

Herefordshire Minerals & Waste Local Plan

Consultation Statement

January 2022

Herefordshire Minerals and Waste Local Plan (MWLP) Consultation Statement

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Appendix 1 - Responses to the Draft document consultation

Appendix 2 - Responses to the Publication Draft consultation

1. Introduction

This consultation statement presents how Herefordshire Council undertook consultations in 2017, 2019 and 2021 to inform the final MWLP document for submission to Secretary of State.

The consultations are detailed below:

- The first consultation was undertaken on the MWLP Issues and Options from 14 August to 16 October 2017;
- The second consultation was undertaken on the Draft MWLP from 21 January to 4 March 2019.
- The final stage was undertaken on the Publication Draft from 12 April to 24 May 2021.

This statement sets out the consultations, and the council's responses to the comments received during this time.

The consultations that form the basis of this report have been produced in accordance with the Town & Country Planning (Local development) (England) Regulations 2012 (Regulations 22), which state that a Consultation Statement has to be produced to show the following information:

- which bodies and persons were invited to make representations;
- how those bodies and persons were invited to make such representations;
- the number of representations made and a summary of the main issues raised; and
- how those issues have been addressed in the MWLP development plan document.

This consultation statement will assist the Inspector at the Examination in determining whether Herefordshire Council's MWLP complies with the requirements for public participation and government guidance.

The statement also shows that public involvement was carried out following the approach set out in Herefordshire Council's Statement of Community Involvement (SCI) adopted in January 2017.

2. Consultation Methodology

The Town and Country Planning (Local Planning) (England) Regulations 2012 set out those bodies that the council must consult with when preparing development plan documents.

The council has an extensive consultation database, containing over 3,000 contact names. Organisations and groups targeted for the MWLP's consultations include:

- Central, regional and local Government organisations
- adjoining local authorities
- statutory bodies such as Highways England; utility companies
- industry representative organisations
- members of the public
- Parish/Town Councils
- local businesses
- developers
- agents
- elected members

The council has used a range of methods to engage with all potentially interested parties, in order to reach as wide an audience as possible. The purpose of the consultations was to invite feedback on the content of the developing minerals and waste planning policy document.

Stakeholders and local community members were informed by email or letter about ways to get involved in the consultations. Options for responding both on and offline were offered.

3. The Consultations

Notification was sent to stakeholders and consultees, including details of where to find further information and how to make a representation.

The following documents were made available to download from a dedicated webpage. Hard copies were held at libraries and information centres across the county (for Issues & Options and Draft, online only for Publication Draft – due to CoVid restrictions).

- MWLP Development Plan Document
- Questionnaire
- Accompanying evidence base, including: Sustainability Appraisal; Habitat Regulations Assessment; Spatial Context and Site Reports;

Minerals and Waste Needs Assessments; and interactive map of the proposals.

- Preparing the Plan Report

The following table details each method used to distribute information:

Method	Action
Emails to: Specified statutory consultees, local business owners, groups representing, parish reps & neighbouring authorities.	Notification of consultation sent. Reminder sent part way through consultation.
Letter (Issues & Options and Draft stages). As above with no email address known, inc. MPs.	Notification of consultation sent.
Facebook	Notification of consultation start posted on council page, with direct link to website, followed by regular updates throughout.
Twitter	Notification of consultation start posted on council page, with direct link to website, followed by regular updates throughout.
Council Website	Featured on council news page with a direct link to consultation page.
Cabinet members' newsletter	Information in weekly newsletter, notifying the dates of consultation and information about it.
Hard copies made available at info points/libraries across the county (Issues & Options and Draft stages).	Posted to each with instructions. Followed up to ensure information was on display and to address any queries from staff.
Online access to consultation documents at info points/libraries across the county	Online access only, due to CoVid restrictions
Presentation to stakeholders and exhibition open to the public	Shirehall, Hereford 8 September 2017 (I&O consultation) The Courtyard, Hereford 5 February 2019 (Draft Plan consultation)

Presentation on YouTube published on the consultation webpage	Available from the beginning of the Publication Draft consultation. This was provided as an alternative to face to face presentation/exhibition, due to CoVid restrictions.
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Call for Sites were carried out during preparation of the Plan with the following suggestions submitted:

May/June 2016 Minerals - Wellington area various sites, Leinthall, Upper Lyde, Perton, Shobdon, Mathon

Waste – Ledbury, Dimmock (in Gloucestershire), Lugg Bridge

December 2017 Minerals – Wellington area

December 2017 Waste – Stanford Bishop

January 2019 Minerals - Kingsland/Monkland

4. Responses to the Issues and Options Consultation

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

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

- West Midlands RTAB
- Heaton Planning on behalf of Tarmac
- Natural England
- National Grid
- Mineral Products Association
- McLoughlin Planning
- Litchfields on behalf of Bourne Leisure
- Sunderlands on behalf of Kingsland PC
- Gladman Developments Ltd
- Environment Agency
- GP Planning on behalf of Dinmore Aggregates
- CPRE
- The Coal Authority
- Ataghan Limited Stoke Edith Estate

- Welsh Water
- Historic England
- The River Wye Preservation Trust
- Ward Councillor for Kerne Bridge
- Green Party
- Herefordshire holdings ref TJW
- Neighbouring county councils

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

Main Issues Raised	Council response
<p>Protection for residents, businesses and visitors against the adverse amenity impacts that can arise from minerals and waste developments.</p>	<p><i>GIS data relevant to the natural and built environments of the county has been layered over BGS data. This approach uses relevant constraints and opportunities to identify the preferred area for future minerals development. There are many waste management sites operating in locations on industrial estates or strategic employment sites. These are the preferred locations for new waste management facilities and will be promoted in policy. Many of the remaining waste sites are situated beyond the areas covered by the spatial strategy and these will not be preferred sites for such development and are not intended to be promoted through policy. The potential impact on tourism will be addressed in further developing the MWLP.</i></p>
<p>All minerals and waste proposals should be assessed based on the type and nature of the proposal and the specific impact(s).</p>	<p><i>This is a principle well-established within planning and consequently will be found in the emerging MWLP.</i></p>
<p>Sufficient flexibility should be incorporated to enable additional reserves to be permitted regardless of, rather than limited to, whether the reserves at the remaining operational quarry prove to be insufficient.</p>	<p><i>The approach to be taken in the MWLP will be to allocate those proposed areas that are considered appropriate in principle and to develop a policy framework that will identify preferred areas of search and so enable other proposals for development to come forward.</i></p>

Main Issues Raised	Council response
Concerns about some of the evidence base documents that are referred to.	<i>Concerns have been noted; however these documents have been through their own preparation process, including examination. Work is ongoing to ensure that the evidence base is up to date and comprehensive.</i>
Avoid excessive haulage, in terms of both volume and distance across the county when or if a non-Herefordshire source is readily available.	<i>The road network is considered in the site analysis and alternative modes of transport will be considered in preparing the MWLP.</i>
Uncertainty over potential future hydrocarbon activity in Herefordshire and a ban on hydrocarbon extraction.	<i>There are minimal deposits of coal in Herefordshire, with no evidence to suggest that these will be worked within the plan period. No site is proposed to be allocated for the extraction of clay in the MWLP. There is no evidence to support a complete ban on hydrocarbon extraction and this option is not pursued further at this time. Existing reserves will be safeguarded, but no preferred areas of search will be promoted within the MWLP.</i>
Fracking, or the associated infrastructure, may be enabled within an AONB, SSI and SAC.	<i>There are minimal deposits of unconventional hydrocarbons in Herefordshire, with no evidence to suggest that these will be worked within the plan period. No sites are proposed to be allocated for the extraction of unconventional hydrocarbons.</i>
Whole extent of the Surface Coal Resource area within Herefordshire to be identified in any Mineral Safeguarding Area designation.	<i>This has been done.</i>
Importance of reference during preparation of the document to Water Framework Directive and the Severn River Basin Management Plan; and ground water resources.	<i>The Water Framework Directive and Severn River Basin Management Plan have been reviewed; these are recognised to be important documents but not integral to this stage of policy development. Ground water resources are included in the criteria used to review each of the sites and locations being considered.</i>

Main Issues Raised	Council response
Individual comments on proposed site extensions.	<i>These comments have been addressed as part of the detailed site analysis.</i>
Defined Mineral Safeguarding Areas, should exclude existing urban areas, and areas on the edge of existing settlements, where residential and/or employment development is considered appropriate and sustainable and the possibility of buffer zones to prevent inappropriate development encroaching on resources.	<i>The approach will seek to avoid urban areas in identifying the preferred areas of search. This is because safeguarding necessarily needs to be appropriate for a future timeframe beyond the plan period. Those areas that are identified for residential and/or employment development but are currently greenfield with a viable mineral reserve in situ can be worked prior to the built development. Buffer zones are being considered where appropriate, according to planning policy Guidance: www.gov.uk/guidance/minerals</i>
More focussed policy needed in relation to restoration principles for mineral sites, including recognition of what might be appropriate in the context of heritage assets and historic landscape. A number of designations and assets were promoted to be considered.	<i>Heritage assets are included as a criterion in the site analysis and will be considered further in preparing the MWLP. The criteria used to review each of the sites and locations under consideration have been developed so as to reflect the NPPF. The policies in the Core Strategy will generally provide an appropriate level of development management, although some additional provision is required, such as in relation to site reclamation.</i>
Soil and agricultural land classification, green infrastructure, flood risk, the natural and historic landscape. Reclamation and nature improvement areas should be considered. Inclusion of groundwater source protection zones, archaeologically sensitive sites, access to roads or residential properties, watercourses, national and local nature reserves in the environmental constraints in line with national policy.	<i>The agricultural land classification is one of the elements used in the site analysis and the other elements will be considered. A strategic flood risk assessment is being undertaken separately. Review of the Core Strategy found that the development management principles are generally applicable and appropriate to minerals and waste development. Consequently, Table 3.4 is not intended to be developed further and is dismissed from inclusion in the MWLP.</i>
Supply may be more appropriately met by sources outside of Herefordshire and	<i>In accordance with national policy expectations, the MWLP is based on the</i>

Main Issues Raised	Council response
<p>these options should be explored. A criteria based approach could be taken to ensure that building stone is available throughout the plan period.</p>	<p><i>premise of achieving net self-sufficiency across both minerals and waste. Mineral planning authorities which have adequate resources of aggregates are also required to make an appropriate contribution to national as well as local supply, while making due allowance for the need to control any environmental damage to an acceptable level. This is considered to be the most appropriate starting point for policy; however it should be achieved through sustainable development.</i></p>
<p>Possible provision of mixed waste management sites within a location that has potential to serve farming districts.</p>	<p><i>This will be considered further in preparing policy of the MWLP; however Herefordshire is a very rural county and there is little to suggest a clear spatial strategy for such an approach.</i></p>
<p>Lugg Bridge Quarry site is a recreational/conservation facility, and therefore additional recycling here is not desirable. The site is already operating as a concrete batching plant and construction, demolition and excavation waste recovery plant.</p>	<p><i>This is an operational site, recovering construction, demolition and excavation wastes. In the call for sites it is proposed for significant intensification. It is located just beyond the settlement boundary of Hereford and benefits from good road access into the city. Its location fits with the spirit of the spatial strategy. The evidence base suggests that a significant increase of recovery capacity for this waste stream is required and it is demonstrated to be a viable site. The EA raises no objection to the site and it is concluded that it is appropriate to be allocated in the MWLP.</i></p> <p><i>The MWLP is unlikely to promote the site for a recreation/conservation facility whilst the current uses are in operation.</i></p>
<p>The MWLP should seek to achieve self-sufficiency in waste management capacity overall. Any site allocations should be as flexible as possible and should not unnecessarily limit the waste stream which can be managed on any individual site.</p>	<p><i>A flexible approach is being pursued in preparing the MWLP, with the intention to enable Herefordshire to be net self-sufficient in waste management capacity and providing opportunities to manage the range of waste arising. Discrete sites that are considered appropriate in principle will be allocated</i></p>

Main Issues Raised	Council response
	<i>and a policy framework will be developed that will identify and enable other proposals for development to come forward.</i>
Development of more biological treatment plant at locations close to where the waste is generated.	<i>This would fit with the spatial approach being developed within the MWLP.</i>

5. Responses to the Draft Document Consultation

56 responses were submitted either via the online survey or direct email. Details of the responses can be found in Appendix 1 of this document.

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

- Almeley Parish Council
- Ataghan Ltd - Stoke Edith Estate
- AWP
- Aymestry Parish Council
- Burghill Parish Council
- Cadent Gas
- CPRE
- Dormington & Mordiford Parish Council
- Dwr Cymru Welsh Water
- Environment Agency
- Gloucestershire County Council
- GP Planning
- Green Party
- H&W Earth Heritage Trust
- Heatons on behalf of Tarmac
- Here for Hereford
- Herefordshire Local Nature Partnership
- Highways England
- Historic England
- Shobdon Parish Council
- South Worcestershire Councils
- Staffordshire Council
- UKOOG
- Wellington Parish Council
- Worcestershire Council
- Wye Ruin It

- Igas
- Kingsland Parish Council
- Lichfields on behalf of Bourne Leisure
- Mineral Products Association
- National Farmers Union
- National Trust
- Natural England
- Orleton Parish Council
- Pembridge Parish Council

6. Responses to the Publication Draft Consultation

26 responses were submitted via the online survey or by email. Details of the responses can be found in Appendix 2.

Of those that responded, the following groups and organisations were included:

- Aymestrey Parish Council
- Coal Authority
- Environment Agency
- Forest of Dean Council
- Gloucester CC
- H&W Earth Heritage Trust
- Heaton on behalf of Tarmac
- Historic England
- Lichfields on behalf of Bourne Leisure
- Mineral Products Association
- National Grid
- Natural England
- Natural Resources Wales
- RTAB
- Staffs CC
- Veolia
- Warwickshire CC
- WM AWP

- Worcestershire CC
- GP Planning
- Here for Hereford
- Hereford CC
- Leominster TC
- National Trust

Appendix 1

Latham, James

From: Bisset, James
Sent: 19 March 2019 12:50
To: Eaton, Victoria
Cc: Duberley, Elizabeth
Subject: M&WLP - ecology comments

Vikki,

Thought best if I went through Appendix A – the individual site assessments looking for anything obvious:

In general any sites that have water quality as a potential issue and are within the River Wye Catchment should be subject to HRA I think although likely to be mitigated we can't take that in to account at initial screening. Suggest the draft plan and HRA screening are submitted to Natural England for a more detailed comment.

