

EAST HERTS COUNCIL

NON-KEY DECISION – 18/04

REPORT BY THE LEADER OF THE COUNCIL

HERTFORDSHIRE COUNTY COUNCIL HERTFORDSHIRE MINERALS
LOCAL PLAN (DECEMBER 2017)

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- The report proposes the Council's response to the Hertfordshire Minerals Local Plan Consultation Draft (December 2017).

<u>RECOMMENDATION FOR DECISION:</u> That: Hertfordshire County Council (HCC) be informed that East Herts Council (the Council):	
(A)	submits this report as its response to the Hertfordshire Minerals Local Plan Consultation Draft (December 2017);
(B)	requests that HCC clarifies the quantity of sand and gravel supply that is required to be specifically identified in the Minerals Plan and to clarify that where the Plan seeks to exceed this requirements that this would not stifle competition contrary to Paragraph 145 of the NPPF;
(C)	requests that HCC updates the Site Selection Site Sieving process to take full account of the emerging Draft East Herts District Plan;

(D)	requests that HCC deletes Proposed Preferred Area 1 – The Briggens Estate from Draft Policy 4 and amends associated parts of the Draft Minerals Local Plan recognising the need to robustly consider the in-combination impacts with Draft East Herts District Plan allocation Policy GA1 Gilston Area;
(E)	requests that HCC continues to engage with the Council through the Duty to Cooperate procedures in relation to any reassessment of Sites within the District, including Omission Sites; and
(F)	requests that HCC continues to engage with the Council through the Duty to Cooperate procedures in relation to Mineral Infrastructure Areas, recognising the Draft East Herts District Plan allocation Policy EWEL1 at Land East of Welwyn Garden City.

1.0 Background

- 1.1 On 4 December 2017, Hertfordshire County Council (HCC) opened a consultation on the Hertfordshire Minerals Local Plan Consultation Draft (December 2017). The consultation closes on 9 February 2018.
- 1.2 HCC is the Minerals Planning Authority with statutory responsibility to plan for future minerals supply within Hertfordshire and determine proposals for the extraction of minerals and associated development.
- 1.3 The Draft Minerals Local Plan is the first draft version (Regulation 18) of the minerals planning document for Hertfordshire. This follows an Initial Consultation in August 2015. This consultation provides the opportunity for comment on its content before a Proposed Submission (Regulation 19) Minerals Local Plan is prepared.

- 1.4 Once adopted the Minerals Local Plan will cover the period 2016-2031.
- 1.5 The Draft Minerals Local Plan identifies sites and areas for future mineral extraction and the policies and approaches in relation to the extraction and safeguarding of minerals reserves and infrastructure.
- 1.6 The Draft Minerals Local Plan is published alongside the following supporting documents: Sustainability Appraisal; Habitat Regulations Assessment; Site Selection Report; Strategic Flood Risk Assessment update; Equalities Impact Assessment addendum; Health Impact Assessment; Draft Mineral Resources Assessment Technical Guidance Note; together with a series of Topic Papers and details of the Omission Sites. These documents are accessible through the link provided under Background Papers later within this report.

