

Herefordshire Minerals & Waste Local Plan

Publication Draft

Consultation Statement - Appendix 1

January 2021

Appendix 1 - Representations to draft Minerals & Waste Local Plan Consultation Jan – Mar 2019

(Redacted originals of the representations can be found [here](#))

| NAME | ORGANISATION | REPRESENTATION | RESPONSE |
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| Emma Thomas (Clerk) | Almeley Parish Council | <p>Intensive Livestock Units</p> <ul style="list-style-type: none"> i. Concern about disposal to land, by surface spreading, of waste arising from intensive livestock production, particularly chickens ii. Effects on river quality in Wye and Lugg iii. Adverse impacts on residential amenity (smell, dust, flies) iv. Industrial process producing industrial waste, which should be better controlled v. See Almeley NDP Examiner’s Report, Shropshire’s Interim ILU planning guidance, former Herefordshire UDP policy and GDPO 2015 | <p>Intensive Livestock Units</p> <p><i>i. to v. Almeley NDP Examiner’s report and Shropshire Guidance have been read and discussions are ongoing between Herefordshire and Shropshire Planning Teams.</i></p> <p><i>The Draft MWLP included a policy on agricultural waste, which is unusual. Wording is to be refined in Publication Draft MWLP.</i></p> |
| Sian Holmes (for Matthews & Son LLP, Chartered Surveyors) | Ataghan Ltd Stoke Edith Estate | <p>Q1 Yes</p> <p>Q2 Yes</p> <p>Q3 Not answered</p> <p>Q4 Yes</p> <p>Q5 Yes</p> <p>Q6 Yes</p> <p>Q7 Yes</p> <ul style="list-style-type: none"> i. Policy SS8 Resource management – The resource audit is designed to identify the sourcing of construction materials and the amount and types of wastes generated. As this concerns minerals rather than production and supply, it seems more relevant to the Core Strategy rather than the MWLP. ii. Policy M1 Minerals strategy, a) – the policy aim of encouraging development of processing facilities, in conjunction with provision in W6 to encourage recycling by making or permitting mineral sites for processing CDE waste, is sound but it is doubtful that M1 a) can “identify sources of alternatives to primary mineral resources”. These are driven by other development opportunities, in response to economic circumstances, which is an open market factor that may generate CDE waste. Policy M1 a) would be deliverable without this text. iii. Policy M1 Safeguarding of mineral resources from sterilisation – The text refers to Fig 7. As the policy relies on this plan/map, then it needs to be clear. The plan becomes distorted when zooming in and is rendered meaningless when enlarged. Future MWLP iterations must provide an improved plan. | <p>Q1 to Q7 Noted</p> <ul style="list-style-type: none"> i. <i>It is the sort of policy that could be in either, but is appropriate to the MWLP.</i> ii. <i>Alternative sources have already been identified through preparation of the Draft MWLP, for example increased capacity allocated, to be brought forward at Former Lugg Bridge Quarry. Both waste recycling and minerals extraction are driven by open markets.</i> iii. <i>Agreed. Next iteration of the MWLP should include digital mapping available on Herefordshire website so that mapping is clearer.</i> |

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| | | <p>iv. Policy M1 Safeguarding mineral resources from sterilisation – These areas focus on BGS mapping and preferred sites. Buffer zones around existing operations and site allocations have been discounted. However, the Spatial Context and Sites Report, para 2.4.57 suggests that policy will make clear that buffer zones/separation distances may be required in specific circumstances, based on site specific assessments. This does not appear in the proposed wording of M2 or in M1 g) and should be expressed, as it is a valuable policy intention & tool in the protection of mineral resources.</p> <p>v. Policy M4 winning and working of crushed rock, c) – This implies that in addition to the two crushed rock allocations and the areas of search, there are other areas of search. These are not defined. If these areas are relevant to land bank provisions, they will not be adequately protected in safeguarding policy M2, as they are undefined and may be outside the safeguarded areas or preferred areas of search. This comment applies equally to Policy M3.</p> <p>vi. Perton Quarry (site refs 10a, 10b, W48a and W48b) SSSI designation: The Spatial Context & Sites Report Annexes A & B describe the existing quarry at Perton and the site allocation. There are two NE references and citation numbers but they have the same name. Within the Plan's documents, the two designations are combined, although a subtle distinction is made in the wording throughout as it refers to "...sites M10a and M10b as they contain (as is the case for M10a) or are adjacent (as is the case for 10b) to the Person Roadside Section Quarry SSSI". However, neither the existing quarry nor the site allocation are adjacent to Perton Roadside Section and Quarry (2). The Spatial Context and Sites Report Annexes A & B do not reflect the correct SSSI relative to the existing quarry or site allocation.</p> <p>vii. SSSI Prevention of adverse impacts: This relies on Core Strategy LD2. The approach is more forensic in the Spatial Context and Sites Report Annex A. The SA notes that quarrying need not be an adverse impact on the SSSI and that extraction is seen as a way of exposing more areas of interest than would exist without quarrying. Although the comments requiring geological features to be "preserved" is not included in policy, there is incompatibility of terminology. LD2 refers to prevention of adverse impacts. If features are preserved, it suggests there would not be any extraction to uncover and expose more geological features. The wording should be amended in the site allocation assessment to reflect intentions of LD2 to prevent adverse impacts.</p> <p>viii. Suitability for waste uses: The Spatial Context & Sites Report W48a and W48b discount Perton for waste, on the grounds that the site will be restored using on-site minerals, i.e. not importation of CDE wastes. The extant permission does not permit use of waste in restoration, although the scheme is yet to be determined. However, the waste strategy is intended to consider sites for recycling as well as deposit of</p> | <p>iv. <i>The Spatial Context and Sites Report refers to buffer zones to protect designated features, rather than the mineral reserve, but this is a valid point regarding safeguarding reserves too. MWLP needs to be updated to incorporate agent of change principle from NPPF, which should address these concerns</i></p> <p>v. <i>There are no other defined areas of search. MWLP should be amended to refer to just other areas at M3c, M4c and clarify the meaning at this point.</i></p> <p>vi. <i>The SSSI references have been checked, with the key development criteria reviewed as appropriate.</i></p> <p>vii. <i>Text in the MWLP to be reviewed and updated as appropriate; acknowledging these comments, those from HE and HLNP and the additional work being undertaken.</i></p> <p>viii. <i>Perton is not considered suitable to be promoted as a primary waste disposal location in the MWLP, for the reasons set out. It may be appropriate to use the site for treatment under policy W6, whilst the mineral extraction is active and e.g. return trips of truck movements can be used effectively. It will be for the applicant to make that case. Text in policy to be reviewed and amended as appropriate.</i></p> |

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| | | waste. If considered under policy W6, Perton could be promoted in future as an active mineral working suitable for treatment of CDE wastes. There may be a case for future partial infill, depending on useable land area required for future after use. Current planning permission should not be a reason for discounting the future potential for waste deposition or recycling. | |
| Augustine Fowler-Wright | | We own Madley Industrial Estate of which of 5.5 acres approx. (branded Stony Street Industrial Estate) previously gained planning permission for a waste plant (not constructed). The site procurement process revealed it to be a unique 'waste processing or waste to energy in-County site'. The current review of county travellers' sites is considering a former Travellers' Site on our boundary. This should be considered after the value to the county of having a single waste processing plot available. | <i>Any development proposal at this location should look to policy W5 and reference the spatial strategy.</i> |
| Mrs Maggie Brown (Clerk) | Aymestrey Parish Council | <p>Proposed extension in size and time of Leinthall Quarry is concerning:</p> <ul style="list-style-type: none"> i. No evidence of methods proposed to reduce dependence on aggregate quarrying in line with circular economy and Policy S8: resource management ii. Waste audits do not require the use of recycled resources iii. Quarrying has major adverse environmental consequences iv. Expansion of quarrying is not sustainable v. Leinthall Quarry already has severe impacts on residents of Aymestrey (noise, traffic speeds, & traffic volumes). Quarrying due to end in 2027, but will now continue indefinitely. vi. Draft Publication has not had regard to national & local planning policies or statutory duties (s.66 Planning (Listed Buildings & Conservation Areas) Act 1990, s.40 Natural Environment & Rural Communities Act 2006 or sch 9 28G (2) Countryside & Rights of Way Act 2000). Ancient Woodland, listed buildings and registered park & garden are nearby. vii. If Leinthall Quarry is to continue post 2027, a s.106 should ensure compensation given for highway impacts and loss of amenity. Also, significant environmental net gains should be delivered. viii. No permission to extend Leinthall Quarry should be granted before a full restoration scheme of the extant workings has been carried out. ix. There should be no landfilling at Leinthall Quarry due to adverse highway impacts and risks to R. Lugg SSSI (part of Wye catchment SAC), which is currently in an unfavourable chemical & ecological condition. | <p>Leinthall Quarry issues:</p> <ul style="list-style-type: none"> i. <i>Policy SS8 includes some methods. It is for developers to determine the methods appropriate to their sites. The MWLP allocates sites for more materials treatment, including recycling resources.</i> ii. <i>Policy SS8/2a requires demonstration of steps to minimise use of raw materials, which will include use of recycled resources. All of this sits alongside a need to ensure an appropriate level of new mineral resource as well.</i> iii. <i>Quarrying can have significant effects, however in the right locations these can be acceptable, and even beneficial.</i> iv. <i>Careful consideration has been given to all the sites, with additional work undertaken for those that are proposed to be allocated.</i> v. <i>Discussion with development management team confirms there have been no complaints re Leinthall Quarry on grounds of noise or traffic. Some concerns have been raised regarding dust along the access road, which have been addressed.</i> vi. <i>Preparation of the Publication Draft MWLP has had regard to all the relevant national and local planning policies and statutory duties. Additional work has been completed, both to provide more detail on the assessment of the sites proposed to be allocated and to inform a review of the key development criteria.</i> vii. <i>A s.106 agreement can only be used in appropriate circumstances, the framework for which exists in both the Core Strategy and the MWLP. Policy of the MWLP seeks to deliver sustainable development, including environmental, economic and social gains where possible.</i> viii. <i>Restoration of the current quarry is controlled by current permission and is beyond remit of MWLP. It may not be possible to achieve full restoration prior to any extension, e.g. working equipment will be required to process new mineral.</i> ix. <i>This site is not promoted for waste disposal.</i> |

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| | | <p>Agricultural Waste Management:</p> <ul style="list-style-type: none"> i. On-farm anaerobic digesters (ADs) are not environmentally friendly. Policy W3 should be deleted in its entirety. ii. ADs increase, rather than reduce, pollution. iii. ADs generate huge volumes of traffic, which negates the reduction in fossil fuel use from energy generation. iv. ADs contribute to climate change through large scale soil loss and the removal of agricultural land from food production. ADs generating energy from manure require input of green feedstock (often maize). Manure alone generates little energy and RHI subsidy is paid on energy produced. v. Maize crops lead to soil loss, which causes pollution to watercourses and reduces our ability to produce food. vi. Digestate from ADs contains higher levels of phosphorous than undigested manure, therefore poses an increased threat to water quality vii. It is not in the public interest for approval of ADs to by-pass the normal planning application processes and considerations, including Neighbourhood Plans. | <p>Agricultural Waste Management:</p> <ul style="list-style-type: none"> i. <i>The objections made to on- farm AD are not applicable to properly run facilities. Such matters would be considered as appropriate, on receipt of any submitted application.</i> ii.- vi. <i>AD has several advantages for dealing with agricultural wastes and the planning system has to operate on an assumption that facilities will be operated properly.</i> vii. <i>Policy W3 does not enable AD planning applications to bypass the normal processes.</i> |
| W Bloxsome | | <ul style="list-style-type: none"> i. There appears to be no analysis of sites where refuse has been deposited to determine whether works/measures required have been undertaken or planning conditions complied with. ii. More specifically it is understood that Leominster waste site has yet to be finished, through having been capped with an appropriate depth of material and a new use found for it that would serve/benefit the community. This is having an adverse effect on the adjacent recreation facility. iii. Policy W3 and its preamble concentrates upon protection of water and land and does not assess the effects of agricultural waste on human health and residential amenity. DEFRA accepts that its regulatory regime does not cover these sufficiently and such matters should be addressed at the planning stage. iv. Policy W3 should include reference to 'protection of residential amenity' and indicate that this is a different test to that covered by EA's and Environmental health regulatory regimes. v. 'Waste' should be inserted between 'agricultural' and 'development'. There is no reference to the effects of ammonia upon the environment, especially rivers. vi. Policy W7 should include the needs for conditions to be imposed and action taken within reasonable timescales to ensure waste deposit sites | <ul style="list-style-type: none"> i. <i>This is not a function of the MWLP.</i> ii. <i>Use of Leominster site as a household waste site was granted in 1999 and has been implemented.</i> iii. <i>Core Strategy policy SS6 addresses local amenity, including air quality and tranquillity; policy RA6 also controls extent of development in rural areas.</i> iv. <i>Concern for local amenity is considered in relation to any development proposal, not just those made in relation to agriculture, or agricultural waste. It is not a matter particular to policy W3.</i> v. <i>Policy W3 is relevant to agricultural developments, whatever they may be; it is not limited to waste development on agricultural land.</i> vi. <i>This is included as appropriate at Policy W7/3.</i> |

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| | | <p>are fully restored or otherwise addressed as necessary upon the use finishing/ceasing.</p> <p>vii. Leominster Household site is only referred to as an amenity site, whereas the planning permission for the waste deposit site remains extant until its planning conditions are fully complied with.</p> | <p>vii. The MWLP refers to Leominster household waste site in its current, authorised use. The MWLP is not the appropriate tool to address any issues remaining from a previous use.</p> |
| <p>Paulette Scholes (Clerk)</p> | <p>Burghill Parish Council</p> | <p>HGV traffic on the A4110:</p> <ul style="list-style-type: none"> i. A large percentage of HGVs from quarries to the north of Herefordshire use the A4110 ii. The A4110 at Portway and Bewdley Bank is not wide enough to accommodate the passage of large vehicles. Verges, road edges and drainage runs are damaged and residential driveways are used as passing places. iii. Suggest new restrictions are put in place to direct HGV traffic to the trunk road network where maintenance is funded by Highways England iv. Introduce a one way weight limit, for access only, onto the A4110 between the A4103/A4110 intersection north of Hereford city and the northern junction of the A4110/A44(T). | <p>All highways issues raised:</p> <p>No objection to the principal of the location of any of the sites proposed to be allocated has been received from local highways team or Highways England. It is appropriate for these matters to be addressed in planning applications.</p> <p>The MWLP is not the appropriate policy document to address highway restrictions more generally.</p> |
| <p>Vicky Cashman (Consents Officer)</p> | <p>Cadent Gas</p> | <p>NB: high pressure (major accident hazard) pipeline is located within the Wellington Quarry allocations. This is a potential constraint to quarrying activities in this area. Request that Cadent Gas (plantprotection@cadentgas.com) is consulted on any planning applications in this area.</p> | <p>Existence of high pressure pipeline is already picked up in the key development criteria, which can be amended to ensure correct contact details are also included.</p> |
| <p>Melanie Lindsley</p> | <p>Coal Authority</p> | <p>Q1. The Coal Authority are pleased to see that in paragraphs 2.4.5 and 2.4.6 of the plan reference is made to the data we hold and how this has been used in the draft Publication MWLP.</p> <p>Q2. We are pleased to see that policies M1 and M2 identify coal resource within the Mineral safeguarding areas and that policies are set out against which proposals for coal extraction will be considered. We are also pleased to see that Policy M7 sets out a policy framework against which proposals for unconventional hydrocarbons will be considered.</p> | <p>Q1 Noted</p> <p>Q2 Policy M7 will be removed from the Publication Draft MWLP, for the reasons explained in the Preparing the Publication Draft Plan Report.</p> |
| <p>Julia Cotton</p> | | <ul style="list-style-type: none"> i. Whilst the habitats regulations assessment for Perton Quarry considers the effect on the River Wye SAC, it makes no apparent mention of the Peregrine Falcons nesting on the quarry face, or of bats, insects etc. It makes only passing reference to the fact it is a SSSI. I believe the plan to be satisfactory in other aspects. ii. Providing the smells and smoke and fumes arising from existing bio-mass digestion plants, farms and other business waste management practices are addressed before new ones are built/existing ones extended. The valley around Hampton Bishop is full of smoke more than once every week. | <ul style="list-style-type: none"> i. Careful consideration has been given to all the sites, with additional work to be undertaken for those that are proposed to be allocated, which will then be used to prepare the Publication Draft Plan. ii. It is not the role of the MWLP to address existing facilities, but it does provide an appropriate policy framework for these matters to be considered in conjunction with any new planning applications. |

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| | | <p>iii. The valley around Hampton Bishop is full of smoke more than once every week. I have a concern is around farming practices and improving their waste management. Those referred to appear to be best practice rather than mandatory. For a long term plan such as this, I believe that (mainly due to the less responsible farms) these should be mandatory.</p> <p>iv. Also there is no mention of the recovery of plastics such as those from polytunnels, plastic fencing materials etc.</p> | <p>iii. <i>It is not appropriate to make the requirements mandatory.</i></p> <p>iv. <i>The MWLP is intended to respond to all wastes generated by agricultural activity, but reference to plastic can be included</i></p> |
| <p>Chris Bucknell (Clerk)</p> | <p>Dormington & Mordiford Parish Council</p> | <p>Questionnaire completed</p> <p>Q1 No. Insufficient evidence has been gathered. Need extensive consultation with local residents who live adjacent to the areas named in the plan and who would be directly affected by the proposed changes.</p> <p>Q2 Depends on whether the materials extracted are used outside Herefordshire. Being a supplier of aggregate for other parts of the UK may not be an effective use of County resources.</p> <p>Q3 Yes</p> <p>Q4 No. Noise, other emissions and effects on borehole quality. (Additional vehicle movements, road damage, reduction in quality of life, additional noise, smoke, fumes, dust and possible loss of borehole function.) Need assured ongoing and independent monitoring of all associated effects and who will be accountable in the long term.</p> <p>i. Why is an extension to Perton Quarry needed? Map in the Plan does not include the southern extension and should do. This area has about 25 years' worth of stone and there is concern that there is a need for another extension to the northwest if the MWLP runs to 2031.</p> <p>ii. SSSI: the HRA does not make mention nesting peregrine falcons on the north-western quarry face, or of several bat species, insects (including rare silver washed fritillaries and wood white butterflies), barn owls, tawny owls and little owls. The plan only makes passing reference to the fact that the site is an SSSI.</p> <p>iii. 6.7 Annex A: additional requirements needed before expansion is undertaken. HRA p27 & p60 does not find any reason why not to use the quarry. An independent body should survey each area covered in the plan (e.g. Herefordshire Wildlife Trust)</p> <p>iv. Archaeology: surveys need to be undertaken for each area before any quarrying or building or land movements are carried out.</p> <p>v. Unstable geology: Silurian Limestone is unstable and there have been landslips in the area previously. Ongoing assessment of land and local building stability is needed, particularly in light of climate change and severe weather events.</p> | <p>Q1 <i>Consultation has been conducted in accordance with Herefordshire's SCI and as appropriate for plan making.</i></p> <p>Q2 <i>Minerals are subject to market forces, with Herefordshire required to contribute to MASS. It is not a reasonable position for the MWLP to limit export.</i></p> <p>Q3 <i>Noted</i></p> <p>Q4 <i>Quarrying can have significant effects. In the right locations, these can be acceptable, and even beneficial. Careful consideration has been given to all the sites, with additional work undertaken for those that are proposed to be allocated. Ongoing monitoring is conducted by Herefordshire Council as the local planning authority and the Environment Agency as the environmental regulator.</i></p> <p>i. <i>The plan of Perton Quarry is believed to be correct. It will be double checked for the Publication Draft MWLP and made clearer. The southern extension is currently being worked and is unlikely to provide 25 years' worth of stone.</i></p> <p>ii. <i>The HRA requires the assessment of the potential effects of the MWLP on Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) but does not need to assess effects on SSSIs A(although many SSSIs form components of SPAs and SACs). The site options M10a (Perton Quarry) and M10b (Land north west of Perton Quarry) have been considered through the HRA with regards to their relationship with relevant SPA and SAC site (the closest site is River Wye SAC 3km to the east).</i></p> <p><i>The biodiversity value of the proposed mineral sites has been assessed at a scale considered to be appropriate through the Spatial Context and Sites Report, and through the Sustainability Appraisal against SA objective 12: biodiversity and geodiversity. The SA report identifies mixed effects (uncertain minor positive/uncertain significant negative) for sites M10a and M10b due to the Perton Roadside Section Quarry SSSI. The negative effects are identified as these sites have the potential to affect biodiversity through habitat/geology damage/loss, fragmentation, and disturbance to species from noise, light, vibration and human presence. the uncertain minor positive effects are identified in relation to geodiversity, as extraction at these sites may expose more geological features of the SSSI, making them visible and available for learning opportunities.</i></p> |

