



**Hertfordshire Minerals Local Plan: Proposed Submission
January 2019 – Regulation 19 Consultation**

Briggens Farm Estate Quarry Allocation (MLPCS010)

**Prepared by Strutt & Parker on behalf of Stanstead Abbots
Parish Council.**

March 2019

Site Name:	Briggens Quarry Allocation
Client Name:	Stanstead Abbots Parish Council
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1. Introduction

- 1.1 This representation response has been prepared by Strutt & Parker on behalf of our client, Stanstead Abbots Parish Council, in respect of the proposed allocation of Briggens Quarry site in the Proposed Submission Version Hertfordshire Mineral Local Plan January 2019 (PSHMLP). The site is allocated as a Preferred Area within Policy 4 of the PSHMLP.
- 1.2 In accordance with the requirements of the Regulation 19 consultation stage, this representation provides focus on matters related to the soundness of the plan, having regard to whether the plan is positively prepared, justified, effective and in accordance with national planning policy. It is considered that amendments need to be made to the plan in order for it to be considered as 'sound' in planning terms.
- 1.3 The assessment of soundness of the plan has been informed by a review of the evidence base that supports the PSHMLP, particularly the Sustainability Appraisal dated November 2017, Site Selection Report dated August 2018, and Local Aggregate Assessment dated 2018. Strutt & Parker have also reviewed the adopted Hertfordshire Minerals Local Plan dated March 2007 and Development Plan for East Hertfordshire District Council.

Policy Context

- 1.4 At a national level, the National Planning Policy Framework (2019) sets the criteria against which all Plans must be judged in order to be 'sound'. As stated within paragraph 35 of the NPPF, Local Plans and spatial development strategies are examined to assess whether they have been prepared in accordance with the legal and procedural requirements. And whether they are 'sound'. Plans are 'sound' if they are:
 - Positively prepared – providing a strategy which, as a minimum, seeks to meet the areas objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on a proportionate evidence;
 - Effective – deliverable over the plan period, and based on effective joint working on cross- boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - Consistent with national policy – enabling the delivery of sustainable development in accordance with policies in this framework.
- 1.5 For reasons explained within this representation, the emerging Minerals Plan is not considered to be 'sound'.

2. Approach to Spatial Mineral Strategy

Policy 1: Sustainable Development

- 2.1 This policy is supported and is consistent with national policy. However, for reasons explained below, a number of the Strategic Aggregate Policies later on within the document are not consistent with the approach to achieve sustainable development.

Policy 3: Aggregate Supply

- 2.2 No objection is raised to this policy, which seeks to maintain a steady and adequate supply of minerals with a landbank of sand and gravel reserves and accords with National Policy. However, the policies contained within the plan (particularly Policy 4) will not meet the requirements of both this policy and paragraph 207 of the NPPF.

Policy 4: Working of Specific Sites or Preferred Areas

- 2.3 Strong objection is raised to Policy 4 of the PSHMLP, for a number of reasons.

Need for New Allocations having regard to Permitted Reserves

- 2.4 According to the PSHMLP Hertfordshire should be planning for 1.39 million tonnes of sand and gravel per year to ensure a steady and adequate supply. This would also achieve the sub-national appointment figure of 7 years landbank. Currently the permitted reserves can supply aggregates for a period of 7.5 years and can supply aggregate for a period of 9 years based upon the 10 years' average sales data according to the Local Aggregate Assessment. According to the Local Aggregate Assessment 2018, since 2011 there has been a decline in landbank years from 12 years in 2011 to 7.5 in 2017. Taking this into account, there is a recognition that Hertfordshire County Council needs to allocate new sites in order to meet this demand for Mineral Extraction over the plan period.
- 2.5 In terms of mineral provision, according to Table 3 in the PSHMLP, the total mineral reserve from the proposed site allocations (three specific sites and one the preferred area) would total 25.25 million tonnes. This combined with the already permitted reserve, as of 31 December 2017, which is 10.46 million tonnes, would represent a combined total of 35.71 million tonnes. The Council has an existing permitted reserve of 10.46 million tonnes which would maintain the annual requirement of 1.39 million tonnes over 7 years. Therefore, the reserve from the proposed allocated sites would give an annual reserve over the plan period of 2.38 million tonnes per annum. This is close to 1 million tonnes more than what is required (1.39 million tonnes) to maintain a sufficient 7 year landbank reserve. It is our view therefore that the Council has unnecessarily allocated sites within the Green Belt that are sensitive in both environmental and heritage terms. This is partly due to the allocation of a large site such as Briggens Quarry.
- 2.6 By removing the allocation of Briggens Quarry from Policy 4, the Council would still be in a position to meet their required mineral reserve over the plan period, without the need to allocate a site that is very sensitive in environmental, heritage and Green Belt terms.

