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# Preparing the Draft Plan Report

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HEREFORDSHIRE MINERALS AND WASTE LOCAL PLAN  
DRAFT PLAN

Hendeca  
MARCH 2018



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Annex B: Duty to Cooperated discussions with\_ West Midlands RTAB, West Midlands AWP,  
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Annex C: Other discussions with\_ Welsh Water, Severn Trent Water, and Oil & Gas Authority

## 1. Introduction

### 1.1 Note

- 1.1.1 In the course of preparing and finalising this report, the National Planning Policy Framework was updated from that published in 2012, to the document published in July 2018. The work presented in this report has been reviewed to ensure it remains relevant to the new policy framework. References to the NPPF are to the 2018 version, unless otherwise stated.

### 1.2 Background and Purpose of the Document

- 1.2.1 In October 2015, Herefordshire Council adopted the Core Strategy 2011 – 2031 as the first document in production of the Herefordshire Local Plan. The Core Strategy is an important element of the Local Plan because it shapes future development and sets the overall strategic framework for the county.
- 1.2.2 As shown in Figure 1.1 of the Core Strategy, the Minerals and Waste Local Plan (MWLP) is another element of the Herefordshire Local Plan. It will need to align with the principles and strategic direction established in the Core Strategy, but providing the policy framework relevant to minerals and waste development.
- 1.2.3 Work to produce the MWLP began with an initial call for sites, undertaken in spring 2016 (Call for Sites 2016). Minerals and Waste Need Assessments were prepared in February 2017. These documents accompanied an Issues and Options Report (I&O Report) through public consultation carried out during 14 August to 16 October 2017. A second call for sites (Call for Sites 2017) was undertaken at the same time.
- 1.2.4 Throughout autumn and winter 2017/2018, the responses to the I&O Report were reviewed and site analysis was undertaken. The minerals and waste need assessments were also updated, with fresh reports prepared in early 2018, using 2016 data where available. These updates were not published and were subsequently amended in Autumn 2018, with data collected in 2017. Also, in Autumn 2018 both the Habitats Regulations Assessment (Screening Report) and the Sustainability Appraisal of the Herefordshire Minerals and Waste Local Plan were finalised, which prompted a review of all the evidence base documents; they have been updated as appropriate.
- 1.2.5 The draft Minerals and Waste Local Plan (Draft MWLP) has been prepared through 2018. It has been reviewed, and amended as appropriate, to: reflect the changes in the newly published National Planning Policy Framework; incorporate recommendations from the Habitats Regulations Assessment and Sustainability Appraisal; take account of discussions with other authorities; and check it remains relevant against the minerals and waste need assessment updates.
- 1.2.6 In short, the Minerals Need Assessment Update 2018 (MNA Update 2018) and the Waste Need Assessment Update 2018 (WNA Update 2018) present the current assessment of future demands. The Spatial Context and Sites Report addresses matters relevant to the spatial context of the MWLP and identifies those sites that should be allocated for future development. It incorporates discussion of spatial and site related responses made to the I&O Report. This report addresses all other matters relevant to understanding how the Draft MWLP has been prepared and the policies drafted.

- 1.2.7 It addresses relevant matters in the following order:
- Section 2 considers the non-spatial/site relevant responses made to the I&O Report;
  - Section 3 discusses the relationship between the Core Strategy and the MWLP;
  - Section 4 considers the sites and locations identified to be appropriate to allocate for mineral development against the forecast demand;
  - Section 5 considers the sites and locations identified to be appropriate to allocate for waste development against the forecast demand;
  - Section 6 reports on the actions undertaken to date under the Duty to Co-operate;
  - Section 7 reports on the recommendations made in the Habitats Regulations Assessment and Sustainability Appraisal; and
  - Section 8 presents the consequent structure for the MWLP.
- 1.2.8 This report, along with all the others identified in the preceding paragraphs, are key elements of the evidence base for the MWLP. It will be made available for public consultation alongside the Draft MWLP.



## 2. Responses to the Issues and Options Report

### 2.1 Introduction

- 2.1.1 37 submissions were made in response to the Issues and Options Report (I&O Report) including: 13 on-line responses; 25 email responses; and one repeat. Herefordshire Council has analysed the responses received; this analysis is annexed to the Consultation Statement.
- 2.1.2 This section of the report addresses the comments made. It is sub-divided using the same chapter headings as used within the I&O Report. However, in preparing this report it was discovered that the question numbers in the I&O Report go out of sequence; there are two questions numbered 13. The question numbers used in this section follow those of the response analysis annexed to the Consultation Statement.

### 2.2 Section 2: Preparation of the Minerals and Waste Local Plan

#### Questions 1 to 3: The plan area and the plan period

- 2.2.1 There was almost complete support for using the **administrative area of Herefordshire as the plan area**.
- 2.2.2 The Campaign to Protect Rural England Herefordshire (CPREH) generally agrees with the proposed plan area, except where there are known reserves that straddle the administrative boundary and/or require access through Herefordshire. CPREH also proposes a different plan area for waste development, potentially based on river catchments. These are interesting concepts raised by the CPREH. However, a plan boundary has to be made somewhere, and whilst their suggestions have some merit, it is concluded to be most appropriate to follow the boundary of the administrative area of Hereford.
- 2.2.3 The plan area is to be retained as the administrative area of Herefordshire.
- 2.2.4 The proposal to align the **plan period** with the Core Strategy was generally agreed. However, some respondents felt that the MWLP should run for a minimum of 15 years, generally relying on the National Planning Policy Framework (NPPF) as requiring this.
- 2.2.5 Whilst the respondents were referring to the NPPF published in 2012, a revised version of the NPPF<sup>1</sup> was published in July 2018. It is the 2018 publication of the NPPF that is relied upon in responding to these consultation comments and in preparing the Draft MWLP.
- 2.2.6 Paragraph 22 of the NPPF (2018) advises that '*Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.*'
- 2.2.7 There is consequently not an absolute requirement for a 15 year plan period within the NPPF, albeit it is the preferred time horizon. The reasons given in the I&O Report for aligning the plan period with the Core Strategy still apply and no reasons were given as to why this isn't an appropriate approach.

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/740441/National\\_Planning\\_Policy\\_Framework\\_web\\_accessible\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_web_accessible_version.pdf)

- 2.2.8 One respondent commented that a plan period of 15 years would give Herefordshire Council increased scope to maintain a separate Core Strategy and MWLP should that be considered the most appropriate option at the time of their renewal. There is some merit in this suggestion; however, it is some time off and ultimately the MWLP would still need to follow the lead set by the Core Strategy.
- 2.2.9 Both the minerals and waste needs assessments have been updated (November 2018) and their analysis period has been extended to 2035, not least to enable the years immediately beyond the end of the plan period to be understood, and to inform plan making. In reality, the data for both minerals and waste is inherently uncertain and there is merit in undertaking a full review and renewal of the MWLP at a period of time less than 15 years.
- 2.2.10 The proposed MWLP plan period, to 2031, is considered to provide an appropriate time horizon and is to be retained.
- 2.2.11 There was overwhelming support for the **MWLP to be reviewed every 5 years**. The Draft MWLP will include a series of monitoring indicators, which should be assessed every year and reported in the Annual Monitoring Report. The culmination of this information will enable a more detailed review to be undertaken every 5 years of the MWLP.

#### **Questions 4 to 6: Using the Core Strategy as a key piece of the evidence base**

- 2.2.12 There was general agreement that the documents identified in Table 2.1 of the I&O Report were appropriate to use in developing the MWLP.
- 2.2.13 Some respondents felt that the unique position of minerals, that they can only be worked where they are found, should lead to a less rigorous application of certain environmental constraints. The sites analysis has shown that there is sufficient mineral reserve within Herefordshire such that environmental constraints can be applied as would be expected under policy of the NPPF and Core Strategy.
- 2.2.14 Local Aggregates Assessments (LAA) were identified as a missing element of the evidence base. They would be omitted from Table 2.1 because they are not an element of the Core Strategy evidence base. It is also true that the Local Aggregate Assessments have not been produced annually. However, the information that would be reported within them has been incorporated into the evidence base used to prepare the Draft MWLP, principally the Minerals Need Assessments (2017 and 2018).
- 2.2.15 One respondent suggested that the documents used to prepare the Core Strategy were not up to date and do not provide a robust data set. This comment is not substantiated by the fairly comprehensive responses received from the statutory consultees and the evidence was accepted so as to enable the Core Strategy to be adopted. Herefordshire Council will update those documents at the relevant time and this can inform future reviews of the MWLP.
- 2.2.16 One respondent considers that inclusion of the Malvern Hills AONB and Wye Valley AONB Managements Plans is not necessary, and that the MWLP '*should not seek to exceed the requirements of National Policy.*' The two AONB Management Plans are considered to be important local reference documents and will continue to form part of the evidence base for the Herefordshire MWLP.
- 2.2.17 The West Midlands Aggregates Working Party Annual Monitoring Reports were identified as missing from the evidence base, and indeed the report published in 2014 was omitted. This report, and the Authority Monitoring Reports for 2016 and 2017, have both been reviewed

and incorporated into the MNA Update 2018. The DCLG and BGS Annual Minerals Surveys are included in the MWLP evidence base.

- 2.2.18 Hydrogeological and geological mapping of Herefordshire has been used to prepare the spatial strategy and sites allocations. This is discussed in more detail in the Spatial Context and Sites Report.
- 2.2.19 Heritage assets are included in the criteria used to assess each of the sites, to a level of detail appropriate to plan making. This is discussed in more detail in the Spatial Context and Sites Report. This does not include undesignated archaeology as this would be appropriately assessed at the project stage.
- 2.2.20 The following documents were all identified in the responses: 2016 Herefordshire Biodiversity Action Plan revision; Landscape Characterisation Study for Herefordshire; Environment Agency's Severn River Basin Management Plan. The Biodiversity Action Plan was produced by a biodiversity partnership in 2005; it is currently being reviewed and updated. In 2016, Herefordshire Council did update Neighbourhood Planning Guidance Note 23, 'Conservation issues'. The Landscape Characterisation Study is an online tool with data available from the Historic Environment Record. The Severn River Basin Management Plan was first published in 2009 and updated in 2015. It is currently available on the GOV.UK website<sup>2</sup>. These information sources have been reviewed in preparing the Draft MWLP and provide information relevant to those submitting planning applications for minerals or waste related development.
- 2.2.21 The Core Strategy, including the recognised level of housing need, and its associated evidence is retained as essential elements of the evidence base in developing the Draft MWLP. Other relevant data sources as identified through the I&O Report responses have been reviewed.

## **Question 7: New evidence for the Minerals and Waste Local Plan**

- 2.2.22 Two responses sought to encourage consideration of the linkages to surrounding areas and cross-boundary demands. The MWLP cannot directly affect the policy being prepared by other authorities. However, minerals and waste both cross administrative boundaries and the known cross boundary movements are considered in the minerals and waste need assessments.
- 2.2.23 The potential role for green infrastructure within the MWLP was questioned within the I&O Report responses. Certainly the sand and gravel and crushed rock sites have potential to contribute to green infrastructure provision across Herefordshire. This principle does not apply only to areas that are ecology or landscape poor. Agricultural land classification is one of the elements used in the site analysis and related topics such as reclamation, ecosystem linkages and potential to contribute to nature improvement areas and flood management will be considered in preparing policy of the Draft MWLP.
- 2.2.24 The strategic flood risk assessment of the Draft MWLP is being undertaken separately. The Water Framework Directive and Severn River Basin Management Plan have been reviewed; whilst ground water resources are included in the criteria used to review each of the sites and locations being considered.

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<sup>2</sup> <https://www.gov.uk/government/collections/river-basin-management-plans-2015#severn-river-basin-district-rbmp:-2015>

- 2.2.25 The data used is the most recent available, with updates to both the minerals and waste needs assessments undertaken in November 2018. Unfortunately, whilst a number of respondents have criticised the data used to prepare the MWLP to date, they have generally not provided any other information.
- 2.2.26 One respondent suggested considering the status and trends of agricultural and forestry wastes. Agricultural waste is considered in the Waste Need Assessments (2017 and 2018). Forestry waste data is not readily available in an audited format and would not appear to be a key matter that the Herefordshire MWLP should seek to address discretely.

## **Questions 8 and 9: Duty to Cooperate**

- 2.2.27 Some respondents felt that the Duty to Cooperate had not been discharged appropriately. However, this response has come from respondents who are not aware of the work that Herefordshire Council has undertaken since preparing the Core Strategy. As is recognised by other respondents, principally the statutory parties relevant to this duty and including West Midlands Regional Technical Advisory Board and Aggregates Working Party, Herefordshire Council has taken significant steps to discharge this duty, and will continue to do so.
- 2.2.28 Conversations with authorities beyond the West Midlands grouping have also been undertaken, principally with Powys and Gloucestershire County Councils; see section 6 for more details. The Campaign to Protect Rural England (CPRE), Woodland Trust, Natural England, and Environment Agency are all identified as bodies that should be engaged with preparation of the MWLP. All of these bodies were consulted and have responded; their comments are addressed in this report and/or the Spatial Context and Sites Report. The Local Enterprise Partnership, Local Nature Partnership, National Trust, National Farmers Union, Country Land and Business Association and Wildlife Trust were also identified as bodies that should be engaged with. None of these organisations was formally consulted on the I&O Report and associated documents; however, they have now been added to the list and will be consulted in future. Discussions have been held with the Local Enterprise Partnership, seeking to understand appropriate economic forecasts to use in assessing future demand and more broadly to consider how minerals and waste development may help deliver key objectives.
- 2.2.29 Discussions have also been held with representatives of both the minerals and waste industries, again to understand how the Draft MWLP can best deliver key objectives, see section 6 for more details.
- 2.2.30 In addition, matters of cross boundary movements for both minerals and waste have been given additional focus in the updated minerals and waste needs assessments.

## **2.3 Section 3: Principles of the Minerals and Waste Local Plan**

### **Question 10: Vision**

- 2.3.1 The number of responses for and against the Vision was fairly close, but overall the proposed Vision for the MWLP was not supported.
- 2.3.2 It was suggested that consideration should be given to incorporating a spatial element into the Vision, or a clear spatial strategy for the plan. Due to the differences between minerals and waste development locations it is not considered appropriate to include a spatial element into the Vision. However, a spatial strategy for the MWLP will be set out and is discussed in more detail in the Spatial Context and Sites Report.

- 2.3.3 Respondents have commented that Herefordshire simply does not have all the types of mineral required to support all the development that is likely to occur over the plan period, consequently, the MWLP should demonstrate how the Council is anticipating meeting demand.
- 2.3.4 The MNA Update 2018 demonstrates that Herefordshire can be self-sufficient in aggregates (both sand and gravel and crushed rock) and sandstone. The areas considered to be appropriate to allocate in order to meet future demand are discussed in more detail in the Spatial Context and Sites Report.
- 2.3.5 Responses have also been made that in principle support the increase in recycling aggregate but essentially conclude that they cannot fully replace primary aggregate. Whilst it is to be expected that there will remain a demand for virgin resources, there is potential for increased recycled aggregate to be produced within Herefordshire. Optimising self-sufficiency through the use of recycled aggregate supports delivery of the Circular Economy, conserving primary resources within and beyond Herefordshire. This is a principle that will be retained within the MWLP.
- 2.3.6 One respondent seeks greater emphasis on securing a steady and adequate supply of mineral to meet identified need, whilst recognising that mineral can only be worked where it is found and that minerals development can also provide long term benefit. It is also considered that mineral and mineral associated infrastructure sterilisation should be a key priority for the MWLP and identified within the Vision. Ensuring the supply of mineral is addressed in the MNA Update 2018 and the Spatial Context and Sites Report. The Vision has been amended and specific policy will be prepared within the Draft MWLP.
- 2.3.7 In a similar theme, Natural England advises that the Vision should address both impacts and opportunities for the natural environment, taking a strategic approach to achieve a net gain for biodiversity considering opportunities for enhancement and improved connectivity. The Vision seeks to balance development with protecting and enhancing the environment. A strategic approach to site reclamation has been incorporated.
- 2.3.8 Bourne Leisure considers that it is important to recognise that minerals and waste development can have adverse amenity impacts, raising a risk that tourists may be deterred from visiting or returning to the area if there are adverse impacts from mineral or waste developments. Herefordshire is not aware of any substantial evidence to demonstrate this identified risk, and none is provide by Bourne Leisure. The Vision incorporates seeking a balance between enabling development and protecting Herefordshire's assets and strengthening the economy, all of which are considered to address Bourne Leisure's concerns.
- 2.3.9 The Sustainability Appraisal (August 2017) recommends that the Vision includes reference to the restoration of sites to a high standard which could provide areas of habitat for species, as well as increased opportunities for recreation and tourism. The Vision has been amended to seek a strategic approach to reclamation; it is considered inappropriate for the Vision to set out restoration requirements in any greater detail as these will be site specific.
- 2.3.10 There has been comprehensive comment made in relation to the Circular Economy. These have been incorporated into the Draft MWLP to the extent possible, recognising that this is essentially a land use plan.
- 2.3.11 One suggestion was made for a social and environmental fund to be incorporated into the MWLP, to be funded by minerals and waste developments. The Landfill Communities Fund

(LCF) is an innovative tax credit scheme regulated by ENTRUST<sup>3</sup> on behalf of HMRC. The Government introduced tax on landfill waste in 1996 to reduce the amount of landfilled waste and to promote more environmentally sustainable methods of waste management. The LCF allows landfill operators to contribute a portion of their landfill tax liability to community and environmental organisations to 'offset' some of the negative impacts of living in the vicinity of a landfill site. Due to the absence of non-inert landfill sites in Herefordshire, the LCF has not been applied within the county. The Draft MWLP will identify those quarries appropriate in principle to be restored using inert wastes, but will not allocate any non-inert landfill sites, as there is nowhere that appears to be appropriate.