Former Lugg Bridge – this is not identified as being part of the Wye SAC (which includes the Lugg up to Hampton Court Bridge) – only indicated as SSSI which is incorrect. Will need full HRA appropriate assessment

Leinthall Quarry – has River Teme SSSI been considered alongside Downton Gorge SAC?

Leominster Household Waste Site – Lugg is directly part of wider SAC lower down and so is fully part of the Wye SAC catchment – may need consideration as such (ie full HRA process on any application)

Upper Lyde (all sites) needs to include Lugg as SAC and SSSI in considerations.

Wellington Quarry (strangely this has picked up as SAC but Lyde only a mile upstream wasn't? Why are Wellington sites all different in relation to SSSI/SAC etc – surely as all together all are the same consideration?

Three Elms – need to ensure that all references to SINCs and Special Wildlife Sites are changed to and called Local Wildlife Sites in line with core strategy terminology (they are all the same level of local designation and the CS brought them all together under the better known current term of Local Wildlife Site.

Leominster Southern Ave – SAC?

Land between Little Marcle Road and Ross Rd, Ledbury – have current housing sites just to N of little marcle road and south and east of 'bypass' been considered?

I haven't checked loss of priority habitats (Habitats of Principle Importance) for these sites – I note ancient woodland has been picked up in some sites but have all the other designated priority habitats?

As in line with NPPF important trees should now also be mentioned and considered – eg the Ancient Tree Inventory listing.

I may have missed it but is Lighting and Dark Skies covered anywhere? Another specified NPPF consideration now.

Otherwise really everything ecology comes down to site specific local assessment and prioritisation of maintaining/improving habitats and habitat connectivity as they come forwards.

James

Latham, James

From: Cotton, Julian
Sent: 04 March 2019 15:24
To: Eaton, Victoria
Subject: Draft MWLP Consultation

Vic, briefly..

MINERALS

1. There are no great surprises here in terms of the sites and any proposed extensions etc.
2. There are no allocations that would attract an outright objection from me on current evidence. In general, any archaeological matters would be dealt with and straightforwardly as per Core Strategy LD4 and Para 189 of the NPPF. It is my understanding that Historic England are just about to bring out a new 'HEAN' (historic environment advice note) in relation to minerals. This should of course be followed.
3. As regards the 'hard rock' quarries such as Leinthall and Perton, the additional areas are not that extensive, and although there may be some direct impact on heritage assets of moderate interest locally, it is not anticipated that there would be issues of substance here. The delves I don't believe to be a problem, and may in fact be beneficial.
4. As regards the aggregate extraction zones (in particular but not limited to Wellington) it is noted that some extensive new areas are proposed. Given the sensitivity of the locations, and the hectareage involved, it is almost inevitable that some below-ground remains of at least regional importance will be disturbed by aggregates extraction here. However, there are sound and established procedures in place to deal with such findings, and these will be followed. Indeed, I am of the view that the archaeological approach followed by minerals companies in the county has generally been *exemplary* to date, so I have no wish to change things.

WASTE / EMPLOYMENT LAND

I have no particular comments to make here: In most cases I have already had an input via the usual pre-apps applications etc.

Regards,

Julian

Julian Cotton, Archaeological Advisor, Herefordshire Council

Latham, James

From: Duberley, Elizabeth
Sent: 25 March 2019 11:18
To: Eaton, Victoria
Subject: RE: Minerals & Waste Draft Plan

Morning Vicky,

Just a couple of thoughts on the MWDP:

- 5.4.6 landscape character – should it say *local landscape character* and also reference to the LCA SPG.
- 5.4.9 significant development of agricultural land – is the word *significant* necessary – what is meant by this ?
- 5.4.14 Hfds Biodiversity Action Plans whilst these are updated they don't have a great deal of significance for HC would it be better to refer to *nationally identified habitats of principal importance* - in an ideal world we would update the HC Biodiversity Guidance!
- 5.4.16 LD3 Green Infrastructure should a link be made with the HC GI Strategy ?
- 5.4.18 Should say *biodiversity net gain*

Thanks

Liz

Herefordshire.gov.uk

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Latham, James

From: Idf
Sent: 08 April 2019 10:24
To: Eaton, Victoria
Subject: FW: Draft Minerals and Waste Local Plan Consultation - comments needed

Importance: High

See attached comments.

Kev

From: Knight, Matthew <Matthew.Knight@herefordshire.gov.uk>
Sent: 08 April 2019 10:12
To: Idf <Idf@herefordshire.gov.uk>
Subject: FW: Draft Minerals and Waste Local Plan Consultation - comments needed
Importance: High

Comments from Historic Buildings and Areas are:

- 5.4.21 – For the Historic England guidance, what would the status of this be with regards the plan and would GPA3 be relevant in terms of the setting of assets?
- Is there consideration of the impact on noise on setting of heritage assets please?
- Very positive that small scale ‘delves’ for stone extraction are permitted.

Regards

Matthew

From: Wheatley, Juliet <jwheatley@herefordshire.gov.uk>
Sent: 19 March 2019 09:07
To: Duberley, Elizabeth <Elizabeth.Duberley@herefordshire.gov.uk>; Knight, Matthew <Matthew.Knight@herefordshire.gov.uk>
Cc: Cotton, Julian <Julian.Cotton@herefordshire.gov.uk>
Subject: Draft Minerals and Waste Local Plan Consultation - comments needed
Importance: High

Hi both,

Please could you arrange for a landscape, ecology and building conservation officer review of this draft doc and return of any comments to Vikki Eaton by Friday 1st March please. (If you need to speak to Vikki she’s normally in office on Tuesdays and Fridays). Apologies for the short notice – it appears our team may not have been consulted as part of the main consultation on this. Julian has already done his comments.

It seems to me the Forward Planning consult system would be more robust if internal consults could be via Civica. I’ll raise this at the next DM managers’ meeting/speak to Kevin Singleton & Helen about this.

Regards,

Juliet Wheatley | Service Manager, Built & Natural Environment

Latham, James

From: Pickup, Rebecca
Sent: 11 March 2019 16:32
To: Gilson, Susannah
Subject: FW: Draft Minerals and Waste Local Plan Consultation

Hi Susannah

Apologies I missed the consultation date.

In case we can still comment. In general we have no comment. However on consultation with our Environmental health colleagues would it be possible to include noise within section 5.7? Comment below:

Could noise be included either with Vibration or as a topic in its own right, as specialist noise consultancy advice would likely be required to ensure minimum impact is assured from the proposed activity.

Best wishes
Rebecca

Herefordshire.gov.uk

Rebecca Pickup
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01432 260759

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Please note my usual working days are Monday, Tuesday and Thursday



HEREFORDSHIRE PLANNING POLICY – Minerals and Waste Local Plan –
Response from
Almeley Parish Council to first draft consultation

Almeley Parish Neighbourhood Plan has identified that there are no known present day workable mineral reserves within the parish and therefore this Council makes no comment upon that issue.

During the public consultation exercise for the NDP (currently approved to proceed to Referendum) it quickly became clear that there was substantial concern regarding one particular matter which should be addressed as part of the above Review. This concerned the effects of disposal to land by surface spreading, of the waste arising from intensive livestock production, particularly chickens.

The deterioration in the quality of the rivers Wye and Lugg had recently been highlighted and reinforced general concern over the effects on residential amenity of smell, dust and flies.

There was a consensus that this form of food production is a departure from traditional farming (which was widely supported) sufficient to be regarded as an industrial process resulting in the production of industrial waste, the disposal of which should be better controlled.

This view was reflected in the draft NDP which was reviewed by the Examiner in November 2018. Paras 81 to 92 of her report refer. The Examiner considered the matter in some detail referring to the Environment Agency guidance “Decide if a material is waste or not”, the guidance for planning applications for intensive livestock units produced by Shropshire Council, the former Herefordshire UDP policy on distances between dwellings and intensive livestock units (where waste would be both produced and stored) and the removal of permitted development rights for such units by the GDPO 2015.

She concluded that such issues were more appropriately addressed by the Local Planning Authority and amended our draft NDP accordingly but included some control over wastes arising from intensive livestock operations requiring planning permission.

In view of the impact upon this County of large scale chicken production this is clearly an important issue to be addressed by the current review.

The Environment Agency guidance helps by advising that material should be regarded as waste if it constitutes a production residue, not produced deliberately in a production process and/or is contaminated.

Clearly faecal material with other ovarian residues such as carcasses or feathers must be regarded as being contaminated both by chemical and biological substances.

The guidance also states that “Where manure or slurry is spread to land in such a way that it exceeds crop requirements, is of no benefit to the land OR provides no ecological improvement it will be waste and spreading it to land simply to get rid of it IS classified as a disposal operation.

You are therefore requested by this parish council to take the above into account during your review of County Waste Disposal. I enclose for your information a copy of the Examiner’s report.

Almeley Parish Neighbourhood Development Plan

Independent Examiner's Report

January 2019

Barbara Maksymiw

Independent Examiner BSc (Hons), MSc, MRTPI

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Summary

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2. Appointment of the independent examiner
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Appendix 1 Background Documents

Appendix 2 Examiner's questions

Summary

I have been appointed by Hereford Council to carry out an independent examination of the Almeley Parish Neighbourhood Development Plan.

The examination was carried out in November 2018 and was undertaken by considering all the documents submitted to me, including the written representations. I visited the Neighbourhood Plan area on 9 November 2018.

The plan is based on extensive engagement with the local community and provides a distinct set of policies, relevant to the needs of local people. Almeley is a predominantly rural parish and the plan provides for limited new housing development, as the very modest needs identified in the Herefordshire Local Plan Core Strategy can be met through windfalls and infilling within newly defined settlement boundaries.

Subject to a number of modifications set out in this report, I conclude that the Almeley Parish Neighbourhood Development Plan meets the Basic Conditions and I am pleased to recommend that it should proceed to referendum.

I recommend that the referendum should be confined to the Neighbourhood Plan area.

Barbara Maksymiw

Independent Examiner

January 2019

1. Introduction

1. Neighbourhood planning is a relatively new process, introduced by the Localism Act 2011, which enables local communities to develop planning policies to guide development in their area and help to shape the places where they live and work.

2. Almeley Parish is situated in north Herefordshire, to the north west of Hereford. The Parish's principal settlement is Almeley village which is located in the centre of the Parish and Woonton is the next sizeable settlement which lies around one mile to the south east of Almeley. The rest of the parish is made up of a number of scattered hamlets. There are no major employers in the parish and most economically active people have to travel outside the parish for work; an increasing number of people are self-employed and work from home. The rural character and historic environment are important aspects of the parish which are highly valued by local people.

3. The purpose of this report is to assess whether the Almeley Parish Neighbourhood Development Plan (NDP) complies with the relevant legislation and meets the Basic Conditions, which such plans are required to meet. Where necessary, the report makes recommendations about changes or modifications to the plan to ensure that it meets the legislative requirements.

4. The report also makes a recommendation about whether the NDP should proceed to the referendum stage. If there is a positive recommendation at referendum, the NDP can be "made" by Herefordshire Council and so become part of the wider development plan and then used by Herefordshire Council to determine planning applications in the plan area.

2. Appointment of the independent examiner

5. I have been appointed by Herefordshire Council with the agreement of Almeley Parish Council to carry out this independent examination. The Neighbourhood Planning Independent Referral Service (NPIERS) has facilitated my appointment. I am a chartered town planner with extensive planning experience in local government and therefore have the appropriate qualifications and experience to carry out this examination. I am independent of the qualifying body and have no land interest in the area that might be affected by the plan.

3. The role of the independent examiner

6. The role of the independent examiner is to ensure that the submitted NDP meets the Basic Conditions together with a number of legal requirements.

7. In examining the NP I am required, under Paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990, to check ¹ that:

- the policies in the plan related to the development and use of land for a designated ! neighbourhood area; and !
- the policies in the plan meets the requirements of Section 38 of the Planning and Compulsory Purchase Act (that is, it specifies the period to which it has effect, does not include provision about excluded development and does not relate to more than one neighbourhood area); and
- the plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body

8. I must also consider whether the NDP meets the Basic Conditions set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended). A plan meets the basic conditions² if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- the making of the plan contributes to the achievement of sustainable development
- the making of the neighbourhood plan is in general conformity with the strategic policies of the development plan for the area
- the making of the neighbourhood plan does not breach, and is otherwise compatible with European Union (EU) obligations

9. Regulations 32 and 33 of the Neighbourhood Planning Regulations 2012 (as amended) set out two additional basic conditions. These are:

- the making of the neighbourhood plan is not likely to have significant effects on a European site ³ or a European offshore marine site ⁴ either alone or in combination with other plans or projects and
- having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development (this does not apply to this examination as

¹ Set out in paragraph 8(1) of Schedule 4B of the Town and Country Planning Act (as amended) !

² Set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act (as amended) !

³ As defined in the Conservation of Habitats and Species Regulations 2012 !

⁴ As defined in the Offshore Marine Conservation (Natural Habitats &c) Regulations 2007 !

it is not about a neighbourhood development order).

10. As independent examiner, having examined the plan, I am required to make one of the following recommendations:

- that the plan as submitted can proceed to a referendum; or
- that the plan with recommended modifications can proceed to referendum; or
- that the plan does not meet the necessary legal requirements and cannot proceed to referendum

11. The independent examiner can only recommend modifications to ensure that the NDP meets the Basic Conditions and other legislative requirements, or for the purpose of correcting errors.

12. If the plan can proceed to referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

13. Herefordshire Council will consider the examiner's report and decide whether it is satisfied with the examiner's recommendations and will publicise its decision on whether the plan will be subject to referendum, with or without modifications. If a referendum is held and results in more than half of those voting in favour of the plan, the Council must "make" the neighbourhood plan a part of its development plan. The plan then becomes part of the development plan for the area and is a statutory consideration in guiding future development and determining planning applications in the area.

4. Compliance with matters other than the basic conditions

14. Almeley Parish Council applied for the Parish to be designated as a neighbourhood planning area in May 2012. On 6 July 2012 Herefordshire Council designated Almeley Parish as a Neighbourhood Area in accordance with the Neighbourhood Planning (General) Regulations 2012. The designated area covers the parish and does not cover any other Neighbourhood Area and the qualifying body is Almeley Parish Council.

