

# Hertfordshire Minerals and Waste Local Plan 2040

## Draft Plan

**Hertfordshire County Council**



July 2022



## Mineral Safeguarding Areas

- 5.29. Much of Hertfordshire is underlain by deposits of sand and gravel, which is an essential aggregate mineral for the construction sector. The county also contains deposits of brick clay, and while there are no longer any brickworks in the county, this remains a valuable resource for future brick production.
- 5.30. Minerals are finite resources and can only be worked where they are found. Allowing new built development to take place on top of or adjacent to these deposits could sterilise them, making these valuable mineral resources inaccessible, often permanently.
- 5.31. The NPPF requires planning policies to safeguard these minerals against sterilisation, through the use of Mineral Safeguarding Areas (MSAs) and Mineral Consultation Areas (MCAs). MCAs act as a buffer surrounding the deposits and ensure that the MPA is consulted on proposals for non-mineral development in these areas.
- 5.32. MSAs are identified on the Policies Map and cover known deposits of sand and gravel and for brick clay. The MSAs are based on British Geological Survey (BGS) data at 1:50,000 scale with previously worked areas removed. The extent of the MSAs includes the addition of a 100m buffer surrounding the deposits, thereby constituting the relevant MCA around the resource. Any proposals for non-mineral development within MSAs will need to consult the MPA.
- 5.33. If any planning application for non-minerals development is submitted to a District or Borough Council and falls within an MSA, the MPA must be consulted, in order to have the opportunity to consider whether the development proposed would lead to unacceptable mineral sterilisation.
- 5.34. Some types of development however would not normally bring about the sterilisation of an underlying mineral deposit, for example development within urban areas (where the mineral deposits are already sterilised by the built-up nature of the area), or development involving only temporary uses (which by definition will not lead to the permanent or long-term sterilisation of mineral deposits).
- 5.35. In order therefore to avoid an unnecessary number of consultations on applications that are unlikely to be objected to on minerals grounds, some types of planning application will be exempt from the need to consult the MPA, and these are listed in the policy below.

- 5.36. The NPPF also requires planning policies to encourage the prior extraction of mineral before other development takes place, in order to avoid / reduce sterilisation. When the MPA is consulted on applications within an MSA, it may determine whether a Mineral Resource Assessment (MRA) should be carried out to establish the presence or otherwise of a viable resource. Based on the findings of the MRA, the MPA may require prior extraction of some or all of the mineral before other development takes place. Guidance on preparing an MRA can be found at Appendix 3: Safeguarding of Minerals and Waste Infrastructure and Resources.
- 5.37. Strategic allocations within District or Borough Local Plans offer the greatest opportunity to promote the prior extraction of minerals. This is due to the usually large scale of such allocations and of the timescales involved, making it more likely for mineral to be worked prior to development taking place, especially if incorporated into the masterplanning of the development. Prior extraction can be phased to coincide with the phasing of non-mineral development. The scale and phasing of the mineral operations will be dependent on the size of the site, the depth of mineral, the type and quality of the mineral, and the nature of the proposed development.
- 5.38. The MPA encourages early engagement and involvement in the preparation of District/Borough Local Plans in addition to engagement at the pre-application stage to ensure that potential issues of sterilisation can be addressed.
- 5.39. Notwithstanding the potential built development, in most circumstances, such deposits would usually be commercially viable as a minerals site. Extraction would likely be a separate activity to the non-minerals development and may include restoration of the land to make it suitable for the specified future non-mineral development. Mineral extraction proposals at these prior extraction sites, either for use on-site or off-site, would still have to accord with all other relevant policies in the Development Plan and would likely require a separate mineral planning application.
- 5.40. In cases where full prior extraction is not considered feasible, based on the findings of the MRA, there may still be the opportunity to use sand and gravel found on-site during construction to reduce the need to import material, this is known as opportunistic extraction.
- 5.41. The term opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable mineral that could be processed and used on site as part of the development. This may include excavating the foundations and footings or landscaping works associated with the development resulting in minimal quantities that would not be commercially viable to

extract the full resource. In these cases, a separate minerals application is not usually required.

5.42. Some large-scale regeneration projects may also provide an opportunity for extraction of previously sterilised mineral. For example, this may occur in cases where the surface area is sufficient to extract the mineral or where the proposed depth of excavation of basements or underground car parking exposes mineral which can be extracted as part of the proposed development.

5.43. It should be noted that there is no presumption that land included within a MSA for the safeguarding of mineral resources will ever be worked for minerals. It is simply a method to protect the resource for the future and mineral extraction will be subject to assessment at the planning application stage and against other policies within this Plan.

5.44. The policy below will supersede the adopted Mineral Consultation Area Supplementary Planning Document (adopted November 2007).

#### **Sustainable Hertfordshire Strategy: Ambition**

- Triple the efficiency of material use in the county by 2050



#### **Policy 5: Mineral Safeguarding Areas**

The Mineral Planning Authority (MPA) safeguards known mineral resources of sand and gravel and brick clay from unnecessary sterilisation by non-mineral development, through the use of Mineral Safeguarding Areas (MSAs), as identified on the Policies Map.

Any proposal for non-mineral development which falls within an MSA must be subject to consultation with the MPA except:

- a) minor householder applications;
- b) advertisements;
- c) listed building consent;
- d) works to trees or tree preservation orders;
- e) applications within a settlement's development limits\*; and

- f) development within a site allocated in the Development Plan.

Following consultation with the MPA, the submission of a Mineral Resource Assessment (MRA), undertaken by a suitably qualified professional and including geological survey data, may be required to establish the existence or otherwise of a viable mineral resource<sup>†</sup>.

Where proposals for large scale regeneration projects fall within development limits (either in whole or in part), the MPA may request an MRA to assess the potential for prior extraction.

The MPA will object to proposals for non-mineral development within MSAs based on the findings of the MRA unless it is clearly demonstrated that:

- g) prior extraction of mineral will take place and the mineral extracted will be put to sustainable use; or
- h) mineral extraction is not environmentally acceptable; or
- i) the mineral is not of current or future economic value; or
- j) the need for the non-mineral development demonstrably outweighs the sterilisation of the mineral resource; or
- k) the proposed development would not constrain present and/or potential future mineral development.

Where mineral cannot practicably be extracted in advance of the proposed development, full consideration must be given to the use of material on site through opportunistic extraction, in order to reduce the need for material to be imported.

\* Development limits form the edge of a settlement and are defined on the Policies Map for the area. Where they are not defined, they will constitute the edge of the built form of the settlement.

<sup>†</sup>Guidance on preparing a Mineral Resource Assessment can be found at Appendix 3

## Brick Clay

5.45. The working of brick clay and the production of bricks has historically taken place in the north west of the county, where isolated and localised pockets of brick clay are found. Brick clay production is very specialist in nature and the bricks are dependent on the blend of materials used in the production process.