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| | | <p>Q5 No. There are associated impacts which have not been taken into consideration in the Plan. Although the need for change is recognised, as are the employment opportunities which waste management creates.</p> <ul style="list-style-type: none"> i. Incinerators, biomass-digestion plants and associated vehicle movements. Impacts include: loss of land for food production, smells, bonfires, vehicle movements, pollution to watercourses. ii. Agricultural waste. The better management of such wastes is needed to protect river systems. Improved management of anaerobic digesters is needed to capture methane from natural agricultural wastes, to be used as energy or fuel & produce a digestate that is less harmful to soil and water run-offs than raw manure. Although such changes in farming practice may impact on local residents (traffic, noise, smells etc.). These improvements must be mandatory rather than “best practice”, together with associated infrastructure support and must include recovery & reuse of plastics e.g. from polytunnels, plastic fencing, materials etc. iii. Construction wastes: Lugg Bridge Quarry expansion, with increased vehicles on the Bromyard Road, could indirectly affect the parish. Any opportunity to reduce fly tipping is welcomed. iv. Groundwater contamination: If wastes are to be stored in new landfill sites such as Perton Quarry, groundwater supplies may become contaminated, as limestone is permeable. Assurance is sought on the long-term accountability should this arise and on the provision of funds for landscape restoration. <p>Q6 Yes. But only providing the parish councils and local residents are consulted should there be any significant change as a result of any reviews conducted.</p> <p>Q7 No.</p> | <p><i>Detailed site surveys are not required as part of the SA or HRA prior to a site being allocated in the MWLP. Herefordshire Wildlife trust has been consulted, with other relevant consultees. Appropriate surveys will be undertaken, as necessary, in association with any planning application coming forward on an allocated site.</i></p> <p><i>The SSSI is identified in the key development criteria, which have been updated following further analysis of the sites.</i></p> <ul style="list-style-type: none"> iii. <i>It is not appropriate or proportionate to undertake detailed surveys prior to allocation in the MWLP. HWT has been consulted, with other relevant consultees.</i> iv. <i>Appropriate surveys will be undertaken in association with any planning application.</i> v. <i>The BGS has just one record of a landslide at Perton Quarry (1979) and another to the south west at Dormington (1844). Land stability is a matter that would be addressed in the appropriate level of detail as part of a planning application.</i> <p>Q5</p> <ul style="list-style-type: none"> i. <i>The objections made to on farm AD are not applicable to properly run facilities, and would be considered as appropriate in any submitted application.</i> ii. <i>Policy W3 is unusual for a local plan and has been prepared in response to the local specifics of Herefordshire, AD has several advantages for dealing with agricultural wastes. The MWLP cannot make requirements mandatory but has set out the policy framework to bring them through the planning process as appropriate. The supplementary text to policy W3 has been amended to clarify the purpose of the policy and associated expectations.</i> iii. <i>The potential effects from any expansion at Lugg Bridge would be considered at the time that any application was submitted. The key development criteria have been prepared, and updated, to identify key issues.</i> iv. <i>Perton Quarry is not proposed to be allocated for waste disposal. Planning is limited in its ability to seek funds, but policy is contained in the Core Strategy and MWLP to deliver good quality restoration.</i> <p>Q6 <i>Noted</i></p> <p>Q7 <i>Noted</i></p> |
| <p>Ryan Norman (Forward Plans Officer)</p> | <p>Dwr Cymru Welsh Water</p> | <p>Pleasing and welcomed level of liaison and correspondence with HC and Hendeca, therefore DCWW are generally supportive of the content of the MWLP.</p> <p>Policy W4 wastewater management</p> <ul style="list-style-type: none"> i. Pleased with the inclusion of W4 and its preceding text, which provide assurance that DCWW will be able to continue to invest and upgrade infrastructure when required, in line with our Capital Investment Programmes. <p>Section 8: delivery, implementation and monitoring</p> <ul style="list-style-type: none"> i. MWLP 8.1: welcome the specification that, where necessary, developers will be required to enter into a planning obligation to | <p><i>Noted</i></p> <p>Policy W4</p> <ul style="list-style-type: none"> i. <i>Further discussion held with Dwr Cymru/Welsh Water to prepare additional wording regarding nutrient management and infrastructure upgrades, this has been included in the Publication Draft MWLP.</i> <p>Section 8</p> <ul style="list-style-type: none"> i. <i>Noted</i> |

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| | | <p>provide for infrastructure works. This provides assurance that it will be for the developer to fund any infrastructure works required to make their development acceptable.</p> <p>Annex A – allocated sites and the key development criteria</p> <ul style="list-style-type: none"> i. Where there is water and sewerage infrastructure crossing the site, DCWW would welcome the inclusion of an ‘asset protection’ type policy. Or alternatively, additional supporting text pertaining to asset protection in section 8, to provide assurance that assets crossing the site will be protected from the proposed development by way of a diversion or easement/protection zone, at the expense of the quarry owner/operator. | <p>Annex A</p> <ul style="list-style-type: none"> i. <i>Noted</i> |
| <p>Mark Davies (Planning Specialist)</p> | <p>Environment Agency</p> | <p>HRA</p> <ul style="list-style-type: none"> i. Should contain more specific information on protection of aquifers from quarrying. The water environment should be assessed under the WFD and HIA must be undertaken for quarries, where water environment could be at risk or could be improved through restoration. <p>Groundwater Protection Principles</p> <ul style="list-style-type: none"> i. Protection of aquifers from adverse impacts of quarrying is critical, both for borehole users and groundwater base flows feeding into rivers. ii. In the Spatial Context and Sites Report, make reference to groundwater constraints e.g. source protection zones and private groundwater supplies. iii. Annex A could contain detailed development requirements for plan allocations (as in the merging Gloucestershire Minerals Plan). This would assist in identifying site requirements linked to flood risk and water resources, including restoration opportunities (see example provided for Callow Quarry). <p>Water Framework Directive (WFD)</p> <ul style="list-style-type: none"> i. A WFD assessment should be submitted with quarrying applications and include cross-references with other required assessments. ii. See EA Catchment Explorer Data tool, which the MWLP should signpost. iii. Private water supply and groundwater protection issues should be included in Annex A <p>Hydrological Impact Assessment (HIA)</p> <ul style="list-style-type: none"> i. (See previous comments to I&O Report) Paramount concern is for water resources within Groundwater Source Protection Zones, which have been defined by the EA for groundwater abstractions, notably public drinking water supplies. <p>Examining Impacts on Water Environment from Quarrying</p> <ul style="list-style-type: none"> i. It is the applicant’s responsibility not to adversely affect any existing legal water interests/rights (abstraction licences, springs, watercourses and ponds, which rely on groundwater) | <p>HRA</p> <ul style="list-style-type: none"> i. <i>The HRA of the publication draft MWLP will consider the impact of quarrying on aquifers where they are functionally connected to a SA or SPA. The HRA and SA assessment findings will be updated to take into account the SFRA. The WFD assessment included an SFRA, which will inform the Publication Draft MWLP</i> <p>Groundwater Protection Principles</p> <ul style="list-style-type: none"> i. <i>Draft Publication MWLP already includes reference to SPZ and water quality.</i> ii. <i>SFRA is being completed, which will include private groundwater supplies such that MWLP can be updated as appropriate, primarily through the key development criteria.</i> iii. <i>Some of this detail is already included in Annex A. Additional work has been completed to augment and clarify the analysis previously undertaken and to inform a review of the key development criteria.</i> <p>Water Framework Directive</p> <ul style="list-style-type: none"> i. <i>Meeting requirements of the Water Framework Directive is a legislative requirement anyway and does not need repeating in policy.</i> ii. <i>The Draft Publication MWLP signposts the EA Catchment Explorer Data tool</i> iii. <i>SFRA being completed, which will include private groundwater supplies such that MWLP can be updated as appropriate, primarily through the key development criteria.</i> <p>Hydrological Impact Assessment (HIA)</p> <ul style="list-style-type: none"> i. <i>The MWLP makes clear the need for HIA. SFRA being completed, which will include groundwater reserves, including private supplies, such that MWLP can be updated as appropriate, primarily through the key development criteria.</i> <p>Examining Impacts on Water Environment from Quarrying</p> <p><i>All points:</i></p> <p><i>Specific reference is added within the Publication Draft MWLP to identify dewatering activities requiring abstraction licence and preference for this to be twin-tracked with planning.</i></p> |

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| | | <ul style="list-style-type: none"> ii. All licences have protected rights to abstract water. These have a high degree of protection from derogation (e.g. dewatering, where the effects are not always seen straight away, but over a continued period of time) iii. Any new dewatering activity will need an abstraction licence prior to works commencing. iv. Existing dewatering activities also come under licensing control under the New Authorisations legislation. v. Quarries proposing dewatering are expected to twin-track or provide sufficient detail with the planning application/any EIA, linked to the HIA. A water audit is recommended to address this and sustainable water management options before, during and post construction. Add this to site requirements. <p>Monitoring & Mitigation</p> <ul style="list-style-type: none"> i. (See response to I&O Report) ii. Monitoring of water environment should be secured through planning control with s.106 monitoring agreements. Monitoring results will inform mitigation strategy. iii. Mitigation strategies should be provided within the EIA/HIA, outlining what measures will be taken should an adverse impact be realised during quarry operations. iv. Extensions to quarries will require reconsideration of the HIA approach. <p>Restoration Plans</p> <ul style="list-style-type: none"> i. Quarrying can have significant effects on reducing the quantity of groundwater and on quality of water resources. Planning applications should have due regard to the final restoration at the site at a very early stage. ii. Backfilling of voids with waste can have a detrimental effect on water environment and there should be control on such strategies. iii. Restoration should be sympathetic and provide protection to the visual landscape and to water resource protection. Opportunities for protected species enhancement should be taken. iv. Land fillings and re-landscaping post quarrying are likely to require an Environmental Permit and will have to meet criteria set in the EPR/Landfill Regulations. Site operators should follow a twin tracking process with planning and permitting in tandem, or provide similar risk assessment with the planning application. v. In all cases, and certainly in more sensitive higher risk principal/secondary aquifer environments, only clean, inert materials should be considered for landfilling. vi. Regard should be had to Mining Waste Directive and discussions with the EA's National Permitting Team. An EIA should include relevant information on the waste regulatory implications of the restoration proposals. vii. Inert landfills would require: risk assessment, a basal and side liner, leachate and gas monitoring, 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 secure Waste Acceptance Criteria for inert landfills). | <p><i>Requirement for water audit has been added to the MWLP text.</i></p> <p>Monitoring & Mitigation</p> <ul style="list-style-type: none"> <i>i. See responses to I&O representations</i> <i>ii. A s.106 agreement can only be used in appropriate circumstances, the framework for which exists in both the Core Strategy and the MWLP. Mitigation should be set out as a core element of EIA/HIA and can be conditioned as appropriate.</i> <i>iii. and iv. The MWLP makes clear the need for HIA.</i> <p>Restoration Plans</p> <ul style="list-style-type: none"> <i>i. – iii. Due regard to final restoration, with reclamation delivered at the earliest opportunity and to integrate GI benefits is set out in the MWLP. Policy seeks to deliver a number of inter-related benefits as relevant to each site and its location.</i> <p><i>iv. The potential need for EP and the benefits of twin tracking applications is set out in the MWLP.</i></p> <p><i>v.- ix Text providing advice in regard to inert landfill facilities is useful and has been included in Publication Draft MWLP.</i></p> |

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| | | <p>viii. HIA should include an assessment of impacts on groundwater quality and quantity.</p> <p>ix. Restoration will provide opportunity to enhance the environment, e.g. construction of new wetlands for the benefit of biodiversity.</p> <p>Conventional & Unconventional Hydrocarbons</p> <p>i. The possibility of future hydrocarbon exploration cannot be ruled out.</p> <p>ii. EA guidance is available: Onshore Oil & Gas Sector Guidance, v1, 17.08.16</p> <p>Quarries in Herefordshire</p> <p>i. The importance of considering groundwater supplies within HIA reports for new/extensions to sites and the protection of groundwater during restoration should be considered for all sites.</p> <p>ii. Upper Lyde: Secondary aquifer in hydraulic continuity with watercourses. HIA required to understand risks to water environment before planning permission is granted. There are private groundwater supplies within 100m of the site and close to the extensions proposed.</p> <p>iii. Shobdon: secondary aquifer in hydraulic continuity with watercourses. Springs and a pool in close proximity to site.</p> <p>iv. Wellington Quarry: Adjacent to R Lugg SSSI. Dewatering is a potential risk to river base flows. Extensions risk an increase in dewatering. Extensions must be subject to a robust HIA before planning permission is granted. There are a number of private supplies near to the site and extensions – to be considered in an HIA.</p> <p>v. Leinthall Quarry: Secondary aquifer. The formation is often dry, lowering the risk to the water environment as dewatering is not a requirement. Extensions to depth and width should be subjected to HIA.</p> <p>vi. Perton Quarry: Secondary aquifer and an SSSI within the quarry boundary. HIA required for any extension, noting the private water supply close to the site. Flood Zone 1. SFRA should inform decision making.</p> <p>vii. Llandraw Quarry: Secondary aquifer. Many springs and watercourses issue off the slopes of Black Mountains. HIA required to understand impacts of proposals on water environment & mitigation measures required. Bedrock formation supports base flows to many surface water features and groundwater. See SFRA for flood risks.</p> <p>viii. Callow Quarry: Secondary aquifer. Add to sensitive groundwater spring source protection zone for public drinking water supply. HIA with adequate mitigation and monitoring required for quarry extension.</p> <p>ix. Tyubach Quarry: Secondary aquifer. Many springs and watercourses issue off the slopes of Black Mountains. HIA for extensions to understand influences on water environment and mitigation measures required. Bedrock formation supports surface water features and groundwater. Possible risk of flooding. See SFRA.</p> <p>x. Westonhill Wood Quarry: Secondary aquifer. Numerous springs issue on the escarpment area and flow to the River Wye. HIA</p> | <p>Conventional & Unconventional Hydrocarbons</p> <p>i. The possibility cannot be ruled out, but is looking increasingly unlikely. Plan development team is also cognisant of recent High Court challenges and changes made to the NPPF.</p> <p>ii. Policy M7 has been removed from the MWLP, for the reasons explained in the Preparing the Publication Draft Report.</p> <p>Quarries in Herefordshire</p> <p>i.- x. Some of this detail is already included in Annex A. Additional work has been completed to augment and clarify the analysis undertaken and to inform a review of the key development criteria.</p> <p>xi. This would occur as part of standard planning process and does not require detail in the MWLP.</p> <p>xii. Site is not proposed to be allocated</p> |

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| | | <p>required for extensions to understand risks to the water environment. Flood zone 1. Refer to SFRA.</p> <p>xi. Inactive/Closed/Mothballed Quarries: recommencement of quarrying activities require consultation with EA on risks to water environment, especially if dewatering is proposed and use of HIA guidance.</p> <p>xii. South Hide Farm & South End Farm, Mathon: Dewatering might be a requirement, therefore an HIA would be required.</p> <p>xiii. SFRA: All new sites being considered need to be assessed though an SFRA process to identify strategic flood risk and inform policy. EA are in receipt of draft level 1 SFRA (outside of this consultation) and are currently in the process of reviewing it.</p> <p>xiv. New sites: EA would seek to recommend site specific policy wording in the site requirements for each minerals and waste site, where necessary, including explicit flood risk betterment expectations. Including these in the DPD is key to achieving these. Happy to discuss further.</p> <p>Waste Sites in Herefordshire</p> <p>i. Sites W05, W07, W10, W13 & W14 are considered appropriate in principle to accommodate a range of waste treatment and recovery operations, subject to appropriate management measures.</p> <p>ii. W05 Leominster HWS & HWRC. Site within 30m of SSSI, therefore requires a bespoke environmental permit, including a risk assessment and measures to protect quality of the R Lugg and other protected areas. Detail to be sought prior to allocating the site.</p> <p>iii. Sites should accord with the Environmental Permitting regulations 2016. If a risk assessment and/or appropriate mitigation is not included with a permit application, it is likely to be refused.</p> <p>iv. W13 (Lugg Bridge Quarry): partly in Flood Zone 3. SFRA should consider this and be used to inform the potential allocation/decision making.</p> <p>Specific Waste Comments</p> <p>i. W7: points 1 & 2 on applying the waste hierarchy welcomed. Provision of waste to energy (point 2): there is a question of requiring enabling policies in other DPDs to ensure that relevant developments that could benefit from CHP are constructed with a view to utilising the heat generated from waste to energy e.g. large residential developments, hospitals, university or other public buildings. This could improve viability & reduce running costs and carbon emissions. Does HC have policies in the LDF requiring non-waste developments to be CHP-ready, or at least assessed for suitability?</p> <p>ii. Resource Audits: welcome their inclusion in Policy SS8. Does this include a) proposals for substantial refurbishment and/or changes of use, including HMOs and not just new build; and b) end of life considerations, e.g. ease of recovery of demolition materials to increase recycling.</p> <p>iii. Infrastructure resilience: Suggest consideration of, at minimum, contingency planning for most at risk waste streams, to ensure operations are not significantly disrupted and business continuity is maintained in case of an unexpected event or short life expectancy of</p> | <p><i>xiii. Comments from EA have been received and SFRA is being completed, such that MWLP can be updated as appropriate, primarily through the key development criteria.</i></p> <p><i>xiv. Site specific requirements have been prepared for each site; these have been reviewed to incorporate consultation comments (as appropriate) and additional analysis.</i></p> <p>Waste Sites in Herefordshire</p> <p><i>i. Noted</i></p> <p><i>ii. Leominster HWS and HWRC is an operational site.</i></p> <p><i>iii. The potential need for EP and the benefits of twin tracking applications is set out in the MWLP.</i></p> <p><i>iv. Flood risk at site is recognised in key development criteria. SFRA is being completed, such that MWLP can be updated as appropriate, primarily through the key development criteria.</i></p> <p>Specific Waste Comments</p> <p><i>i. Core Strategy policy SD1 – sustainable design and energy efficiency, seeks to ensure that new developments embrace the move to a low carbon future through design and energy efficiency. In addition, policy SD2 – renewable and low carbon energy generation, supports the delivery of proposals of this kind. The CS review (commencing in 2020) will assess whether these policies should be changed or if new ones are required to further support CHP (and other green technologies) in non-waste developments in the future.</i></p> <p><i>ii. The Publication Draft MWLP incorporates these requirements</i></p> <p><i>iii. MWLP is seeking to improve resilience within the county through promoting development, encouraging more facilities to be built, across the hierarchy.</i></p> <p><i>iv. MWLP is primarily a land use document, directing new development, and so aimed at developers rather than to bring about cultural (personal) change. Through policy such as SS8 it places greater responsibility on all to engage in more sustainable waste/resource management.</i></p> <p><i>v. Waste was sent to Doncaster for incineration. The WNA is part of evidence base to understand waste movement and implications for policy development. MWLP sets out a</i></p> |