Over- reliance on a small number of Sites

- 2.7 As set out within paragraph 207 of the NPPF, Mineral Planning Authorities should plan for a steady supply of aggregates by (among other criteria) ensuring that large landbanks bound up in very few sites do not stifle competition.
- 2.8 The proposed PSHMLP is in direct conflict with paragraph 207 of the NPPF, and for reasons explained below is clearly not the most appropriate strategy when considered against the alternatives. As set out within Table 3 in paragraph 8.17 of the PSHMLP, the Council is relying on a total of 25.75 million tonnes being delivered from only four sites over the entire plan period. Of this 25.75 million reserve, some 18.7 million tonnes are to be extracted from Briggens Quarry (10.7 million tonnes) and Hatfield Aerodrome (8 million tonnes). This is likely to give a high probability, particularly later in the plan period of the Council being reliant on very few sites in order to meet their landbank. If one or both of these sites is mothballed, the Council will have very limited allocated alternatives in order to meet their required landbank. Given that 24 new sites/extensions were put forward as part of the Local Plan process, it is unclear why the Council has selected a strategy that appears to be in direct conflict with paragraph 207, which seeks to meet a vast proportion of the mineral allocation from only two sites. This is not considered to be the most appropriate strategy when considered against the alternatives, it is therefore not justified and is not in accordance with national policy.
- 2.9 This approach does also not provide for a spatial distribution of new quarries around the County and will result in an over-reliance of mineral extraction sites Hatfield and Stanstead Abbott's, with HGV's then having to travel long distances to meet the housing growth that they are serving throughout the County. It is considered that the allocation of a higher number of smaller sites would both provide for competition within the market and would also allow for an improved spatial distribution to sites throughout the County and allow Minerals to be extracted closer to where it is needed.

Allocation of Sites within the Green Belt

- 2.10 The proposed Mineral Plan relies on new allocations within the Green Belt, but has not justified why sites are being allocated within the Green Belt above alternative sites that are located outside of the Metropolitan Green Belt.
- 2.11 The NPPF attaches great importance to the Green Belt with the fundamental aim to prevent urban sprawl by keeping land permanently open. However, paragraph 146 states that mineral extraction is not inappropriate development in the Green Belt provided it preserves its openness and does not conflict with the purpose of the land within it. Paragraph 134 sets out the five main purposes of the Green Belt which are:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 2.12 The Council has acknowledged in the Site Selection Report that the Briggens Quarry site would have a high/significant impact on the heritage assets that surround the site. The report also highlights high significant impact on, amongst others, ancient woodland and ecology. Therefore, by the Council's own recognition, the proposed allocation of Briggens Quarry would fail to preserve the openness of the Green Belt in that it would cause significant harm to the setting and special character of the heritage and landscape assets and designations that surround the site. The site allocation would therefore fail to comply with the requirements of paragraph 146 of the NPPF and therefore very special circumstances is required for the allocation of this site within the Green Belt. In order to demonstrate the very special circumstances for the allocation of Briggens Quarry, it is important as a first step for the Council to confirm that no available sites outside the Green Belt are available.
- 2.13 Omission Site MLPCS007 (Barwick) represents a site that is not within the Green Belt. The site is 120 hectares with an estimated sand and gravel reserve of 5 million tonnes. The site is also located some distance from the nearest neighbouring residential receptors. In terms of compatibility, the site has been subject to four planning applications in the past for mineral extraction and one was permitted (E/1387-56). This site appears to be have good access links to the A10.
- 2.14 In sequential terms, the proposed site at Barwick should have been allocated above Briggens Quarry, given that it is not within the Green Belt. The Council have therefore failed to justify their approach to allocate sites within the Green Belt and Policy 4 is not consistent with national policy in this regard.

