

Herefordshire Minerals & Waste Local Plan

Publication Draft

Consultation Statement

January 2021

Herefordshire Minerals and Waste Local Plan Consultation Statement

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Responses to the Draft Minerals and Waste Local Plan

1. Introduction

- 1.1 This Consultation Statement presents how Herefordshire Council undertook consultations in 2017 and 2019 to inform the Publication draft MWLP, pursuant to the Town & Country Planning (Local Development) (England) Regulations 2012 (Regulation 18).
- 1.2 This statement summarises how we consulted, who was invited to make representations, the comments that were received and how we have responded to these in the Publication draft MWLP.
- 1.3 Herefordshire Council undertook two Town & Country Planning (Local Development) (England) Regulations 2012 (Regulation 18) consultations, as detailed below:
 - The first consultation was undertaken on the MWLP Issues and Options during late summer 2017 over a 6-week period.

- The second consultation was undertaken on the draft MWLP early in 2019 for a 6-week period.
- 1.4 92 people/organisations made representations overall.
 - 1.5 This statement sets out both consultations, and Herefordshire Council's response to the comments received during the consultations.
 - 1.6 The information that form the basis of this report has been produced in accordance with the Town & Country Planning (Local development) (England) Regulations 2012, which states that a Consultation Statement has to be produced to show:
 - which bodies and persons were invited to make representations under Regulation 18;
 - how those bodies and persons were invited to make such representations;
 - a summary of the main issues raised in the representations;
 - how those main issues have been addressed in the MWLP
 - 1.7 The Consultation Statement will assist the Inspector at the Examination in determining whether Herefordshire Council's MWLP complies with the requirements for public participation and government guidance.
 - 1.8 The Statement also shows that public involvement was carried out following the approach set out in Herefordshire Council's Statement of Community Involvement (SCI) adopted January 2017.

2. Consultation Methodology

- 2.1 The council has an extensive consultation database, containing over 3,000 contact names. The list includes individual residents, developers, businesses based across the county, parish councils, community and voluntary groups, infrastructure providers, neighbouring authorities, government agencies and elected members.
- 2.2 The council used a range of methods to engage with all potentially interested parties, in order to ensure they had the opportunity to make representations.
- 2.3 The purpose of the consultations was to invite feedback on a number of aspects featured in the document, as well as on any other issues in the Minerals & Waste Local Plan (MWLP).
- 2.4 Stakeholders and local community members were informed by email or letter about ways to get involved in the consultations. Methods of responding, both on and offline were given, in order to reach the broadest audience possible.
- 2.5 The following approaches were undertaken:
 - Direct mail or email to contacts on the council's database

- Information made available at libraries and information centres across Herefordshire.
- Cabinet Members' newsletter
- Herefordshire Council website
- Herefordshire Council social media
- Presentations and exhibitions

3. The Consultations

3.1 Notification was sent to Herefordshire Parish Councils, specified consultees, all those who had registered an interest in Herefordshire planning, stakeholders, industry contacts, statutory bodies (such as Highways England) and utility companies, neighbouring local planning authorities, agents and land owners. The correspondence sent included details of where to find further information and how to make representations either online or in writing.

Consultation with the Council's political groups took place from 13 to 26 October 2020.

3.2 The following documentation was available to download on the [dedicated webpage](#) and in hard copy format at libraries and information centres across the county:

- Draft Development Plan Documents (Minerals and Waste Local Plan Issues and Options Paper and Draft Minerals and Waste Local Plan)
- Questionnaire
- Sustainability Appraisal
- Habitat Regulations Assessment

The following table details each method used to distribute information:

Method	Checklist
Email Specified statutory consultees, local business owners, groups representing, parish reps & neighbouring authorities	Notification of consultations sent Reminder sent part way through consultations
Letter	Notification of consultations sent

Method	Checklist
As above with no email address known, Inc. MPs	
Facebook	Notification of consultations start and end dates posted on council Facebook page with direct link to website, followed by regular updates throughout.
Twitter	Notification of consultation start and end dates on council Twitter page with direct link to website followed by regular updates throughout
Council Website	Featured on council news page with a direct link to consultation page
Cabinet members' Newsletter	Information in weekly newsletter
Hard copies made available at info points / libraries across the county	Posted to each with instructions. Followed up to ensure information was on display and address any queries from staff
Presentation to stakeholders and exhibition open to the public	Shirehall, Hereford 8 September (I&O consultation) The Courtyard, Hereford 5 February (Draft Plan consultation)

4. Responses to the Issues and Options Consultation

4.1 36 responses were submitted either via the online survey or direct email.

