Hertfordshire Minerals Local Plan

Proposed Submission 2019

Representation Form
Please use this form to make representations to the Hertfordshire Minerals Local Plan Proposed Submission document. This is the second version of the minerals planning document for Hertfordshire following the Draft Plan document which, once adopted, will become part of the statutory Development Plan for the county.

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Part 1

Respondents details

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<tr>
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<th>Organisation: Mineral Products Association</th>
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**Part 2**
Which part of the Proposed Submission Minerals Local Plan (MLP) does your representation relate to?

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**Part 3**
The Minerals Local Plan will be examined to assess whether it has been prepared in accordance with legal and procedural requirements as detailed in the National Planning Policy Framework.

Your representation must consider whether or not the plan is sound at this stage.

**Your representation must relate to the legal and procedural requirements and/or the Tests of Soundness, set out in the questions below.**

Do you consider the document to be: (please tick)

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(see questions below)

**Part 4**
The National Planning Policy Framework sets out the ‘tests of soundness’ for a Local Plan. The four ‘tests’ have been listed below, with explanations as detailed within the national policy document.

If you consider the Minerals Local Plan to be un-sound, which test of soundness do you consider the document fails?

**Tests of Soundness**

**Positively Prepared**

Does the MLP:

- Provide a strategy which, as a minimum, seeks to meet the area’s 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

| Yes | No |
development?

**Justified**
Is the MLP:
- An appropriate strategy, taking into account the reasonable alternatives?  
  Yes  No
- Based on proportionate evidence?  
  Yes  No

**Effective**
Is the MLP:
- Deliverable over the plan period?  
  Yes  No  X
- 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?  
  Yes  No  X

**Consistent with National Policy**
Does the MLP:
- enable the delivery of sustainable development in accordance with the policies in the NPPF?  
  Yes  No

**Part 5**
Please provide detailed comments explaining why you consider the plan is not legally compliant and/or unsound.
If your representation is in support or to provide any other comment, please also use this box.
(Please be as precise as possible)

We believe that the definition of mineral infrastructure could do with expanding to avoid doubt and make the definition effective as follows;

Proposed Changes (deletions in strikethrough; new text in **bold**)

*Mineral infrastructure is the infrastructure for the storage, processing, including added value operations e.g. concrete batching, coated stone production, aggregate bagging, block making and transportation of minerals, including rail heads.*

(Continue on a separate sheet if necessary)

**Part 6**
Please give details of what change(s) you consider is(are) necessary to make the Minerals Local Plan ‘sound’, having regard to the test(s) of soundness you indicated in Part 4 above. You will need to state why your proposed change will make the document sound. Where
appropriate, you should include your suggested wording of paragraph(s) or site brief(s).
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See Part 5

(Continue on a separate sheet if necessary)

Part 7
If you seek a change to the document, are you happy to deal with the matters by means of written representation or do you consider it necessary to attend a public examination to give your evidence?

I am happy to deal with this matter in writing

I wish to give evidence at a public examination

Please tick one box only

Part 8
If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary?

It is hoped that attendance at the examination will enable an opportunity to explain why the suggested amendments / additions are considered necessary to accord with National Policy.

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If you wish to be notified of future events please tick those below that apply.

i) That the document has been submitted to the Secretary of State for Examination

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Important note:

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Declaration

Signature:  Mark E North  Date:  15/03/2019

☐ Tick here to be notified at a specific address of the publication of the Inspector's Report and subsequent adoption of the Strategy

Address for notification (if different):

Thank you for your representations.

All representations must be received by 5pm on Friday 22 March 2019.

Forms can be submitted by email to minerals.planning@hertfordshire.gov.uk or by post to:

Spatial Planning Unit CHN216
Hertfordshire County Council
County Hall
Hertford
SG13 8DN

If you require further information or advice please contact the Policy Team on 01992 556 227. If you require assistance interpreting or translating this document, please contact 0300 123 4040.
The MPA has various comments on the draft plan and these are set out below. We would like to be kept informed of the plan progress and would like to appear at the Examination in Public.

Comments on the Mineral Plan

Paragraph 5.3 to 5.6

The above paragraphs form the section entitled The Need for Aggregates and we believe this is helpful and are pleased to see references to the recently published UK Minerals Strategy amongst other references. However, we are surprised that there is no mention of the NPPF and its references to the essentiality of minerals.

Paragraph 203 of the NPPF opens by stating that;

It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.

Paragraph 207 of the NPPF opens by stating that;

Minerals planning authorities should plan for a steady and adequate supply of aggregates......

Although a steady and adequate supply is mentioned at paragraph 5.6 of of the Plan it is not referenced to the NPPF and it should be.

It is important for this section to show that there is statutory support through national planning policy for the essentiality of minerals. Accordingly, additional text needs to be included within this section of the plan.
**Paragraph 6.2 (Vision)**

To make the vision effective there needs to be some additional text added to the second paragraph to add clarity to how minerals will be conserved for future generations. Suggested text change as follows;

Proposed Changes (deletions in strikethrough; new text in **bold**)

*The supply of naturally occurring mineral resources of sand, gravel and clay will be conserved for future generations. This will be achieved by identifying **mineral safeguarding areas**, and by employing the sustainable use of minerals by using resources effectively and utilising the supply of alternative materials in construction projects. Prior extraction in cooperation with interested parties will be expected before other development takes place on land.*

**Paragraph 6.3 (Objectives)**

**Objective 2**

Additional text to be added for clarity and to make the objective effective and sound by reflecting national policy;

Proposed Changes (deletions in strikethrough; new text in **bold**)

*To conserve **by safeguarding** sand, gravel and clay resources for current and future generations and ensure the continued use of mineral infrastructure.*

**Objective 4**

Additional text to be added for clarity and to make the objective effective and sound by reflecting national policy;

Proposed Changes (deletions in strikethrough; new text in **bold**)

*To promote/encourage the sustainable transport of minerals by road, rail and water, including the safeguarding of railheads and **added value processing operations**.*

**Policy 8: Mineral Safeguarding**

The MPA supports the principle of the policy and the supporting text to the policy. However, it is felt that the policy is unsound as it does not accord fully
with national policy and is not effective as it does not reflect some of the supporting text.