15. The preparation of the plan has been managed by a Steering Group of Parish Councillors and members of the community, with professional support from Data Orchard.

16. I am satisfied that the NDP includes policies that relate to the development and use of land and does not include provision for any excluded development. The Almeley NDP therefore meets the requirements set out in para 7 above.

5. The examination process

17. The documents which I considered during the course of the examination are listed in Appendix 1.

18. The general rule⁵ is that an examination is undertaken by the consideration of written representations only. Having considered all the information before me, including the representations made to the submitted plan (the Regulation 16 responses), I was satisfied that the Almeley NDP could be examined without the need for a public hearing.

19. During the course of the examination it was necessary to clarify several matters with Herefordshire Council and the Parish Council. These are set out in Appendix 2 to this report. I was provided with prompt and helpful responses to my questions and I am satisfied that I had all the information I required to carry out the examination.

20. As part of the Neighbourhood Plan Examination process, it is important for the examiner to understand the context of the neighbourhood plan in the wider area and its overall character, as these shape the issues and policies set out in the plan. I therefore made an unaccompanied site visit to the area on 9 November 2018.

21. On 5 March 2018 an updated version of the National Planning Policy Framework (NPPF) was published for consultation and on 24 July 2018 the final version of the NPPF was subsequently published. Paragraph 214 of the Framework confirms the transitional arrangements for plans which were already under examination:

*The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.*⁶

22. As the Almeley NP was submitted for examination in summer 2018 and the Regulation 16 consultation was carried out between 27 June and 22 August 2018, well in advance of the 24 January 2019 deadline, the NDP has been assessed against the guidance in the former NPPF.

⁵ PPG para 004 ref id 41-004-20140306

⁶ National Planning Policy Framework: 24 July 2018

6. Consultation

Consultation process

23. Effective consultation and engagement with the local community is an essential component of a successful neighbourhood plan, bringing a sense of public ownership to its proposals and helping to achieve consensus. The policies set out in the NDP will be used as the basis for planning decisions – both on local planning and on planning applications – and, as such, legislation requires neighbourhood plans to be supported by public consultation.

24. In line with the Neighbourhood Planning (General) Regulations 2012⁷, the Steering Group has prepared a Consultation Statement for the NDP which sets out how the group approached public consultation, who was consulted and the outcomes.

25. Throughout the plan preparation process, the Steering Group sought to consult and engage as wide a range of people as possible and feedback has been used to inform the content and scope of the Plan. In the early stages of preparing the plan, a household questionnaire was circulated, generating a response from almost of the local residents. As the preparation of the plan got under way, the public and other interested parties were kept informed by means of an NDP website, the Offa Tree news (local magazine), noticeboards, newsletter, fliers, exhibitions and drop-in events. Steering Group meetings were open to the public and were well attended.

26. The first formal consultation on the Almeley Parish Regulation 14 Draft Neighbourhood Development Plan took place between 19 February and 9 April 2018.

27. It is clear from the Consultation Statement that the Steering Group has engaged widely with the local community and kept people informed as the plan progressed. This consultation process has helped to develop the vision for the plan and ensure that the community's vision for the Group Parish has been clearly shaped by the views and priorities of the community. This is:

In 2031, Almeley Parish will remain an unspoilt, rural and scenic part of Herefordshire, providing homes for its families and elderly residents, supporting local businesses, such as small family farms and an increase in home working through a fast broadband network.

⁷ Regulation 15 of the Neighbourhood Planning (General) Regulations 2012

Representations received

28. Preparing the NDP has involved two statutory six-week periods of public consultation. The first, on the Regulation 14 Draft Plan, took place between 19 February and 9 April 2018. In all, twenty-eight representations were received – nineteen from members of the community, six from statutory bodies, two from external consultees and one from Herefordshire Council.

29. The second consultation on the Submission Draft NDP was managed by Herefordshire Council and took place between 27 June and 22 August 2018. This generated eleven responses – two from agents on behalf of local residents, four from statutory bodies, two from external consultees and two from Herefordshire Council.

30. Occasionally in this report I refer to representations and identify the organisation making that particular comment. However, I have not referred to every representation in my report. Nonetheless, I can assure everyone that each comment made has been looked at and carefully considered.

31. From the evidence in front of me, it is apparent that the Almeley NDP has been subject to appropriate and extensive community engagement involving much time and effort by the Steering Group. They are to be congratulated for all their sustained effort and for producing a comprehensive NDP. I am therefore satisfied that the consultation process which has been followed complies with the requirements of the Regulations.

7. Compliance with the basic conditions

32. In my role as independent examiner I must assess whether the NDP meets the Basic Conditions⁸ set out in the Regulations as described in paras 7-8 above.

33. I have considered the Almeley Neighbourhood Development Plan Basic Conditions Statement produced by the Steering Group, and other supporting documentation, to assist my assessment which is set out below.

National Policy

34. National planning policy is set out in the National Planning Policy Framework (NPPF) and in the supporting Planning Practice Guidance (PPG). At the heart of the planning system is a presumption in

⁸ Para 8(2) of Schedule 4B of the Town and Country Planning Act (as amended)

favour of sustainable development, which applies to all levels of plan making. For neighbourhood plans, this means that neighbourhood plans should support the strategic development needs set out in Local Plans and plan positively to shape local development. Included in the twelve core principles of the NPPF⁹ is a requirement for neighbourhood plans which provide a practical framework within which decisions on planning applications can be made in a confident and consistent manner. Policies also should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.

35. Section 2 of the Basic Conditions Statement sets out a very comprehensive assessment of how each of the policies in the NP has regard to the twelve core principles of the NPPF. The NDP therefore satisfies the basic condition that it has regard to national policies and advice.

Sustainable development

36. The qualifying body also has to demonstrate how a neighbourhood plan contributes to the achievement of sustainable development as set out in the NPPF¹⁰.

37. Section 3 of the Basic Conditions Statement provides a comprehensive explanation of how the Almeley Parish NDP contributes to the economic, social and environmental aspects of sustainable development, alongside an assessment of how it complies with the relevant Herefordshire Local Plan Core Strategy policies. I therefore conclude that this Basic Condition is met.

Development Plan

38. The NDP also has to demonstrate that it accords with the strategic policies of the Development Plan. In terms of the wider planning of Herefordshire as a whole, the Neighbourhood Development Plan has been prepared in the context of the Herefordshire Local Plan Core Strategy (HLPCS), which was adopted on 16 October 2015. There is therefore an up to date development plan in place.

39. Section 3 of the Basic Conditions Statement sets out a very comprehensive assessment of how each of the policies in the NDP conforms generally with the relevant strategic policies in the HLPCS. A number of the policies are designed to support and amplify the policies in the HLPCS so that they are relevant to the particular needs and priorities of the parish.

40. Various departments in Herefordshire Council have provided comments on the plan as it has

⁹ NPPF (2012) para 16 and 17

¹⁰ NPPF 2012) para 18-219

progressed through each stage of preparation and the Council's Progression to Examination Decision Document dated 4 September 2018 confirms the Council's view that the NDP is legally compliant and can proceed to examination.

41. From my assessment of the plan's policies in the rest of my report, it is evident that the strategic policies of the adopted HLPCS have generally been carried through to the NDP. Therefore, subject to the recommended changes set out in Section 8 below, I conclude that the NDP is in general conformity with the strategic policies of the development plan and therefore this basic condition is met.

Basic Conditions – conclusions

42. I have considered the Basic Conditions Statement, the supporting evidence and representations made to the Almeley NDP and I am satisfied that the Plan as submitted follows the general principles set out in national planning policy and contributes to the achievement of sustainable development. It sets out a positive vision for the parish and policies to protect its distinctive character while accommodating development needs.

43. At a practical level, however, a few of the policies in the Submission NDP need some minor adjustment to ensure that they comply with the NPPF and the strategic guidance in the HLPCS. I have therefore suggested a number of modifications in Section 8 below to help ensure that the plan accords with national and strategic guidance and therefore meets the basic conditions.

European obligations and Human Rights Requirements

Strategic Environmental Assessment (SEA)

44. The SEA Directive aims to provide a high level of protection to the environment by ensuring that environmental considerations are included in the process of preparing plans and programmes. The Steering Group's approach is set out in two Environmental Reports, dated January 2017 and March 2018.

45. A screening opinion was carried out by Herefordshire Council in 2013 at the initial stages of preparing the NDP which concluded that the Neighbourhood Development Plan for the Almeley Neighbourhood Area would require further environmental assessment for Habitat Regulations Assessment and Strategic Environmental Assessment.

46. The Environmental Report produced in January 2018 concluded that none of the NDP policies are considered to be in direct conflict with or propose greater levels of growth and development than strategic policies contained in the Local Plan (Core Strategy), which themselves have undergone a full Sustainability Appraisal.

47. A screening report was also carried out in January 2018 to assess whether a Habitats Regulation Assessment (HRA) would be required. This was necessary because the Parish falls within the catchment for the River Wye (including River Lugg) which is designated as a Special Area of Conservation (SAC) under European legislation. This concluded that the Almeley Parish NDP is not have likely to have a significant effect on the River Wye SAC.

48. Updated versions of these reports were produced for the Regulation 16 consultation on the NDP, both reaching the same conclusions as the earlier reports.

49. In light of Counsel Advice on the implications of the recent European judgment in the case of *People Over Wind and Sweetman v Coillte Teoranta (C-323/17)* (“Sweetman”) and the representations from Natural England to a number of Habitat Regulation Assessment consultations undertaken post the judgment, Herefordshire Council issued a Briefing Note to neighbourhood planning bodies. As a result, a rescreening of the Almeley NDP was carried out in August 2018. The purpose of the final HRA Report is to detail the findings of the screening of proposed changes to policies and consider if they significantly affect the conclusions of the earlier HRA Report and reviewed in terms of the implications of Sweetman. The report concluded that the earlier conclusions that the Almeley NDP will not have a likely significant effect on the River Wye SAC remains valid. This reassessment was subject to public consultation between 29 August to 3 October 2018.

50. Only one comment was received in response to the consultation. This was from Historic England and confirmed that they had no objections.

51. I have considered all the relevant background material and I am therefore satisfied that the submitted Almeley Parish NDP meets the requirements set out in the SEA Directive so this basic condition is met.

Human rights requirements

52. Section 4 of the Basic Conditions Statement provides a very brief statement which confirms that it is considered that the NDP is compatible with the requirements of EU obligations in relation to

human rights. In addition, I could see from the Consultation Statement that consultation activities carried out for the NDP have been wide ranging and the Steering Group had sought to engage with all members of the community and relevant stakeholders.

53. I am satisfied therefore that the NDP is compatible with the requirements of EU obligations in relation to human rights and no evidence has been submitted to me to suggest otherwise. I am satisfied, then, that the Plan does not breach the European Convention on Human Rights obligations and therefore meets the Basic Conditions.

Other Directives

54. I am not aware of any other European Directives that would apply to this NDP, and in the absence of any evidence to the contrary, I am satisfied that the plan is compatible with EU obligations.

8. Neighbourhood Plan policies

55. This section of my report considers the NDP policies against the basic conditions.

56. The Plan is clearly written and is very well presented, with a clear structure distinguished by separate sections. The plan policies are grouped by objective and for each policy there is a short introduction followed by the policy, which is set out in a coloured text box and then some supporting text to justify the policy. This is a very clear approach and the Steering Group are to be commended on the presentation of the policies. As a general commentary, however, most of the policies are very long and complex and, in a number of cases, they overlap with the guidance in other policies in the plan. This means that the plan does not provide clear and unambiguous guidance for future users of the plan. In my comments on the policies which follow I have therefore made a number of recommendations which aim to clarify the guidance which the plan provides.

57. All of the policies relate to the development and use of land and none cover excluded development, such as minerals and waste, so the statutory requirements and guidance set out in Planning Practice Guidance¹¹ are met. I have commented separately on the policy which deals with agricultural waste arising from intensive livestock units.

58. As part of this examination, my report includes a series of recommended modifications to ensure that the policies are expressed concisely and precisely in order to comply with the basic conditions.

¹¹ Planning Practice Guidance PPG para 004

Where I have suggested modifications, these are identified in **bold text**. The recommended modifications relate mainly to issues of clarity and precision and are designed to ensure that the plan fully accords with national and strategic policies. I have considered the policies in the order they appear in the Plan, by section and comment on all of the policies, whether I have suggested modifications or not. Where I consider that the supporting paragraphs need amendment to help explain and justify the plan policy, I have made comments to that effect.

1. Introduction

59. This section introduces the Neighbourhood Development Plan, explains why an NDP is being prepared and the approach taken to community involvement. I have no comments to make.

2. Background to the Plan Area

60. This section outlines the key characteristics and main features of the parish and I have no comments to make.

3. Issues for the Plan

62. This section outlines the key issues for the plan. My only comment relates to the issue of intensive livestock units and I have commented on this in para 83 below.

4. Development Options

63. This section outlines the options for development in the parish which were considered as part of the NDP preparation process, and explains that Option 6 – a small extension to Almeley village settlement boundary with limited further development in Woonton – was selected as it was the most practicable option while respecting the community's wishes. This accords with the strategic guidance in the HLPCS so the basic conditions are met.

5. Vision, Objectives and Strategic Policy

64. This section sets out the vision for the NDP, which is:

“In 2031, Almeley Parish will remain an unspoilt, rural and scenic part of Herefordshire, providing homes for its families and elderly residents, supporting local businesses, such as small family farms, and an increase in home-working through a fast-broadband network”

65. This section also introduces the first two policies which relate to sustainable development.

Policy ALM1: Promoting Sustainable Development

66. This policy seeks to promote sustainable development in the NDP area and complements HPLCS Policy SS1 in that it provides a distinctive sense of what is important to the Parish and its communities.

67. It does however require some fine tuning to improve clarity.

- **Recommendation: Reword ALM1 (c) to read “Support local economic development appropriate to the capacity of the highway network, the local landscape and the existing settlement pattern”**

Policy ALM2: Development Strategy

68. Policy ALM2 sets out the development strategy for the parish. However, the policy overlaps with and, in some cases (notably policies ALM10-13), duplicates other policy guidance later in the plan. This means that there is potentially unclear guidance for future decision takers. In order to meet the requirements of the NPPF at para 154, which confirms the need for clarity in policy, ALM2 and its supporting text should be deleted.