2.3.12 Planning Policy Guidance<sup>4</sup> advises that '*a financial guarantee to cover restoration and aftercare costs will normally only be justified in exceptional cases. Such cases include:*

- *very long-term new projects where progressive reclamation is not practicable, such as an extremely large limestone quarry;*
- *where a novel approach or technique is to be used, but the minerals planning authority considers it is justifiable to give permission for the development;*
- *where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not such as to justify refusal of permission.*

*However, where an operator is contributing to an established mutual funding scheme, such as the Mineral Products Association Restoration Guarantee Fund or the British Aggregates Association Restoration Guarantee Fund, it should not be necessary for a minerals planning authority to seek a guarantee against possible financial failure, even in such exceptional circumstances.'*

2.3.13 There is no evidence to support an approach of including policy in the MWLP to require social or environmental funds to be set up on the granting of permission for minerals or waste development. Policy should, and will, require restoration schemes to be submitted with any minerals development proposals and set an expectation for those schemes to achieve certain outcomes. It would then be for the industry to deliver those outcomes (such as long term public access) in the manner it felt appropriate, which might include setting up a trust fund. This approach will be pursued in the MWLP for appropriate developments.

2.3.14 A theme returned to across several of the questions was a desire to see waste production decreased, and that this scenario should be included in the waste need assessment. The MWLP is principally a land use plan and is consequently limited in what it can achieve, notably the ability to promote waste minimisation, although it does seek to enable the Circular Economy through the co-location of facilities with compatible industrial/manufacturing uses.

2.3.15 The Vision has been redrafted to reflect the comments raised.

*Over the period to 2031, Herefordshire will deliver sustainable provision of minerals supply and waste management, balancing development needs whilst supporting the county's communities, protecting and enhancing environmental, heritage and cultural assets and strengthening the local economy. Sustainable provision within Herefordshire will be achieved through: efficient use and effective protection of mineral resources; efficient waste*

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<sup>3</sup> <http://www.entrust.org.uk/landfill-community-fund/>

<sup>4</sup> Paragraph: 048. Reference ID: 27-048-20140306. Revision date: 06.03.2014.  
<https://www.gov.uk/guidance/minerals>

*management infrastructure including delivery of the circular economy; taking a strategic approach to achieving high quality reclamation that provides site betterment; and optimising self-sufficiency and resilience.*

## **Questions 11 and 12: Objectives**

- 2.3.16 There was some disagreement to the reasoning given for the proposed Objectives; however, there was generally agreement for the Objectives as proposed.
- 2.3.17 Some respondents have misunderstood the analysis presented for Objective 1; it is recognised that both minerals and waste are key elements of the infrastructure necessary to deliver housing. However it is not necessary to have this as an objective within the MWLP, which will focus on the sustainable delivery of mineral reserves to enable all the development sought through the Core Strategy.
- 2.3.18 One respondent suggests that waste facilities should be integrated, to provide a local energy source, and focussed on key settlement locations; this is incorporated into the Draft MWLP and is one of the factors underpinning the spatial strategy for waste. The need for some local facilities is also recognised, with appropriate locations identified. These matters are discussed in more detail in the Spatial Context and Sites Report. The MWLP does address agricultural wastes, however the comment in relation to the reasoning on Objective 8a is noted. The potential for mineral workings to be restored to a range of uses is addressed within the Draft MWLP, in policy and the key development criteria associated with the allocated sites.
- 2.3.19 Worcestershire County Council (WCC) recognises mineral working (and some types of waste management), as land-based industries contributing to the local economy. This is agreed and the Objectives have been amended accordingly.
- 2.3.20 Responding directly to the proposed Objectives, WCC and other respondents request that Objective 1 incorporates the safeguarding of all minerals and waste facilities; this matter is considered in more detail in the Spatial Context and Sites Report. In short, minerals reserves are proposed to be safeguarded (see section 2.2 of the Spatial Context and Sites Report) as are those waste facilities that are in accordance with the spatial strategy (see section 3.3).
- 2.3.21 One respondent queries the potential for minerals operations to directly improve the health of residents. This is recognised in the text of proposed Objective 4 through minerals and waste making an appropriate contribution to this outcome, not least through measures such as open space provision at restoration of the site.
- 2.3.22 WCC also considers that Objective 5 is too narrow and would fail to achieve delivery of the Managed Aggregate Supply System (MASS). Objective 5 has been broadened to incorporate Herefordshire making a reasonable contribution to the MASS and this is discussed further in section 4 of this report.
- 2.3.23 Other respondents suggest that the minimum landbanks should be referenced within Objective 5. This is not an inappropriate suggestion, but it is considered that this expectation is already set out in the NPPF, has informed preparation of the Draft MWLP and consequently does not need to be included in the objective.
- 2.3.24 WCC criticises proposed Objective 6, requiring definition for the word 'adequate' and seeking incorporation of the concept of equivalent self-sufficiency. The Objective as drafted is considered to do both these things, as set out in the accompanying explanation; however, the wording proposed by WCC is broadly accepted and the Objective is amended accordingly.

- 2.3.25 However, WCC's proposed wording for Objective 7 is not accepted; it is rather circular and suggests that other development may be promoted in locations considered appropriate for minerals and waste. An objective of the MWLP will be to identify appropriate locations for minerals and waste development. This is done, as discussed in the Spatial Context and Sites Report.
- 2.3.26 It is also suggested that landbanks are referred to in Objective 7. As with Objective 5, this is not an inappropriate addition but is not considered to add anything specific to Herefordshire; it is a basic requirement that the Plan will seek to achieve, and exceed where appropriate.
- 2.3.27 One respondent supports the co-location of construction, demolition and excavation (CD&E) wastes recycling on mineral sites, but is concerned that Objective 7 might create a time limited approach. This may well be the outcome at mineral sites, but these might be for relatively long periods of time and there will also be opportunity for permanent development at other locations, such as industrial estates.
- 2.3.28 It is suggested that proposed Objective 8 should be strengthened to minimise transport of heavy and bulky materials by road. This is a laudable aim, however within Herefordshire there are very limited opportunities for transport other than by road. The objective as drafted seeks to reduce the need to travel at source, as well as promoting use of those alternative modes that are available. Furthermore, it is intended to apply within site as well as off-site, for example encouraging use of conveyors on site rather than relying on vehicles to haul mineral from the working face to the processing area. Suitable transport networks is a fairly standard expression referring to the use of A and B class roads and routes that will ultimately be considered by the Highways Team at Herefordshire Council.
- 2.3.29 Objective 8 is criticised for not including specific reference to best and most versatile agricultural land and because much of Herefordshire is not degraded it is felt that green infrastructure is not an appropriate priority. Agricultural land values, landscape designations and ecology designations are all criteria used in the sites analysis and the text in proposed Objectives 8 and 11 are considered to cover these matters appropriately. It is not agreed that green infrastructure applies only to degraded landscape; it can be used to enable a wide range of benefits.
- 2.3.30 It is suggested that proposed Objective 9 is amended to include 'well-operated'. Whilst the standard of operation is not strictly speaking a planning matter, this addition is accepted as it sets a level of expectation for minerals and waste operations, not least in relation to the quality of planning applications that are expected to be made.
- 2.3.31 Comment was received that suggested Objective 11 is not in compliance with the NPPF (2012). Objective 11 is Core Strategy Objective 12, simply amended to be relevant to minerals and waste development. It is not necessarily a level against which future development proposals will be tested, but it is an important element of the aspirations of the MWLP. The wording is considered to be appropriate and is retained; it is not considered detrimental to the precedence of policy in determining planning applications.
- 2.3.32 Conversely, some respondents felt that Objective 11 as proposed should be strengthened, in relation to potential impact on tourism and to specifically mention noise, light and air-borne pollution. Objectives 4 and 11 are considered to address all these matters satisfactorily. Any minerals or waste development will be subject to policy of the development plan and other material consideration such as the NPPF.



2.3.33 One respondent sought clarity in regard to the phrase 'strategic, landscape-scale, approach to reclamation' and suggested that this may not be possible with crushed rock operations. The Wildlife Trusts' website<sup>5</sup> provides a good reference for landscape-scale approach to conservation: '*This involves enlarging, improving and joining up areas of land to create a connected ecological network across the UK, for the benefit of both wildlife and people*'.

2.3.34 Delivery of this approach focusses on three approaches:

- Core areas of high quality wildlife habitat – often protected areas, nature reserves, Sites of Special Scientific Interest (SSSIs) etc;
- Connections between core areas – continuous corridors of suitable habitat, such as river valleys or diverse hedgerows, act as 'wildlife highways' allowing species to travel through areas disturbed by human influence or stepping stones that are smaller, unconnected natural areas, pockets of protected land that act as stop-off points for wildlife on the move – for example a series of copses in open grassland; and
- Permeability across the whole landscape – making land between the core areas and connecting habitats more accessible to wildlife; it may not all be pristine habitat but it can be managed differently so that it is easier for wildlife to move through and re-colonise the landscape.

2.3.35 These approaches can be extended to other topics, including landscape repair/improvement/change, flood alleviation/water management, understanding the historic environment and enabling access to the countryside. Looking at restoration opportunities that lie beyond the site boundary will help to deliver sustainable development and address a number of inter-related matters. Crushed rock quarries have a role to play in this.

### **Question 13: Matters addressed by policy of the Minerals and Waste Local Plan**

2.3.36 Generally, the review of the Core Strategy general policies was accepted by respondents to the I&O Report. One respondent misunderstood the purpose of this section; it is not to seek to replace or override the policies of the Core Strategy. The purpose was to identify gaps in the Core Strategy that should be addressed through new policy in the MWLP, such that the MWLP would appropriately complement the Core Strategy and not duplicate it.

2.3.37 The Environment Agency suggests consideration of additional policy to secure appropriate water management and enhancement to the water environment and to manage development and operation. This has been considered and it is concluded that policy SD3 of the Core Strategy already comprehensively addresses this matter.

2.3.38 One respondent suggested policy requirement for a local levy derived from the profits and related to the scale of the sectors' local activities, to use for county social and environmental objectives. This matter is discussed above, from paragraph 2.3.11. It is not appropriate for policy to require a levy, but it can seek to achieve on and off-site benefits, principally through restoration of mineral workings and application of a landscape scale approach. In addition, policies of the adopted Core Strategy, such as OS2, already provide a route to achieve these outcomes.

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<sup>5</sup> <http://www.wildlifetrusts.org/node/3661>

## **Questions 14 and 15: Constraints to locating new minerals and waste development**

- 2.3.39 Table 3.4 of the I&O Report generated a number of responses making a wide range of comment; however, it was generally considered to be inappropriate and confusing. The separate topics raised are discussed in the Spatial Context and Sites Report.
- 2.3.40 The distances set out in Table 3.4 of the I&O Report were presented in order to gain reaction from consultees to inform the policy position. On account of both the wide ranging comments received and there is no evidence to suggest that such a table is required, it is consequently dropped from inclusion in the MWLP.

## **2.4 Section 4: Minerals**

### **Question 16: Alternative/additional information**

- 2.4.1 Most respondents raised the need to refer to the 2014 Aggregate Minerals Survey and to provide an up to date Local Aggregate Assessment (LAA). The LAA for Herefordshire has been reviewed, with the consequent document, and both the 2014 and 2016 Aggregate Minerals Surveys reviewed and incorporated into the MNA Update 2018.
- 2.4.2 The principal National Character Areas are set out below and have been considered in preparing the Draft MWLP; they will be particularly important in developing restoration plans for the mineral extraction sites.
- 98 Clun and North West Herefordshire Hills
  - 99 Black Mountains and Golden Valley
  - 100 Herefordshire Lowlands
  - 101 Herefordshire Plateau
  - 103 Malvern Hills
  - 104 South Herefordshire and Over Severn
- 2.4.3 National Character Areas 102 and 105 slightly overlap the Herefordshire County boundary to the north east and south respectively.
- 2.4.4 The tools and advice referenced by Historic England have been reviewed and incorporated into the Draft MWLP as considered to be appropriate.
- 2.4.5 The Council's resolution in regard to fracking has been read. It has informed preparation of the relevant policy in the Draft MWLP

### **Questions 17 and 18: Considering the Minerals Need Assessment**

- 2.4.6 There was little comment in response to question 17, except to note that all the available information is provided. The individual sand and gravel sales figures have been provided to the extent available.
- 2.4.7 Respondents generally felt that the information provided on quarries was not accurate or complete; however, little data was provided and few specific gaps were identified. It is recognised that the data on minerals was not complete; it has now been supplemented with information contained within the 2014 and 2016 reports published by the West Midlands Aggregate Working Party.

- 2.4.8 One respondent asked for a table to clarify: the reserves associated with sites; permitted cessation dates for quarrying; and extent of potential production capacity during the proposed plan period. This information is provided in the LAA.

## **Questions 19 to 21: Forecasting future demand**

- 2.4.9 Responses were equally split over whether the 2017 Minerals Need Assessment provided an acceptable selection of forecast methods. One respondent commented that planned provision should be consistent with NPPF (2012) paragraph 145 and planning policy guidance, and also suggested that lost production capacity and cross border movements should be considered. These suggestions have been considered in more detail and are reported in the MNA Update 2018.
- 2.4.10 Respondents sought a forecast based on 10 years' average sales to be completed, which was undertaken in the 2017 Minerals Need Assessment and is updated in the MNA Update 2018. In addition, the LAA has been prepared and the MNA Update 2018 incorporates information contained within the 2014 and 2016 reports published by the West Midlands Aggregate Working Party.

## **Questions 22 to 24: Sand and gravel**

- 2.4.11 Most respondents felt that the three scenarios presented in the I&O Report did not constitute an appropriate range of forecasts. This dissatisfaction seems to be driven by the range of outcomes resulting from the scenario and that matters outside the control of the MWLP are not being achieved, i.e. that the Core Strategy Housing trajectory is not being met.
- 2.4.12 It is considered appropriate that a range of forecast scenarios is assessed in order to inform development of the MWLP. Respondents separately favoured: the Core Strategy requirement based on housing trajectory and the 10 years' sales average. The MNA Update 2018 has sought to clarify the scenarios and their explanations. The growth scenarios selected and the ability of sites and locations identified to allocate within the Draft MWLP is considered at section 4 of this report.
- 2.4.13 Options M1, M2 and M4 were generally objected to, for a range of reasons. Option M3 received some support and is carried through in the Draft MWLP; sites with the potential for significant new reserves of sand and gravel have been allocated.
- 2.4.14 There is potential for a substantial increase in the production of recycled aggregate, and this is also supported through policy of the Draft MWLP identifying locations where this could occur.
- 2.4.15 One respondent supports the concept of unmet demand being supplied by reserves in adjacent counties. This approach is not favoured within the MWLP, which seeks to enable Herefordshire to be self-sufficient in the minerals that it accommodates and to make a reasonable contribution to the MASS.
- 2.4.16 In terms of other options that should be considered, respondents generally favoured an approach that would enable the minimum landbanks to be provided for at the end of the plan period and to consider the production capacity of minerals operations, i.e. building in flexibility to ensure continuity of supply. These suggestions have been taken through into policy of the Draft MWLP.

## **Questions 25 to 27: Crushed rock**

- 2.4.17 Most respondents felt that the three scenarios presented in the I&O Report did not constitute an appropriate range of forecasts. Again, this dissatisfaction seems to be driven by the range of outcomes resulting from the scenarios considered and that matters outside the control of the MWLP are not being achieved.
- 2.4.18 In addition, one respondent queried the data reported in relation to crushed rock. As there are only two crushed rock quarries in Herefordshire, unfortunately this data cannot be provided with any greater granularity; it is combined in order to protect commercial sensitivities.
- 2.4.19 There was also some criticism that the 2017 Mineral Need Assessment does not recognise the extent of crushed rock imports into the county. This is known to occur and cannot be prevented by the MWLP. There are significant permitted reserves within Herefordshire currently and extensions are proposed within the Draft MWLP. In this way, the MWLP can provide the policy and opportunity to enable crushed rock to be worked in Herefordshire, but it cannot otherwise force the market to only use this material.
- 2.4.20 Options M5 to M7 were generally unpopular, although Option M6 does receive some support and is the approach implemented in the Draft MWLP. The existing limestone quarries are identified along with extensions to both of them. These are considered sufficient to provide for the minimum land bank at the end of the plan period; however, preferred areas of search are also identified to enable additional resource to be delivered in appropriate locations if there is a market appetite to do so.
- 2.4.21 Again, one respondent suggested continued reliance on importing stone from adjacent authorities. It is likely that imports into Herefordshire are likely to continue as a result of market demand, however it is considered appropriate for the MWLP to pursue an approach that enables Herefordshire to seek to be self-sufficient in the minerals that it accommodates and to make a reasonable contribution to the MASS.
- 2.4.22 One other alternative suggested is that crushed rock be used as a substitute for sand and gravel. This may well occur through market demand, however the Draft MWLP is developed on the principle of seeking self-sufficiency in both minerals to enable greatest flexibility.

## **Questions 28 and 29: Building stone**

- 2.4.23 There was relatively little response made to the building stone options, although Options 9 and 10 received some support. Support was also made for a criteria based approach. The Draft MWLP identifies those existing building stone delves that would be appropriate to be extended in either time and/or area and identifies preferred areas for new proposals.
- 2.4.24 The Herefordshire and Worcestershire Earth Heritage Trust project 'A Thousand Years of Building with Stone' has been reviewed. It contains a wealth of interesting information, which has been used as appropriate.

## **Questions 30 to 32: Hydrocarbons**

- 2.4.25 The Coal Authority considers that: Options M11 and M12 are appropriate for dealing with the uncertainty over potential future hydrocarbon activity in Herefordshire; and that Options M17 and M18 constitute appropriate options for safeguarding mineral sites. Further, the Coal Authority expects the whole extent of the Surface Coal Resource area within Herefordshire to be identified in any Mineral Safeguarding Area designation.

- 2.4.26 Other respondents do not support either Option M11 or Option M12, and seek a ban on hydrocarbon extraction. There is no substantiated evidence that either conventional or unconventional hydrocarbon extraction should be prohibited and consequently this is not an option for the MWLP.
- 2.4.27 However, it is widely recognised that neither conventional nor unconventional hydrocarbon extraction is likely to occur over the plan period and consequently no areas will be identified for such development and a criteria based policy is included in the Draft MWLP.
- 2.4.28 The Council's resolution in regard to fracking has been read. It has informed preparation of the relevant policy in the Draft MWLP.