Objection to Allocation of Briggens Estate Quarry

- 2.15 Notwithstanding our objection to concerns regarding the overall approach taken to the Mineral Allocation Strategy, strong objection is raised to the proposed allocation of 'The Briggens Estate' site as a 'Preferred Area.' The allocation of this site is not 'sound' in planning terms and it is not justified, effective or consistent with national policy.
- 2.16 The site extends to 187.75 hectares and, as set above, it is located within the Green Belt. According to Policy 4 (Working of Specific Sites or Preferred Areas) the site has an estimated reserve of 10.2 million tonnes. However, as three Specific Sites have been identified, the site is only expected to be worked in the latter 10 years of the Plan period. The site is also located to the west of a strategic garden village allocation (Policy GA1 The Gilston Area) for 10,000 new homes within the East Hertfordshire Local Plan (2018), of which 7,000 will be delivered after the plan period (2033). The quantum of estimated mineral reserve appears to be sole reason for its allocation. However, the geographical location, proximity to heritage assets and proximity of existing and proposed housing sites approach is likely to lead the significant cumulative harm caused to the local and surrounding area through demonstrable disturbance to local residents and ecology/biodiversity, noise and air pollution from increased traffic generation/congestion. It also relies on Harlow North/Gilston actually being deliverable in planning terms, which is not guaranteed.

- 2.17 Even with the allocation of Harlow North/Gilston, it is considered that there are a number of sound planning reasons why Briggens Estate should not be allocated for development, they are set out as follows:

Appropriateness of the Site when Considered against the Alternatives

- 2.18 Strutt & Parker, has reviewed the Site Selection Report, which essentially puts forward the most suitable sites for consideration. In total 24 sites were considered and assessed. The findings of the report essentially concluded that the site at Briggens Estate (MLPCS010) had lower potential suitability of allocation due to the site scoring high on the impact it would have on areas such as ancient woodland, heritage, ecology, sensitive land uses, recreation and sustainable transport. High impact is categorised as having major impact/issues which may or may not be adequately mitigated. Therefore, the site was listed as one of twelve sites that scored poorly in terms of the impact it would have across a range of criteria. The twelve sites were ordered starting with the least constrained to the most constrained, and the site came 8th on the list. The report concluded by putting forward five sand and gravel site options and preferred areas that would have the greatest potential to mitigate adverse impact. These sites were considered to be the most appropriate sites for allocation in the MLP. Therefore, even from the Council own criteria based assessment the site was not considered to be acceptable due to the adverse impact it would have as being one of the least potential to mitigate adverse impact. The result of the site selection process fed into the Sustainability Appraisal (December 2018). The Briggens site was grouped in Option 4. Option 1 contained the preferred sites that were recommended for selection. Therefore, to now allocate the site without a clear audit trail to explain why the site has suddenly jumped up the preferred order. This is not justified in planning terms and does not accord with national policy.
- 2.19 The Council has clearly identified several alternative appropriate sites for allocation which would be taken forward. Therefore, it is clear that the approach to allocation of this site, is that this is not the most appropriate site for allocation when considered against the reasonable alternatives.
- 2.20 As touched on above, there is significant concern that the Council has not projected for the significant housing development that is likely to come forward during the plan period. Table 3 of the PSHMLP contains a list of the allocated Specific Sites and Preferred Area. The largest Specific Site is Hatfield Aerodrome which has an estimated reserve of 8 million tonnes. The second largest is Specific Site 3 which is an existing quarry (Hatfield Quarry) which has an estimated reserve of 6 million tonnes. However, the plan acknowledges that this is a 'high estimate'. We agree with the Council's approach to allocate extensions to existing quarry sites as this would be the more sustainable than opening up new sites. However, the Council justification for not selecting Rickney's Quarry even though the site has been worked and the operator has submitted representation to support its inclusion is not clear. The Rickney's site represents a previously worked, deliverable site north of Hertford which lacked any mineral sites. The land to the south of Rickney's Quarry site also appears to be suitable (known as Land at Ware Park MLPCS003). According to the Site Selection Report, the site scored reasonably well and would represent another site north of Hertford where there is a large

amount of sand and gravel resource. These sites would also help to support the five housing allocations around Hertford that would provide 950 new homes within the plan period. Therefore, in terms of deliverability the Council has not clearly demonstrate how they have planned positively, effective and justifiably for the provision of mineral sites to meet future demands.

- 2.21 It is clear therefore that there are other suitable and previously worked sites that have scored well in the site selection process that should be considered instead of the Briggens Estate site. The Rickney's and Land at Ware Park sites would also perform a geographical role in providing mineral sites north of Hertford which there are none. Neither of these sites would cause any significant harm.
- 2.22 The Briggens Estate Quarry site was not considered to be suitable at any stage of the site selection and sustainability appraisal process, and in view of this would not represent an appropriate site for allocation due its proximity to a strategic housing allocation. Aside from this, I set out below the specific areas of concern and objection to the proposed allocation of this site.
- 2.23 In addition to the location of the site within the Green Belt, The Briggens Estate site is also surrounded by Listed Buildings and contains other constraints. We are of the view that the development of the site as a quarry would have a significant adverse impact on the setting of the adjacent listed buildings, ecological value of the site and residential amenity of local residents.