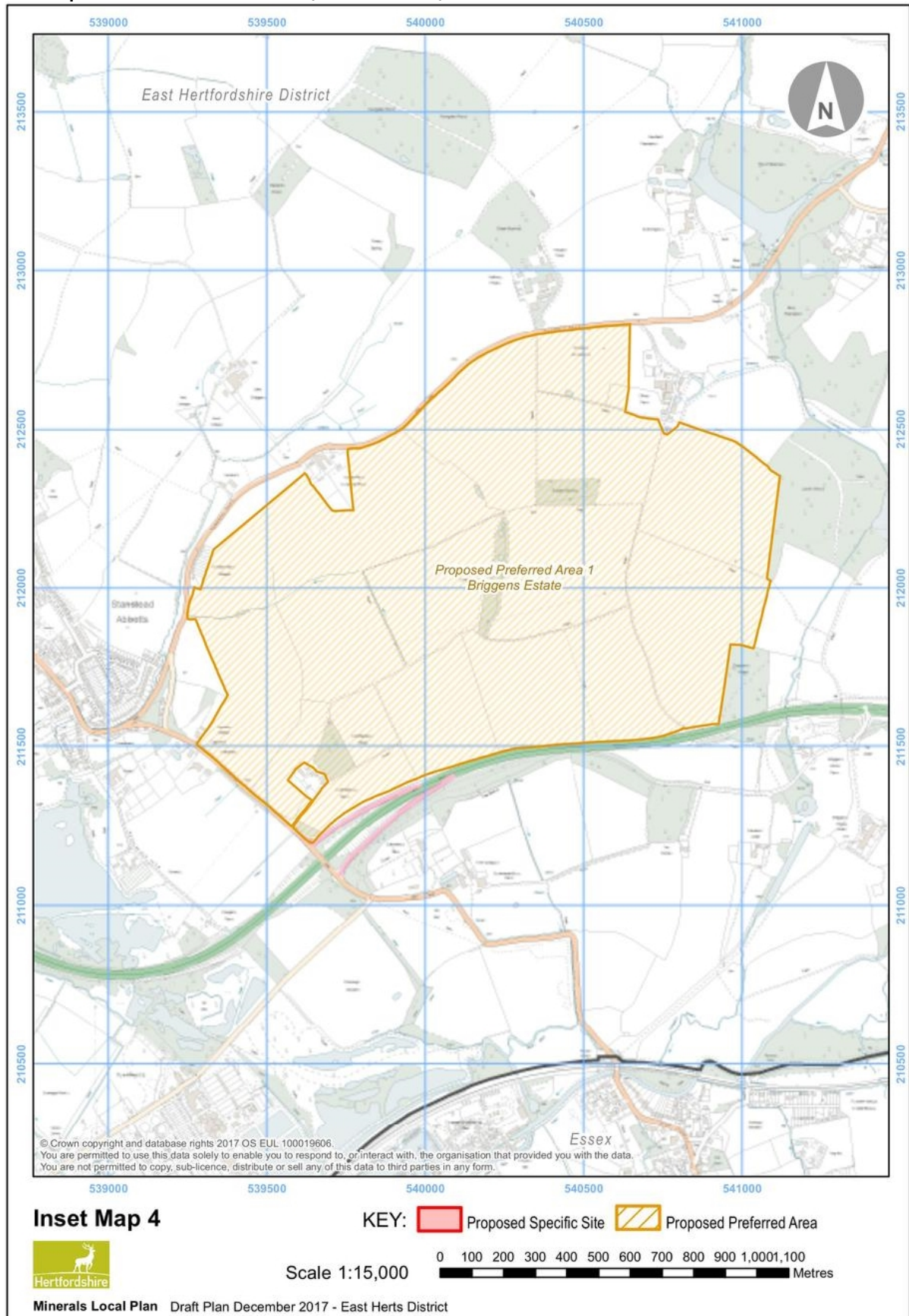
2.0 Report

- 2.1 The Minerals Local Plan Draft Policies Map (Appendix 2 of the Plan document) identifies a semi-contiguous area across the southern third of the District as falling within the Sand & Gravel Mineral Consultation Area, lesser contiguous and non-contiguous areas are identified within the centre and north of the District.
- 2.2 Within these areas, Draft Policy 8: Mineral Safeguarding, seeks to safeguard known mineral resources from unnecessary sterilisation by non-mineral development through requiring consultation with the Minerals Planning Authority.
- 2.3 The Council recognise and support Draft Policy 8.
- 2.4 Paragraph 145 of the NPPF requires that Minerals Planning Authorities make provision for an identified landbank of at least 7 years for sand and gravel, however, must ensure that large landbanks bound up in very few sites do not stifle competition.

- 2.5 Draft Policy 3: Aggregate Supply states that HCC is required to maintain a steady and adequate supply with a landbank of sand and gravel reserves throughout the Plan period. Paragraph 8.6 of the Draft Plan calculates a seven year sand and gravel landbank as 9.73 million tonnes with a landbank supply sufficient to meet the entire 22 year Plan period to 2031 would represent at least 30.58 million tonnes.
- 2.6 Draft Policy 4: Working of Specific Sites or Preferred Areas identifies three Specific Sites in the proximity of Hatfield. These locations in addition to existing permitted reserves amount to a landbank of approximately 26.8 million tonnes of sand and gravel. To identify the further supply to meet the full Plan period to 2031 and beyond, Draft Policy 4 identifies a Proposed Preferred Area 1 (PPA1) at The Briggens Estate to the east of Stanstead Abbots. The definition of a Preferred Area is described as 'an area of known resources where planning permission might reasonably be anticipated'.
- 2.7 The Council requests that HCC clarifies within the Draft Plan if it is seeking to exceed the requirement to identify a seven-year landbank supply of sands and gravels as required through Paragraph 145 of the NPPF and why this is deemed necessary. This should also confirm that such an identified provision within a limited number of sites would not represent a large landbank bound up in very few sites such as to stifle competition, contrary to Paragraph 145 of the NPPF.
- 2.8 Inset Map 4 (below) of the Draft Mineral Plan identifies the extent of the Proposed Preferred Area 1 on the Briggens Estate as a parcel of 187.75Ha of land to the east of Stanstead Abbots, bound to the south by the A414, to the west by the B181, to the north by the B180 and to the east by the woodlands adjacent to Hunsdon Brook. The Draft Minerals Plan indicates potential workable reserves of 10.7 million tonnes of Sand and Gravel with an anticipated annual output of 500,000 tonnes with

