

4 March 2019

Dear Madam/Sir,

MINERALS AND WASTE LOCAL PLAN CONSULTATION RESPONSE

1 Introduction

1.1 The Campaign to Protect Rural England [CPRE] is a national environmental charity with over 60,000 supporters and a branch in every county. CPRE stands up for the countryside, seeks to protect it from the threats it faces and shape its future for the better.

1.2 CPRE Herefordshire has over 300 members. We responded to the previous issues and options consultations on the Minerals and Waste Local Plan [M &WP] and there is a partial reply to some of our comments in the *Spatial Context and Sites Report* at paragraphs 2.4.17 to 2.4.21.

1.3 Our prime focus is the landscape of Herefordshire. If mineral extraction and waste sorting/treatment/disposal sites are poorly planned, operated or located they can have significant detrimental impacts on the Herefordshire countryside, and its communities, the individuals who live and work in rural areas as well as those passing through or visiting for a longer period.

1.4 Mitigation attempts and restoration cannot hide the fact that such operations cause significant damage to the natural environment which in many cases has been changed for ever. There are wider impacts on local communities including noise, smells, dust, and heavy vehicle traffic.

2 Inadequate evidence base – answering your Q1

2.1 There remain fundamental weaknesses in the evidence base to which we referred in our earlier responses at the Issues and Options stage. For instance the BGS data for crushed rock provision [2014] is not verified and as para 8.1 of the M&WP says there is generally a lack of data in relation to crushed rock within Herefordshire. Data is not available on current sales of crushed rock [4.1.27]

2.2 Not only is the hard data upon which the M&WP is being based full of holes – attributed in part to confidentiality reasons – but parts of the policy base are now approaching a decade old. The RES is but one example; another is the Green Infrastructure Strategy – also 2010. While these documents certainly have been through their own preparation processes, and some may even have been examined and concerns have not yet been raised by statutory consultees; they are still old and the data sets upon which they relied are even older. For instance the growth in Neighbourhood Development Plans since 2010 has produced a vast amount of new, empirical data about the natural environment and this is not reflected in the proposed M&WP.

2.3 The M&WP still lacks a Strategic Flood Risk Assessment. The Sustainability Assessment does not appear to analyse the impact of emissions from the vehicle movements associated with minerals and waste development of which a large percentage are HGV's and as paragraph 5.3.1 says are likely to be significant in volume. Nor is there an assessment of the impacts of fossil fuels used in extraction. Air quality will be impacted during both extraction and transportation and the emissions generated will increase Herefordshire's carbon footprint. The Climate Change Act 2008 required the UK to reduce greenhouse gas emissions to 80% below 1990 levels by 2050

2.4 We remain concerned the M&WP may be found to be unsound when it is examined in public.

3 Is the vision appropriate and deliverable – Answering your Q2

3.1 CPRE Herefordshire has concluded that the M&WP fails to meet at least 7 of its own 12 objectives. Specifically:

1. *To enable minerals and waste development to make an appropriate contribution to improve the health, well-being and quality of life of residents*

Health wellbeing and quality of life is no longer enhanced through enabling great traffic volumes to travel our roads. Traffic produces more emissions harmful to human health and reducing biodiversity. The plan enables the destruction of Key Green Infrastructure Assets and fails to reduce our impact on the biosphere.

2. *To prioritise the long-term conservation of primary minerals through enabling provision of sustainable alternatives, effective use of mineral reserves, and promoting efficient use of minerals in new development.*

The proposed extraction rates must rise to meet projected demand to such an extent that two of the quarries will be exhausted and another requires substantial expansion. How can that outcome be a result of long-term conservation of primary minerals?

5. *To optimise the contribution that mineral working and waste management makes to Herefordshire's economy as land-based industries, balanced with effective protection of people, places and businesses from adverse impacts.*

The accelerated extraction of building materials will bring a short-term benefit to the quarry operators and land owners while the ten-year infrastructure development of the Core Strategy results in environmental degradation, loss of biodiversity and increase in climate changing emissions. Hardly a long-term economic benefit to society, this is the very essence of the current global lobby by the younger generation to plan sustainable future.

8. *To reduce the need to travel and lessen the harmful impacts from traffic growth, promoting the use of alternatives to road transport and ensuring that new development is served by suitable transport networks.*

Extracting resources to build roads and increase in car dependent City households does not reduce traffic emissions? There are no policies in the M&WP to address the growth in HGV trips that will result from its proposals

10. *To achieve sustainable communities and protect the environment by delivering well-designed and well-operated minerals and waste development that use land efficiently, reinforce local distinctiveness, and are supported by the necessary infrastructure, including green infrastructure.*

The M&WP extracts minerals for a Core Strategy that includes building car dependent housing estates on high grade arable land that is a floodplain. These houses at 3 Elms will

completely surround a conservation area and sterilise previously identified gravel mineral resources. That is hardly supporting green infrastructure or best use of productive farmland.

11. *To address the causes and impacts of climate change relating to minerals and waste development activity, including using opportunities arising from minerals and waste operations and reclamation activity to mitigate and adapt to climate change and to leave a positive legacy.*

With no assessment in the Sustainability Analysis of the transport emissions from extractive industries, this draft is both inadequate and misleading. No attempt has been made to apply this National policy to the planning process.

12. *To conserve, promote, utilise and enjoy our natural, built, heritage and cultural assets for the fullest benefits to the whole community, by safeguarding the county's current stock of valued heritage and significant environmental assets from loss and damage, reversing negative trends, ensuring best condition and site betterment, as well as appropriately managing future assets*

This M&WP plan enables the destruction of heritage assets by road building through historic parklands, loss of biodiversity through pollution over the River Wye SAC, enhances negative trends of carbon emissions and loss of habitat while exhausting natural resources at unsustainable rates.

All of our remaining comments below address your consultation Question 7 and the request for further comments.

4 Heavy Goods Vehicle Traffic

4.1 CPRE Herefordshire regrets that there is no specific policy being proposed to regulate the potentially significant levels of traffic generated by bio-digesters, fracking sites, a working quarry, pit or waste facility once it reaches the public highway. We are aware of ongoing road damage around Leinthall Starkes and the concerns of local people about noise and air pollution as well as road safety in the vicinity of the quarry. We do not believe that it is too difficult to designate specific routes for HGV's to use e.g. from the hard rock quarries in Powys to the functioning rail head north of Hereford. It is not sufficient to leave this matter to site by site planning conditions or current Core Strategy movement policies. The M&WP should also address this issue particularly given the size of potential HGV movements implicit in our section on the implications of growth below.

4.2 Further-more we are concerned that road mileage should be minimised so that out of county sources (upon which the county will still depend) should be preferred to those in Herefordshire where this reduces overall mileage, disturbance and danger.

5 Hydrocarbons

5.1 It is inevitable that the final M&WP contains a policy on the extraction of hydrocarbons including by hydraulic fracking. Our national policy guidance note on this is attached at Appendix 1 in the hope that it informs the final wording of the policy for Herefordshire when this is examined.

5.2 Draft Policy M7 says nothing about the traffic generated during exploration and testing let alone the production phases of any such wells or the scale of surface site that is likely to be permitted. To this extent the Sustainability Appraisal provided is inadequate. The policy should be reworded

6 Growth implications for Construction, Demolition and Excavation materials and waste

6.1 CPRE Herefordshire finds that the proposed M&WP presents a daunting picture of both the future demand for new minerals [and therefore the position on reserves] and the demand for disposal.

6.2 Table 4.7 of the Minerals Needs Assessment 2018 update shows a comparison between the main infrastructure proposals that were planned by the earlier Herefordshire Unitary Development Plan 2007 and the 2015 Core Strategy. It is spurious to say that these 'are similar in nature and scale and that therefore there is no indication to suppose that there will be a significant change in the demand for aggregates over the life of the Core Strategy when compared to the period since the adoption of the UDP'. The UDP was adopted 12 years ago and did not contain any detailed proposals or an assessment of their material requirement, just possible schemes. Since then there has been a recession and since 2015 the Core Strategy proposals have started to be built or engineering investigations begun. There is now a much better appreciation of the building materials required and their timescales including the design parameters for the proposed roads and bridges.

6.3 The barely credible Core Strategy housing trajectory forecasts of crushed rock demand is some 2.5x an estimated demand based on population growth aggregate per head. [Table 4.10 of the Minerals Needs Assessment refers]. The Core Strategy induced housing growth are now far ahead of the local population forecasts. If the levels of house and associated road building are maintained when the Core Strategy is reviewed we believe that the demands for building materials and road stone in particular may well even exceed those being proposed. A central element of the Core Strategy is to grow the county's economy – and in particular Hereford's – at a faster rate than elsewhere and we do not feel that the growth forecasts provided by Experian recognise this sufficiently. [Table 4.2 of the Minerals Needs Assessment] recognise this sufficiently

6.4 We currently await the Inspector's report on the Southern Link Road. CPRE Herefordshire has still not yet seen any plan for the disposal of the spoil from this site or its replacement by suitable quality materials should the road go ahead. However the volumes of CDE waste are significant as will the heavy traffic generated during the construction period. This lack of clarity at such a late stage is, in our view, extremely regrettable and shows the need to revisit the current forecasts.

7 Agricultural waste (Policy W3) and waste water (Policy W4)

7.1 Although the M&WP does recognise the cumulative impact of intensive agriculture (e.g. at para 5.2.5); CPRE Herefordshire does not believe that the Plan as it now stands deals adequately with the effects of the largely ad-hoc and unplanned growth in number of intensive livestock units across the county. Many of these could be sited in urban areas on industrial estates since they have absolutely no connection with the land upon which they are built. It is disappointing therefore that the Plan does not propose a spatial strategy (7.2.15) in the way it does for mineral extraction and specific waste facilities.

7.2 There should be an additional specific policy (W5?) on the location and management of intensive units in the M&WP as there was in the Unitary Development Plan and this new policy should be supported by Supplementary Planning Guidance. The case for this is even stronger since agricultural

7.3 residues are one of the hardest to tackle sources of phosphate and other pollutants in our water courses, a hazard that the Nutrient Management Plan has so spectacularly failed to control/reduce so far. Appendix 2 contains an extract from our newsletter mapping the Environment Agency's phosphate data for local river catchments. The sampling frequency and density has declined on our rivers over the last two years yet contamination remains an issue.

7.4 The digestate from anaerobic digesters retains phosphates so, while potentially more beneficial to the soil than raw manure, it can contribute to the pollution. In addition chicken manure contains other concentrated chemicals including ammonia that is harmful to plants, trees and hedgerows. Planning conditions requiring the screening of sites are useless if the screening is subsequently killed off.

7.5 Furthermore it is not adequate to say that waste disposal is solely the land-owners responsibility when the record of adequate Manure Management Plans (that are supposed to specify where manure will be spread as well as where and how it will be stored pending use) and Transport Assessments accompanying planning applications is so poor. Range areas and rotation plans for 'free range' poultry are rarely specified in applications or their supporting documents. All of these plans and assessments should have a clear basis in a M&WP policy.

7.6 As with mineral extraction, intensive units have significant transport implications. Intensive units of all kinds produce huge amounts of manure that is used as fertiliser either on the applicant's holding or is sold to others and subsequently transported off site. Some applicants have land at several locations so manure can be transported considerable distances. Exactly who is responsible for the fate of manure transported off farm is just one example of apparent confusion between the respective responsibilities of the Environment Agency and Herefordshire Council [as the local planning authority - LPA] We have made representations about this on many occasions in relation to individual planning applications.

7.7 It is not sufficient to rely on site by site conditions or enforcement actions that are often inadequate. Problems often arise due to the lack of sufficient monitoring/inspection. EIA documents are not always reliable. While they are produced by properly qualified individuals engaged by the applicant each assessment should be scrutinised by an independent qualified person engaged by the LPA. In our experience this is rarely done.

7.8 The draft M&WP makes a compelling case for policies on agricultural waste in Herefordshire although these are not usually appropriate (7.2.10 – 7.2.12). However we are generally disappointed that the fine words in the document are not carried through into policies and in particular at the vagueness of policies W3 and W4 which contrast poorly with Core Strategy policies with their numerous bullet points. Relying on these non-agriculture specific policies in the development plan is insufficient in our view.

7.9 Policy W3 as it stands does not indicate precisely what it is trying to control. E.g. are the dead birds that are cleared out from broiler units daily and have to be stored and ultimately transported included? If so they are not included in the list of natural wastes at paragraph 7.2.22 which should be included to the policy as a non -exhaustive set of examples of what is meant. The policy should

apply to all natural and non- natural wastes and bi products and specify the criteria a suitably qualified planning officer would use to judge whether or not the waste material is being appropriately managed and define 'on' as well as 'off site'. The potentially harmful constituents of manure should be included in the policy. Why is a distinction being made between proposed developments [in sub paragraph a)] and whole agricultural units [in sub paragraph b)]?

7.10 All of these suggestions will considerably strengthen and clarify the policy and indicate more precisely what Herefordshire Council means when it says 'a level of demonstration (with best practice) proportionate to the development and holding' [para 7.2.20]

7.11 In our view W3 should include the top five recommendations for agricultural waste management practices from the River Wye SAC NMP (para 7.2.13) as examples of what would be expected from any agricultural development seeking approval and the key areas from the Committee on Climate Change's 2018 report could also be included (para 7.2.14).

7.12 Bio-digesters and other waste treatment plants require careful siting and represent a further industrialisation of the countryside. Great care should be taken if the M&WP is truly intended to drive such recovery facilities to suitable locations without these being embedded in a specific policy. As an example; the Renewable Energy Strategy [RES 2010] recognised biomass as a potential generation source for heat and electricity and identifies the strategic urban extensions proposed in the Core Strategy as potentially appropriate locations for combined heat and power facilities and/or district heating networks.

7.13 Such co-locations are clearly not going to happen and have never entered the thinking of the private sector developers of Hereford Point/Holmer West [currently under construction] or Three Elms [still awaiting planning consent]. Such facilities will never be popular with local residents and would need to be enforced by policies in the M&WP if they were still felt to be desirable in such locations.

7.14 Digesters are not able to operate on manure alone which needs to be mixed with fairly large quantities of other materials brought on site, paragraph 7.2.16 recognises this. This is another reason why the M&WP needs a specific policy that includes transportation and it is not sufficient to say that 'each application will be considered against the relevant policy of the development plan'.

7.15 All large broiler units produce a lot of foul water irrespective of the EIA threshold. This can be from the six weekly wash-downs, more frequently when birds are sent for slaughter. While EIA's require foul water to be managed, stored and transported elsewhere it is often used as additional fertiliser and sprayed on land. This does not feature in manure management plans. Policy W4 fails to deal adequately with this issue.

7.16 The policy should be expanded to include reference to both the Defra publication and the Water Framework Directive referred to in paragraphs 7.2.17 and 7.2.18 of the M&WP expecting applicants to show how they will meet these requirements. It is not adequate to say that 'waste management practices can be expected to change over the plan period and are therefore not prescribed in policy W4' [7.2.19] as these standards or current industry best practice can be set in

policies just as energy efficiency standards are set for domestic buildings. A strengthened policy would add considerable weight to the Nutrient Management Plan.

Yours sincerely

Anthony Geeson
Vice Chair
CPRE Herefordshire

APPENDIX 1 CPRE Policy Guidance Note on shale gas (Fracking)

APPENDIX 2 A map of phosphate levels in Herefordshire's rivers in 2017 drawn from Environment Agency data

APPENDIX 1

POLICY GUIDANCE NOTE ON SHALE GAS (FRACKING)

CPRE believes there should be a moratorium on shale gas extraction (fracking) in England unless it can be clearly demonstrated that fracking would:

- help secure the radical reductions in carbon emissions required to comply with planning policy and meet legally binding climate change targets;
- not lead to unacceptable cumulative harm, whether for particular landscapes or on the English countryside as a whole, and
- be carefully controlled by effective systems of regulation and democratic planning, which are adequately resourced at both local and national levels.

Fracking and climate change

Climate change is the most urgent and complex threat to the English countryside today. The Committee on Climate Change advises that we need to start reducing our use of gas now and do so significantly from the early 2030s. Gas use will need to decline even more steeply if there is no Carbon Capture & Storage (CCS) technology put in place to trap resulting emissions before they reach the atmosphere. In 2016, the Government suddenly withdrew financial support for the development of CCS, because it is not expected to be commercially viable in the UK for the foreseeable future due to its high costs.