Of those that responded, the following organisations were among them:

- West Midlands RTAB
- Heaton Planning on behalf of Tarmac
- Natural England
- National Grid
- Mineral Products Association
- McLoughlin Planning
- Litchfields on behalf of Bourne Leisure
- Sunderlands on behalf of Kingsland PC

- Gladman Developments Ltd
- Environment Agency
- GP Planning on behalf of Dinmore Aggregates
- CPRE
- The Coal Authority
- Ataghan Limited Stoke Edith Estate
- Welsh Water
- Historic England
- The River Wye Preservation Trust
- Ward Councillor for Kerne Bridge
- Green Party
- Herefordshire Holdings ref TJW
- Neighbouring minerals and waste planning authorities

4.2 As a result of analysis of responses to the Issues and Options consultation, there were a number of key issues to consider in preparation for the next plan-making stage.

Main Issues Raised	Council response
<p>Protection for residents, businesses and visitors against the adverse amenity impacts that can arise from minerals and waste developments.</p>	<p><i>GIS data relevant to the natural and built environments of the county has been layered over BGS data. This approach uses relevant constraints and opportunities to identify the preferred area for future minerals development. There are many waste management sites operating in locations on industrial estates or strategic employment sites. These are the preferred locations for new waste management facilities and will be promoted in policy. Many of the remaining waste sites are situated beyond the areas covered by the spatial strategy and these will not be preferred sites for such development and are not intended to be promoted through policy. The potential impact on tourism will continue to be considered in further developing the MWLP.</i></p>

Main Issues Raised	Council response
All minerals and waste proposals should be assessed based on the type and nature of the proposal and the specific impact(s).	<i>This is a principle well-established within planning and consequently will be found in the emerging MWLP.</i>
Sufficient flexibility should be incorporated to enable additional reserves to be permitted regardless of, rather than limited to, whether the reserves at the remaining operational quarry prove to be insufficient.	<i>The approach to be taken in the MWLP will be to allocate those proposed areas that are considered appropriate in principle and to develop a policy framework that will identify preferred areas of search and so enable other proposals for development to come forward. Flexibility is being built into the MWLP.</i>
Concerns about some of the evidence base documents that are referred to.	<i>Concerns have been noted; however these documents have been through their own preparation process, including examination. Work is ongoing to ensure that the evidence base is up to date and comprehensive.</i>
Avoid excessive haulage, in terms of both volume and distance across the county when or if a non-Herefordshire source is readily available.	<i>The road network is considered in the site analysis and alternative modes of transport will be considered in preparing the MWLP, albeit these are very limited in Herefordshire.</i>
Uncertainty over potential future hydrocarbon activity in Herefordshire and a ban on hydrocarbon extraction.	<i>There are minimal deposits of coal in Herefordshire, with no evidence to suggest that these will be worked within the plan period. No site is proposed to be allocated for the extraction of clay in the MWLP. There is currently no evidence to support a complete ban on hydrocarbon extraction and this option is not pursued further at this time. Existing reserves will be safeguarded, but no preferred areas of search will be promoted within the MWLP.</i>
Fracking, or the associated infrastructure, may be enabled within an AONB, SSI and SAC.	<i>There are minimal deposits of unconventional hydrocarbons in Herefordshire, with no evidence to suggest that these will be worked within the plan period. No sites are proposed</i>

Main Issues Raised	Council response
	<i>to be allocated for the extraction of unconventional hydrocarbons.</i>
Whole extent of the Surface Coal Resource area within Herefordshire to be identified in any Mineral Safeguarding Area designation.	<i>This has been done.</i>
Importance of reference during preparation of the document to Water Framework Directive and the Severn River Basin Management Plan; and ground water resources.	<i>The Water Framework Directive and Severn River Basin Management Plan have been reviewed; these are recognised to be important documents but not integral to this stage of policy development and will be considered as appropriate. Ground water resources are included in the criteria used to review each of the sites and locations being considered.</i>
Individual comments on proposed site extensions.	<i>These comments have been will be addressed as part of the detailed site analysis.</i>
Defined Mineral Safeguarding Areas, should exclude existing urban areas, and areas on the edge of existing settlements, where residential and/or employment development is considered appropriate and sustainable and the possibility of buffer zones to prevent inappropriate development encroaching on resources.	<i>The approach will seek to avoid urban areas in identifying the preferred areas of search. This is because safeguarding necessarily needs to be appropriate for a future timeframe beyond the plan period. Those areas that are identified for residential and/or employment development but are currently greenfield with a viable mineral reserve in situ can be worked prior to the built development. Buffer zones are being considered where appropriate</i>
More focussed policy needed in relation to restoration principles for mineral sites, including recognition of what might be appropriate in the context of heritage assets and historic landscape. A number of designations and assets were promoted to be considered.	<i>Heritage assets are included as a criterion in the site analysis and will be considered further in preparing the MWLP. The criteria used to review each of the sites and locations under consideration have been developed so as to reflect the NPPF. The policies in the Core Strategy will generally provide an appropriate level of</i>