### **Questions 33 and 34: Potential future mineral sites**

- 2.4.29 Heaton Planning responded that Tarmac had promoted extension sites that had not been identified in the I&O Report. These have been considered in the Spatial Context and Sites Report and are allocated in the Draft MWLP.
- 2.4.30 Similarly the sites promoted by Dinmore Aggregates Ltd have been considered in the Spatial Context and Sites Report and are allocated in the Draft MWLP.
- 2.4.31 The site specific comments received from both Welsh Water and the Environment Agency have been included in the detailed sites analysis and reported in the Spatial Context and Sites Report.
- 2.4.32 No additional sites were identified for consideration through the I&O Report consultation.

### **Questions 35 and 36: Future mineral site identification**

- 2.4.33 Options M13 and M16 both received support as suitable approaches for identifying future mineral sites. The Draft MWLP allocates those sites that are considered appropriate in principle, identifies preferred areas of search and presents the known mineral reserve areas.

### **Questions 37 and 38: Safeguarding mineral sites**

- 2.4.34 There was strong support for the MWLP to safeguard existing minerals sites and associated facilities, including transport facilities, from other development that may have the potential to constrain or prevent mineral operations at those sites, including a buffer around the site.
- 2.4.35 The approach in the Draft MWLP is to safeguard: existing and proposed mineral extractions; preferred areas of search; areas of minerals reserve, including coal; and the Moreton-on-Lugg railway sidings, including those that are no longer used, but which still lie within the Moreton Business Park. These assets are safeguarded because they cannot readily be located elsewhere.
- 2.4.36 Cement batching plant, mineral processing plant and stone coating plant are not safeguarded. Those that lie within the assets identified above will be safeguarded; however, these are all essentially industrial processes that can also be undertaken on industrial estates, such as the Hereford Concrete Plant (Breedon) located on the Rotherwas Industrial Estate in Hereford.

## 2.6 Section 5: Waste

### Question 39: Waste evidence base

- 2.6.1 Gloucestershire County Council noted that some 40,000 tonnes of waste moved from Herefordshire to facilities located in Gloucestershire and expressed a degree of caution that such capacity is relied upon in preparing the MWLP. It is recognised that there is little residual treatment capacity within Herefordshire; the Draft MWLP has been prepared to provide a positive policy framework that should address this and bring forward new waste management capacity.
- 2.6.2 Agricultural and construction sector wastes are considered in the Waste Need Assessments (2017 and 2018) and the Draft MWLP includes provision to enable relevant facilities to be developed.

### Questions 40 to 42: Considering the Waste Need Assessment

- 2.6.3 The contribution made to waste management by exempt facilities is calculated in the 2017 Waste Need Assessment, which also recognises that the tonnage input to facilities is generally less than the facility's Environment Permit limit.
- 2.6.4 There is no identified need for a new household waste site to the north/northwest of Hereford.
- 2.6.5 No information was provided on any other operating waste site.
- 2.6.6 Responses were equally split in regard to whether the 2017 Waste Need Assessment used reasonable estimates for forecasting the amount of waste arising in 2015. However, no response suggested any other method or estimate.
- 2.6.7 The impact on the historic environment could be a relevant matter to consider in determining planning applications for waste facilities.

### Questions 43 to 45: Forecasting future capacity needs

- 2.6.8 Responses were equally split in relation to whether the 2017 Waste Need Assessment considers an acceptable selection of waste forecasts. The big increase in poultry units is not specifically addressed, but agricultural wastes, both natural and non-natural are assessed.
- 2.6.9 One respondent suggested that forestry wastes could be catered for alongside agricultural. Forestry waste data is not readily available in an audited format and would not appear to be a key matter that the Herefordshire MWLP should seek to address. The Draft MWLP has been prepared to address waste in the round; policy would also be relevant to forestry waste proposals and so this outcome could be achieved.
- 2.6.10 The method used to forecast waste arising and future capacity needs is replicable in future years and by other authorities. Generally the data would be available to monitor outcomes.
- 2.6.11 No other methods of forecasting were proposed and no other sources of data were identified. Consequently, the WNA Update 2018 has been prepared using 2016 and 2017 data from the Environment Agency, but using the same forecasting methods.

### Questions 46 and 47: Types of technology

- 2.6.12 There was strong support for the approach set out in the I&O Report for technology types. Consequently the Draft MWLP is prepared to be flexible so as not to restrict new or improved

technologies from being implemented. The spatial strategy for waste has been developed so as to enable the Circular Economy to be realised within Herefordshire.

- 2.6.13 One respondent commented that more detail on the different technologies would be helpful as well as information on the technical direction in which the industry is moving. This response has been answered in the WNA Update 2018. In June 2011, Defra published a report titled '*Guidance on applying the Waste Hierarchy*'.<sup>6</sup> This provides information on dealing with waste in line with the hierarchy. In February 2013, the Government published a document titled '*Energy from waste, A guide to the debate*' that was accompanied by waste technology briefs to provide more detail on specific energy from waste technologies. These are all available at the GOV.UK website: <https://www.gov.uk/government/publications/energy-from-waste-a-guide-to-the-debate>.
- 2.6.14 WRAP<sup>7</sup> designs and delivers grant programmes to promote and encourage waste prevention, resource efficiency, renewable energy and the sustainability of products and materials. Information on resource efficiency and waste management initiatives are available on its website: <http://www.wrap.org.uk/>.

## **Questions 48 to 51: Local Authority Collected Waste (LACW)**

- 2.6.15 There was general support for the LACW scenarios presented; the WNA Update 2018 has confirmed that the forecast slight upturn in LACW in 2016 did occur.
- 2.6.16 Respondents sought increased recycling to be considered and reduced waste arisings. The 2017 Waste Need Assessment does consider increased recycling, and a further increase has been considered in the WNA Update 2018. It is agreed that an outcome of reduced waste arisings would be an advantageous outcome. However, reliance on such scenario would simply result in forecasting less waste arising and consequently indicating a reduced need for future capacity. In terms of preparing the MWLP, this means that fewer opportunities for waste development would be identified, restricting flexibility and deliverability; this is not seen as an advantageous outcome.
- 2.6.17 No alternative forecasts were suggested.
- 2.6.18 WCC notes that much of Herefordshire's municipal waste is treated through facilities located in Worcestershire, suggesting that new facilities should be located in Herefordshire. This matter is addressed in more detail in the Spatial Context and Sites Report, which recognises both: that a new Household Waste Recycling Centre became operational in 2016, at Kington, near Ledbury, demonstrating that Herefordshire is providing new capacity within the county; and the Draft MWLP is prepared to enable Herefordshire to be net self-sufficient in waste management capacity, providing opportunities to manage the range of waste arisings.
- 2.6.19 More local biological treatment sites are considered desirable by one respondent; these would be appropriate in principle at the sites allocated in the Draft MWLP.
- 2.6.20 The only response received in relation to other options that should be considered was to comment that in assessing the need for new waste management capacity, the landfill option should only be for non-combustible, non-recyclable waste. This principle is generally agreed, not least as it reflects the waste hierarchy and there is no non-inert landfill capacity in Herefordshire. The plan makers are familiar with the Biffa Reality Gap 2017. The MWLP

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<sup>6</sup> <https://www.gov.uk/government/publications/guidance-on-applying-the-waste-hierarchy>

<sup>7</sup> Waste and Resources Action Programme.

recognises that some wastes will continue to travel out of county for final disposal, and has sought to identify a suitable range of opportunities for additional waste treatment capacity to be provided, such that net self-sufficiency can still be achieved. This approach, of providing for additional treatment capacity to make up for a shortfall in disposal capacity, has been used in other waste plans, such as the Joint West of England Waste Plan.

## **Questions 52 to 55: Commercial and Industrial (C&I) Waste**

- 2.6.21 There was complete support for the scenarios presented for C&I waste forecasts.
- 2.6.22 There was a suggestion that a reduction in forecasts should be considered. Again this is considered only likely to hamper flexibility of the MWLP and so is not pursued.
- 2.6.23 WCC considers that the MWLP should enable waste management facilities in order to achieve equivalent self-sufficiency, and that policy should not unnecessarily seek to limit the waste stream that can be managed on any individual site. These principles are incorporated into policy of the Draft MWLP.
- 2.6.24 The only response received in relation to other options that should be considered was to comment that in assessing the need for new waste management capacity, the landfill option should only be for non-combustible, non-recyclable waste. This principle is generally agreed, not least as it reflects the waste hierarchy and there is no non-inert landfill capacity in Herefordshire. The plan makers are familiar with the Biffa Reality Gap 2017. The MWLP recognises that some wastes will continue to travel out of county for final disposal, and has sought to identify a suitable range of opportunities for additional waste treatment capacity to be provided, such that net self-sufficiency can still be achieved. This approach, of providing for additional treatment capacity to make up for a shortfall in disposal capacity, has been used in other waste plans, such as the Joint West of England Waste Plan.

## **Questions 56 to 59: Construction, Demolition and Excavation (CD&E) Wastes**

- 2.6.25 There was complete support for the scenarios presented for CD&E waste forecasts, although some preference was expressed for Scenario 2. Further, it is agreed that some excavation waste can be used in other development projects such as laying gardens or embankments. This is the type of activity that would occur to achieve the assumption that clean, uncontaminated excavation wastes will be used for recovery operations.
- 2.6.26 Again, there was a suggestion that a reduction in forecasts should be considered. This approach is considered only likely to hamper flexibility of the MWLP and so is not pursued.
- 2.6.27 Responses confirmed that appropriate approaches for the future provision of CD&E waste facilities had been considered, with a slight preference for Option W4. WCC considers that the MWLP should enable waste management facilities in order to achieve equivalent self-sufficiency, and that policy should not unnecessarily seek to limit the waste stream that can be managed on any individual site. These principles are incorporated into policy of the Draft MWLP.
- 2.6.28 The growth scenarios selected and the ability of sites and locations identified to allocate within the Draft MWLP are considered at section 5 of this report.

## **Questions 60 to 63: Agricultural Waste**

- 2.6.29 There was support for a flexible approach to allow new facilities to come through and to focus the landfill option on non-combustible, non-recyclable waste only.



- 2.6.30 There was general support for the assumptions used in relation to future agricultural waste arisings. Disagreement on this matter was led by a concern about the number of poultry units permitted within Herefordshire, which is not a matter in the remit of the MWLP. However, recognising that natural agricultural wastes are a sensitive and important issue in Herefordshire, the Draft MWLP includes policy to address it; this is unusual as these wastes are not generally controlled wastes to fall under the remit of waste policy. It is relevant here as Herefordshire is a unitary authority that has a strong agricultural sector.
- 2.6.31 Option W7 is preferred; consequently the Draft MWLP includes policy to require adequate provision for the management and disposal of waste materials, liquids and litter from agricultural activities.
- 2.6.32 No other options were suggested, except to ensure that the MWLP contains a suitable level of flexibility; this has been done.
- 2.6.33 Cumulative impacts will be considered in the independent assessments of the MWLP, including the Sustainability Appraisal, and would be considered in detail as appropriate in determining submitted planning applications.

#### **Questions 64 to 66: Hazardous Waste**

- 2.6.34 There was general support for the estimates of future hazardous waste arisings.
- 2.6.35 Option W8 was agreed to be a suitable approach for the delivery of new capacity for hazardous waste management and this has been incorporated in the Draft MWLP.
- 2.6.36 No other options were suggested, except to ensure that the MWLP contains suitable level of flexibility; this has been done.

#### **Questions 67 and 68: Potential future waste sites**

- 2.6.37 One respondent proposed that the Former Lugg Bridge Quarry (Site M02 and W13) should be developed as a recreational/conservation facility. This site is discussed in more detail in the Spatial Context and Sites Report, and is identified as a suitable location for intensification of waste uses and potentially for future mineral extraction. The proposal for a recreational/conservation facility is consequently discounted at present, but it may be a suitable restoration approach for the future.
- 2.6.38 One new waste site was proposed at a disused railway cutting near Woods End (Site W41). This site has been assessed and discounted; the details are provided in the Spatial Context and Sites Report.
- 2.6.39 In addition to proposed sand and gravel extraction at the Dinmore Manor Estate (Sites M05c and M05d) it is suggested that the mineral working could be restored with inert waste. These sites have been assessed for both uses and proposed to be allocated in the Draft MWLP; the details are provided in the Spatial Context and Sites Report.

#### **Questions 69 and 70: Future waste site identification**

- 2.6.40 Option W12<sup>8</sup> is marginally preferred as the approach to waste site identification. This approach is followed in preparing the Draft MWLP. No other options were suggested.

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<sup>8</sup> Option W12: Allocate suitable sites from those put forward in the call for sites and identify types of sites or types of location within which applications for development will be looked upon favourably, but also allow for proposals for development to come forward regardless of location.

## Questions 71 and 72: Safeguarding

- 2.6.41 There was marginal support for Option W14, to safeguard existing waste sites and associated facilities, including transport facilities, from other development that may have the potential to constrain or prevent waste operations at those sites, including a buffer around the site. WCC proposes a buffer of 250m.
- 2.6.42 The chosen approach is not to safeguard waste facilities. This is explained in more detail in the Spatial Context and Sites Report.

## Question 73: Any other comments about the MWLP issues and options

- 2.6.43 The West Midlands Regional Technical Advisory Body reports that the method adopted in the 2017 Waste Need Assessment was appropriate and should be considered a good exemplar, using available data to best effect and, applying appropriate assumptions across relevant waste streams. The *quid pro quo* approach to waste management capacity was agreed to be appropriate, although the realities of market feasibility were also recognised, including the likelihood that the recent increase in anaerobic digestion (AD) facilities was unlikely to be sustained. These comments are all concurred with, although the Draft MWLP has been prepared to provide attractive opportunities to draw the market into Herefordshire to provide more treatment capacity. As discussed, increased recycling scenario have been included in the WNA Update 2018.
- 2.6.44 In response to the I&O Report comments, the MNA Update 2018 does address cross boundary movements of minerals in more detail, albeit is limited. The Draft MWLP has been prepared to enable Herefordshire to seek to be self-sufficient in the mineral that it holds and to make a reasonable contribution to regional needs.
- 2.6.45 Natural agricultural wastes are addressed in the Draft MWLP, responding to an identified issue prevalent within a rural county such as Herefordshire.
- 2.6.46 Gladman suggests that the Mineral Safeguarding Areas should exclude urban areas and areas on the edge of existing settlements where residential and/or employment development is considered appropriate and sustainable. It also proposes that buffer zones should be assessed on a site by site basis. The Mineral Safeguarding Areas can be drawn to slightly stand away from urban areas, providing some flexibility for appropriate growth; it is agreed that buffer zones should be determined on a site by site basis and might include consideration of any mineral reserve.
- 2.6.47 The Environment Agency has provided comment on specific sites and provided comprehensive advice in relation to the protection of water resources, including the need for Hydrological Impact Assessment and Flood Risk Assessment. These matters have been considered in more detail in the Spatial Context and Sites Report.
- 2.6.48 The Environment Agency's response also includes advice in relation to restoration of sites, recognising the useful role that former mineral working can play in accepting wastes for restoration purposes. Those sites that are considered appropriate in principle for restoration through the deposit of inert wastes have been identified in the Spatial Context and Sites Report. The Draft MWLP includes policy to direct the expectations in relation to mineral site restoration, achieving site betterment etc. The Draft MWLP supporting text will identify the benefits of twin tracking applications for planning permission and Environmental Permit, but it would be inappropriate for policy to require this to happen.

**Question 74: Are you a member of a local business or organisation?**

2.6.49 These responses demonstrate the range of consultees that have made representations to the I&O Report consultation. However, it is not a complete list of all respondents and is not directly relevant to preparation of the MWLP.



## 3. Core Strategy

### 3.1 Introduction

- 3.1.1 The MWLP is not a stand-alone document, it is one element of the Herefordshire Local Plan and consequently its policy should complement and supplement that of the Core Strategy. In addition, the NPPF is a material consideration and there should be no need to reiterate policies already set out in that document.
- 3.1.2 As identified in the previous section, generally the review of the Core Strategy general policies set out in the I&O Report was accepted. This has provided the starting point for considering both:
- what additional detail should be provided for the Core Strategy policies so they can be more readily applied to minerals and waste development; and
  - what additional policy of a strategic nature should be prepared to ensure a full framework is provided for minerals and waste development.
- 3.1.3 This section presents the thinking to those tasks.

### 3.2 The Core Strategy Policies

- 3.2.1 Table 3.1 presents:
- each of the policies of the Core Strategy;
  - whether it is relevant to the MWLP; and
  - what consequent additional detail is required.
- 3.2.2 Where a new policy has been proposed in the Draft MWLP, it is intended that the numbering will follow that of the Core Strategy. The new policy reference, as given in the Draft MWLP, is presented in brackets in Table 3.1.
- 3.2.3 Many of these policies were also discussed in the I&O Report and presented at Table 3.3 of that Report. Some of the conclusions given in Table 3.3 of the I&O Report have changed in Table 3.1 below. This is to be expected, not least as greater thought has been given to the structure and overall content of the MWLP.
- 3.2.4 To be clear, it is recognised that there is a relationship between the Core Strategy policies that seek to deliver growth and development and the consequent need for minerals supply and waste management infrastructure. However, those policies that are solely focussed on that purpose will not be enabled to be achieved through the MWLP. Consequently, these policies are identified as 'not relevant'.