If it is possible to carefully manage extraction to prevent leaks, domestically produced shale gas could mean lower greenhouse gas emissions compared to gas imported by ship, though not compared to that imported by pipeline. But the investment needed to extract shale could divert funding from energy efficiency, storage technologies and renewable energy that would provide long-term solutions. A significant gap is due to open up between predicted emissions and the UK's binding targets in the 2020s, which the Government's Emissions Reduction Plan (ERP) is required to address. Pressure from the Treasury to reduce energy costs for businesses has led to the ERP being seriously delayed. It is becoming almost inconceivable that fracking would help rather than hinder the challenge of meeting these vital targets, hence the need for a moratorium until the ERP is published and can be independently assessed.

Fracking and local environmental impacts

The construction of production pads for fracking sites would, like developing most other forms of energy, involve disruption and heavy traffic for a couple of years. Exploration activities would have similar impacts. The main impact on the character and tranquillity of the countryside of production would be from HGV access to and from pads, such as for water needed for fracking and in particular removal of gas and 'flowback fluids'.

Minor rural roads and their associated fingerpost signs, milestones, hedges and dry stone walls form a defining feature of the English countryside and its varied landscapes. They link our rural communities and can form key connections for cycling, horse riding and walking, whether for recreation and tourism or to access schools, shops and services. It is critical that MPAs are empowered to protect this important resource from being turned into lorry lanes.

Although production operations (i.e. commercial extraction) could last around 20 years at each pad, these pads are in planning policy still classed as a temporary use of land. Without successful restoration, however, developers could seek to argue that they should be treated as previously developed land, hence suitable for building on.

Cumulative impacts of all forms of energy, not least fracking, need to be carefully considered to prevent serious impacts to and industrialisation of the countryside. With the abolition of the regional tier of planning, there is no obvious way for this to happen. Traffic, associated infrastructure (such as terminals and new highway infrastructure) and, in drier areas such as southern England, water issues are most likely to be significant. Net impacts on employment may

be complex: new jobs from fracking may be offset by loss of jobs in the tourism and agriculture sectors.

In terms of potential for air and water pollution or seismic events, expert reviews have come to different conclusions about whether fracking in England could be carried out with minimal levels of risk. Having effective regulation in place is clearly a pre-condition to management of risks and while UK environmental regulators have been well regarded internationally, they have recently suffered funding cuts and, from December 2016, the imposition of a legal duty to prioritise economic growth in their work. Perceptions of risk, particularly by local communities, can be as important as actual risks. Without fully transparent environmental information, including baselines and real time monitoring, communities can quickly lose confidence in regulation.

Mineral Planning Authorities (MPAs) - typically county and unitary councils - take decisions on planning applications to develop fracking pads and can impose conditions on operations and site restoration. Severe cuts in funding and lack of staff with relevant expertise make decision taking for novel, complex forms of energy like fracking challenging. In 2015, ministers made exceptions to normal planning processes, so as to be able to call-in and recover fracking decisions from MPAs much more actively. The Treasury is considering plans for a Shale Wealth Fund, which could potentially include direct financial inducements to local residents. This could influence the planning process, so it is no longer focused simply on public benefit but more an attempt to influence local opinion.

Measures

If the Government does decide to encourage large-scale fracking, whether in accordance with the conditions set out above or indeed contrary to them, CPRE proposes the following measures:

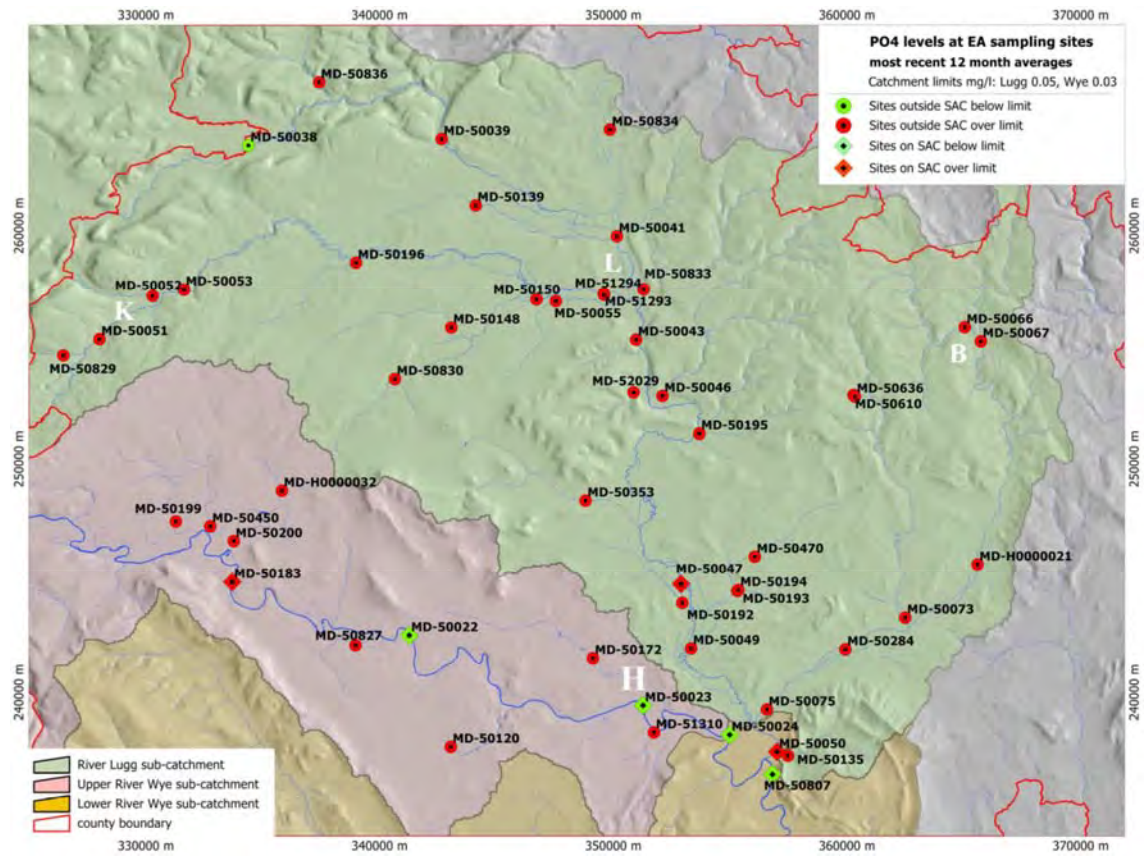
- Ensure any Shale Wealth Fund provides a funding stream to deliver CCS as well as local landscape enhancements, so as to set against some of the harm, rather than seeking to induce local communities to support fracking developments;
- The cumulative impact of fracking should be carefully and frequently assessed at national level, particularly in relation to impacts from HGV traffic and on water, and credible processes developed to carry this out at sub-regional levels too;
- Environmental regulators and MPAs should be adequately resourced and not compelled to prioritise economic growth or meet unrealistic decision deadlines, so that they can be credible in applying the precautionary principle regarding environmental impacts;
- Communities should have a full two-way flow of information, including baseline information, open data from independent real-time monitoring of exploration and production pads as well as penetration of fracking fluids beyond them;
- Decision-taking on fracking applications should be by MPAs and, if there is an appeal, by the planning inspectorate, not ministers;
- Fracking pads, and their access routes for HGVs, should be carefully located and designed to avoid harm, particularly to nationally and locally designated landscapes, wildlife sites and areas prized for their tranquillity and recreational value, and
- Fracking pads should have restoration conditions backed up by guarantees or bonds so that they cannot be considered as brownfield land.

References

- Guidance on fracking: developing shale gas in the UK* (BEIS, 2017)
- A Health Impact Assessment of Unconventional Oil and Gas in Scotland* (Health Protection Scotland, 2016)
- The compatibility of UK onshore petroleum with meeting the UK's carbon budgets* (CCC, 2016)
- Growth Duty Statutory Guidance* (BEIS, 2016)
- Shale gas and oil policy statement by DECC and DCLG* (CLG & DECC, 2015)
- Planning for hydrocarbon extraction in *Planning Practice Guidance* (CLG, 2014)
- Review of the Potential Public Health Impacts of Exposures to Chemical and Radioactive Pollutants as a Result of the Shale Gas Extraction Process* (Public Health England, 2014)
- Assessing cumulative landscape and visual effects, Chapter 7 in *Guidelines for Landscape and Visual Impact Assessment* (Landscape Institute & IEMA, 2013)

CPRE June 2017

APPENDIX 2 Phosphate levels in Herefordshire's rivers in 2017



Source: Environment agency Open Water Quality Archive data set
 Copyright D Lovelace/CPRE Herefordshire

Herefordshire Council
Minerals and Waste Local Plan

Enquiries: Rhys Evans/Ryan Norman
0800 917 2652

Sent via email

1st March 2019

Dear Sir/Madam,

HEREFORDSHIRE COUNCIL MINERALS & WASTE LOCAL PLAN, FEB 2019

I refer to your initial email dated the 21st January 2019 and our subsequent attendance at the stakeholder question and answer session in early February. Welsh Water appreciates the opportunity to respond and we offer the following representation:

We have been pleased and welcoming of the level of liaison and correspondence between the Council, the Council's consultant and ourselves. Accordingly we are generally supportive of the content of the Plan.

Policy W4: Wastewater Management

In particular, we are pleased with the inclusion of Policy W4: Wastewater Management and its preceding text. As the water and sewerage company (WASC) with the highest proportion of potable water and wastewater assets within the County, the provisions of this policy and preceding text provides us with the assurance that we will be able to continue to invest and upgrade our infrastructure when required, in line with our Capital Investment Programmes.

Section 8: Delivery, Implementation and Monitoring

Under Section 8.1 Delivery, we welcome the specification that where required, developers will be required to enter into a planning obligation in order to provide for necessary infrastructure works. This provides us with the assurances that it will be for the developer to fund any infrastructure works required to make their development acceptable.

Annex A – Allocated sites and the key development criteria

Whilst we acknowledge and welcome that Annex A sets out the allocated sites and their key development criteria – from Welsh Water's perspective, where there is water and sewerage infrastructure crossing the site – we would also welcome the inclusion of an 'asset protection' type policy or alternatively additional supporting text pertaining to asset protection in section 8.

This would provide us with the robust assurance that where we have assets crossing an allocated site, they would be protected from the proposed development by way of a diversion or easement/protection zone at the expense of the quarry owner/operator.

We hope that the above information will assist you as you progress the Minerals & Waste Local Plan and we look forward to providing further commentary as it progresses. In the meantime, should you require any further information please do not hesitate to contact us at Forward.Plans@dwrwymru.com or via telephone on 0800 917 2652.

Yours faithfully,

Ryan Norman
Forward Plans Officer
Developer Services

Herefordshire Council
Forward Planning
PO Box 4
Hereford
Herefordshire
HR4 0XH

Our ref: SV/2010/103979/OT-02
Your ref: MWLP Draft Plan (Jan 2019)
Date: 1 March 2019

Dear Sir/Madam,

Herefordshire Minerals and Waste Local Plan (MWLP), Draft Plan, January 2019.

I refer to the above strategic planning consultation which was received on 23 January 2019 and make the following comments.

Mineral planning

We would reiterate the comments made in our response of 13 September 2017 to your issues and options consultation (August 2017), copy attached for completeness, in relation to '**Mineral planning and our interest from a water protection perspective**'.

Within the Herefordshire Minerals & Waste Local Plan, section 5.9, Core Strategy Policy SD3: Sustainable Water Management and Water Resources, acknowledgment is made of quarrying and the potential impact on the groundwater resource.

The HRA (Habitats Regulation Assessment) Screening report needs to feature more specific information on aquifer protection from quarrying as these quarries are often found near to some of these designations in river valleys for example e.g. the River Lugg valley. The water environment in its own right should be assessed under the Water Framework Directive (WFD), and Hydrogeological Impact Assessment (HIA) must be undertaken for quarries where the water environment could be at risk from such activities, or could be improved through restoration activity.

Groundwater Protection Principles

Our previous response provided information on aquifer classification maps and potential groundwater impacts, to help identify aquifers which are important to protect from a water resource and environmental perspective. These aquifers are used for drinking water supply and to support river flows and wetland ecosystems. Protection of aquifers from any quarrying activities which have the potential to impact upon them is therefore critical.

We recognise that most hard rock quarry activities mainly from limestone/ sandstone rock take place within Principal Aquifer locations which contain high levels of groundwater storage and availability which support not only large more strategic abstractions utilised by water companies for public drinking water supply but also provide critical river base flows to watercourses.

Deposits of more unconsolidated sand and gravels are often located within Secondary Aquifers close to watercourses within river terrace and low lying flood plain settings. Secondary Aquifers are capable of supporting water supplies at a local rather than strategic scale, and in some cases form an important source of baseflow to local rivers. Quarrying within such site settings will more than likely encounter the local shallow groundwater table which will require some form of dewatering to recover the mineral. Therefore, the protection of the water environment from any influences of quarrying mainly from the impacts of quarry dewatering or contamination of water quality from onsite quarry activities is vitally important to water security for not only critical abstraction borehole users but also the protection of groundwater baseflows feeding into rivers within the environment.

Further to our previous comments, it is noted that Source Protection Zones have been included within the plans to demonstrate this constraint as part of the Spatial Context and Sites Report, March 2018, see below for further comments.

We previously advised that Herefordshire County also has many hundreds of private water supply abstractions due to the rural nature of the county. These abstractions are small and are sourced from shallow wells, boreholes, springs and sometimes rivers, but they supply many local dwellings with enough water for domestic or farming purposes on a local scale. Due consideration will need to be given to such sensitive water features during quarrying activities as the drawdown effects of dewatering from quarries can have significant effects on water resources and influence the same sources of water which support these private water supply abstractions. Section 7.54 of the Draft Mineral and Waste Plan 2019, considers the impact of quarrying on groundwater levels and that this needs to be closely monitored during any dewatering, to ensure there is no adverse impact to groundwater availability, private groundwater supplies need to be considered as part of any HIA. A line could be included within your site requirements.

Spatial Context and Sites Report, March 2018, Figure 2.2 shows the constraints applied to mineral resources and includes the locations of the groundwater source protection zones within Hereford in relation to extraction sites.

Within the Spatial Context and Sites Report, (2018) Section 2.2 includes information on 'Identifying preferred areas of search', it would be helpful to see some reference to the groundwater constraints which may affect the suitability of certain sites across the county. The location of sites are not shown to be located within source protection zones, however no clear reference is made to the possibility of private groundwater supplies in close proximity and the risk to those supplies from these types of activities. Any potential new mineral working sites should be aware of this constraint and further requirements.

The emerging Gloucestershire Minerals Plan (final publication, pre-submission, plan, Appendix 4) has included a useful 'detailed development requirements for plan allocations' with such constraints to help identify site requirements linked to flood risk and water resources including potential restoration opportunities etc. This also includes WFD and RBMP links. We would advise that this could be picked up within your plan as part of your proposed Annex A - Allocated sites and the key development criteria'. See 'example' below for Callow Quarry.

Water Framework Directive (WFD): The EIA should assess the proposals against the requirements of the WFD. A WFD assessment, including any cross reference to other required assessments that may inform the WFD assessment, should be submitted.

Example – “Callow Quarry: The proposed quarry extension is located within the WFD catchment for the...

‘Wye catchment – confluence of Walford Brook to Bigsweir Brook – reference GB10905037111) which is currently classified as ‘Moderate’.

<https://environment.data.gov.uk/catchment-planning/WaterBody/GB109055037111>

The objective is to achieve ‘good ecological status’ by 2027” (applies to all sites).

Further information may be obtained from our Catchment Explorer Data tool at: <http://environment.data.gov.uk/catchment-planning/>

We would recommend that the plan signposts our ‘Catchment Data Explorer’ (CDE) tool. This is a web application designed to enable our customers to explore information about catchments and the water bodies in them. The data it uses is published as linked data, an open format designed for reuse by anyone. Users can view the data in the application and download it in CSV format. Most of the data is sourced from our Catchment Planning System and the text summaries and photos are extracts taken from Catchment Summaries.