Paragraph 10.11 refers correctly for a *mineral resource assessment to be carried out by a suitably qualified and competent professional*. This is not reflected fully in the policy as the word *competent* has been left out.

On the issue of the mineral safeguarding areas the PPG references the BGS document *Mineral Safeguarding in England: good practice advice* when guiding local authorities on what steps to take in respect of safeguarding mineral resources.

It is identified as best practice to include buffers within MSAs to guard against proximal development potentially affecting the mineral resource. It is not clear whether the Council have included buffers to the MSAs. It certainly not explicit in the policy or supporting text to the policy.

It is intended by the BGS guidance, and examples of best practice in that guidance that such buffers should be included in the MSA to ensure maximum protection (see Figure 2 and Case Study 3). When considered against NPPF paragraph 204 (c) which says planning policies should *safeguard mineral resources by defining Mineral Safeguarding areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral where this should be avoided*..... the national protection accorded to minerals is intended to be within the designated area of an MSA and not outside of it or even adjacent to it. This is because the MSA should contain all minerals of potential economic value and any areas where development is likely to have adverse proximal effects upon it. The concern is that the approach adopted by the Council will dilute the protection given to minerals by allowing developers to argue that sites outside the MSA do not enjoy the same protection as sites within it even though they are adjacent to it. Accordingly, buffers need to be applied to the policy to make it effective and in accordance with national policy.

Furthermore, in the event consent is granted for non-mineral development the *agent of change* principle needs to be applied as required by para 182 of the NPPF.

The policy also needs to explicitly safeguard existing mineral extraction operations and any plan allocated extensions.
In consideration of the above comments the policy text needs to be altered to make the policy sound as follows;

Proposed Changes (deletions in strikethrough; new text in **bold**)

**Policy 8: Mineral Safeguarding**

The county council will safeguard known mineral resources of sand and gravel and brick clay from unnecessary sterilisation by non-mineral development by implementing Mineral Safeguarding Areas, **and within a buffer of 250m from the boundary of any mineral safeguarding areas, and within 250m from a permitted mineral operation** as indicated on the Policies Map.

Any proposals for non-mineral development which fall within the Mineral Safeguarding Areas, other than applications considered as ‘excluded development’, will be subject to consultation with the Minerals Planning Authority.

After consultation with the Minerals Planning Authority, the submission of a Mineral Resource Assessment may be required to establish the existence or otherwise of a viable mineral resource. Assessments shall be site specific and include geological survey data undertaken by a suitably qualified and **competent** professional.

The Minerals Planning Authority will object to proposals for non-mineral development within the Mineral Safeguarding Areas, **and within a buffer of 250m from the boundary of any mineral safeguarding areas, and within 250m from a permitted mineral operation** as shown on the Policies Map, based on the findings of the Mineral Resource Assessment, unless it is clearly demonstrated to the Minerals Planning Authority that:

- mineral extraction is not environmentally acceptable; or
- the need for the non-mineral development clearly outweighs the need for the mineral resource and therefore sterilisation of the mineral resources; or
- the proposed development does not constrain potential future extraction i.e. playing fields or open land; or
the development would not constrain effective present and future mineral development.

in the event that permission is granted for non-mineral development the agent of change principle will be applied to that development to ensure that future extraction of mineral resource protected by a mineral safeguarded area, and its buffer is not in any way prejudiced.

Prior extraction will be sought where practicable unless it is demonstrated that the mineral cannot practically be extracted in advance of the proposed development. In these circumstances, full consideration should be given to the use of raised sand and gravel material on site in construction projects to reduce the need to import material as opportunistic use.

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

The MPA supports the principle of this policy but it requires the addition of the agent of change principle (NPPF paragraph 182) to make it fully compliant with national policy and effective and therefore sound. Suggested text addition to policy as follows;

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

Existing, planned and potential bulk transport, bulk handling and processing, and quarry site processing facilities will be safeguarded for the importation, exportation, storage, handling and processing of minerals (including secondary/recycled aggregates and Construction, Demolition and Excavation waste).

The following bulk transport sites will be safeguarded through Mineral Infrastructure Consultation Areas:

- Harper Lane, St Albans;
- Langley Sidings, Stevenage;
- Orphanage Road, Watford;
• Rye House, Hoddesdon; and
• Walsworth Road, Hitchin.

The following bulk handling and processing sites will be safeguarded through Mineral Infrastructure Consultation Areas:

• Birchall Lane/Cole Green, Welwyn Garden City;
• Burnside, Hatfield;
• Eleanor Cross Road, Waltham Cross;
• Harper Lane, St Albans;
• Orphanage Road, Watford;
• Skinners, Hertford; and
• Tyttenhanger, Colney Heath.

Any proposals for non-mineral development which fall within the Minerals Infrastructure Consultation Areas, other than applications for ‘excluded development’, will be subject to consultation with the Minerals Planning Authority.