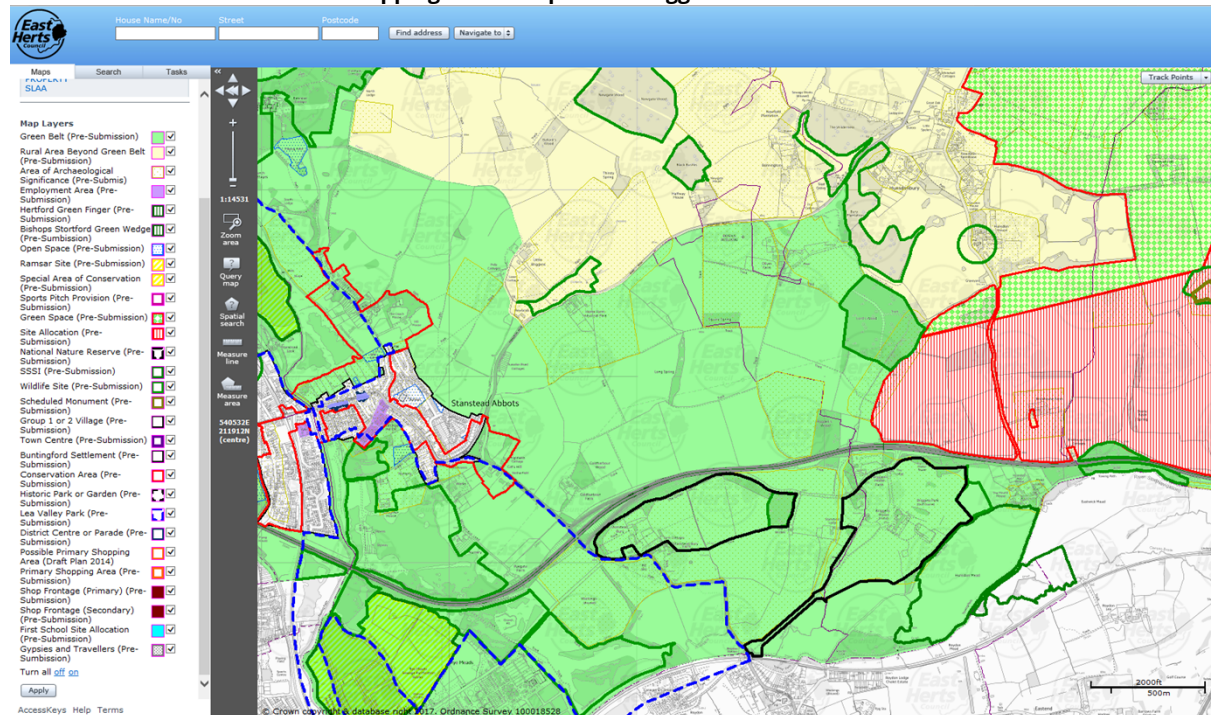
extraction expected to commence later in the Plan period and take 22 years. Access is anticipated via the B181.

Inset Map 4, Draft Minerals Local Plan (December 2017)



2.9 The Briggens Estate land identified includes and is surrounded by a number of designations affecting land use as indicated upon the below illustration and as summarised within the following paragraphs:

East Herts Council eGGP Online Mapping centred upon the Briggens Estate area



2.10 The site is located within the Green Belt; Areas of Archaeological Significance are identified within the site; bordered to the north by Newlands Meadow Wildlife Site; bordered to the east by Lord's Wood Ancient Woodland and Bury Plantation Wildlife Sites; bordered to the south by Stanstead Bury Historic Park and Gardens; bordered to the west by Stanstead Abbots Conservation Area and the Lee Valley Park. Bridleways pass through the site.