Local level actions and decision making can help secure improvements to the water environment. This is widely known as the ‘catchment-based approach’ and has been adopted to deliver requirements under the WFD. It seeks to:

- deliver positive and sustained outcomes for the water environment by promoting a better understanding of the environment at a local level; and
- encourage local collaboration and more transparent decision-making when both planning and delivering activities to improve the water environment.

Some of the private water supply and groundwater protection issues should also be picked up within your Annex A.

Hydrogeological Impact Assessment (HIA)

Please see our previous response in relation to the ‘**role of Hydrogeological Impact Assessment (HIA)**’.

Examining any impacts upon the water environment from quarrying activities

It is the responsibility of the applicant through the planning process, to ensure that the development will also not adversely affect any existing legal water interests/ rights including abstraction licences in the proposal area nor any natural water features such as springs, watercourses and ponds which rely on groundwater for their existence. All licences have protected rights to abstract water and these are

afforded a high degree of protection from activities which have the potential to cause derogation such as dewatering from quarrying where the effects are not always seen straight away but over a continued period of time.

Following new authorisations legislation, any new dewatering activity will need to be permitted by an abstraction licence prior to works commencing. The application process for this will consider the impact the abstraction may have on other nearby water features.

Any existing dewatering activities also now need to come into licensing control under the New Authorisations legislation. Further info can be found on Gov.uk at: <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence>

We would expect any quarries proposing such dewatering to twin track this element or provide sufficient detail with the planning application/any EIA, linked to the HIA, to ensure it is likely to be acceptable in principle. A 'water audit' would also be recommended to address this and sustainable water management options both during and post construction. Again this could be picked up in your site requirements.

The Environment Agency's summary guidance on assessing the impact of dewatering on water resources (in this case from quarry dewatering) can be found at this link and we would expect to see this methodology used in any HIA assessment: <http://a0768b4a8a31e106d8b0-50dc802554eb38a24458b98ff72d550b.r19.cf3.rackcdn.com/scho0407bmaf-e-e.pdf>

Our main detailed report entitled: Hydrogeological impact appraisal for dewatering abstractions, (PDF 204 pages), can be found at: <https://www.gov.uk/government/publications/hydrogeological-impact-appraisal-for-dewatering-abstractions>

Our previous response outlined our approach to '**Monitoring and Mitigation**'.

Mitigation strategies should be provided within the EIA/ HIA approach outlining what measures will be taken should an adverse impact be realised during quarry operations.

We note that some of the site allocations in the Plan are mainly extensions to existing quarry sites and a scheme of impact assessment (EIA/ HIA), monitoring, mitigation and restoration plans should have already been established at those sites, to help inform any increased working.

Extensions to such quarries will require the reconsideration of the HIA approach as outlined above so that any impacts can be quantitatively assessed for the water environment from the extension proposal and any impact risks identified and addressed with appropriate mitigation.

Restoration Plans

Background

From a restoration perspective, the removal of rock and minerals from aquifers also leaves large void spaces which can have significant effects on reducing not only the quantity of groundwater available but also the quality of water resources. Quarry applications to MPAs should have due regard to the final restoration of the site at a very early stage in the process as this aspect is often overlooked. Back filling of voids with waste materials can have a detrimental effect on the water environment and we would recommend planning control on such strategies. Restoration of the land post extraction should be done in a sympathetic way to provide protection to not only the visual landscape, but also due regard to water resources protection. Opportunities also exist for protected species enhancement, for example white clawed crayfish habitat (ark site provision) and blue infrastructure including flood risk management improvements.

It is noted in the report Draft MWLP_Annex A Allocated sites and the key development criteria that a number of sites are closed or have ceased quarrying but have not been left in a good state or seem to have a plan for restoration of the site.

Where it is proposed to landfill and re-landscape post quarrying to restore sites back to another beneficial use, landfilling activities will more than likely require an Environmental Permit (for example deposit for recovery) and will have to meet the criteria set within EPR/ Landfill Regulations. It is common to use site won materials and to import a proportion of inert waste materials for this purpose. We would recommend that site operators follow a twin tracking process with planning and permitting in tandem, or provide similar risk assessment with the planning application.

In all cases, and certainly in more sensitive higher risk principal/ secondary aquifer environments, only clean inert materials should be considered for landfilling during the restoration phase. Operators should have regard to the Mining Waste Directive and discuss this further with our National Permitting team for any requirements in this respect. We would expect an EIA to include relevant information on the waste regulatory implications of the restoration proposals.

For inert landfills under EPR/ landfill regulation we would require:

- Risk assessment,
- sites to have an appropriately constructed geological basal and side liner which is a requirement for the Landfill Regulations.
- leachate and gas monitoring will be required where appropriate
- 'Duty of care' should be applied to all materials before they are brought to site i.e. by chemical sampling at the production site to demonstrate that these materials meet the Waste Acceptance Criteria (WAC) for inert landfills.

Furthermore, the HIA should include an assessment of impacts on groundwater quality and quantity as a result of back-filling extracted voids with inert materials. In particular this can have an impact on the groundwater flow regime, and it must be demonstrated that this will not increase flood risk as a result of the development, as well as risk of pollution to groundwater.

During the restoration phase, there is an opportunity to provide an enhanced environment which could include the construction of new wetland environments for the benefit of biodiversity. This is particularly applicable within riverine environments where sands and gravels have been extracted as the shallow groundwater table recovers post dewatering.

Conventional and Unconventional Hydrocarbons - Oil and Shale Gas Sector Environment Agency Guidance

Section 6.5 of the Herefordshire Minerals & Waste Local Plan references conventional and unconventional hydrocarbons in the context of areas which have been worked historically for coal, however we understand that such conventional extraction areas show little sign of recommencing due to not being currently viable to extract (section 6.5.7). However, Block SO51a PEDL licence (Petroleum Exploration and Development Licence) is active and located around Whitchurch, Welsh Newton, Goodrich, Kerne Bridge, Hope Mansell and Marstow (section 6.5.1) and the possibility of future hydrocarbon exploration cannot be ruled out.

Further information regarding the environmental permits and permissions which are required for onshore oil and gas operations in England is provided within Environment Agency Guidance:

Onshore Oil & Gas Sector Guidance. Version 1, 17 August 2016.

Download link:

<https://www.gov.uk/government/publications/onshore-oil-and-gas-exploration-and-extraction-environmental-permits>

Oil and gas companies, their service companies and consultants should use this guidance to understand:

- the environmental permits needed for onshore oil and gas operations in England
- other permissions that may be needed from the Environment Agency
- Environmental Impact Assessment
- information about best available techniques (BAT) that must be used

Quarries identified within Herefordshire, existing and proposed

We understand that Herefordshire is not a significant producer of minerals where there are only a small number of operational quarries currently producing sand, gravel, crushed rock and sandstone products. The below information has been updated since 2017, with the addition of sites that have been included in the Mineral Plan for 2019. It is noted that many of the comments made below have already been incorporated into the Mineral Plan, 2019. However, the importance of considering private groundwater supplies within the HIA reports for new/extensions to sites and the protection of the groundwater during the restoration phase needs to be considered for all sites.

There are currently six, known, active quarries in Herefordshire (according to the Herefordshire Minerals & Waste Local Plan) and some of these maybe the subject if extension in the future:

Upper Lyde – Sand and gravel

Glaciofluvial sand and gravel deposits represent a secondary aquifer in hydraulic continuity with watercourses. Any extensions must be subjected to robust HIA to understand any risks to the water environment from quarrying activities before planning permission is granted. Please note that the field is surrounded by properties and we are aware that a number of these have private groundwater supplies, within 100m of the site. The proposed extensions are even closer to the properties which would be a concern. These private supplies should be included within any HIA to establish the risk to these supplies.

Shobdon– Sand and gravel

Glaciofluvial sheet deposits, classed as Secondary aquifer in hydraulic continuity with watercourses, there are a number of issues, springs and a pool within close proximity of the site, which is planned to be re-opened.

Wellington Quarry - sand and gravel

Is located adjacent to the River Lugg SSSI where dewatering from active quarrying continues to represent a potential risk to baseflows within the river as the sand and gravel deposits have a shallow groundwater table in hydraulic continuity with the River Lugg. Extensions to this quarry in the direction of the River Lugg increase the dewatering risks as time goes on as extensions are granted. The sand and gravel deposits represent a secondary aquifer in hydraulic continuity with watercourses. Any extensions must be subjected to robust HIA to understand any risks to the water environment from quarrying activities before planning permission is granted. There are a number of private supplies near to the site and the proposed extensions, these should be considered by the HIA for the new extension.

Leinthall Quarry - crushed rock

Located within the hard rock limestone of the Silurian Aymestry Limestone Formation which has been classified as a secondary aquifer. This formation can support local baseflows to rivers and springs where saturated with water (i.e. where is it an aquifer), however it is often dry this formation lowering the risk to the water environment as dewatering is not a requirement. Extensions in the future to the depth and width of this quarry should be subjected to HIA to understand if the water environment could be at risk from quarrying activities.

The site is located in flood zone 1 (low probability of fluvial flooding) based on our flood map for planning. However, the site may be at risk of flooding and your SFRA should inform your decision making.

Perton Quarry – crushed rock

Located within the Silurian Limestone's and shale's of the Woolhope Dome structure, this quarry is within a secondary aquifer. Also a SSSI is noted within the quarry

boundary. Similar to the quarries above, should an extension be sought, then a HIA should be undertaken to understand any risks to the water environment, including the private supply close to the site.

The site is located in flood zone 1 (low probability of fluvial flooding) based on our flood map for planning. However, the site may be at risk of flooding and your SFRA should inform your decision making.

Llandraw Quarry - building stone

Located in the secondary aquifer of the St. Maughans sandstone bedrock formation. Due to its proximity on the side of the black mountains many springs and watercourses issue off these slopes. Any proposals to extend should have an HIA to understand if this quarry could be influencing the water environment and what mitigation measures are required to protect water. This bedrock formation supports baseflows to many surface water features and groundwater in this location.

The site may be at risk of flooding and your SFRA should inform your decision making.

Callow Quarry - building stone

Quarry located within the Brownstones formation which is a secondary aquifer. Adjacent to this location is a sensitive groundwater spring source protection zone for public drinking water supply (Welsh Water source) with the Mally Brook separating the two. This aquifer environment is sensitive and any extension to the quarry must ensure protection of these features through an appropriate HIA building in adequate mitigation measures and monitoring requirements to protect the water environment.

The site may be at risk of flooding and your SFRA should inform your decision making.

Tybubach Quarry - building stone

Located in the secondary aquifer of the St. Maughans sandstone bedrock formation within a similar hydrogeological situation to Llandraw Quarry. Due to its proximity on the side of the black mountains many springs and watercourses issue off these slopes. Any proposals to extend should have an HIA to understand if this quarry could be influencing the water environment and what mitigation measures are required to protect water. This bedrock formation supports baseflows to many surface water features and groundwater in this location.

The site may be at risk of flooding and your SFRA should inform your decision making.

Westonhill Wood Quarry - building stone

Located on secondary aquifer of the Devonian numerous springs issue from the aquifer on the escarpment area and flow as watercourses to the River Wye down in the valley. Any extension to this quarry should be subject to HIA to understand risks to the water environment.

The site is located in flood zone 1 (low probability of fluvial flooding) based on our flood map for planning. However, the site may be at risk of flooding and your SFRA should inform your decision making.

Quarries identified as inactive/ closed or mothballed

Many of the sand and gravel quarries are identified by watercourses by the nature of the materials deposited and the subject of previous extraction/ quarry locations. If these quarries were to become active once again we would want to be consulted on the risks to the water environment especially if dewatering is proposed. The standard assessment if undertaken by HIA where risks are identified and managed to allow development to proceed.

Harder rocks quarries for limestone/ sandstone are usually located within productive aquifers of principal and secondary aquifer status which are also used for important drinking water supplies. Should these quarries become active once more all risks to water must be considered during the planning application process using our HIA guidance.

South Hide Farm and South End Farm, Mathon - Extension/New

We would assume that this site proposal is for sand and gravel extraction as this site was worked previously to the west of the Malvern Hills near the village of Mathon. These are glacial deposits which are relatively thin and overlie the bedrock aquifer of the Silurian/ Devonian rocks. From a water resources potential they are relatively low as deposits with sand and gravels invariably mixed with glacial silts/ clays and sand lenses so locally these deposits may have a shallow groundwater table which is in hydraulic continuity with watercourses. Therefore, dewatering might be a requirement to allow for mineral extraction and so a HIA would be required to assess any risks to the water environment from such a proposal.

Flood Risk / Strategic Flood Risk Assessment (SFRA)

We would expect sites that are being brought forward to be assessed through a SFRA process i.e. identify flood risk constraints at a strategic level and to inform the M&WLP with regards flood risk policy. The NPPG sets out that MLPs should 'take account' of flood risk when allocating land having regard to available SFRA data. For information, with reference to flood risk vulnerability and your policy making; Minerals working and processing (except for sand and gravel working) are "less vulnerable" and sand and gravel are "water compatible". We are in receipt of your draft level 1 SFRA (outside of this consultation) and are currently in the process of reviewing that.

When sites are being brought forward we would seek to recommend site specific policy wording in the site requirements for each mineral site and waste site, where necessary. We would seek for this wording to include explicit flood risk betterment expectations. Betterment options will be site specific and including them in the DPD will be key to secure these moving forwards. We would be happy to discuss this further with you.

Waste sites

Unless otherwise confirmed, the below sites are considered appropriate in principle to accommodate a range of waste treatment and recovery operations, subject to appropriate management measures. Each of these sites are proposed to be allocated in the MWLP:

- Site W05 Leominster HWS and HWRC;

Requirements – This site is within 30m of a SSSI – this site will need to have an appropriate bespoke environmental permit. As part of this a ‘risk assessment’ is necessary to confirm that the location is appropriate in principle and measures to protect the quality of the River Lugg as well as the other protected areas in this zone.

You could seek this detail prior to allocating this site.

Under the Environmental Permitting (England and Wales) Regulations 2016 permitted sites should not cause harm to human health or pollution of the environment. The operator is required to have appropriate measures in place at the site to prevent pollution to the environment, harm to human health the quality of the environment, detriment to the surrounding amenity, offence to a human sense or damage to material property. If the risk assessment confirms likely impact and/or sufficient mitigation is not included with the permit application then it is likely that we would refuse any application received for an Environmental Permit.

- Site W07 Ledbury HWRC;
- Site W10 Kington HWRC;
- Site W13 Former Lugg Bridge Quarry;
- Site W19 City Spares MRS.

With regard to the above, proposals for waste sites, these are existing permitted sites and all of which are currently good performers. They have never been in poor performer status and are not posing a high fire risk. There have been some amenity scores at W13 (Lugg Bridge Quarry) but these haven’t become persistent or generated complaints.

W13 (Lugg Bridge Quarry) is at risk of flooding, being partly within Flood Zone 3 (high risk of fluvial flooding), and your SFRA should look at this along with other sources of flooding to inform the potential allocation / your decision making.

Specific Waste Comments:

- We particularly welcome points 1 and 2 in Policy W7 regarding applying the **Waste Hierarchy**. However regarding provision of Waste to Energy facilities in point 2, there is the question of requiring enabling policies in other Development Plans, to ensure that any relevant developments that could benefit from CHP are constructed with a view to utilising the heat generated from waste-to-energy. Examples would be large residential developments, new hospitals or other public buildings or a University campus, for example. This would improve the prospect of a positive “viability” assessment for a waste-to-energy facility as required by the Policy, -and of course then reduce

the day-to-day running costs (and carbon emissions) of the development. So do you have policies in the LDF requiring non-waste developments that come forward to have to be “CHP ready”, or at least assessed for suitability?

