

WELWYN HATFIELD BOROUGH COUNCIL  
CABINET PLANNING AND PARKING PANEL – 15 SEPTEMBER 2022  
REPORT OF THE ASSISTANT DIRECTOR (PLANNING)

**MINERALS AND WASTE LOCAL PLAN CONSULTATION**

**1 Executive Summary**

- 1.1 Hertfordshire County Council (HCC) has published its Hertfordshire Minerals and Waste Local Plan for consultation. Consultation closes on 30 September 2022. Once adopted this Plan will replace the policies contained within the existing Minerals Local Plan (adopted in 2007) and Waste Core Strategy (adopted 2012).
- 1.2 Minerals and Waste Plans can be separate or combined documents and until 2021, the County Council were progressing separate documents, though the decision was taken to combine them into one Plan using the work done so far and taking on board comments received on the plans. The County Council have previously undertaken a number of consultations on what should be contained within the Mineral Local Plan and the site selection methodology.
- 1.3 The last consultation was considered by Members of this Panel on 7 March 2019, and this Council raised the following concerns:
  - The potential for cumulative impacts arising from the scale of mineral extraction concentrated in two allocations to the west of Hatfield.
  - Concern that the scale of mineral extraction identified could prejudice the delivery of housing in north west Hatfield within the Welwyn Hatfield Local Plan period.
- 1.4 This latest consultation is on the single Mineral and Waste Local Plan and is a formal regulation 18 consultation stage. A further consultation stage would be follow and submission of the plan for examination.
- 1.5 The main body of the report highlights the key issues whilst the proposed Council's response has been included in Appendix A to this report.

**2 Recommendation(s)**

- 2.1 That the Panel agrees the proposed response to the Hertfordshire Mineral and Waste Local Plan Consultation (2022) as set out in Appendix A to this report.

**3 Explanation**

- 3.1 Hertfordshire County Council (HCC) are the minerals and waste planning authority for Hertfordshire and have a statutory duty to prepare a Minerals and Waste Local Plan. This Local Plan will form part of the development plan for the area.
- 3.2 The Plan should ensure a steady and adequate supply of minerals to meet the needs of the county, and to maintain a network of waste management facilities to deal with

the different types of wastes arising. Plans also provide the necessary development management policies to deal with planning applications for such development.

- 3.3 Minerals and Waste Plans can be separate or combined documents and until 2021, the County Council were progressing separate documents, though the decision was taken to combine them into one Plan using the work done so far and taking on board comments received on the plans.
- 3.4 HCC is consulting on the Draft Plan version of the Minerals and Waste Local Plan. Consultation started on 22 July 2022 and closes on 30 September 2022. Welwyn Hatfield Borough Council is a statutory consultee.

### **Minerals Policies**

- 3.5 One of the primary aims of the Plan is to ensure a steady and adequate supply of mineral to meet the needs of the county over the plan period to 2040. This is achieved by allocating sites for future extraction, as well as safeguarding existing minerals sites and infrastructure.
- 3.6 The Plan sets out the strategy for ensuring there is a sufficient supply of new minerals mainly required for construction and agriculture. Welwyn Hatfield is particularly affected by those policies which relate to the allocation of sites for the extraction of sand and gravel and safeguarding of sites.

### **Policy 2: Meeting Sand and Gravel Needs**

- 3.7 Plan Policy 2: Meeting Sand and Gravel Needs identifies the requirement for sand and gravel over the plan period and allocates three sites in the County to meet that need. Two of the sites are either within the Borough or on the edge of the borough.
- 3.8 MAS02: Hatfield Aerodrome - This site is located on the edge of the Borough, largely falling within St Albans District Council and would be accessed off the A1057. A planning application was submitted and recommended for approval by HCC Development Control Committee in October 2020. It is included in the Plan however because the decision notice has (at the time of writing) yet to be issued. When the decision notice is issued, HCC propose for this allocation to be removed from the Plan (depending on the stage of preparation the Plan is at), and its figures instead added to the overall mineral reserves.
- 3.9 MAS03: Land Adjoining Coopers Green Lane - This site is located to the North West of Hatfield and relates to the housing site allocated in the submitted Welwyn Hatfield Local Plan SDS5 (HAT1). The Plan emphasises that the extraction of minerals should be complementary to the residential allocation, and phasing of extraction should not affect the timely provision of housing within the Welwyn Hatfield Local Plan. The draft Plan identifies the start of extraction in years 1-5 (2020-2025) and extraction is expected to take 9-14 years. Whilst the early phases of housing will be constructed on land which would not be subject to mineral extraction there is the potential for mineral extraction to delay house building if it cannot come forward in a timely fashion.
- 3.10 In response to the minerals local plan proposed submission consultation January 2019 (the preparation of which was stopped to progress this single minerals and waste local plan) the Council did not raise objection to the principal of extraction of