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| | | <p>higher hierarchy waste treatment facilities. Consider identification of high hierarchy waste capacity.</p> <p>iv. Externalising the ‘problem of waste’: Consider re-phrasing to avoid depersonalising/externalising the problem, and invite everyone to take increased responsibility.</p> <p>v. Waste to Doncaster: what was this material, why did it need to go to Doncaster, is it a long-term arrangement, is there more local alternative capacity provision? Further discussions under the DtC may be useful here.</p> <p>vi. Section 3.1.21: Apply circular economy concept to all resource streams, using waste materials as a resource opportunity as far as possible in any sector.</p> <p>Terminology used regarding Circular Economy and Waste Management/Waste Treatment</p> <p>i. See <i>Environment Plan and National Resources & Waste Strategy published in Dec 2018</i>. Further supporting info is anticipated regarding transition towards a Circular Economy & related Government ambitions around problems and opportunities of waste.</p> <p>ii. Are the full implications of transformation to circular economy recognised? Direction is unclear or open to interpretation (see full version)</p> <p>iii. Section 3.2.7 there is effectively no market demand for residual waste. Herefordshire should ensure appropriate internal capacity is developed to meet its needs.</p> <p>iv. Section 3.3.14: add discussion of future facilities that are envisaged to maximise value of waste, to set out a clear vision for a circular economy. Waste target streams could include larger agricultural tyres, dedicated recycling facilities for agricultural & food sectors, packaging wastes (incl. agricultural plastics & compost). Like food miles applied to waste.</p> <p>v. Greater clarity around Circular Economy</p> <p>a. Section 3.4.1 – references to waste management. Consider re-wording to emphasise recovery over disposal. Make it clear where genuinely residual waste disposal will still be required. This section omits need for remanufacturing to create sustained demand for recovered wastes.</p> <p>b. References to ‘Waste to Energy’ are referred to as low-carbon energy, but burning still results in carbon emissions to atmosphere, resulting in added climate impacts. It does not represent a circular economy. Waste to energy is ‘lower carbon’. Feedstock should be restricted to materials that are genuinely ‘residual’ and beyond further economic processing to recover useful value, or require thermal treatment.</p> <p>c. Section 4.1.4 describes a circular economy as ‘an alternative’ to a traditional linear economy. It is the only alternative if we want a sustainable future. Waste hierarchy seeks to replace a free market movement mechanism to push waste into more sustainable destinations, hence the need to be specific about the types of waste management capacity being planned for. Last bullet point: waste developments need to be appropriate ‘high-hierarchy’ facilities, to deliver listed sustainability benefits.</p> | <p><i>range of new opportunities for waste management facility development to provide greater opportunities in the county. DtC conversations continue to be held and the WNA has been undertaken again using 2018 data.</i></p> <p>vi. <i>The MWLP has been prepared to apply the CE to all resource streams.</i></p> <p>Terminology used regarding Circular Economy and Waste Management/Waste Treatment</p> <p>i. <i>The plan making team is familiar with both these documents and both are cross-referenced within the MWLP. The MWLP should align with both the Environment Plan and RWS.</i></p> <p>ii. <i>Language within the MWLP has been reviewed to ensure it is clear, and there remains reference to all the relevant terms: waste management; waste hierarchy; and circular economy.</i></p> <p>iii. <i>There is a range of waste management infrastructure required within Herefordshire, all of which the MWLP is seeking to deliver at appropriate locations.</i></p> <p>iv. <i>The ability to deliver facilities that will stimulate demand for recovered waste materials/ promotion of manufacturing is beyond remit of MWLP, which can, and is, instead promoting a range of waste management development, which can treat waste in a range of different ways to respond to market demand. That market may be anywhere; it may not be in Herefordshire. Nonetheless, the spatial strategy follows that of the CS to enable greatest potential for connections between sectors. The CS promotes growth in the market towns, which will include manufacturing, although not all of the demand for new materials will be within Herefordshire. This approach has been developed following discussion with relevant organisations within Hereford.</i></p> <p><i>Paragraph 3.2.7 of the MWLP is really about the duty to co-operate, rather than waste management. It is simply recognising that Herefordshire is not isolated in terms of either minerals or waste development or markets.</i></p> <p><i>Paragraph 3.3.14 is an introductory section. The MWLP should be technology neutral and has been written to be flexible and applicable widely, without getting caught up in specific waste streams unless relevant to do so e.g. AD on farm. All of the types of facility can be accommodated in the locations proposed within the MWLP. Food miles concept is not readily applicable to waste, because waste can travel further for treatment and there would still result a beneficial outcome. The opportunities need to be provided in Herefordshire, but the Plan recognises, and the reality is, that markets will exist outside.</i></p> <p>v.</p> <p>a. <i>Paragraph 3.41 is an introductory section and uses of waste management are considered appropriate; explicit reference to manufacturing sector is not appropriate here. The first challenge listed identifies delivery of CE; which the MWLP seek to achieve, this will extend life of materials.</i></p> <p>b. <i>Incineration is widely recognised as renewable/low carbon across government strategy and guidance and the recovery of both energy and materials is part of the CE. Both points are made in the RWS. Policy seeks use of heat in addition to power, to gain additional carbon advantages.</i></p> |

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| | | <p>d. Insert reference to developing greater local 'remanufacturing capacity', using waste as a resource and growth opportunity, in the bold section after 4.1.5 and before section 4.2.</p> <p>e. In Table 1, an ambition move towards a circular economy could contribute to ALL the listed objectives, emphasising why it is moving centre-stage in waste planning.</p> <p>f. References to 'waste treatment' should also be clear; what position in the Waste Hierarchy is being referred to?</p> <p>Additional Points</p> <p>Landfill Mining</p> <p>i. Reopening of old landfill, to tackle legacy pollution or to recover resources is not unknown. A policy statement on this may be appropriate. A benefit would be re-releasing potentially suitable landfill capacity for genuinely residual or difficult materials (e.g. asbestos) and reduce the need to identify new facilities.</p> <p>Agents of Change</p> <p>i. Section 5.1.5 and 5.2.6: see new NPPF and the responsibility to put the agent of change to protect any new development from existing amenity or other impacts caused by established activities. Liaise with EA, as regulator, on appropriate and effective mitigating measures.</p> <p>Digestate Spreading</p> <p>i. Section 5.9.3 & section on Agricultural wastes; consider risks of water pollution caused by digestate spreading onto farmland, partly due to expansion of rural anaerobic digestion network.</p> <p>Section 7.1.7</p> <p>i. The last sentence says 'not satisfy policy'. Does this mean that there will be no safeguarding of existing 'low hierarchy' facilities?</p> <p>Sustainability Appraisal</p> <p>i. Waste Data: Latest available waste data was published in September 2018. It is unclear if this data is referred to or used to update the WNA, as it seems to refer only to 2016 data. But Annex E of the WNE update is entitled 2017 data. Clarification required.</p> <p>ii. Circular Economy Transformation: refer to 25 year Environment Plan & National Resources & Waste Strategy published Dec 2018. Further supporting information is expected regarding moving towards a Circular Economy.</p> <p>a. Government reiterates its commitment to this direction of travel to transform waste management. Long-term plan should include proposals to deliver this model.</p> <p>b. SA does have references about moving towards a circular economy for waste, but these seem limited in ambition. MWLP could consider which of the existing waste infrastructure supports 'circularity' and which facilities (including landfill) fail to contribute useful capacity. It is hard 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,</p> | <p>c. <i>The text at paragraph 4.1.4 regarding CE has been updated. The MWLP should not be any more technology specific than it already is, a range of new facilities will be required and a range of locations have been set out at which to deliver them.</i></p> <p>d. <i>It is not appropriate for the MWLP to be seeking to development greater manufacturing capacity.</i></p> <p>e. <i>Objective 4 specifically recognises the CE.</i></p> <p>f. <i>Waste treatment is everything other than disposal.</i></p> <p>Landfill Mining</p> <p>i. <i>Previous landfill sites within Herefordshire have been reviewed. Landfill mining is not an activity that is to be promoted through the MWLP, as explained in the Preparing the Publication draft Plan Report. Existing policy would be adequate to address the sorts of issues that would arise from any speculative proposal (which is not considered likely to be made) e.g. noise, dust, transport, water etc. Matter has been considered, but is not progressed further.</i></p> <p>Agents of Change</p> <p><i>The Draft Publication MWLP has been amended to incorporate the agent of change principle.</i></p> <p>Digestate Spreading</p> <p><i>The risk of water pollution is recognised and as a local issue is the reason why a policy on agricultural waste is included in the MWLP. Additional detail has been added to MWLP regarding potential risk from digestate.</i></p> <p>Section 7.1.7</p> <p><i>Refers to more than just the waste hierarchy, not least also including the spatial strategy. It is not an intention not to safeguard 'low hierarchy' facilities (not that there are many in Herefordshire) more that those that are inappropriately located are not safeguarded. The text has been amended in the Publication Draft MWLP.</i></p> <p>Sustainability Appraisal</p> <p>i. <i>The SA will be updated to refer to the 2019 WNA.</i></p> <p><i>The Review of Plans will be updated to include the National Resources & Waste Strategy for England, as well as the 25-year Environment Plan. The implications of both documents in relation to the MWLP and SA will be updated to include stronger reference to the promotion of the circular economy.</i></p> <p><i>The WNA 2018 incorporates data up to 2017 where it was available. The WNA has been undertaken again, going back to first principles, and incorporates 2018 data where it was available.</i></p> <p>ii. a. and b. <i>The MWLP has been drafted to deliver the circular economy, alongside the waste hierarchy, which remains a key tenet of waste legislation. There is just one (small) site in Herefordshire that accepts inert wastes for land recovery. Other operating facilities are contributing to the recovery of resources. It is beyond the remit of the MWLP to</i></p> |

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| | | <p>generating demand for useful recovered materials. Raise this issue with LEP and other economic growth bodies.</p> <p>c. MWLP should be reviewed at an appropriate point to reassess the emerging government policy direction regarding Circular Economy & to examine impacts of different interventions on overall waste arising & the need for infrastructure. Consider waste 'quality' issues, not just quantities.</p> <p>iii. A 'Presumption Against Stockpiling' Policy: include a conditioned waste policy that presumes against simple waste stockpiling, except where there is an existing or approved material recovery mill or similar with capacity to process material in a reasonable period of time.</p> <p>iv. Capacity and Hierarchy Resilience: SA discusses available waste capacity and identifies a limited number of available facilities. If one suddenly becomes unavailable, this would cause resilience problems. It would be helpful if scope for additional capacity was surveyed. Need to explore contingency arrangements with other authorities and LRF's may be useful (although this is outside the scope of normal planning).</p> <p>v. WNA update: this iteration has not been reviewed. EA may be able to supply comments at a later. Data needs to be up to date.</p> <p>Agricultural Waste</p> <p>i. 7.2.11 and 7.2.12: NMP shows that agriculture plays an almost equal part in high nutrient levels to the water companies, rather than the small role stated in the MWLP. Wording should be amended to show correct contribution.</p> <p>ii. 7.2.10 – 7.2.22 and Policies W3 and W4: support suggestion for MMP or assessment to be included at planning stage. In some cases, control of such manure management may come as part of the permit or other legislation, such as farming rules for water.</p> <p>iii. 7.4.7: support for this and similar references elsewhere.</p> | <p><i>drive an increase in manufacturing, and it is not reasonable to expect all recovered materials to be used within Herefordshire. This matter has been discussed with relevant organisations throughout Herefordshire in preparing the MWLP.</i></p> <p><i>c. The commitment to review the MWLP every 5 years is set out in the plan.</i></p> <p><i>iii. The problem of fly tipping across the country, and the West Midlands, is recognised, but is not identified as a material problem in Herefordshire. The matter is discussed further in the Preparing the Publication Draft Plan Report. Policy of the MWLP should be positively worded to direct the development that is desired, rather than to restrict the development is not; the list of which could be endless.</i></p> <p><i>iv. Contingency arrangements are outside the scope of normal planning and will be a matter for the operator.</i></p> <p><i>v. The WNA has sought to identify future waste management needs within Herefordshire, and the MWLP provides the opportunities to bring those forward. Noted</i></p> <p>Agricultural Waste</p> <p><i>i. This is an error and has been corrected. The amendments made do not change the policy approach for the MWLP, which is to provide a stronger planning framework to address agricultural wastes.</i></p> <p><i>ii. and iii. Noted</i></p> |
| John Faulkner | | There should be a specific requirement for Energy from Waste and CHP schemes to be installed in all major housing and industrial sites such as Three Elms, Edgar Street grid and Rotherwas Enterprise Zone | <i>This is beyond the remit of the MWLP but can be considered for other policy documents relevant to this type of development in Herefordshire.</i> |
| Lorraine Brooks (Planning Officer – Minerals and Waste Policy) | Gloucestershire County Council | <p>i. No specific comments on the Draft MWLP.</p> <p>ii. DtC - Wish to register 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, in pursuance of meeting the statutory duty to cooperate.</p> | <i>Noted</i> |
| Christian Smith (Director) | GP Planning agents for Dinmore Manor Estate | <p>Q1 Yes</p> <p>Q2 Yes</p> <p>Q3 Yes</p> <p>Q4 Yes</p> | <i>All points noted</i> |

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| | | <p>Q5 Yes</p> <p>Q6 Yes</p> <p>Q7 No</p> <p>i. On behalf of Dinmore Aggregates Ltd, sand and gravel reserves to north of Wellington quarry (immediately south and north of Haywood Lane) and restoration of land using inert wastes have been promoted.</p> <p>ii. Background environmental assessments demonstrate no in-principle constraints to the proposed supply of S&G reserves over the plan period.</p> | |
| Robert Holder (Network Access Manager) | Great Western Railway | No comments | <i>Noted</i> |
| (Cllr) Trish Marsh | Green Party Ward Member for Leominster South | <p>Comments focussed primarily on domestic waste:</p> <p>i. Encouraged that MWLP recognises the benefits of a circular economy, although it does not always follow through with proposed actions.</p> <p>ii. Waste should be recognised as having a value, not solely as a problem to be dealt with.</p> <p>iii. When the joint municipal waste contract with Worcestershire is reviewed, we should be aiming towards dealing with our waste within the county and reducing transportation over long distances.</p> <p>iv. Herefordshire should be recycling at a higher level than 40%. Serious efforts should be made to each this target by at least 2020.</p> <p>v. Herefordshire should take steps to collect green and food wastes and either composting or producing energy through AD.</p> <p>vi. The Council should do more to encourage recycling items from county recycling centres. Charities could be offered collection points at the recycling centres or franchises could operate them.</p> <p>vii. Wastes need to be reduced at source, especially packaging, involving retailers. Incentives should be given, in addition to educating the public to question and refuse the excessive packaging of goods.</p> <p>viii. Offer encouragement and incentives to reduce use of disposable nappies</p> <p>ix. Eliminating single use plastics should be an aim in the waste strategy. Providing public water fountains could help with this.</p> <p>x. Traders are frustrated by barriers to recycling waste. HC should encourage and enable schemes such as the one in Leominster, where the town council collects recyclables from traders, in partnership with recycling businesses. Profits are shared, with the council's share going towards community projects.</p> <p>xi. Residents without cars are refused from entering recycling centres. They should be encouraged and sites designed to reduce any risks.</p> <p>xii. Need more emphasis on re-use and encouraging householders to use charity shops like Freegle for items that could still be of use to others. This reduced contract waste and raises funds for charities in a positive way.</p> | <p>Comments focussed primarily on domestic waste</p> <p>i. <i>The MWLP recognises waste as a value and seeks to deliver CE to ensure it is kept at highest level for as long as possible.</i></p> <p>ii. <i>The proposed policy has been prepared to enable this approach to be delivered in Herefordshire.</i></p> <p>iii. <i>Review of the JMWM contract is a separate matter to the MWLP.</i></p> <p>iv. <i>The MWLP allocates sites and promotes new development, to deliver new infrastructure in Herefordshire. However, waste is an international commodity and will travel to market.</i></p> <p>v. <i>and vi. The MWLP cannot direct the collection systems that are put in place, nor how the Authority's recycling centres are operated; but it does provide for the development of new waste management facilities, including AD plant.</i></p> <p>vii. – xii. <i>Policy SS8 seeks to reduce the amount of waste produced and to reduce the use of raw materials. However, it is not appropriate for it to seek to address specific materials such as nappies or plastics.</i></p> |

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| | | <p>Agricultural wastes:</p> <ul style="list-style-type: none"> i. Para 7.2.12 – disagree that agriculture plays a small role in pollution in the Wye SAC. It contributes to around 50% of the phosphate pollution in the river Lugg; a major concern. ii. Policy W3 – concern about the focus on farm AD and where the waste component is frequently supplemented with green feedstock, often maize grown especially. This is poor practice and should not be encouraged, as it leads to soil loss and less land for growing food. iii. ADs – concern that large quantities of waste are produced, large volume of traffic movements, potential increase in ammonia emissions. This proposal should be reviewed. | <p>Agricultural wastes</p> <ul style="list-style-type: none"> i. <i>This is an error that has been corrected in the revised text presented in the Publication Draft MWLP. This amendment does not change the policy approach for the MWLP, which is to provide a stronger planning framework to address agricultural wastes.</i> ii. <i>Supplementing AD with green feedstock is not necessarily poor practice and is often done as part of crop rotation.</i> iii. <i>The other concerns made to AD are not applicable to properly run facilities and would be considered as appropriate in any submitted application.</i> |
| <p>Joel Jessup, Heatons</p> | <p>Heatons, on behalf of Tarmac Trading Ltd</p> | <ul style="list-style-type: none"> ○ Tarmac’s interests at Wellington, Moreton-on-Lugg, Shodon and Nash retain the potential for working over the MWLP period. ○ Wellington Quarry – Tarmac has long-term aspirations for the continued working of sand and gravel resource within this area and have promoted quarry extensions. ○ Moreton Railhead – is an important piece of ancillary minerals infrastructure that enable the sustainable transportation of mineral by rail. Its use has the potential to increase over time. ○ Shobdon Quarry – currently mothballed. Contains 900,000 tonnes of unworked sand and gravel. Adjoining land to the east has been promoted for extraction. ○ Nash Scar Quarry – mothballed limestone and sandstone quarry since 1988. Planning permission was granted in 2011 (DMN/102907/M) for an extension of time to submit and agree a restoration and aftercare scheme for the site. Tarmac has no short term intention to re-enter and work this quarry, however, there remains potential to work the existing in-situ reserves over the MWLP period. ○ Sand and gravel supply – LAA 2018. The annual sales data from the one working S&G quarry should not be construed as a reflection of sand and gravel demand. ○ PPG states that MPAs should also look at average sales over the last 3 years, in particular, to identify the general trend of demand and need to the increase supply (Para 064 ID: 27-064-20140306). 3 year average sales is back to pre-recession levels and is a strong indication of a trend of increased demand. ○ Herefordshire is a net importer of S&G (50%), mostly from Staffordshire and Worcestershire. In order to comply with the duty to cooperate, Herefordshire should be clear with neighbouring authorities what the anticipated demand for S&G is likely to be. The ability for the West Midlands region to maintain current exports to adjacent counties has the potential to be heavily influenced by | <p><i>The representations made on each of the sites is noted and has been added to our understanding of these locations.</i></p> <p><i>The LAA is just one element of the evidence base. The questions posed are addressed in the MNA. The matter of demand forecasting was discussed at the AWP meeting on 09.07.19.</i></p> |

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| | | <p>aggregate demand required to meet delivery of HS2. This will require further discussion with other MPAs in the West Midlands AWP area.</p> <ul style="list-style-type: none"> ○ Landbanks – whilst these are useful as monitoring tools, they should be treated with caution in circumstances where there are few active operators. Wellington Quarry only has planning permission to operate until 2027. Inactive sites cannot be restarted quickly and there is a cost and time implication for operators to reinstate working. There could be a time lag before being able to contribute resource to meet any increase/upturn in demand, which would also affect the ability of an area to provide for a steady and adequate supply. ○ Crushed Rock – LAA needs to make clear the indigenous supply and the percentages exported again from the county. There is discrepancy over the best methods for calculating the crushed rock land bank, which should be agreed with the AWP. Particularly as aligned with the WMAMR, Herefordshire does not have sufficient land bank to meet the NPPF requirements of 10 years. If there is to be reliance from outside the county, it needs to be clear where this supply is coming from and ensure that it is being planned for accordingly. ○ Forecast of Future Demand – LAA forecasts S&G demand based on current level of import. This reliance cannot be assumed as there is potential for significant supply constraints imposed by the construction of HS2. This will affect Birmingham and Staffordshire areas primarily and will limit their abilities to ensure continued supply to other counties. ○ S&G calculations indicate that there may be sufficient permitted reserves to theoretically meet 'adequate' supply. However, one active operation will cease during the Plan period and, together with potential issue over security of imports, could affect Herefordshire's ability to provide a 'steady' supply of aggregate (NPPF, para 207(a)) ○ LAA forecasting relies too heavily on 10-year averages. Needs to be consideration of sales during a period of economic growth. LAA fails to consider published national guidelines such as those derived historically by the Regions, yet they do reflect a time of economic growth. Minerals Products Association publishes sales volumes statistics. Whilst growth levels have been slower and are not back to pre-recession levels, the national forecast is indicating a likely sustained period of growth and aggregate demand. The LAA needs to provide the justification for flexibility in policy or to support planning applications to respond positively and quickly to upturns in demand. ○ Draft Publication MWLP Preamble & Context, section 3.3 – unsound in places. Para 3.3.4 does not accurately reflect NPPF guidance (para 205 (a)). It should state 'as far as practicable' ○ Para 3.4.1, 17th bullet point – the text does not distinguish between designated and un-designated assets/features, nor does the wording | <p><i>The NPPF does not need to be repeated verbatim. The matter of maintaining the landbank is mentioned several times throughout MWLP at paragraphs 3.3.2; 3.4.1; 6.2.2; 6.2.5; policy M3/1 and 2/c.</i></p> <p><i>Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012). Para 33 of the NPPF confirms that the requirement is for 'policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary' MWLP contains commitment to be reviewed every 5 years.</i></p> <p><i>Paragraph 3.4.1 is an overview of the key issues and challenges, ; it is not setting policy</i></p> |