- We also welcome and the inclusion of a **Resource Audit** for construction in Policy SS8, although we would like confirmation that the Resource Audit requirement includes a) proposals the involve the substantial refurbishment and/or related reallocation of use (“life extension”) for existing buildings, including Houses in Multiple Occupation, and not just “New Build” sites, and b) will include “end of life” considerations, such as ensuring ease of recovery of materials from a building being demolished, this would increase the availability of recycled construction resources. Avoiding inclusion of non-recyclable plastics and other composite materials would be an example.
- **Infrastructure Resilience:** Section 2.5.1 refers to the need for forward planning and associated risks and uncertainties. Traditional (Low-Hierarchy) infrastructure, specifically landfill and waste to energy provide relatively robust waste management facilities, -they are usually only put out of action for a significant time by a rare catastrophic event. Section 3.1.17 also reaffirms the high percentage of “in-house infrastructure dependency” for wastes produced within the County. However higher-hierarchy waste treatment facilities can suffer from shorter life expectancy, -especially due to the risk of fires and/or processing equipment reaching the end of it’s operational life, or suffering major breakdowns. Herefordshire is also reliant on a relatively small portfolio of waste facilities, so securing alternative arrangements in a highly rural area may be challenging. Therefore we suggest there is consideration of at minimum, contingency planning for the most “at risk” waste streams to ensure operations are not significantly disrupted and business continuity is maintained. Having to landfill or burn waste that could otherwise have been recycled does not support the waste hierarchy, so consideration should be given to identifying alternative “high-Hierarchy” waste capacity.
- Section 3.1.15 states that “*waste is generated from a wide range of ..activities*”. Waste production is effectively ubiquitous wherever there is any human activity, and achieving a truly zero-waste-producing condition would mean zero resource consumption. Domestic, commercial and industrial wastes as listed are just the three main waste streams that always have to be managed. This language rather tends to externalise the “problem of waste”, when everyone is effectively responsible for producing it and the consequences. This issue is important when this is a public domain consultation document that could reach a large audience, and driving individual behaviour change around consumption and dealing with waste are part of the solution. Changing personal attitudes to single-use plastics is an example. Perhaps consider the phrasing used to avoid depersonalising/externalising the problem, and invite everyone to take increased responsibility?
- **Waste to Doncaster?** Section 3.1.20 of The MWLP and Hendecca WNA refer to waste being moved to Doncaster, coded as “Mixed Municipal Waste”,

20 03 01. Given the long distance involved it could be useful to confirm what this material actually was, -why it needed to go to Doncaster, if this is a long-term arrangement and if more local alternative capacity provision for this is appropriate, as mentioned in the MWLP? Further discussions under the Duty to Cooperate may be useful here.

- **Section 3.1.21** rightly affirms the mutually supporting relationship between Minerals and Waste Planning, including how secondary aggregates mitigate resource depletion by substituting for extracted construction materials. However it would be useful to apply this circular economy concept to all resource streams, using waste materials as a resource opportunity as far as possible in any sector. This leads to the broad point about the terminology used in the MWLP;-

General Issue: Terminology Used Regarding the “Circular Economy” and “Waste Management”/“Waste Treatment”:

- We made reference in our letter of September 2017 to the shift towards a Circular Economy model. Since then we have seen the 25 year Environment Plan and the National Resources and Waste Strategy was also published in December 2018, with further supporting information anticipated regarding transition towards a Circular Economy and related Government ambitions around the problems and opportunities of waste. We do recognise that some of these announcements post date finalisation of the latest consultation documentation.
- Whilst there are a number of references (as would be expected,) in the MWLP to the Waste Hierarchy, and need for infrastructure to move to a Circular Economy, there is some indication that the full potential implications of this transformation are not being fully recognised, with a number of instances where the language and terminology used is either not entirely clear about the direction or open to interpretation. In particular differentiating references to “waste management”, between a traditional low-hierarchy waste management infrastructure, and infrastructure that better supports a Circular Economy model. The Plan is not entirely clear on how “Low Hierarchy” infrastructure will be replaced by facilities designed to retain the economic value of waste and return it into remanufacturing. The MWLP does not appear to refer to the need for facilities that will stimulate demand for recovered waste materials. There is no point collecting and recovering waste if there is no actual demand for the material. A Circular Economy model requires a balance of manufacturing facilities that will provide an effective, continual “demand” for waste as a resource input, and not simply as a fuel source. We appreciate that remanufacturing provision is outside the normal scope of Waste Planning, but will have to become a consideration to deliver a functional Circular Economy. “Low Hierarchy” Waste management capacity should be allocated for genuinely residual waste that offers no further economical recovery option.
- Similarly Section 3.2.7 refers to a “Market Demand” for waste. There is effectively no “market demand” for residual waste, -this is why it requires disposal. The “Market response” of such waste is therefore directed towards

the lowest-cost waste disposal “solution” that is available, and regrettably this can include waste crime. Also regarding Section 3.27, and as discussed earlier, Herefordshire appears to be rather less exposed to the common cross-boundary transfer levels of wastes, due to the rural context and limited capacity provision, but this means that Herefordshire needs to look at ensuring and developing appropriate internal capacity to meet its’ needs (i.e. there is a fairly limited “Transfer Market”, which is much more pronounced in the conurbations.).

- In Section 3.3.14, discussion of the likely types of future facility that are envisaged to maximise the value of waste would be helpful in setting out a clear vision for a circular economy, particularly with respect to the types of waste being produced in Herefordshire and specific opportunities for jobs, growth and “locally retained resources” that can be identified, perhaps where there is a strategic shortage of alternative capacity in the West Midlands and Wales? Target waste streams could perhaps include the larger tyres from agricultural equipment, dedicated recycling facilities for agricultural and food and drink sectors, packaging wastes including agricultural plastics, and possibly compost. We would be happy to discuss this aspect further outside the Plan process. The analogy would be the broadly understood concept of “Food Miles”, as applied to waste.
- Specific instances where greater clarity would be useful in setting out the ambition for a Circular Economy and the implications of this include:
 - Section 3.4.1 contains several references to “Waste Management”, - consider rewording as appropriate to emphasise “recovery” over “Disposal” options, and make it clear where genuinely “residual” waste disposal will still be required. (This section also omits the need for remanufacturing to create sustained demand for recovered wastes.) Additionally in the “General” section, one bullet refers to reducing Carbon Emissions, a Circular Economy should support a model where resources and carbon are being conserved indefinitely within the economic cycle,
 - References to “Waste to Energy” (with or without heat recovery,) are referred to as a “Low-Carbon energy”, in Section 7.4.3. Despite the opportunity to recover both energy and useful products, burning organic material still results in carbon emissions to atmosphere (unless carbon capture technology is employed, and even if carbon offsetting is used,) resulting in added climate impacts, this may be less than burning fossil fuel sources, but waste also usually has a lower calorific value. Any potential residual resource value in the waste is still permanently lost to atmosphere and therefore does not really represent a “Circular Economy”. Although a useful proportion of the embedded energy in waste is recovered, this can only be used once and is not recovered. Waste to Energy is therefore a “Lower Carbon” energy source than fossil fuel sources, but is not as low-carbon as renewable (solar) energy sources. This is not to deny the places for Waste to Energy and incineration, they retain an appropriate place for specific

wastes such as healthcare and infectious wastes and other materials requiring destruction. The analogy would be choosing between “traditional” diesel and petrol fuels, diesel releases relatively less carbon than petrol but they still both release carbon. What is important is that the feedstock is restricted to materials that are genuinely “residual” and beyond any further economic processing to recover useful value, or require thermal treatment. We assume that thinking and policy on the role of Waste to Energy in a Circular Economy will still evolve, for example due to the reduction in single use plastics which will affect the energy content and recyclability of municipal waste. Changing behaviour around food waste could also have an effect in removing carbon from the waste stream.

- Section 4.1.4 describes a Circular Economy as “an alternative” to a traditional linear economy. Effectively it is the ONLY alternative if we want a sustainable future? We are not aware of any other formally proposed alternative models other than Circular or Linear, although a “dysfunctional” or “Market Failure economy” is one that depends on waste crime, usually involving illegal dumping and/or burning of waste. Additionally the Waste Hierarchy seeks to replace a “Free Market” movement mechanism to push waste into more sustainable destinations, hence the need to be quite specific about the types of waste management capacity being planned for. Also in the last bullet point, waste developments need to be appropriate “High-Hierarchy” facilities as far as possible to deliver the listed sustainability benefits.
- Consider inserting reference to developing greater local “remanufacturing capacity”, using waste as a resource and a growth opportunity, in the bold section after Section 4.1.5 and before Section 4.2.
- In Table 1, an ambitious move towards a Circular Economy would appear to be able to contribute to all of the listed Objectives, emphasising why it moving centre-stage in Waste Planning.
- References to “Waste Treatment” should also be clear what position in the Waste Hierarchy is being referred to.

Additional Points:

- **“Landfill Mining”**: Reopening old landfills, either to tackle legacy pollution issue, or to recover resources from old tips is not unknown. We are wondering if a policy statement on this would be appropriate. A benefit would also be re-releasing potentially suitable landfill capacity for genuinely residual or difficult materials such as asbestos, and reduce the need to identify new facilities.
- **“Agents of Change”** Regarding Sections 5.1.5 and 5.2.6, we would refer to the updated NPPF, and the responsibility now put onto the “Agent of Change” to protect any new development from existing amenity or other impacts caused by established activities. This should help address issues with

“neighbour disputes” and complaints to the Councils and ourselves where appropriate about nuisance. However not all impacts can be easily mitigated, and discussions will still be required with us, where we are the regulator, as to what appropriate and effective measures will have to be in each case. Screening measures such as bunds or other structures may themselves often require planning consent.

- **Digestate Spreading:** In section 5.9.3, and regarding the later section on Agricultural Wastes, we would draw your attention to the risks of water pollution caused by digestate spreading onto farmland, partly due to the expansion of the rural anaerobic digestion network.

Section 7.1.7: The last sentence says...“Not satisfy Policy”? (Page 7.2) - we think this means you won’t safeguard existing “low hierarchy” facilities?

Sustainability Appraisal

- **Waste Data:** Since we wrote to you on 13 September 2017, the latest available Waste Data relating to 2017 was published in September 2018: It is not entirely clear if this data is referred to or used in the updated Hendecca WNA review, as this only seems to refer to 2016 Data? Annex E of the WNA Update is entitled 2017 Data, but it is not clear what data sources have been referred to as there is no list of references. See:
<https://data.gov.uk/dataset/dd8629ad-bd32-4db3-a07a-879737964f23/waste-data-interrogator-2017>
- **Circular Economy Transformation:** We made reference in our letter of September 2017 to the shift towards a Circular Economy model. Since then we have seen the 25 year Environment Plan and the National Resources and Waste Strategy was also published in December 2018, with further supporting information expected regarding moving towards a Circular Economy.
 - Government statements reiterate commitment to this direction of travel to transform waste management, hence we would anticipate that a long-term plan should include clear proposals to deliver this model.
 - The SA paper does have some references about moving towards a circular economy for waste, but these do seem rather limited in ambition? A Circular Economy model should deliver multiple benefits, beyond environmental gains for waste, including reduced dependence on raw materials, including minerals, new employment and growth benefits from recovering and returning materials to the economic cycle and reduce the impact of emissions to land, water and air, including from transport and waste dumping. If the MWLP could consider which of the existing waste infrastructure supports “Circularity” and which facilities, (including landfill) fail to contribute useful capacity? It is also difficult to see where the need for expanded remanufacturing is in Local Planning, this is required to transform the traditional “Push” model of waste out of a linear economy model, and to stimulate “Pull” mechanisms, generating demand for useful recovered materials. We

would ask that this issue is raised with your LEP and other economic growth bodies.

- Given the still-developing Government policy and associated targets and interventions to reduce the problems with waste and without wanting to delay the Plan, we would recommend that the MWLP is reviewed at an appropriate point in the future to reassess the emerging policy direction regarding a Circular Economy and to examine the impact of different interventions on overall waste arisings and the need for infrastructure. Increasingly waste management will need to consider waste “Quality” issues, not just the quantity of waste being managed.
- **A “Presumption Against Stockpiling” Policy?** The Council may be aware of recently publicised incidents of large-scale waste stockpiling, mainly of baled wastes in Staffordshire and at other locations around the country. Some activities may be legitimate business operations, but others are sham or illegal waste dumping operations, with no serious intention to recover or reprocess the waste. Clearing such sites can cost landowners, including the public sector, very large sums. Clearly Herefordshire benefits from extensive areas of open land that could be used for storage. Whether you could include a suitably conditioned Waste Policy that presumes against simple waste stockpiling, except where there is an existing or approved material recovery mill or similar facility with capacity to process the material in a reasonable period of time. Clearly this will not prevent illegal dumping, but it could help negate challenges via retrospective planning applications or appeals?
- **Capacity and Hierarchy Resilience:** The SA also discusses the available waste capacity across Herefordshire and identify a relatively limited number of available facilities? This could cause resilience issues if sites suddenly became unavailable for any reason. Whilst it is unrealistic to expect “mothballed” additional waste capacity, it would be helpful if scope for additional capacity was surveyed in the event of a fire or other disruptive event that forces a site to close for more than a short period. Exploring contingency arrangements in conjunction with other Authorities and LRFs would probably be useful. We appreciate this issue may lie outside the normal scope of waste planning, but we are taking this opportunity to raise the risk with you, especially as reactive arrangements to manage waste during periods of disruption usually tend to take waste back down the Waste Hierarchy, especially to traditional outlets such as Landfill. This does not support a sustainable Circular Economy Transition.

Unfortunately we have not fully reviewed the WNA Update by Hendecca, having commented on an earlier draft and given the time available to review all of the documents. We may be able to supply some comments separately at a later date. We referred earlier to the latest available published datasets and will be happy to advise further on what data is available, we usually notify WPAs via WMRTAB of important data releases.

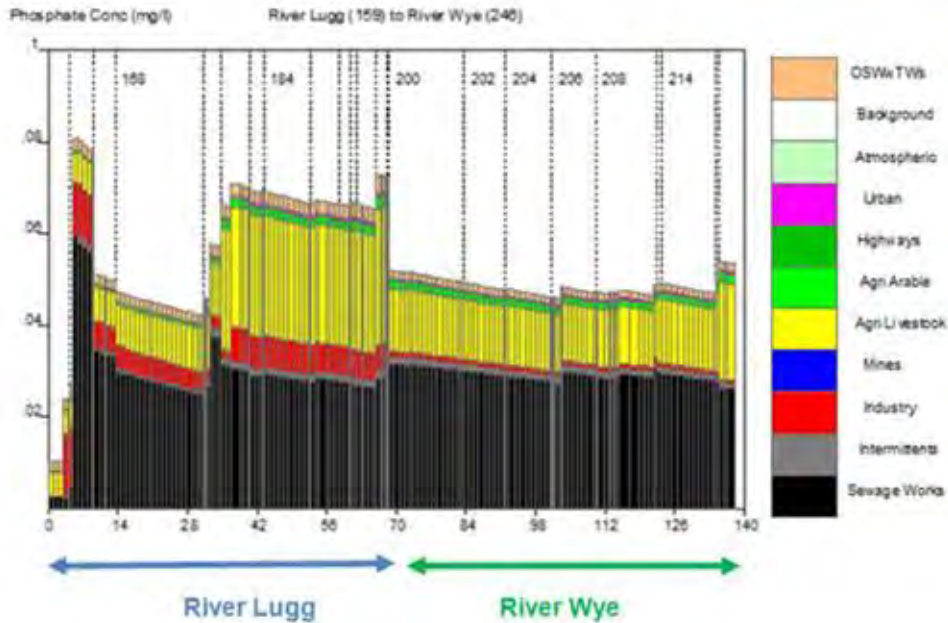
The above raises a few specific waste issues regarding the MWLP and SA, but the main concern we have relates to perhaps a lack of some precision around certain terms and comments regarding the Waste Hierarchy, Circular Economy and Waste Management/Waste Treatment. Transforming to a Circular Economy from a linear model is not “Business as usual”, and requires a very different mix of infrastructure to turn waste back into useful products. Waste often tends to “backslide” down the Waste Hierarchy rather than move up it. Waste quality will start to become as significant as assessment of waste quantity. We feel that appropriate review and rewording can address this main reservation, although emerging thinking around waste policy and regulation will also have to be taken into consideration.

Agricultural waste

7.2.11 confirms – “The Core Strategy identifies that the water quality of Herefordshire’s main rivers and their tributaries is of strategic importance and that, in particular, current unacceptable levels of nutrients along part of the rivers need to be addressed. In addition, the sustainable management of agricultural wastes, particularly poultry manure, has been identified as a key sensitivity in preparing the Draft MWLP”.

7.2.12 goes on to state that “Whilst the River Wye SAC NMP recognises that agriculture plays a relatively small role, with most impacts identified as the result of controlled wastewater discharges associated with residential and industrial developments, the River Wye SAC NMP identified a number of measures that should be implemented to promote a culture of best environmental practice into the future”.