2.11 Additional designations exist within the wider area including: to the north Black Bushes, Newgate Wood, Moat Wood and Easneye Wood Wildlife Sites; to the east the Eastwick Mead Wildlife Sites and the Gilston Area draft allocation (Policy GA1) for 10,000 homes of which over 3,000 homes are expected to be delivered by 2033 as part of the Harlow and Gilston Garden Town; to the south the Briggens Estate Historic Park and Gardens, Hunsdon Mead SSSI and Rye Meads SSSI and Gravel Pit Wildlife Site and Ramsar Wetlands; to the west the

settlement of Stanstead Abbots, Stanstead Abbots Wildlife Site and Amwell Quarry SSSI and Ramsar wetlands. The site sits within the Impact Risk Zone of Lee Valley Special Protection Area.

- 2.12 Draft Policy GA1 of the District Plan for the Gilston Area includes the release of Green Belt land for development to the east of the Briggens Estate Area. The Council advises HCC that the Briggens Estate land between Stanstead Abbots and the Gilston Area allocation will remain designated as Green Belt and will gain heightened importance in preventing these neighbouring settlements from coalescing.
- 2.13 Draft Minerals Plan Policy 13: Green Belt states that proposals for mineral extraction in the Green Belt will be permitted subject to the development complying with national Green Belt policy.
- 2.14 Draft Policy 4 therefore needs to be assessed in the context of Paragraphs 79, 80, 88 and 90 of the National Planning Policy Framework:

Paragraph 79 states that “the essential characteristics of Green Belts are their openness and their permanence.”

Paragraph 80 identifies the five purposes of the Green Belt:

- “To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns;
- and
- To assist in urban regeneration, be encouraging the recycling of derelict and other urban land.”

Paragraph 88 requires that “substantial weight is given to any harm to the Green Belt. ‘Very Special Circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

Paragraph 90 allows development for mineral extraction in the Green Belt “provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.”

- 2.15 Draft Minerals Plan Policy 14: Cumulative Impact, states that Proposals for mineral extraction will be permitted where the cumulative impact would not result in unacceptable adverse impacts on the environment of an area or on the amenity or health of a local community, either in relation to the collective effects of different impacts of an individual proposal or in relation to the effects of a number of developments occurring either concurrently or successively. Potential matters include: Natural Environment; Historic Environment; Human health and general amenity; and Transport Networks.
- 2.16 The Habitats Regulations Assessment (HRA) Report (LUC, November 2017) that accompanies the Draft Minerals Local Plan identifies that the Briggens Estate Preferred Area has the potential to contribute Heavy Duty Vehicle (HDV) traffic through the M25 Epping Forest Special Area of Conservation; the A414 Lee Valley Special Protection Area/Ramsar; and the A10 Wormley Hoddesdonpark Woods Special Areas of Conservation. Briggens Estate is noted as unique amongst the four minerals extraction sites in the Draft Plan in having potential impacts upon all three of these areas, furthermore the HRA indicates that detailed traffic modelling is not yet available and that methodologies are yet to be agreed for quantifying in-combination traffic increases. It is also noted that the Briggens Estate may have hydrological and habitat connections with the surrounding sites which would need to be mitigated.
- 2.17 The Hertfordshire Minerals Local Plan Site Selection Report (LUC, November 2017) that accompanies the Draft Minerals Local Plan includes the site sieving summary for the Briggens Estate land, noticeably identifying in Site Sieve stage 2 that the

proposal to work the site at a rate of 500,000tpa over a period of 22 years would represent a very substantial operation.