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| | | <p>recognise the hierarchy of importance of assets/features. No mention is afforded to the proportionate approach to be attributed to assets/features of varying degrees of significance. This is contrary to para. 171 of NPPF.</p> <ul style="list-style-type: none"> ○ Strategic Objective 3 – not effective. The wording “appropriate minerals and waste resources” is ambiguous. Suggested re-wording: replace “steady and sustainable” with “steady and adequate supply”. ○ Spatial Strategy – para 4.3.2, stating that minerals extraction can only take place where it occurs is welcomed <p>Para 4.3.4 – the sequential approach to S&G workings is unsound. It implies that the objective is to restrict extraction, which is contrary to NPPF paras 203 and 205, which give great weight to the benefits of extraction and emphasise the need to ensure sufficient supply. For the reasons set out above, focussing S&G within preferred areas is not effective, given the onus on the importance of mineral extraction and maintaining a steady and adequate supply of minerals in the NPPF. National “as far as is practicable” guidance is considered to be sufficiently robust and effective in ensuring that mineral extraction does not result in unacceptable adverse impacts on the landscape, heritage and nature conservation designations. The current spatial strategy is overly-restrictive and not consistent with the NPPF.</p> <ul style="list-style-type: none"> ○ Chapter 5, Policy SD5: Site reclamation Not effective as (b) requires site reclamation schemes to include proposals that deliver landscape scale benefits and/or integrated green infrastructure appropriate to its location. It may not be practical for all sites to deliver benefits on such a significant scale. Suggested wording: “(b) proposals that deliver landscape scale benefits and/or integrated green infrastructure when and where practical and appropriate to its location.” ○ Policy M2: Safeguarding of mineral resources from sterilisation – See NPPF 204 (c) to (e). No reference is made to ‘ancillary infrastructure’. Policy is therefore unsound and should be amended. ○ Mineral Consultation Areas (as in PPG) should be used. Concern that safeguarding map on such a large scale will dilute the significance and importance of safeguarding. Also may be an ineffective tool in decision making as a very large number of planning applications would automatically be caught by the defined safeguarding areas and under the requirements of para 6.1.14 would have to produce a Minerals Resource Assessment. A more effective strategy would be to adopt Mineral Consultation Areas (including the proposed MWLP allocations). ○ Agent of Change, para 182 of NPPF – the Plan should include this principle, which places the onus on new development in proximity to | <p><i>The proposal is to use 'adequate' to replace 'sustainable' as currently used in the Objective. Sustainable is considered to be the correct word to use here as the objective is concerned with more than just adequacy; it is doing more than just that set out in the NPPF. Sustainable incorporates adequate, but also the balances to deliver good quality mineral extraction.</i></p> <p><i>Disagree, policy simply provides a spatial strategy for minerals. It is entirely appropriate.</i></p> <p><i>Suggested edits not accepted. This is something the developer will need to negotiate appropriately with the landowner. It is a matter that will be considered in detail at the planning application stage but is an appropriate expectation to have in the MWLP.</i></p> <p><i>The approach to safeguarding has been set out in the Preparing the Plan report, recognising that as a unitary authority, the planning teams are able to more readily communicate on matters that might affect mineral and waste resources. There will always come a point at which a development falls outside a line. The MWLP will be updated to incorporate the agent of change principle now set out in the NPPF and this will also assist in minerals safeguarding.</i></p> <p><i>Reference to Minerals Consultation Area(s) is consequently not considered to be necessary.</i></p> <p><i>This new text within the NPPF is recognised and the MWLP will be updated to incorporate it.</i></p> |

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| | | <p>an existing business to demonstrate that there would not be adverse impact and provide mitigation as appropriate. This is applicable to impacts on active mineral operations as well as ancillary minerals development/infrastructure.</p> <ul style="list-style-type: none"> ○ Policy M3: the winning & working of S&G – unsound. Not positively prepared, an effective strategy or compliant with the NPPF in planning for a steady and adequate supply of minerals. <p>M3 should set out maximum provision figures, especially due to the LAA’s concern that anticipated demand may not be able to be met without the reliance on imports from adjoining counties. LAA is also based on historic sales from a single active working, which is due to cease operating in 2027. M2 should be re-worded positively to ensure the MWLP provides “at least” 4.5 million tonnes of S&G over the Plans period. This removes the requirement for “additional provision” and a “mid-term review”. The annual LAA will indicate whether there is likely to be an increase in demand over the Plan period, in accordance with para 207(a) NPPF.</p> <ul style="list-style-type: none"> ○ Landbanks (see PPG, para 080) – in Herefordshire this is based upon substantial reserves being tied into inactive operations. When aiming to provide a steady and adequate supply, the distinction between active and inactive sites should be made due to the time it takes to turn an inactive site to a production unit. The requirement of M3 to maintaining an adequate land bank should be removed. <p>New M3 Wording:</p> <p>“1. The Plan will make provision for at least 4.5 million tonnes of sand and gravel. The Plan will maintain a land bank of at least 7 years and enhance productive capacity in the County to ensure that a steady and adequate supply of sand and gravel is provided based on a forecast of future demand contained within an annual LAA.</p> <p>2. In order of preference, sand and gravel extraction shall be permitted at the following locations:</p> <p>A. Allocated sites:</p> <ul style="list-style-type: none"> • Upper Lyde Quarry • Shobdon Quarry • Wellington Quarry <p>B. Designated Preferred Areas</p> <ul style="list-style-type: none"> • Area B of the Key Diagram • Area C of the Key Diagram <p>C. Other areas of search to maintain an adequate land bank and enhance production capacity where there is a demonstrated need.”</p> <ul style="list-style-type: none"> ○ Chapter 8 Delivery – Para 8.1.3 should be clear that the use of planning obligations will “only be used where it is not possible to address unacceptable impacts through a planning condition” as required by para 54 of NPPF | <p><i>The proposed wording has been considered and rejected. It is important for policy to be clear and to provide for calculated Herefordshire demands and contribution to MASS. That is what the 4.5 million tonnes are intended to meet. The policy includes reference to mid-term review, and the MWLP will be subject to a 5 yearly review, in addition to which the MWLP will include the commitment for an annual LAA.</i></p> <p><i>The need to maintain landbanks is made several times throughout the MWLP, which also contains the commitment to a 5-year review. The proposed edits are not accepted.</i></p> <p><i>The relevant tests are set out in the paragraph and the minerals industry has NPPF available if it feels the authority is being unreasonable.</i></p> |

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| | | <p>Table 3 – Policies for the working of minerals should refer to the LAA as an indicator used to monitor the effectiveness of the Plan strategy.</p> <ul style="list-style-type: none"> ○ Allocated Sites and Key Development Criteria Shobdon Quarry – The redline boundary for Shobdon should show both the permitted working area and the extension area which is preferred for mineral extraction. ○ Key Development Criteria Shobdon Airfield – Tarmac have made representation to Shobdon Neighbourhood Plan regarding development opportunities at the airfield and seek to ensure a more balanced development criteria supporting mineral extraction and safeguarding resource, in addition to ensuring that development does not give rise to adverse impacts on adjacent land users. Mineral Consultation Areas may address this issue (see comments under M2) ○ Phased working Reference to “proliferation of mineral working infrastructure will not be permitted” is not justified/reasonable. The operational requirements will justify the extent/amount of infrastructure required. Any planning application will be accompanied by plans/drawings, as well as environmental assessments as necessary. Each application should be judged on its merits and therefore the criteria should be removed. ○ Green Infrastructure Whilst policy can encourage protection and enhancement where they exist, it should not be categorical. Operators need to balance the aspiration of the minerals planning authority with the long term aspirations of the landowner. The policy should be flexible and the criteria should therefore “seek opportunities” for GI enhancement. ○ Wellington Quarry <ul style="list-style-type: none"> • Housing & Wellington Primary School – Extensions proposed to the south of the quarry are effectively moving mineral extraction further from the village and lessening any potential for impact on local housing and the school. The housing criteria should qualify that assessment is relating to residential property in Moreton-on-Lugg and the Wellington Primary School criteria should be removed. • Road Network – further extraction to the south is unlikely to involve the relocation of the site access or plant. Wellington quarry does not have an output restriction on the plant or the number of HGV movements. As a result, any future planning application may be required to produce a Transport Statement and a full Transport Assessment may not be required. • Green Infrastructure – See comments on Shobdon Quarry. ○ Phased Working – See comments on Shobdon Quarry. | <p><i>Proposal accepted</i></p> <p><i>Shobdon is proposed for mineral working and lies within the safeguarding area; it is promoted and protected through these mechanisms.</i></p> <p><i>The KDC are required to provide the balance between development promotion and development management.</i></p> <p><i>Additional wording will also be introduced regarding the agent of change principle.</i></p> <p><i>It is both reasonable and justifiable. It will be for the developer to demonstrate that the proposed equipment is not a proliferation.</i></p> <p><i>Policy is not being categorical, but is providing examples, and making clear the expectation for GI to be integrated into development proposals. It will be for the developer to show how this is being done effectively.</i></p> <p><i>Careful consideration has been given to all the sites, with additional work to be undertaken for those that are proposed to be allocated. The KDC can be considered further in regard to these comments</i></p> <p><i>This may be correct and it will be an appropriate consideration with each planning application.</i></p> |

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| | Here for Herefordshire | <p>The Council's Minerals and Waste planning policies are out of date. This current draft of a new Minerals and Waste Local Plan takes account of many of the shortcomings identified at the Public Enquiry, but some shortcomings remain, such as:</p> <ul style="list-style-type: none"> i. the Duty to Co-operate : no meetings since Autumn 2017 of the West Midlands technical advisory group or aggregates working party have taken place; ii. the Nutrient Management Plan : still no dashboard from the Environment Agency; iii. Strategic Flood Risk Assessment : no update since 2015 despite it being promised for 2018; iv. Biodiversity : out of date records are still being used, such as the LDF framework 'Building Diversity...' 2009, the Green Infrastructure Strategy, 2010, and the County Ecological Network Map, 2013. v. No reference to Neighbourhood Development Plans which include Minerals and Waste recommendations. vi. The policies enable the destruction of Key Green Infrastructure Assets with devastating effects on the biosphere. vii. The calculation of 4.5 million tonnes sand and gravel provision up to 2031 is out of date - see answer to Q 2 above. The wording in the policy should be amended so that in line 1 the wording 'will be 4.5 million tonnes' are deleted and replaced with 'is likely to be in the region of 4 million tonnes, subject to calculations revisited through a mid-term review'. The wording in the second sentence 'through a mid-term review' viii. The questionnaire fails to mention the policies on waste management that PRECEDE the policies in the Waste Strategy section of the MWLP draft. It is deceptive to conceal the Policy M7 section on Unconventional Hydrocarbons in this way. ix. While the flexibility of the policies in the Draft Publication MWLP is welcome, there is no over-riding ambition to deliver the holy grail of sustainable development - that which meets the needs of the present without compromising the ability of future generations to meet their own needs. | <p><i>The Core Strategy is adopted to 2031 and is a relevant policy lead. Details pertinent to the MWLP have been separately researched and updated.</i></p> <ul style="list-style-type: none"> <i>i. There have been meetings of the AWP, the RTAB and with adjacent authorities and consultation with adjacent authorities and other relevant organisations relevant to DtC and preparation of the MWLP. This is all set out in the Preparing the Plan report and is ongoing.</i> <i>ii. NMP dashboard is for the EA, not the MWLP</i> <i>iii. SFRA has been through consultation with EA and is being finalised to inform preparation of the Publication Draft MWLP.</i> <i>iv. Appropriate available records have been used. It is not for the MWLP to update them</i> <i>v. NDP are not appropriate to address minerals and waste. Data relevant to minerals and waste has been gained from relevant sources.</i> <i>vi. The policies of the MWLP require GI assets to be integrated into development proposals.</i> <i>vii. The calculation is not considered to be out of date. The proposed wording has been considered and rejected. It is important for policy to be clear and to provide for calculated Herefordshire demands and contribution to MASS. That is what the 4.5 million tonnes are intended to meet. The policy includes reference to mid-term review, and the MWLP will be subject to a 5 yearly review, in addition to which the MWLP will include the commitment for an annual LAA.</i> <i>viii. Plan development team is also cognisant of recent High Court challenges and changes made to the NPPF. The text in regard to section 6.5 and policy M7, Unconventional Hydrocarbons is to be reviewed.</i> <i>ix. Whole plan is seeking to achieve sustainable development, does not need to say those words in a policy - they do not mean anything without a framework within which to deliver them, i.e. the MWLP.</i> |
| Kay Hughes (Trustee) | Herefordshire & Worcestershire Earth Heritage Trust | <p>Q7 Yes. Mineral extraction removes finite and irreplaceable geological features (Core Strategy, para 5.3.3). The MWLP should be more explicit about the obligation to mitigate loss of geodiversity and about the conditions that may be placed on operators. Designated geological sites do not well represent the geological importance of sand and gravel and river deposits, partly because features of geological interest may only become apparent once extraction is in progress. Suggest specific changes to the plan (para 2.3.2, 2.4.13, 5.4.15, 6.2.6, 6.2.12, 6.3.3, 8.1.7). See original representation questionnaire sheet.</p> | <p><i>The proposed changes have largely been accepted.</i></p> |

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| <p>Tony Geeson (Vice Chair)</p> | <p>Herefordshire CPRE</p> | <p>Main focus of response is on Herefordshire landscape. Poorly planned mineral/waste operations can have significant impacts on the natural environment, which may never be restored. There are wider impacts on local communities such as noise, smells, dust and heavy vehicle traffic.</p> <p>Q1</p> <ul style="list-style-type: none"> i. Fundamental weakness in the evidence base (see earlier responses to I&O report), e.g. BGS data for crushed rock provision is not verified. General lack of data in relation to crushed rock in Herefordshire. Data is not available on current sales of crushed rock (para 4.1.27) ii. Hard data is full of holes due to confidentiality and parts of the policy base are a decade old, e.g. RES and Green Infrastructure Strategy. iii. The growth in NDPs since 2010 has produced a vast amount of new, empirical data about the natural environment. This is not reflected in the MWLP. iv. No SRFA v. The SA does not appear to analyse impacts of emissions from vehicle movements, of which a large percentage are HGVs. vi. No assessment of impacts of fossil fuels used in extraction. Air quality will be impacted during extraction & transportation, increasing Herefordshire's carbon footprint. This is contrary to the Climate Change Act 2008 on reducing greenhouse gas emissions. <p>For these reasons the MWLP may be found unsound.</p> <p>Q2 The Draft Publication MWLP fails to meet at least 7 of its 12 objectives:</p> <ul style="list-style-type: none"> i. Health & wellbeing and quality of life is no longer enhanced through enabling greater traffic volumes, producing emissions harmful to health and reducing biodiversity. The MWLP enables destruction of key GI assets and fails to reduce impacts on the biosphere. ii. 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? iii. The accelerated extraction of building materials will bring short-term benefit to quarry operators & landowners, while the 10-year infrastructure development of the Core Strategy results in environmental degradation, loss of biodiversity and increase in climate changing emissions. No long-term economic benefit to society and not sustainable. iv. Extracting resources to build roads and increase car dependence does not reduce traffic emissions. No policies in the MWLP address the growth in HGV trips that will result from its proposals. v. MWLP extracts minerals for a Core Strategy that includes building car dependant housing estates on high-grade agricultural land that is a | <p><i>The SA Report has considered the potential for significant effects of the MWLP in relation to the natural environment through the following SA objectives: 12: biodiversity, 13: landscape, 14: water, 15: flooding, 16: noise, light and air pollution and 17: soil.</i></p> <p><i>Both waste and mineral development can have significant effects, however in the right locations these can be acceptable, and even beneficial. Careful consideration has been given to all of the sites, with additional work completed for those sites proposed to be allocated, to augment and clarify the analysis previously undertaken and to inform a review of the key development criteria. Each planning application will be carefully considered in relation to the wider impacts on local communities.</i></p> <p>Q1 <i>i. The best data available has been used in preparing the MWLP. Requests were made for alternative sources in I&O consultation and anything that was proposed has been considered, and generally used (e.g. updated WMAWP Report).</i></p> <p><i>ii. Neither minerals nor waste data is complete anywhere in the country. Reasonable assumptions have been made to fill the gaps and prepare what is considered to be an appropriate policy framework.</i></p> <p><i>iii. NDP are not concerned with minerals and waste. Data relevant to minerals and waste has been gained from relevant sources, as has environmental information relevant to sites and specific issues e.g. agricultural waste.</i></p> <p><i>iv. An SFRA has been conducted and the conclusions will be used to inform preparation of the Draft Publication MWLP.</i></p> <p><i>v. and vi. The SA considers the transport emissions from extractive industries through SA objective 5: Transport. The third appraisal question (5.3) of this SA objective considers the potential for the MWLP to "encourage the use of low emission vehicles for the transportation of waste and minerals." In relation to the appraisal of sites the assumption for this SA objective acknowledges that "a large percentage of the vehicle movements associated with minerals and waste development are HGZs...[and] it is assumed that all mineral and waste sites have the potential to generate traffic in Herefordshire." The size of a site has been used to assess the extent of the negative impact as it is assumed that larger sites are likely to generate more movements of HGVs. Those sites larger than 20ha have therefore been appraised as likely to have a significant negative effect in relation to SA objective 5.</i></p> <p>Q2</p> <p><i>i. Traffic is generated through minerals and waste development, and will be considered at the time of any application to avoid unacceptable adverse effects. Minerals and waste development can make beneficial contributions e.g. by providing new outdoor spaces and recreation facilities and through the policy requirement to contribute to delivery of GI priorities appropriate to the site location. Reduction of impacts to biosphere sought through policy requiring e.g. more sustainable transport movements on site, and use of alternatives to virgin materials.</i></p> <p><i>ii. Reasonable forecasts have been used to ensure Herefordshire can play an appropriate part in MASS. MWLP does not encourage greater mineral working but directs it to where it is considered to be appropriate in principle. The proposed policy also provides the appropriate balance to working.</i></p> |