minerals from these two sites on an individual basis but identified concern about the cumulative impacts from the combination of sites and the potential to impact on the delivery of housing. The draft response (Appendix A) again does this.

### **Response to Policy 8**

- 3.11 Consistent with the response to the draft Minerals Plan (2019), the draft response (Appendix A) suggests that the Minerals Plan could be argued to be overestimating the need for mineral extraction over the plan period. It uses the more generous annual provision figure of 1.31 Mt based on the previous regional apportionment figure instead of aiming for a ten year annual average sales figure of 1.17 Mt as many other authorities have in their adopted plans, or even a three year annual average figure of 1.19 Mt. A ten year based figure in minerals local plans, as supported by the minerals industry and as set out in the NPPF, picks up both periods of economic growth and economic stagnation/decline.
- 3.12 As a consequence, it is considered that there is no need to allocate MAS03: Land Adjoining Coopers Green Lane. However, this does not mean that no extraction should take place but rather it should be treated as a windfall site where the principals of prior extraction would be the dominant driver rather than the need to maximise the amount of minerals extracted. This is the approach set out in the Welwyn Hatfield Local Plan.

### **Policy 4: Site Safeguarding and Consultation Areas**

- 3.13 The Plan seeks to safeguard minerals and waste management sites and associated infrastructure that is of critical importance. Burnside (Hatfield) is identified as one of several Mineral Development Sites (MDS) that play an important role in the operation of the minerals industry.
- 3.14 Burnside, which adjoins the Strategic Development Site Birchall Garden Suburb identified in the Welwyn Hatfield Local Plan, and Birchall Lane/Cole Green lies within the policy area for Birchall Garden Suburb.
- 3.15 The proposed WHBC response raises a concern that Submitted Local Plan Policy SP19 of the emerging Welwyn Hatfield Local Plan proposes a sustainable urban extension at Birchall Garden Suburb for 600 dwellings, plus development and associated uses within East Herts District Council; which are adjacent to or located within close proximity to the above mineral facilities (site SDS2). It will suggest that the Plan should acknowledge this and include this proposal within the list of developments where there will be no requirement to consult HCC, as the County Council will be involved in the production of a Masterplan for the site. The proposed response also notes that a green buffer has been proposed around Burnside on the Policies Map, and the area south of the facilities at Birchall Lane/Cole Green is being proposed as open space.

### **Waste Policies**

- 3.16 The other primary aim of the Plan is to make sure that the waste that is produced within Hertfordshire is managed appropriately. The Plan does not allocate sites for future waste management development, rather it seeks to direct any future applications to the most sustainable locations.

- 3.17 This is set out in Policy 3: Meeting Waste Management Needs. Proposals for new waste management facilities are directed to the main towns in Hertfordshire as that is where the majority of waste arises, and specifically within these towns, either to existing waste sites, existing employment sites, or sites which are allocated for future employment in District and Borough Local Plans. This policy identifies both Welwyn Garden City and Hatfield as settlements which would in principle be suitable for waste facilities, though the specific details of any such facility would be subject to criteria set out in the policy. The proposed response to the consultation highlights the importance of Welwyn Hatfield Borough Council being consulted in relation to any facilities which may be proposed within the borough.

## **Implications**

### **4 Legal Implication(s)**

- 4.1 There are no direct legal implications associated with this report. The preparation of a Minerals and Waste Local Plan is a statutory requirement for upper tier and unitary authorities, and forms part of the development plan for the area.

### **5 Financial Implication(s)**

- 5.1 There are no specific financial implications arising from this report.