Proposals which would conflict with the effective operation of bulk transport, handling and processing facilities will be opposed unless:

• the existing or disused facility can be satisfactorily relocated within the development proposals in terms of operational requirements and environmental criteria; or
• the facility is replaced in an appropriate alternative location.

Where bulk handling and processing facilities are situated within a host quarry or bulk transport facility, they are safeguarded until the host quarry has been fully restored or for the life of the bulk transport facility.

Where development is proposed within an identified buffer zone the ‘Agent of Change Principle’ will be applied in that the responsibility, and cost for mitigating impacts from existing noise-generating activities or uses will be placed on the proposed new noise-sensitive development and any such
measures will not add to the costs and administrative burdens on existing noise generating uses.

Mineral Infrastructure Consultation Areas are shown on the Policies Map and Inset Maps in Appendices 2 and 3.

**Paragraph 13.21**

It is important to emphasise the temporary nature of mineral workings when considering the impacts on historic environment. It is suggested that the first sentence of this paragraph is altered as follows;

Proposed Changes (deletions in strikethrough; new text in **bold**)

*Mineral operations are temporary in nature but have the potential for unavoidable negative impacts to the heritage and setting of a site and surrounding area. Impacts associated with the mineral activity could include noise, vibration, dust, light pollution or heavy traffic.*

**Policy 16: Landscape and Green Infrastructure**

We have concerns about part of this policy in respect of the need for wider improvements to the wider ecological networks and green infrastructure. This is likely to be an issue of land ownership/control and cannot always be in the gift of the applicant. It is suggested the policy is modified to make it effective and sound as follows;

Proposed Changes (deletions in strikethrough; new text in **bold**)

*Policy 16: Landscape and Green Infrastructure*

*Proposals for mineral extraction, associated development and reclamation must take into account the existing landscape and green infrastructure and should protect and/or enhance the landscape character, quality, visual amenity and green infrastructure.*
Proposals for mineral extraction and associated development will be permitted where it can be demonstrated that throughout the life time of the development (including restoration):

- there are no unacceptable landscape and visual effects;
- any unavoidable landscape and visual effects have been minimised through appropriate mitigation;
- valued landscapes are protected and enhanced;
- continued long term improvements are made, where practical to the wider ecological networks and green infrastructure; and
- after reclamation, the landscape is conserved and enhanced and the highest practicable environmental standards are achieved.

Proposals must assess the landscape character, quality and visual effects of the development through a full Landscape and Visual Impact Assessment with reference to current landscape character assessments, green infrastructure strategies and management plans for the area.

**Paragraph 13.43**

The NPPF at paragraph 171 requires that;

*Plans should: distinguish between the hierarchy of international, national and local designated sites;******

Paragraph 13.43 makes no such distinction and needs to reflect national policy to be sound.

**Policy 17: Biodiversity**

The NPPF at paragraph 171 requires that;

*Plans should: distinguish between the hierarchy of international, national and local designated sites;******

Policy 17 makes no such distinction and needs to reflect national policy to be sound. The Policy needs redrafting to address this issue and make it sound.
**Paragraph 13.71 & 13.72**

Ref in para 13.72 to the screening process is questioned - the role of screening is to determine if the development is EIA, not if an HIA is required.

Even at the scoping stage the purpose is to determine the content of the ES, the focus being on ‘likely significant effects’. The potential scope may include Human Health but the scoping process does not dictate the methodology for or means of assessment.

We believe the reference to Health Impact Assessment (HIA) in the two above paragraphs exceeds national policy and is unsound.

Paragraph 04 Reference ID: 53-004-201400306 of the Planning Practice Guidance states that;

*A health impact assessment may be a useful tool to use where there are expected to be significant impacts (my emphasis).*

It is important to note also that the above is guidance only and not National Policy.

Health should form part of the scope and screening for an EIA to support an Environmental Statement. Reference to HIA should be deleted.

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**Policy 19: Health and Wellbeing**

This policy is not sound as it is not effective nor is it is positive planning. It may not in all circumstances be possible or practical or safe to provide enhanced access to a site post restoration.
Furthermore, the content of Policy 19 is already covered in other policies within the plan notably:

- policy 13 – cumulative impact (impacts should not have unacceptable adverse impacts on the ‘amenity or health of a local community’);

- policy 16 – landscape and green infrastructure (proposals should include ‘continued long term improvements’...‘to the wider ecological networks and green infrastructure’)

- policy 18 – protection and enhancement of amenity (proposals should be accompanied by an assessment which clearly demonstrates that ‘consideration has been given to amenity...which includes public health’. There is also now an entire section and definition in the glossary explaining what HCC means by ‘general amenity’

- policy 21 – Operational Transport (proposals should not have an unacceptable adverse impact on amenity and human health)

- policy 22 – Public Rights of Way (proposals should improve and enhance access the countryside, through the RoW network and/or open space, creation of new RoW and link where possible to the RoW Improvement Plan and Green Infrastructure Plans)

- policy 24 – Restoration (proposals should be restoration-led, and use of inert material should not have unacceptable impacts on local amenity)

- policy 25 – Aftercare and After-use (All after-use proposals should consider, where appropriate, measures to...‘provide improved and increased public access to the countryside and create public open space for recreation’...

As such this policy is not necessary and duplicates other policies in the Plan.

**Glossary (Mineral Infrastructure)**

We believe that the definition of mineral infrastructure could do with expanding to avoid doubt as follows;

Proposed Changes (deletions in **strikethrough**; new text in **bold**)

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Mineral infrastructure is the infrastructure for the storage, processing, including added value operations e.g. concrete batching, coated stone production, aggregate bagging, block making and transportation of minerals, including rail heads.

