

Appendix A

Proposed Response by Welwyn Hatfield Borough Council to the Hertfordshire Minerals Local Plan

Policy 4: Working of Specific Sites or Preferred Areas

- 1.1 The Borough Council notes that the Hertfordshire Mineral Local Plan (HMLP) places a heavy reliance on the three 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 is quite a concentration of allocations in a plan, and 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.
- 1.2 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 and have been approved by the Minerals Planning Authority (MPA), although one is still subject to a s106 agreement. These two allocations are SS1 (Hatfield Aerodrome) and SS2 (Hatfield Quarry - Furze Field). Only a minority of the SS1 allocation is within Welwyn Hatfield Borough.
- 1.3 The remaining allocation SS3 (Hatfield Quarry - Land adjoining Coopers Green Lane) is more problematic to the Borough Council. Whilst it is difficult to object to some form of extraction here because there are mineral resources present, there are direct conflicts between the scale and timescales of the proposed allocation for sand and gravel and 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 1,650 dwellings along with employment and community uses.
- 1.4 The key conflict relates to the timescales involved. The WHLP has this allocation being developed for completion during the plan period (which currently ends in 2032) with first completions taking place within the first five years along with a much needed secondary school, whilst the HMLP suggests the site should come forward within years 5 to 10 of the plan period (therefore if adoption of this plan is in 2020, then years 2025 to 2030) and with extraction taking from 9 to 14 years. The appendix to the HMLP notes that the extraction of minerals should be complementary to the residential allocation and that by phasing the extraction this should not affect the timely provision of housing with the WHLP period. The HMLP suggests that the proposed allocation has a potential workable reserve of 3.8 to 6.6 million tonnes (Mt). It is very unusual, and perhaps unique, for there to be such a variation in the likely resource identified for a proposed allocation in a minerals local plan. This variation is because of both uncertainty, but also differing opinions, on what could be brought forward at this location in relation to working in tandem with the development of this area as an urban extension.
- 1.5 Allocation SS2 is now subject to a permission and the operators (CEMEX) have stated that this site should follow on once the adjacent Symondshyde Farm site completes in 2020. Extraction is expected to take 1.5 years. There is no processing plant to be established here as the resource will be transported by conveyor to the Hatfield Quarry processing location, so it is possible that this site could be completed by 2022. As the same operator has the minerals interest in SS3 then extraction here could commence in 2022 or 2023 after extraction at SS2 has completed. This would be earlier than

anticipated in the HMLP where it is proposed for year 5 of the plan period i.e. 2025. However even this earlier start date would therefore likely be in years 5 to 6 of the WHLP plan period. This is at least a third of the way through the period of the WHLP and with a 9 to 14 year period for mineral extraction could see extraction taking place up to 2031 at the earliest. This would pose significant challenges for WHBC in delivering their largest housing allocation (as the WHBC has a plan period to 2032) and thus affect the delivery of the WHLP's overall housing provision. In such a situation there will be issues about what amount of extraction could take place and the timings and locations for this without it causing an unacceptable delay to the implementation of the urban extension.

- 1.6 There are therefore a number of complexities here that make the phasing of the development for the new urban extension and any sand and gravel extraction uncertain to the extent that makes the inclusion of this area as a site specific allocation in a development plan perhaps not the most appropriate way forward.
- 1.7 The HMLP has identified a need for allocations to meet a provision figure of 30.58 Mt. This is based on an annual provision figure of 1.39 million tonnes per annum (Mtpa), derived from the previous regional apportionment figure, over a 22 year period. The timescale is the 15 year plan period plus a further 7 years (therefore going to 2042) to guarantee that there is a 7 year landbank of sand and gravel at the end of the plan period. Remaining permitted reserves of the operational sites and sites with planning permission (taking end 2017 as the date for this calculation) come to 10.46 Mt. The outstanding provision figure that needs to be made up through allocations in the HMLP is 20.13 Mt (i.e. the total provision minus the remaining permitted reserves, $30.58 - 10.46 = 20.13$ Mt).
- 1.8 It can be argued that the HMLP is generous in utilising an annual provision figure of 1.39 Mt based on the previous regional apportionment figure and not going 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. It is likely that, contrary to what is assumed by the HMLP, 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. The HMLP plan area also does not appear to have the necessary circumstances applying that would invoke any specific local circumstances to go above a ten year annual average sales figure; levels of growth and infrastructure proposals are not particularly significant to necessitate a specific upward adjustment to a ten year based provision figure.
- 1.9 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.
- 1.10 The inclusion of SS1, SS2 and Preferred Area 1 (the Briggens estate) already meets 18.65 Mt of the 20.13 Mt provision required. In other words when this potential gap is looked at through the prism of:
 - a provision figure higher than the NPPF ten year annual average sales in the HMLP,
 - provision through allocations in the HMLP being extended seven years beyond the end of the 2035 plan period, and
 - that a review of the minerals local plan will occur well before 2035,then it becomes clear that there is no over-riding need to actually allocate SS3.