- 2.18 In Site Sieve stage 3 it is noted that “High” impacts are identified on each of the following criterion: Lords Wood Ancient Woodland; Ecological status of watercourses and bodies; Recreation of the PRow which cross the site; Sensitive Land Uses including Hunsdon Road Cottages, Coldharbour Farm, Home Farm, Olives Farm and properties along Cat’s Hill and the B181; Sustainable Transport as the site is not located within close proximity to either the rail network or navigable waterway network.
- 2.19 As noted in this report, the Council identifies to HCC that a large quantum of non-minerals development is allocated within the area to the east of Briggens Quarry for 10,000 homes under the Draft District Local Plan Policy GA1, further development is also proposed within the District and neighbouring authorities in the surrounding area. The Council therefore strongly question the “Low” impact identified within Site Sieve 3 in relation to Cumulative effects and consider that it is essential that the Minerals Plan consider non-minerals development within this assessment and within all assessments of effects of the Preferred Area allocation.
- 2.20 As noted in this report, the Council identifies to HCC that a large number of Wildlife Sites and SSSIs are located in the area surrounding Briggens Quarry. The Council therefore questions the “Low” impact identified within Site Sieve 3 in relation to Geodiversity.
- 2.21 The Council identifies to HCC that the East Herts District Plan is in the process of examination with policies within the Plan considered to carry increasing weight and should therefore be considered as context for the emerging Draft Minerals Local Plan. The Council therefore question why the Draft District Plan has not been considered within the Site Sieving stage 3 process which makes reference only to allocations within the East Hertfordshire Local Plan 2007.

- 2.22 The Council requests that HCC revises the Site Selection Sieving to take full account of the Draft East Herts District Plan that is presently concluding Examination with anticipated adoption in Spring 2018.
- 2.23 The Hertfordshire Minerals Local Plan Site Selection Report (LUC, November 2017) that accompanies the Draft Minerals Local Plan appends the minerals Local Plan Call for Sites Highways Review (Hertfordshire County Council Highway Development management, September 2017).
- 2.24 In respect of the Briggens Estate the Council notes that HCC Highway Authority identifies significant concerns which are likely to attract Highway objections in relation to: Highway Impact to the B180 and B181 which are identified as traffic sensitive routes as well as identified congestion hotspots of the A414 junction with A10, A414 junction with B1502/A1170 and B181 Roydon Road southbound; Collision Data with the identified congestion hotspots considered as hazardous junctions; Vulnerable Road Users including to Pedestrians as no footways are present on surrounding roads, Cyclists as no carriageway provision exists on surrounding roads; and HGV Routing;
- 2.25 In respect of Draft Policy 4, and specifically Proposed Preferred Area 1 – The Briggens Estate, the Council consider that the proposal for mineral extraction at the Briggens Estate is of a scale and duration such that it would represent significant adverse impacts. These impacts are considered to be heightened due to the sensitive location of the Briggens Estate area between the existing settlement of Stanstead Abbots and the Draft District allocation GA1 of the Gilston Area, adjacent to the A414 and to the immediate north of the designated Harlow and Gilston Garden Town. Specifically, but not exclusively, the Council raises the following concerns:
- i. A need for clarification from HCC of the necessity for identifying a sand and gravel landbank in excess of the

seven year requirement set out in Paragraph 145 of the NPPF and demonstration that this would not be contrary of the same through stifling competition. Through which HCC should demonstrate why identification of a Proposed Preferred Area is necessary.

- ii. A need for HCC to demonstrate that the Draft East Herts District Plan has been considered within the Site Selection Site Sieving process to consider in-combination impacts of non-minerals development.
- iii. In relation to point ii above, the Council raises concern over the loss of openness of the retained Green Belt between the settlements of Stanstead Abbots and the Gilston Area allocation GA1 which will form an important strategic gap. The mineral extraction over the period of 22 years could adversely impact the openness of this area of Green Belt and its heightened function through the perceived coalescence of the existing and new settlements as experienced from those settlements, surrounding areas and public roads and the existing Bridleways that cross the site;
- iv. Impact upon the character of the existing settlement of Stanstead Abbots and its Conservation Area and upon potential Areas of Archaeological Significance within the site;
- v. Impact upon local Wildlife Sites, Ancient Woodland, SSSIs, RAMSAR sites and the Lee Valley SPA including the severance of land connecting these habitats and avoidance effects, including the in-combination impacts of non-minerals development;
- vi. Lack of suitable sustainable transport connections to rail or waterways and potential impact upon highway capacity and safety resultant of heavy duty vehicle movements generated upon the B181, the A414 and the A10 in order to reach the strategic highway network including routing and access onto the M11 at Junctions 7, future 7a and 8 and through Hertford (A414), including the in-combination impacts of non-minerals development including to those areas within the Harlow and Gilston Garden Town

including within the neighbouring authorities of Harlow and Epping Forest.

