

Policy Evidence Report

Policy 8: Borrow Pits

**Hertfordshire Minerals and Waste
Local Plan 2040**

Hertfordshire County Council



Supporting Regulation 22(c)(iii)(iv)

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1. Introduction

- 1.1. Hertfordshire County Council is reviewing its adopted Minerals Local Plan, Waste Local Plan and supporting documents. These comprise the following documents (with adoption date):
- Minerals Local Plan Review (March 2007)
 - Minerals Consultation Areas SPD (November 2007)
 - Waste Core Strategy and Development Management Policies DPD (November 2012)
 - Waste Site Allocations DPD (July 2014)
 - Employment Land Areas of Search SPD (November 2015)
- 1.2. The documents listed above are to be replaced by a single Minerals and Waste Local Plan (MWLP) covering the period to 2040. The new MWLP sets the overall spatial framework and development management policies for sustainable minerals and waste management development in Hertfordshire.
- 1.3. This Policy Evidence Report provides a context and justification for the creation of Policy 8: Borrow Pits in the emerging Minerals and Waste Local Plan. It also contains a reasoning for the changes made to the policy between the Draft Plan publication and the Proposed Submission Plan publication.

2. National Policy Context

- 2.1. The National Planning Policy Framework (NPPF 2023) and National Planning Practice Guidance (PPG) provide the basis of national planning policy.
- 2.2. The following points within the NPPF relate to Policy 8:
- Paragraph 215 states that *'it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation'*.
 - Paragraph 216: *'Planning policies should:*
 - *a) provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;*
 - *b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously; ...*

- *h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place’.*

2.3. The PPG section on Minerals states:

- *‘Planning for the supply of minerals has a number of special characteristics that are not present in other development:*
 - *minerals can only be worked (i.e. extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited. This means that it is necessary to consider protecting minerals from non-minerals development and has implications for the preparation of minerals plans and approving non-mineral development in defined mineral safeguarding areas;*
 - *working is a temporary use of land, although it often takes place over a long period of time;*
 - *working may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated;*
 - *since extraction of minerals is a continuous process of development, there is a requirement for routine monitoring, and if necessary, enforcement to secure compliance with conditions that are necessary to mitigate impacts of minerals working operations; and*
 - *following working, land should be restored to make it suitable for beneficial after-use’.*

Paragraph: 001 Reference ID: 27-001-20140306

- *‘For mineral extraction sites where expected extraction is likely to last for a short period of time, it is usually appropriate for the mineral planning authority to impose a detailed set of planning conditions relating to restoration and aftercare as part of the planning permission’.*

Paragraph: 043 Reference ID: 27-043-20140306

3. Local Context

- 3.1. Development proposals for mineral extraction outside of Specific Sites or Preferred Areas may occur in relation to borrow pits where mineral extraction takes place over a limited period for an exclusive use in a specific construction project. Pits would be located in close proximity to the project and worked in conjunction with it, such as a new infrastructure scheme.
- 3.2. Due to the two-tier authority system in Hertfordshire, significant construction schemes occur across the county at various times. Therefore, it can often be more sustainable to

provide the project with local mineral resources rather than transport the mineral from other parts of the county or further afield.

4. Minerals & Waste Local Plan Policy

4.1. The Draft Minerals and Waste Local Plan was published for a Regulation 18 public consultation from 22 July to 31 October 2022. During the consultation period, members of the public, industry and other bodies were invited to comment on the policies within the Plan. This report shows the draft policy as published within the Draft Plan document, along with the main issues raised and the council's response to them.

Minerals and Waste Local Plan Draft Plan 2022

4.2. The Regulation 18 Draft Plan document included Policy 8: Borrow Pits. The policy read as follows:

Policy 8: Borrow Pits

Proposals for borrow pits will be supported where all of the following can be demonstrated:

- a) the site's proximity to the construction project is more sustainable than importing aggregate;
- b) the mineral extraction is being used solely for the intended construction scheme;
- c) the borrow pit will not be retained longer than the life of the construction project it serves; and
- d) the borrow pit will be restored expediently and at least within the same timescale as the completion of the construction project it relates to.

Restoration of borrow pits should be achieved without the need for imported material other than that generated from the associated construction project. If importation of additional material is proposed, it must be demonstrated that the use of additional material is the most sustainable option.

4.3. During the Regulation 18 consultation, 1 representation was made in relation to this policy. The main issue of this is summarised below:

- a) The following amendment to criterion d is suggested: 'the borrow pit will be restored expediently, **demonstrating a BNG of at least 10%, optimising priority habitat formation**, and at least within the same timescale as the completion of the construction project it relates to.'
- b) Whilst it is recognised that the working of a borrow pit is for the reason of supplying a specific project, where this is the most sustainable approach, rather

than stipulating that the borrow pit must be worked and restored by the completion of the related construction project, it may be more appropriate to retain the 'restored expediently' part of the policy but not be so rigid on the actual restoration date in order to potentially increase the scope for beneficial after-uses that may be accrued by being slightly more flexible. The remaining provisions are supported.

4.4. The council's response to the main issues is as follows:

- a.) Delivering a 10% biodiversity net gain is now law, as set out in The Environment Act 2021, therefore reference to this in policy is not required.
- b.) It is unclear why allowing the restoration of a borrow pit to be completed after the completion of the project it serves, would provide any additional benefits.

5. Alternative Reasonable Options

5.1. The following reasonable alternative options have been considered (and fully assessed in the Sustainability Appraisal Report):

- Option 1 – A policy allowing borrow pits which are tied to a named scheme and scheme duration (preferred)
- Option 2 – Have no specific borrow pit policy and instead rely on other policies in the plan
- Option 3- A similar policy to Option 1, which allows for borrow pits under more flexible circumstances

6. Conclusion

- 6.1. This Policy Evidence Report demonstrates the justification for the inclusion of this policy in the emerging Minerals and Waste Local Plan Proposed Submission Plan. It summarises the national policy context and local context, along with the main issues raised through previous consultation and how the council has addressed those issues.
- 6.2. Any representations received on this policy at the Regulation 19 consultation stage will be submitted alongside the Local Plan to the Secretary of State as part of the examination process.
- 6.3. This Policy Evidence Report was written to support the Proposed Submission Plan (Regulation 19) consultation. This report forms part of the Regulation 22 statement, as set out by the Town and Country Planning (Local Planning) (England) Regulations 2012.