**Table 3.1 Review of general policies from the Core Strategy, and update from the I&O Report**

Core Strategy policy		Relevant?	What additional text or policy is required in the Draft MWLP?
<b>Vision, Objectives and Spatial Strategy</b>			
SS1	Presumption in favour of sustainable development	Yes	Some additional text to clarify how the policy relates to minerals and waste development
SS2	Delivering new homes	No	None
SS3	Ensuring sufficient housing land delivery	No	None
SS4	Movement and Transportation	Yes	Some additional text to clarify how the policy relates to minerals and waste development  New policy to address transport arrangements within mineral and landfill sites (MT2)
SS5	Employment provision	Yes	None  Minerals and waste are employment generating industries and may be located on the identified sites. The policy has informed preparation of the MWLP but no further text or policy is required
SS6	Environmental quality and local distinctiveness	Yes	Some additional text to clarify how the policy relates to minerals and waste development
SS7	Addressing climate change	Yes	Some additional text to clarify how the policy relates to minerals and waste development  New policy to address resource management (SS8)
<b>Place Shaping Policies</b>		Yes	None  These policies indicate the preferred development locations and related priorities, the policy has informed preparation of the MWLP but no further text or policy is required

Core Strategy policy		Relevant?	What additional text or policy is required in the Draft MWLP?
<b>General Policies</b>			
H1	Affordable Housing - thresholds and targets	No	None
H2	Rural exception sites	No	None
H3	Ensuring an appropriate range and mix of housing	No	None
H4	Traveller sites	No	None
SC1	Social and community facilities	Yes	New policy to address provision of new facilities as part of reclamation schemes (SD5)
OS1 OS2 OS3	Requirement for open space, sports and recreation facilities Meeting open space, sports and recreation needs Loss of open space, sports or recreation facilities	Yes	Some additional text to clarify how the policy relates to minerals and waste development  New policy to ensure access to open space through relevant minerals and waste development (OS4)
MT1	Traffic management, highway safety and promoting active travel	Yes	Some additional text to clarify how the policy relates to minerals and waste development  New policy to address transport arrangements within mineral and landfill sites (MT2)
E1	Employment provision	Yes	None  Minerals and waste are employment generating industries and may be located on the identified sites. The policy has informed preparation of the MWLP but no further text or policy is required
E2	Redevelopment of existing employment land and buildings	Yes	No change to policy E1 or its supporting text  New policies to address the safeguarding of minerals and waste resources (M1, M2 and W1)
E3	Homeworking	No	None

Core Strategy policy		Relevant?	What additional text or policy is required in the Draft MWLP?
E4	Tourism	Yes	None This policy establishes how the tourism industry will be protected in Herefordshire, it has informed preparation of the MWLP but no further text or policy is required
E5	Town centres	No	None
E6	Primary shopping areas and primary and secondary shopping frontages	No	None
LD1	Landscape and townscape	Yes	Some additional text to clarify how the policy relates to minerals and waste development
LD2	Biodiversity and geodiversity	Yes	Some additional text to clarify how the policy relates to minerals and waste development
LD3	Green infrastructure	Yes	Some additional text to clarify how the policy relates to minerals and waste development
LD4	Historic environment and heritage assets	Yes	Some additional text to clarify how the policy relates to minerals and waste development
SD1	Sustainable design and energy efficiency	Yes	Some additional text to clarify how the policy relates to minerals and waste development
SD2	Renewable and low carbon energy generation	Yes	Some additional text to clarify how the policy relates to minerals and waste development
SD3	Sustainable water management and water resources	Yes	Some additional text to clarify how the policy relates to minerals and waste development
SD4	Wastewater treatment and river water quality	Yes	No change to policy SD4 or its supporting text New policy to address the development of new/additional/upgraded waste water treatment facilities (W4)
ID1	Infrastructure Delivery	Yes	Some additional text to clarify how the policy relates to minerals and waste development



- 3.2.5 In addition to the above, there is one other proposed new policy that would follow on from those already in the Core Strategy: Draft MWLP policy SD5. This addresses the need for high quality reclamation of sites following (primarily) mineral working but potentially waste uses too.

### **3.3 The Complete Minerals and Waste Local Plan**

- 3.3.1 In addition to supplementing policy of the Core Strategy, the MWLP will need to contain policy directly relevant to the development of mineral workings and waste management facilities; the policies to drive appropriate new development and to allocate sites or preferred areas.
- 3.3.2 Together this suite of policy means that the saved policies of the Unitary Development Plan will be replaced and a modern, up to date planning strategy will be in place for future development.
- 3.3.3 The following two sections of this report address the development of the minerals and waste specific policy, whilst section 8 presents the overall structure of the Draft MWLP.



## 4. Minerals

### 4.1 Introduction

- 4.1.1 This section considers the minerals evidence base and responses to the I&O Report to document the thought process for key elements of drafting minerals policy.

### 4.2 Baseline Evidence and Approach to Forecasting

- 4.2.1 As discussed in section 2 of this report, there was some disquiet about the evidence and forecast methods used in the 2017 Minerals Need Assessment. However, these submissions were not supplemented with substantial guidance on how future forecasting should be done differently.
- 4.2.2 Consequently, the MNA Update 2018 has again considered a number of scenarios to forecast future minerals demand, generally resulting in a range of tonnages. Essentially the same method as was used in the 2017 Minerals Need Assessment was repeated, although updated evidence was incorporated.
- 4.2.3 In addition, and to directly address comments of the I&O Report responses, the assessment period was extended to 2035 and greater consideration has been given to the movement of minerals across administrative borders.

### 4.3 Managed Aggregate Supply System

- 4.3.1 A key comment that came through from WCC was in regard to the Managed Aggregate Supply System (MASS). WCC was concerned that Objective 5 as prepared in the I&O Report was too narrow and would not enable sustainable supply across boundaries as appropriate.
- 4.3.2 The MASS is described in Planning Policy Guidance<sup>9</sup> as:  
*'The Managed Aggregate Supply System seeks to ensure a steady and adequate supply of aggregate mineral, to handle the significant geographical imbalances in the occurrence of suitable natural aggregate resources, and the areas where they are most needed. It requires mineral planning authorities which have adequate resources of aggregates to make an appropriate contribution to national as well as local supply, while making due allowance for the need to control any environmental damage to an acceptable level. It also ensures that areas with smaller amounts of aggregate make some contribution towards meeting local and national need, where that can be done sustainably.'*
- 4.3.3 Planning Policy Guidance also identifies that the '*latest national and sub-national guidelines published by the government are the National and regional guidelines for aggregates provision in England 2005 to 2020*'.<sup>10</sup>

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<sup>9</sup> Paragraph: 060. Reference ID: 27-060-20140306. Revision date: 06 03 2014.  
<https://www.gov.uk/guidance/minerals>

<sup>10</sup> Paragraph: 068. Reference ID: 27-068-20140306. Revision date: 06 03 2014.  
<https://www.gov.uk/guidance/minerals>

- 4.3.4 The 'National and regional guidelines for aggregates provision in England 2005-2020',<sup>11</sup> published in June 2009, advise that the regional guidelines should be broken down to mineral planning authority areas and that this should be done by the regional assemblies. The regional assemblies have subsequently been abolished and there is not current apportionment of aggregates to mineral planning authority areas.
- 4.3.5 Consequently, there is no specified amount of additional aggregate provision that should explicitly be made from Herefordshire. The intended approach for the Draft MWLP is threefold:
- to amend the objectives such that there is an explicit reference to making a reasonable contribution to the MASS;
  - to choose a high growth rate in forecasting future aggregate demand and plan for this, such that a greater number of development opportunities are provided throughout the plan period for the market to optimise;
  - to recognise that there is some reliance on imported aggregate, and that this is likely to continue, but to plan for self-sufficiency in aggregate supply, again so that a greater number of development opportunities are provided.
- 4.3.6 In addition, the Draft MWLP will encourage efficiency in primary aggregate use in developments in Herefordshire and promote the recovery of recycled aggregates from the construction and demolition waste stream.

## 4.4 Forecast Minerals Demand and Potential Supply

- 4.4.1 The MNA Update 2018 has forecast demand for each of the minerals present in Herefordshire.

### **Sand and gravel**

- 4.4.2 A number of different scenarios were able to be considered for sand and gravel, resulting in a range of landbank availability at the end of the plan period. The MNA Update 2018 also recognises that whilst there are three sand and gravel quarries with extant consent to be worked, only one is currently operational (March 2018). This may be reflective of market demand for the sand and gravel within Herefordshire, a factor that would be largely outside the influence of the MWLP.
- 4.4.3 The MNA Update 2018 has forecast sand and gravel demand for the plan period (to 2031) but in order to provide some longevity beyond that year has also considered up to 2035. As set out in Table 4.1, only one scenario, considering population growth, would leave a landbank of seven years or more at 2031 and 2035.

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<sup>11</sup>

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7763/aggregatesprovision2020.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7763/aggregatesprovision2020.pdf)

**Table 4.1 Summary of sand and gravel conclusions**

Scenario 2031	Current level of import <sup>12</sup>		Self sufficient <sup>13</sup>	
	Landbank (years)	Tonnage for 7 year landbank	Landbank (years )	Tonnage for 7 year landbank
GVA growth House of Commons	3.0	636,000	0	4,459,000
Population growth, demand at 4.6 tonnes of aggregate per head	34.0	0	8.1	0
Core Strategy housing trajectory	4.5	368,000	0	3,855,000
Scenario 2035	Landbank (years)	Tonnage for 7 year landbank	Landbank (years )	Tonnage for 7 year landbank
GVA growth House of Commons	0	1,432,000	0	6,195,000
Population growth, demand at 4.6 tonnes of aggregate per head	29.5	0	4.0	360,000
Core Strategy housing trajectory	n/a	n/a	n/a	n/a

- 4.4.4 The MNA Update 2018 indicates a wide range of future demand for new sand and gravel workings, from none to 4.5 million tonnes at 2031, rising to 6.2 million tonnes at 2035. This is reflective of the extent of uncertainties in minerals data.
- 4.4.5 In order to deliver the positive approach sought in the Vision and Objectives of the draft MWLP, to be self-sufficient and to make a reasonable contribution to the MASS, it is appropriate to consider planning for the greatest forecast demand, recognising that this may be an over-estimate.
- 4.4.6 The Spatial Context and Sites Report identifies sand and gravel reserves at: Upper Lyde (Site M03); Shobdon (Site M04); and Wellington (Site M05) as appropriate to allocate in the Draft MWLP.
- 4.4.7 Information is not provided for all of these areas, but using the data that is available (presented in the Call for Sites submissions) these allocations would provide a minimum of nearly 3 million tonnes of sand and gravel resource, with further reserve provided across the other allocations.
- 4.4.8 In addition, the Spatial Context and Sites Report identifies preferred areas of search. New operations in these areas of search would enable Herefordshire to achieve self-sufficiency and make a reasonable contribution to the MASS, should the higher demands become evident through the lifetime of the MWLP. They also provide some additional areas to consider toward the end of the plan period, when annual monitoring will be able to inform Herefordshire Council whether additional reserve would be required.

<sup>12</sup> Table 3.15, MNA Update 2018

<sup>13</sup> Table 3.16, MNA Update 2018

- 4.4.9 These preferred areas of search also add to the robustness of sand and gravel supply within Herefordshire.
- 4.4.10 Consequently, the approach to site allocation and areas of search are demonstrated to be sufficient to meet the wide range of demand forecast for sand and gravel through the plan period and beyond, to 2035.
- 4.4.11 However, it would not be a preferred strategy for many quarries to be opened to meet the highest forecast demand, without there being a robust market for it. Policy of the MWLP should seek to phase development such that sand and gravel reserves and sales can be monitored throughout the lifetime of the MWLP, allowing new operations only as required. This policy approach would avoid a proliferation of workings and should encourage optimal working at each operational quarry.

## Crushed rock

- 4.4.12 Two methods have been considered for forecasting the potential future demand for crushed rock. These have produced widely varying forecasts of demand for 2017-2031, from 1.9 million tonnes to nearly 21 million tonnes, as set out in Table 4.2 (a copy of Table 3.17 from the MNA Update 2018). Again, this is reflective of the extent of uncertainties in minerals data.

**Table 4.2 Main findings from selected forecasts of future crushed rock demand, assuming current level of import and self-sufficiency**

Scenario	Current level of import		Self sufficient	
	Demand 2017-2031	Demand 2017-2035	Demand 2017-2031	Demand 2017-2035
Population growth, demand at 4.6 tonnes of aggregate per head	1,795,000	2,323,000	7,479,000	9,678,000
Core Strategy housing trajectory	4,572,000	n/a	19,050,000	n/a

- 4.4.14 It is not possible to report annual sales for crushed rock. Reference to the assumed million tonnes per year and 930,000 tonnes per year across the combined authorities, would indicate a landbank of 6 to 6.5 years (MNA Update 2018, section 3.3).
- 4.4.15 The Spatial Context and Sites Report identifies crushed rock reserves at: Leinthall (Site M07) and Perton (Site M10) quarries as appropriate to allocate in the Draft MWLP. Within the submissions made in response to the Call for Sites 2016, the reserve across Site M07b is around 7 million tonnes. Information has not been provided to date on the reserve at Site M10b.
- 4.4.16 It is not possible to be definitive about whether these proposed allocations will be sufficient throughout the plan period. If demand for crushed rock from Herefordshire is at the lower end of the forecasts, then it would appear to be so; there is potential that a forecast demand of nearly 21 million tonnes is excessive. Discussions with the operators during the site visits indicated that the crushed rock within Herefordshire is not of a particularly high quality, for example it cannot be used for road surfacing, although it is used in a range of other construction projects.

- 4.4.17 In addition to the allocated sites, the Spatial Context and Sites Report identifies preferred areas of search. New operations in these areas of search would enable Herefordshire to seek self-sufficiency should the higher demands become evident through the lifetime of the MWLP. These preferred areas of search also add to the robustness of crushed rock supply within Herefordshire.
- 4.4.18 Consequently, the approach to site allocation and areas of search are demonstrated to be generally sufficient to meet the wide range of demand forecast for crushed rock through the plan period and beyond, to 2035. However, if the higher demand for crushed rock does arise over the plan period, there is potential that Herefordshire would not be able to make a material contribution to the MASS, for crushed rock.
- 4.4.19 As with sand and gravel, it would not be a preferred strategy for many quarries to be opened to meet the highest forecast demand, without there being a robust market for it. Policy of the MWLP should seek to phase development such that crushed rock reserves and sales can be monitored throughout the lifetime of the MWLP, allowing new operations only as required. This policy approach would avoid a proliferation of workings and should encourage optimal working at each operational quarry.

## **Building stone**

- 4.4.20 The available data on building stone indicates that supply and demand has remained constant over previous years, at 2,000 tonnes per year. There are six active sandstone delves in Herefordshire and discussions with representatives on site indicate a range of ongoing availability; some delves have lots of stone remaining, whilst some are coming close to an end.
- 4.4.21 The figures indicate a small and stable market for sandstone, which is worked in small delves in ad hoc locations. In order to provide a continuity of supply throughout the plan period, the Draft MWLP will identify:
- those delves for which an extension in the period of time for working the delve might be appropriate (sites: M12 Callow Delve; M13 Black Hill Delve; M16 Llandraw Delve; M17 Pennsylvani Delves; M18 Sunnybank Delve; and M20 Westonhill Wood Delves); and
  - those delves for which a lateral or depth extension might be appropriate (sites: M13 Black Hill Delve; M16 Llandraw Delve; and M20 Westonhill Wood Delves).

## **Conventional and unconventional hydrocarbons**

- 4.4.22 Small deposits of **building clay** are shown in the British Geological Survey (BGS) data. However, there is no evidence of building clay having been worked in Herefordshire. This mineral is not considered further.
- 4.4.23 Herefordshire has two areas that have been worked in the past for **coal**. However, such conventional extraction of hydrocarbons has ceased in Herefordshire and shows little sign of recommencing. In 1999, the BGS reported that the hydrocarbon prospectivity of the area was low. The NPPF is clear in its policy advice in relation to the development of coal extraction (paragraph 211):

*'Permission should not be granted for the extraction of coal unless:*

- a) the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or*

*b) if it is not environmental acceptable, then it provides national, local or community benefits which clearly outweigh the likely impacts (taking all relevant matters into account, including any residual environmental impacts).'*

- 4.4.24 This approach will be carried through into policy of the Draft MWLP.
- 4.4.25 There is just one area of **coal bed methane** in Herefordshire, a hydrocarbon that would be extracted via unconventional methods. It is located in the south of the county around Whitchurch, Welsh Newton, Goodrich, Kerne Bridge, Hope Mansell and Marstow. Coalbed methane is produced during the process of coal formation. The gas is either adsorbed onto the coal or dispersed into pore spaces around the coal seam.
- 4.4.26 The area was identified for a Petroleum Exploration and Development Licence (PEDL) reference SO51a by the Oil and Gas Authority (OGA). The area is classified as coalbed methane, although the PEDL is for any hydrocarbon and is not limited to this classification.
- 4.4.27 The Hereford Times<sup>14</sup> published an article on 16 September 2016 reporting that South West Energy Limited had declined the offer of the PEDL for block SO51a; further, that the OGA had confirmed this PEDL, and others, would not be awarded. It is not known why the offer was declined. The most likely reason is that the resource was not viable to work. Communication with the OGA has confirmed that the licence offer for block SO51a was not taken up, and therefore no PEDL was awarded in this area. Further, that is possible that this block, along with any other in the UK, could be offered in a future licensing round, although no timetable is able to given.<sup>15</sup>
- 4.4.28 At the meeting on 16 December 2016, the full Council resolved:
- 'That the Executive be asked to consider the risks of hydraulic fracturing, and the high importance of tourism income to this County and to write accordingly to the Secretary of State to ask the Government to consider withholding any licence which would allow fracking and any associated hydrocarbon extraction processes in or under Herefordshire's vitally important Areas of Outstanding Natural Beauty.'*
- 4.4.29 The Infrastructure Act 2015 prevents hydraulic fracturing activity taking place anywhere at a depth less than 1000m below the ground surface. Secondary legislation<sup>16</sup> to the Infrastructure Act 2015 prevents high volume hydraulic fracturing beneath National Parks, AONB, protected groundwater source areas and World Heritage Sites, unless it would take place at a depth in excess of 1,200m below the surface.
- 4.4.30 Responses to the I&O Report sought for the MWLP to ban the extraction of unconventional hydrocarbons. There is no substantial evidence available to support such an approach within the MWLP, albeit this is recognised as an area of concern to some communities.
- 4.4.31 This is an area where policy of the NPPF has changed quite significantly between the 2012 2018 publications. Paragraph 209 of the NPPF (2018, first and second bullets) clearly advises that minerals planning authorities should:

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<sup>14</sup> [http://www.herefordtimes.com/news/14744861.Company\\_declines\\_licence\\_to\\_frack\\_in\\_Herefordshire/](http://www.herefordtimes.com/news/14744861.Company_declines_licence_to_frack_in_Herefordshire/)

<sup>15</sup> Email exchange with OGA, March 2018. See Annex C

<sup>16</sup> The Onshore Hydraulic Fracturing (Protected Areas) Regulations 2016



- *'a) recognise the benefits of on-shore oil and gas development, including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low-carbon economy; and put in place policies to facilitate their exploration and extraction;*
- *b) when planning for on-shore oil and gas development, clearly distinguish between, and plan positively for, the three phases of development (exploration, appraisal and production, whilst ensuring appropriate monitoring and site restoration is provided for'.*

4.4.32 Activities relating to hydrocarbon (whether conventional or unconventional) exploration, appraisal or extraction are not expected to take place in the short to medium term, and unlikely within the plan period. The evidence currently available indicates that there is no live PEDL. In addition, the use of hydrocarbons, a fossil fuel, does not align with priorities to reduce carbon emissions. Consequently, coal, a relatively inefficient and high emission fuel is discouraged and coal-fired power stations closed.