- vii. Potential impact upon air quality resultant of heavy duty vehicle movements generated through the M25 Epping Forest Special Area of Conservation; the A414 Lee Valley Special Protection Area/Ramsar; and the A10 Wormley Hoddesdonpark Woods Special Areas of Conservation, including the in-combination impacts of non-minerals development.
- viii. Potential impact upon health resultant of heavy duty vehicle movements generated through surrounding settlements including Stanstead Abbots and routing through Hertford, Sawbridgeworth and Bishop's Stortford Air Quality Management Areas, including the in-combination impacts of non-minerals development including to those areas within the Harlow and Gilston Garden Town in the neighbouring authorities of Harlow and Epping Forest.

2.26 The Council consider that the above impacts, in-combination with non-minerals development in the surrounding area, would be such that the proposed allocation would be contrary to the NPPF, specifically but not exclusively including Paragraphs 79, 80, 88, 90 and 145, national and international legislation and would be inconsistent with Objective 6 of the Draft Minerals Plan "To ensure the sustainable and expedient delivery of mineral extraction while protecting people from harm, positively contributing to the natural, built and historic environments and mitigating adverse cumulative impacts." The allocation would also be contrary to, and inconsistent with, Draft Policies 13: Green Belt and 14: Cumulative Impact of the Draft Minerals Plan as well as draft Environmental Policies 16: Historic Environment, 17: Landscape and Green Infrastructure, 18: Biodiversity, 19: Protection and Enhancement of Environment and Amenity, and 20: Strategic Transport.

2.27 The Council considers the potential impacts of significance such as to deem the allocation of Proposed Preferred Area 1 – The

Briggens Estate unsound or, at the very least, premature to both its necessity and to adequate demonstration that the required presumptive test that “planning permission might reasonably be anticipated”.

- 2.28 The Council requests that HCC amends Draft Policy 4 and associated parts of the Draft Minerals Plan to delete reference to Proposed Preferred Area 1 – The Briggens Estate.
- 2.29 The Council requests that HCC continues to engage through the Duty to Cooperate procedures upon any reassessment of the Briggens Estate Site in order to more fully explore and evidence an assessment of potential impacts, including the potential in-combination impacts with non-minerals development. The Council considers that, in the context of the nature and scale of the potential impacts identified in this report, a more robust assessment would need to be demonstrated in order to apply the test of a ‘Proposed Preferred Area’, principally in relation to required presumption that “planning permission might reasonably be anticipated”.
- 2.30 The Council also requests that HCC continues to engage through the Duty to Cooperate procedures upon any reassessment of Omission Sites. Policy HERT4 of the East Herts District Plan Pre-Submission Draft (September 2016) proposes the delivery of 150 dwellings. In respect of Minerals implications, land located to the north of the proposed HERT4 site currently lies within Preferred Area No.2 of the adopted Minerals Plan. In relation to that site, the extraction of minerals provides the opportunity for a more logical and robust Green Belt boundary to be drawn for the HERT4 site. It is noted that whilst this site to the north of HERT4 has been omitted from the consultation Draft Minerals Local Plan it is the subject of a current application and appeal.
- 2.31 As indicated, the Council will seek to continue to engage with HCC in respect of the final outcome of Plan preparation and planning application/appeal procedures here.

- 2.32 The Draft Minerals Local Plan Policies Map identifies two Mineral Infrastructure Consultation Areas for Rail Aggregate Depots adjacent to the District at Langley Sidings, south of Stevenage, and at Rye House, east of Hoddesdon. The Draft Policies Map further identifies within the District three Mineral Infrastructure Consultation Areas for Concrete batching, Asphalt and Coated Stone Plants at Panshanger Quarry; Cole Green and Skinners Asphalt Plant, all south east of Welwyn Garden City. A further location, Burnside, is identified to the west within the Borough of Welwyn Hatfield.
- 2.33 The respective existing infrastructure at these locations is proposed to be safeguarded under Policy 9: Rail Heads and Wharves; and Policy 10: Concrete Batching, Asphalt and Coated Stone Plants.
- 2.34 The Council recognises and supports Draft Policies 9 and 10. In respect of the locations east of Welwyn Garden City, the Council requests that HCC continues to engage through the Duty to Cooperate procedures recognising the Draft East Herts District Plan Allocation Policy EWEL1 Land East of Welwyn Garden City.

3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

Hertfordshire Minerals Local Plan Consultation Draft, December 2017
<https://www.hertfordshire.gov.uk/about-the-council/consultations/environment/draft-minerals-local-plan.aspx>

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