- **Recommendation: Delete ALM2 and paragraphs 5.9 and 5.10. Renumber subsequent policies accordingly**

[6. Environmental Policies](#)

69. This section introduces the environmental policies.

Policy ALM3: Maintaining and Protecting the Landscape and its Features

70. This policy seeks to maintain and protect the rural landscape of the parish and its features. In response to my query, the Steering Group confirmed that the “local sites and green infrastructure” referred to in ALM3(f) are all mapped in the Almeley Parish Biodiversity Conservation and Enhancement Plan which was produced in June 2018. I have looked at this document and I can see that it is important supporting evidence for the NDP, so I suggest that a more prominent reference is made to it in paragraph 6.2.

71. I also suggest some minor rewording of the policy to improve clarity.

- **Recommendation:** Replace “and reinforce” with “restore and enhance” in first line of ALM3. Add “to enhance landscape character” after “schemes” in ALM3(c). Delete “Ensure the integrity of the views by protecting the foreground” and add “Protect landscape views” before “across” in ALM3(d). Add after “traditional orchards” in fifth sentence of paragraph 6.2 “; these are described and mapped in the Almeley Parish Biodiversity Conservation and Enhancement Plan: June 2018.” Amend Footnote 10 on page 26 to read <http://almeleypc.org/wp-content/uploads/2018/07/Almeley-Parish-Council-Nature-Conservation-Plan-June-2018.pdf>

Policy ALM4: Protecting Heritage Assets

72. This policy seeks to protect the heritage assets of the parish. Again, I suggest some rewording to improve clarity. In particular, ALM4(b) needs to be strengthened so that it ties in with the guidance in the supporting text about Heritage Impact Assessments.

73. In response to my query, the Steering Group suggested that the two plans on pages 52 and 53 should be deleted as there were small differences between these maps and those prepared by Herefordshire Council and I agree this would be helpful. I also suggest that both natural and heritage assets are listed in Appendix 2 and the title of the Appendix amended accordingly.

- **Recommendation:** Add “affecting heritage assets” after “proposals” in line 1 of ALM4 (b) and delete “elsewhere”. Add “a Heritage Impact Assessment or” after “accompanied by” in ALM4(b). Add “the significance of” after “affect” in ALM4(f). Delete maps on pages 52 and 53 and substitute Almeley Policies and Woonton Policies Maps prepared by Herefordshire Council. Add list of Natural Assets to Appendix 2 and change title of Appendix 2 to “List of Heritage and Natural Assets”.

74. As there is more detailed guidance on development affecting historic farmsteads elsewhere in the NDP - notably in ALM2(c) and ALM14 - the guidance in ALM4(h) is superfluous and should be deleted. The supporting paragraph 6.4 would then be better located as the first, introductory paragraph below Policy ALM14.

- **Recommendation:** Delete ALM4(h) and renumber ALM4(i) as ALM4(h). Move paragraph 6.4 to become the first paragraph under Policy ALM14 and renumber as paragraph 8.6. Renumber remaining affected paragraphs in sections 6 and 8 accordingly

Policy ALM5: Protection of Local Green Space

75. This policy proposes three areas of local green space. The NPPF at paragraph 77 states;

The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *where the green area concerned is local in character and is not an extensive tract of land.*

76. In response to a related question, the Steering Group confirmed that they had carried out an assessment of the areas for potential inclusion as Local Green Space and that this is set out in supporting documents to the NDP. As this is important evidence I suggest that it is referred to more directly in the supporting text to Policy ALM5.

- **Recommendation: Add new sentence at start of paragraph 6.6 to read. “The Steering Group carried out an assessment of potential areas for inclusion as Local Green Space in the NDP and this is set out in <http://almeleypc.org/local-green-space-assessments/>”**

77. From my site visit I could see that the land at Spearmarsh Common and Pool Common were both open areas of land which were well maintained and used by the community going about their day to day activities. They both contribute to and enhance the character of the settlements of Almeley and Woonton respectively. On the other hand, The Batch at Almeley, is an area of dense woodland, with public access afforded by means of a public footpath. It is also an extensive tract of land which raises questions about whether it complies with NPPF guidance. Furthermore, it is protected through other planning designations, as it is identified as a Local Wildlife Site and is part of the Almeley Conservation Area so development here would be highly unlikely to be permitted. In these circumstances I conclude that it would not be appropriate to designate it as a Local Green Space. The wording of policy ALM5 also needs to be improved so that it provides clearer guidance.

- **Recommendation: Delete ALM5(b) from Policy ALM5 and Almeley Village Policies Map. Renumber ALM5(C) as ALM5(b) and amend Woonton Village Policies Map accordingly. Delete para 6.6(ii) and move Figure 10 to Appendix 2 . Renumber 6.6 (iii) as 6.6(ii) and renumber**

Figure 11 as Figure 10 and renumber all subsequent Figures accordingly. Reword third sentence of ALM5 to read “Proposals for any development on these sites will be resisted unless they are directly related to the retention, management or enhancement of the green space and there is no significant adverse effect on residential amenity.”

Policy ALM6: Design Appearance

78. This policy deals with the design of new development and I have no comments to make, beyond suggesting that the title might be more simply stated as just “Design”

- **Recommendation: Delete “Appearance “from title of policy ALM6.**

Policy ALM7: Sustainable Design

79. This policy deals with Sustainable Design and I have no comments to make.

[7. Economic Development](#)

Policy ALM8: Diversification through Live/Work Units

80. This policy helps support rural diversification which is important to the Parish as it has no major employers or businesses. It includes guidance on the use of historic farmsteads for economic and business purposes, so is distinct from Policy ALM14 which deals with proposals for residential use of such properties. The policies are therefore complementary and I have no comments to make.

Policy ALM9: General Purpose Agricultural Buildings and Intensive Livestock Units

81. This policy covers general purpose agricultural buildings and intensive livestock units, with most of the policy dealing with the latter.

82. A representation from the NFU raised concerns about this policy, suggesting that it is not in line with national or local policy and could unduly restrict the growth of farm businesses and curtail their ability to comply with legislation.

83. I understand from the response I received from Almeley Parish Council to my query, that this policy had been developed in response to local concerns about a number of planning applications for intensive livestock units within and surrounding the parish. I note, however, that it is not mentioned in the Issues for the Plan, which are set out in Section 5, although there is a detailed Appendix

outlining the concerns related to intensive livestock units appended to the Consultation Statement. If such units are an issue of concern to the general community, warranting a standalone policy in the Neighbourhood Development Plan, then this should be referred to in the Issues Section of the plan under the economic development heading in para 3.11.

- **Recommendation: Add as new sentences at the end of paragraph 3.11, “Public consultations, including in relation to the NDP, revealed considerable community concern over the potential harmful effects of intensive livestock operations to public health and the environment. Support for traditional farming is, however, strong.”**

84. The NFU representation expressed concern that the policy not only provides guidance for general agricultural buildings but in dealing with intensive livestock units it also overlaps with Environment Agency regulations, particularly in relation to manure spreading. Policy RA6 of the HLPCS and the NPPF provides guidance on general agricultural buildings so there is no need for the policy to refer to these and thus reference to them should be removed from the policy.

- **Recommendation: Delete “General purpose agricultural buildings requiring planning permission,” from the first sentence of ALM9 and from the title of ALM9**

85. In ALM9 (a) it is not clear what is meant by “full mitigation” and the term “environmental effects” is not sufficiently precise. To meet the basic conditions, revised wording is required to improve clarity.

- **Recommendation: Delete “the environmental” and substitute “adverse visual and landscape” and delete “full mitigation” and substitute “effective mitigation of the adverse impact” in second sentence of ALM9(a)**

86. In response to my queries and in their comments on the responses to the Reg 16 consultation, the Parish Council has explained the background to the policy and I am grateful for this information. Essentially the concerns centre around the disposal of waste associated with intensive livestock units. Manure or slurry spreading is a traditional method of maintaining soil fertility; it is only when it is spread in such a way that it exceeds crop requirements, is of no benefit to the land or provides no ecological improvement that it would be classed as waste¹². There is therefore a question as to whether this is an issue of waste disposal - which a neighbourhood plan would not be expected to

¹² <https://www.gov.uk/government/publications/legal-definition-of-waste-guidance/decide-if-a-material-is-waste-or-not>

cover as it is excluded development - or whether such developments raise planning issues which it would be reasonable for a NDP to address. There is also the matter of potential overlap with Environment Agency guidance and regulation regimes and the extent to which potentially adverse impacts would be managed through the planning application process or permitted through permitted development rights.

87. The situation is complex and I therefore have spent some time considering the background evidence submitted by the Parish Council, adopted Local Plans and Core Strategies, interim guidance from other local planning authorities and considered other Neighbourhood Plans in Herefordshire, notably Pembridge Neighbourhood Plan.

88. It is a concern that some of the wording of policy ALM9 seems to have been copied from the Beverley Borough Local Plan dated 1992, which itself was based on the Humberside Intensive Livestock Units Local Plan which was adopted in 1984 and subsequently amended in 1992. There are inherent risks, therefore, in preparing policies based on evidence from a different local authority area and on dated information which may have been superseded by other, more recent consent regimes or planning guidance. There is particular concern about the lack of evidence to justify the distances from the villages of Almeley and Woonton specified in ALM9(c). The references to precise distances from the two settlements should therefore be deleted from ALM9(c). A policy in the former Herefordshire UDP stated that development within 400m of an intensive livestock unit could potentially be sensitive to adverse effects on amenity, due to the proximity of the unit. Also, the GDPO 2015¹³ removes permitted development rights for intensive livestock units which are located within 400m of a protected building – one usually occupied by people. However, each case will need to be judged depending on the particular circumstances - for example, taking account of the site location and the size of the unit - so some flexibility needs to be incorporated into the policy.

- **Recommendation: Delete ALM9 (c) and replace with “proposals involving intensive livestock units and/or associated walled storage compounds or lagoons should be sited no closer than 400m from a protected building or residential property which is not associated with the operation. Where it can be demonstrated that a small-scale operation will have no impact at a closer distance due to the size of the operation or other factors, then this distance requirement may be reduced”**

¹³ <http://www.legislation.gov.uk/uksi/2015/596/schedule/2/made>

89. Criteria ALM9(d) and sub policies ALM9(d) (i) to (vi) deal with very detailed criteria regarding the handling, collection storage, treatment, transportation and disposal of manure waste. A neighbourhood plan can only deal with land use planning matters, not issues that are more appropriately considered by other consenting regimes, through the planning application process or, in some cases through a method statement submitted alongside a planning application. Amendments to ALM9(d) are therefore required to focus on the land use planning matters relevant to a neighbourhood plan, in order to ensure that it meets the Basic Conditions.

90. Criteria ALM9(d) (iii) deals with potential impacts on the River Wye Special Area of Conservation and “in combination” effects so is a land use planning matter on which the NDP could provide guidance. The SAC is an important national asset which could be vulnerable to nitrate pollution. Development affecting Scheduled Ancient Monuments and archaeological sites are covered by other policies in the plan so do not need be referred to in ALM9. The same applies to Local Nature Conservation Sites, Almeley Conservation Area and archaeological sites of Lesser Regional or Local Importance referred to in ALM9(d)(iv). Clause (v) and (vii) are superfluous as they overlap with other clauses. To provide clarity and to meet the basic conditions, amendments are required.

- **Recommendation: Delete ALM9(d) (iii) and replace with “Require the location of manure disposal or manure spreading areas for waste arising from intensive livestock units to be located where they would not have an adverse effect on the River Wye Special Area of Conservation. The in-combination effects of a number of such operations will also be a consideration”. Delete ALM9(d) (iv) and (v).**

91. Clauses (i) and (ii) deal with other matters which would be relevant when a planning application for an intensive livestock unit was being considered - such as the technological aspects of waste disposal methods - which are, in many cases, subject to other consent regimes. They are also outside the scope of a neighbourhood plan, which must be confined to land use planning issues. In response to my queries, the Parish Council has provided useful information about emerging practice elsewhere, including recent interim guidance for planning applications for intensive livestock units produced by Shropshire Council ¹⁴. I have also considered the approach used in the Pembridge NDP. I therefore suggest that these clauses are deleted and instead reference is made to a working method

¹⁴ <https://shropshire.gov.uk/environment/biodiversity-ecology-and-planning/new-interim-guidance-for-livestock-unit-lsu-applications/>

statement which could be requested by the local planning authority to accompany any planning application for an intensive livestock unit.

- **Recommendation: Delete ALM9 (d) (i), (ii), (vi) and (vii). Insert new final clause to read “Require any planning application for an intensive livestock unit to be accompanied by a working method statement that includes clear details on the number and quantity of animals and by products, methods of dealing with inputs and outputs from the process and pollution controls, transportation requirements and any other relevant matters as specified by the local planning authority. The in-combination effects of a number of such units on the environment should also be considered.” Renumber all clauses of ALM9 accordingly**

92. Consequential changes are required to the supporting text.

- **Recommendation: Delete “Protection zones settlement areas” and “These distancesplan making process” from paragraph 7.4. After “and lighting.” add “A working method statement setting out provisions and appropriate agreements is necessary to ensure the provisions of NPPF paras 120-124 are taken into account and this should cover all forms of pollution including noise, emissions to air and light pollution.” Delete last sentence of para 7.4. In first sentence of para 7.5 change “these protection zones” to “this protection zone”. Delete first and second sentences of paragraph 7.6. Add as new sentence at end of paragraph 7.7 “In addition, it is important that any proposals do not harm the parish’s heritage assets or its community facilities and services in accordance with other policies in this NDP”.**

8.Housing Policies

93. This section introduces the housing policies. As suggested in paragraph 102, below, I suggest that paragraphs 8.9 and 8.10 and Table 1 are moved to this section as they explain the housing requirements for the plan area and the approach taken to the housing allocations.

Policy ALM10: Housing Development in Almeley

94. This policy sets out the general approach to housing development within the defined settlement boundary of Almeley. There is some overlap with Policy ALM11 which allocates the site to the North of West View for housing development and I suggest some rewording to improve clarity.

- **Recommendation: Delete “a site identified for development upon Almeley Village Policies Map” from the first sentence of ALM10 and substitute with “the site allocated to the north of West View (ALM11)”**

95. In response to my query, Almeley Parish Council has pointed out that there is an error in para 8.2; it should be redrafted to take account of the housing allocation at Land to North of West View, Almeley as covered by Policy ALM11.