ME NORTH

15/03/19
Hertfordshire Minerals Local Plan

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Do you consider the document to be: (please tick)

- Legally and procedurally compliant: Yes ☐ No ☐
- Sound: Yes ☐ No X ☐ (see questions below)

Part 4
The National Planning Policy Framework sets out the ‘tests of soundness’ for a Local Plan. The four ‘tests’ have been listed below, with explanations as detailed within the national policy document.

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Tests of Soundness

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Does the MLP:
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planning policy for the essentiality of minerals. Accordingly, additional text needs to be included within this section of the plan.

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It is important for this section to show that there is statutory support through national planning policy for the essentiality of minerals. Accordingly, additional text needs to be included within this section of the plan.

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If you seek a change to the document, are you happy to deal with the matters by means of written representation or do you consider it necessary to attend a public examination to give your evidence?

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Part 2
Which part of the Proposed Submission Minerals Local Plan (MLP) does your representation relate to?

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Part 3
The Minerals Local Plan will be examined to assess whether it has been prepared in accordance with legal and procedural requirements as detailed in the National Planning Policy Framework.

Your representation must consider whether or not the plan is sound at this stage.

Your representation must relate to the legal and procedural requirements and/or the Tests of Soundness, set out in the questions below.

Do you consider the document to be: (please tick)

- Legally and procedurally compliant: Yes □ No
- Sound: □ Yes X No

(see questions below)

Part 4
The National Planning Policy Framework sets out the ‘tests of soundness’ for a Local Plan. The four ‘tests’ have been listed below, with explanations as detailed within the national policy document.

If you consider the Minerals Local Plan to be un-sound, which test of soundness do you consider the document fails?

Tests of Soundness

Positively Prepared

Does the MLP:
- Provide a strategy which, as a minimum, seeks to meet the area’s 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 Yes No
development?

**Justified**
Is the MLP:
- An appropriate strategy, taking into account the reasonable alternatives?  
- Based on proportionate evidence?  

**Effective**
Is the MLP:
- Deliverable over the plan period?  
- 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?  

**Consistent with National Policy**
Does the MLP:
- enable the delivery of sustainable development in accordance with the policies in the NPPF?  

---

Part 5

Please provide detailed comments explaining why you consider the plan is not legally compliant and/or unsound.
If your representation is in support or to provide any other comment, please also use this box.
(Please be as precise as possible)

To make the vision effective there needs to be some additional text added to the second paragraph to add clarity to how minerals will be conserved for future generations.

(Continue on a separate sheet if necessary)

---

Part 6

Please give details of what change(s) you consider is(are) necessary to make the Minerals Local Plan ‘sound’, having regard to the test(s) of soundness you indicated in Part 4 above. You will need to state why your proposed change will make the document sound. Where appropriate, you should include your suggested wording of
Proposed Changes (deletions in strikethrough; new text in bold)

The supply of naturally occurring mineral resources of sand, gravel and clay will be conserved for future generations. This will be achieved by identifying mineral safeguarding areas, and by employing the sustainable use of minerals by using resources effectively and utilising the supply of alternative materials in construction projects. Prior extraction in cooperation with interested parties will be expected before other development takes place on land.

(Continue on a separate sheet if necessary)

Part 7
If you seek a change to the document, are you happy to deal with the matters by means of written representation or do you consider it necessary to attend a public examination to give your evidence?

I am happy to deal with this matter in writing ☐

Please tick one box only

I wish to give evidence at a public examination ☒

Part 8
If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary?

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Part 9
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i) That the document has been submitted to the Secretary of State for Examination ☒
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Declaration

Signature: Mark E North   Date: 15/03/2019

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Organisation: Mineral Products Association
Address: Gillingham House, 38-44 Gillingham Street, London.
Tel No: 07568 427719
Post Code: SWIV 1HU
Email: mark.north@mineralproducts.org

Agent details (if applicable)
Name: 
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Tel No: 
You will need to sign this form to agree to the use of your details in relation to the Data Protection Act & General Data Protection Regulations for planning purposes in part 10.

Part 2
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Paragraph No. 6.3
Policy No. __________________________
Map No. __________________________
Other __________________________

Part 3
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Your representation must relate to the legal and procedural requirements and/or the Tests of Soundness, set out in the questions below.
Do you consider the document to be: (please tick)

Legally and procedurally compliant
Yes ☐ No ☑

Sound ☐ Yes X ☑ No
(see questions below)

Part 4
The National Planning Policy Framework sets out the ‘tests of soundness’ for a Local Plan. The four ‘tests’ have been listed below, with explanations as detailed within the national policy document.

If you consider the Minerals Local Plan to be un-sound, which test of soundness do you consider the document fails?

Tests of Soundness

Positively Prepared
Does the MLP:

- Provide a strategy which, as a minimum, seeks to meet the area’s 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 Yes ☑ No ☐
development?

**Justified**
Is the MLP:
- An appropriate strategy, taking into account the reasonable alternatives?  
  Yes [ ] No [ ]
- Based on proportionate evidence?  
  Yes [ ] No [ ]

**Effective**
Is the MLP:
- Deliverable over the plan period?  
  Yes [ ] No [ ] X
- 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?  
  Yes [ ] No [ ] X

**Consistent with National Policy**
Does the MLP:
- enable the delivery of sustainable development in accordance with the policies in the NPPF?  
  Yes [ ] No [ ] X

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**Part 5**

Please provide detailed comments explaining why you consider the plan is not legally compliant and/or unsound.