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| | | <p>floodplain. Three Elms development will sterilise previously identified sand and gravel resources. This does not support GI or best use of productive farmland.</p> <p>vi. With no assessment in the SA of the transport emissions from extractive industries, the MWLP is inadequate and misleading. No attempt has been made to apply this to national policy.</p> <p>vii. MWLP enables the destruction of heritage assets by road building through historic parklands, loss of biodiversity through pollution of Wye SAC, enhances negative trends of carbon emissions and loss of habitat while exhausting natural resources at unsustainable rates.</p> <p>Q7 and further comments Heavy Goods Traffic</p> <p>i. A policy is needed to regulate levels of traffic generated by bio-digesters, fracking sites, a working quarry, pit or waste facility, once it reaches the public highway. Adverse impacts at Leinthall Starkes include road damage, noise, air pollution and road safety. HGVs should follow designated routes only e.g. from the hard rock quarries in Powys to functioning railhead north of Hereford. It is not sufficient to leave this to site by site planning conditions or Core Strategy movement policies. MWLP should address this issue given the size of potential HGV movements and the implications of growth.</p> <p>ii. 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 the overall mileage, disturbance and danger.</p> <p>Hydrocarbons</p> <p>i. CPRE's national policy guidance note on fracking should inform the final wording of this policy</p> <p>ii. SA is inadequate as it does not refer to traffic generated during exploration and testing, or during the production phases, or the scale of surface site that is likely to be permitted. Policy should be reworded.</p> <p>Growth implications for construction, demolition and excavation materials & waste</p> <p>i. MWLP presents a daunting picture of future demand and reserves, and demand for disposal.</p> <p>ii. MNA 2018 update shows a comparison between infrastructure proposals in UDP v Core Strategy. It is spurious to say these are similar in nature and scale and that therefore no significant change in demand is anticipated. There is now a much better appreciation of building materials required and their timescales, including design parameters for proposed roads and bridges.</p> <p>iii. The Core Strategy housing trajectory forecasts of crushed rock demand is 2.5x an estimated demand based on population growth aggregate per head. This is an underestimation. The growth forecasts by Experian do not recognise Hereford's growth sufficiently.</p> | <p>iii. Preparation of the MWLP has looked to the Core Strategy. This is wholly appropriate, as it is an adopted DPD and the lead DPD in the Local Development Framework. It is recognised that the Core Strategy is now subject to review and the two plan preparation teams are working to ensure any material change is understood. Policy seeks to deliver the right balance, achieving sustainable development across environmental, economic and societal matters.</p> <p>iv. There is no viable alternative to road travel within Herefordshire, the only alternative is limited rail that does not provide full access network.</p> <p>v. Policy to reduce vehicle impacts is included as appropriate e.g. MT2, transport within sites. The CS is an adopted DPD.</p> <p>vi. See response to Q1 v and vi above</p> <p>vii. The MWLP does allocate new development; it is a requirement for it to do so and these areas have been carefully considered. The overall strategy and framework provided by the MWLP sets out the checks and balances to minerals and waste development and these are carried through into policy, including the key development criteria.</p> <p>Q7 and further comments Heavy Goods Traffic</p> <p>i. There is no evidence to suggest that such an overarching approach is necessary. The appropriate traffic limitations will be considered in relation to each development proposal. Discussion with development management team confirms there has been no complaints re Leinthall Quarry on grounds of noise, traffic, road damage or safety. No objection to the principal of this location has been received from local highways team or Highways England. It is appropriate for these matters to be addressed in any subsequent planning application.</p> <p>ii. There is no viable alternative to road travel within Herefordshire, the only alternative is limited rail that does not provide full access network. Policy to reduce vehicle impacts is included as appropriate e.g. MT2, transport within sites.</p> <p>Hydrocarbons</p> <p>i. CPRE's national policy guidance note has been read. Plan development team is also cognisant of recent High Court challenges and changes made to the NPPF. Policy M7 has been deleted, for the reasons explained in the Preparing the Publication Draft Plan Report.</p> <p>ii. The hydrocarbon policy has been removed from the MWLP.</p> <p>Growth implications for construction, demolition and excavation materials & waste</p> <p>i. Reasonable forecasts have been used to ensure Herefordshire can play appropriate part in MASS and provision of waste management infrastructure.</p> <p>ii. Forecasts have included review of previous levels of development growth and the conclusions are considered to be reasonable and robust. Policy includes a drive to improved resource management, seeking to minimise the use of raw materials.</p> |

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| | | <p>iv. The Inspector's report is awaited on the Southern Link Road. The volumes of CDE waste are likely to be significant, as will additional HGV movements during the construction period. This lack of clarity will mean that current forecasts will need revisiting.</p> <p>Agricultural Waste (W3 and W4)</p> <p>i. MWLP does not deal adequately with effects of growth in numbers of intensive livestock units, which could be sited in urban areas, on industrial estates. MWLP should include a spatial strategy for these, as it does for mineral extraction and specific waste facilities.</p> <p>ii. Additional policy needed on location and management of intensive livestock units, supported by an SPD. Agricultural residues in watercourses are hard to tackle. NMP has failed to control or reduce these so far. (See annex to comments with EA phosphate data).</p> <p>iii. The digestate from ADs retains phosphates (although it may be more beneficial to soil than raw manure), so can contribute to pollution. Chicken manure also contains concentrated chemicals, which are harmful to flora and fauna. Planning conditions requiring screening of sites are useless if it is subsequently killed off.</p> <p>iv. It is not adequate to say that waste disposal is solely the land-owner's responsibility, because the record of Manure Management Plans and Transport Assessments accompanying planning applications is poor. Such plans and assessments should have a clear basis in MWLP policies.</p> <p>v. Intensive livestock units have significant transport implications. They produce huge amounts of manure, which can be transported over large distances. Who is responsible for the fate of manure transported off farm is one example of apparent confusion between responsibilities of HC -v- EA.</p> <p>vi. It is not sufficient to rely on site-by-site conditions or enforcement actions that are often inadequate. Monitoring and inspection is insufficient. EIA documents are often unreliable. They should be independently assessed.</p> <p>vii. The MWLP makes a compelling case for policies on agricultural wastes, but W3 and W4 are vague in comparison with Core Strategy policies. These are insufficient.</p> <p>viii. Policy W3 does not indicate what precisely it is trying to control. Does this include dead chickens? The list should be non-exhaustive and apply to all natural and non-natural wastes and by-products. W3 should specify the criteria used to judge whether the waste material is being appropriately managed and define 'on' as well as 'off' site. Potentially harmful constituents of manure should be included in W3. Why the distinction between proposed developments in a) and whole agricultural units in b)?</p> <p>ix. All of the above suggestions will strengthen and clarify the policy and indicate more precisely what HC means by 'a level of demonstration proportionate to the development and holding'.</p> <p>x. W3 should include the top 5 recommendations for agricultural waste management practices from the Wye SAC NMP, as would be expected from any agricultural development and the key areas from the CCC's 2018 report.</p> | <p>iii. <i>The Waste Need Assessment has considered CD&E future demand and used data that is believed to be conservative (estimates more than might actually arise). The MWLP proposes locations for the treatment of a high level of recovery within this waste stream, so providing for as much opportunity as possible.</i></p> <p>iv. <i>CD&E wastes are often treated on a 'campaign' basis, able to treat projects such as the relief road as and when they arise.</i></p> <p>Agricultural Waste (W3 and W4)</p> <p>i. and ii. <i>It is not appropriate for the MWLP to address the development of agricultural units as a land use. However, it can, and does, present policy for the management of wastes arising from agricultural development.</i></p> <p>iii. and iv. <i>An unusual approach to agricultural waste is taken within the MWLP, recognising it as a particular issue in Herefordshire. Text in relation to policy W3 has been refined, but already addresses matters relevant to manure management plans etc.</i></p> <p>v. <i>Traffic impacts are already addressed in the Core Strategy policy and would be considered as appropriate in conjunction with any planning application.</i></p> <p>vi. <i>Enforcement is a part of the due process of site regulation, both as undertaken by EA and Planning. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 requires EIA to be undertaken by a competent person – the responsibility is placed on the developer to employ competent experts and justify this in documentation alongside the environmental statement.</i></p> <p>vii. <i>Policy does not need a lot of bullet points to be quite demanding. Policy W3 is quite unusual to even have, and will require details to be submitted (and potentially controlled) that would not normally be sought.</i></p> <p>viii. <i>No policy, including Policy W3 is exhaustive, or be written to specifically address every related matter. The text has been amended to be clearer about the purpose and expectation of policy. There is a distinction between 'a' and 'b' recognising the different levels of detail that would be reasonable to require.</i></p> <p>ix. <i>Policy W4 is admittedly vaguer, but it is difficult to provide greater specificity when the long term plans are not identified. Biogas has been included to ensure benefits can be maximised from associated development.</i></p> <p>x. <i>Recommendations from Wye SAC NMP and CCC 2018 Report have been reviewed and incorporated as appropriate.</i></p> |

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| | | <ul style="list-style-type: none"> xi. Bio-digesters and other waste treatment plants require careful siting and represent an industrialisation of the countryside. Care should be taken if the MWLP is intended to drive recovery facilities to suitable locations without imbedding these in specific policies. xii. Biomass facilities next to new urban extensions will not work. These would be unpopular with residents and would need to be enforced by MWLP policies. xiii. ADs need to be fed with large quantities of material brought on-site. MWLP needs a specific policy that includes transportation. Insufficient to say that each application will be considered against the relevant policies of the development plan. xiv. Large broiler units produce a lot of foul water, irrespective of the EIA threshold. This is often used as an additional fertiliser and sprayed on land. This does not feature in manure management plans. W4 fails to deal adequately with this. xv. W4 should include reference to the Defra publication and the water Framework Directive, expecting applicants to demonstrate how they will meet these requirements. It is inadequate to say that waste management practices can be expected to change over the Plan period and are therefore not prescribed in policy W4, since these standards or current industry best practice can be set in policies. A strengthened policy would add considerable weight to the NMP. | <p><i>xi. Agree that bio-digesters can result in industrialisation, hence wording of Policy W3 primarily expects them to serve needs of the planning unit, and this will control scale and keep the plant appropriate to agriculture. End of FIT means the growth in AD is unlikely to continue at the same scale anyway, but still a good method for manure management.</i></p> <p><i>xii. Waste facilities are generally not popular wherever they are proposed.</i></p> <p><i>xiii. There is no evidence to suggest that such an overarching approach is necessary. The appropriate traffic limitations will be considered in relation to each development proposal.</i></p> <p><i>xiv. Management of foul water to be incorporated into considerations for Policy W3, and would also be addressed through the EP system.</i></p> <p><i>xv. As explained within the text, future development needs are not capable of being fully understood, so they cannot be set out in policy. Meeting requirements of the Water Framework Directive is a legislative requirement anyway and does not need repeating in policy.</i></p> |
| Bill Bloxsome (HLNP Facilitator) | Herefordshire Local Nature Partnership | <p>Environmental Quality & Local Distinctiveness</p> <ul style="list-style-type: none"> i. LNP welcomes sections 5.4 & 5.5 and access to open space and recreation. ii. LNP welcomes protection of soils & geodiversity and emphasis on seeking biodiversity net gains. Additional guidance could be provided to show benefits of an integrated approach & to ensure organisations are involved in consultations on how wider public benefits can be achieved through access to natural green space. <p>Intensive Livestock Units</p> <ul style="list-style-type: none"> i. See response from Marches Nature Partnership (LNP is a joint member) on effects of ammonia & phosphates on biodiversity. <p>Biodiversity Net Gains</p> <ul style="list-style-type: none"> i. Where the opportunities arise in relation to minerals extraction, exemplars should be considered. These can be pursued through partnerships with extraction companies. ii. In relation to waste management development, exemplars might be sought, in association with organisations represented on HLNP. | <p>Environmental Quality & Local Distinctiveness</p> <p><i>i. and ii. Noted. Text amended to make clear the resources available.</i></p> <p>Intensive Livestock Units</p> <p><i>i. Response from Marches Nature Partnership has been read. The impacts from ILU are recognised as a local issue and is the reason why a policy on agricultural waste is included in the MWLP.</i></p> <p>Biodiversity Net Gains</p> <ul style="list-style-type: none"> <i>i. The MWLP already sets out examples of incorporating biodiversity into reclamation and green infrastructure schemes.</i> <i>ii. Plan making team is wary of referencing exemplars as they are often very site specific.</i> |
| Adrian Chadha (Assistant Asset Manager) | Highways England | <p>Minerals sites</p> <ul style="list-style-type: none"> i. Upper Lyde & Wellington: potential environmental management or traffic implications may be relevant, as they are near the SRN ii. All sites - traffic impacts: desktop analysis has been undertaken. Only specific impacts of Upper Lyde & Wellington will require further consideration. These should be assessed individually and cumulatively, in addition to being considered at planning application stage though a Transport Assessment. | <p>Minerals Sites and All Sites</p> <p><i>Noted. Careful consideration has been given to all the sites, with additional work undertaken for those that are proposed to be allocated. This incorporates the comments made by Highways England.</i></p> |

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| | | <p>All Sites</p> <ul style="list-style-type: none"> i. Environmental implications should be considered and EIAs undertaken to consider adverse impacts on SRN. Issues of boundary & environmental concerns, or of resulting mitigation and infrastructure changes may be matters relevant to Highways England. ii. Format of assessments should be agreed with HE to ensure compliance with standards and with DfT Circular 02/2013. Issues arising are likely to be manageable through design and control of on or off-site (mitigation) activities. iii. No objection to principle of positioning of any sites. <ul style="list-style-type: none"> o | |
| <p>Rosamund Worrall (Historic Environment Planning Adviser Midlands Region)</p> | <p>Historic England</p> | <p>Q1 No.</p> <ul style="list-style-type: none"> i. Support for MWLP overall vision and Objective 12. ii. Serious concerns about lack of evidence base. iii. The Plan does not demonstrate a positive approach to the historic environment (NPPF para 185). Query soundness of the Plan in this respect. Core Strategy policy LD4 and MWLP policies are not sufficient to ensure the historic environment can be sustained in line with NPPF requirements. iv. SA's Plans, Policies and Programmes section makes no reference to Historic Landscape Characterisation or the Historic Environment Record. v. Herefordshire has an archaeology & minerals resource assessment (Dorling 2014). This should have informed the SA, as well as the site assessments in Annex A. vi. SA: National PPP section erroneously refers to English Heritage not Historic England. Updated minerals advice is due for issue March 2019. Many other HE advice, good practice & reports are also of relevance to the evidence base. vii. Site assessment methodology should be used as set out in HE's advice viii. Lack of evidence base in relation to historic environment has led to insufficient consideration of the subject in the MWLP. This is contrary to vision and objectives of the Plan itself as well as NPPF. ix. MWLP pages 3 to 14 of MWLP (Para 3.4.1) makes no reference to Scheduled Monuments. x. References to non-designated assets: do these include unknown buried archaeology, which may be of national significance? xi. Paras 5.4.19 to 5.4.21 are short and relatively weak. HE's relevant documents have not been referred to in the SA, Spatial Context Report & appendices or the MWLP Annex A. How has such information been applied to consideration of the Plan? xii. Lack of evidence base also results in unclear Spatial Context Report 2018. Para 2.2 refers to natural and built environments but does not reference the historic environment. Archaeology is not necessarily part of the built environment since it is buried and often unknown. xiii. Lack of evidence: e.g. the Spatial Context Report Annex A Table M00 does not mention historic environmental assets in the environment section. References to sensitive buildings and cultural or historic sites found in the site criteria at the end of each site's information are present, but are not mentioned in the site report information, even when given red in the RAG system. | <p>Q1</p> <ul style="list-style-type: none"> i. <i>Noted</i> ii. <i>and iii. and other MWLP points:</i> <p><i>The SA for the publication draft MWLP will contain an updated baseline section (Appendix 3), which will make reference to the Historic Landscape Characterisation and the Historic Environment Record.</i></p> <p><i>The PPP in this version of the SA report now refers to Historic England throughout.</i></p> <p><i>Updated minerals guidance on the HE website ('Informing Minerals Plans') relating to making use of an appropriate evidence base and the January 2020 Advice Note Mineral Extraction and Archaeology have been referenced in the PPP section. The guidance presented in these sources of information has informed the baseline section of the SA report.</i></p> <p><i>Meeting was held with Historic England (25 June 2019) to discuss comments and agreed additional work to be undertaken. That additional work has been completed to augment and clarify the analysis undertaken and to inform a review of the key development criteria. Agreed that this should address Historic England's concerns, along with greater cross reference to cultural heritage resources e.g. HE website and Herefordshire HER.</i></p> <p><i>The MWLP has been reviewed against NPPF para 185 and each of those requirements are delivered through the MWLP.</i></p> <ul style="list-style-type: none"> xi. <i>Paragraphs 5.4.19 to 5.4.21 do not relate to the SA and refer to the Draft MWLP, which will be revised to take into account HE's comments.</i> |

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| | | <p>xiv. Site allocations: some sites with Red & Amber outcomes are preferred allocations. No clarification on how historic environment has been considered, how significance of the asset has been considered, what harm to the significance of an asset may be, or what mitigation may be possible.</p> <p>xv. Annex A sets out that any planning applications are required to demonstrate no unacceptable adverse impacts on listed buildings. However, the Draft Publication MWLP needs to consider the impact at this stage to ensure the safeguarded areas and sites are sustainable and deliverable.</p> <p>xvi. Non-designated archaeology, whether known or unknown, is not referenced. At Wellington there have been significant past finds around paleo channels. This is concerning.</p> <p>xvii. 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. (HE are happy to discuss)</p> <p>Q2 Yes, in principle</p> <p>i. HE welcomes the overall vision in the Draft Publication MWLP, particularly Strategic Objective 12 relating to cultural heritage. However, evidence base concerns could impact on the Plan's deliverability.</p> <p>Q3 No</p> <p>i. Concerns about evidence base and how the historic environment has been considered. Soundness may be an issue.</p> <p>ii. Waterlogged sediments and other permanently wet features have potential to preserve organic materials, which may be of archaeological significance. Environmental evidence of changes to the human landscape may also be preserved. Dewatering of these features should be avoided if possible. It may be possible to integrate this with sustainable water management (CS Policy SD3).</p> <p>Q4 No</p> <p>i. Evidence base concerns and on how the historic environment has been considered. Soundness concerns, particularly in relation to archaeology. HE is in the process of producing new guidance on Palaeolithic sites and their protection in the planning system, but existing advice is relevant to evidence base.</p> <p>Q5 No</p> <p>i. Evidence base concerns and how the historic environment has been considered. Soundness query.</p> <p>Q6 No</p> <p>i. Evidence base concerns and how the historic environment has been considered. Soundness query. 5-yearly MWLP reviews supported.</p> <p>Q7 Yes</p> | <p>xiv. <i>The additional work agreed to be undertaken in relation to the historic environment, following meetings between the council and HE, will inform the appraisal of site options for the SA of the publication draft MWLP.</i></p> |

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| | | <p>HE would welcome the opportunity to have discussions ahead of the next iteration of the Plan and its SA. The evidence base is insufficient and this has resulted in the Plan being unsound at this stage. There are ways to address these issues and HE are happy to discuss them.</p> | |
| D L Howerski | | <ul style="list-style-type: none"> i. Policy M7 needs to be removed from the plan in entirety. It is out of sync with reality. ii. Hereford Recycling centres have a very limited number of sorting bays, and this reflects an inability to recycle many materials which still go to landfill. Elsewhere in UK recycling centres have up to 24 separate bays (i.e. Neath and Port Talbot) with designs that allow up to 16-20 vehicles to unload simultaneously. This makes recycling easier. | <ul style="list-style-type: none"> i. Plan development team is also cognisant of recent High Court challenges and changes made to the NPPF. The text in regard to section 6.5 and policy M7, Unconventional Hydrocarbons is to be reviewed. ii. It is not for the MWLP to specific this type of operational detail. The MWLP provides new opportunities for additional recycling and other waste management facilities. |
| Abigail Forbes (PA to CEO and CFO) | IGas Energy PLC | <p>Summary:</p> <ul style="list-style-type: none"> i. Draft MWLP fails to recognise the roles and responsibilities of other regulators for the purposes of unconventional hydrocarbons (EA, Oil & Gas Authority and Health & Safety Executive) ii. Draft MWLP fails to take into account the NPPF, the Written Ministerial Statement of 17th May 2018 Energy Policy & Planning Policy Guidance for the exploration, appraisal and production of onshore oil and gas by introducing unnecessarily restrictive policies and criterion. This makes the Plan unsound. iii. A review of policies and supporting text in relation to hydrocarbons and appropriate amendments, as set out in the full representation, would make the plan sound. Current policies and criteria are unnecessarily restrictive See full text. | <ul style="list-style-type: none"> i. – iii. Policy M7 has been deleted as set out in the Preparing the Publication draft Plan report. Reference to the extraction of hydrocarbons remains, with cross reference to relevant information. |
| Mrs K Johnston | | <ul style="list-style-type: none"> i. General support for comments made by Aymestrey Parish Council. ii. Leinthall Quarry has seriously impacted local residents through noise, speeding and traffic volumes on narrow roads. iii. Leinthall Quarry is adjacent to an ancient woodland, a grade II* church and registered park and garden. It can also be seen from the Mortimer Trail and the ancient hill fort of Croft Ambrey. iv. An extension of time or size of the quarry will disturb species on the restored areas and the use and enjoyment of the local landscape. v. Minerals and waste matters should not be dealt with in the same plan (it should not be dig a big hole then fill it with rubbish) vi. Leinthall Quarry is unsuitable for waste disposal due to adverse highways impacts and risks to River Lugg SSSI and part of the River Wye SAC catchment. vii. After quarrying has been completed, restoration should follow immediately afterwards, not bypassed by filling with rubbish over a long period of time. | <ul style="list-style-type: none"> i. Noted ii. Discussion with development management team confirms there have been no complaints re: Leinthall Quarry on grounds of noise or traffic. Some concerns raised regarding dust along the access road, which have been addressed. iii. Quarrying can have significant effects, in the right locations these can be acceptable, and even beneficial. iv. Careful consideration has been given to all the sites, with additional work to be undertaken for those that are proposed to be allocated. v. and vi. It is agreed that the historic link between mineral extraction and landfilling has largely been broken, such that it is now possible to do policy making either together or separately. There are still overlaps between minerals and waste development, for example the use of recycled aggregates to minimise reliance on raw materials, and it is appropriate to prepare a joint plan. vii. Agree that restoration should be undertaken as soon as possible and policy promotes this. Using inert wastes can be an appropriate way to achieve a beneficial restoration scheme. |