Main Issues Raised	Council response
	<i>development management, although some additional provision is required, such as in relation to site reclamation. The MWLP will include specific policies on reclamation expectations.</i>
<p>Soil and agricultural land classification, green infrastructure, flood risk, the natural and historic landscape. Reclamation and nature improvement areas should be considered. Inclusion of groundwater source protection zones, archaeologically sensitive sites, access to roads or residential properties, watercourses, national and local nature reserves in the environmental constraints in line with national policy.</p>	<p><i>The agricultural land classification is one of the elements used in the site analysis and the other elements are also being considered. A strategic flood risk assessment is being undertaken separately. Review of the Core Strategy found that the development management principles are generally applicable and appropriate to minerals and waste development. Consequently, Table 3.4 is not intended to be developed further and is dismissed from inclusion in the MWLP.</i></p>
<p>Aggregate supply may be more appropriately met by sources outside of Herefordshire and these options should be explored. A criteria based approach could be taken to ensure that building stone is available throughout the plan period.</p>	<p><i>In accordance with national policy expectations, the MWLP is intended to be based on the premise of achieving net self-sufficiency across both minerals and waste. Mineral planning authorities which have adequate resources of aggregates are also required to make an appropriate contribution to national as well as local supply, while making due allowance for the need to control any environmental damage to an acceptable level. This is considered to be the most appropriate starting point for policy; however it should be achieved through sustainable development.</i></p>
<p>Possible provision of mixed waste management sites within a location that has potential to serve farming districts.</p>	<p><i>This will be considered further in preparing policy of the MWLP; however Herefordshire is a very rural county and there is little to suggest a clear spatial strategy for such an approach.</i></p>
<p>Lugg Bridge Quarry site is a recreational/conservation facility, and therefore additional recycling here is not</p>	<p><i>This is an operational site, recovering construction, demolition and excavation wastes. In the call for sites it is proposed</i></p>

Main Issues Raised	Council response
desirable. The site is already operating as a concrete batching plant and construction, demolition and excavation waste recovery plant.	<p><i>for significant intensification. It is located just beyond the settlement boundary of Hereford and benefits from good road access into the city. Its location fits with the spirit of the spatial strategy. The evidence base suggests that a significant increase of recovery capacity for this waste stream is required and it is demonstrated to be a viable site. The EA raises no objection to the site and it is concluded that it is appropriate to be allocated in the MWLP.</i></p> <p><i>The MWLP is unlikely to promote the site for a recreation/conservation facility whilst the current uses are in operation.</i></p>
The MWLP should seek to achieve self-sufficiency in waste management capacity overall. Any site allocations should be as flexible as possible and should not unnecessarily limit the waste stream which can be managed on any individual site.	<p><i>A flexible approach is being pursued in preparing the MWLP, with the intention to enable Herefordshire to be net self-sufficient in waste management capacity and providing opportunities to manage the range of waste arising. Discrete sites that are considered appropriate in principle will be allocated and a policy framework will be developed that will identify and enable other proposals for development to come forward.</i></p>
Development of more biological treatment plant at locations close to where the waste is generated.	<p><i>This would fit with the spatial approach being developed within the MWLP, with specific policy being identified for agricultural wastes.</i></p>

5. Summary of responses to the Draft Document Consultation

- 5.1 56 responses were submitted via the online survey or direct email. A full break down of responses and the council response to each can be found in Appendix 1&2.
- 5.2 Of those that responded, the following groups and organisations were among them:

Organisation

- Almeley Parish Council

Organisation

- Ataghan Ltd - Stoke Edith Estate
- AWP
- Aymestry Parish Council
- Burghill Parish Council
- Cadent Gas
- CPRE
- Dormington & Mordiford Parish Council
- Dwr Cymru Welsh Water
- Environment Agency
- Gloucestershire County Council
- GP Planning
- Green Party
- H&W Earth Heritage Trust
- Heatons on behalf of Tarmac
- Here for Hereford
- Herefordshire Local Nature Partnership
- Highways England
- Historic England
- Igas
- Kingsland Parish Council
- Lichfields on behalf of Bourne Leisure
- Mineral Products Association
- National Farmers Union
- National Trust
- Natural England
- Orleton Parish Council
- Pembridge Parish Council
- Shobdon Parish Council
- South Worcestershire Councils
- Staffordshire Council

Organisation

- UKOOG
- Wellington Parish Council
- Worcestershire Council
- Wye Ruin it