### **6 Risk Management Implications**

- 6.1 There is a risk that in not responding to the consultation it could have both direct and indirect implications for Welwyn Hatfield.

### **7 Security and Terrorism Implication(s)**

- 7.1 There are no security and terrorism implications arising directly as a result of this report.

### **8 Procurement Implication(s)**

- 8.1 There are no procurement implications arising directly as a result of this report.

### **9 Climate Change Implication(s)**

No climate change implications have been identified resulting from this report

### **10 Human Resources Implication(s)**

- 10.1 There are no known Human Resources implications as a result of this. Any planning applications for Minerals and Waste developments are determined by Hertfordshire County Council, though Welwyn Hatfield Borough Council will be a consultee.

### **11 Health and Wellbeing Implication(s)**

- 11.1 There are no specific health and wellbeing implications associated with this report. The Minerals Local Plan itself contains a development management policy on health and wellbeing which will allow any health and wellbeing impacts associated with mineral extraction to be assessed at the planning application stage. The site selection methodology and the Sustainability Appraisal also considered health related issues.

## **12 Communication and Engagement Implication(s)**

12.1 A public and business consultation is being undertaken by Hertfordshire County Council and this report proposes a response to that.

## **13 Link to Corporate Priorities**

13.1 The subject of this report is linked to the Council's Business Plan 2018-21 and, in particular, Priority 3 Our Housing - to plan for current and future needs and Priority 4 Our Economy – sustainable growth. Responding to other authorities' consultations helps this Council to meet these priorities effectively.

## **14 Equality and Diversity**

14.1 Hertfordshire County Council has carried out an Equalities Impact Assessment of the policies set out in the Minerals Local Plan.

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### **Background papers:**

Hertfordshire County Council Minerals and Waste Local Plan (included as part of the agenda and papers for Hertfordshire County Council Environment Cabinet Panel 06 July 2022)  
<https://democracy.hertfordshire.gov.uk/mgAi.aspx?ID=6427#mgDocuments>

### **Appendices:**

Appendix 1 - Draft letter in response to the Minerals and Waste Local Plan consultation.

## Appendix 1

### Draft letter in response to the Minerals and Waste Local Plan consultation.

1. The Borough Council notes that the Draft Hertfordshire Minerals and Waste Local Plan (the Plan) places a heavy reliance on site specific allocations to the west of Hatfield to provide the sand and gravel supply to meet the plan provision. The only other part of the plan area where sand and gravel extraction is proposed is at the Briggens estate (east of Stanstead Abbots). This amounts to a significant concentration of allocations and this is particularly significant in the case of the west of Hatfield as the allocations are adjacent, or in close proximity to, the town's urban area.
2. Welwyn Hatfield Borough Council (WHBC) acknowledges that there is a long history of mineral extraction in the area west of Hatfield. With resources remaining in the area it would be expected for this to continue, subject to there being no adverse cumulative impact. It is further noted that two of these allocations have now been subject to planning applications for minerals extraction to the Minerals Planning Authority (MPA).
3. The remaining allocation SS3 (Hatfield Quarry - Land adjoining Coopers Green Lane) is more problematic to the Borough Council. There is concern regarding the scale and timescales associated with the proposed allocation for sand and gravel at this location given its allocation (within the same boundaries) in the proposed submission Welwyn Hatfield Local Plan (WHLP) as an urban extension for Hatfield. The Hatfield urban extension is identified as allocation SDS5, a strategic development site, allocated under Policies SADM 26 and SP 22. The Hatfield urban extension (SDS5) is the largest allocation in the WHLP with around 1,750 dwellings along with employment and community uses.
4. Potential conflict relates to the timescales involved. The submission Welwyn Hatfield Local Plan has this allocation being developed for completion during the plan period (which currently ends in 2036) with first dwelling completions taking place within the first five years following adoption commencing in 2025/26 (along with a much needed secondary school). The draft Hertfordshire Minerals Local Plan suggests the start of extraction in years 1-5 of the plan (2020-2025) and extraction expected to take 9-14 years.
5. Both MA S02 (Hatfield Aerodrome) and MA S03 (Land adjoining Coopers Green Lane) of the draft Hertfordshire Minerals and Waste Local Plan are identified to commence in years 1-5 of the plan period and continue for 9-14 years and 30 years respectively. The cumulative impact is considered to pose significant challenges for WHBC in delivering their largest housing allocation (as the WHBC has a plan period to 2036) and thus affect the delivery of the Plan's overall housing provision.
6. The sand and gravel Annual Provision Rate of 1.31Mtpa is based on the 10-year average sales (2011-2020) figure (1.19Mt) plus an extra ten percent uplift. The Plan notes that the uplift is intended to provide flexibility and accommodate future growth.
7. The Plan has suggested that using the 10-year sales (1.19Mt) average figure to forecast future demand is insufficient. While the Council recognises that total sand and gravel sales figure has reached over this number five times in the past 10-year period (2011-2020), a ten year based figure in minerals local plans, as supported by