In the Nutrient Management Plan the source apportionment charts (for P), see below, show that agriculture plays almost an equal part to the water companies, rather than a small role as stated in the paragraph above. For example the impact from agriculture in some parts of the River Wye and Lugg is almost equal to the impact from waste water treatment, as can be seen from the chart below taken from the NMP. The wording should be amended to show the correct contribution that agriculture is making.



Section 7.2.10 to 7.2.22 and Policy W3 and 4 – The waste plan is recommending that manure management plans (MMPs) should be submitted with all applications. Some of these may be regulated and ultimately could be controlled by us. For information, as part of our intensive pig and poultry permit applications we don't require assessment or MMP's as part of the permit determination – but they are required for Environmental Permit holders after. We would support your suggestion for a MMP (or assessment) to be included at the planning stage to cover this issue and ensure the land use/proposal is acceptable. In the case of intensive poultry (and noting we only regulate a certain threshold of farms based on total bird numbers), and some other cases, the 'control' of such management may come as part of the permit or other legislation such as the farming rules for water as you pick up in this section of the plan.

Support para - 7.4.7 *“Planning applications for waste management activities should provide an appropriate level of detail to inform a reasonable degree of certainty on the planning application and to ensure the principle of the development and use of the land is acceptable with cross reference to permitting constraints”* and similar references elsewhere in your draft plan.

I trust that the above comments are of interest. Please contact us if you wish to set up a cost recovery agreement with us to help review any further local plan documents/policy revisions (including those between statutory stages) or evidence base documentation etc.

Yours sincerely

Mark Davies
Planning Specialist
 Direct dial 02030 251661
shwgplanning@environment-agency.gov.uk

From: BROOKS, Lorraine <Lorraine.Brooks@gloucestershire.gov.uk>
Sent: 08 March 2019 13:17
To: ldf <ldf@herefordshire.gov.uk>
Cc: Eaton, Victoria <veaton@herefordshire.gov.uk>; DRAKE, Robin <Robin.DRAKE@gloucestershire.gov.uk>
Subject: FW: Draft Minerals and Waste Local Plan Consultation

Dear Victoria

Thank you for consulting Gloucestershire County Council on the first draft of the Herefordshire Minerals and Waste Local Plan. Apologies for the late response.

On this occasion officers of the County Council do not have any specific comments to make on the contents of the published document. However, they do wish to take this opportunity to register their continued support for the commitment made by Herefordshire Council to work collaboratively with Gloucestershire County Council (and Worcestershire County Council) in putting in place a mechanism for responding to any future occurrence of strategic, cross-boundary mineral and waste planning matters. It is the view of officers at the County Council that for this stage of the plan-making cycle, this goes some way in demonstrating how Herefordshire Council is meeting its statutory Duty to Cooperate (DtC) responsibilities.

Kind regards

Lorraine Brooks
Planning Officer - Minerals and Waste Policy

Strategic Infrastructure
Gloucestershire County Council
Shire Hall, Gloucester, GL1 2TH

Tel: 01452 425668
Email: lorraine.brooks@gloucestershire.gov.uk

Go to www.gloucestershire.gov.uk to find information on any County Council service.
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From: Gilson, Susannah <Susannah.Gilson@herefordshire.gov.uk>

Latham, James

From: Rob holder <Robert.Holder@gwr.com>
Sent: 18 February 2019 13:30
To: Gilson, Susannah
Subject: RE: Draft Minerals and Waste Local Plan Consultation

Hello Susi,

We have no comment thank you.

Rob

Robert Holder | Network Access Manager | Great Western Railway
1 Milford Street | Swindon | SN1 1HL
robert.holder@GWR.com | 07515 331596

First Greater Western Limited | Registered in England and Wales number 05113733
Registered office: Milford House, 1 Milford Street, Swindon SN1 1HL.

From: Gilson, Susannah <Susannah.Gilson@herefordshire.gov.uk>
Sent: 18 February 2019 13:09
Subject: Draft Minerals and Waste Local Plan Consultation

If you have not yet taken the opportunity to submit a response for the Draft Minerals and Waste Local Plan consultation, there is still time. The deadline is midnight on Monday 4 March 2019.

For more information on the plan and how to respond, please go to www.herefordshire.gov.uk/mineralsandwaste

If you have already submitted a response, there is no need for any further action.

Kind regards
Susi

Herefordshire.gov.uk

Susi Gilson
Economy and Place Directorate
Community Engagement Officer
Plough Lane Offices, Hereford, HR4 0LE
01432 383357
susannah.gilson@herefordshire.gov.uk



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Minerals and Waste Consultation – Green Party Response

Our comments are primarily focussed on the Domestic Waste Component of this Plan.

- We are encouraged that the Plan recognises the benefits of working within the circular economy, although it does not always follow through with proposed actions.
- It should also follow that it is recognised that waste has a value and that we should not be looking at it only as a problem to be dealt with.
- We believe that when the present joint agreement with Worcestershire is reviewed, we should be working towards dealing with waste within the county and reducing the transportation of waste over long distances
- We are disappointed that the recycling performance in Herefordshire is so poor, around 40%, rather than the national target of 50%, or even the national average of 45%, and urge that we make serious efforts to reach this target as soon as possible, and at least by the target date of 2020.
- We understand that this is in part because we do not collect either green waste or food waste, as some other authorities do, and would like to see Herefordshire taking steps to collect both, and either composting or producing energy through AD.
- As well as this, we could do much more to encourage recycling of items from our recycling centres, where we regularly see furniture, bicycles, and other re-usable items in the waste skips. Some LAs allow charity organisations to have a collection point at the recycling centre, or encourage a recycling franchise to run the recycling centre or part of it, with the challenge of raising part of their income from increased recycling.
- We need to do far more to reduce waste at source, especially packaging of all kinds, and should be involving retailers in this effort, maybe with incentives, as well as educating the public to question and refuse the excessive packaging that comes with many goods.
- Offering encouragement and incentives to reduce the use of disposable nappies, a major component of domestic waste.
- Eliminating single use plastics eg water bottles, should be an aim within the waste strategy, and providing public water fountains could help with this.
- Traders want to recycle their waste and are frustrated by the barriers they face. In Leominster the town council has launched a scheme to collect recyclables from traders, beginning with cardboard, in partnership with a small recycling business. Any profit will be shared, the town council's share going towards community projects. HC should be encouraging and enabling such schemes across the county.
- A number of residents who would like to recycle items do not have cars, and are stopped from entering the Recycling Centres. They should be encouraged, the sites designed to reduce any risks.

Additional comments with reference to Agricultural Waste:

We question the point made at 7.2.12 that ***"the River Wye SAC NMP recognises that agriculture plays a relatively small role, with most impacts identified as the result of controlled wastewater discharges"***.

This is clearly inaccurate, and agricultural waste is accepted as contributing around 50% of the phosphate pollution in the River Lugg, a major concern.

We are concerned about the focus in W3 on farm AD where the main the waste component (chicken manure etc.) is frequently supplemented with green feedstock, often maize grown especially. This is poor practice and should not be encouraged, leading to soil loss and less land for growing food. There are other matters of concern regarding farm AD, including large quantity of waste produced, large volume of traffic movements, and potential increase in ammonia emissions. We should re-think this proposal.

Latham, James

From: Marsh, Trish (Cllr)
Sent: 06 March 2019 13:09
To: Gilson, Susannah
Subject: minerals and waste follow up

In case its not too late...

We would welcome more emphasis on reuse- encouraging householders to use charity shops and sites like freegle for items that could still be of use to others.

This reduces contract waste we have to pay for, raises funds for charities and is generally all round positive.

We are also very concerned about policy W3 and do not support expansion of AD without other factors being taken into account – like the effect on vehicle movements, volumes of waste, water quality and so on.

Regards
Trish

Cllr Trish Marsh
Herefordshire Council ward member for Leominster South
Green Party

Draft Minerals and Waste Plan Consultation Jan – March 2019

We would like to know what you think of the draft plan. Your views will help to shape the pre-submission draft, which will be sent for independent examination.

Please read the draft plan and accompanying background documents before answering the following questions:

1. Do you consider that the evidence gathered to underpin the Draft Minerals & Waste Local Plan is sufficiently comprehensive?

Yes No

If no, please explain why

2. The Draft Minerals & Waste Local Plan's vision (in section 4) is focussed on achieving sustainable development through: the efficient use of minerals; the minimisation and effective use of wastes; and enabling self-sufficiency and resilience. Do you consider this to be an appropriate, yet deliverable approach?

Yes No

If no, please explain why

3. Evidence shows that there will be a need for additional sand and gravel reserves to be permitted over the lifetime of the Minerals & Waste Local Plan. Do you consider the policy approach of 3 allocated sites, 2 preferred areas of search and other areas of search to be appropriate? (Policy M3)

Yes No

If no, please explain why

4. Seeking to increase levels of self-sufficiency and to make a contribution to the Managed Aggregates Supply System of crushed rock (limestone), Policy M4 sets out where new permissions for its extraction shall be permitted (2 allocated sites, 2 areas of search and other areas of search). Do you consider this to be an appropriate approach?

Yes No

If no, please explain why

5. The waste strategy (Policy W1) seeks to see Herefordshire reduce its wastes produced, re-use, recycle and recover energy more and decrease the amounts going for disposal. Do you consider this and the subsequent policies on waste management development are suitable and deliverable?

Yes No

If no, please explain why

6. The draft Minerals & Waste Local Plan has been prepared flexibly, to enable appropriate development to occur within the context of local and national changes in circumstances, and will undergo 5-yearly reviews. Do you consider this is an appropriate and considered approach to minerals and waste management provision over the plan period (up to 2031)?

Yes No

If no, please explain why

7. Do you have any other comments on the draft Minerals & Waste Local Plan, its evidence base, or its soundness?

Yes

Mineral extraction has the effect of removing “finite and irreplaceable” geological features (Core Strategy, para 5.3.3). Hence we suggest that the MWLP should be more explicit about the obligation to mitigate loss of geodiversity, and about the sorts of conditions that might be placed on operators. In particular, the geological importance of sand and gravel deposits including glacial till, glaciofluvial deposits and river deposits is not well represented by designated geological sites, partly because features of geological interest, such as organic-rich beds or large vertebrate remains (see find of mammoth tusk at Clifton in Worcestershire, 2016) may only become apparent once extraction is in progress. Research at Cambridge University has started to reveal interesting river pattern changes across the county, based on evidence from river gravels and fossils of international importance continue to be discovered in the Silurian limestones of Herefordshire.

For these reasons, we suggest specific changes to the plan in the extension box below. Supporting references could be supplied if needed.

About you:

Name:.....Kay Hughes.....

Address:.....Herefordshire and Worcestershire Earth Heritage Trust
Geological Records Centre, University of Worcester
Henwick Grove, Worcester, WR2 6AJ

Email: eht@worc.ac.uk

Do you wish to be informed of future planning policy consultations?

Yes

(You have the right to withdraw your consent at any time by notifying us.)

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All personal data will be treated in line with our obligations under the Data Protection Act 2018, which includes the provisions of GDPR. This means your personal data will not be shared. The data collected will not be used for any other purpose. We do publish representations but email addresses, telephone numbers and signatures will be removed beforehand.

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If you would like any further assistance, please contact us in one of the following ways:

Email: ldf@herefordshire.gov.uk or telephone 01432 383357

Questionnaires can be returned by post to:

Forward Planning, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE
Or by email to ldf@herefordshire.gov.uk

Please return this questionnaire by midnight on 4th March 2019

Thank you for taking time to share your views with us.

Suggested changes are proposed to specific paragraphs (see response to question 7)
New text is shown in **bold**.

para 2.3.2 Append

For the same reason, mineral extraction can destroy geological and archeological evidence completely and irrevocably, but can also provide learning opportunities. The geology of Herefordshire has much to reveal: from the dramatic contortions of the ancient Malvern Hills rocks, the oldest in England, through the internationally renowned fossil records of Silurian limestones to the glacial remains and river gravels that tell the stories of the ice age and the astonishing changes of drainage patterns among the tributaries of the River Wye. Extraction sites and quarries can provide good opportunities for national and international geological and archeological research if managed in a balanced and proportionate way.

para 2.4.13 enhance as follows

Following consultation with key local, regional and national organisations such as the Environment Agency, Natural England and Historic England, sustainability criteria have been agreed covering issues such as: air quality; water quality and quantity; landscape; health and economic performance. This Draft MWLP has been assessed against these sustainability criteria and the results can be found in the Sustainability Appraisal. **Although extraction has obvious negative impacts on geodiversity, the Sustainability Appraisal has taken account of the potential to mitigate damage and assumes in its assessment that plans for extraction and restoration make provision for protecting, conserving and enhancing geodiversity, taking account of the nature and value of the assets affected. (See SA Appendices page 71)** The Draft MWLP has been amended to incorporate some of the recommendations from the Sustainability Appraisal.

para 5.4.15

Minerals and waste development proposals will be expected to avoid unacceptable impacts on geodiversity value. **Mineral sites offer opportunities to enhance scientific and cultural understanding of geodiversity by revealing, recording or retaining features of geological conservation interest. Sand and gravel deposits cannot be preserved except by leaving parts of the site untouched, but features of interest, such as changes in lithology, discovery of conspicuous vertebrate remains or organic-rich fossil beds can be recognised and exploited as extraction progresses. Planned investigations of lithology throughout the process might include collecting samples for dating purposes as well as material for education boards.**

Planning applications should demonstrate how the proposed development will deliver objectives of UK and Herefordshire Geodiversity Action Plans, such that geodiversity features are successfully **identified, investigated**, recorded and **where appropriate** incorporated with green infrastructure into reclamation and after-use, **for the benefit of local people and to support tourism objectives**. Measures might include:

- involving geologists, geodiversity groups and museums in advising on, recording and sampling geodiversity **at all stages from planning to restoration and maintenance**;
- incorporating geodiversity considerations into site management plans to protect and maintain exposures **and support access at appropriate intervals for research and recording purposes, including for example limited excavation of features such as organic rich deposits that may become exposed at the base of river gravels**;
- providing safe public access to preserved geological features, whilst avoiding damage to them;
- providing information to support understanding, interpretation and enjoyment of geological significance of the site, including any features that remain exposed on site as well as artefacts of interest such as fossils or human remains that might have been discovered;
- creating links beyond the site boundary into the wider landscape.

para 6.2.6

Recognising the advantages of working an area efficiently, sites for future sand and gravel extraction are allocated adjacent or near to existing permitted sites. Sand and gravel reserves at: Upper Lyde (Site M03); Shobdon (Site M04); and Wellington (Site M05) are all allocated in the Draft MWLP. **Shobdon and Upper Lyde are both Local Geological Sites, designated for their glacial and glacio-fluvial features respectively, and the Wellington site extracts sub-alluvial gravels that may hold clues to the changing drainage patterns in Herefordshire in glacial times. Hence plans for mitigating impacts on geodiversity will be required in all cases.** Using information provided in the Call for Sites submissions these allocations would provide a minimum of nearly 3 million tonnes of sand and gravel resource.

para 6.2.12

Recognising the advantages of working an area efficiently, sites for future crushed rock extraction are allocated adjacent or near to existing permitted sites. Crushed rock reserves at Leinthall (Site M07) and Perton (Site M10) quarries are both proposed to be allocated in the 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. In addition, preferred areas of search have been identified for working limestone reserves within Herefordshire. **The Silurian rocks obtained from these sites are rich sources of fossils. Even locations that are not designated sites could uncover internationally important features, hence plans to mitigate impacts on geodiversity will be required for all proposals.**

para 6.3.3

Within Herefordshire, sandstone is worked in small quarries called delves, generally by hand, with just one or a few workers on site. They are backfilled with the soils, overburden and mineral wastes such that their impact should be minimised. This approach should be continued, ensuring a sustainable supply of local building stone remains available throughout the plan period. **In addition, all proposals should include plans to mitigate impacts on geodiversity, for example by supporting access by geologists to conduct investigations as newly exposed faces become accessible.**

para 8.1.7

Developers will be expected to provide for the recording, preserving and future management of important archeological, heritage, **geological**, ecological and water features as appropriate to the development proposal. Monitoring may be required, for example of water quality, water levels, or site stability. The developer will be expected to provide for this monitoring and for any remedial action reasonably required.