4.4.33 However, unconventional hydrocarbons, such as coalbed methane, are gas. Whilst still a fossil fuel, gas is an important element of energy supply as the UK transitions to a low carbon economy. It is used for heating furnaces, providing power to industry and manufacturing. Most households in Britain use mains gas for heating, and it is used to produce both domestic and commercial electricity supply.

4.4.34 In order to ensure an appropriate strategy is in place for all minerals in Herefordshire, the Draft MWLP will contain a criteria based policy relevant to the development of conventional and unconventional hydrocarbons.

4.4.35 No site is proposed to be allocated for the extraction of clay, coal or unconventional hydrocarbons.

## 4.5 Site Reclamation

### Principle

4.5.1 The eighth bullet of NPPF paragraph 204 advises that planning policies should:

*'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.'*

4.5.2 This principle will be carried through into the Draft MWLP, in a discrete policy establishing the expectations for restoration.

4.5.3 Site reclamation is important, not just in its own right as the site's legacy, but also as a means of redressing the negative effects of mineral working over the long term. High quality reclamation schemes that deliver an integrated package of benefits will be expected to be delivered.

### Terminology

4.5.4 The terms 'reclamation' and 'restoration' are often used interchangeably.

4.5.5 Schedule 5, Part 1, Section 2 of the Town and Country Planning Act 1990 refers to the power to impose aftercare conditions. Section 2(1)(b) requires that *'the site shall be restored by the use of any or all of the following, namely, subsoil, topsoil and soil-making material'*.

- 4.5.6 Further, the Defra document 'Guidance for Successful Reclamation of Mineral and Waste Sites'<sup>17</sup> presents separate explanations for 'reclamation' and 'restoration' in its glossary.
- Reclamation
    - The process of returning the land to the agreed after-use and standard which includes both the restoration and the aftercare periods.
  - Restoration
    - Mineral planning definition: Process of soil replacement to prepare the site for aftercare works (cultivation and seeding).
    - Landfill industry definition: The process which will return the completed landfill to a condition suitable for its proposed after-use, includes design, initial landscaping works, soil spreading and aftercare.
- 4.5.7 Reference to all these texts indicates that 'restoration' is an element of 'reclamation'.
- 4.5.8 The terms 'reclaim' and 'reclamation' have been chosen to be used in the Draft MWLP, not least because this ensures consistency with the NPPF.

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<sup>17</sup> Guidance for Successful Reclamation of Mineral and Waste Sites, Defra, August 2004.  
<http://webarchive.nationalarchives.gov.uk/20090318074725/http://www.defra.gov.uk/farm/environment/land-use/reclamation/guidance-full.pdf>

## 5. Waste

### 5.1 Introduction

- 5.1.1 This section considers the waste evidence base and responses to the I&O Report to document the thought process for key elements of drafting waste policy.

### 5.2 Arisings and Waste Management Proportions

#### Arisings and Permitted Capacity

- 5.2.1 The 2017 Waste Need Assessment considered arisings up to 2015. The need assessment has consequently been updated with data for year 2016 (in a report that was finalised and used to identify sites for the site assessment, but was not published) and again with data for the year 2017. Consequently, the published WNA Update 2018 is updated with data for both years 2016 and 2017.
- 5.2.2 The WNA Update 2018 considers a number of scenarios to forecast future arisings, generally resulting in a range of tonnages. The same method as was used in the 2017 Waste Need Assessment was repeated, as at the time there was no other data to suggest a different method should be considered and there were no objections to the approach made in the I&O Report responses; indeed, the West Midlands Resource Technical Advisory Body (WM RTAB) response identified it as 'exemplary'.

#### Waste management proportions – LACW and C&I

- 5.2.3 In response to the I&O Report comments, the WNA Update 2018 has considered increased recycling/composting targets. It is important to recognise that stating higher recycling targets within a local plan does not make them happen; it simply sets the framework to enable the appropriate infrastructure to come forward. It is also relevant to remember that the recycling/composting rates used within the WNA Update 2018 were drawn from the original EC Circular Economy Package, the waste management proposals of which were softened prior to reaching agreement (in Spring 2018).<sup>18,19</sup>
- 5.2.4 Within both Waste Need Assessments (2017 and 2018) municipal waste management targets are used for both LACW and C&I waste. The three sets of municipal waste recycling/composting targets discussed are shown in Table 5.1.

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<sup>18</sup> <https://www.letsrecycle.com/news/latest-news/circular-economy-officially-published/>

<sup>19</sup> <http://www.consilium.europa.eu/en/press/press-releases/2017/12/18/council-and-parliament-reach-provisional-agreement-on-new-eu-waste-rules/>

**Table 5.1 Municipal waste management recycling/composting targets**

Year	2020	2025	2030	2035
<b>WNA Update 2018 base recycling/composting</b>	50%	60%	65%	65%
<b>WNA Update 2018 increased recycling/composting</b>	50%	65%	70%	70%
<b>EC proposals as of 18 December 2017</b>		55%	60%	65%

- 5.2.5 It is clear that the municipal waste recycling/composting rates used as the base assumption in both Waste Need Assessments sits within the current EC proposals and the increased levels sought through the I&O Report responses. They are consistently higher than the current EC proposals until the time immediately after the plan period.
- 5.2.6 LACW recycling/composting rates for the last 3 years are: 42.3 % in 2014/15; 42.2% in 2015/16; and 43.3% in 2016/17. It is clear that additional recycling initiatives would be required to reach a rate of 50% by 2020, let alone sustain increased recycling/composting throughout the plan period.
- 5.2.7 Unfortunately the same level of detail is not available for C&I waste management, although it is generally assumed to be higher; the most recent survey (by Jacobs in 2009) suggested up to 60%, although this has never been verified. Further, there is no up to date data to corroborate current C&I waste recycling performance.
- 5.2.8 A new Resources and Waste Strategy for England is expected to be published by Defra by the end of 2018. This is expected to provide greater clarity on the Government's position with regard to recycling/composting targets and will therefore be kept under review as the MWLP is prepared.
- 5.2.9 Recently published national strategy documents provide an indication of the areas of focus for the new Resources and Waste Strategy:
- **The Clean Growth Strategy**<sup>20</sup> makes clear the commitment to publishing a new Resources and Waste Strategy, 'to make the UK a world leader in terms of competitiveness, resource productivity and resource efficiency.' (objective 41, page 16). At page 108 (paragraph 18) the Clean Growth Strategy sets out the three focus areas for the new Resources and Waste Strategy:
    - Maximising resource productivity, through more efficient manufacturing processes;
    - Maximising the value we get from resources throughout their lifetimes, by designing more smartly to increase longevity and enable recyclability; and
    - Managing materials at end of life, by targeting environmental impacts.

<sup>20</sup> The Clean Growth Strategy, Leading the way to a low carbon future. BEIS, October 2017.  
<https://www.gov.uk/government/publications/clean-growth-strategy>

- **A Green Future: Our 25 Year Plan to Improve the Environment**<sup>21</sup> has a stated action of:
  - Publishing a new Resources and Waste Strategy for England in 2018 aimed at making the UK a world leader in resource efficiency. It will set out the approach to: reducing waste; promoting markets for secondary materials; incentivising producers to design better products; and better manage materials at the end of life by targeting environmental impacts.

5.2.10 The Clean Growth Strategy contains key initiatives for waste, some of which are also relevant to preparing the MWLP:

- Work towards no food waste entering landfill by 2030;
- Ambition for the UK to be a zero avoidable waste economy by 2050;
- Increase recycling, reuse, repair and remanufacturing levels;
- Develop resource efficiency and 'industrial symbiosis' with local enterprise partnerships;
- Manage emissions from landfill and research landfill gas capture; and
- Support anaerobic digestate used as fertiliser.

5.2.11 There is no identified potential for non-hazardous waste landfill in Herefordshire. Consequently, it is concluded that the Draft MWLP should identify the base level of recycling/composting percentages set out in Table 5.1 above and expect that all other wastes will be recovered in residual waste management facilities.

5.2.12 The targets are considered appropriate to apply to C&I wastes as a proportion of these would fall within the broader definition of municipal waste set out in the Waste Framework Directive. Further, Herefordshire is not a very industrial area, most of the wastes will be generated by commercial activities that generally produce wastes similar to household wastes.

5.2.13 It is not considered likely that a position of zero waste to landfill would be achieved within Herefordshire over the plan period. However, this approach gives the greatest potential for new waste treatment capacity to be developed, both: enabling waste to be diverted from landfill; and for additional treatment capacity to be provided in Herefordshire that may accept wastes from elsewhere, so providing some quid pro quo capacity for the Herefordshire wastes that are disposed of out of county.

5.2.14 It is concluded that the current EC recycling targets should be set out in the Draft MWLP, to provide a framework for delivering the waste hierarchy and circular economy. However, recognising that recycling rates cannot be verified for most waste streams, they will not be set into policy.

### **Waste management proportions – CD&E, Agricultural and Hazardous wastes**

5.2.15 As with C&I waste, the ability to verify the management route used to manage CD&E and agricultural wastes is limited. Hazardous waste data is more precise, but the arisings are relatively small and appropriately considered a subset of other waste streams.

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<sup>21</sup> A Green Future: Our 25 year Plan to Improve the Environment. Defra, 2018.  
<https://www.gov.uk/government/publications/25-year-environment-plan>

- 5.2.16 The WNA assume that CD&E wastes will be managed in accordance with the European Waste Framework Directive:
- Clean, uncontaminated, excavation wastes will be predominately used for backfilling operations defined as recovery;
  - hazardous C&D waste will be handled through specialist hazardous waste management facilities; and
  - at least 70% of non-hazardous C&D waste will be recovered per annum during the plan period.
- 5.2.17 However, recognising that the recovery of non-hazardous C&D waste in the UK has exceeded 90% each year between 2010 and 2014, this level of C&D waste recovery was also modelled.
- 5.2.18 The I&O Report responses made little comment to either these assumptions or the modelling undertaken. It is not possible to be certain of the non-hazardous C&D waste recycling rate achieved in Herefordshire; however, new recovery facilities have commenced operation recently and have expressed the desire to intensify operations. Further, it is appropriate to plan for an aspirational, though achievable, recovery capacity. Consequently, the Draft MWLP will include a commitment to achieve a minimum of 90% recovery of non-hazardous C&D wastes. It will also include policy to expect major developments to demonstrate how clean, uncontaminated, excavation wastes will be put to beneficial reuse.
- 5.2.19 There are no recycling/composting targets set for natural agricultural wastes, whilst non-natural agricultural wastes would be captured through the C&I waste stream.
- 5.2.20 Whilst there is a legal requirement for England to have a range of facilities in place for the management of hazardous wastes, there are no recycling or recovery targets set at the national level or cascaded down to local authorities. This will be kept under review, as the new Resources and Waste Strategy for England may provide updated guidance.
- 5.2.21 Agricultural and hazardous waste arisings in Herefordshire are relatively low, and there is no other evidence to suggest that recycling/composting or recovery targets should be set for their management. Consequently it is not proposed to set any in the Draft MWLP.

## **5.3 Forecast Waste Management Capacity Need**

### **Overview**

- 5.3.1 The WNA Update 2018 has identified a range of future waste management capacity needs that should be delivered to enable Herefordshire to be net self-sufficient.
- 5.3.2 One outcome from the additional modelling (considering increased recycling/composting of LACW and C&I waste) is that consequent demand for residual waste management capacity is reduced. This is not considered particularly helpful to policy making. The 'raw' waste management data, i.e. simply considering the type of permitted waste management facilities operating in Herefordshire, indicates that it is residual waste treatment, or recovery capacity, which is currently lacking. Restricting the opportunity for these facilities to be delivered in Herefordshire is considered to be detrimental.
- 5.3.3 However, the increased recovery target modelled for non-hazardous C&D waste increases forecast capacity demand, which can be encouraged through the Draft MWLP.

5.3.4 This section of the report takes the forecast capacity need, based on the chosen recycling/composting or recovery targets and considers if it can be met by the sites and locations identified in the Spatial Context and Sites Report as appropriate to allocate in the Draft MWLP.

## **Local authority collected, commercial & industrial, non-natural agricultural and hazardous wastes**

5.3.5 The WNA Update 2018 concluded that no new strategic capacity was required for LACW. Depending on future requirements for LACW management, there may be a need for an additional 22,000 to 27,000 tonnes of recycling capacity and/or potentially around 10,000 tonnes of biological treatment capacity.

5.3.6 The WNA Update 2018 concluded that at 2035 up to 66,500 tonnes of residual waste management capacity may be required to divert C&I wastes from landfill. It also estimated non-natural agricultural waste arisings of 6,000 to 8,000 tonnes, remaining fairly constant throughout the plan period. Similarly small quantities of hazardous wastes are identified as arising in Herefordshire, between 8,000 and 10,500 tonnes. A combined maximum of 85,000tpa. This is potentially an overestimation, as hazardous wastes are generally regarded as a sub-set of the other waste streams.

5.3.7 In total, a combined, maximum, forecast capacity demand would be 125,000 tonnes at 2035. This is beyond the plan period, but gives a good indication of what level of capacity should be delivered through policy of the Draft MWLP.

5.3.8 There is no linear correlation between the capacity of a waste management facility and the land area required; doubling the capacity of a plant does not necessarily double the required area of land. For all development, there is a balance to be made between the area of land available and the area of land desired. Additional space will enable more free movement around a site, but expanding a site too widely may result in unacceptable impacts.

5.3.9 In August 2004, the Office of the Deputy Prime Minister (ODPM), now the Ministry of Housing, Communities and Local Government) published a document titled 'Planning for Waste Management Facilities – A Research Study'<sup>22</sup> (Planning for Waste Management Facilities). Whilst now rather dated, this document remains a useful reference in its review of a wide range of waste management facilities, identifying potential impacts and development requirements.

5.3.10 Part 2 of Planning for Waste Management Facilities presents site profiles for a range of waste management activities. Those most relevant to the forecast treatment demand for LACW and C&I wastes are:

- Anaerobic Digestion, operating at 5,000 to 40,000tpa, requiring site size of 0.15ha to 0.6ha;
- Processing of recyclables, operating at 50,000tpa, requiring site size of 1 to 2ha;
- Mixed waste processing, operating at 50,000tpa, requiring site size of <1 to 2ha;
- Pyrolysis and gasification, operating at 50,000tpa, requiring site size of 1 to 2ha;

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<sup>22</sup> <http://webarchive.nationalarchives.gov.uk/20120919230027/http://www.communities.gov.uk/documents/planningandbuilding/pdf/148385.pdf>

- Small scale thermal treatment, operating at 50,000tpa, requiring site size of <1 to 2ha; and
  - Large scale thermal treatment, operating at 250,000tpa, requiring site size of 2 to 5ha.
- 5.3.11 This indicates a need for sites in a range of sizes from 0.5 to 5ha.
- 5.3.12 In simple number terms, in order to deliver the forecast 125,000 tonnes of capacity would consequently require either:
- one site of 2 to 5ha; or
  - three sites of 0.5 to 2ha.
- 5.3.13 If the LACW and C&I wastes are split out, the requirement might be for:
- one site of 0.5 to 2ha, to provide the recycling and biological treatment capacity potential requirement for LACW; and
  - one site of 2 to 5ha, or two sites of 1 to 2ha, to provide the recovery capacity forecast demand for residual C&I waste, incorporating agricultural and hazardous wastes.
- 5.3.14 This analysis indicates a maximum need for three sites, ranging in size from 0.5ha to 5ha.
- 5.3.15 The Spatial Context and Sites Report concludes that four sites (W05, W07, W10 and W19) should be allocated for the future development of management facilities for LACW and C&I wastes. It is recognised that three of these are already in use as LACW management facilities and are relatively small in size, with W05 Leominster Household Waste Site the largest at 1.08ha. However, they present appropriate locations at which to provide additional or different waste management capacity should they no longer be required for their current purposes. Site W19 is particularly attractive as it has recently ceased in its former use as a car breaker and is available for redevelopment. It is well located within the southern extension area of Hereford (Core Strategy policy HD6) and could integrate well with the existing and forthcoming development.
- 5.3.16 In addition, the Spatial Context and Sites Report concludes that the strategic employment areas would be appropriate for larger scale/strategic waste management facilities, with industrial estates appropriate for smaller scale development. The site visits confirmed that there were a number of vacant plots across the strategic employment sites and industrial estates.
- 5.3.17 Skylon Park, the Hereford Enterprise Zone located within Rotherwas, identifies an ambition for an on-site renewable energy supply to deliver heat and power to new businesses. An energy recovery facility would fulfil this role. At the time of the site visit, the Leominster Enterprise Park was advertising three sites, ranging in size from 0.4ha to 1.6ha, all of which would be useful for waste related development.
- 5.3.18 It is not expected that these exact sites will remain available throughout the plan period, as it's recognised that these locations have a reasonably high level of plot turnover. The site analysis has demonstrated that they present appropriate locations at which to develop waste management facilities. The growth in capacity and movement of waste management capacity at the Rotherwas Industrial Estate demonstrates that this is already occurring within Herefordshire and can be effectively enabled through the MWLP.



