence economic and land trends at an uncertain point in the future. Whilst the operational nature of the development is acknowledged and that there are often occasions when proposals may be amended, this objection is not accepted because it is considered essential for an operator/applicant to be able to demonstrate that a workable reclamation scheme, including afteruse, can be achieved. Should circumstances change, then it is open to an operator to propose amendments the restoration/afteruse proposals.
- 2.24 Minerals Policy 14 considers landfill as a form of restoration. It makes clear that alternatives to restoration by landfill will be given more favourable consideration. However, and in some circumstances, landfill could give the best landscape result.
- 2.25 This policy generated a number of concerns from residents and industry. The environmental impact of landfill is a major concern. Industry representations included comment on the importance of retaining opportunities to deal with residual, post treated, waste. Also, the industry was concerned at the need for restoration bonds.
- 2.26 The Panel will have considered certain amendments to Minerals Policy 14 under Item 4 of the Agenda.
- 2.27 The proposed recommendations make it clear that the policy relates only to waste disposal as a restoration issue and it is not a general encouragement for landfilling. The supporting text at paragraph 4.5.5 makes it clear that any waste disposal; proposal will also be considered against policies in the adopted Hertfordshire Waste Local Plan.
- 2.28 A number of comments are made that suggest the Council should evaluate an applicant/operator's past record. However, this is not possible within the current land-use planning system. Planning

permission runs with the land not the person/company applying for the planning permission. Therefore any applicant could sell the land immediately planning permission is granted. However, because of the damage that partly restored quarries can cause, the Council may in certain specific circumstances require restoration bonds – financial guarantees – to ensure the site is properly restored. The Council may also seek evidence that an adequate supply of restoration materials is available.

2.29 Minerals Policy 15 considers transport issues. The Council will support proposals to export minerals by rail or water. Careful consideration will be given to the many other traffic impacts of mineral operations. There are no specific objections to the policy in principle, but a number of detailed comments about its content and also that the Council should pay particularly close attention to this issue when determining planning applications. Although a number of changes are suggested, none strike at the fundamental purpose of this policy. The detailed revision to the policy proposed by one respondent is not accepted as the present wording is considered adequate to enable full control over transport, and especially, highway matters.

2.30 Policies 17 and 18 consider the protection of environmental assets and the operational criteria for mineral; development. These are substantially supported by respondents, but again a number of detailed alterations are proposed and one respondent puts forward detailed rewording of each policy in whole. Those that have been accepted have been the subject of a previous report to the Aggregates Panel. No further changes are recommended as a result of the other representations.

Appendix 1: Function, period and scope of the Plan (Page 127 of the Table previously circulated)

2.31 An objection states that this should be set out in more detail as the Green Belt does not give sufficient protection for residents and settlements in the sand and gravel belt and the green belt. It is considered that the policies of the Plan should provide the assurances sought and it is not the purpose of this Appendix to afford protection.

2.32 The recommended responses to objections to Appendix 4: Summary of Hertfordshire's characteristics, are set out on page 128 of the table previously circulated.

### **3. Conclusion and Recommendation**

3.1 Members are requested to note the contents of this report and to support the officer recommended responses made in the Table, "HCC Response: Not accepted".