Latham, James

From: Idf
Sent: 04 March 2019 15:00
To: Gilson, Susannah; Eaton, Victoria
Subject: FW: Herefordshire Waste and Minerals Local Plan - Comments from Herefordshire Local Nature Partnership

From: Bloxsome, Bill <Bill.Bloxsome@herefordshire.gov.uk>
Sent: 04 March 2019 13:11
To: Idf <ldf@herefordshire.gov.uk>
Cc: Nick Read - Brightspace Foundation (nick.read@brightspacefoundation.org.uk) <nick.read@brightspacefoundation.org.uk>
Subject: Herefordshire Waste and Minerals Local Plan - Comments from Herefordshire Local Nature Partnership

Dear Sir/Madam,

Herefordshire Local Nature Partnership welcomes the sections in the draft plan upon Environmental Quality and Local Distinctiveness (Section 5.4) Addressing Climate Change (Section 5.5); and Access to open space and recreation from minerals and waste development (Section 5.6).

We are pleased that attention is given to the protection of soils and geodiversity and that emphasis is placed on seeking 'net biodiversity gains'. It would be useful if additional guidance on these matters could be considered in order to show the benefits of an integrated approach and to ensure appropriate organisations are involved in consultations upon how wider public benefits might be achieved. In this regard we would emphasise benefits in terms of human health and wellbeing from a co-ordinated approach to providing wider access to natural green space that might be achieved on minerals sites. In relation to waste from intensive livestock units, we have recently written to you in our capacity as joint members of Marches Nature Partnership about the effects of ammonia and phosphates on biodiversity and would ask that this be taken into account within this consultation.

We would suggest that should opportunities arise in the near future, exemplars in relation to achieving biodiversity net gains through mineral site restoration might be considered. These might be pursued utilising partnerships with relevant extraction companies so that measures can be promoted more widely and knowledge gained about early interventions that might lead to increased benefits for all in the longer term. Similarly, in seeking biodiversity net gains through waste management development, exemplars might be sought in association with organisations represented on HLMNP.

I trust this advice is helpful.

Best wishes

Bill Bloxsome
HLMNP Facilitator

Your ref: Herefordshire Minerals and Waste Local Plan

Victoria Eaton
Senior Planning Officer
Herefordshire County Council,
Plought Lane,
Hereford, HR4 0LE

Via Email: veaton@herefordshire.gov.uk

Adrian Chadha
Assistant Asset Manager
Operations Directorate
The Cube
199 Wharfside Street
Birmingham
B1 1RN
www.highways.gov.uk

4 March 2019

Dear Victoria,

Herefordshire Minerals and Waste Local Plan Consultation– 2018

Thank you for forwarding me details regarding the Herefordshire Minerals and Waste Local Plan. Highways England is responsible for the operation and maintenance of the Strategic Road Network (SRN) in England. The SRN includes all major motorways and trunk roads. The SRN within Herefordshire includes the M50 Motorway and the A40 and A49 Trunk Roads.

We have reviewed the latest consultation document and relevant background evidence which consider eleven potential sites that could be delivered as part of the mineral plan. Two of these sites at Upper Lyde Quarry and Wellington Quarry are located near to the SRN such that any potential environmental management or traffic implications arising from development of these sites may be relevant.

With regards the specific and cumulative traffic impact of the above sites as well as the wider set of planned mineral sites we have undertaken an initial high level desktop analysis of the potential traffic generation and distribution to the SRN. Taking account of this preliminary analysis, we consider that only the specific impacts of the two closest located sites will required further consideration.

The potential traffic impacts of the identified sites should be assessed on an individual and, as appropriate, cumulative basis. These matters are however suitable for consideration through the Transport Assessment at the planning application stage.

The environmental implications of the developments sites will also need to be considered and assessments should be undertaken through appropriate Environmental Impact Assessment where necessary to consider whether any adverse effects on the SRN may arise. Issues regarding boundary and environmental concerns, or of resulting mitigation and infrastructure changes may be matters relevant to Highways England.

The format of any subsequent assessments of these sites should be discussed and agreed with us to ensure compliance to standards, and in particular with DfT Circular 02/2013 Strategic Road Network and the Delivery of Sustainable Development. Any issues arising are also likely to be manageable through the design and control of activities undertaken upon the site or via further off site mitigation. These matters are such that they are capable of appropriate consideration and control; at the planning application stage.

Consequently we have no objection to the principal of the positioning of any of the sites detailed within the consultation.

Please do not hesitate to contact me if you require any more information or clarification.

Yours sincerely,

Adrian Chadha
OD Midlands
Email: Adrian.Chadha@highwaysengland.co.uk

Draft Minerals and Waste Plan Consultation Jan – March 2019

We would like to know what you think of the draft plan. Your views will help to shape the pre-submission draft, which will be sent for independent examination.

Please read the draft plan and accompanying background documents before answering the following questions:

1. Do you consider that the evidence gathered to underpin the Draft Minerals & Waste Local Plan is sufficiently comprehensive?

Yes No

If no, please explain why

Whilst it supports the overall vision of the Plan, and the inclusion of Objective 12, Historic England has serious concerns about the lack of an evidence base for the Minerals and Waste Local Plan (MWLP). It is our view that at this stage the Plan does not demonstrate a positive approach to the historic environment as required by NPPF para.185 and we would query the soundness of the Plan in respect of historic environment issues at this time.

It is noted that Core Strategy Policy LD4: Historic Environment and Heritage Assets is intended to be utilised as a relevant development management policy for the MWP. Based on the lack of historic environment evidence to inform the current Plan we would suggest that the current policy, along with the proposed MWP policies, is not sufficient to ensure the historic environment can be sustained in line with NPPF requirements.

Firstly, looking at the accompanying Sustainability Appraisal's Plans, Policies and Programmes (PPP) section, there is no reference to Historic Landscape Characterisation information or any evidence that the Historic Environment Record has been consulted and considered in the Local PPP part. Herefordshire is fortunate in having a county archaeology and minerals resource assessment (Dorling 2014). Although it is a few years old it provides much useful information about the archaeology already known, or likely to be encountered, in Herefordshire's main areas of mineral extraction and is a key piece of evidence to inform the SA as well as the separate site assessment details and resulting Draft MWLP Annex A document.

In addition, the National PPP section refers to some 'English Heritage' information (which should be revised to 'Historic England') and I can advise that updated minerals advice is due for issue in March 2019. Further to this, many other HE advice, good practice information and reports would be relevant to the evidence base.

We recommend that the site assessment methodology set out in our Advice Note on Site allocations in Local Plans be used as a basis for the consideration of the historic environment as part of the site allocation process <https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/>

In addition, the following information is relevant as evidence base to inform the Draft MWLP: <https://historicengland.org.uk/images-books/publications/gpa1-historic-environment-local-plans/> ; <https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/> ; <https://historicengland.org.uk/advice/planning/mineral-extraction/> ;

<https://historicensland.org.uk/research/current/discover-and-understand/early-prehistory/mapping-palaeolithic-potential/> ;
<https://historicensland.org.uk/images-books/publications/dssg-sites-early-human-activity/> ;
<https://historicensland.org.uk/images-books/publications/preserving-archaeological-remains/>
<https://historicensland.org.uk/images-books/publications/research-and-conservation-framework-for-british-palaeolithic/> (this will be supplanted by the new guidance when it is available).

We are concerned that the lack of evidence base in relation to the historic environment has led to insufficient consideration of the subject in the Plan contrary to the vision and objectives of the Plan itself as well as the NPPF.

The Draft Plan document on page 3-14 para.3.4.1 makes no reference to Scheduled Monuments and whilst non-designated assets are mentioned it is not clear whether this includes unknown buried archaeology which may be of national significance. In addition, paras 5.4.19 -5.4.21 inclusive, which set out additional text to support the relevance of Core Strategy Policy LD4 are short and relatively weak. It is stated that HE has produced a number of relevant documents but on the basis these have not been utilised within the SA, Spatial Context Report and appendices or Draft MWLP Annex A it is not clear how such information has been applied to the considerations of the Plan.

The lack of evidence base for the historic environment also results in an unclear Spatial Context Report 2018. Para 2.2 refers to the natural and built environments of Herefordshire but does not reference the historic environment - elsewhere in the various documents natural, built and historic environments are referred to together. Furthermore, archaeology is not necessarily part of the built environment since, particularly in respect of minerals, is buried and often unknown.

The lack of evidence is also apparent in the Spatial Context Report Annex information. For example, the Spatial Context Report Annex A Table M00, which provides an overview for each site, does not mention any historic environment assets in the environmental section. The site criteria, at the end of each site's information, is set out using a Red, Amber, Green (RAG) system and includes a section on sensitive buildings and also cultural and historic sites. However, these do not appear to be mentioned in the site report information even when the RAG process result in a Red outcome so it is not clear how the matter has been considered and the outcome reached. Moreover, some sites with Red and Amber outcomes are taken through to preferred allocation in Annex A with no clarification on how the historic environment has been considered, how significance of an asset has been considered, what harm to the significance of an asset may be and what mitigation could be possible.

In turn the Draft MWLP Annex A 'Allocated sites and the key development criteria' document sets out on various sites that insofar as heritage assets are concerned 'Any planning application is required to demonstrate no unacceptable adverse impact on listed buildings', other than the Rotherwas industrial Estate which also refers to scheduled monuments. The Draft MWLP will need to consider impact at this stage to ensure the safeguarded areas and sites being put forward are sustainable and deliverable – any harm may result in a smaller site being considered which may result in a smaller supply of minerals which may not meet the needs of the Draft Plan. Furthermore, it is apparent that non-designated archaeology whether known or unknown has not been referenced. This is of concern when earlier work, particularly around the Wellington quarry area, has resulted in significant finds over the last 25 years or so around paleochannels. In addition, it is not clear how impacts on any Conservation Areas have been considered, not just from any physical onsite operation and later mitigation and restoration works, but also offsite elements including increased vehicle movements to and from a site etc.

We would be pleased to discuss any of the issues raised above in due course and ahead of the next iteration of the Plan and its associated SA.

2. The Draft Minerals & Waste Local Plan's vision (in section 4) is focussed on achieving sustainable development through: the efficient use of minerals; the minimisation and effective use of wastes; and enabling self-sufficiency and resilience. Do you consider this to be an appropriate, yet deliverable approach?

Yes No

If no, please explain why

Yes, in principle. Historic England welcomes the overall vision of the Draft Plan and, in particular, Strategic Objective 12 which relates to cultural heritage. However, concerns in respect of the evidence base for the Plan could impact on the deliverability of the Plan.

3. Evidence shows that there will be a need for additional sand and gravel reserves to be permitted over the lifetime of the Minerals & Waste Local Plan. Do you consider the policy approach of 3 allocated sites, 2 preferred areas of search and other areas of search to be appropriate? (Policy M3)

Yes No

If no, please explain why

Historic England has concerns in respect of the evidence base for the Draft Plan and how the historic environment has been considered and queries the soundness of the Draft Plan at this stage. In particular it is not clear how archaeology, known or unknown, has been considered.

Waterlogged sediments such as palaeochannels, kettle holes, buried peats and other permanently wet features have the potential to preserve organic materials which may be of archaeological significance. The exceptional preservation that can be encountered in such conditions can contribute to an unusually high significance for the archaeology preserved. Environmental evidence of changes to the human landscape may also be preserved. Dewatering of these features should be avoided if possible. It may in some cases be possible to integrate this with sustainable water management (Core Strategy policy SD3).

4. Seeking to increase levels of self-sufficiency and to make a contribution to the Managed Aggregates Supply System of crushed rock (limestone), Policy M4 sets out where new permissions for its extraction shall be permitted (2 allocated sites, 2 areas of search and other areas of search). Do you consider this to be an appropriate approach?

Yes No

If no, please explain why

Historic England has concerns in respect of the evidence base for the Draft Plan and how the historic environment has been considered and queries the soundness of the Draft Plan at this stage. In particular it is not clear how archaeology, known or unknown, has been considered.

Palaeolithic archaeology is rare and may be of very high significance and may be encountered in quarries. The potential for such finds in quarries is related to the age the

minerals and associated sediments were deposited so information about this should be considered early. Historic England is in the process of producing new guidance on Palaeolithic sites and their protection in the planning system but existing advice is relevant to the evidence base for the Plan at this time.

5. The waste strategy (Policy W1) seeks to see Herefordshire reduce its wastes produced, re-use, recycle and recover energy more and decrease the amounts going for disposal. Do you consider this and the subsequent policies on waste management development are suitable and deliverable?

Yes No

If no, please explain why

Historic England has concerns in respect of the evidence base for the Draft Plan and how the historic environment has been considered and queries the soundness of the Draft Plan at this stage.

6. The draft Minerals & Waste Local Plan has been prepared flexibly, to enable appropriate development to occur within the context of local and national changes in circumstances, and will undergo 5-yearly reviews. Do you consider this is an appropriate and considered approach to minerals and waste management provision over the plan period (up to 2031)?

Yes No

If no, please explain why

Historic England has concerns in respect of the evidence base for the Draft Plan and how the historic environment has been considered and queries the soundness of the Draft Plan at this stage. However, 5-yearly reviews of the Plan are supported.

7. Do you have any other comments on the draft Minerals & Waste Local Plan, its evidence base, or its soundness?

Yes No

If no, please explain why (Use continuation box on page 4 if necessary)

Historic England would welcome the opportunity to discuss concerns in due course and ahead of the next iteration of the Plan and its SA. We consider that the evidence base is currently insufficient and, in turn, this has resulted in the Plan not being sound at this stage.

There are ways to address the issues raised and we would be pleased to discuss these with you.

We would like to stress that our opinion is based on the information provided by the Council in its consultation. For the avoidance of doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals which may subsequently arise where we consider these would harm the historic environment.

About you:

Name:.....Rosamund Worrall , Historic England

Address: Historic England, The Axis, 10 Holliday Street, Birmingham, B1 1TG

Email:... e-wmids@historicengland.org.uk

Do you wish to be informed of future planning policy consultations?

Yes No

(You have the right to withdraw your consent at any time by notifying us.)

Access to Information

All personal data will be treated in line with our obligations under the Data Protection Act 2018, which includes the provisions of GDPR. This means your personal data will not be shared. The data collected will not be used for any other purpose. We do publish representations but email addresses, telephone numbers and signatures will be removed beforehand.

Herefordshire Council is subject to the Freedom of Information Act, 2000, (FoI) and Environmental Information Regulations (EIRs) which means that questionnaires may be released in response to a request for information but private information would be redacted.

Details of our privacy notice can be found at: www.herefordshire.gov.uk/privacynotices

If you would like any further assistance, please contact us in one of the following ways:

Email: ldf@herefordshire.gov.uk or telephone 01432 383357

Questionnaires can be returned by post to:

Forward Planning, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE

Or by email to ldf@herefordshire.gov.uk

Please return this questionnaire by midnight on 4th March 2019

Thank you for taking time to share your views with us.

Further comments (Please indicate the question you are referring to).

Herefordshire Draft Minerals & Waste Local Plan Jan 2019; Representation on behalf of the **Mineral Products Association (MPA)**.

Contact:

Mark E North, (Director of Planning Aggregates and Production)

Gillingham House, 38-44 Gillingham Street, London, SW1V 1HU.

Tel: 07568 427719 Email: mark.north@mineralproducts.org

The MPA has various comments on the draft plan and these are set out below. We would like to be kept informed of the plan progress and would like to appear at the Examination in Public.

Comments on the Draft M&WLP

Para 3.3.4

The first sentence of this paragraph does not properly reflect the NPPF and therefore is unsound. NPPF para 205 (a) requires that;

***as far as practical** [emphasis added], provide for the maintenance of landbanks of non-energy minerals from outside National Parks.....*

It is suggested that the text of this paragraph is changed as follows;

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

*The NPPF **states that mineral planning authorities should, as far as far as practical, provide for the maintenance of landbanks of non-energy minerals from outside** ~~also places emphasis upon conserving important landscape and heritage assets by requiring that landbanks for non-energy minerals are provided outside~~ National Parks, Areas of Outstanding Natural Beauty, Scheduled Monuments and World Heritage Sites.*

It is noted that you have not properly reflected the NPPF on this issue in paragraph 3.4.1 (3rd bullet point).