If your representation is in support or to provide any other comment, please also use this box.

(Please be as precise as possible)

---

**Objective 2**
Additional text to be added for clarity and to make the objective effective and sound by reflecting national policy;

Proposed Changes (deletions in strikethrough; new text in **bold**)
*To conserve by safeguarding* sand, gravel and clay resources for current and future generations and ensure the continued use of mineral infrastructure.*

**Objective 4**
Additional text to be added for clarity and to make the objective effective and sound by reflecting national policy;

Proposed Changes (deletions in strikethrough; new text in **bold**)
*To promote/encourage the sustainable transport of minerals by road, rail and water, including the safeguarding of railheads and added value processing operations.*
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(Please be as precise as possible)

See part 5 answer

Part 7
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Your representation must relate to the legal and procedural requirements and/or the Tests of Soundness, set out in the questions below.

Do you consider the document to be: (please tick)

- Legally and procedurally compliant: Yes [ ] No [ ]
- Sound: Yes [ ] X No [ ] (see questions below)

Part 4
The National Planning Policy Framework sets out the ‘tests of soundness’ for a Local Plan. The four ‘tests’ have been listed below, with explanations as detailed within the national policy document.

If you consider the Minerals Local Plan to be un-sound, which test of soundness do you consider the document fails?

Tests of Soundness

**Positively Prepared**

Does the MLP:

- Provide a strategy which, as a minimum, seeks to meet the area’s 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 Yes [ ] No [ ]
development?

**Justified**
Is the MLP:
- An appropriate strategy, taking into account the reasonable alternatives?  
  Yes  No
- Based on proportionate evidence?  
  Yes  No

**Effective**
Is the MLP:
- Deliverable over the plan period?  
  Yes  No x
- 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?  
  Yes  No x

**Consistent with National Policy**
Does the MLP:
- enable the delivery of sustainable development in accordance with the policies in the NPPF?  
  Yes  No x

**Part 5**
Please provide detailed comments explaining why you consider the plan is not legally compliant and/or unsound. If your representation is in support or to provide any other comment, please also use this box.
(Please be as precise as possible)

The MPA supports the principle of the policy and the supporting text to the policy. However, it is felt that the policy is unsound as it does not accord fully with national policy and is not effective as it does not reflect some of the supporting text.

Paragraph 10.11 refers correctly for a mineral resource assessment to be carried out by a suitably qualified and competent professional. This is not reflected fully in the policy as the word competent has been left out. On the issue of the mineral safeguarding areas the PPG references the BGS document Mineral Safeguarding in England: good practice advice when guiding local authorities on what steps to take in respect of safeguarding mineral resources.

It is identified as best practice to include buffers within MSAs to guard against proximal development potentially affecting the mineral resource. It is not clear whether the Council have included buffers to the MSAs. It certainly not explicit in the policy or supporting text to the policy.
It is intended by the BGS guidance, and examples of best practice in that guidance that such buffers should be included in the MSA to ensure maximum protection (see Figure 2 and Case Study 3). When considered against NPPF paragraph 204 (c) which says planning policies should safeguard mineral resources by defining Mineral Safeguarding areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral where this should be avoided..... the national protection accorded to minerals is intended to be within the designated area of an MSA and not outside of it or even adjacent to it. This is because the MSA should contain all minerals of potential economic value and any areas where development is likely to have adverse proximal effects upon it. The concern is that the approach adopted by the Council will dilute the protection given to minerals by allowing developers to argue that sites outside the MSA do not enjoy the same protection as sites within it even though they are adjacent to it. Accordingly, buffers need to be applied to the policy to make it effective and in accordance with national policy.

Furthermore, in the event consent is granted for non-mineral development the agent of change principle needs to be applied as required by para 182 of the NPPF.

The policy also needs to explicitly safeguard existing mineral extraction operations and any plan allocated extensions.

(Continue on a separate sheet if necessary)

Part 6

Please give details of what change(s) you consider is(are) necessary to make the Minerals Local Plan ‘sound’, having regard to the test(s) of soundness you indicated in Part 4 above. You will need to state why your proposed change will make the document sound. Where appropriate, you should include your suggested wording of paragraph(s) or site brief(s).

(Please be as precise as possible)

In consideration of the above comments the policy text needs to be altered to make the policy sound as follows;

Proposed Changes (deletions in strikethrough; new text in bold)

Policy 8: Mineral Safeguarding
The county council will safeguard known mineral resources of sand and gravel and brick clay from unnecessary sterilisation by non-mineral development by implementing Mineral Safeguarding Areas, and within a buffer of 250m from the boundary of any mineral safeguarding areas, and within 250m from a permitted mineral operation as indicated on the Policies Map.

Any proposals for non-mineral development which fall within the Mineral Safeguarding Areas, other than applications considered as ‘excluded development’, will be subject to consultation with the Minerals Planning Authority.

After consultation with the Minerals Planning Authority, the submission of a Mineral Resource Assessment may be required to establish the existence or otherwise of a viable mineral resource. Assessments shall be site specific and include geological survey data undertaken by a suitably qualified and competent professional.

The Minerals Planning Authority will object to proposals for non-mineral development within the Mineral Safeguarding Areas, and within a buffer of 250m from the boundary of any mineral safeguarding areas, and within 250m from a permitted mineral operation as shown on the Policies Map, based on the findings of the Mineral Resource Assessment, unless it is clearly demonstrated to the Minerals Planning Authority that:

- mineral extraction is not environmentally acceptable; or
- the need for the non-mineral development clearly outweighs the need for the mineral resource and therefore sterilisation of the mineral resources; or
- the proposed development does not constrain potential future extraction i.e. playing fields or open land; or
- the development would not constrain effective present and future mineral development.

