

Policy Evidence Report

Policy 6: Brick Clay

**Hertfordshire Minerals and Waste
Local Plan 2040**

Hertfordshire County Council



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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 6: Brick Clay 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 6:
- Paragraph 220 states that minerals planning authorities should plan for a steady and adequate supply of industrial minerals by *'taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made'*.
 - Paragraph 220 also states that planning for a steady and adequate supply should be achieved by *'maintaining a stock of permitted reserves ... These reserves should be at least ... 25 years for brick clay'*.

3. Local Context

- 3.1. Clay working and brick production has previously occurred in Hertfordshire due to the existence of isolated and localised pockets of brick clay in the northwest of the county.

- 3.2. Due to the highly variable geology of clay resources, bricks produced in Hertfordshire were locally distinctive and served sub-national and local markets as a material in the construction and restoration of traditional brick and flint building styles, complementing the local heritage. As of 2018, there is no remaining infrastructure for the production of bricks within the county.

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 6: Brick Clay. The policy read as follows:

Policy 6: Brick Clay

Proposals for brick clay workings will be supported where it can be demonstrated that:

- a) the level of permitted reserves for a specified brickworks is insufficient to maintain brick clay production for at least 25 years; and
the proposal directly contributes towards the required supply for brick clay at the specified brickworks.

- 4.3. During the Regulation 18 consultation, 2 representations were made in relation to this policy. The representations were generally in support of the inclusion of this policy, with no changes suggested. One comment of note was:

- a) Paragraph 5.49 states "The MPA protects known resources of brick clay, through the use of Mineral Safeguarding Areas (MSAs), which also include a 100m buffer around the known resource (see Policy 5: Mineral Safeguarding Areas)".
However, Policy 5 does not make reference to the 100m buffer.

- 4.4. The Council's response:

- a) This is mentioned in the supporting text to Policy 5

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 which supports proposals for brick clay workings where it is demonstrated that the brick clay reserve are below 25 years (preferred).
- Option 2 – A policy similar to Option 1, but which does not restrict new sites for brick clay extraction being permitted where a 25-year reserve of brick clay is already being met.

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.