

WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING AND PARKING PANEL –7 MARCH 2019
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING AND GOVERNANCE)

HERTFORDSHIRE MINERALS LOCAL PLAN PROPOSED SUBMISSION
CONSULTATION JANUARY 2019

1. Executive Summary

- 1.1 Hertfordshire County Council (HCC) has published its Proposed Submission version of the Hertfordshire Minerals Local Plan (MLP) for consultation which closes on 22 March 2019. Once adopted this Plan will replace the policies contained within its existing Minerals Local Plan (adopted in 2007) that covered the period between 2002- 2016. <https://www.hertfordshire.gov.uk/about-the-council/consultations/environment/proposed-submission-minerals-local-plan-consultation.aspx>
- 1.2 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. The last consultation was considered by Members of this Panel on 8th February 2018 and this Council raised the following concerns:
- The potential for cumulative impacts arising from the scale of mineral extraction concentrated in three allocations to the west of Hatfield, concern particularly relates to HGV movements;
 - The lack of assessment in the site selection process and the sustainability appraisal of the cumulative impacts from the combination of sites;
 - Concern that the scale of mineral extraction identified in the document could prejudice the delivery of housing in north west Hatfield within the Welwyn Hatfield Local Plan period;
 - the extent of the areas identified as minerals consultation areas on the draft Policies Map which includes residential areas in the urban areas and the lack of clarity on what is a minerals safeguarding area;
 - Concern that the County Council would not be able to resource advising on whether or not a minerals resources assessment would be required for the number of applications it would relate to.
- 1.3 This latest consultation is the formal regulation 19 consultation stage and the Council's response will need to focus on any soundness or cross boundary strategic issues relating to the Duty to Cooperate.
- 1.4 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 Local Plan Consultation (2019) as set out in Appendix A to this report.
- 2.2 That the Panel agrees that the final response be confirmed by the Head of Planning in consultation with the Executive Member for Planning.

3. Background

- 3.1 Hertfordshire County Council, as the mineral planning authority, has a statutory duty to prepare a Minerals Local Plan, in line with NPPF. This identifies the locations where future minerals will be extracted (via allocations) and seeks to safeguard potential mineral sites from sterilisation by other uses (if necessary). It also includes a set of development management policies that will be used to determine planning applications for proposals for mineral extraction or other associated uses. When the MLP is adopted, it will form part of the Development Plan for the county.
- 3.2 It is important to have regard to the Memorandum of Understanding (MOU) between WHBC and HCC, which was signed in August 2017 by the Councils' then respective executive members for Planning. This document identifies the strategic issues affecting WHBC and HCC relating to minerals and waste; and the delivery of housing and jobs. It agrees the approach to future plan reviews and includes a commitment that both authorities will continue to work together consistent with the requirements of the NPPF and the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011.
- 3.3 The MOU states that the need to protect mineral resources should not prevent the delivery of housing and jobs required to address identified needs in the borough and conversely the delivery of housing and jobs should not result in the sterilisation of mineral resources. As part of the Duty to Cooperate text was agreed for the WHBC Local Plan relating to the potential prior extraction of minerals resources from the proposed Strategic Development Sites.
- 3.4 Reference in the MOU is also made to Land on the former Hatfield Aerodrome which is identified as a Preferred Minerals Area in the current adopted Minerals Local Plan. The County Council resolved to grant planning permission in 2017 for mineral extraction on the southern part of this Preferred Area. This consent was made subject to the completion of a S106 agreement and the amendment of the existing S.106 agreement between HCC, WHBC, St Albans Council and the landowner. To date no agreement has been reached on such an amendment and the authorities are considering the next steps.
- 3.5 A planning application has been submitted to the County Council for the extraction of minerals at North West Hatfield SDS5 (HAT1) (described as an extension to Hatfield Quarry) but has yet to be determined.
- 3.6 Planning permission has now been granted for the extraction of minerals on Furze Field within which site HS34 (GTLAA09): Coopers Green Lane falls. However the WHBC local Plan Inspector has indicated that site HS34 should not be taken forward for Gypsy and Traveller provision.