- **Recommendation: Redraft second sentence of para 8.2 to read “That proposed in this NDP reflects those previous boundaries and a site identified as suitable and available through the assessment if sites put forward within the local “Call for Sites””**

96. A representation sought to allocate an additional area of land within the development boundary to the East of The Manor. The site is located within the Almeley Conservation Area and its development would impact on the settings of nearby listed buildings and ancient monuments. In addition, the plan already allocates sufficient sites to meet its requirement so no change to the NDP is required.

Policy ALM11: Land to North of West View

97. This policy provides detailed guidance for the development of the site to the North of West View. I suggest some minor rewording to improve clarity.

- **Recommendation: In first sentence of ALM11 substitute “allocated” for “proposed” and delete “additional”**

Policy ALM12 : Housing development in Woonton

98. This policy sets out the general approach to housing development within the defined settlement boundary of Woonton. There is some overlap with Policy ALM13 which allocates a site suitable for redevelopment at Woonton Farm and I suggest some rewording to improve clarity.

- **Recommendation: Delete “the retention of sites already granted planning permission and the redevelopment of a site shown upon Almeley Woonton Policies Map” from the first sentence of ALM12 and substitute with “sites already granted planning permission and the site allocated at Woonton Farm (ALM13)”**

99. A representation sought the allocation of a further area of land to the south west of The Orchards. In response to my query, the Parish Council confirmed that the site had not been put forward as part of the Call for Sites exercise and had only recently been granted planning consent. It therefore had not been included in the Reg 16 version of the NDP and should it be developed, it would fall into the category of windfall development. No change to the NDP is therefore required.

Policy ALM13 : Redevelopment of Land at Woonton Farm

100. This policy provides detailed guidance for the redevelopment of land at Woonton Farm. I suggest some minor rewording to improve clarity.

- **Recommendation: Delete “may be redeveloped” and substitute “is allocated for redevelopment”**

Policy ALM14 : Residential Use Associated with Historic Farmsteads

101. Historic farmsteads form an important part of the Parish’s heritage and a number of these have been or are in the process of being sold off. In response to my query, the Steering Group explained that the approach they had taken in the NDP was to set out the strategic guidance for development affecting these properties in policy ALM2 with more detailed guidance on particular aspects of their development elsewhere in the plan. In order to ensure that there is no potential overlap in policy guidance I have suggested in my comments on ALM4 in para 74 above that ALM4(h) is deleted. In terms of policy ALM14 itself, I have no further comments to make.

102. In terms of the supporting text, the last sentence of para 8.8, paras 8.9 and 8.10 and Table 1 all sit rather oddly under ALM14 as they deal with the plan’s housing requirements. I therefore suggest that they are moved so that they sit as introductory paragraphs to the Housing Policies section.

- **Recommendation: Delete last sentence of para 8.8. Move Paragraph 8.9, 8.10 and Table 1 and insert as introductory paragraph under Section 8 Housing Policies on Page 38. Renumber all subsequent policies in Section 8 accordingly**

Policy ALM15: Providing for Local Housing Need

103. This policy provides guidance on how local housing needs will be met. However, it only seems to cover existing dwellings, not any new dwellings which could be provided as part of new housing development proposals which could be permitted as rural exception sites under Herefordshire Local Plan Core Strategy Policy RA2. I therefore suggest that the policy is amended so that it is aligned with the strategic guidance in the HPLCS and thereby meets the basic conditions.

- **Recommendation: Add “provided or” after “dwellings are” in first line of Policy ALM15**

9. Parish Infrastructure

Policy ALM16: Highway Requirements

104. This policy provides guidance on highway requirements and I have no comments to make.

Policy ALM17 : Sewerage Infrastructure

105. This policy requires some minor rewording to improve clarity and to strengthen the requirement on developers to contribute to remedial works at the Eardisley Waste Water Treatment Works (WwWTs), if they wish to advance proposals more swiftly.

- **Recommendation: In second line of ALM17, delete “development, sites” and replace with “the development of sites”. In second sentence of ALM17, add “be required to” after “Developers may”**

Policy ALM18 : Protection from Flood Risk

106. Herefordshire Council has pointed out that this policy requires some amendment as the statement regarding housing development not being permitted in flood zones 2 and 3 does not comply with the NPPF and PPG. I therefore suggest that this sentence is deleted from the policy and a more direct cross reference to HLPCS policy SD3 is added at the end of the previous sentence. With this change, the policy meets the basic conditions.

- **Recommendation: Add “and Herefordshire LPCS Policy SD3” at end of first sentence of ALM18. Delete second sentence of ALM18**

Policy ALM19 : Protection and Enhancement of Community Facilities and Services

107. This policy deals with the protection and enhancement of community services and I have no comments to make.

Policy ALM20 : Contributions to Community Services, Youth Provision and Recreation Facilities

108. This policy deals with developer contributions towards community facilities and I have no comments to make.

10. Delivering the Plan

109. This is a very useful section which sets out how the NDP will be delivered and monitored. I have no comments to make.

9. Conclusions and Recommendations

110. I have examined the Almeley Parish NDP and I have concluded that, subject to the modifications set out in my report, it meets the basic conditions and other statutory requirements.

111. I am therefore pleased to recommend to Herefordshire Council that, subject to the modifications set out in my report, the Almeley Parish NDP should proceed to referendum.

112. I am also required to consider whether the referendum area should be extended beyond the Almeley Parish NDP area. I see no reason why it would be necessary to alter or extend the plan area for the purposes of holding a referendum, nor have I received any representations to that effect. I therefore conclude that the plan should proceed to referendum based on the neighbourhood area approved by Herefordshire in July 2012.

APPENDIX 1: Background Documents

In undertaking this examination, I have considered the following documents:

- Almeley Parish Neighbourhood Development Plan 2011-2031 Submission Draft: May 2018 and associated Policies Maps
- Almeley Neighbourhood Development Plan Consultation Statement: June 2018
- Almeley Neighbourhood Development Plan Basic Conditions Statement: June 2018
- Herefordshire Council: Almeley Neighbourhood Development Plan - Progression to ! Examination Decision Document: 4 September 2018 !
- Environmental Report for Almeley Neighbourhood Area: Herefordshire Council: January 2018
- Habitats Regulations Assessment Report for Almeley Neighbourhood Area: Herefordshire Council: January 2018
- Environmental Report for Almeley Neighbourhood Area: Herefordshire Council: June 2018
- Habitats Regulations Assessment Report for Almeley Neighbourhood Area: Herefordshire Council: June 2018
- Habitat Regulation Assessments (HRA) of Neighbourhood Development Plans Statement in relation to CASE 323/1/COURT OF JUSTICE OF THE EUROPEAN UNION People over Wind and Peter Sweetman v Coillte Update following Counsel Advice: Herefordshire Council 13 September 2018
- Habitats Regulations Assessment Final Report for Almeley Neighbourhood Area: ! Herefordshire Council: August 2018 !
- Almeley Parish Biodiversity Conservation and Enhancement Plan: Herefordshire Wildlife Trust : June 2018
- National Planning Policy Framework (NPPF) 2012
- National Planning Policy Framework (NPPF) 24 July 2018

- Planning Practice Guidance March 2014 and subsequent updates !

APPENDIX 2:

Almeley Parish Neighbourhood Development Plan Examination

Request for further information and questions from the Examiner to Herefordshire Council and Almeley Parish Council

I have carried out a preliminary review of the Neighbourhood Development Plan and the evidence submitted in support of it and there are a few points where I need some clarification or further information. I would therefore be grateful if both Councils could assist me, as appropriate, in answering the following questions.

1. Local sites and green infrastructure

In Policy ALM3 (f) Reference is made to “local sites and green infrastructure within the parish”. Are these mapped or documented either in the NDP or elsewhere?

2. Heritage Assets

In Policy ALM4(f) reference is made to Nieuport and Broxwood Court Registered Park and Gardens but these are not marked on the two Policies Maps on pages 52 and 53, nor are they listed in Appendix 2 – the List of Heritage Assets. Similarly, ALM4(i) refers to a network of commons but these do not seem to be mapped. Are these the same as or different to the areas at Spearmarsh Common and Pool Common which are proposed as Local Green Space in Policy ALM5? Please can I have your comments?

3. Historic farmsteads

The NDP contains a number of policies that set out guidance on historic farmsteads – notably ALM2(c), ALM4(h), ALM8 (e) and ALM14. I think there is a risk that all this guidance overlaps and

could cause difficulties when the plan is used in future. I am minded to suggest that there is only one overarching policy to cover these – please can I have your views?

4. Intensive livestock units

Policy ALM9 deals with agricultural buildings and intensive livestock units, though the focus of most of the policy is on the latter. I am interested in knowing a bit more about why intensive livestock units are regarded as a concern for the NDP, as I can see no mention of the issue in the Issues for the Plan section or the Consultation Statement. I also note that the Beverley Borough Local Plan, on which I think ALM9 is based, has been superseded by other Local Plan policies in the former Humberside area which are now more up to date. I would appreciate any comments you wish to make.

5. Housing Sites

I have received a representation from Bernard Eatock Ltd regarding land to the East of The Manor in which he mentions correspondence with a representative of the NDP Group regarding the possible inclusion of the site within the settlement boundary. Please can you confirm whether this site was considered as part of the call for sites exercise and any other information that may be relevant to my consideration of this representation?

6. Land at Woonton

I have received a representation from McCartney's regarding land to the south west of The Orchards at Woonton. A planning application was granted for residential development on the site on 27 June 2018. However, the site has not been included within the settlement boundary for Woonton in the NDP. I note that two other sites in Woonton, to the east of Pool Cottage and south of the Hopley's Green junction have also been recently been granted planning consent, yet these are included within the settlement boundary. Please can you explain the differences in approach?

Thank you for your assistance with these questions. Once I have received your responses, I may need to ask for further clarification or further queries may arise as the examination progresses.

Please note that these questions and requests for information is a public document and the answers and any associated documents will also be in the public domain. Both my questions and the responses should be placed on the Councils' websites as appropriate.

Barbara Maksymiw

23 November 2018

Shropshire Council Interim Guidance Note GN2 (Version 1, April 2018)

Assessing the impact of ammonia and nitrogen on designated sites and Natural Assets from new and expanding livestock units (LSUs)

(Please note, for international and national designated wildlife sites this interim guidance is based largely on Natural Resources Wales Guidance Note (GN020), ‘Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units: Technical guidance for determining environmental permit applications or responding to planning application consultations.’)

Why is Shropshire Council producing this interim guidance?

In the past, Shropshire Council has relied on the national guidance and thresholds for ammonia published by the Environment Agency (EA) to be followed when applying for an Environmental Permit for intensive livestock units (LSUs), published in 2012. Since this guidance was issued, a number of changes have occurred. These are:

- The very high number of permitted intensive livestock units in Shropshire (over 100 by 2017) compared with other English counties;
- An increase in the number of planning applications submitted per year for both EA permitted and non-permitted livestock units, which produce ammonia emissions;
- A relatively high number of internationally and nationally designated wildlife sites, together with ancient woodlands and local wildlife sites scattered across this largely rural county, which are protected by law and/or planning policy;
- ‘Clusters’ of LSUs existing and proposed in proximity to designated wildlife sites;
- Very high background levels of ammonia in the county with examples of international wildlife sites already at c. 200% to 600% of their Critical Levels or Critical Loads (i.e. the levels of ammonia and loads of nitrogen deposition above which species will be lost and habitats damaged);
- New guidance has been published (2017) by Natural Resources Wales (the intensive LSU permitting body for Wales) for considering ammonia emissions, which has lowered the significance thresholds used during the initial ammonia screening and in-combination assessments. Shropshire Council LPA must formally consult NRW on any LSU from which ammonia may impact on Welsh wildlife sites, whether or not they have a permit from the Environment Agency (the intensive LSU permitting body for England), i.e. different screening thresholds now apply for environmental permits depending in which country the affected sites lie;
- Recent caselaw (the ‘Wealden Case’ 2017) has called into question how sources of pollution are to be considered ‘in-combination’ for internationally protected wildlife sites;
- Recent research commissioned by Natural England, which has scientifically assessed the impacts of nitrogen pollution on habitats and species (see section 1.3);

- The requirement in the National Planning Policy Framework and the new government 25 year plan to seek biodiversity net gain.

Shropshire Council is currently liaising with Natural England, the Environment Agency, Natural Resources Wales, planning agents, applicants and the Marches Local Enterprise Partnership to seek a way forward for agricultural businesses, whilst complying with legislation and policy to protect Shropshire's wildlife and countryside.

What is this document about?

This document explains how to assess the impacts of ammonia emissions and nitrogen deposition from livestock units on designated sites and Natural Assets (Internationally and nationally designated sites and Natural Assets such as Ancient Woodland, other irreplaceable habitats and Local Wildlife Sites as listed under SAMDev Plan policy MD12: Natural Environment and the NPPF paragraph 118).

Who is this document for?

This guide is for applicants and their planning agents, ecology and air pollution consultants, seeking to apply for planning permission to build and operate livestock units and associated infrastructure (intensive or otherwise) in Shropshire, including changes to existing permissions. It will also serve to help Shropshire planning officers to assess such planning applications.

Contact for queries or feedback: ecology@shropshire.gov.uk

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1 Introduction

This document explains how Shropshire Council now assesses the impact of predicted ammonia emissions from livestock units (LSUs). An LSU may be classed as ‘intensive’ and require an Environmental Permit from the Environment Agency (EA) as well as planning permission, or it may fall outside the ‘intensive’ livestock criteria but by its nature may generate significant airborne ammonia.

This guidance covers the assessment of direct effects of ammonia and indirect impact from nitrogen deposition (eutrophication) on designated wildlife sites and Natural Assets. The assessment procedure involves the same modelling techniques used by the EA and Natural Resources Wales (NRW) when assessing environmental permits, but the thresholds for screening planning applications, for impacts on international and national designated sites, generally reflect those used by NRW, which have been more recently updated. NRW has introduced revised screening thresholds of insignificance and a new upper threshold for the process contributions of other plans or projects acting in-combination on designated sites (GN020 October 2017). They have also revised the screening distance for European Sites, reducing it from 10km to 5km.