- 5.3.19 Discussion with Mark Pearce, Managing Director of Skylon Park confirmed that space at Skylon Park was rapidly being taken up by higher employment generating businesses than waste management. However, the delivery of energy recovery capacity would be welcomed on land close to the existing Skylon Park area; this could be delivered through the development of site W19. Further detail on this discussion is provided at section 6.3 of this report.
- 5.3.20 It is concluded that the combination of sites and locations proposed to be allocated in the Draft MWLP will deliver the forecast capacity demand for LACW and C&I wastes. The additional benefit of identifying the strategic employment areas and industrial estates is that opportunities are provided for greater sharing of resources, enabling the Circular Economy to thrive.
- 5.3.21 Reference to Planning for Waste Management Facilities indicates that an indicative throughput of 50,000 tonnes per annum can reasonably be used to help differentiate between large and small scale facilities. This would apply to the management of all solid wastes.

## **Construction & demolition wastes**

- 5.3.22 Assuming a 90% recovery target for non-hazardous C&D wastes results in a maximum forecast capacity demand of 156,600tpa by 2020, and 198,000tpa by 2035. This leaves a residual annual landfill demand of 17,400tpa by 2020 and 22,000tpa by 2035.
- 5.3.23 Unfortunately, Planning for Waste Management Facilities does not provide any guidance on the generic site size requirements for C&D recovery processes. However, in response to the Call for Sites 2016, the site at the Former Lugg Bridge Quarry (Site W13) was proposed for intensification of existing uses; it has a site size of 3.13ha. The submission made in respect of the Call for Sites 2016 provides the following description of current operations:
- 'Hereford Quarries Ltd currently operate an inert recycling facility at the site. The facility currently accepts in the region of 15,000 tonnes per annum of inert material from construction, demolition and excavation projects along with a further 15,000 per annum of dug material which is stored on site pending sale. The above operations are permitted as per planning permissions 151184/N and 131870/N, respectively.'*
- 5.3.24 The Call for Sites 2016 submission suggests that the site has the capacity to *'process 100,000 tonnes per annum of inert material from construction, demolition and excavation waste streams.'* However, marketing material provided during the site visits made in November 2017 (Annex A) suggests that the site has *'potential of processing up to 240,000 tonnes of waste annually working to WRAP protocols.'*
- 5.3.25 The WDI data indicates that the site received a round total of 51,000 tonnes in 2016 comprising 42,000 tonnes of construction and demolition wastes and 9,000 tonnes of waste/water treatment wastes. This increased to 87,400 tonnes in 2017, almost entirely comprising construction and demolition wastes.
- 5.3.26 Site W13 therefore has the potential to provide over 150,000tpa of the forecast capacity need. This is not quite all of the forecast need, but the WNA Update 2018 recognises that this may be an overestimate.
- 5.3.27 In addition, Haywood Crushing Demolition operates another C&D waste recycling site at the Haywood Trading Estate, near Wellington (Site W11). The WDI data indicates that this site only started operating in 2016, receiving just under 3,000 tonnes of C&D wastes. In 2017 the

site inputs increased slightly to 3,657 tonnes. Whilst the site is located on an industrial estate it is not in the preferred areas covered by the spatial strategy, and the planning history of the recovery operations is not confirmed. However, it is recognised in principle to be an appropriate location for small scale operations, providing C&D waste recovery capacity for wastes arising in the local area.

- 5.3.28 This type of development is also seen occurring at the Rotherwas Industrial Estate, formerly at Site W15 Quickskip Fir Tree Lane and now at Site W14 Quickskip Chapel Road. Again, the planning history for these operations is not confirmed, but they serve to demonstrate that the waste management industry in Herefordshire is content to use industrial estates locations.
- 5.3.29 Inert landfill opportunities are identified at Sites W43, W44 and W45 to achieve reclamation of Sites M03, M04 and M05. The Call for Sites information identifies that there is a minimum of nearly 3 million tonnes of sand and gravel resource available across these areas. This is far in excess of the landfill demand for inert wastes at a recovery rate of 90% and would nearly meet the forecast disposal demand if recovery was only achieved to 70%.
- 5.3.30 This would indicated that there are sufficient opportunities identified within the Draft MWLP to enable high recovery of C&D wastes and an appropriate level of disposal.

## Summary of waste management expectations

- 5.3.31 This is a relatively complex discussion of the available evidence that will need a simple transfer into the Draft MWLP. Table 5.2 has been prepared to highlight the key conclusions from the WNA Update 2018 so as to identify the priority waste management requirements over the plan period.
- 5.3.32 Recognising the lack of certainty that is held around the forecast capacity requirements, a mid-point of future capacity is identified. This number can be used in policy to indicate a minimum capacity expectation to be delivered over the plan period. For all management routes except disposal, this is a one-off requirement. A waste treatment facility providing 25,000tpa of capacity will be able to do this year on year under standard operating procedures. However, a landfill void will be filled every time a deposit is made; consequently an annual, or cumulative, tonnage is required.
- 5.3.33 The total of the mid points for LACW, C&I, non-natural agricultural and hazardous wastes is 116,750 tonnes, just 8,250 less than the maximum calculated and presented at paragraph 5.3.7 above, and equivalent to the discretely added hazardous waste stream, which is normally regarded as a sub-set of other waste streams. Consequently, the mid-point is considered a reasonable approach to defining future requirements in policy; it is based on the best available evidence and avoids spurious precision. Further, it would not be set as a limit but as a minimum expectation, building in flexibility and the potential for more waste management infrastructure to be delivered in Herefordshire.

**Table 5.2 Estimated waste management requirement over the plan period**

YEAR		2020	2025	2030	2035	mid-point
Waste	Management route	Tonnes				
LACW	Biological	None		10,000 <sup>1</sup>		10,000
	Recycling	None		22,000 to 27,000 <sup>2</sup>		25,000
	Residual	No additional capacity requirement identified <sup>3</sup>				
C&I	Biological	No additional capacity requirement identified <sup>4</sup>				
	Recycling					
	Residual	63,000 to 86,500 <sup>5</sup>	56,000 to 71,600 <sup>5</sup>	53,500 to 64,700 <sup>5</sup>	53,500 to 66,800 <sup>5</sup>	65,000
Non-natural Agricultural	Residual	6,000 to 8,000 <sup>6</sup>	6,000 to 8,000 <sup>6</sup>	6,000 to 8,000 <sup>6</sup>	6,000 to 8,000 <sup>6</sup>	7,000
Hazardous	Residual	8,000 to 10,500 <sup>7</sup>	8,000 to 10,500 <sup>7</sup>	8,000 to 10,500 <sup>7</sup>	8,000 to 10,500 <sup>7</sup>	9,250
CD&E	Recovery	147,600 to 156,600 <sup>8</sup>	162,900 to 172,800 <sup>8</sup>	175,500 to 186,300 <sup>8</sup>	186,300 to 198,000 <sup>8</sup>	173,250
	Inert Disposal	16,400 to 17,400 <sup>9</sup>	18,100 to 19,200 <sup>9</sup>	19,500 to 20,700 <sup>9</sup>	20,700 to 22,000 <sup>9</sup>	19,250 each year

Notes:

1. WNA Update 2018, paragraph 6.2.14, second bullet. A round number of 10,000 tonnes has been assumed to make up any potential shortfall and provide for flexibility
2. WNA Update 2018, paragraph 6.2.14, first bullet
3. WNA Update 2018, paragraph 6.2.14, third bullet
4. WNA Update 2018, paragraph 6.3.8
5. WNA Update 2018, Table 6.3 and paragraph 6.3.10
6. WNA Update 2018, paragraph 6.5.3
7. WNA Update 2018, paragraph 6.6.1
8. WNA Update 2018, Table 6.5, assuming 90% recovery
9. WNA Update 2018, Table 6.5, assuming 90% recovery

## 5.4 Waste Water

- 5.4.1 A waste local plan is also the planning document to provide the strategy for new waste water infrastructure. Welsh Water and Severn Trent Water provide waste water treatment services within Herefordshire, with both companies operating waste water treatment works.
- 5.4.2 As statutory utility companies their capital investment programmes, for both water and sewerage infrastructure, are managed in 5 year Asset Management Plans (AMP). The current AMP (AMP6) runs from April 2015 to March 2020, with AMP7 from April 2020 to March 2025 and so on. The AMP, along with delivering essential investment in infrastructure from an operational and maintenance perspective also seeks to ensure appropriate large scale investment is undertaken to provide capacity for new development and growth. The submission of the Business Plan for AMP7 to the Industry Regulator Ofwat is scheduled for late 2018, with final determination expected in early 2020.
- 5.4.3 Consequently, neither company is currently able to provide an expectation of development proposals over the plan period; which would only ever be in five year blocks. Furthermore, both companies have confirmed that currently they do not have any substantial development plans that would benefit from a specific policy framework in the Draft MWLP.
- 5.4.4 Where shortfalls in funding occur and there is no capacity available to accommodate new growth and development, a developer can either wait for Welsh Water/Severn Trent to fund the necessary reinforcement works to infrastructure through future AMP investment or can accelerate the provision of reinforcement works themselves via the requisition provisions of the Water Industry Act 1991 for the water and sewerage networks, or via planning obligations or CIL for waste water treatment works.
- 5.4.5 Core Strategy policies SD3 and SD4 already set out the policy framework for water and waste water expectations in other development. Generally these policies are considered acceptable for minerals and waste development, although consultation with the companies identified a preference for some additional supplementary text; this has been prepared. A new criteria based policy has also been prepared for the Draft MWLP to enable either Welsh Water or Severn Trent Water to bring forward development proposals at the right time.

## 6. Duty to Co-operate

### 6.1 Introduction

- 6.1.1 This section reports on the activities undertaken to date in delivering Herefordshire Council's duty to co-operate in the strictest sense, but also reports on the additional engagement that has been undertaken in developing the Draft MWLP.
- 6.1.2 The duty to co-operate was created in the Localism Act 2011, amending the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan preparation in the context of strategic cross-boundary matters.
- 6.1.3 Further details about how the Council has complied with its Statement of Community Involvement and Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 is provided in the Consultation Statement.

### 6.2 Duty to Co-operate

#### Regional focus bodies

- 6.2.1 Within the West Midlands there operates, after a period of hiatus, both a Technical Advisory Body (WM RTAB, considering waste matters) and Aggregates Working Party (WM AWP, considering minerals) comprising authorities of the former West Midlands Region and other interested parties, including representatives from the Environment Agency and waste and minerals industries. Herefordshire Council is an active member of both.
- 6.2.2 The two key meetings of these bodies, in relation to the Draft MWLP, are: 30 October 2017, WM RTAB; and 9 November 2017, WM AWP. At each meeting a presentation was given on the work undertaken to date in preparing the Draft MWLP, including an overview of expected policy approaches. There followed discussion amongst those present, principally regarding relevant cross-boundary movements (of waste or mineral depending on the meeting) and the availability and credibility of evidence available to all the planning authorities preparing local plans. The minutes of these meetings are provided at Annex B.
- 6.2.3 Members of the WM RTAB and WM AWP have committed to continue to meet more frequently going forward. Attendance, and active participation at these meetings means that Herefordshire Council is working effectively with adjacent authorities and the Environment Agency in discussing cross-boundary matters. They form an important part of delivering the duty to co-operate and Herefordshire Council will continue to use these meetings to discuss the MWLP.

#### Statutory public bodies

- 6.2.4 In addition to local planning authorities, there are a number of other public bodies subject to the duty to co-operate. Table 6.1 presents each of these, along with how they have been engaged in preparation of the Draft MWLP.
- 6.2.5 In addition, the Coal Authority was consulted and its response has been considered in preparing the draft MWLP.

**Table 6.1 Statutory public bodies and their engagement with preparation of the Draft MWLP**

Public Body	I&O Report		Other engagement
	Consulted	Responded	
Environment Agency	Yes	Yes	WM RTAB and WM AWP
Historic Buildings and Monuments Commission for England (known as Historic England)	Yes	Yes	
Natural England	Yes	Yes	
Mayor of London	No		Not required
Civil Aviation Authority	Yes	No	
Homes and Communities Agency	Yes	No	
Each clinical commissioning group established under section 14D of the National Health Service Act 2006 <sup>1</sup>	Yes	No	
National Health Service Commissioning Board <sup>2</sup>	Yes	No	
Office of Rail Regulation	Yes	No	
Transport for London	No		Not required
Each Integrated Transport Authority <sup>3</sup>	Yes	No	
Each highway authority within the meaning of section 1 of the Highways Act 1980 <sup>4</sup>	Yes	No	
Marine Management Organisation	Yes	No	
<b>Notes</b>			
1. Wye Valley NHS Trust, Herefordshire Primary Care Trust			
2. Care Quality Commission			
3. Department for Transport, Rail for Herefordshire, Network Rail, Aviva Trains			
4. Highways England			

## Adjacent local planning authorities

6.2.7 There are a number of local planning authorities adjacent to Herefordshire. These are set out in Table 6.2, along with how they have been engaged in preparation of the Draft MWLP.

**Table 6.2 Local planning authorities and their engagement with preparation of the Draft MWLP**

Authority	I&O Report		Other engagement
	Consulted	Responded	
Shropshire Council	Yes	No	WM RTAB and WM AWP  Email confirmation that Shropshire Council considers that the approach taken to date by Herefordshire Council is acceptable in terms of current and future minerals and waste movements and management.
Worcestershire County Council	Yes	Yes	WM RTAB and WM AWP Meeting 15 February 2018 and ongoing
South Worcestershire Councils <sup>1</sup>	Yes	Yes	
Gloucestershire County Council	Yes	Yes	Meeting 15 February 2018 and ongoing
Forest of Dean District Council	Yes	No	
Monmouthshire Council	Yes	No	Welsh authority, no duty to co-operate
Powys Council	Yes	Yes	Welsh authority, no duty to co-operate Meeting 15 August 2018
Notes			
1. Comprising: Malvern Hills Council, Worcester City Council and Wychavon District Council			

6.2.9 Whilst members of both the WM RTAB and WM AWP, Staffordshire County Council and Warwickshire County Council were also consulted on the I&O Report, and both responded.

### *Meeting with Gloucestershire County Council and Worcestershire County Council*

6.2.10 On 15 February 2018, a meeting was held at Shire Hall in Gloucester with Gloucestershire County Council and Worcestershire County Council.

6.2.11 The meeting considered the current position in regard to plan preparation across all three authorities and agreed to establish a Memorandum of Understanding.

6.2.12 The minutes of that meeting and draft Memorandum of Understanding are provided at Annex B.

6.2.13 The three authorities have continued to meet to progress the Memorandum of Understanding and maintain dialogue over their respective development plans.

## *Meeting with Powys Council*

- 6.2.14 On 15 August 2018, a meeting was held at The Gwalia in Llandrindod Wells with Powys Council.
- 6.2.15 The meeting discussed a number of matters across minerals and waste planning, identifying many similarities across the two authorities and recognising that the current export of high quality crushed rock from Powys into Herefordshire was likely to continue for the foreseeable future. Powys Council confirmed that a substantial landbank existed within the authority and raised no objection to this practice continuing.
- 6.2.16 The minutes of that meeting are provided at Annex B.

## **6.3 Wider Engagement**

### **International Synergies Ltd**

Telephone conversation with Ian Humphreys, UK Operations Manager, 21 February 2018

- 6.3.1 Increased resource sharing is being observed, with beneficial outcomes, but these synergies are often driven by cost, seeking an outcome/material supply that is more cost effective or sustainable/reliable. For example, road building projects are at risk of being held up due to a lack of raw material availability, so Highways England is now looking to alternatives in order to meet its own project implementation schedules.
- 6.3.2 Industry generally is concerned with raw material availability and price. Larger manufacturing companies are more aware of corporate social responsibility priorities and the circular economy, while small and medium-sized enterprises (SMEs) are more likely to be driven by cost priorities. Generally industry (large and small) could do with more support regarding waste management, minimisation and the circular economy.
- 6.3.3 There are a number of on-line platforms available for resource exchange (ebay type model). These have varying levels of success, but often fail with low adoption rates, principally due to the vendor not having enough information about the quality, composition, quality and availability of the product on offer. There is often a mismatch between the information provided by the seller and/or the inability for either the potential vendor/purchaser to specify a quality level comparable to a raw material.
- 6.3.4 Greater progress is generally made through the work of facilitating organisations, such as International Synergies. They are able to connect relevant industries/businesses and help them work through challenges, whether logistical, communicative etc.
- 6.3.5 This interaction is important to enable different sectors to understand each other's inputs and outputs and where there may be synergies in resources. These discusses include helping the relevant parties to work through any aversion to the need to engage with additional regulations. The key aspect here is the ability to make links across sectors, such that, for example, a food company could be working with an automotive company on a material exchange. These linkages do not occur with any regularity in the 'business as normal' world. Therefore the role of the facilitator is vital in forming these cross-sector connections and maximising the likelihood of a successful outcome.
- 6.3.6 Herefordshire is recognised to have a lack of large industry and what there is, is quite dispersed. Geographical proximity is important for the majority of resources, but where the resource has an inherently high value, such as metals, then close geographical proximity



ceases to be so critical. The more valuable the material, the easier it is to make a commercial case for its transport and end use.