4. Explanation

- 4.1 The National Planning Policy Framework requires Minerals Local Authorities to plan for a steady and adequate supply of aggregates to support sustainable economic growth. It notes that this should be informed by a Local Aggregate Assessment (LAA) based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including secondary and recycled sources). It requires the maintenance of at least a 7 year landbank of sand and gravel.
- 4.2 The Minerals Local 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.
- 4.3 The MLP notes that the LAA indicates an average 10 year (2007-16) sales figure of 1.15 million tonnes per year (mtpa) of sand and gravel within Hertfordshire but comments that this was during a period of recession. However, the Plan is seeking to meet the subnational allocated apportionment figure of 1.39 million tonnes of sand and gravel per year for the period 2005-20 to meet future sand and gravel requirements, based upon the approach set out in the former East of England Plan. This gives a total of 30.58 million tonnes (Mt).
- 4.4 To help achieve this the MLP Policy 4 is allocating three specific sites and one Preferred Area. All three specific sites lie within or partly within Welwyn Hatfield whilst the Preferred Area lies within East Herts. Together these make provision for 25.25 Mt which together with permitted reserves of 10.46 Mt more than meets the requirement.

Policy 4 Working of Specific Sites or Preferred Areas

- 4.5 In response to the last consultation the Council expressed concern about the cumulative impact of three sites in West Hatfield being allocated in the Plan and the potential impact on the quality of life of residents in this area.
- 4.6 Proposed Specific Site 1 Hatfield Aerodrome: This site is located on the edge of WHBC, largely falling within St Albans District Council and would be accessed off the A1057. It has recently been granted permission (05/0394-16) for the establishment of a new sand and gravel quarry and processing plant, subject to the signing of a S106 agreement. It is estimated that this site contains 8 Mt of workable reserves and extraction is expected to commence in years 1-5 of the plan period, at a rate of 0.25 Mtpa (i.e. for about 30 years). Affinity Water has lodged a late objection to the planning application relating to the potential for the proposed extraction to affect the existing Bromate plume within the groundwater and thereby to contaminate the water supply. The Environment Agency are currently consulting on the appropriate management of the plume.
- 4.7 Proposed Specific Site 2 Hatfield Furze Field: This site is located to the north west of Hatfield (off Coopers Lane), within the borough and is likely to be accessed from Coopers Green Lane. It has recently been granted permission (5/3720-16) as an extension of Hatfield Quarry. It is estimated that this site contains 0.45 Mt of workable reserves. The extraction is expected to commence in years 1-5 of the plan period and take 1.5 years to complete, however it is intended to succeed the extraction at the Symondshyde farm site (expected to cease in 2020), as well as

use the conveyor belt infrastructure of the previous site to transport material to a processing plant at Hatfield quarry, rather than vehicles.

- 4.8 Proposed Specific Site 3: Hatfield Quarry – Land adjoining Coopers 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 estimates that this site contains between 3.8 - 6.6 Mt of workable reserves and extraction is expected to commence in years 5-10 of the plan period. The MLP anticipates that minerals extraction will take place, at a rate of approximately 400,000 – 600,000 tonnes per annum and is expected to take 9 -14 years. Extraction on this site is intended to succeed extraction at the proposed specific site 2: Furze Field and is expected to utilise the existing conveyor belt infrastructure of the previous site to transport material to a processing plant at Hatfield quarry, rather than HGV vehicles. As set out in paragraph 3.5 above a planning application has been submitted to the County Council for the extraction of 3.5 million tonnes of sand and gravel.
- 4.9 The MLP has acknowledged that proposed Specific Site 3: Hatfield Quarry is formed by WHBC Local Plan allocation site SDS5 (Hat1). It emphasises that the phasing of extraction should ensure it does not affect housing delivery on this site. The housing trajectory set out in the Local Plan is expecting approximately 200 dwellings and other uses to come forward from 2020-22 onwards. 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 earlier than year 5 of the minerals plan period.
- 4.10 Whilst there is no objection to the principal of extraction of minerals from these sites on an individual basis there is concern about the cumulative impacts from the combination of sites and the potential to impact on the delivery of housing.

Response to Policy 4.