- 1.11 However it should be emphasised that not allocating SS3 does not mean that no extraction would take place at this location. What it would mean is that for this area Policy 8 on Mineral Safeguarding would now be the predominant policy driver. Through being in a Mineral Safeguarding Area the urban extension proposed for this area would have to comply in relation to prior extraction where this was economically feasible, and it is clear it would be. However, it would need to reflect the key nature of the identified area, being that it is a strategic development site allocated for the purpose of delivering the largest urban extension allocated in the WHLP. 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.
- 1.12 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.

Proposed Change Sought

- 1.13 WHBC seeks the following:

That allocation SS3 is removed from Policy 4 and the explanatory text is consequently amended to reflect this change. The first sentence of Policy 4 should be amended to include “predominantly” before “met”.

Policy 8: Mineral Safeguarding

- 1.14 The Borough Council supports the changes to Minerals Consultation Areas by effectively collapsing them into the Mineral Safeguarding Areas. This will aid clarification of the policy and when the minerals planning authority (mpa) should be notified of applications within the Minerals Safeguarding Area.
- 1.15 However the Borough Council considers that the type of proposed development that should be notified to the MPA is too extensive and should be limited to the types of development that could lead to significant sterilisation. On this basis it is considered the following criteria (which lists when there should be consultation on proposals) should be used instead of the excluded development list in paragraph 10.10 of the HMLP:

Significant development within existing urban (built-up) areas:

Development involving any one or more of the following:

- a) the provision of dwelling houses where - i. the number of dwelling houses to be provided is 10 or more, or ii. the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (a)(i),
- b) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more, or
- c) development carried out on a site having an area of 1 hectare or more, or
- d) any development subject to an Environmental Impact Assessment under the Environmental Impact Regulations.

Significant development elsewhere:

Development involving any one or more of the following:

- a) the provision of one or more dwelling houses but not including extensions to existing dwelling houses or those within the recognised settlement boundaries, or
- b) the provision of permanent buildings or structures but not including extensions under 1,000 square metres, conversions, or demolition, or
- c) redevelopment of commercial or industrial sites over 1 hectare or more, or

d) any development subject to an Environmental Impact Assessment under the Environmental Impact Regulations.

1.16 Utilising this criteria to define proposals in a Minerals Safeguarding Area that the mpa should be consulted upon is in line with national guidance; it has been used in a recently adopted minerals and waste local plan. For proposals in urban areas it utilises the definition of major development as set out in the Town and Country Planning (Development Management Procedure) Order 2015. It would also have the benefit of picking up key potential sterilisation matters but not leading to unnecessary safeguarding area consultations between the local planning authorities and the mpa.

1.17 In relation to prior extraction it is considered that the HMLP does not cover appropriately the issue of viability in prior extraction. This is not just about whether it is viable for a mineral operator to undertake prior extraction but also whether the prior extraction has an impact on the viability and delivery of the proposed non-mineral development. The HMLP should be amended to reflect this.

Proposed Changes Sought

1.18 WHBC seeks the following:

- That the excluded development list in paragraph 10.10 of the explanatory text to Policy 8 is replaced with the categories of development listed within paragraph 1.15 above.
- Paragraph 10.10 is amended to read: "In order to avoid an unnecessary number of consultations on applications that are unlikely to be objected to on minerals grounds, only some types of planning application will be covered by the consultation procedures. The categories on which consultation will be required are as follows:"
- The first sentence of paragraph 10.11 is amended to read: "The county council should be consulted on all proposals for non-mineral development which fall within MSAs and meet these stated criteria."
- Add at the end of paragraph 10.15: "Hertfordshire has a requirement to provide a significant amount of new housing and even where prior extraction may be practical, it should nevertheless be considered in relation to the feasibility and viability of doing so both in relation to the (prior) extraction of the resource and whether the prior extraction itself could harm the viability of the overall proposed development."
- Amend the last paragraph of Policy 8 to read (*additional wording in brackets*): "Prior extraction will be sought where practicable unless it is demonstrated that the mineral cannot practically be extracted in advance of the proposed development. *The practicalities of extraction should give due weight to the feasibility and viability of prior extraction both in relation to the (prior) extraction of the resource and whether the prior extraction itself could harm the viability of the overall proposed development. Where no prior extraction is to take place then* in these circumstances, full consideration should be given to the use of raised sand and gravel material on site in construction projects to reduce the need to import material as opportunistic use."