Shropshire Council understands that the EA, Natural England (NE) and NRW are currently reviewing their guidance in the light of recent case law (Wealden Case, see section 1.3). Shropshire Council is actively liaising with these bodies and welcome technical suggestions from the industry and farming advisors to both mitigate the problems caused by high levels of ammonia and support the sustainable development of the farming sector. **This interim guidance will be reviewed at least annually and Shropshire Council will consider any changes in national guidance and scientific evidence as it becomes available. Please check Shropshire Council’s planning website for the most up to date guidance and the Validation Checklist for Livestock Units (LSU).**

<http://shropshire.gov.uk/environment/biodiversity-ecology-and-planning/>

The Validation Checklist also covers information which must be submitted with a planning application to allow the LPA to consider noise and odour impacts on local people.

This guidance describes the information required to be submitted with a planning application and takes you through the steps needed to carry out the assessment on sites with the following designations:

- European designated sites (Natura 2000 sites) - Special Areas of Conservation (SAC), Special Protection Areas (SPA)
- Other internationally designated sites - Ramsar Sites (as a matter of government policy)
- Nationally designated sites - Sites of Special Scientific Interest (SSSI)
- Natural Assets as defined in Shropshire’s Site Allocations and Management of Development Plan, policy MD12: Natural Environment (Local Nature Reserves, Local Wildlife Sites, Ancient Woodland (or Plantation Ancient Woodland) or other irreplaceable habitats, priority habitats and priority species).

N.B. In order to obtain an environmental permit from the Environment Agency (EA), applicants should follow the EA’s guidance at: <https://www.gov.uk/topic/environmental-management/environmental-permits> as before.

This guidance document only applies to applications for planning permission from the Shropshire Local Planning Authority. Planning and Environmental Permitting are separate regimes considering differing criteria, and obtaining permission under one regime does not automatically ensure permission will be gained through the other.

1.1 Relevant legislation

Legislation relevant to this guidance note is:

- Environmental Permitting (England and Wales) Regulations 2016
- Conservation of Habitats and Species Regulations 2017
- Countryside and Rights of Way Act 2000
- Natural Environment and Rural Communities Act 2006
- Environmental Protection Act 1990
- Wildlife and Countryside Act 1981
- Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

1.2 Relevant Planning Policy

Planning policy relevant to this guidance note is:

- Shropshire Site Allocation and Management of Development Plan (including policy MD12: Natural Environment)
- Shropshire Core Strategy (including policy CS17 Environmental Networks)
- National Planning Policy Framework (particularly paragraphs 14, 118 and 119)

1.3 Related documents

- a) Government Circular: Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system ODPM Circular 06/2005 (England)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7692/147570.pdf
- b) Guidance on modelling concentration and deposition of ammonia emitted from intensive livestock units. Environment Agency, Air Quality Modelling Assessment Unit, 22 November 2010 v3
<http://webarchive.nationalarchives.gov.uk/20140328103829/http://www.environment-agency.gov.uk/business/sectors/40071.aspx>
- c) SCAIL: Simple Calculation of Atmospheric Impact Limits <http://www.scail.ceh.ac.uk/>
- d) Assessing the effects of small increments of atmospheric nitrogen deposition (above the critical load) on semi-natural habitats of conservation importance (23rd March 2016), Natural England Commissioned Report NECR210.
<http://publications.naturalengland.org.uk/publication/5354697970941952>

- e) Improvement Programme for England’s Natura 2000 Sites (IPENS) – Summary Report. Natural England 2015.
<http://publications.naturalengland.org.uk/publication/5757712073752576>
- f) Atmospheric Nitrogen theme plan – Developing a strategic approach for England’s Natura 2000 sites. Natural England 2015.
<http://publications.naturalengland.org.uk/file/5688662740172800>
- g) Commission Implementing Decision (EU) 2017/302 of 15 February 2017 establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the intensive rearing of poultry or pigs (*notified under document C(2017) 688*)
<https://publications.europa.eu/en/publication-detail/-/publication/968ab1da-f807-11e6-8a35-01aa75ed71a1/language-en>
- h) Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council, South Downs National Park Authority v Natural England [2017] EWHC 351 (Admin)
<http://www.bailii.org/ew/cases/EWHC/Admin/2017/351.html>

2 The assessment process

Table 1 below describes the screening procedure. Figure 1 illustrates the procedure in a flow chart. For each screening Step, additional clarification is provided in the remaining text, headed with the Step number.

Definitions of terms used in Table 1:

Abbreviation	Term	Description
BAT	Best Available Techniques	Measures to reduce ammonia emissions detailed in document 1.3 (g) above.
Cle	Critical level	Level of airborne ammonia above which damage to a specified habitat is likely to occur.
CLo	Critical Load	Amount of nitrogen deposition above which damage to a specified habitat is likely to occur.
PC	Process Contribution	Ammonia released to the air or nitrogen (N) deposited to the ground as a result of the LSU.
PEC	Predicted Environmental Concentration	Process Contribution plus the other PCs being considered in-combination, plus the background level or load at the sensitive receptor.
SC Ecology	Shropshire Council’s Ecology Team	Contact: ecology@shropshire.gov.uk
Sum of PCs	Sum of Process Contributions	The PC of the LSU being applied for plus the PCs of other sources being considered in-combination.

Table 1 Shropshire interim assessment process for livestock units emitting airborne Ammonia, partly based on NRW Guidance Note GN020 with modification to take account of the Wealden Case, legal advice and planning policy.

SIGNIFICANCE SCREENING		
Step 1: Distance screen	<p>Question: Is the livestock unit closer than 5 km from an international or national designated wildlife site (i.e. SAC, SPA, Ramsar, SSSI) and/ or 2km from a Natural Asset (e.g. Local Nature Reserves, Local Wildlife Sites, Ancient Woodland (or Plantation Ancient Woodland) or other irreplaceable habitats, priority habitats and priority species)?</p> <p>All the above are classed as ‘sensitive receptors’. A receptor is sensitive if it contains habitats or species which are adversely effected by airborne ammonia, deposited nitrogen or acidification, from whatever source.</p> <p>Information can be obtained from:</p> <ul style="list-style-type: none"> - http://www.magic.gov.uk/MagicMap.aspx - Natural England https://designatedsites.naturalengland.org.uk/SiteSearch.aspx APIS http://www.apis.ac.uk/src1 - Shropshire Wildlife Trust (for Local Wildlife Sites) https://www.shropshirewildlifetrust.org.uk/contact-us 	
	If...	then...
	Yes, it is within 5km from an international or national site, or 2km from a Natural Asset	Proceed to Step 2
	Yes, it is closer than 250m	Proceed to Step 3a Detailed Assessment. Detailed modelling will be required and must follow the agreed EA AQMAU 2010 v3 guidance (see 1.3 Related documents). (SCAIL/AST

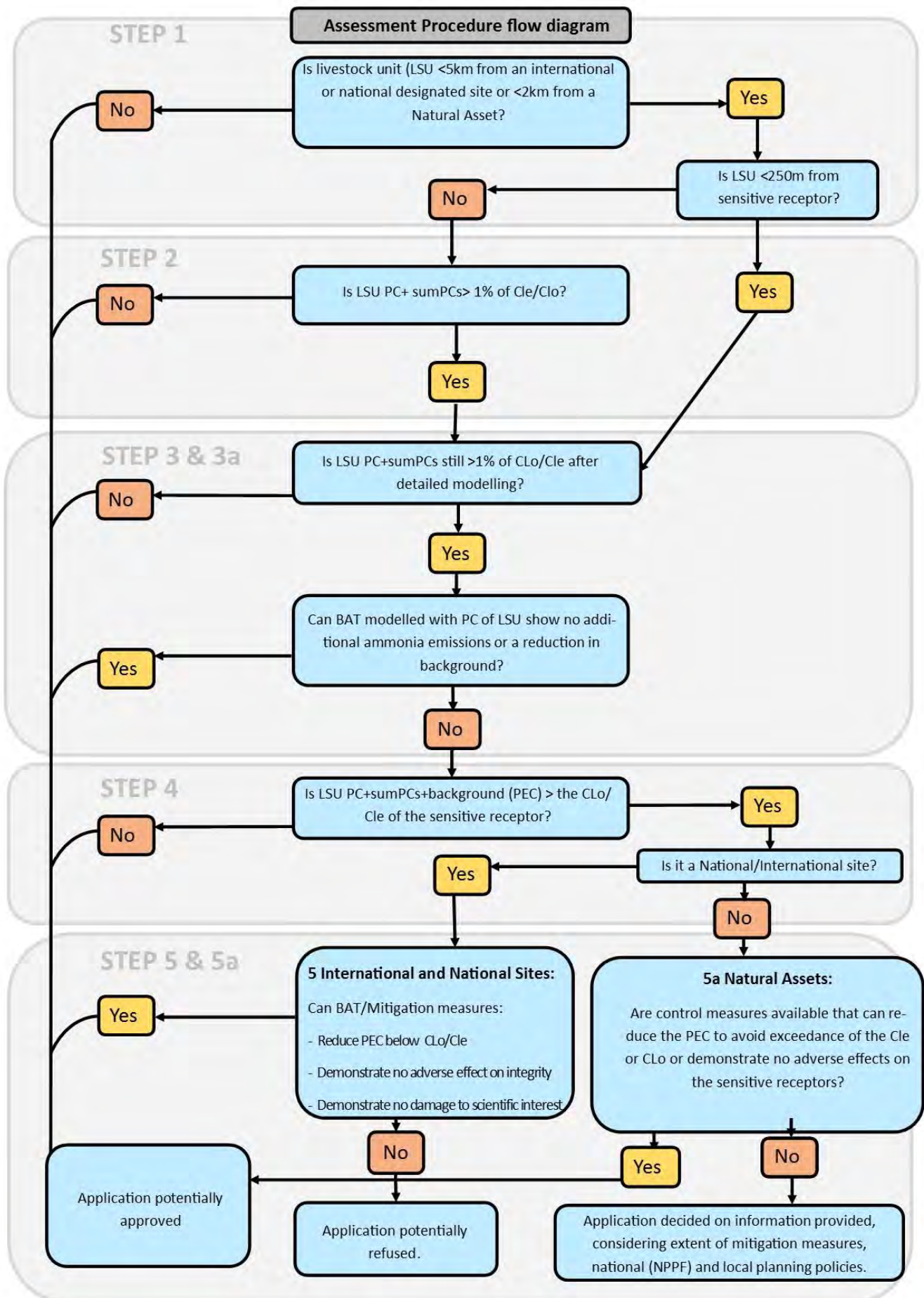
		cannot be used for sites < 250m from a sensitive receptor.)
	No	Further assessment will not be required in support of the application. The application can be determined without the need to assess the impact of aerial emissions of ammonia and nitrogen deposition.
Step 2: Simple screening threshold (based on SCAIL or AST modelling)	<p>Question: Does the process contribution (PC) + Sum of other PCs add up to over 1% of the Cle or Clo of the sensitive receptor?</p> <p>A summary table should be provided by the applicant detailing: The sensitive receptors potentially affected. The ammonia critical level and nitrogen critical load for each sensitive receptor and background levels for the locality. These can be obtained from one or more of the following sources:</p> <ul style="list-style-type: none"> • Air Pollution Information System (APIS); • Sensitive receptors established from site citations; • confirmed by relevant officer within SC Ecology or Natural England. <p>Other sources (other PCs) that could potentially act in combination must be identified such as:</p> <ul style="list-style-type: none"> • <i>Applications for planning or permitting that are submitted but not yet determined;</i> • <i>Developments that have planning permission and/or permits but are not yet (fully) operating;</i> • <i>Developments that started operating after the most recent update of background levels.</i> <p>Contact SC Ecology to identify any relevant sources of PCs in the planning or permitting systems.</p>	
	If...	then...

	Yes	Proceed to Step 3a: Detailed assessment . Detailed modelling will be required
	No	The application can be determined providing avoidance and mitigation measures can be conditioned.
DETAILED OR APPROPRIATE ASSESSMENT		
Step 3a Detailed assessment	Question: Does the PC plus Sum of PCs remain >1% following detailed modelling? A detailed model will be required to complete the assessment from this point forward and must follow the agreed EA AQMAU 2010 v3 guidance	
	If...	then...
	Yes	Proceed to Step 3b .
	No	The application can be determined providing avoidance and mitigation measures can be conditioned.
Step 3b: Avoidance of additional PC	Question: Does modelling of the PC, including BAT (Best Available Techniques) or other avoidance/mitigation measures show either no additional nitrogen Deposition or, a reduction in background nitrogen Deposition?	New sites would have to be N neutral. Extensions to existing sites would need to add no extra N deposition or, ideally, a reduction in the N background level, achieved by use of Best Available Techniques (BAT) or other mitigation measures.
	If...	then...
	Yes	The application can be determined providing avoidance and mitigation measures can be conditioned.
	No , modelling of the PC, including BAT (Best Available Techniques) or other avoidance/mitigation measures does not reduce the nitrogen Deposition by more than or equal to the Process Contribution.	Proceed to step 4

Step 4 Detailed assessment with background	<p>Question: Does the Predicted Environmental concentration, PEC (process contribution (PC) + Sum of other PCs + Background Ammonia concentrations / N deposition) cause an exceedance of the Cle or Clo of the sensitive receptor?</p> <p>Determine the background ammonia concentrations and nitrogen deposition at the sensitive receptors.</p> <p>Note: background levels of ammonia in Shropshire are already over most Critical Levels and Loads for sensitive receptors.</p>	
	If...	then...
	Yes, PC+Sum of PCs + Background levels are above the Cle or Clo of the sensitive receptor(s).	<p>Proceed to step 5 if international or national designated sites are affected.</p> <p>Proceed to step 5a if Natural Assets are effected.</p>
	No	Further assessment is not required (although BAT may be required). A decision can be made on the application.
Step 5: Consideration of control measures for developments affecting SACs, SPAs, Ramsar Sites or SSSIs.	<p>Question: Are control measures available that can:</p> <ul style="list-style-type: none"> • reduce the PEC to avoid exceedance of the ammonia critical level or nitrogen critical load or • demonstrate that there will be no adverse effect on the integrity of an international site or • demonstrate there will be no damage to the scientific interest of a national site? <p>Assessments will be made on a case by case basis with formal consultation with NE (and with NRW for designated sites in Wales).</p>	

	Where the PC or Sum of PCs are above 1% and when added to the background levels create the PEC which results in an exceedance of the CLe / CLo , or where background levels already exceeds the CLe / CLo, control measures will have to be considered to reduce the emissions so that no damage to the sensitive receptors will occur.	
	If...	then...
	Yes	The application can be potentially approved with conditioned control measures.
	No	The application will be potentially refused when all avenues to reduce the contributions are exhausted, and it cannot be shown that damage to the sensitive receptors will not occur.
Step 5a: Consideration of control measures for developments affecting Natural Assets.	<p>Question: Are control measures available that can reduce the PEC to avoid exceedance of the ammonia critical level or nitrogen critical load or demonstrate no adverse effects on the sensitive receptors?</p> <p>Where the PC and Sum of PCs are above 1% and when added to the background levels create the PEC which results in an exceedance of the critical level / load, or where the background level already exceeds the critical level / load, control measures will have to be considered to avoid or reduce the emissions.</p>	
	If...	then...
	Yes	The application can be potentially approved with conditioned control measures.
	No	A balanced planning decision will be taken based on the information

	<p>Provide sufficient information on the ecological impacts of the development by an ecological consultant on the specific sensitive receptor(s).</p> <p>Provide details of avoidance, mitigation and compensation measures proposed.</p> <p>Provide detailed reasoning as to why the socio-economic benefits outweigh the quantified residual harm to the sensitive receptor.</p> <p>Consult SAMDev Policy MD12 and NPPF paragraph 118.</p> <p>Submit written consideration of alternatives, indicating why the chosen project is the least damaging option.</p>	<p>provided, other material considerations and planning policy.</p>
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3 Simple distance and critical level/load screening

3.1 Step 1: Screening distance

Follow the steps below for assessing Livestock Unit (LSU) applications or variations to existing LSUs situated between 250m and 5km from a sensitive receptor. If there are no sensitive receptors within these distances, then there is no need to proceed to the following steps.