the minerals industry and as set out in the NPPF, picks up both periods of economic growth and economic stagnation/decline.

8. It is therefore likely that, contrary to what is assumed by the Plan, a continuing higher production level will not endure for the duration of the plan and that extraction will be affected by economically challenging circumstances at certain points over its plan period.
9. It is unclear what if any circumstances exist that invoke any specific local circumstances to go above a ten year annual average sales figure. It is considered that levels of growth and infrastructure proposals are not particularly significant to necessitate a specific upward adjustment to a ten year based provision figure plus buffer.
10. While the report notes there are significant growth aspirations within the Hertfordshire District and Borough Local Plans and allocations are starting to come forward for development, caution should be applied considering future reforms to the planning system arising through the Levelling-up and Regeneration Bill.
11. Therefore, it could be considered generous in utilising an annual provision figure of 1.17 Mt as many other authorities have in their adopted plans, or even a three year annual average figure of 1.19 Mt as it is understood many other authorities have in their adopted plans.
12. Furthermore, not all authorities work on the basis of identifying a total aggregates provision for the plan period plus seven years thereafter in their adopted plans, making the not unreasonable assumption that the plan will not reach the end of its plan period as it will have been subject to a full or partial review by that stage. If a seven year period was not added to the provision at the end of the plan period, then even on the provision in the HMLP (rather than a ten years annual average sales figure), the plan has more than enough allocations without SS3.
13. It is considered that there is no over-riding need to allocate MAS03: Land Adjoining Coopers Green Lane (3.52Mt). However, it should be emphasised that not allocating MAS03 does not mean that extraction could not take place at this location. However, any proposals for extraction would need to come forward in a way that does not compromise the objectives of the strategic development site allocation in the submission Welwyn Hatfield Local Plan. As such extraction should be complementary to the phasing and development of the Hatfield urban extension rather than extraction driving its phasing and development. The provision of aggregates from the site would then form a windfall, contributing towards the total provision over the plan period, and would still act to ensure a steady and adequate supply of aggregates to support planned growth
14. This would also help in managing the effects of mineral extraction on both the existing residents of Hatfield Garden Village and early occupiers of the new dwellings in the urban extension.
15. WHBC seeks the allocation MAS03: Land Adjoining Coopers Green Lane is removed from Policy 2 and that the explanatory text is consequently amended to reflect this change.

16. The Plan seeks to safeguard minerals and waste management sites and associated infrastructure that is of critical importance. Burnside (Hatfield) is identified as one of several Mineral Development Sites (MDS) that play an important role in the operation of the minerals industry. Burnside, which adjoins the Strategic Development Site Birchall Garden Suburb in the Welwyn Hatfield Local Plan, and Birchall Lane/Cole Green lies within the policy area for Birchall Garden Suburb.
17. As the County Council will be aware the Welwyn Hatfield Draft Local plan proposes (Policy SP19) a sustainable urban extension at Birchall Garden Suburb for 600 dwellings, plus development and associated uses within East Herts District Council; which are adjacent to or located within close proximity to the above mineral facilities (site SDS2). A masterplan for this area is to be prepared which will include consideration of the facilities. A green buffer has been proposed around the facilities at Burnside on the Policies Map, and the area south of the facilities at Birchall Lane/Cole Green is being proposed as open space. It is considered that the plan should acknowledge this and not require further consultation with HCC.