*in the event that permission is granted for non-mineral development the agent of change principle will be applied to that development to ensure that future extraction of mineral resource protected by a mineral safeguarded area, and its buffer*
is not in any way prejudiced.

Prior extraction will be sought where practicable unless it is demonstrated that the mineral cannot practically be extracted in advance of the proposed development. In these circumstances, full consideration should be given to the use of raised sand and gravel material on site in construction projects to reduce the need to import material as opportunistic use.

(Continue on a separate sheet if necessary)

Part 7
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Do you consider the document to be: (please tick)

- [ ] Legally and procedurally compliant
- [ ] Yes
- [ ] No
- [ ] Sound
- [ ] Yes
- [x] No

(see questions below)

**Part 4**
The National Planning Policy Framework sets out the ‘tests of soundness’ for a Local Plan. The four ‘tests’ have been listed below, with explanations as detailed within the national policy document.

If you consider the Minerals Local Plan to be un-sound, which test of soundness do you consider the document fails?

**Tests of Soundness**

**Positively Prepared**
Does the MLP:
- Provide a strategy which, as a minimum, seeks to meet the area’s 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

Yes No
development?

Justified
Is the MLP:
- An appropriate strategy, taking into account the reasonable alternatives? Yes No
- Based on proportionate evidence? Yes No

Effective
Is the MLP:
- Deliverable over the plan period? Yes No X
- 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? Yes No X

Consistent with National Policy
Does the MLP:
- enable the delivery of sustainable development in accordance with the policies in the NPPF? Yes No X

Part 5
Please provide detailed comments explaining why you consider the plan is not legally compliant and/or unsound. If your representation is in support or to provide any other comment, please also use this box. (Please be as precise as possible)

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

The MPA supports the principle of this policy but it requires the addition of the agent of change principle (NPPF paragraph 182) to make it fully compliant with national policy and effective and therefore sound. Suggested text addition to policy as follows;

Proposed Changes (deletions in strikethrough; new text in bold)

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

Existing, planned and potential bulk transport, bulk handling and processing, and quarry site processing facilities will be safeguarded for the importation, exportation, storage, handling and processing of minerals (including secondary/recycled aggregates and Construction, Demolition and Excavation waste).
The following bulk transport sites will be safeguarded through Mineral Infrastructure Consultation Areas:

- Harper Lane, St Albans;
- Langley Sidings, Stevenage;
- Orphanage Road, Watford;
- Rye House, Hoddesdon; and
- Walsworth Road, Hitchin.

The following bulk handling and processing sites will be safeguarded through Mineral Infrastructure Consultation Areas:

- Birchall Lane/Cole Green, Welwyn Garden City;
- Burnside, Hatfield;
- Eleanor Cross Road, Waltham Cross;
- Harper Lane, St Albans;
- Orphanage Road, Watford;
- Skinners, Hertford; and
- Tyttenhanger, Colney Heath.

Any proposals for non-mineral development which fall within the Minerals Infrastructure Consultation Areas, other than applications for ‘excluded development’, will be subject to consultation with the Minerals Planning Authority.

Proposals which would conflict with the effective operation of bulk transport, handling and processing facilities will be opposed unless:

- the existing or disused facility can be satisfactorily relocated within the development proposals in terms of operational requirements and environmental criteria; or
- the facility is replaced in an appropriate alternative location.

Where bulk handling and processing facilities are situated within a host quarry or bulk transport facility, they are safeguarded until the host quarry has been fully restored or for the life of the bulk transport facility.

Where development is proposed within an identified buffer zone the
‘Agent of Change Principle’ will be applied in that the responsibility, and cost for mitigating impacts from existing noise-generating activities or uses will be placed on the proposed new noise-sensitive development and any such measures will not add to the costs and administrative burdens on existing noise generating uses.

Mineral Infrastructure Consultation Areas are shown on the Policies Map and Inset Maps in Appendices 2 and 3.

(Continue on a separate sheet if necessary)

Part 6
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(Please be as precise as possible)

See above

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Signature: Mark E North Date: 15/03/2019

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Your representation must relate to the legal and procedural requirements and/or the Tests of Soundness, set out in the questions below.

Do you consider the document to be: (please tick)

Legally and procedurally compliant  
Yes  
No

Sound  
Yes  
No  
(see questions below)

Part 4
The National Planning Policy Framework sets out the ‘tests of soundness’ for a Local Plan. The four ‘tests’ have been listed below, with explanations as detailed within the national policy document.

If you consider the Minerals Local Plan to be un-sound, which test of soundness do you consider the document fails?

Tests of Soundness

Positively Prepared
Does the MLP:
- Provide a strategy which, as a minimum, seeks to meet the area’s 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

Yes  
No  
X
development?

**Justified**
Is the MLP:
- An appropriate strategy, taking into account the reasonable alternatives?  Yes No
- Based on proportionate evidence?  Yes No

**Effective**
Is the MLP:
- Deliverable over the plan period?  Yes □ No X
- 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?  Yes □ No X

**Consistent with National Policy**
Does the MLP:
- enable the delivery of sustainable development in accordance with the policies in the NPPF?  Yes No

**Part 5**

Please provide detailed comments explaining why you consider the plan is not legally compliant and/or unsound. If your representation is in support or to provide any other comment, please also use this box. *(Please be as precise as possible)*

It is important to emphasise the temporary nature of mineral workings when considering the impacts on historic environment.