Where a livestock unit is **within 250m** of a sensitive receptor, detailed assessment using detailed modelling is automatically required for that development (**Step 3**). In such cases steps 1 and 2 are not required, however the relevant critical levels and loads **must** still be established. The detailed modelling must follow the agreed guidance (Guidance on modelling concentration and deposition of ammonia emitted from intensive livestock units Environment Agency Air Quality Modelling Assessment Unit, 22 November 2010 v3).

3.1.1 Identifying Sensitive Receptors

We expect applicants to carry out screening during pre-application using the most up-to-date information available on the distribution of sensitive receptors, sites, habitats and species important for biodiversity in England (and Wales for cross border receptors). The screening process will involve making a balanced judgement about the environmental and legal risks associated with each type of activity against the sensitivity of the nature conservation interest present in that location.

A map showing internationally (SACs, SPAs and Ramsar sites) and nationally (SSSIs) designated wildlife sites, together with Natural Assets such as Local Nature Reserves (LNRs), Priority Habitats and Ancient Woodland can be found at <http://www.magic.gov.uk/MagicMap.aspx>.

Site citation information stating which habitats and species are important for SACs, SPAs, Ramsar sites and SSSIs can be found through Natural England: <https://designatedsites.naturalengland.org.uk/SiteSearch.aspx> or for EU sites <http://publications.naturalengland.org.uk/category/5134123047845888>.

Site citation information for Local Wildlife Sites (Natural Assets) is available from Shropshire Wildlife Trust (as are Shropshire Ecological Data Network Priority Species data). <https://www.shropshirewildlifetrust.org.uk/contact-us>.

Further information on Ancient and Plantation Ancient Woodlands is available from: [https://www.forestry.gov.uk/pdf/AncientWoodsSA_v7FINALPUBLISHED14Apr3.pdf/\\$file/AncientWoodsSA_v7FINALPUBLISHED14Apr3.pdf](https://www.forestry.gov.uk/pdf/AncientWoodsSA_v7FINALPUBLISHED14Apr3.pdf/$file/AncientWoodsSA_v7FINALPUBLISHED14Apr3.pdf) or for Wales <https://naturalresources.wales/guidance-and-advice/environmental-topics/woodland-management/woodlands-and-the-environment/ancient-woodland-inventory/?lang=en>.

Shropshire Council may hold additional data on Priority Habitats (contact Ecology@Shropshire.Gov.Uk).

If the application has potential to impact on designated sites in Wales, or other neighbouring English Planning Authorities, then a formal planning consultation will be sent to the appropriate authority to identify ecological constraints and plans and projects which would act in-combination.

3.2 Step 2: Simple screening against critical level or critical load threshold

Screening carried out at the pre-application stage will determine whether detailed modelling is required from the applicant to support their planning application. This basic assessment can be completed using a free on-line tool, Simple Calculation of Atmospheric Impacts Limits (SCAIL <http://www.scail.ceh.ac.uk/>) using the conservative met mode. [NOTE: Other models are available (e.g. ADMS).] This will provide an estimation of the airborne ammonia potentially produced by the development or its Process Contribution (PC).

3.2.1 Assigning critical levels and loads

For all sensitive receptors the appropriate ammonia critical level and nitrogen critical load should be determined. Advice can be obtained from Natural England

<https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals>,

or from SC Ecology via pre-application advice

<https://www.shropshire.gov.uk/planning/applications/pre-application-advice-fags/>.

For ammonia critical levels where

- lichens and bryophytes (moss and liverworts) are integral to the sensitive receptor apply a critical level of 1µg/m³.
- lichens and bryophytes are not present then apply a critical level of 3µg/m³.
- Nitrogen critical loads are based on the sensitivity of each habitat and differ accordingly. Nitrogen critical loads are expressed as a range (*e.g.* 10 – 20 kgN/ha/yr). The lower value is used in all screening assessments. A good source of information in assigning a nitrogen critical load to a sensitive receptor is the Air Pollution Information System (APIS <http://www.apis.ac.uk/>), including APIS Site Relevant Critical Loads.

3.2.2 In-combination effects

The simple screening must take account of overlapping in-combination effects with other livestock units and other sources of nitrogen or ammonia. Other sources (other PCs) that could potentially act in combination are as follows:

- *Applications for planning or permitting that are submitted but not yet determined;*
- *Livestock units that have planning permission and/or environmental permits but are not yet (fully) operating.;*
- *Livestock units that started operating after the most recent update of background levels (see APIS website for date of last update).*

Information on the above can be found on the following websites:

https://consult.environment-agency.gov.uk/consultation_finder/,

<https://data.gov.uk/dataset/99ebf94f-5069-4470-9d27-09fe2d3a05c8/environmental-permitting-regulations-industrial-sites-quarterly-summary>,

<https://ea.sharefile.com/share/view/s7b87ee75b2044409>,

and the Planning Register on the Shropshire Council website

(<https://www.shropshire.gov.uk/planning/applications/viewing-planning-applications/>) .

Alternatively, contact SC Ecology to identify any relevant sources of PCs in the planning or permitting systems (an administration charge may apply). Add together the PCs of the other sources identified to obtain the overlapping in-combination concentration (sum PCs).

Shropshire Council Ecology Team will use the latest version of the ammonia screening tool (AST, provided by the EA) to check estimates of ammonia concentrations, and nitrogen deposition from neighbouring livestock units at the maximum concentration point of ammonia/nitrogen on the sensitive receptors derived from the proposed or expanding farm.

Proposed livestock units do not need detailed assessment for their planning application to be determined if they meet one of the following criteria:

- **The proposed LSU is more than 5km away from an international or national designated site, or 2km from a Natural Asset;**
- **the Process Contribution from the LSU, in-combination with PCs of other projects or plans, is less than 1% of the critical load or critical level for the sensitive receptor(s) identified within that radius,**

4 Steps 3, 3a and 4: Detailed Assessment requirements and information

The applicant will need to provide the information below to enable the detailed assessment of the impact of ammonia emissions and nitrogen deposition from their livestock development on sensitive receptors, as identified during screening. See the Validation Checklist for Livestock Units (LSU) <http://shropshire.gov.uk/environment/biodiversity-ecology-and-planning/>

for a summary of the items of information to be submitted with the planning application for a LSU. **The Validation List provides a useful checklist and a copy must be completed and attached to the planning application form for the application to be validated.** At this stage, a detailed ammonia modelling report must be submitted following the EA AQMAU 2010 v3 guidance.

4.1 Information on the proposed LSU

The following information about the proposed development should be supplied with the application:

- modelling input data and results, such as that required by the free on-line screening tool Simple Calculation of Atmospheric Impact Limits

- Ordnance Survey grid reference locations for the proposal and the name, address of the livestock unit
- what type of ventilation system is being proposed, for example fan or natural ventilation
- location of the ventilation, for example roof or side mounted (if roof mounted the height of the vents above the ground must also be provided), the number of fans, the fan diameter and radius in metres, the fan efflux velocity in metres per second and the fan flow rate in cubic metres per second
- area of floor space of the housing in square metres
- the quantity of manure stored on the livestock unit at any one time (in tonnes)
- the surface area in square metres of any slurry storage facility on the site (including lagoons) and the type of cover used
- a breakdown of animal numbers by type and by type of housing (e.g. the number of sows, growers and finishers on fully slatted floorings and the number on partly slatted flooring)
- the most appropriate ammonia emission factors for the type of animals reared
- the most appropriate ammonia emission factors for the housing type
- modelling with isopleth maps covering all relevant sensitive receptors, where pre-application screening indicates it is needed.
- Details of the Best Available Techniques and mitigation measures to be implemented and which of these have been included in the modelling.

4.2 Confirmation of the relevant ammonia critical level(s) and critical load(s) for sensitive receptor(s)

See section 3.2.1. Where there are no lower plant records (lichens, bryophytes), the critical level for higher plants is used, together with the appropriate nitrogen critical load. It is possible that emissions of ammonia between $1\mu\text{g}/\text{m}^3$ and $3\mu\text{g}/\text{m}^3$ would result in deposition above the minimum nitrogen critical loads for nutrient enrichment. Applying the critical level for ammonia only would not provide full protection of the nature conservation site.

Site-relevant critical loads represent the best available information on the sensitivity of individual international and SSSI features and are available from the Air Pollution Information System (APIS) website. The justification for the chosen critical level and (where appropriate) critical load as part of the detailed assessment is required. Where the applicant has proposed a different critical level or load in their detailed modelling report, they must provide a valid and auditable justification.

4.3 Confirmation of the background ammonia and nitrogen at the sensitive receptor(s)

Confirm the background ammonia concentrations and nitrogen deposition at the sensitive receptor and whether there is an exceedance of the ammonia critical level or nitrogen critical load. For most sensitive receptors in Shropshire the background level already exceeds the critical level / load and control measures will have to be considered to reduce the emissions.

Background pollution values can be obtained from DEFRA UK-AIR (<https://uk-air.defra.gov.uk/>), National Atmospheric Emissions Inventory (<http://naei.beis.gov.uk/>) and APIS (search by location to help confirm location specific background levels) (<http://www.apis.ac.uk/>).

Add the background level to the PC and the Sum of PCs to determine the Predicted Environmental Concentration (PEC) and compare this with the ammonia critical level and the nitrogen critical load.

4.4 Further Information on the sensitive sites and other environmental factors

Detailed assessment allows a case-specific investigation of the likely impacts of ammonia emissions and nitrogen deposition from a proposed development, based on the best available information. For a detailed assessment the following information will also need to be considered.

4.4.1 Site condition monitoring

All European sites and SSSIs are surveyed by NE (or NRW in Wales) as part of the Habitats Directive Article 17 reporting or common standards monitoring. See <http://incc.defra.gov.uk/page-2272> for general information on common standards monitoring. See <https://designatedsites.naturalengland.org.uk/SiteSearch.aspx> for condition monitoring of SSSIs. However, currently this monitoring is not designed to identify the specific effects of air pollution.

This information can still be used to inform a detailed assessment, for example the presence and location of sensitive habitats or species. However, even if the status of a feature is considered favourable it cannot be automatically assumed that there is no impact from the current emissions from the unit. Years may elapse before damage becomes detectable. Also, the effects from the ammonia emissions might be masked through the management of the SSSI, or they might not have been assessed.

4.4.2 Habitats Regulations review of consents

General information is available on the susceptibility of European sites to nutrient enrichment from the Habitats Directive review of consents programme. Any actions on air quality identified in the relevant site action plan must be considered, and ensure that these will not be compromised through the permitting of the LSU.

Under National Planning Policy Framework paragraph 122, Shropshire LPA assumes that the conditions of any existing Environmental Permit are fully complied with, to defined timescales, when considering the detailed assessment.

4.4.3 Conservation objectives and detailed site management objectives

Conservation objectives are management objectives developed for each European site (Natura 2000 site) and each feature designated within that site. For European sites the conservation objectives can be found at <http://publications.naturalengland.org.uk/category/5134123047845888>. Further details on

management objectives for EU sites are provided in the relevant Site Improvement Plan (SIP) at: <http://publications.naturalengland.org.uk/category/4879822899642368>, (or Core Management Plans in Wales on the NRW Designated Sites Search webpages). The objectives will allow the protected habitat or species to be restored to, or maintained in 'favourable condition', which is the desired state of the species or habitat. The air pollution conservation objectives for all features are not fully completed. Seek advice from relevant NE or NRW specialists if needed.

For English SSSIs, additional information is provided in in the Views About Management (VAMs) and for Welsh SSSIs in Site Management Statements (SMSs) explaining what is important and what management is required to help protect the site. For each SSSI a list of Operations Likely to Damage the Special Interest (OLDSI) has also been compiled. For these items see <https://designatedsites.naturalengland.org.uk/SiteSearch.aspx> website (or NRW Designated Site Search webpages).

It is important that the detailed assessment only considers the features sensitive to ammonia emissions and nitrogen deposition and their individual conservation objectives. The detailed assessment must ensure that the conservation objectives for each relevant sensitive feature will not be compromised by the proposed livestock unit.

4.4.4 Distribution of features within the designated site

As part of the screening process for livestock units a critical level (ammonia), and nitrogen critical load (nutrient enrichment and acidification) would have been applied to the conservation site based on the presence of sensitive features (lichen and bryophytes). However, no account will have been taken of the location of these features in relation to the pollution footprint from the unit.

The detailed assessment can be used to determine whether the sensitive features present at the nature conservation site fall within the pollution footprint of the unit. Pollution footprint isopleths should be included in the modelling submitted by the applicant.

Species and habitat information can be obtained from various sources, including:

- NE and JNCC (and NRW for Welsh sites) websites: <https://www.gov.uk/government/organisations/natural-england>, <http://naturalresources.wales/?lang=en>, and <http://jncc.defra.gov.uk/>
- NE habitat or species specialists (<https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals>)
- NE or NRW site condition monitoring reports
- Independent survey work commissioned/obtained and submitted by the applicant.