Para 3.4.1 (17th bullet point)

Our concern with the text under this bullet point is that there is no recognition of the hierarchy of importance for the various types of nature conservation

assets, and heritage assets that must be taken into account when testing development proposals. This is made clear as a requirement in NPPF para 171 and para 189. As such the text as drafted is unsound and should be redrafted to properly reflect the NPPF.

Draft MWLP Objectives ; Objective 3

The MPA support the principle of this objective but it does not go far enough in that it does not mention added value operations e.g. concrete batching plants, coated stone plants, block making plants, secondary aggregate recycling sites.

To make this objective effective the text should be altered as follows;

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

*To safeguard ~~appropriate~~ mineral and waste resources, **and added value operations (e.g. concrete batching plants, coated stone plants, block and bagging plants, secondary aggregate recycling centres)** within Herefordshire and the associated transport infrastructure for the future.*

Draft MWLP Objectives; Objective 6

This objective while supported in principle does not reflect properly the NPPF.

The NPPF at para 207 requires that;

*Local planning authorities should plan for a steady **and adequate** [emphasis added] supply of aggregates.....*

Suggested text change as follows;

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

*To plan for the steady and ~~sustainable~~ **adequate** supply of minerals present within Herefordshire, to contribute to the county's economic growth, development and local distinctiveness and to make **the required** ~~a reasonable~~ contribution to the MASS.*

Para 5.5.14

We support the first part of this paragraph requiring that major developments should have a resource audit but do not feel it is explicit enough. The MPA

have been pressing Government for a considerable time to require resource audits on major development to identify the quantity and source of construction aggregates to allow effective planning by industry and mineral planning authorities.

We suggest the text of this paragraph is modified as follows;

Proposed Changes (deletions in ~~striketrough~~; new text in **bold**)

*Any application for major development, defined as residential development of 10 units or more or 0.5ha or more, and all other development of 1ha or more will be required to be accompanied by a Resource Audit. Resource Audits will identify ~~(quantifying where possible)~~ the approach to materials used in construction, **the quantity of construction aggregates to be used, and** how waste will be minimised, what waste will be generated from the development and how this will be managed to promote the recovery of materials and/or energy from it.*

Policy SS8 : Resource Management

In respect of the comments immediately above this policy needs adjusting as follows;

Proposed Changes (deletions in ~~striketrough~~; new text in **bold**)

*2. the provision of a Resource Audit that identifies the approach to sourcing, **and the quantum of** construction materials and the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The Resource Audit will set out how waste will be minimised and how it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy. Information appropriate to the planning application shall be provided on the following matters:*

a. the amount and type of construction aggregates required and their likely source;

***b &** the steps to be taken to minimise the use of raw materials (including hazardous materials) in the construction phase, through sustainable design and the use of recycled or reprocessed materials;*

c. the steps to be taken to reduce, reuse and recycle waste (including hazardous wastes) that is produced through the construction phase;

d-e. the type and volume of waste that the development will generate (both through the construction and operational phases);

e. on-site waste recycling facilities to be provided (both through the construction and operational phases); and

f. the steps to be taken to ensure the maximum diversion of waste from landfill (through recycling, composting and recovery) once the development is operational.

Policy SD5 :Site Reclamation

In order to make this policy effective there needs to be adjustment to part b) of the policy as follows;

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

*b. proposals that deliver landscape scale benefits and/or integrated green infrastructure **when and where practical and** appropriate to its location;*

It will not always be in the developer's gift to provide landscape scale benefits as this comes down to the control of land outside of the development often. Hence to make the policy effective and therefore sound the above changes are required.

Policy M2 : Safeguarding of Mineral Resources from Sterilisation

The MPA supports the principle of this policy however it is unsound in that is not considered effective nor does it fully accord with the NPPF.

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

It is identified as best practice to include buffers within MSAs to guard against proximal development potentially affecting the mineral resource. It is intended by the BGS guidance, and examples of best practice in that guidance that such buffers should be included in the MSA to ensure maximum protection (see Figure 2 and Case Study 3). When considered against NPPF paragraph 204 (c)

which says planning policies should *safeguard mineral resources by defining Mineral Safeguarding areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral where this should be avoided.....* the national protection accorded to minerals is intended to be within the designated area of an MSA and not outside of it or even adjacent to it. This is because the MSA should contain all minerals of potential economic value and any areas where development is likely to have adverse proximal effects upon it. The concern is that the approach adopted by the Council will dilute the protection given to minerals by allowing developers to argue that sites outside the MSA do not enjoy the same protection as sites within it even though they are adjacent to it. Accordingly, buffers need to be applied to the policy to make it effective and in accordance with national policy.

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

For the reasons above text change is required to the policy as follows;

Proposed Changes (deletions in ~~strike through~~; new text in **bold**)

*Within the minerals safeguarding areas **and within a buffer of 250m from the boundary of any mineral safeguarding areas, and within 250m from a permitted mineral operation** non-minerals development will only be permitted in the following circumstances:*

*a. the development would not sterilise or prejudice the future extraction of the mineral resource because it can be demonstrated that the resource: is not of economic value; occurs at depth and can be extracted in an **economic** alternative way; does not exist or has been sufficiently depleted by previous extraction; or*

b. the mineral can be extracted satisfactorily prior to non –minerals development without materially affecting the timing and viability of the non-minerals development; or

c. the non-minerals development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or

*d. the need for the non-mineral development is strategic and can be **clearly** demonstrated to outweigh the need for the mineral resource.*

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

Additional Policy Required; Safeguarding of Mineral Infrastructure and Added Value Operations.

Although the safeguarding of mineral infrastructure is mentioned in objective 3 of the draft plan there is no specific policy on the topic. It is felt that this makes the plan unsound as it is not in accordance with NPPF and is not effective. Furthermore, added value operations also need to be covered by such a policy. All such facilities need to be listed and identified on the policies map.

NPPF at para 204 (e) is explicit when it states that;

Planning policies should:

- e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;*

Furthermore, the agent of change principle should be applied to any such policy as set out in para 182 of the NPPF.

Suggested wording for such a policy is set out below;

Additional Policy :

Minerals ancillary infrastructure sites identified on the Policies Map, with a 250m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the site for minerals ancillary infrastructure purposes such as:

a) an existing, planned or potential rail head, wharf or associated storage, handling or processing facilities for the bulk transport by rail or sea of minerals, including recycled, secondary and marine-dredged materials, and/or;

b) an existing, planned or potential site for concrete batching, the manufacture of coated materials, other concrete products or the handling, processing and distribution of substitute, recycled and secondary aggregate material;

applicants will be required to demonstrate to the County Council that those sites no longer meet the needs of the minerals industry. Where this is not the case, satisfactory alternative handling facilities should be made available by the developer.

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

Para 6.2.5

In this paragraph it states that the *Local Aggregate Assessment will be updated regularly*. The NPPF requires that the LAA is updated annually. The word *regularly* needs replacing with *annually*.

Policy M3: The winning and working of sand and gravel

The policy needs to be explicit that there is a requirement to maintain a landbank of at least 7 years throughout the plan period. Furthermore, there is now a statutory requirement (para 33 of NPPF) to review the plan at least every 5 years. As currently drafted the policy is unsound.

Suggested changes to the policy are set out below;

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

1. A landbank of at least 7 years of sand and gravel will be maintained throughout the plan period. Total provision for sand and gravel over the plan period to 31 December 2031 will be 4.5 million tonnes. Additional provision shall be made **as required and in event** through ~~a mid-term~~ review **at least every 5 years** ~~if necessary~~ to maintain a landbank of at least seven years for sand and gravel at 31 December 2031 based on an annual rate of provision to be determined through the review.

Policy M4: The winning and working of crushed rock (limestone)

The policy needs to be explicit that there is a requirement to maintain a landbank of at least 10 years throughout the plan period. Furthermore, there is now a statutory requirement (para 33 of NPPF) to review the plan at least every 5 years. As currently drafted the policy is unsound.

Suggested changes to the policy are set out below;

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

- 1. A landbank of at least 10 years of crushed rock will be maintained throughout the plan period.** Total provision for crushed rock over the plan period to 31 December 2031 will be 7.5 million tonnes. Additional provision shall be made **as required and in any event** through ~~a mid-term~~ review **at least every 5 years**, ~~if necessary~~, to maintain a landbank of at least ten years for crushed rock at 31 December 2030, based on an annual rate of provision to be determined through the review.

Policy M5: The winning and working of sandstone

The MPA are supportive of the working of building stone and support the policy in principle. However, as drafted the policy is unsound as it is not in accordance with national policy nor is it positively prepared in that it is overly restrictive.

The MPA believes that at drafted the policy has misinterpreted the NPPF. Any policies in respect of building stone should encourage building stone quarries, and plan positively for these and reflect the economic, social and environmental importance of supply of building stone. The NPPF (paragraph 205(g)) states '*recognise the small scale nature and impact of building and roofing stone quarries...*' in terms of determining applications, rather than setting policy. In doing so the NPPF requires that the '*small scale nature and impact*' of such quarries is taken into account. '*Small-scale*' is not defined, and so should reflect local circumstances, including the market for the material which may be wider than '*local*' and should not be restricted to a planning authority area which would make no sense in terms of commercial or planning considerations. Indeed, many small sites simply will not be commercially viable if they are only able to supply the '*local*' market that exists within the planning authority area, which is likely to be too small, and too infrequent. The demands for such products are just as likely to arise outside the planning authority area as within it.

It is important that dimension stone extraction is not limited to local markets or the heritage sector. You should note that building stone is not only reserved for 'historic' purposes (repairs and Conservation Areas) and operators should be free to develop new-build markets like any other entrepreneur. That being so, repairs may be a very small part of production. So, we should be pleased to see recognition that higher production will not be resisted if it contributes to economic development. However, it is important that the authority does not artificially seek to impose restrictions but allows any expansion of the operation (subject to environmental safeguards) without decreeing maximum production levels or prohibitions on aggregates production or limits to reserves, for example. All these restrictions are commonly met by our members in their businesses on the mistaken assumption by local government that building stone operations must be small and confined in order to be acceptable.

An emphasis of policy on local markets or small-scale working is likely to discourage applications. Our members report problems because they are being limited to 'local markets' which reflects the historic circumstances of the industry and the emphasis on heritage end uses. A 'local market' means

restricted outlets, low volumes and low turnover/operating profit. This scenario does not allow the operator to invest in the technology and training which is increasingly being required of him. This is a serious threat to continuity of security of supply. Conversely, serving wider markets makes it easier to guarantee that stone will also be available to serve the local market. Emphasising local markets and small-scale operations like this is merely descriptive of the traditional character of the industry. We should prefer policy to omit implications that dimension stone production needs to be controlled or curtailed, which we believe is against the spirit and purpose of NPPF.

Furthermore, the policy does not support the rural economy as required by para 83 of the NPPF.

The policy needs rewording as follows;

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

~~1. In order to maintain an adequate supply of sandstone to preserve local distinctiveness within Herefordshire,~~ **Proposals for sandstone extraction will be permitted for:**

a. the extension of time for completion of extraction at permitted sandstone extraction sites;

b. the lateral extension and/or deepening of workings at the following permitted sandstone extraction sites., ~~subject to the key development criteria set out at Annex A:~~

- *Black Hill Delve; and/or*
- *Llandraw Delve; and/or*
- *Westonhill Wood Delves;*

c. the opening of new sites for sandstone extraction at appropriate locations, including micro-scale extraction on or adjacent to existing historic buildings or structures and new build developments., ~~where the extracted materials will only be used in connection with the identified project~~

2. Such proposals will be permitted where they are in accordance with other policies in the Local Plan

~~a. the need for the material for the preservation of local distinctiveness, particularly features of local historic or architectural interest, listed and vernacular buildings or archaeological sites, outweighs any material harm extraction might cause to matters of acknowledged importance.~~

~~b. the proposed workings are small scale; and~~

~~c. the proposal is limited to the production of non-aggregate materials, with any overburden and spoils retained on-site and used for its reclamation.~~

We would be grateful to be kept informed of the, progress of the plan and would wish to appear at the Examination in Public.

ME NORTH

28/02/2019



Your ref:

Our ref:

Email: Sarah.faulkner@nfu.org.uk

Direct line: 01952 409247

Date: 28 February 2019

Dear Sir

Herefordshire Minerals and Waste Local Plan Consultation

I am writing on behalf of the National Farmers' Union, West Midlands Region about the current consultation on the Herefordshire Minerals and Waste Local Plan. The NFU is a professional body which represents the interests of 75% of all farmers and growers. In Herefordshire we represent a wide range of farmers, growers and rural businesses. The future provision of minerals and the management of waste in the county is a key concern for our members. Many of these businesses are located within areas that may potentially be identified for minerals extraction.

Key comments:

- **Definition of waste** - On page 3-5 we were surprised to see that animal manure, animal bedding and crop waste have been listed as agricultural wastes. Agricultural manure and slurry that is going to be spread on to land is not included in the definition of 'waste' under the Waste Framework Directive. The national waste management plan refers to the definition under that Directive, and is the definition generally used in planning cases. We are not aware of any other situation where the definition of waste has been expanded to include categories expressly excluded by the Waste Framework Directive. Therefore we believe that references to animal manure and slurry should be removed from the plan. Animal bedding may be a constituent of farm yard manure, which would also be spread to land and therefore this should also be excluded from the plan.
- **Building stone** - A supply of building stone for historic buildings and stone walling will be required from time to time by farm businesses. It may be appropriate to extract small supplies of building stone for local and farm based projects and the plan should enable this.
- **Hydrocarbons** - We note that the plan states that the hydrocarbon prospectivity of the county is low. Given that there are historic resources and that there have been recent proposals for exploration we would like to be involved in the development of policy to assess individual applications. Our members are watching the development of these industries and technologies with interest, particularly shale gas extraction. If such projects were proposed for Herefordshire there would need to be a further phase of public consultation and an assessment of the potential impacts on land based industries for example, through impacts on water supply and availability, subsidence and disruption to drainage systems.
- **Restoration** - Agriculture, horticulture and food production should be considered as potential restoration options. We do agree that opportunities for flood alleviation and

water storage should be considered. Water storage will be importance to safeguard water resources and this may help the local economy if linked to clusters of horticultural and food production businesses.

Detailed comments:

- Page 3-5. As raised above the paragraph relating to agricultural wastes should be clarified in order to make it clear that manures, slurries and some crop residues are not classed as wastes.
- Page 7-5. In paragraph 7.2.10 you note that natural agricultural waste is not usually an appropriate matter for a waste local plan. As agricultural manures are excluded from the Waste Framework Directive references to them within this plan should be removed. The use and application of agricultural manures and slurries are separately regulated by the Environment Agency under a variety of legal frameworks, these would include Nitrate Vulnerable Zones and Farming Rules for Water to name just two. Therefore the addition of manures and slurries to the Waste Local Plan is an unnecessary duplication of existing regulation.
- Within this section you highlight the concerns regarding agricultural phosphates and water quality in the county. These matters are being addressed by the Environment Agency and also by the farming community. To duplicate the best practice recommendations within the Local Waste Plan goes beyond the scope of the planning system.
- 7.2.15. We welcome the support shown for anaerobic digestion as a source of low carbon energy. Digestate can provide crop nutrition in a form that is readily available for plant uptake. This product also requires careful management and application just as slurry and manures do.

Policy W3: Agricultural Waste Management

We are very concerned by this policy. It is poorly worded; it does not say how an applicant would be expected to demonstrate how natural and non-natural wastes would be managed on and off site. Does it apply to all new developments on farm, regardless of whether they generate manures? How would an application for an on-farm implement shed, or an agricultural workers dwelling be affected by Policy W3? We believe that it is disproportionate to require all agricultural developments to supply information on the management of manures and slurries as this area is already highly regulated and this matter is beyond the scope of the planning system.

I hope that you find our contribution to the consultation useful. If you require further information or clarification of any of the points raised in the response please do not hesitate to contact me at the West Midlands Regional Office.

Yours sincerely

Sarah Faulkner
Environment and Rural Affairs Adviser

Forward Planning Team MWLP
Plough Lane
Hereford
HR4 0LE

Lucy Bartley
Consultant Town Planner

Tel: 01926 439116
n.grid@woodplc.com

Sent by email to:
ldf@herefordshire.gov.uk

20 February 2019

Dear Sir / Madam

**Herefordshire Council: Draft Minerals and Waste Local Plan
SUBMISSION ON BEHALF OF NATIONAL GRID**

National Grid has appointed Wood to review and respond to development plan consultations on its behalf.