*(Continue on a separate sheet if necessary)*

**Part 6**

Please give details of what change(s) you consider is(are) necessary to make the Minerals Local Plan ‘sound’, having regard to the test(s) of soundness you indicated in Part 4 above. You will need to state why your proposed change will make the document sound. Where appropriate, you should include your suggested wording of
It is suggested that the first sentence of this paragraph is altered as follows;

Proposed Changes (deletions in strikethrough; new text in bold)
Mineral operations are temporary in nature but have the potential for unavoidable negative impacts to the heritage and setting of a site and surrounding area. Impacts associated with the mineral activity could include noise, vibration, dust, light pollution or heavy traffic.

(Continue on a separate sheet if necessary)

Part 7
If you seek a change to the document, are you happy to deal with the matters by means of written representation or do you consider it necessary to attend a public examination to give your evidence?

I am happy to deal with this matter in writing ☐

I wish to give evidence at a public examination ☒

Please tick one box only

Part 8
If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary?

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Do you consider the document to be: (please tick)

- [ ] Legally and procedurally compliant
- [ ] Yes
- [ ] No
- [ ] Sound
- [ ] Yes
- [x] No

(see questions below)

**Part 4**
The National Planning Policy Framework sets out the ‘tests of soundness’ for a Local Plan. The four ‘tests’ have been listed below, with explanations as detailed within the national policy document.

If you consider the Minerals Local Plan to be un-sound, which test of soundness do you consider the document fails?

**Tests of Soundness**

**Positively Prepared**

Does the MLP:
- [ ] Provide a strategy which, as a minimum, seeks to meet the area’s 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
- [ ] Yes
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**Justified**
Is the MLP:
- An appropriate strategy, taking into account the reasonable alternatives? Yes No
- Based on proportionate evidence? Yes No

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Is the MLP:
- Deliverable over the plan period? Yes No
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Part 5
Please provide detailed comments explaining why you consider the plan is not legally compliant and/or unsound. If your representation is in support or to provide any other comment, please also use this box.
(Please be as precise as possible)

The NPPF at paragraph 171 requires that;

*Plans should: distinguish between the hierarchy of international, national and local designated sites;........*

Paragraph 13.43 makes no such distinction and needs to reflect national policy to be sound.

(Continue on a separate sheet if necessary)

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**Justified**
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(Please be as precise as possible)

Ref in para 13.72 to the screening process is questioned - the role of screening is to determine if the development is EIA, not if an HIA is required.

Even at the scoping stage the purpose is to determine the content of the ES, the focus being on ‘likely significant effects’. The potential scope may include Human Health but the scoping process does not dictate the methodology for or means of assessment.

We believe the reference to Health Impact Assessment (HIA) in the two above paragraphs exceeds national policy and is unsound.

Paragraph 04 Reference ID: 53-004-201400306 of the Planning Practice Guidance states that;

*A health impact assessment may be a useful tool to use where there are expected to be significant impacts* (my emphasis).
It is important to note also that the above is guidance only and not National Policy.

Health should form part of the scope and screening for an EIA to support an Environmental Statement. Reference to HIA should be deleted.

(Continue on a separate sheet if necessary)

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(Please be as precise as possible)

References to HIA should be deleted

(Continue on a separate sheet if necessary)

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  - Yes
  - No

- Sound
  - Yes
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  (see questions below)

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**Justified**
Is the MLP:
- An appropriate strategy, taking into account the reasonable alternatives?  Yes  No
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**Effective**
Is the MLP:
- Deliverable over the plan period?  Yes  No  X
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We have concerns about part of this policy in respect of the need for wider improvements to the wider ecological networks and green infrastructure. This is likely to be an issue of land ownership/control and cannot always be in the gift of the applicant.

(Continue on a separate sheet if necessary)

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It is suggested the policy is modified to make it effective and sound as follows;

Proposed Changes (deletions in strikethrough; new text in bold)

Policy 16: Landscape and Green Infrastructure

Proposals for mineral extraction, associated development and reclamation must take into account the existing landscape and green infrastructure and should protect and/or enhance the landscape character, quality, visual amenity and green infrastructure. Proposals for mineral extraction and associated development will be permitted where it can be demonstrated that throughout the life time of the development (including restoration):

- there are no unacceptable landscape and visual effects;
- any unavoidable landscape and visual effects have been minimised through appropriate mitigation;
- valued landscapes are protected and enhanced;
- continued long term improvements are made, where practical to the wider ecological networks and green infrastructure; and
- after reclamation, the landscape is conserved and enhanced and the highest practicable environmental standards are achieved.

Proposals must assess the landscape character, quality and visual effects of the development through a full Landscape and Visual Impact Assessment with reference to current landscape character assessments, green infrastructure strategies and management plans for the area.

(Continue on a separate sheet if necessary)

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I wish to give evidence at a public examination x

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Spatial Planning Unit CHN216
Hertfordshire County Council
County Hall
Hertford
SG13 8DN

If you require further information or advice please contact the Policy Team on 01992 556 227. If you require assistance interpreting or translating this document, please contact 0300 123 4040.
Hertfordshire Minerals Local Plan

Proposed Submission 2019

Representation Form
Please use this form to make representations to the Hertfordshire Minerals Local Plan Proposed Submission document. This is the second version of the minerals planning document for Hertfordshire following the Draft Plan document which, once adopted, will become part of the statutory Development Plan for the county.