Heritage

- 2.24 Below is a list of heritage assets that are located within close proximity to the site and which would be impacted by the proposed site allocation.

Address:	Listing grade	Location from site
Olives Farm House: <ul style="list-style-type: none"> - Stables and attached granary; - Barn - The Old Bungalow 	II* II II II	Adjacent to north-east corner
Newlands, Hunsdon Road	II	Adjacent to north-west corner
Nethfield Cottages, Kitten Lane	II	Adjacent to west side of the site
Nethfield House, Roydon Road <ul style="list-style-type: none"> - The Coach House, Roydon Road - Gatescreen, Pier and Gates; - Ornamental Dairy; 	II II II	Adjacent to west side of the site
Hundon Brook fishpond	Scheduled Monument	To the east of the site

Stanstead Bury Manor	II*	To the south of the site
Stanstead Bury Park and Garden	II	
Briggens (Park and Garden)	II	To the south of the site

2.25 According to the adopted East Hertfordshire District Council's Conservation Area Appraisal for Stanstead Abbots, a Conservation Area boundary is located adjacent to the western boundary of the site. The Site Selection Report also assesses the heritage impact of the development of the site (MLPSC010). It states that the mineral extraction from the site could have a high impact on surrounding heritage assets including four areas of archaeological significance that lie within the site. Paragraph 8.17 of the Sustainability Appraisal also states that the site could have a significant negative effect on below archaeological assets. Policy 15 of the submission plan states the proposals for mineral extraction will be permitted where it can be demonstrated that the proposal will protect, conserve and where appropriate enhance the historic environment. It is clear that given the amount and proximity of heritage assets and the site selection assessment of the site, the proposal would fail to mitigate its impact such that it would be able to protect or conserve the historic environment. Therefore, the proposed allocation of the site would fail to comply with this policy.

2.26 The PSHMLP in paragraph 13.20 highlights that the NPPF requirement of the conservation and enhancement of Hertfordshire's historic environment. However, the incorrect NPPF paragraph (170) is referenced in the footer. Paragraph 170 relates to conserving and enhancing the natural environment, which is also relevant consideration.

Ancient woodland

2.27 The site is located immediately adjacent to Lords Wood Ancient Woodland. There are also several other areas of woodland within the site that would be impacted by the proposed development. The site selection process indicated that the proposal would have a high impact on ancient woodland. Policy 17 (Biodiversity) states that proposals for mineral extraction will be permitted where it can be demonstrated that throughout the life time of the development there is no loss or deterioration of irreplaceable habitats including ancient woodland. The site selection assessment of the site identified that the proposal would have a major impact which may not be mitigated. Therefore, the proposed allocation of the site would fail to comply with this policy.

Ecological status of water bodies

2.28 The site contains one watercourse and several small water bodies. The proposal mineral extraction from the site would have a high impact on these features. The proposal would essential result in the loss of these irreplaceable and intrinsic features which support ecological habitats which includes previously documented protected species including Great Crested Newts and Barbastelle bats. The majority of the water from this site drains into the Rye Meads SSSI and therefore contamination from any quarrying activities has the potential to be highly damaging.

Recreation

- 2.29 The site contains three PRoW and one is located adjacent to the site. The proposal would result in the closure/loss of these established walk way recreational feature which provides local resident with access to the countryside, promoting health and wellbeing. Policy 19 (Health and Wellbeing) states proposals for mineral extraction will be permitted where it can be clearly demonstrated that the potential health impacts have been adequately assessed and offer enhanced access to the natural environment. The site's PRoWs and natural features would provide essential access to future residents of new housing developments particularly GA1. The proposal would result in the permanent/temporary loss of these green routes which would be difficult to replace.