We have reviewed the above consultation document and can confirm that National Grid has no comments to make in response to this consultation.

Further Advice

National Grid is happy to provide advice and guidance to the Council concerning our networks. If we can be of any assistance to you in providing informal comments in confidence during your policy development, please do not hesitate to contact us.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect our assets. Please remember to consult National Grid on any Development Plan Document (DPD) or site-specific proposals that could affect our infrastructure. We would be grateful if you could add our details shown below to your consultation database:

Lucy Bartley
Consultant Town Planner

n.grid@woodplc.com

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Yours faithfully

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No. 2190074



[via email]

Lucy Bartley
Consultant Town Planner

cc. Spencer Jefferies, National Grid

Draft Minerals and Waste Plan Consultation Jan – March 2019

We would like to know what you think of the draft plan. Your views will help to shape the pre-submission draft, which will be sent for independent examination.

Please read the draft plan and accompanying background documents before answering the following questions:

1. Do you consider that the evidence gathered to underpin the Draft Minerals & Waste Local Plan is sufficiently comprehensive?

Yes No

If no, please explain why

The information relating to Leinthall Quarry (M07a) and its proposed extension (M07b) does not mention the presence of Croft Ambrey hill fort or the historic park of Croft Castle on high land overlooking the quarry from the south. Croft Ambrey is a scheduled ancient monument. The park at Croft Castle, which encompasses the Ambrey and adjoining land, is registered grade II*. This land is made accessible to the public as part of the National Trust's Croft Castle estate. It is also accessible via the Mortimer Trail and other public rights of way.

We also have a separate concern about the general consideration of impacts beyond the county boundary.

Further comments on both these points are set out in response to Q7.

2. The Draft Minerals & Waste Local Plan's vision (in section 4) is focussed on achieving sustainable development through: the efficient use of minerals; the minimisation and effective use of wastes; and enabling self-sufficiency and resilience. Do you consider this to be an appropriate, yet deliverable approach?

Yes No

If no, please explain why

3. Evidence shows that there will be a need for additional sand and gravel reserves to be permitted over the lifetime of the Minerals & Waste Local Plan. Do you consider the policy approach of 3 allocated sites, 2 preferred areas of search and other areas of search to be appropriate? (Policy M3)

Yes No

If no, please explain why

4. Seeking to increase levels of self-sufficiency and to make a contribution to the Managed Aggregates Supply System of crushed rock (limestone), Policy M4 sets out where new permissions for its extraction shall be permitted (2 allocated sites, 2 areas of search and other areas of search). Do you consider this to be an appropriate approach?

Yes No

If no, please explain why

5. The waste strategy (Policy W1) seeks to see Herefordshire reduce its wastes produced, re-use, recycle and recover energy more and decrease the amounts going for disposal. Do you consider this and the subsequent policies on waste management development are suitable and deliverable?

Yes No

If no, please explain why

6. The draft Minerals & Waste Local Plan has been prepared flexibly, to enable appropriate development to occur within the context of local and national changes in circumstances, and will undergo 5-yearly reviews. Do you consider this is an appropriate and considered approach to minerals and waste management provision over the plan period (up to 2031)?

Yes No

If no, please explain why

7. Do you have any other comments on the draft Minerals & Waste Local Plan, its evidence base, or its soundness?

Yes No

If no, please explain why (Use continuation box on page 4 if necessary)

Leinthall Quarry (M07a and M07b)

The Sustainability Appraisal for Leinthall Quarry (M07a) and its proposed extension (M07b) identifies a number of heritage assets nearby which are affected by the existing quarry and would be affected by the extension. In addition to the heritage impacts identified, the existing quarry affects the setting of the Croft Ambrey SAM and the grade II* registered historic park at Croft Castle. The proposed extension would be likely to have a similar effect but would extend it both spatially and over time.

The key development criteria for the proposed Leinthall Quarry extension in Annex A of the draft Plan do not include heritage. Given the potential impacts on heritage assets we suggest that the key development criteria for this site should include "Any planning application is required to demonstrate no unacceptable adverse impact on heritage assets."

Cross boundary issues

In the Sustainability Appraisal Appendix 5, the commentary on SA Objective 13 states that there are no National Parks adjacent to Herefordshire. The Brecon Beacons National Park is adjacent to Herefordshire. It should have been reported here and shown on figure 9 in appendix 2. A more general concern related to this is that the baseline maps in appendix 2 tend not to include data about designations beyond the county boundary.

About you:

Name: ...Chris Lambart on behalf of the National Trust.....

Address: National Trust Attingham Consultancy Office , Attingham Park, Atcham, Shrewsbury, SY4 4TP

Email chris.lambart@nationaltrust.org.uk

Do you wish to be informed of future planning policy consultations?

Yes No

(You have the right to withdraw your consent at any time by notifying us.)

Access to Information

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Details of our privacy notice can be found at: www.herefordshire.gov.uk/privacynotices

If you would like any further assistance, please contact us in one of the following ways:

Email: ldf@herefordshire.gov.uk or telephone 01432 383357

Questionnaires can be returned by post to:

Forward Planning, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE
Or by email to ldf@herefordshire.gov.uk

Please return this questionnaire by midnight on 4th March 2019

Thank you for taking time to share your views with us.

Further comments (Please indicate the question you are referring to).

Date: 04 March 2019
Our ref: 271606



Planning Strategy
Warwickshire County Council

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Sir/Madam

Planning consultation: Herefordshire County Council Draft Minerals and Waste Local Plan, Sustainability Appraisal (SA) and Habitats regulations Assessment (HRA)

Thank you for your consultation on the above dated 23 January 2019 which was received by Natural England on 23 January 2019.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Comments on Herefordshire County Council Draft Minerals and Waste Local Plan, Sustainability Appraisal (SA) and Habitats regulations Assessment (HRA) Consultation

Natural England welcomes the references in the draft plan to:

- Malvern Hills AONB and Wye Valley AONB Management Plans (paragraph 3.3.22). In order for your evidence base to remain up to date we ask you to note that the Malvern Hills AONB Management Plan has just been reviewed and updated and now covers the period 2019-2024 and the Wye Valley AONB is just under review, due to be published April 2020.
- Herefordshire Green Infrastructure Strategy (paragraph 3.3.23)

Natural England would like to see:

- In section 3.4. 1 Issues and Challenges General – second bullet point. The use of the wording, ‘appropriate approach’ to the protection and enhancement of the area’s important landscapes and natural and heritage assets...is disappointing. As is the view that these assets are viewed negatively as issues and challenges. We acknowledge the challenges but there are also many opportunities offered by the minerals and waste plan including the potential for biodiversity net gain and the opportunities for enhancement and improved connectivity of the natural environment.
- In the vision (section 4.1.5) we agree with the conclusions of the Sustainability Appraisal to include the wording high quality restoration of sites. We recommend the addition of the wording in bold...‘taking a strategic approach to achieving high quality **restoration** and reclamation that provides sites betterment...’
- We suggest the following wording to strengthen Objective 12 to make it much more pro-

active and ambitious, focused on achieving enhancements and benefits to the natural environment, ‘...whole community, by safeguarding **and enhancing** the county’s valued heritage and environmental assets from loss and damage, reversing negative trends, ensuring **good quality landscape design and condition** and site betterment...

Habitats Regulations Assessment

We have reviewed the Habitats Regulations Assessment and agree with the conclusions provided and that further consideration should be given at the Appropriate Assessment stage to the likely significant effects on the River Wye SAC and the Wye Valley and Forest of Dean Bat Sites SAC.

We note that consideration has been given within the Habitats Regulation Assessment to the Ruling made recently by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (ref: C-323/17) But notwithstanding this we remind all competent authorities currently making HRAs that they should seek their own legal advice on any implications of this recent ruling for their decisions.

Sustainability Appraisal

We have reviewed the Sustainability Appraisal and support the proposal that the monitoring programme should be adopted.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Hazel McDowall at hazel.mcdowall@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely,

H.McDowall

Hazel McDowall
Planning for a Better Environment Team

Forward Planning
Draft Minerals & Waste Local Plan
Herefordshire Council
Plough Lane
Hereford, HR4 0LE.

PLEASE ASK FOR: David Clarke
DIRECT DIAL: 01684 862370
OUR REF
DATE: 4th March 2019
E-MAIL: David.Clarke@malvern hills.gov.uk

Dear Sir / Madam,

Herefordshire Minerals & Waste Local Plan
Draft Plan

Thank you for the opportunity to comment on the draft Minerals & Waste Local Plan. It should be noted that the comments below are officer comments only.

As background, the South Worcestershire Councils (SWC) (Malvern Hills District, Worcester City and Wychavon District) are reviewing the South Worcestershire Development Plan (SWDP) which will allocate land for housing, employment and other land uses and guide infrastructure provision. Worcestershire County Council is the Minerals and Waste Planning Authority for Worcestershire.

The South Worcestershire Authorities recognise that minerals extraction is an important part of the economy in both Herefordshire and Worcestershire and that a steady and adequate supply of minerals is necessary to provide for new housing, built development and infrastructure.

The SWC welcome the importance attached to the protection of the Malvern Hills AONB in the draft Minerals & Waste Local Plan.

The SWC note that none of the Preferred Areas for sand and gravel or crushed rock minerals development are in close proximity to the Malvern Hills District administrative boundary. We also note that no new waste facilities are currently being proposed in close proximity to our administrative boundary.

The SWC have no in principle objections to the draft Minerals & Waste Local Plan.

Obviously, if new potential sites for either minerals development or waste facilities are proposed in the process of preparing the Minerals & Waste Local Plan that are close to our administrative boundary then we would wish to have an opportunity to make representations.

We acknowledge and appreciate that Herefordshire Council has engaged constructively with the SWC as part of the Council's Duty to Cooperate. Further, the SWC are committed to further discussions as both the Minerals & Waste Local Plan and SWDP review progress in order to comply with on-going requirements associated with the Duty to Co-operate and as part of the Memorandum of Understanding arrangements between Malvern Hills District Council and Herefordshire Council.

If you require clarification on any issues raised in this response please contact David Clarke on 01684 862370.

Yours sincerely,

Gary Williams
Head of Planning and Infrastructure
Malvern Hills and Wychavon District Councils
(on behalf of the South Worcestershire Councils)

Latham, James

From: ldf
Sent: 04 March 2019 08:27
To: Gilson, Susannah; Eaton, Victoria
Subject: FW: Draft Herefordshire Mineral and Waste Local Plan - consultation 2019 - Staffordshire comment

From: Griffin, Matthew (E,I&S) <mat.griffin@staffordshire.gov.uk>
Sent: 01 March 2019 17:13
To: ldf <ldf@herefordshire.gov.uk>
Subject: Draft Herefordshire Mineral and Waste Local Plan - consultation 2019 - Staffordshire comment

In response to your consultation.

1. Do you consider that the evidence gathered to underpin the Draft Minerals & Waste Local Plan is sufficiently comprehensive?

Yes No X

If no, please explain why

Clarification is required on the assessment of the level of sand and gravel provision stated under draft policy M3; and how that provision is to be met by permitted reserves and proposed allocations during the Plan period. For example, is the annual level of provision forecast to increase during the Plan period? Discussions at the WMAWP have agreed that the 10 years sales average should provide the basis for provision. Given the greater figure for the county's 3 year sales average and that evidence indicates that the county's consumption of sand and gravel relies on imports, a level of provision greater than the current 10 years sales average could be justified.

Regards,

Matthew Griffin
Team Leader - Minerals Planning Policy and Development Control
Office location: No. 1 Staffordshire Place (Floor 2), Stafford ST16 2LP
Postal address: Planning, Policy & Development Control, c/o Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford. ST16 2DH

Tel. 01785 27-7275 / Mobile 07976 738743

Visit the Staffordshire Planning at www.staffordshire.gov.uk/planning

[Where to find No.1 Staffordshire Place](#)

Comments from the WM AWP on the Herefordshire Draft Minerals and Waste Local Plan January 2019.

The below comments represent the views of the WM AWP on the Herefordshire Draft Local Plan. Herefordshire requested a response from the WM AWP on the plan. Comments from the AWP were provided by the Minerals Products Association (MPA) and Tarmac only in the form of the detailed responses they have already provided. The comments from the AWP have been limited to those affecting the supply of aggregates.

It is noted that Herefordshire is a net importer of aggregates and as such the level of consumption and likely demand for material should be accurately reflected in the Local Plan to ensure that those areas supply material to Herefordshire are aware of the likely demand on them, without this it is considered that such demand may not be provided for. This work should also form the basis for DtC work and any formal statements of common ground.

The role of the AWP is to ensure that there is a steady and adequate supply of aggregates into the plan area. As such we would support the proposed changes tabled by the MPA regarding objective 7 wording on this matter. In addition, the plan should make reference to the need to plan for a landbank of at least 7 years for sand and gravel and 10 years for crushed rock as set out in paragraph 207 of the NPPF.

In addition to the above, the AWP also supports the comments made by the MPA in response to the consultation.

WM AWP April 2019



worcestershire
county council

Forward Planning Team MWLP
Herefordshire Council
Plough Lane
Hereford
HR4 0LE

04 March 2019

Dear Ms Gilson,

Draft Minerals and Waste Local Plan consultation 2019

Worcestershire County Council (WCC) welcomes the opportunity to comment on the above consultation, and provide the following officer-only comments.

If you require any further clarification on these points, please do not hesitate to contact me.

Yours sincerely,

Emily Barker
Planning Services Manager

Emily Barker
Planning Services
Manager

County Hall
Spetchley Road
Worcester
WR5 2NP

Minerals

We welcome the inclusion of policies for the supply of minerals, particularly Policies M3 (The winning and working of sand and gravel) and M4 (The winning and working of crushed rock (limestone)), and the allocation of sites, preferred areas of search and other areas of search to ensure flexibility is provided to enable the aggregate landbank to be maintained or increased over the life of the Plan. However, we think that the terminology of "preferred areas of search" and "general search areas" is somewhat confusing and does not match the terminology used in the national Planning Practice Guidance of "specific sites", "preferred areas" and "areas of search".

Worcestershire County Council has undertaken significant discussions with surrounding authorities, including Herefordshire, through the Duty to Cooperate in relation to the provision of crushed rock. We therefore welcome the references within Herefordshire's Local Aggregates Assessment 2018 and the Minerals Needs Assessment to exports from Herefordshire into Worcestershire, and the references within the draft MWLP to the movement of materials as a normal part of the operation of the market, as well as the need to make a reasonable contribution to the Managed Aggregate Supply System.

Waste

We are pleased to note that policies W1 and W2 take an enabling approach to waste management development, setting minimum requirements for additional waste management capacity. However, we are concerned that Table 2 and Policy W2 do not reflect the potential for additional capacity requirements for managing LACW at the end of the current contract.

With regards to the strategic waste management capacity identified in paragraph 3.1.19, the current contractual arrangements for the operations at EnviroSort run until 2024, at which point both Herefordshire Council and Worcestershire County Council have an option to continue to operate EnviroSort for a further five years. After that time period there are no arrangements in place for the remaining two years of the draft Herefordshire MWLP plan period, but that doesn't mean to say that they can't be agreed in the future. Therefore we do not think the Herefordshire Minerals and Waste Local Plan can state that Herefordshire has long-term capacity available to manage Herefordshire's LACW throughout the plan period.

In terms of the residual waste management facilities mentioned in paragraph 7.1.1, Herefordshire Council, in partnership with Worcestershire County Council, have a contract in place that runs until 2024 that manages the treatment and disposal of their Local Authority Collected residual Waste. The majority of this

waste is treated at EnviRecover in Hartlebury (Worcestershire), which is the two counties' Energy from Waste facility, with any residual waste that cannot be processed there being landfilled at the waste contractor's landfill site at Hill & Moor near Pershore. After the expiry of this contract in 2024 the Councils, through an agreement that is already in place, will continue to dispose of the vast majority of their Local Authority Collected residual Waste at EnviRecover, in Worcestershire, through to 2042. As regards the very small amount of residual waste that cannot be processed at EnviRecover, both authorities, either together or separately, will have to make arrangements for its safe disposal. Therefore we are comfortable with the statement made in paragraph 7.1.1 and that it covers the period of the plan through to 2031.