## **Biffa plc**

Telephone conversation with Jeff Rhodes, Head of Environment & External Affairs, 26 January 2018

- 6.3.7 Recognition that Herefordshire is a rural county with resultant low waste tonnage, developing major new treatment facilities in this location is unlikely to be interesting to the waste management industry businesses that operate nationally, at least on the basis of Herefordshire tonnages alone. They would be more likely to take it to an existing, operating facility located elsewhere.
- 6.3.8 Related discussion about lack of non-hazardous landfill capacity in Herefordshire and the proposal in the Draft MWLP to provide greater opportunity for waste treatment facilities, recognising that other waste is not suitable for recycling or recovery. Also residues and downtime diversion tonnages from treatment facilities would continue to need to go out of the area for disposal.
- 6.3.9 Both these matters are cross-boundary issues. Suggestion that Herefordshire undertakes consultation with the waste industry, alongside the Draft MWLP, to understand both the appetite for development in Herefordshire and availability of capacity elsewhere.
- 6.3.10 Personal reflection on the duty to co-operate is that it emanates from housing need, and it was intended to prevent one local planning authority expecting the adjacent authority to provide substantial housing stock, unless that apportionment had actually been agreed. It is a concept that makes sense for new development, but its relevance to using existing infrastructure is unclear, especially in relation to existing waste sites as availability and price dictates where waste producers send their waste.
- 6.3.11 With increasingly strategic roles for waste management facilities, particularly residual waste management facilities, discussions on cross boundary movements between waste planning authorities are important in helping to understand the realities of how waste from the area is being managed, or how waste from elsewhere is being managed in the area, but the planning system cannot, and should not, control where waste is sent, any more than it can or should control other material flows and supply chains in society. Waste management services are market driven, like other services, and highly dependent on availability and transport.
- 6.3.12 Residual waste to energy recovery now has an international market dimension through refuse derived fuel export to Europe. Recyclables also have a major (primary), global market dimension, particularly in respect of paper/board and plastics. This is due to two factors, depending on the materials: the shortfall of treatment capacity in the UK (eg for EfW) and the demand for packaging materials being greatest in the countries where the goods are produced which need the packaging, eg the Far East.
- 6.3.13 On a national level remaining landfill is becoming/will become more strategic, with growth in rail use and market areas operating beyond waste planning authority boundaries, regional boundaries and even national boundaries within the UK. The only time landfill will not be needed is if 100% diversion of all wastes is achieved, all of the time, which is not possible given the existence of specialised wastes, industrial process residues, treatment plant fines and contaminated soils for which landfill is the correct waste management route. The Environment Agency data 'Waste Management 2016: England' cites 6.8 years landfill capacity left for England. The latest published Defra data reports 76% of landfill inputs being soils and

other wastes (especially process fines), i.e. wastes that cannot be diverted into recycling or recovery. In addition, most of the 'general' waste which is landfilled now is diverted from treatment facilities, for example during maintenance.

- 6.3.14 Achievement of the circular economy is somewhat beyond the remit of a waste local plan; it is primarily for the manufacturing and design industries to drive. However, the waste industry has a role and this may be increased with global change in waste management. For example China is becoming increasingly quality conscious and much more selective in the recyclables it wants to buy, particularly plastics and paper. There are few other countries with that level of demand currently likely to take China's place. This could mean that more treatment infrastructure is needed in the UK to avoid these wastes/materials being disposed of to landfill, although in the case of recycling facilities it will depend on strong enough demand in the UK for the end products.
- 6.3.15 The approach proposed for the Draft MWLP seems about right: provide opportunities for local industry and waste management businesses to undertake additional treatment and recognise that some wastes will continue to travel out of Herefordshire for treatment/disposal. It was noted that the absence of landfill availability in Herefordshire means that there is a current reliance on out of county capacity for materials still relying on landfill, in particular an apparent reliance on the Hill & Moor landfill site in Worcestershire. However that site appeared unlikely to last the MWLP period so there is a need to address that issue.
- 6.3.16 Recognise that there is little opportunity for non-hazardous landfill currently, but viability might change over time. In terms of the long term, think about abandoned rail heads, surplus railway land and old yards. These may be potential rail links for landfill in the future, indeed, there a number of new rail-based waste services emerging now in the UK, at least for materials like process fines and contaminated soils that are relatively easy to move by rail.

#### Post-conversation notes

- 6.3.17 The potential to use rail land in Herefordshire has been considered in Herefordshire; no opportunities were identified.
- 6.3.18 The lack of non-hazardous landfill provision in Herefordshire is recognised, not least in the Waste Need Assessments. In order to achieve equivalent self-sufficiency, the Draft MWLP will provide additional opportunities for the development of waste treatment facilities.

#### **Skylon Park**

Telephone conversation with Mark Pearce, Managing Director, Skylon Park, 16 March 2018

- 6.3.19 The realisation of Skylon Park is going well, 39 acres have been developed to date and there is lots of interest in the remaining plots. There are physical and landform constraints to the zone boundary which makes expansion difficult.
- 6.3.20 Due to the good level of occupancy and interest across Skylon Park from high employment businesses, there would be some reticence to encouraging lower employment uses into the existing areas. Also some caution expressed against incineration with energy recovery, due to a concern that this could detract from the EnviRecover Facility contracted to manage residual municipal waste management waste.
- 6.3.21 However, on land close to the Skylon Park, or in its expansion areas, energy recovery facilities would be welcomed, particularly anaerobic digestion facilities, not least as there has been some previous interest in developing this technology. The Former City Spares site is part of

the Skylon South area of the zone and this was felt to be an appropriate location for an energy recovery facility with the following provisions: a high standard of design; suitable treatment of any contaminated land; and no external storage of waste.

## **Wye Valley Group**

Discussions during site visits, Gavin Pettigrew and Andrew Howell, November 2017

- 6.3.22 The Wye Valley Group comprises several companies: Wye Valley Metals; Wye Valley Skips; Wye Valley Demolition; Warehouse 701; Auto Breakers; Hereford Quarries; Sigeric Ltd; and Hereford Self Storage. It provides a range of products and services spanning the demolition, recycling, construction materials, reclamation, auto salvage and self-storage industries.
- 6.3.23 Their inert waste facility at Former Lugg Bridge Quarry, Hereford includes a wash plant and achieves high quality materials for the secondary aggregates market and for soil replacement. Wastes are taken primarily from Herefordshire, but also Gloucestershire, Shropshire and Worcestershire.
- 6.3.24 The Group currently employs over 120 local staff, and is the single largest waste recycling facility in Herefordshire. It handles national recycling contracts, with companies such as Network Rail, and supplies material to steelworks and foundries across the UK. Each business supports the others in their operations and all form part of the recycling chain; Wye Valley Group achieves over 99% recovery of all the wastes it handles.
- 6.3.25 The activities of the Wye Valley Group are akin to the circular economy already. The site at Rotherwas incorporates recycling/recovery of a wide range of wastes, but also workshops to upcycle furniture etc and a large warehouse selling these to the public. The craftsmen needed to do the upcycling/repairs are employed by the Wye Valley Group.
- 6.3.26 There is market interest in developing a residual waste management facility, particularly a technology that could work at a small-scale on an industrial estate, recovering energy for distribution to businesses locally. The current municipal waste management contract was seen as a potential constraint to that happening, but there was recognition that other wastes were being generated that could be appropriate.
- 6.3.27 The construction and demolition waste market is potentially significant, recognising a level of planned growth in Hereford and elsewhere, eg Gloucester. The facility at Former Lugg Bridge Quarry is intended to be expanded to accept up to 250,000 tonnes of waste per year. It would also be used, on a campaign basis, to process sand and gravel worked from the Upper Lyde quarry. This is just one part of the Wye Valley Group operations, which work together to provide a range of services and materials. The key competition in this sector is from less compliant operators offering services at much reduced costs as a result of tipping waste materials on unlicensed property, at farms etc, or not complying to exemption tonnage restrictions as issued by the Environment Agency.

## **Minerals**

Various Site Visits, November 2017

- 6.3.28 Some operators were met whilst visiting the minerals sites and the opportunity was taken to discuss the minerals market, how they operate and what might be the future challenges that the MWLP should seek to address.
- 6.3.29 That there is just one operational sand and gravel quarry in Herefordshire was raised; this was generally seen as a risk that future supply may not be forthcoming if something should

happen at that quarry. Discussion with the quarry manager demonstrated that the operator was aware of the key factors that could affect supply from the quarry, principally flooding of the working area and the main access road. The solution is to stockpile material, so that a supply was available for a foreseen period and to use an alternative access route through the Moreton Business Park.

- 6.3.30 Another factor mentioned was the lack of building sand within Herefordshire, even across the West Midlands. This is not a factor that the MWLP can address.
- 6.3.31 The crushed rock operators considered that with their proposed extensions there would be sufficient crushed rock provision for the foreseeable future.
- 6.3.32 The sandstone operators gave mixed responses in regard to the amount of sandstone remaining in the delves; although those that felt their current reserves were running low had identified adjacent delves or land that could be suitable to work. There was no indication that sandstone supply was about to cease and they were generally optimistic about a number of potential contracts that were due in the foreseeable future, including making roofing tiles for the restoration of Hay Castle.

#### WM AWP

- 6.3.33 The minerals industry representatives that attend the AWP meetings are concerned about future supply, and keen to make clear that they saw the landbank requirements as a minimum. Further, that local plans should be prepared with the expectation that the landbanks would be in place at the end of the plan period, ensuring continuity of supply.

#### Waste Water

- 6.3.34 Email discussions have been held with both Welsh Water and Severn Trent Water in order to ensure an appropriate strategy for waste water treatment infrastructure is included in the Draft MWLP. The outcome of the discussions are outlined at section 5.4 and the email chain are provided at Annex C.

#### Oil and Gas Authority (OGA)

- 6.3.35 Email discussion with the OGA to confirm the position regarding PEDL block S)51a. The outcome of the discussions are outlined at section 4.4 and the email chain are provided at Annex C.

## 6.4 Conclusions

- 6.4.1 Herefordshire Council is cognisant that the duty to co-operate on minerals and waste matters was a serious area of concern during Examination of the Core Strategy. At that time neither the WM RTAB nor the WM AWP were meeting regularly and there was a lack of resource within the Council to make engagement comprehensive across all the adjacent local planning authorities and appropriate public bodies.
- 6.4.2 Preparation of the Draft MWLP has been undertaken with a different approach and at a different time. The WM RTAB and WM AWP now meet more regularly and there is active dialogue with adjacent authorities on cross boundary matters.
- 6.4.3 In addition, Herefordshire Council has actively engaged with others operating in sectors relevant to the successful delivery of the Draft MWLP.

- 6.4.4 Herefordshire Council is satisfied that it has complied with the duty to co-operate. Further, that the outcome of this compliance is the production of effective and deliverable policies on cross-boundary matters in relation to minerals and waste. Examples of these policies are in relation to Herefordshire's contribution to the MASS and its approach to the delivery of waste management infrastructure.



## 7. The Habitats Regulations Assessment and the Sustainability Appraisal

### 7.1 Introduction

7.1.1 Land Use Consultants (LUC) has been commissioned by Herefordshire Council to undertake both the Habitats Regulations Assessment and Sustainability Appraisal (incorporating Strategic Environmental Assessment) of the Draft MWLP.

7.1.2 This section of the report considers the recommendations made in those documents and documents how they have affected the final Draft MWLP that will be prepared for consultation.

### 7.2 Habitats Regulations Assessment

#### Overview

7.2.1 The Habitats Regulation Assessment refers to the potential effects of a development plan on one or more European Sites, including Special Protection Areas (SPA) and Special Areas of Conservation (SAC). The findings of the Habitats Regulations Assessment were published in November 2018, in report titled 'Habitats Regulations Assessment for the Herefordshire Minerals and Waste Local Plan, Screening Report' (the HRA Screening Report).

7.2.2 The HRA Screening Report concludes that the Draft MWLP could result in the following likely significant effects:

- River Wye SAC (physical damage and loss of habitat, non-physical disturbance, water quality, and non-toxic contamination); and
- Wye Valley and Forest of Dean Bat Sites SAC (physical damage and loss of offsite functionally linked habitat).

7.2.3 The HRA Screening Report advises that these effects will require further consideration at the Appropriate Assessment stage, to determine whether, in light of any mitigation and avoidance measures, they will result in adverse effects on the integrity of the above sites either alone or in-combination with other plans and projects.

#### Recommendations

7.2.4 The appropriate assessment of the Draft MWLP is yet to be undertaken, but the recommendations made in the HRA Screening Report have been considered in finalising the Draft MWLP.

7.2.5 **River Wye SAC, recommendation:** *The potential effects associated with physical damage and loss as a result of development at site allocations M05 and W45 (principally through their proximity to the SAC and the presence of offsite functionally linked habitat which may be utilised by otter) could be mitigated through the provision of policy safeguards within the HMWLP which require site level assessment and a commitment to, and implementation of, best practice working measures in line with a site specific mitigation and avoidance plan.*

7.2.6 As explained in section 3 of this report, the MWLP will not be a stand-alone document, it is one element of the Herefordshire Local Plan and consequently its policy should complement

and supplement that of the Core Strategy. Neither policy of the Core Strategy, nor the NPPF, should be duplicated in the MWLP.

- 7.2.7 Section 3 reviews the policy of the Core Strategy and concludes that it is, generally, appropriate to apply to minerals and waste development proposals. Those areas that are found to be deficient, for example transportation within sites, have been addressed in new policy (Draft MWLP policy MT2). Section 7 of the Draft MWLP makes this point clearly.
- 7.2.8 In addition, there are specific, legislative requirements relevant to the protection of European and nationally designated sites; it is not necessary or appropriate for the Draft MWLP to repeat all of this legislation.
- 7.2.9 Consequently, it is not considered appropriate to add any further criteria based policy to the draft MWLP. However, the key development criteria relevant to the identified sites has been amended to incorporate the HRA Screening Report recommendation.
- 7.2.10 **Policy M7, recommendation:** *The wording of policy M7 requires strengthening to recognise that significant impacts can occur from activities occurring outside of the European site boundaries, together with a commitment to undertake site specific HRA assessment for any such proposal as it comes forward for consideration.*
- 7.2.11 Proposed policy M7 refers to designated European sites, along with Areas of Outstanding Natural Beauty and other national designations. This specificity is appropriate as it indicates the preferred areas for development and is informed by national policy and guidance. It is recognised that any development proposal, whether located within or beyond any or all of these designations, has the potential to result in adverse effects. The MWLP must be read as a whole with the rest of the development plan policy and will be considered alongside other material considerations, including the NPPF and Environmental Impact Assessment and Habitats Regulations. This suite of policy and legislation provides the appropriate decision making framework.
- 7.2.12 Consequently, it is not considered appropriate to add any further criteria based requirements to proposed policy M7 of the Draft MWLP.
- 7.2.13 **Wye Valley and Forest of Dean Bat Sites SAC, recommendation:** *Whilst considered to be highly precautionary, the potential effects associated with physical damage and loss of offsite functionally linked woodland habitat, as a result of development at site allocation M12 could be minimised through the provision of a commitment to site specific assessment where new areas of excavation and associated tree felling is proposed, and if required, the retention of a woodland periphery at the site to prevent habitat severance to horseshoe bat species.*
- 7.2.14 The key development criteria relevant to the identified site has been amended to incorporate the HRA Screening Report recommendation.

## 7.3 Sustainability Appraisal

### Overview

- 7.3.1 The Sustainability Appraisal seeks to identify the likely significant effects of the Draft MWLP on the achievement of a series of sustainable development policy objectives. The findings of the Sustainability Appraisal were published in November 2018, in report titled, 'Sustainability Appraisal of the Draft Herefordshire Minerals and Waste Local Plan' (the SA Report).



- 7.3.2 The main findings are that, overall, the Draft MWLP is considered to have a significant positive effect on promoting the sustainable use of mineral resources by requiring minerals to be worked sustainably, promoting the use of recycled and secondary aggregates, safeguarding mineral resources, promoting resource efficiency and a circular economy and promoting effective restoration and appropriate afteruse of sites.
- 7.3.3 The Draft MWLP is considered to have a mixed effect on moving treatment of waste up the waste hierarchy. Significant positive effects come from the promotion of the management of waste in accordance with the circular economy, moving waste up the waste hierarchy and the adequate provision of waste management infrastructure in Herefordshire. Minor negative effects result from the disposal of inert waste following mineral extraction.
- 7.3.4 The Draft MWLP is considered to have a mixed effect (significant negative / minor positive) on reducing road traffic, congestion and pollution, and promoting sustainable modes of transport and efficient movement patterns in the county. Twelve mineral sites are predicted to have significant negative effects as these sites are either large (over 20ha) and are expected to generate high volumes of heavy goods vehicle traffic; are not within 250m of a main road thereby encouraging the use of local roads; or are not within 800m of any sustainable transport links which will encourage private car use among employees. Significant positive effects are predicted from the encouragement of alternatives to road and the use of electric vehicles.
- 7.3.5 Consequently, the Draft MWLP is also considered to have a mixed effect (significant negative/minor positive) on reducing Herefordshire's vulnerability to the impacts of climate change as well as its contribution to the problem. The negative effects generally relate to minerals and waste continuing to be predominately transported by heavy goods vehicles which will result in increases in transport-related emissions. Additionally, a significant negative effect is predicted for policy M7: Unconventional Hydrocarbons as it facilitates unconventional hydrocarbon development, which has the potential to exacerbate the impacts of climate change through increased greenhouse gas emissions.
- 7.3.6 Mixed effects (significant negative/minor positive) are also predicted on valuing, maintaining, restoring and expanding county biodiversity and geodiversity. Significant effects are identified for sites which are proximate or adjacent to or contain sites designated for their national or international nature conservation importance. These sites have the potential to affect biodiversity and geodiversity through habitat/geology damage/loss, fragmentation, and disturbance to species from noise, light, vibration and human presence.
- 7.3.7 Mixed effects (significant negative/significant positive) are predicted on valuing, protecting and enhancing the quality of watercourses and maximise the efficient use of water. Significant negative effects are identified for a number of sites as they are proximate or adjacent to waterbodies designated for nature conservation importance or as having poor water quality, or lie within a groundwater source protection zone. Significant positive effects arise from policies safeguarding the county's current stock of significant environmental assets from loss and damage, reversing negative trends, ensuring best condition and site betterment, as well as appropriately managing future assets and promoting wastewater management.
- 7.3.8 The Draft MWLP is considered to have minor positive effects on:

- reducing the risk of flooding and the resulting detriment to public well-being, the economy and the environment;
- supporting, maintaining or enhancing the provision of employment opportunities in the minerals and waste sectors and on maintaining or enhancing conditions that enable a sustainable economy and continued investment; and
- reducing poverty and social inclusion by closing the gap between the most deprived areas in the county and the rest of the county.

7.3.9 The Draft MWLP is considered to have a mixed effect (minor positive/minor negative) on:

- protecting and improving the health of the people of Herefordshire, reducing disparities in health geographically and demographically;
- minimising noise, light, and air pollution;
- valuing, protecting and enhancing soil quality and resources;
- valuing, protecting, enhancing and restoring the landscape quality of Herefordshire, including its rural areas and open spaces;
- valuing, protecting and enhancing the county's historic environment and cultural heritage; and
- valuing, protecting and enhancing the character and built quality of settlements and neighbourhoods.