Sensitive land uses

- 2.30 The site is located within close proximity to Hudson Road cottages, Olives farm, Highfield House, Highfield Cottage, Home farm, Cold Harbour Farm and cottages and a number of dwellings on the opposite side of the B181. The site is surrounded by housing to one extent or another and given the proximity of some of the houses the proposed impact on occupier's residential amenity through noise, vibration, dust, odour as well as visual impact. Village 7 of the Gilston Park Estate is due to be built adjacent to the eastern boundary of the proposed quarry site which contains 1,500 new homes. These new homes and future occupiers are likely to be significantly impacted by the working of the quarry and associated vehicle movements. The size of the quarry site would result in a prolonged period of harm to local residents as well to be the stability of their dwellings. Aside from residential land use, the proposal would also result in the loss of high quality agricultural land (grade 2). Paragraph 8.38 states that the site would have a significant negative effect in this regard.

Sustainable transport

- 2.31 The site is not located within close proximity to or has access to rail network or navigable waterway. Traffic associated with the proposed quarry would need to access along B roads which would cause disturbance and congestion to local residents and the countryside setting. Paragraph 14.8 states the Council will help to keep traffic away from local roads and reduce impacts on residential development. Policy 20 (Strategic Transport) states that sites must be well located to primary route network and proposals for mineral extraction should seek to use sustainable transport. Also, the Policy 16 of the Hertfordshire's Local Transport Plan (May 2018) supports a shift from road-borne freight to more environmentally friendly modes like rail. The nearest rail connection is at Rye House which proposed to be closed and replaced with an incinerator. The site scored poorly in terms of sustainable transport in the site selection assessment.
- 2.32 In terms of alternative sites, it is important to identify sites that are not clustered in one location or have a large site such as this near a strategic housing allocation. Whilst it is accepted that having sand and gravel within close proximity to construction sites to ensure there is a consistent supply, the negative impact from the cumulative impact of having such large allocation next to each other would result in significant harm to existing and future residents.
- 2.33 The site selection report concludes there are four sand and gravel site options and one preferred area which the assessment indicates as being the least constrained. These

sites are Broad Green (MLPCS012), Robins Nest Hill (MLPCS17), Furze Field (MLPCS008) and Preferred Area 1 (Land close to the existing Hatfield Quarry). However, in the Sustainability Appraisal, the site (MLPCS010) has been chosen as the preferred area to make up the shortfall from the specific sites even though the site selection process identified 6 areas of significant effects.

- 2.34 In view of the above, the proposed Preferred Area (Briggens Estate) should be removed from the list in Table 3 and Policy 4. Ultimately, it would appear that the site has been chosen over and above other sites due to its potential sand and gravel reserve. Whilst this is a benefit of the site, it does not override the harm that would be caused due to the site's location immediately adjacent to a strategic housing allocation, damage/loss of ancient woodland and ecological water bodies, harm to the setting of heritage assets, loss of recreation provision, and poor transport connections. The Council should plan for more sites that are scattered across the County to support the need where it is required and to ensure reduced vehicle movements and congestion.
- 2.35 The proposed allocation of Briggens Estate as a Preferred Area should therefore be removed and replaced with other sites that achieved a better score in the site selection report and to better plan for sand and gravel supply around the County to meet geographical demands.

3. Conclusions

- 3.1 This Regulation 19 Consultation response has demonstrated that the allocation of the Briggens Estate Quarry as a Preferred Site for extraction within the emerging Mineral Local Plan, is not 'sound' in planning terms. It is not justified, effective or consistent with national policy.
- 3.2 As set out within this representation, strong objection is raised to Policy 4 of the Emerging Minerals Local Plan, which is not considered to be sound for the following reasons:
- It is proposing to allocate sites that will have considerable detrimental impact in terms of Green Belt, Heritage and Environmental considerations, that are not needed in order to meet the required supply of mineral over the plan period.
 - The plan is in direct conflict with paragraph 207 of the NPPF, in that it is over-reliant on the allocation of two main sites (Hatfield Aerodrome and Briggens Estate Quarry), which is likely to result large landbanks from a couple of sites stifling competition.
 - The plan is seeking to allocate the site at Briggens Estate Quarry that will harm the openness of the Green Belt, when there are alternative sites outside the Green Belt (Barwick), which could have been allocated. This approach is in direct conflict with paragraph 146 of the NPPF.
 - According to the Council's own Site Selection and Sustainability Appraisal, Briggens Estate Quarry scored poorly, when considered against the alternative sites promoted. The Council has not justified its allocation above these alternative sites and it is clear that this strategy is not the most appropriate when considered against the alternatives.
 - The allocation of the Briggens Estate Quarry (as acknowledged by the Council's own background documents) will have a significant negative impact upon heritage assets.
- 3.3 In order for the plan to be considered sound, Policy 4 needs to be amended to remove the allocation of Briggens Estate Quarry as a preferred area.