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| Mark July | | <p>i. All elements of the vision are equally important and its success will require the Council to act as an expert, committed champion for fully integrated and enabling stakeholders to collaborate in achieving the plan. Very authoritative and competent. The holistic thinking and reasoning is excellent, the policies have much merit. I read it closely and had lots of comments but lost them by an accidental click of the mouse!</p> <p>ii. Strengthen the biodiversity intent re paras 5.4.13 etc. to avoid any loss of existing priority habitats from development. Net gain will depend on this starting point, as we must cease to whittle away at the extent of old, established habitats and think that newly created habitat is of equivalent ecological value. To that end, I'd recommend a monitoring indicator in support of policy M1c "Changes, both losses and gains, in the extent of priority habitats from permitted minerals developments"</p> | <p>i. <i>Noted</i></p> <p>ii. <i>The policy relevant to biodiversity sits within the Core Strategy and will be monitored there.</i></p> |
| Richard Hewitt (Clerk) | Kingsland Parish Council | Consider re-opening of local quarries | <i>The known quarries have been considered with extensions of time or area proposed in the Draft Publication MWLP where appropriate.</i> |
| Dr R Kippax | | <p>Perton resident, however, the points raised may apply to other MWLP sites too.</p> <p>i. Consultation. What do local residents think of the draft MWLP? Does HC have a statutory, or at least moral duty, to ask their views? They should ALL be written to as part of the consultation process to obtain as complete a local view as possible.</p> <p>ii. Wildlife - What are the potential impacts on the rich local wildlife? What is known about the local ecology of the existing site and how an extension might effect this? Has this been considered in the Plan?</p> <p>iii. Wildlife - Is it known that there are nesting peregrines at the site? How would an extension affect them?</p> <p>iv. Surveys - Should Herefordshire Wildlife Trust be commissioned to undertake a survey of the area proposed for the extension?</p> <p>v. The Perton map is not up to date. It does not show the recently started southern extension of the quarry and misrepresents the size of the existing site.</p> <p>vi. CR Need - The southern extension has sufficient stone for 25 years, so why is there a need to extend the quarry to the NW if the plan runs only until 2031?</p> <p>vii. Archaeology - To the north of the quarry are iron-age strip lynchets. Is it known if these extend into the area of the proposed extension? All potential archaeology of any site extension should be investigated before it is destroyed.</p> <p>viii. Geology - What impact will a NW extension have on the geology of an area which is already geologically unstable? How will this be assessed? Will it be assessed on an ongoing basis?</p> | <p>i. <i>Consultation on the MWLP has been undertaken in accordance with the Herefordshire Statement of Community Involvement and has included providing the consultation documents in libraries and presenting the Plan at open events. This report presents all the representations received and Herefordshire's response to them.</i></p> <p>ii. and iii. <i>The SSSI is identified in the key development criteria, which may be updated following some additional work to be undertaken for the sites proposed to be allocated.</i></p> <p>iv. <i>It is not appropriate or proportionate to undertake detailed surveys prior to allocation in the MWLP. HWT has been consulted, with other relevant consultees. Appropriate surveys will be undertaken in association with any planning application.</i></p> <p>v. <i>The plan of Perton Quarry is believed to be correct. It will be double checked for the Publication Draft MWLP and made clearer.</i></p> <p>vi. <i>The southern extension is currently being worked and is unlikely to provide 25 years' worth of stone.</i></p> <p>vii. <i>Careful consideration has been given to all the sites, with additional work to be undertaken for those that are proposed to be allocated, which will then be used to prepare the Draft Publication MWLP. Archaeological investigation prior to mineral extraction is already subject to a well-established procedure that would be required as appropriate for any mineral extraction at Perton.</i></p> |

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| | | <p>ix. Buildings - What are the risks to the structural integrity of local buildings? How will this be monitored throughout the plan period?</p> <p>x. Water Supply - What impact will a NW extension have on local drinking water supplies? Is it known which houses are on boreholes? How far away does a nearby house need to be before it is KNOWN that it is NOT impacted? How will impacts on drinking water quality be monitored in the long term? It will take many years to extract all the stone.</p> <p>xi. Residential Properties - There are several potential houses which will be impacted adversely by the NW extension. Is it known which three these are? None of the three are currently habitable, but all adjacent or very close to the NW extension. These properties will be less developable if the quarry is extended further.</p> <p>xii. Future of quarries - Please comment on the longer term potential or otherwise of the sites in the Plan.</p> <p>xiii. Air Quality - What are the plans to monitor local air quality during the quarry extension development?</p> <p>xiv. Noise - What are the plans to monitor noise during the quarry extension development?</p> <p>xv. Visual Impacts - How is it proposed to minimise the adverse visual impacts of the quarry extensions?</p> <p>xvi. Local Markets - The Plan mentions the need to supply quarried products from local sources. How will it be ensured that these products stay within Herefordshire and do not go to supply projects outside the county? How will this be monitored on an ongoing basis over the plan period?</p> | <p>viii. The BGS has just one record of a landslide at Perton Quarry (1979) and another to the south west at Dormington (1844). Land stability is a matter that would be addressed in the appropriate level of detail as part of a planning application.</p> <p>ix. Quarrying has been undertaken at Perton, including blasting, for many years with no inherent risk to the structural integrity of local buildings. Condition 3/e of the current consent (reference DS990970/F) requires submission of a scheme for the assessment and mitigation of the effects of blasting, to include consideration of ground vibration. A similar condition can be applied to any future consented development, if appropriate.</p> <p>x. The SFRA currently being completed is also identifying private water supply. Condition 3/c of the current consent (reference DS990970/F) requires submission of a scheme for monitoring groundwater. A similar condition can be applied to any future consented development, if appropriate.</p> <p>xi. The location of the proposed extension is considered to be acceptable in principle, leading to its proposed allocation in the MWLP. Effects on residential amenity will be considered in detail as part of any submitted planning application. Properties 83 and 85 Tower Hill do not currently benefit from planning consent and their development was recognised as having the potential to constrain future mineral working in this area (see appeal reference APP/W1850/W/15/3133972, 17 June 2016).</p> <p>xii. The sites that are allocated in the MWLP are considered to be appropriate for either minerals or waste development (as set out) in principle. They are the preferred locations for minerals and waste development to take place. However, it remains necessary for any development to seek, and gain, the necessary planning permission before any new development can take place.</p> <p>xiii. – xv. Air quality, noise and visual impacts would all be part of the range of potential impacts to be considered in some detail, in association with any submitted application. The existing planning permission includes conditions to control these matters and similar conditions would be added to any new consent, as appropriate.</p> <p>xvi. The focus on local markets is really for sandstone. In forecasting future aggregate demands, the MNA assumes that Herefordshire will be self-sufficient, but it is not possible to retain all the stone worked in Herefordshire within the county.</p> |
| <p>Helen Ashby-Ridgway (Associate Director, Lichfields)</p> <p>Additional contact: Sophie Irvine, Lichfields</p> | <p>Lichfields on behalf of Bourne Leisure Limited</p> | <p>Bourne Leisure operates holiday parks, family entertainment resorts and hotels.</p> <p>Q7 No</p> <p>i. Para 3.1.24 – minerals and waste development The MWLP should not only ensure detrimental impacts are “minimised”, it should provide explicit protection for residents, businesses and visitors. Tourists may be deterred from visiting or returning to an areas due to adverse impacts from mineral or waste developments. Lack of protection of amenities could lead to harmful impacts on local economies.</p> <p>ii. See NPPF para 205b regarding the considerations that MPAs should give to minerals development and PPG (ID: 28-049-20141016) in relation to the “proper” considerations of potential impacts before granting planning permission. Bourne Leisure considered that para 3.1.24 is not</p> | <p>Q7</p> <p>i. Paragraph 3.1.24 is just one from the MWLP, at a point where it is simply giving an overview. Planning needs to strike a balance between these matters, with the framework provided through the policy of the MWLP and the CS, and other material considerations.</p> <p>ii. Paragraph 205 refers to minerals development proposals. These matters have been considered as appropriate in preparing the MWLP.</p> |

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| | | <p>consistent with this guidance, which the vision and objectives are thereafter based.</p> <p>iii. Amend para 3.1.24 as follows: <i>“A key role for the Draft MWLP is to develop planning policies that promote appropriate development that meets the recognised market needs, whilst protecting residents, businesses and visitors from unacceptable adverse impacts and ensuring opportunities for betterment are optimized.”</i></p> <p>Table 1: draft MWLP objectives Vision – the draft MWLP objectives do not recognise that minerals and waste development can have adverse amenity impacts for sensitive receptors, such as residential or holiday accommodation. Tourists may be deterred from visiting or returning to the area, thereby impacting on the local economy. See NPPF para 205b ad PPG (ID: 27-013-20140306 and ID: 28-049-20141016))</p> <p>Para 5.2.3 of the draft MWLP recognises this risk, but it is considered that NPPF fourth test of soundness is not met, as there is no adequate framework for the policies in the emerging plan. Further, the objectives would not provide an effective way of delivering the emerging Plan’s vision. The MWLP should include an objective to protect residents, businesses and visitors against the unacceptable adverse amenity impacts of waste and mineral development.</p> <p>Core Strategy policy SS1 and SD1 – sustainable development and sustainable design</p> <p>i. Bourne Leisure endorses information in sections 5.2 and 5.7. The MWLP clearly sets out the need to ensure that the unacceptable adverse impacts of minerals and waste development are avoided or mitigated and properly expands on policies SS1 and SD1.</p> <p>ii. However, it is not clear how this explanation will form part of the emerging MWLP pre-submission version. To ensure the plan is justified, effective and consistent with national policy, these considerations should be set out as new policy that supplements CS policies SS1 and SD1. This would provide an explicit framework that would help deliver the emerging Vision and the strategic objectives (as amended in accordance with this representation).</p> <p>Core Strategy policy LD4 – historic environment and heritage assets</p> <p>i. The MWLP relies on the CS and advice published by HE in its approach to the historic environment and heritage assets. It does not include a requirement to recognise the significance of designated heritage assets when considering minerals and waste proposals.</p> <p>ii. See NPPF para 185 and 190. It is considered that the section of the MWLP on the historic environment and heritage assets does not comply with the 4th test of soundness as it does not set out a positive strategy for the conservation and enjoyment of the historic environment.</p> | <p>iii. <i>Proposed text focusses on people and businesses and fails to encompass other receptors (habitats, landscapes, heritage etc.). Current text considered to be aligned appropriately with NPPF and CS and relevant to focus of the Plan. Proposed text has been considered and rejected.</i></p> <p>Table 1: draft MWLP objectives <i>Vision text refers to 'communities' which includes residents and tourist, and 'cultural assets' which includes tourist attractions. Planning needs to strike a balance between these matters, with the framework provided through the policy of the MWLP and the CS, and other material considerations.</i></p> <p>Para 5.2.3 <i>These interests are covered by the objectives and by policy; there is not a need to specify them further. A key purpose of the planning system is to protect any 'unacceptable' level of harm, to many receptors, not just residents etc., but also ecology, heritage etc.</i></p> <p>Core Strategy policy SS1 and SD1</p> <p>i. <i>Noted</i></p> <p>ii. <i>The text will be retained, it is integral to the MWLP and no new policy is required.</i></p> <p>Core Strategy policy LD4</p> <p>i. <i>A positive strategy is set out within the MWLP and it delivers requirements of NPPF.</i></p> <p>ii. <i>The MWLP has been reviewed against NPPF para 185 and each of those requirements are delivered. Paragraph 190 is more relevant to a development proposal than local plan, but additional works are being done to deliver HE site allocation guidance.</i></p> <p>iii. <i>Proposed text 'take account of the significance of heritage assets' has been incorporated, but not remainder of that first strategy as it is felt that current wording 'include a clear strategy for enhancing the historic environment character' both incorporates the intention to avoid or minimise adverse effect, but also deliver benefit.</i></p> |

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| | | <p>iii. The MWLP should make it clear that minerals and waste planning decisions should take into account the need to protect the significance of designated heritage assets.</p> <p>Para 5.4.19 suggested alterations: <i>“Minerals and waste development proposals should take account of the significance of heritage assets and should avoid or minimise any conflict between conservation of the heritage asset and any aspect of the proposal. Site reclamation an after-use may enable improved access to historic sites, enhance the setting of historic features (such as water meadows), reinstate historic features such as hedgerows, or provide on-site interpretation of the site and its history in association with publicly accessible areas”</i></p> <p>It is also unclear how this explanation will form part of the emerging MWLP in the pre-submission version. To ensure the plan is justifies, effective and consistent with national policy, these considerations should be set out as a new policy that supplements CS policy LD4. This would provide an explicit framework that would help to deliver the emerging vision and the strategic objectives as amended in these representations.</p> <p>i.</p> | <p>Para 5.4.19 suggested alterations <i>The text will be retained, it is integral to the MWLP and no new policy is required.</i></p> |
| Angela Lloyd | | <p>Q1 Don't know i. Unable to answer question without a reference list.</p> <p>Q2 Yes i. The way that section 4 is constructed is appropriate. As long as the management of the objectives is adaptive, the outcomes should be realistic.</p> <p>Q3 Yes i. As long as the commitment to habitat creation and management is appropriately deployed.</p> <p>Q4 Yes i. As long as appropriate environmental impact assessments are carried out.</p> <p>Q5 Yes i. They appear to be well intentioned, as long as infrastructure is sufficient to cope with population growth and increased demand.</p> <p>Q6 Yes i. It needs to be flexible and adaptive. I would request that consultation such as this is carried out every 5 years.</p> <p>Further Comments i. Section 3.4 Issues & Challenges, bullet point 5 – Re-word this to say; <i>“Address the potential positive and negative impacts...”</i>, rather than <i>“considering how to address...”</i> ii. Section 3.4, final bullet point, subheading “general” – include <i>“adaptive management”</i> in the sentence, as well as flexibility.</p> | <p>All representations <i>Vic Eaton met A Lloyd on 29.03.19 and discussed all the points raised. No further outstanding queries. Keep her informed of MWLP's progress.</i></p> <p>Further comments i. <i>Suggested edit accepted</i> ii. <i>Suggested edit accepted</i></p> |

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| | | <ul style="list-style-type: none"> iii. Section 5.3 Movement & transportation – the inclusion of “slow transport” networks would be beneficial (i.e. having a commitment to using canal networks). iv. Core Strategy Policy LD1 5.4.8 – Give more specific consideration to what is meant by “consider soil quality in more detail”. Does this mean compaction, contamination, run-off? Give examples. v. Policy SS8 Resource management, 2 c) – would it be feasible to consider adding community composting? vi. Policy M7 unconventional hydrocarbons – would it be possible to look at other methods of securing energy supply and supporting the transition to a low carbon economy (hydro-electric, wind, solar etc.)? vii. Agricultural Waste – would this section benefit from a spatial strategy? viii. Section 8.3 Monitoring, para 8.3.5 – include details of who or what the data interrogator is. | <ul style="list-style-type: none"> iii. <i>Modes of transport other than road are very limited in Herefordshire. There are no canal networks in Herefordshire.</i> iv. <i>Text has been amended to provide greater clarity</i> v. <i>Community composting is just one example, whereas the policy is looking to cover a wide range of activities. It has been incorporated into the supplementary text, but not into the policy wording</i> vi. <i>Other energy supplies would be addressed through a DPD other than the MWLP. Policy M7 has been removed from the MWLP.</i> vii. <i>Spatial strategies often help to provide some clarity and direction to future development, but it readily possible to prepare one for on-farm AD systems. In addition to which it is likely that AD plant are not going to be so prevalent going forward due to change in subsidy available. Where they are linked to the agricultural unit, a spatial strategy is not really necessary as the farm is already in existence.</i> viii. <i>Footnote added with link to Waste Data Interrogator.</i> |
| Andrew McRobb | | <ul style="list-style-type: none"> i. Should be more emphasis on plastics and what is proposed for them. ii. Very good referencing document with all the boxes ticked but no real solutions at this stage. What is the county's approach to farm plastic disposal? This is a major national problem but I do not think it is adequately covered. iii. It seems to me to be a vain hope ticking the right boxes but i do not think there is sufficient substance behind the whole plan. iv. Needs regular review with monitoring to give up to date analysis so that action can be turned up or turned down. Five year plans in today's society are rarely worth the paper they are written on. Things change so rapidly there should be a management review annually. v. I believe the current situation is process driven, which is no longer acceptable. Everything must be results driven. Management must be given the freedom to do what is right. Considerable effort will go into the plan and a vast document will be produced. I am more interested in who owns it and who will make it all happen. They should be judged on making it happen not just following a process. | <ul style="list-style-type: none"> i. <i>MWLP needs to apply to all relevant wastes, and does not focus on one.</i> ii. <i>MWLP is not a one stop solution, but a way of directing land use developments in the right direction; it needs to apply to all relevant wastes, not focus on one. Non-natural farm wastes are relatively low in quantity overall and would be picked up by other policy.</i> iii. <i>Noted</i> iv. <i>There is a need to provide time for the policies of the plan to take effect and 5 years is an appropriate timeframe to allow this and yet monitor where change needs to occur.</i> v. <i>The plan is for land use developments, with lots of parties responsible for making it happen.</i> |
| Jeremy Milln | | <p>Q1 No</p> <ul style="list-style-type: none"> i. DtC: there have been no meetings of the RTAB or AWP since Autumn 2017 ii. NMP: still no dashboard from the EA | <p>Q1</p> <ul style="list-style-type: none"> i. <i>There have been meetings of the AWP, the RTAB and with adjacent authorities and consultation with adjacent authorities and other relevant organisations relevant to DtC and preparation of the MWLP. This is all set out in the Preparing the Plan report and is ongoing.</i> |