## Recommendations

7.3.10 The SA Report sets out a number of recommendations for mitigation to address the negative impacts identified. These are largely for the inclusion of a policy setting out criteria to be addressed in proposals for development to demonstrate no adverse effects on the environment or communities, including from cumulative impacts. It also makes site specific recommendations. Each of these are addressed below.

7.3.11 **SA Objective 3, recommendation:** *The HMWLP should include an additional policy outlining criteria which development proposals must demonstrate have been considered to ensure that proposed developments do not cause unacceptable adverse impacts on either the environment or local communities.*

*The HMWLP should include a policy on cumulative impacts and phasing of workings to provide details that proposed mineral and waste sites must [sic] comply with to ensure that cumulative impacts on the amenity of local communities (from noise, dust, odour, vibration), air quality, landscape, biodiversity and geodiversity, the water and soil environments, the historic environment, and the road network, can be adequately mitigated to enable a proposal to be acceptable.*

7.3.12 As explained in section 3, the MWLP will not be a stand-alone document, it is one element of the Herefordshire Local Plan and consequently its policy should complement and supplement that of the Core Strategy. Neither policy of the Core Strategy nor the NPPF should be duplicated in the MWLP.

7.3.13 Section 3 reviews the policy of the Core Strategy and concludes that it is, generally, appropriate to apply to minerals and waste development proposals. Those areas that are

found to be deficient, for example transportation within sites, have been addressed in new policy (Draft MWLP policy MT2). Section 7 of the Draft MWLP makes this point clearly.

- 7.3.14 In regard to cumulative impacts, the key development criteria identify the need for phased working as appropriate to the relevant sites. In addition, it is reasonable to expect that the types of development that would be likely to result in a material cumulative impact would also be subject to either one or both of Environmental Impact Assessment or Habitats Regulations Assessment. These statutory assessment regimes already contain the appropriate requirements for cumulative assessments.
- 7.3.15 Consequently, it is not considered appropriate to add any further criteria based policy to the draft MWLP.
- 7.3.16 **SA Objective 5, recommendation:** *The HMWLP should include an additional policy outlining criteria which development proposals must demonstrate have been considered to ensure that proposed developments do not cause unacceptable adverse impacts on the transport network.*
- 7.3.17 The MWLP will not be a stand-alone document, it is one element of the Herefordshire Local Plan and consequently its policy should complement and supplement that of the Core Strategy. Neither policy of the Core Strategy nor the NPPF should be duplicated in the MWLP. The review of Core Strategy policy (presented at section 3 of this report) concludes that Core Strategy policy in relation to transport is generally appropriate and adequate and is supplemented by proposed policy MT2 of the Draft MWLP.
- 7.3.18 Consequently, it is not considered appropriate to add any further criteria based policy to the draft MWLP.
- 7.3.19 **SA Objective 6, recommendation:** *The HMWLP should include an additional policy outlining criteria which development proposals must demonstrate have been considered to ensure that proposed developments do not cause unacceptable adverse impacts on the historic environment.*
- 7.3.20 The MWLP will not be a stand-alone document, it is one element of the Herefordshire Local Plan and consequently its policy should complement and supplement that of the Core Strategy. Neither policy of the Core Strategy, nor the NPPF, should be duplicated in the MWLP. The review of Core Strategy policy (presented at section 3 of this report) concludes that Core Strategy policy in relation to the historic environment is appropriate and adequate.
- 7.3.21 Consequently, it is not considered appropriate to add any further criteria based policy to the draft MWLP.
- 7.3.22 **SA Objective 10, recommendation:** *The HMWLP should include an additional policy outlining criteria which development proposals must demonstrate have been considered to ensure that proposed developments prevent, mitigate or offset the effects of climate change.*
- 7.3.23 The MWLP will not be a stand-alone document, it is one element of the Herefordshire Local Plan and consequently its policy should complement and supplement that of the Core Strategy. Neither policy of the Core Strategy, nor the NPPF, should be duplicated in the MWLP. The review of Core Strategy policy (presented at section 3 of this report) concludes that Core Strategy policy in relation to climate change is generally appropriate and adequate, and is supplemented by proposed policy SS8 of the Draft MWLP.

- 7.3.24 Consequently, it is not considered appropriate to add any further criteria based policy to the draft MWLP.
- 7.3.25 **Policy M7, recommendation:** *Unconventional Hydrocarbons should be updated to support the protection of important soil types, particularly carbon sinks and Best & Most Versatile Agricultural Land. The policy should also state that developments should incorporate the use of best practice in construction, operation and plant specification to minimise releases to air through fugitive emissions; phasing water demand to avoid periods of low flow or water stress; ensuring waste management plans include the transport and treatment of the flowback and produced water generated; and ensuring transport plans include measures to address the effects on local communities including vehicle frequency, scheduling, speed restrictions and routeing.*
- 7.3.26 Proposed policy M7 of the Draft MWLP, and the preceding text, has been amended to incorporate this recommendation.
- 7.3.27 **Policy SD5, recommendation:** *Site Reclamation should be updated to require proposals for restoration to take account of aviation safety.*
- 7.3.28 Proposed policy SD5 requires proposals to 'take account of the geography of the site, its surroundings, and any development and development plan policies relevant to the area'; this phrasing would incorporate airfields. Many of the airfields within and surrounding Herefordshire are small, private airstrips and their requirement can be expected to be very different from larger airports.
- 7.3.29 Consequently, it is concluded that policy SD5 should not be amended, but an additional sentence has been added to the text preceding the policy, specifically directing reclamation schemes to be designed cognisant of the proximity and purpose of airfields.
- 7.3.30 **SA Objective 12, recommendation:** *The HMWLP should include an additional policy outlining criteria which development proposals must demonstrate have been considered to ensure that proposed developments do not cause unacceptable adverse impacts on biodiversity and geodiversity.*
- 7.3.31 The MWLP will not be a stand-alone document, it is one element of the Herefordshire Local Plan and consequently its policy should complement and supplement that of the Core Strategy. Neither policy of the Core Strategy, nor the NPPF, should be duplicated in the MWLP. The review of Core Strategy policy (presented at section 3 of this report) concludes that Core Strategy policy in relation to biodiversity and geodiversity is appropriate and adequate.
- 7.3.32 Consequently, it is not considered appropriate to add any further criteria based policy to the draft MWLP.
- 7.3.33 **SA Objective 12, recommendation:** *In relation to sites that are likely to have a significant effect on the River Wye SAC, the HMWLP should require site level assessment and a commitment to, and implementation of, best practice working measures in line with a site specific mitigation and avoidance plan.*
- 7.3.34 This recommendation is similar to that made in the HRA Report. The key development criteria associated with each of the relevant sites has been amended to incorporate this recommendation.

- 7.3.35 **Site M12, recommendation:** *In relation to site M12, the HMWLP should require site specific assessment where new areas of excavation and associated tree felling is proposed, and if required, the retention of a woodland periphery at the site to prevent habitat severance to horseshoe bat species.*
- 7.3.36 This recommendation is similar to that made in the HRA Report. The key development criteria associated with site M12 has been amended to incorporate this recommendation.
- 7.3.37 **SA Objective 13, recommendation:** *The HMWLP should include an additional policy outlining criteria which development proposals must demonstrate have been considered to ensure that proposed developments do not cause unacceptable adverse impacts on the landscape including from visual intrusion and should include mitigation measures such as screening.*
- 7.3.38 The MWLP will not be a stand-alone document, it is one element of the Herefordshire Local Plan and consequently its policy should complement and supplement that of the Core Strategy. Neither policy of the Core Strategy, nor the NPPF, should be duplicated in the MWLP. The review of Core Strategy policy (presented at section 3 of this report) concludes that Core Strategy policy in relation to landscape is appropriate and adequate.
- 7.3.39 Consequently, it is not considered appropriate to add any further criteria based policy to the draft MWLP.
- 7.3.40 **SA Objective 14, recommendation:** *The wording of policy M7 requires strengthening to recognise that significant impacts can occur from unconventional hydrocarbon activities occurring outside of the European site boundaries, together with a commitment to undertake site specific HRA assessment for any such proposal as it comes forward for consideration. It is also recommended that a Water Management Plan and a Waste Management Plan are required which could include, due to the volume of water required for hydraulic fracturing, that demand should be met from recycling and reuse of flowback water (the fractured fluid injected into the shale rock during hydraulic fracturing which returns to the surface through the drilled well). The policy could also state that flowback water, once it is intended for disposal, is not permitted to be re-injected into the geological formation and will require treatment as a waste. Furthermore, given the relatively high consumption of water during hydraulic fracturing, the timing of water consumption should be considered in light of local conditions so as to reduce the risk of abstractions occurring during low flow periods.*
- 7.3.41 Proposed policy M7 refers to designated European sites, along with Areas of Outstanding Natural Beauty and other national designations. This specificity is appropriate as it indicates the preferred areas for development and is informed by national policy and guidance. It is recognised that any development proposal, whether located within or beyond any or all of these designations has the potential to result in adverse effects. The MWLP must be read as a whole with the rest of the development plan policy and will be considered alongside other material considerations, including the NPPF and Environmental Impact Assessment and Habitats Regulations. This suite of policy and legislation provides the appropriate decision making framework. Consequently, it is not considered appropriate to add any further criteria based requirements to proposed policy M7 of the Draft MWLP.
- 7.3.42 The text preceding proposed policy M7 has been amended to incorporate reference to the submission of water and waste management plans and the proposed best practice measures.

- 7.3.43 **SA Objective 14, recommendation:** *The HMWLP should include an additional policy outlining criteria which development proposals must demonstrate have been considered to ensure that proposed developments do not cause unacceptable adverse impacts on the water environment. The policy should also refer to the protection of Source Protection Zones and designated waterbodies.*
- 7.3.44 The MWLP will not be a stand-alone document, it is one element of the Herefordshire Local Plan and consequently its policy should complement and supplement that of the Core Strategy. Neither policy of the Core Strategy, nor the NPPF, should be duplicated in the MWLP. The review of Core Strategy policy (presented at section 3 of this report) concludes that Core Strategy policy in relation to source protection zones and designated waterbodies is appropriate and adequate.
- 7.3.45 Consequently, it is not considered appropriate to add any further criteria based policy to the draft MWLP.
- 7.3.46 **SA Objective 14, recommendation:** *The HMWLP should include an additional policy which states that mineral workings and waste developments should not increase flood risk elsewhere and need to be designed, worked, and restored accordingly.*
- 7.3.47 The MWLP will not be a stand-alone document, it is one element of the Herefordshire Local Plan and consequently its policy should complement and supplement that of the Core Strategy. Neither policy of the Core Strategy, nor the NPPF, should be duplicated in the MWLP. The review of Core Strategy policy (presented at section 3 of this report) concludes that Core Strategy policy in relation to flood risk is appropriate and adequate.
- 7.3.48 Consequently, it is not considered appropriate to add any further criteria based policy to the draft MWLP.
- 7.3.49 **SA Objective 17, recommendation:** *The HMWLP should include an additional policy outlining criteria which development proposals must demonstrate have been considered to ensure that proposed developments do not cause unacceptable adverse impacts on the soil environment.*
- 7.3.50 The MWLP will not be a stand-alone document, it is one element of the Herefordshire Local Plan and consequently its policy should complement and supplement that of the Core Strategy. Neither policy of the Core Strategy, nor the NPPF, should be duplicated in the MWLP. The review of Core Strategy policy (presented at section 3 of this report) concludes that Core Strategy policy in relation to the soil environment is appropriate and adequate.
- 7.3.51 Consequently, it is not considered appropriate to add any further criteria based policy to the draft MWLP.

## **8. Structure of the Draft MWLP**

### **8.1 Foreword**

8.1.1 This may be left blank until the Pre-Submission Draft.

### **8.2 Consultation Details**

8.2.1 Setting out how to respond to the Draft MWLP.

### **8.3 Introduction and Background**

8.3.1 Explaining the role of the MWLP, its timeframe scope and purpose.

8.3.2 Introducing the evidence base used to prepare the Draft MWLP.

8.3.3 Explaining how flexibility has been built into the Draft MWLP.

8.3.4 Explaining how consultation has helped to develop the Draft MWLP.

### **8.4 Context**

8.4.1 Presenting a brief spatial portrait of the plan area, referring to the Core Strategy, but providing detail on the minerals resource and waste management infrastructure currently in Herefordshire.

8.4.2 Explaining how Herefordshire Council has worked with other authorities in preparing the Draft MWLP, with reference to the Duty to Co-operate.

8.4.3 Presenting the European, national and local policy context relevant to the Draft MWLP.

8.4.4 Identifying key issues and challenges for the Draft MWLP to address.

### **8.5 Vision, Objectives and Spatial Strategy**

8.5.1 Presenting the Vision, Objectives and spatial strategies for the Draft MWLP.

8.5.2 Recognising their different locational priorities, the spatial strategies for minerals and waste will be different.

8.5.3 This section includes the Key Diagram (provided at the end of this section).

### **8.6 Strategic Policy and General Principles**

8.6.1 This section of the Draft MWLP sets out the additional supplementary text and/or policy to complement the policies of the Core Strategy.

8.6.2 Rather than being focussed on the delivery of new minerals or waste development *per se*, it is dealing with:

- overarching principles relevant to minerals and waste management (for example resource efficiency) whether arising from minerals, waste or other forms of development; and

- the expectations for development that apply to both minerals and waste management, for example site reclamation.

## **8.7 Minerals**

8.7.1 Presents the policy relevant to development for the winning and working of minerals.

## **8.8 Waste**

8.8.1 Presents the policy relevant to development for waste management facilities.

## **8.9 Delivery, Implementation and Monitoring**

8.9.1 Explains how the policy of the MWLP will be delivered, including through the use a planning obligations, for example to secure a longer aftercare period.

8.9.2 Identifies who is primarily responsible for delivering policy of the MWLP.

8.9.3 Presents the monitoring regime for the MWLP.

## **8.10 Glossary**

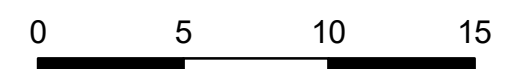
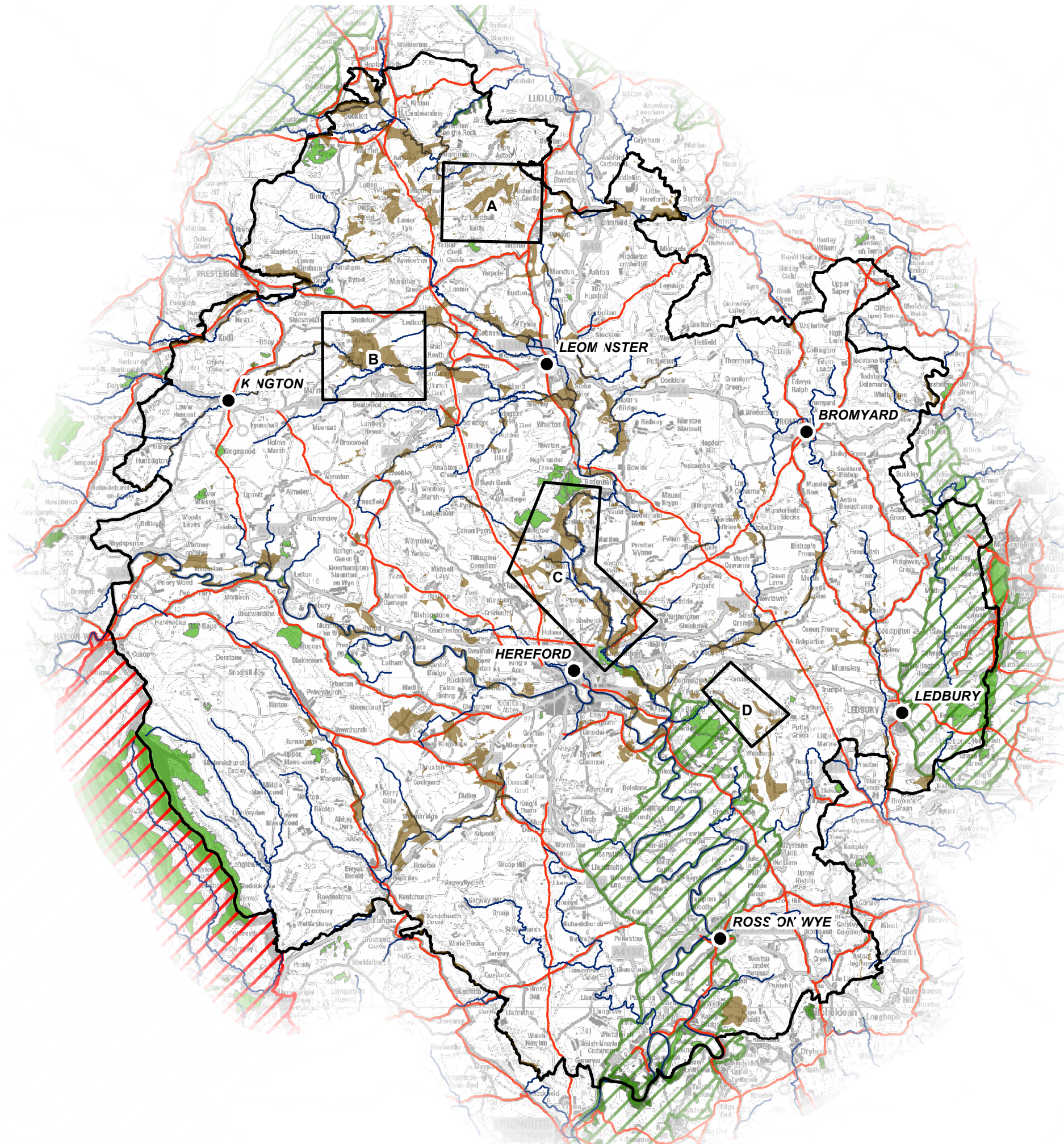
8.10.1 Explains key terms used within the Draft MWLP.



# Herefordshire Minerals and Waste Local Plan

## Key Diagram

-  Brecon Beacons National Park
-  AONB
-  Natura2000 Sites
-  UK Ecological Designations
-  Preferred Search Areas
-  General Search Areas
-  Major Rivers
-  Major Roads



Kilometres

SCALE  
1:260,000 @ A3

DATE  
23/03/2018

hendeca



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