- 4.11 *Appendix A sets out a draft response to Policy 4 of the Minerals Plan.*
- 4.12 *It 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 1.39 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.*
- 4.13 *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 allocating all three sites.*
- 4.14 *As a consequence it is considered that there is no need to allocate Specific Site 3. 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 8 Mineral Safeguarding

- 4.15 The NPPF requires that minerals are not needlessly sterilised as they are a finite natural resource. Minerals Planning Authorities are required to safeguard minerals resources and Policy 8 sets out the County Council's intended approach to meeting this requirement.
- 4.16 The policy requires consultation with the Minerals Planning Authority on applications for non-minerals development within the safeguarded areas which are defined on the Policies Map. This allows the Minerals Planning Authority to consider the impact of non- minerals development on mineral reserves. The Safeguarding Areas include both urban and rural areas and WHBC has previously expressed concern that the list of development which would need to be referred to the county council was too extensive.
- 4.17 Applicants would be required to submit a Minerals Resource Assessment to establish whether or not there is a viable mineral resource. Prior extraction should take place where practicable to do so.

Response to Policy 8

- 4.18 *It is suggested that the threshold for consultation with the County Council should be raised so that only proposals for major development are referred to the County Council. Appendix A sets out a suggested threshold for such development for both urban and rural areas and is based on an approach which has been found sound elsewhere.*
- 4.19 *It is also suggested that the approach to viability needs also to consider the viability of the development as well as the viability of prior extraction.*

Policy 9 Safeguarding Bulk Transport and Bulk Handling and Processing Sites.

- 4.20 In line with the NPPF 2019 the Minerals Local Plan seeks to protect the mineral infrastructure for the transporting, handling and processing of minerals within the county. Policy 9 sets out the approach and identifies a number of sites which will be safeguarded. The Plan and policies Map identifies a number of consultation areas which extend beyond the sites themselves to ensure that new development does not impact upon the operation of such facilities. The list of facilities include Birchall Lane.
- 4.21 This includes the facilities within sites at Burnside, which adjoins the Strategic Development Site Birchall Garden Suburb in the Welwyn Hatfield Local Plan, and Birchall Lane/Cole Green which lies within the policy area for Birchall Garden Suburb. Similarly to Policy 8 it requires proposals within the defined consultation area of these facilities to be subject to consultation with HCC, as well as including a list of developments that will be excluded from this.
- 4.22 The WHBC response will raise a concern that Submitted Local Plan Policy SP19 has proposed a sustainable urban extension at Birchall Garden Suburb for 1,200 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

(i.e. site SDS2). It will suggest that the MLP should acknowledge this and include this proposal within the list of developments that should not be required to consult HCC, as they will be involved in the production of a Masterplan SPD for the above site and will consider the above facilities. It should also be noted that 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 Urban Open Land.

5. Legal Implications

5.1 There are no direct legal implications associated with this report.

6. Financial Implications

6.1 There are no specific financial implications arising from this report.

7. Risk Management Implications

7.1 There is a risk that in not responding to the consultation it could have both direct and indirect implications for Welwyn Hatfield, as it raises a number of issues for west Hatfield.

7.2 The timescales for the examination of the Minerals Local Plan overlap with the examination of the Welwyn Hatfield Local Plan. In order that progress on the Welwyn Hatfield Local Plan should not be affected the Council has agreed a Service Level Agreement with Northamptonshire County Council (a minerals and waste planning authority) to assist in the preparation of representations and present evidence at the examination.

8 Security and Terrorism Implication(s)

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

9 Procurement Implication(s)

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

10 Climate Change Implication(s)

10.1 No climate change implications have been identified resulting from this report.

11 Health and Wellbeing Implications

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 took into account health related issues.

12 Communications and Engagement Implications

12.1 There are no communication and engagement issues associated with this report.

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.

Sue Tiley
Planning Policy and Implementation Manager
25th February 2019

Background Papers

Report to CPPP 8 February 2018

<https://democracy.welhat.gov.uk/ieListDocuments.aspx?CIId=266&MIId=650&Ver=4>

Hertfordshire County Council Minerals Local Plan Proposed Submission January 2019 and supporting documents

<https://www.hertfordshire.gov.uk/about-the-council/consultations/environment/proposed-submission-minerals-local-plan-consultation.aspx>

Appendices

Appendix A: Draft response to Hertfordshire County Council Minerals Local Plan Regulation 19 consultation