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| | | <p>iii. SFRA: no update since 2015, despite it being promised for 2018</p> <p>iv. Biodiversity: out of date records are being used, e.g. LDF framework "Building Diversity..." 2009, and the County ecological Network Map, 2013</p> <p>v. No reference to NDPs, which include minerals and waste recommendations</p> <p>Q2 No</p> <p>i. The policies accommodate an adopted Core Strategy, which is out of date.</p> <p>ii. Policies enable destruction of key GI assets, with devastating effects on biosphere.</p> <p>iii. Vision should encompass growth commensurate with population growth forecasts, not the CS housing trajectory.</p> <p>iv. CS should be scaled down and claims for it abandoned e.g. road building and significant infrastructure projects.</p> <p>Q3 No</p> <p>i. Calculation of 4.5mt S&G provision is out of date (See Q2)</p> <p>ii. The policy wording should delete "will be 4.5 mt" and replace with "is likely to be in the region of 4mt, subject to calculations revisited through a mid-term review." The wording in the second sentence "through a mid-term review" should be deleted.</p> <p>Q4 No</p> <p>i. The calculation of 7.5mt CR provision up to 2031 is out of date (see Q2). Policy wording should be amended so that in line 1, the words "will be 7.5 mt" are deleted and replaced with "is likely to be in the region of 6.5mt, subject to calculations revisited through a mid-term review." The wording in the second sentence "through a mid-term review" should be deleted.</p> <p>Q5 No</p> <p>i. The questionnaire fails to mention the policies on waste management that precede policies in the Waste Strategy section of the draft MWLP. It is deceptive to conceal the Policy M7 section on Unconventional Hydrocarbons in this way. Whereas the Preparing the Draft Plan report acknowledges the strength of feeling in the County that opposes hydraulic fracturing. The first sentence in Section 1 (c) should be re-written: <i>"Sub-surface proposals underneath the designations referred to above will NOT be permitted UNTIL it can be demonstrated that material harm to the designated asset will not occur."</i></p> | <p>ii. NMP dashboard is for the EA, not the MWLP</p> <p>iii. SFRA has been through consultation with EA and is being finalised to inform preparation of the Publication Draft MWLP</p> <p>iv. Appropriate available records have been used. It is not for the MWLP to update them</p> <p>v. NDPs are not appropriate for addressing minerals and waste. Data relevant to minerals and waste has been gained from relevant sources.</p> <p>Q2</p> <p>i. The Core Strategy is adopted to 2031 and is a relevant policy lead. It is being reviewed and the two policy preparation teams are in communication on this matter.</p> <p>ii. The policies of the MWLP require GI assets to be integrated into development proposals.</p> <p>iii. A range of forecasts have been considered, with the most appropriate selected.</p> <p>iv. The Core Strategy is adopted to 2031 and is a relevant policy lead for the MWLP. It is currently being reviewed.</p> <p>Q3</p> <p>i. The calculation is not considered to be out of date.</p> <p>ii. The proposed wording has been considered and rejected. It is important for policy to be clear and to provide for calculated Herefordshire demands and contribution to MASS. That is what the 4.5 million tonnes are intended to meet. The policy includes reference to mid-term review, and the MWLP will be subject to a 5 yearly review, in addition to which the MWLP will include the commitment for an annual LAA.</p> <p>Q4</p> <p>i. The calculation is not considered to be out of date. The proposed wording has been considered and rejected. It is important for policy to be clear and to provide for calculated Herefordshire demands and contribution to MASS. That is what the 7.5 million tonnes are intended to meet. The policy includes reference to mid-term review, and the MWLP will be subject to a 5 yearly review, in addition to which the MWLP will include the commitment for an annual LAA.</p> <p>Q5</p> <p>i. There was no intention to conceal any elements of the MWLP. The aim of the consultation was to obtain as many views on the draft plan as possible. The Plan development team is cognisant of recent High Court challenges and changes made to the NPPF. Policy M7 has since been deleted, as set out in the Preparing the Publication draft Plan report.</p> |

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| | | <ul style="list-style-type: none"> ii. Policy SS8: this also precedes the policies in the waste strategy section. Amend first sentence to include the word “specifically” between the words “will be” and “directed”. iii. Reference to climate change is welcomed. iv. SS8 #2 emphasis on resource Audits is welcomed. | <ul style="list-style-type: none"> ii. <i>The addition of the word ‘specifically’ is not considered to be necessary</i> iii. <i>Noted</i> iv. <i>Noted</i> |
| Mark E North Director of Planning Aggregate Production | Mineral Products Association | <p>MPA would like to be kept informed on the progress of the Plan and to appear at the EIP.</p> <ul style="list-style-type: none"> i. Para 3.3.4 – First sentence does not properly reflect NPPF and is unsound (see para 2015(a) of NPPF). Change suggested: “<i>The NPPF states that mineral planning authorities should, as far as practical, provide for the maintenance of land banks of non-energy minerals from outside National Parks...</i>” It is noted that the Plan does properly reflect the NPPF on this issue in para 3.4.1 (3rd bullet point). ii. Para 3.41 (17th bullet point) – In text below, there is no recognition of the hierarchy of importance for various types of nature conservation & heritage assets that must be taken into account when testing development proposals. iii. Objective 3 – MPA support the principle of this objective but it does not mention added value operations e.g. concrete batching plants, coated stone plants, block making plants or secondary aggregate recycling sites. Text change as follows: “<i>To safeguard 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...</i>” iv. Objective 6 – Support in principle but NPPF is not properly reflected. Alter text as follows: “<i>To plan for the steady and adequate supply of minerals present within Herefordshire, to contribute to the county’s economic growth, development and local distinctiveness and to make the required contribution to the MASS.</i>” v. Para 5.5.14 – Support the first part of this paragraph requiring that major development should have a resource audit, but is it explicit enough. MPA have been pressing Government 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. Suggested modification: “<i>Any application for major development, defined as residential development of more than 10 units or more or 0.5 ha or more, and all other development of 1ha or more will be required to be accompanied by a Resource Audit. Resource Audits will identify the approach to materials used in construction, the quantity of construction aggregate to be used, and how...</i>” | <p><i>Noted</i></p> <ul style="list-style-type: none"> i. <i>The NPPF does not need to be repeated verbatim. The matter of maintaining the land bank is mentioned several times throughout MWLP at paragraphs 3.3.2; 3.4.1; 6.2.2; 6.2.5; policy M3/1 and 2/c. Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012). Para 33 of the NPPF confirms that the requirement is for ‘policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary’ MWLP contains commitment to be reviewed every 5 years.</i> ii. <i>Paragraph 3.4.1 is an overview of the key issues and challenges; it is not setting policy.</i> iii. <i>The approach to safeguarding is set out in the Preparing the Plan report. The approach set out is considered proportion and reasonable and relevant to Herefordshire. This has been considered afresh in the Preparing the Publication Draft Plan Report, incorporating the agent of change principle from the NPPF.</i> iv. <i>The proposal is to use ‘adequate’ to replace ‘sustainable’ as currently used in the Objective. Sustainable is considered to be the correct word to use here as the objective is concerned with more than just adequacy; it is doing more than just that set out in the NPPF. Sustainable incorporates adequate, but also the balances to deliver good quality mineral extraction.</i> v. <i>Suggested text generally incorporated into Publication Draft Plan.</i> vi. <i>Suggested edits generally accepted and MWLP updated.</i> |

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| | | <p>vi. Policy SS8: resource management. See above comments. This policy alteration: “2. The provision of a resource Audit that identifies the approach to sourcing, and the quantum of construction materials... (a) the amount and type of construction aggregates required and their source”</p> <p>vii. Policy SD5: site reclamation – to make this policy effective and sound, it needs to be adjusted. Part b) as follows; “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. This often comes down to control of land outside the development.</p> <p>viii. Policy M2: safeguarding of mineral resources from sterilisation. Support in principle. It is unsound as not effective, and not in accordance with NPPF. PPG references BGS document <i>Mineral Safeguarding in England: good practice advice</i>. Best practice is to include buffers within MSAs to guard against proximal development, potentially affecting the mineral resource. These should be included in the MSA to ensure maximum protection (see Fig 2 and Case Study 3). NPPF para 204 (c): the national protection accorded to minerals is intended to be within the designated area of an MSA and not outside it or adjacent to it. MWLP’s approach will dilute protection by allowing developers to argue that sites outside the MSA do not enjoy the same protection as ones within it, even though they are adjacent. Buffers should be applied to make the policy effective & in accordance with national policy.</p> <p>ix. Where permission is granted for non-mineral development, the agent of change principle needs to be applied (NPPF para 182)</p> <p>Proposed changes: “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:</p> <p>a. The development would not sterilise...and can be extracted in an economic alternative way...</p> <p>b. ...</p> <p>c. ...</p> <p>d. The need for the non-minerals development is strategic and can be clearly demonstrated...</p> <p>If permission is granted for non-minerals development the agent of change principle will be applied to that development to ensure that future extraction of mineral resource protected by a mineral safeguarded area, and its buffer, is not in any way prejudiced.”</p> <p>x. Additional Policy Required: Safeguarding of mineral infrastructure and added value operations</p> <p>Without this the plan is unsound, not in accordance with NPPF (para 204 e) and not effective. Added value operations should be covered and all such facilities need to be listed and identified on policies map. Agent of</p> | <p>vii. Suggested edits not accepted. This is something the developer will need to negotiate appropriately with the landowner. It is a matter that will be considered in detail at the planning application stage but is an appropriate expectation to have in the MWLP.</p> <p>viii. The approach to safeguarding has been set out in the Preparing the Plan report, recognising that as a unitary authority, the planning teams are able to more readily communicate on matters that might affect mineral and waste resources. There will always come a point at which a development falls outside a line.</p> <p>ix. This has been considered afresh in the Preparing the Publication Draft Plan Report, incorporating the agent of change principle from the NPPF.</p> <p>Draft Publication MWLP incorporates reference to agent of change.</p> <p>Proposed addition of ‘economic’ and ‘clearly’. Alternatives can be limited by a range of factors, not just economic viability. It is inherently necessary for any demonstration to be clear and robustly set out.</p> <p>x. The approach to safeguarding minerals infrastructure has been set out in the Preparing the Plan Report; recognising that most infrastructure is contained within the working quarry, and so within the mineral reserve and with the Mineral Safeguarding Area, with the exception of concrete batching plant on industrial estates (e.g. at Rotherwas).</p> <p>Development on the industrial estate shows that it can exist outside of the MSA and there is no need for a separate policy.</p> |

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| | | <p>change principle should be applied to this policy, in accordance with para 182 of NPPF.</p> <p>New Policy Wording: <i>“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:</i></p> <p>a) <i>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;</i></p> <p>b) <i>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;</i></p> <p>c) <i>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.</i></p> <p>d) <i>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.”</i></p> <p>xi. Para 6.2.5 – LAA’s should be updated <i>annually</i>, not regularly, in accordance with the NPPF.</p> <p>xii. Policy M3: the winning and working of sand and gravel – Policy should be explicit that there is a requirement to maintain a land bank of at least 7 years throughout the plan period. Para 33 of NPPF now has a statutory requirement to review the plan at least every 5 years. As currently drafted, the policy is unsound.</p> <p>New M3 wording: <i>“1. A land bank 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 review at least every 5 years to maintain a land bank 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.”</i></p> <p>xiii. Policy M4: the winning and working of crushed rock (limestone) - policy should be explicit that there is a requirement to maintain a land bank of at least 10 years throughout the plan period. Para 33 of NPPF has a statutory requirement to review the plan at least every 5 years. As currently drafted, the policy is unsound.</p> | <p><i>Publication Draft Plan has been amended to incorporate agent of change principle and to ensure infrastructure included in safeguarding.</i></p> <p>xi. <i>The MWLP amended to change ‘regularly’ to ‘annually’.</i></p> <p>xii. <i>The need to maintain landbanks is made several times throughout the MWLP, which also contains the commitment to a 5-year review. The proposed edits are not accepted.</i></p> <p>xiii. <i>The need to maintain land banks is made several times throughout the MWLP, which also contains the commitment to a 5 year review. The proposed edits are not accepted.</i></p> |

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| | | <p>New M4 wording: “1. A land bank 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 review at least every 5 years to maintain a land bank 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.”</p> <p>xiv. Policy M5: the winning and working of sandstone – MPA support the working of building stone and support the policy in principle. However, as drafted, it is unsound. Not in accordance with national policy, nor positively prepared, as it is overly restrictive. NPPF para 205 g) refers to determination of planning applications, rather than policy setting. Small-scale is not NPPF defined and so should reflect local circumstances, including the market for the material. This may be wider than local and should not be restricted to Herefordshire, where markets would be too small and too infrequent.</p> <p>Dimension stone extraction should not be limited to local markets or heritage sector. Operators should be free to develop new-build markets and not be restricted to ‘historic’ uses. HC should not impose artificial restrictions or have maximum production levels on production. Building stone operations need not always be small and confined in order to be acceptable. Emphasis on local market & small-scale working will discourage applications and does not allow operators to invest in new technology or training. This is a threat to continuity and security of supply. Policy M5 does not support the rural economy, as required by NPPF para 83.</p> <p>Policy M5 New Wording: “1. 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: o Black Hill Delve; and/or o Llandraw Delve; and or o 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.</p> 2. Such proposals will be permitted where they are in accordance with other policies in the Local Plan.” | <p>xiv. <i>The key focus for the sandstone delves is the local heritage sector, this is why they can be more dispersed, because they are much smaller in scale; it is right that they have a local focus. They will also need to be subject to the KDC, they still need to represent appropriate development. Micro scale projects are appropriately linked to the project. The proposed edits are not accepted.</i></p> |
| <p>Lucy Bartley Consultant Town Planner at Wood E&I Solutions UK</p> | <p>National Grid (Wood E&I Solutions UK Ltd)</p> | <p>No comments on draft MWLP. Keep informed of Plan progress. Happy to provide further advice/guidance on Plans.</p> <p>Add these details to database for National grid consultations: Lucy Bartley – Consultant Town Planner n.grid@woodplc.com</p> | <p><i>None required.</i></p> |

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| Ltd for National Grid) | | <p>Wood E&I Solutions UK Ltd Gables House Kenilworth Road Leamington Spa CV32 6JX</p> <p>Spencer Jefferies – Development Liaison Officer, National Grid box.landandacquisitions@nationalgrid.com National Grid House Warwick Technology Park Gallows Hill Warwick CV34 6DA</p> | |
| Chris Lambart (Planning Adviser) | National Trust | <p>Add chris.lambart@nationaltrust.org.uk informed of future policy consultations.</p> <p>Q1 No Information relating to Leinthall Quarry (M07a and M07b) does not mention Croft Ambrey hill fort (a SAM) or historic park at Croft Castle on high land overlooking the quarry. Croft Castle park, which encompasses the Ambrey and adjoining land, is Grade II* & is land accessible as part of the National Trust's estate. It is also accessible via the Mortimer Trail and other PROW.</p> <p>Separate concern about the general consideration of impacts beyond the county boundary. See response to Q7.</p> <p>Q2 Yes</p> <p>Qs 3 to 6 No response</p> <p>Q7 Yes</p> <p>i. Leinthall Quarry (M07a and M07b) Sustainability Appraisal identified a number of nearby heritage assets affected by the existing quarry (and its proposed extension). The existing quarry also affects the setting of Croft Ambrey SAM and the Grade II* registered historic park at Croft Castle, and the extension would have a similar effect, but would extend it spatially and over time.</p> <p>ii. The key development criteria for the Leinthall extension in Annex A do not include heritage. The following should be included: “Any planning application is required to demonstrate no unacceptable adverse impact on heritage assets.”</p> <p>iii. Cross boundary issues: SA appendix 5 (commentary on SA objective 13) states there are no national parks adjacent to Herefordshire. There is the Brecon Beacons National Park. More general concern related to baseline maps in Appendix 2 is that they tend not include data about designations beyond the county boundary.</p> | <p>Q1 <i>The SA identified that Leinthall quarry (M07a) and Land west of Leinthall Quarry (M07b) are in close proximity to the grade II* listed Church of St Andrew, the Grade II listed Court Farmhouse and the grade II listed Gatley Park. Furthermore, mineral extraction may have adverse effects on buried archaeology. Therefore, uncertain minor negative effects are identified for SA objective 6: Historic Environment.</i></p> <p><i>The appraisal of these sites will be updated in the SA of the publication draft MWLP, to refer to the potential effects on the setting of Croft Ambrey SAM and the Grade II* registered historic park at Croft Castle. The uncertain minor negative effect is still applicable.</i></p> <p><i>Careful consideration has been given to all the sites, with additional work to be undertaken for those that are proposed to be allocated. The outcome of that additional work, incorporating representations such as this, will inform the Publication Draft Plan.</i></p> <p><i>Additional detail regarding Croft Ambrey and Croft Castle can be added into the key development criteria.</i></p> <p>Q2 Noted Q7 <i>i See above</i></p> <p><i>ii. See above</i></p> <p><i>iii. It is noted that the Brecon Beacons National Park lies immediately adjacent to a portion of the county to the south west. The SA assumptions have been updated in the SA of the publication draft MWLP to acknowledge the proximity of the national park. The SA assumption for SA objective 13: landscape will be updated to refer to “sites within or in close proximity (250m) to these nationally designated landscapes (including AONBs and National Parks) could have significant effect on the character and special qualities of these areas.” Sites will be reappraised to consider the potential for impacts on the character of the National Park.</i></p> |

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| <p>Hazel McDowall (Lead Advisor West Midlands Area Team)</p> | <p>Natural England</p> | <ul style="list-style-type: none"> i. NE welcomes references to Malvern Hills and Wye Valley AONBs and the Herefordshire Green Infrastructure Strategy. Note that the MH AONB Management Plan has now been updated 2019–2024. The WV AONB Management Plan is due to be published April 2020. ii. Para 3.4.1 Issues and Challenges General, bullet point 2 – “appropriate approach” is disappointing wording, as is the view that these assets are viewed negatively as issues and challenges. There are also opportunities offered in the Plan, e.g. biodiversity net gain and enhancement and improvement to connectivity of the natural environment. iii. 4.1.5 Vision – Agree with SA conclusion to include the wording high quality restoration of sites. Recommend inclusion of following wording in bold... <i>“Taking a strategic approach to achieving high quality restoration and reclamation that provides sites betterment...”</i> iv. Objective 12 – suggest the following wording to make it more proactive and ambitious, focussed on achieving enhancements and benefits to natural environment: <i>“...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...”</i> v. HRA – agree with conclusions and that further consideration should be given at Appropriate Assessment stage to the likely significant effects of the R Wye SAC and Wye Valley and Forest of Dean Bat Sites SAC. vi. HRA – Consideration given to Sweetman case is noted. Reminder to seek legal advice on any implications of this in decision-making processes. vii. SA – support the proposal that the monitoring programme should be adopted. | <ul style="list-style-type: none"> i. <i>Noted.</i> ii. <i>Paragraph 3.4.1 is an overview of the key issues and challenges that the plan needs to address, it is not setting policy which has a positive approach, resulting in net benefit e.g. through restoration proposals. Ensuring that an appropriate approach is put in place is a challenge, but one that is recognised to have positive outcomes.</i> iii. <i>Reclamation includes restoration.</i> iv. <i>Proposed text accepted with edits.</i> v. <i>Noted with thanks. The Appropriate Assessment stage will give further consideration to the likely significant effects on the River Wye SAC and Wye Valley and Forest of Dean Bat Sites SAC.</i> vi. <i>If deemed appropriate, as the decision making process for the MWLP evolves, legal advice will be sought in relation to any implications of the Sweetman case.</i> vi. <i>Noted, with thanks. An updated version of the proposed monitoring framework for the MWLP will be included in the revised SA report.</i> |
| <p>Sarah Faulkner (Environment and Rural affairs Adviser)</p> | <p>NFU West Midlands</p> | <ul style="list-style-type: none"> i. Definition of waste pp3-5. Agricultural manure and slurry that is going to be spread on land is not included in the definition of ‘waste’ under the Waste framework Directive. The national waste management plan refers to the same definition and this is also used in planning cases. References to animal manure (including bedding) and slurry should be removed. ii. The plan should enable extraction of small supplies of building stone by farm businesses. iii. NFU would like to be involved in the development of a new policy against which individual planning applications for hydrocarbon extraction will be assessed. iv. Restoration: agriculture, horticulture and food production should be considered as potential restoration options. Water storage is important in | <ul style="list-style-type: none"> i. <i>The Preparing the Plan Report sets out the background to this section of the MWLP, recognising that these natural materials are not generally addressed through planning policy. It is agreed that an unusual approach to agricultural waste is taken within the MWLP, recognising it as a particular issue in Herefordshire. Reference to manures, slurries etc. should remain as they are the main wastes from agriculture that are related to pollution of the River Wye.</i> ii. <i>This can be done under policy M5.</i> iii. <i>The NFU will continue to be a consultee of this plan making process. Plan development team is also cognisant of recent High Court challenges and changes made to the NPPF. The text in regard to section 6.5 and policy M7, Unconventional Hydrocarbons is to be reviewed.</i> iv. <i>These restoration options can be proposed with any appropriate application. The MWLP does not seek to limit the range of appropriate after uses.</i> |