The online consultation portal is the county council’s preferred method of receiving representations. This can be found at http://hertscconsult.limehouse.co.uk/portal. Instructions on how to register and enter representations are found on the website.

If you are unable to use the online consultation portal, please use this form to make representations.

It is important that you use a separate form for each comment you wish to make. Further copies of the representation form are available from the county council on 01992 556 227 or may be downloaded from the county council’s website: www.hertfordshire.gov.uk/minerals. Alternatively this form can be photocopied for further use.

Part 1
Respondents details
Name: Mark North
Organisation: Mineral Products Association
Address: Gillingham House, 38-44 Gillingham Street, London.
Tel No: 07568 427719
Post Code: SWIV 1HU
Email: mark.north@mineralproducts.org

Agent details (if applicable)
Name:
Organisation:
Address:
Tel No:
You will need to sign this form to agree to the use of your details in relation to the Data Protection Act & General Data Protection Regulations for planning purposes in part 10

Part 2
Which part of the Proposed Submission Minerals Local Plan (MLP) does your representation relate to?

<table>
<thead>
<tr>
<th>Paragraph No.</th>
<th>Policy No.</th>
<th>Map No.</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>17</td>
<td></td>
<td></td>
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</table>

Part 3
The Minerals Local Plan will be examined to assess whether it has been prepared in accordance with legal and procedural requirements as detailed in the National Planning Policy Framework. Your representation must consider whether or not the plan is sound at this stage.

Your representation must relate to the legal and procedural requirements and/or the Tests of Soundness, set out in the questions below.

Do you consider the document to be: (please tick)

- Legally and procedurally compliant
  - Yes
  - No

- Sound
  - Yes
  - X No
    (see questions below)

Part 4
The National Planning Policy Framework sets out the ‘tests of soundness’ for a Local Plan. The four ‘tests’ have been listed below, with explanations as detailed within the national policy document.

If you consider the Minerals Local Plan to be un-sound, which test of soundness do you consider the document fails?

Tests of Soundness

**Positively Prepared**

Does the MLP:

- Provide a strategy which, as a minimum, seeks to meet the area’s 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
  - Yes
  - No
development?

**Justified**
Is the MLP:
- An appropriate strategy, taking into account the reasonable alternatives?  
  Yes No
- Based on proportionate evidence?  
  Yes No

**Effective**
Is the MLP:
- Deliverable over the plan period?  
  Yes No
- 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?  
  Yes No

**Consistent with National Policy**
Does the MLP:
- enable the delivery of sustainable development in accordance with the policies in the NPPF?  
  Yes □ No X

**Part 5**

Please provide detailed comments explaining why you consider the plan is not legally compliant and/or unsound. If your representation is in support or to provide any other comment, please also use this box.  
(Please be as precise as possible)

The NPPF at paragraph 171 requires that;

*Plans should: distinguish between the hierarchy of international, national and local designated sites;........*

Policy 17 makes no such distinction and needs to reflect national policy to be sound. The Policy needs redrafting to address this issue and make it sound.

(Continue on a separate sheet if necessary)

**Part 6**

Please give details of what change(s) you consider is(are) necessary to make the Minerals Local Plan ‘sound’, having regard to the test(s) of soundness you indicated in Part 4 above. You will need to state why your proposed change will make the document sound. Where appropriate, you should include your suggested wording of
paragraph(s) or site brief(s).
(Please be as precise as possible)

See Part 5

(Continue on a separate sheet if necessary)

<table>
<thead>
<tr>
<th>Part 7</th>
<th>If you seek a change to the document, are you happy to deal with the matters by means of written representation or do you consider it necessary to attend a public examination to give your evidence?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>I am happy to deal with this matter in writing</td>
</tr>
<tr>
<td></td>
<td>I wish to give evidence at a public examination</td>
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</tbody>
</table>

Please tick **one** box only

<table>
<thead>
<tr>
<th>Part 8</th>
<th>If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary?</th>
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<tbody>
<tr>
<td></td>
<td>It is hoped that attendance at the examination will enable an opportunity to explain why the suggested amendments / additions are considered necessary to accord with National Policy.</td>
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</table>

<table>
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<tr>
<th>Part 9</th>
<th>If you wish to be notified of future events please tick those below that apply.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>i) That the document has been submitted to the Secretary of State for Examination</td>
</tr>
<tr>
<td></td>
<td>ii) That the person appointed to carry out the Examination has published their report</td>
</tr>
<tr>
<td></td>
<td>iii) That the document has been finally adopted by the Council</td>
</tr>
</tbody>
</table>

Please tick the appropriate box:

- [ ] x
Part 10

Important note:
- The information that you provide, including personal details, will be held on a database and used by the Environment Department to respond to you and assist with the review of the Minerals Local Plan.
- The information that you provide, excluding personal details, will be publicly available for any other person to inspect.
- The information that you provide, including names and organisations will be shared with the Planning Inspectorate.
- By signing this form (responding to this consultation) you are agreeing to the county council holding your data for the duration of the Minerals Local Plan review.
- All personal data will be deleted following completion of the review.

<table>
<thead>
<tr>
<th>Declaration</th>
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<tbody>
<tr>
<td>Signature: Mark E North</td>
</tr>
<tr>
<td>Date: 15/03/2019</td>
</tr>
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☐ Tick here to be notified at a specific address of the publication of the Inspector’s Report and subsequent adoption of the Strategy

Address for notification (if different):

Thank you for your representations.

All representations must be received by 5pm on Friday 22 March 2019.

Forms can be submitted by email to minerals.planning@hertfordshire.gov.uk or by post to:

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