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| | | <p>helping to safeguard water resources. This could help the economy if linked to clusters of horticultural and food production businesses.</p> <p>v. Page 3-5 as above, the para. relating to agricultural wastes should be clarified. Manures, slurries and some crop residues are not wastes.</p> <p>vi. Page 7-5 Remove references to agricultural wastes such as manures. These are separately regulated by EA under a variety of legal frameworks. No need for duplication.</p> <p>vii. Agricultural phosphates and water quality issues are being addressed by the EA and also by the farming community. To duplicate best practice recommendations goes beyond the scope of planning.</p> <p>viii. 7.2.15 Welcome support for anaerobic digestion. Digestate can provide crop nutrition. It also requires careful management and application, as do slurries and manures.</p> <p>ix. Policy W3 – Very concerned about this policy. How would an applicant be expected to demonstrate how natural and non-natural wastes would be managed on an off-site. Does this apply to all new on-farm developments, regardless of whether they generate manures? It is disproportionate to require all agricultural development to supply information on the management of manures and slurries. This is already regulated and is beyond the scope of planning.</p> | <p>v. See response above.</p> <p>vi. and vii. Agreed that the EA and farming community are at the front line of this but planning has a role to play too. The MWLP has been carefully prepared to be relevant to planning.</p> <p>viii. Noted, risks of potential for pollutant run off from digestate has been added to the MWLP (also requested by the EA).</p> <p>ix. It will be for each applicant to explain how it will be managed, and for the LPA to determine if this is appropriate or not, the same as any other aspect of a development. Policy applies to all development as it applies to more waste than just manure, but if none are generated then it will be an easy policy to address. It can be readily described as not relevant or complying with policy because appropriate waste management procedures are in place. It is an area already highly regulated and it is unusual in a policy document; but it is relevant in Herefordshire and the policy has been carefully prepared to keep it relevant to planning.</p> |
| Richard Hewitt (Clerk) | Orleton Parish Council | Consider re-opening small, old quarries to use local stone to restore buildings | <i>The known quarries have been considered with extensions of time or area proposed in the Publication Draft MWLP, where appropriate.</i> |
| William Owens | | <p>New Site – Sand & Gravel at Arrow Green, Kingsland/Monkland</p> <p>i. Site proposed for consideration as a sand and gravel allocation</p> <p>ii. Size 80 acres with good access onto A4110 (see plans on original representation)</p> <p>iii. Preliminary mineral resource evaluation undertaken (see original submission)</p> | <i>i. to iii. Site assessment has been completed and site is not proposed to be allocated.</i> |
| Rebecca Bissell (Clerk) | Pembridge Parish Council | Pembridge NDP sought to include a policy on intensive livestock units. At examination, these references were removed – see examiner’s report (attached to original email of 04.03.19), Policy PEM11 pages 17-20. This suggested how a minerals and waste DPD may address the issue of intensive livestock units. Please take this into consideration. | <p><i>Pembridge NDP Examiner’s report and Shropshire Guidance have been read and discussions ongoing between Herefordshire and Shropshire Planning Teams.</i></p> <p><i>The Draft MWLP has a policy on agricultural waste, which is unusual. Wording has been refined in the Publication Draft MWLP.</i></p> |
| Dr Adrian Humpage (Senior Planning Officer – Planning Policy) | Powys County Council | i. Noted that Moreton-on-Lugg railhead at Wellington Quarry is a key infrastructure element for the transshipment of crushed rock from Wales and that 40-50% of crushed rock imports are from Powys. It is unclear whether this railhead and the disused railhead at Moreton Business Park are safeguarded solely as part of a minerals safeguarded are or whether they are safeguarded in their own right. Given the significant economic importance of the crushed rock industry to Powys and the need to | <i>i. The strategic importance of the railheads is recognised and the Plan will be amended to make clear that these assets are safeguarded in their own right.</i> |

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| | | <p>ensure strategic mineral movements occur in the most sustainable manner, consideration should be given to safeguarding these railheads in their own right.</p> <p>ii. The importance of protecting minerals infrastructure from sterilisation from other forms of permanent development is recognised in Planning Policy Wales Edition 10, as is the identification of rail and waterways as the preferred methods for transporting bulky materials.</p> | <p>ii. <i>Planning Policy Wales does not apply in England, but similar policy is present in the National Planning Policy Framework and is intended to be reflected in the Herefordshire MWLP.</i></p> |
| <p>Dr Patricia Ronan</p> | | <p>i. The Draft Plan is based on a totally outdated Core Strategy, due for review this year. In my opinion, the Draft Mineral and Waste Plan should not be approved or ratified, and iterations of consultants' reports on sustainability of operations are a complete waste of public money, before the Core Strategy is updated.</p> <p>ii. Q2 is a deceitful question. Of course this is appropriate, but the draft minerals and waste plan is completely unsustainable. It proposes to use up all our local resources and then bring in resources from far afield to build unsustainable and highly polluting roads. Furthermore, there is no plan to swap high carbon waste and plastics for eco-friendly ones. This county should be leading in this field as we have the resources to do so. We could be growing fungi and starches to make biodegradable plastics. This could be very profitable. Our rural population makes us ideal for pioneering driverless buses and cycle superhighways to reduce our need for roads and high carbon modes of transport. If we invest in this now, we can own it and model it and it would be a new industry that is very profitable.</p> <p>iii. The Draft Mineral and Waste Plan is sadly deficient in many areas:</p> <ol style="list-style-type: none"> There is no consideration of the fossil fuel impacts from construction and transport in it The draft plan still lacks any analysis of the Strategic Flood Risk Assessment The Plan is hardly sustainable given minerals extraction rates are x2.5 the National average of 4.6 tonnes per household and all Herefordshire's crushed rock reserves are exhausted The current Strategic Flood Management Plan, in the Core Strategy, excludes the impact of building major new housing estates and industrial sites on floodplains The protection of Key Green Infrastructure Assets is ignored in Core Strategy transport infrastructure plans The Sustainability Appraisal concludes in para 2.17 No significant negative effects were identified by consultants for any of the strategic objectives. This is both misleading and incorrect. No action is being taken to directly ban plastics and replace them. <p>Failing in 8 of its 12 key objectives</p> | <p>i. <i>The Core Strategy is adopted to 2031 and is a relevant policy lead. Details pertinent to the MWLP have been separately researched and updated.</i></p> <p>ii. <i>Policy of the MWLP seeks to deliver sustainable development, including environmental, economic and social gains where possible. Some of the suggestions made are beyond the remit of the MWLP.</i></p> <p>iii.</p> <ol style="list-style-type: none"> <i>Such a detailed assessment is not proportionate to preparing the MWLP, which seeks to promote sustainable development through focussed policy</i> <i>SFRA has been through consultation with EA and is being finalised to inform preparation of the draft Publication MWLP</i> <i>A range of forecasts have been considered, with the most appropriate selected.</i> <i>The SFRA has appropriately influenced preparation of the MWLP. The SFMP will be a relevant document to consider in determining new planning applications.</i> <i>Green infrastructure assets are referenced throughout the MWLP as appropriate.</i> <i>Para. 2.17 (SA of the Draft MWLP) presents the SA findings for the Vision and Strategic Objectives, which were included in the MWLP Issues and Options report. The effects identified in this paragraph of the SA Report are separate from the findings presented in relation to the SA findings for the Draft MWLP. In effect, para. 2.17 presents a summary of the findings in relation to the Vision and Strategic Objectives, which were originally presented in SA Report (August 2017) for the Issues and Options stage. No significant effects were identified in that SA Report for these elements of the MWLP Issues and Options report due to their high-level, aspirational nature.</i> <p>g. <i>It is not in the remit of the MWLP to ban plastics.</i></p> |

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| | | | <i>The MWLP includes policy to deliver the objectives set out.</i> |
| Maggie Setterfield | | Q 1- 6 I agree entirely with the opinions expressed by Wye Ruin It. | <i>Noted</i> |
| | Severn Trent | Supports W4 and SD3 | <i>Noted</i> |
| Emma Lewis (Clerk) | Shobdon Parish Council | The draft MWLP includes provision for the re-opening of the mothballed quarry at Shobdon. The site is very overgrown and the fence in a poor condition and is a safety hazard. The parish council have no objection in principle to the re-opening. However, if is not to be used in the foreseeable future, Tarmac should be required to manage the rehabilitation of the site to ensure safety and also remove their waste and scrap from the land. | <i>The no objection in principle is noted.</i> <i>The MWLP cannot require the reclamation of the existing site, which would be done under the existing consent.</i> |
| David Clarke (Planning Officer) | South Worcestershire Councils (Malvern Hills District, Worcester City & Wychavon) | <ul style="list-style-type: none"> i. It is recognised that minerals extraction is important to the economy of Hfds and Worcs and that a steady and adequate supply of minerals is necessary to provide new housing, built development & infrastructure. ii. SWC welcome importance attached to protection of the Malvern Hills AONB. iii. No in principle objections iv. If new potential sites are proposed during the rest of the MWLP production process, SWC would like to be consulted. v. DtC - Acknowledged and appreciated that HC has engaged constructively with SWC as part of the DtC. SWC are committed to discussions as part of the MWLP and SWDP review processes, in accordance with DtC and the MoU between Malvern Hills District Council & HC. | <i>All points noted.</i> |
| Matthew Griffin (Team Leader Minerals Planning Policy and Development Control) | Staffordshire County Council | Q1 No Policy M3 - Clarification needed on the assessment of the level of sand and gravel provision stated. Is the annual level of provision forecast to increase during the Plan period? A 3-year sales average, which is higher than the 10-year average, plus the reliance on imports, could justify a level of provision greater than the current 10 years sales average. | Q1 <i>The assessment is set out in the MNA and discussed in Preparing the Plan Report, including how it is to be met through the proposed allocations. Annual levels will be affected by market demand, but a strategic view over the plan period has been taken to identify the overall amount. Policy M3 is the amount forecast to be required to provide for 100% self-sufficiency and to make a contribution to the MASS.</i> |
| Cllr B Matthews (Group Leader for True Independents) | True Independents - Council Political Group | The group is pleased that progress is being made on the MWLP because it is so important that it is approved as soon as possible. | <i>Noted</i> |

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| Steve Thompsett | UKOOG UK Onshore Oil & Gas | <ul style="list-style-type: none"> i. UKOOG want to ensure that the Plan is sound and meets with the criteria and policies in the NPPF, PPG and related Written Ministerial Statements in respect of onshore oil and gas. ii. The Plan should include a review of each of the 5 regulatory processes that are required under Government policy and identify areas which fall outside the planning process. See PPG 012 and PPG 112 and Frack Free Balcombe Residents Association v West Sussex CC 2014. iii. Policy M1: Minerals strategy <ul style="list-style-type: none"> o Overall approach to the sustainable winning and working of mineral resources in Herefordshire and one that establishes the appropriate criteria to consider development proposals for unconventional hydrocarbons. Also support an approach that looks to use land efficiently and seeks to share infrastructure, where practical, which aligns with Policy M1. o Safeguarding – UKOOG agrees with approach of safeguarding them from the encroachment of incompatible uses and sterilisation by built development. iv. Principle of development Policy M7: Unconventional Hydrocarbons <ul style="list-style-type: none"> o UKOOG would like to remind the council that M7 (a) is a matter of national policy and not one for minerals planning authorities. o Support for Policy M7 (b), which reflects the controls established through the Infrastructure Act 2015. o Policy M7 (c) – Regulation of the subsurface is a matter for the Environment Agency, Health & Safety Executive and Oil and Gas Authority and not the minerals planning authority in the context of onshore oil and gas. See both PPG 012 and PPG 112. v. Waste Management This section of the MWLP should clearly state the role of the EA in regulating waste to avoid unnecessary duplication by the MPA. vi. Decommissioning and Reclamation policy Where a well is suspended pending further development, it would not be decommissioned as stated in point (i). Decommissioning refers to the process of permanently cementing the well closed and relinquishing any environmental permits. Whereas, a suspended well will be ‘shut-in’ to ensure no releases to the environment and will remain permitted by the EA. This is an important distinction, which should be drawn out in the policy and supporting text. | <ul style="list-style-type: none"> i. <i>The role of other agencies is to be made clearer in the MWLP.</i> ii. <i>Noted</i> iii. <i>It is appropriate for the MWLP to address unconventional hydrocarbons.</i> iv. <i>Plan development team is cognisant of recent High Court challenges and changes made to the NPPF. Policy M7 has been deleted for the reasons set out in the Preparing the Publication Draft Plan Report.</i> v. <i>The role of other agencies is to be made clearer in the MWLP.</i> vi. <i>Noted, this will be addressed in the review of section 6.5 and policy M7, Unconventional Hydrocarbons</i> |
| Clerk | Wellington Parish Council | Wellington Parish would like to be assured that the impact of development of the sand/gravel quarry sites within the Parish will fully take account of the impact on its residents - noise, traffic, and flooding. | <i>Careful consideration has been given to all the sites, with additional work completed for those sites proposed to be allocated, to augment and clarify the analysis previously undertaken and to inform a review of the key development criteria. The policy framework set out in the MWLP enables the minerals planning authority to consider all of these issues, both at the plan making stage and in more detail on receipt of a planning application.</i> |

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| Emma Thomas (Clerk) | Welsh Newton & Llanrothal Group Parish Council | The parish do not wish to make a comment, but would like to be kept informed of updates or further consultations. | No action required. |
| Ben Horovitz and Emily Barker (Planning Services Manager) | Worcestershire County Council | <p>Minerals</p> <ul style="list-style-type: none"> i. Welcome of inclusion of policies M3, M4 and the allocation of sites, preferred areas of search and other areas of search to ensure flexibility to allow the land bank to be maintained or increased over the life of the Plan. ii. The terminology <i>preferred areas of search</i> and <i>general areas of search</i> is confusing and does not match the terminology used in NPPG of <i>specific sites, preferred areas</i> and <i>areas of search</i>. iii. Following DtC discussions, WCC welcomes references within Hereford's LAA 2018 and MNA to exports from Herefordshire to Worcestershire, and in the draft MWLP to movements of materials as a normal part of markets operation, as well as the need to make a reasonable contribution to the MASS. <p>Waste</p> <ul style="list-style-type: none"> i. Pleased that policies W1 and W2 take an enabling approach to waste management development, setting minimum requirements for additional waste capacity. ii. Table 2 and Policy W2 do not reflect the potential for additional capacity requirements for managing LACW at the end of the current contract. iii. Para 3.1.19 – Contractual arrangements with WCC for the operation at EnviroSort run until 2024, after which time there is an option to continue until 2029. After that time, there are no arrangements in place for the remaining 2 years of the Plan period. Although, that is not to say that they cannot be agreed in the future. The MWLP should therefore not state that Herefordshire has long-term capacity available to manage Herefordshire's LACW throughout the Plan period. iv. Para 7.1.1 – Herefordshire & Worcestershire have contractual arrangements in place until 2024 for the treatment and disposal of LAC residual waste. After this time, through an agreement already in place, the councils will continue to dispose of the vast majority of such waste at EnviRecover in Worcestershire through to 2042. The very small amount of residual waste that cannot be processed there will have to be safely disposed of by the councils, either separately or together. Therefore WCC is comfortable with the statement in para 7.1.1 and that it covers the period of the plan through to 2031. | <p>Minerals</p> <ul style="list-style-type: none"> i. Noted ii. Agreed, text has been amended in the Publication Draft Plan. iii. Noted <p>Waste</p> <ul style="list-style-type: none"> i. Noted ii. There are both biological and recycling capacity requirements set out. iii. Under the current municipal waste management contract, much of Herefordshire's LACW is transferred to two plants located in Worcestershire for materials and energy recovery: EnviroSort (a materials recovery facility located in Norton); and EnviRecover (an energy from waste facility located on the Hartlebury Trading Estate). Any remaining residual wastes are then deposited to landfill at Pershore, also in Worcestershire. The materials recovery facility reverts to WCC, but options remain for shared use or for Herefordshire to utilise its own existing facilities to handle mixed or even segregated recycling* from municipal collections. *Preferred approach outlined in the 2018 resources and waste strategy iv. This contract is live until early 2024, with the potential for a five year extension. At the end of the contract period ownership of the EFW transfers to Herefordshire and Worcestershire. Consequently it is unlikely any other residual treatment capacity will be required for the majority of Herefordshire's municipal waste throughout the plan period. |
| | Wye Ruin It? | <ul style="list-style-type: none"> i. The Draft Plan is based on a totally outdated Core Strategy, due for review this year. In our opinion, the Draft Mineral and Waste Plan should not be approved or ratified, and iterations of consultants' reports on sustainability of operations are a complete waste of public money, before the Core Strategy is updated. | <ul style="list-style-type: none"> i. The Core Strategy is adopted to 2031 and is a relevant policy lead. Details pertinent to the MWLP have been separately researched and updated. |

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| | | <p>ii. The Draft Mineral and Waste Plan is sadly deficient in many areas:</p> <p>a. There is no consideration of the fossil fuel impacts from construction and transport in it</p> <p>b. The draft plan still lacks any analysis of the Strategic Flood Risk Assessment</p> <p>c. The Plan is hardly sustainable given minerals extraction rates are x2.5 the National average of 4.6 tonnes per household and all Herefordshire's crushed rock reserves are exhausted</p> <p>d. The Current Strategic Flood Management Plan, in the Core Strategy, excludes the impact of building major new housing estates and industrial sites on floodplains</p> <p>e. The protection of Key Green Infrastructure Assets is ignored in Core Strategy transport infrastructure plans</p> <p>f. The Sustainability Appraisal concludes in para 2.17 No significant negative effects were identified by consultants for any of the strategic objectives. This is both misleading and incorrect, see comments below</p> <p>Failing in 8 of its 12 key objectives</p> | <p>ii.</p> <p>a. Such a detailed assessment is not proportionate to preparing the MWLP, which seeks to promote sustainable development through focussed policy</p> <p>b. SFRA has been through consultation with EA and is being finalised to inform preparation of the Publication Draft MWLP</p> <p>c. A range of forecasts have been considered, with the most appropriate selected.</p> <p>d. The SFRA has appropriately influenced preparation of the MWLP. The SFMP will be a relevant document to consider in determining new planning applications.</p> <p>e. Green infrastructure assets are referenced throughout the MWLP as appropriate.</p> <p>f. Para. 2.17 (SA of the Draft MWMP) presents the SA findings for the Vision and Strategic Objectives, which were included in the MWLP Issues and Options report. The effects identified in this paragraph of the SA Report are separate from the findings presented in relation to the SA findings of the Draft MWLP. In effect, para. 2.17 presents a summary of the findings in relation to the Vision and Strategic Objectives, which were originally presented in SA Report (August 2017) for the Issues and Options stage. No significant effects were identified in that SA Report for these elements of the MWLP Issues and Options Report due to their high-level, aspirational nature.</p> <p>The MWLP includes policies to deliver the objectives set out.</p> |
| Sue Young | | <p>i. No information about existing Council waste / recycling facilities</p> <p>ii. The waste strategy is reasonable, though not ambitious. However, the policies are in no way going to deliver the strategy. They are almost entirely reactive. If more waste is going to be re-used and recycled, Herefordshire Council has to take a more proactive approach. The only action identified for the council is to raise awareness (Delivery table3). Yet the Council has a role in collecting waste and providing waste transfer facilities. To have a significant impact on the strategy the Council has to expand the facilities it provides in order to recycle a wider range of plastics (soft plastic packaging (e.g.LPDE4), rigid plastic (e.g. PP5, PS6), black plastic) and kitchen & garden waste. Situation with regard to waste is too urgent to be left as open as this and simply wait to see what happens over the next 5 years.</p> <p>iii. The reference to waste as a resource in para 2.3.5 is not carried through in any way into the policies. I am a member of a small community group which seeks to encourage recycling. We have not found it easy to engage with the council on this, despite the words in Policy SS8. The section on agricultural waste makes no mention of plastic waste. The disposal of this is a major concern as some previous recycling options are no longer available.</p> | <p>i. It is not necessary to include this information and it will, hopefully, be out of date quite quickly as new facilities are developed. There is some information provided in the documents accompanying the MWLP.</p> <p>ii. This is a decision for Herefordshire Council to take, as the organisation with the duty to manage local authority collected waste. The MWLP provides the policy framework for all wastes.</p> <p>iii. The MWLP includes policy seeking to drive change in waste management. It is however limited to its role as a policy document. The principle is carried through into policy as appropriate, e.g. encouraging use of secondary/recycled aggregates and development to deliver the CE. Plastic waste is just one element.</p> |