The applicant may need to have ecological survey work carried out by an appropriately qualified and experienced consultant if:

- Limited or no site-specific information on the habitat types, or their extent or condition is available;
- the site was surveyed over 5 years ago (or before known changes occurred) and it is required for the detailed assessment of impacts. The survey report must be submitted with the planning application for consideration by the LPA. In this case SC

Ecology should be contacted to discuss the necessary level of survey work as standard surveys for planning applications (Extended Phase 1 surveys) are not appropriate in these cases. If possible, it should be determined if the site has already been surveyed for lichens or bryophytes (mosses and liverworts).

If it appears that there is no further readily available information on a sensitive receptor then, as a precautionary measure, assume that it occurs under the pollution footprint of the LSU.

4.4.5 Ellenberg values

Ellenberg indicator values have been produced for vegetation (ECOFACT Volume 2 <http://nora.nerc.ac.uk/id/eprint/6410/>) and for bryophytes (BRYOATT <https://www.brc.ac.uk/biblio/bryoatt-attributes-british-and-irish-mosses-liverworts-and-hornworts-spreadsheet>) in the British countryside. Bryoatt has also tabulated this information for many British bryophytes. Ellenberg scores can be used in a detailed assessment, where historical survey results are available for comparison, to determine whether:

- the nature conservation site has indicator species associated with nutrient enrichment or acidification;
- the lower plant or other species identified through survey are sensitive to the effects of ammonia.

Further guidance on ecological assessment of ammonia pollution effects can be found at: <http://shropshire.gov.uk/environment/biodiversity-ecology-and-planning/>

4.4.6 Local environmental factors

Local factors, including environmental conditions and site management, are not always considered when setting critical loads. Where they are assigned as a range of values, the lowest end of the range is usually selected to ensure sufficient levels of protection. However, local factors may modify the habitat or species sensitivity and response to a particular pollutant. For example, intensively managed heathland with frequent removal of vegetation may be less sensitive to nitrogen deposition due to the periodic removal of nutrients from the system. In such cases further consideration of which end of the critical load range may be more appropriate. APIS has provided additional information with indicative nitrogen critical loads to use for air pollution impact assessments.

Table 2 is indicative and not comprehensive, and not all factors will be relevant to all sites or all pollutants. It is not possible to quantify the effect these local factors have and to assign a new critical load on the basis of them. However, it may indicate that the higher or lower end of the critical load range is appropriate and further advice should be sought from Shropshire Council's Ecology Team.

Table 2 Environmental factors and potential influence on habitats

Environmental Factor	Habitat type and influence
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Precipitation	UK experts have provided guidance on how to apply the appropriate nitrogen critical load for raised and blanket bog habitats for air quality assessments. APIS has provided a grid reference tool to identify the rainfall range the bog habitat is located in.
Exposure	Woodland edges generally experience higher concentrations and deposition rates of pollutants and are therefore more vulnerable. This must be taken into consideration when assessing the unit's pollution footprint.
Water supply	When considering nutrient nitrogen (N) deposition for wet habitats, other sources of nutrient inputs, such as diffuse pollution, should be considered which may be more important. In these cases, the relative contribution from atmospheric and land based sources may need to be considered further to inform any judgements. Seek advice from NE specialists as to whether a critical level or critical load is appropriate for the European site or SSSI.
Soil phosphorous (P) status	High P availability increases sensitivity to N whilst low P availability may decrease the response to N. Note that some species such as lower plant communities may be sensitive to direct inputs of N regardless of P availability. For example, alkaline fens and reed beds have low P availability in their systems, which helps protect them from the effects of N eutrophication. They are characterised by species with base rich, nutrient poor characteristics.
Limiting nutrients in freshwater	Many river and lake freshwater systems are often P limited (or N/P co-limiting). However, a number of systems are N limited and in these cases atmospheric sources may be significant. This is most likely to occur in upland catchments where agricultural inputs are lower. Seek advice from NE specialists as to whether a critical level or critical load is appropriate for the European site or SSSI. Critical level and critical load values are currently not provided for some standing waters or rivers. Critical levels and critical

	<p>loads must be applied to any emergent vegetation or terrestrial feature that is within the designated site (e.g. floating water plantain is located on water surface and exposed to ammonia concentrations so the ammonia critical level would apply but not necessarily the nitrogen critical load because it is rooted under the water surface providing some protection.</p>
<p>Habitat management</p>	<p>Management regimes may obscure or modify some of the relationships between atmospheric deposition and habitat change. For example, intensive management of calcareous grassland can offset higher N inputs, to a certain extent, by removal through grazing, mowing or harvesting. Poor or infrequent management may increase vulnerability to N inputs.</p> <p>Consider whether there is active management of the nature conservation site in your detailed assessment and the level of commitment for its continuation in the future. If there is active management seek advice from NE specialists to determine which part of the nitrogen critical load range may be more appropriate to use. Are there any opportunities to provide wildlife site management in the long term as a mitigation measure?</p>

The exact nature and magnitude of these factors is not fully understood but it is important to take site-specific information into account where it is available.

4.4.7 Shared Nitrogen Action Plans

Shared Nitrogen Action Plans (SNAPs) were developed under the Improvement Programme for England’s Natura 2000 Sites (IPENS) by Natural England in partnership with the Environment Agency and they are described in the 2015 Atmospheric Nitrogen Theme Plan. (<https://www.gov.uk/government/publications/improvement-programme-for-englands-natura-2000-sites-ipens/improvement-programme-for-englands-natura-2000-sites-ipens>).

There are a number of pilot projects currently testing the SNAP approach. The Atmospheric Nitrogen Theme Plan states:

‘The intention is that SNAPs would demonstrate what appropriate measures are in place to secure the integrity of the Natura 2000 sites and would coordinate possible future local measures. By providing a timetabled trajectory towards favourable condition status, future SNAPs can have the potential to clarify what ‘headroom’ might be available for future developments, thereby providing a firmer basis for habitats regulations assessments. They can also help to inform a balanced and

proportionate approach to reduction measures across different emission source sectors.’

If Nitrogen Action Plans are developed for any sites in Shropshire these may enable additional mitigation measures to be undertaken and these will be taken into account during the detailed assessment of LSU proposals.

5 Step 5: Carrying out the detailed assessment

Particular habitat types or species are likely to react to atmospheric ammonia and nitrogen deposition in much the same way, whatever the site designation. This is why no distinction is made between international and national designated sites and Natural Assets until step 5 in the process. At step 5 the different legislation and planning policy governing the hierarchy of designated sites and other natural assets are taken into account, balanced against the likely impacts of Ammonia pollution.

5.1 Statutory and planning policy requirements for International Sites (European sites and Ramsar Sites)

Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) Shropshire Council has a legal obligation to carry out an appropriate assessment of any plan or permission that is ‘likely to have a significant effect’ on an international site (either alone or in combination with other plans or projects). An “appropriate assessment” is a term used under Habitats Regulations to describe an assessment that is more detailed than a screening exercise.

The appropriate assessment using detailed ammonia modelling and the other information under section 4 of this document will determine whether it is possible to conclude no adverse effect on the integrity of the International site. The assessment is carried out on the livestock unit alone, and where necessary in-combination with other plans and projects, in the context of prevailing environmental conditions. Prevailing environmental conditions include diffuse or background contributions to the European site and the residual effects of plans and projects that have been completed or implemented. The appropriate assessment must consider the conservation objectives for the features of the International site, and the associated favourable condition targets.

The appropriate assessment will need to determine whether an exceedance of 1% of the ammonia critical level or nitrogen critical load (alone or in-combination with other plans or projects) would result in an adverse effect, when considering the information set out in this document. The applicant must provide Shropshire LPA with the required information to allow officers to write the appropriate assessment and draw its conclusions. Failure to provide this information will lead to a conclusion of ‘uncertainty due to lack of information’ and planning permission will be refused. (See Validation Checklist – link.)

Natural England, the Environment Agency and where appropriate Natural Resources Wales will be consulted on the appropriate assessment. Representations made by Natural England, the Environment Agency or NRW must be taken into account before determining the application. **An application must be refused where it is not possible to conclude no**

adverse effect on site integrity, and there are no achievable options available to mitigate an effect.

The National Planning Policy Framework under paragraph 14 indicates that the presumption in favour of sustainable development does not apply if specific policies in the Framework indicate development should be restricted. Paragraph 119 states that ‘The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.’

5.2 Statutory and planning policy requirements for SSSIs

Sites of Special Scientific Interest are nationally designated nature conservation sites that have statutory protection under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). Therefore, an assessment of an activity that could have the potential to damage the scientific interest of SSSIs is required.

The detailed assessment using detailed modelling will determine whether the emissions of ammonia and nitrogen from the intensive livestock unit are to be regarded as an OLDSI for the SSSI. Due to the nature of emissions from intensive livestock units and their rural setting, they need to be considered in combination with other activities and the background levels to ensure damage does not occur to the SSSI. The detailed assessment will need to determine whether an exceedance of 1% of the ammonia critical level or nitrogen critical load would damage the scientific interest of a SSSI, when considering the information set out in this document. A record of the applicant’s detailed assessment must be made and provided to Shropshire LPA with the planning application and any additional information requested by the LPA must be provided. The LPA will consult NE and EA (and NRW for sites in Wales). Representations made by Natural England, the Environment Agency or NRW must be taken into account before determining the application. **The application will normally be refused where the conclusion is that the proposal is an OLDSI, and there are no options available to mitigate against the expected damage.**

The National Planning Policy Framework under paragraph 14 indicates that the presumption in favour of sustainable development does not apply if specific policies in the Framework indicate development should be restricted. Paragraph 118 states that ‘proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs.’

5.3 Statutory and planning policy requirements for Natural Assets

Natural Assets are defined in Shropshire Council’s Site Allocations and Management of Development (SAMDev) Plan (in Development Management policy MD12: Natural Environment) <https://shropshire.gov.uk/planning-policy/local-planning/samdev-plan-2006-2026/>

Relevant Natural Assets are Local Nature Reserves, Local Wildlife Sites, Ancient Woodland (or Plantation Ancient Woodland) or other irreplaceable habitats, priority habitats, priority species, important woodlands and ecological networks.

Under policy MD12 harm to Shropshire's Natural Assets will be avoided by:
'Ensuring that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on any of the following' Natural Assets 'will only be permitted if it can be clearly demonstrated that:

- a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and;*
- b) the social or economic benefits of the proposal outweigh the harm to the asset. In all cases, a hierarchy of mitigation then compensation measures will be sought.'*

Hence, under Step 5a in Table 1, the LPA require a report to be submitted on the alternatives considered for the development and its socio-economic benefits as well as the information detailed in section 4 above. The report should provide detailed reasoning as to why the socio-economic benefits out-weigh the quantified residual harm to the sensitive receptor(s). The balance between residual adverse impacts on sensitive receptors and the benefits of the development will be considered by the LPA when making its planning decision.

The National Planning Policy Framework will also be applied to Natural Assets, particularly paragraph 118 which states:

118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- 'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;'

Shropshire Council has a Biodiversity Duty under the NERC Act 2006 when considering LSU planning applications.

6 Concluding the detailed assessment and determination of the planning application

Once the impact of the ammonia emissions from the proposed LSU has been fully assessed, determination will be undertaken in the context of the appropriate legislation (for example Habitats Regulations, CRoW Act, Environment Act, Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) (England) Order 2015. Planning policy in the Local Plan and the National Planning Policy Framework will also be applied.

Where it can be shown that there will be no, or insignificant, adverse effects on designated wildlife sites or other important conservation features, Shropshire LPA can grant planning permission, providing all other material considerations have been addressed.

However, the LPA must consider refusing the application where an applicant is unable to supply sufficient information (see section 4 and the Validation List), or there are insufficient measures to reduce emissions, or following the assessment of their proposals there is a continued risk of adverse effect or damage on an international or national designated wildlife site. The LPA may also consider refusing permission for proposals affecting Natural Assets, if the alternatives have not been considered and/or the socio-economic benefits do not outweigh the residual harm. The decision as to whether the proposals are robust will be made taking into account any representations from NE and EA (or for Welsh sites from NRW).

7 Possible outcomes for planning applications

The following possible outcomes are not exhaustive and only indicative. They will only be considered once steps 1 to 5 listed above have been completed and a detailed assessment carried out and submitted where required.

1. Planning permission granted without conditions relating to ammonia emissions

2. Planning permission with additional conditions or legal agreements

- Conditions should mitigate against the effect of releases at the nature conservation site.
- Conditions could also include a requirement for emissions and/or biological monitoring near to or within the conservation site (depending on legislative regime).
- Where an existing farm is expanding it may be necessary to include a commitment to improvements linked to a legal agreement (s106) to ensure existing sheds are retrofitted with agreed ammonia abatement equipment within a specified timescale.

3. Planning permission refused

Planning permission is likely to be refused if:

- it is not possible to conclude no adverse effect on site integrity for international designated sites;
- if the activity is an operation likely to damage the scientific interest for nationally designated sites.
- Significant adverse impacts are likely to occur on Ancient Woodlands, other irreplaceable habitats, Local Wildlife Sites and other Natural Assets, despite avoidance, mitigation and compensation measures and where the socio-economic benefits of the development are considered not to outweigh the residual harm.

The assessment is likely to have been based on the outcome of a modelling exercise. Consideration will be given to alternatives to refusal if the predicted impacts are lower than the uncertainties in the assessment. If refusal is based on nature conservation grounds,

consultation responses from NE, the EA and NRW will be carefully considered to ensure all possible steps to reduce ammonia impacts have been considered by the applicant, prior to refusal.

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This interim guidance is largely based, with gratitude, on the NRW guidance note GN020 and consultations with NE and EA.

However, any queries or feedback on this document should be addressed to Ecology@shropshire.gov.uk

Appendix 1

Abbreviations and terms;

AST – Ammonia Screening Tool
APIS – Air Pollution Information Site
AW – Ancient Woodland
BAT – Best Available Techniques
Cle – Critical Level
CLo – Critical Load
EA – Environment Agency
JNCC – Joint Nature Conservancy Council
LNR – Local Nature Reserve
LPA – Local Planning Authority
LSU – Livestock Unit
LWS – Local Wildlife Site
NE – Natural England
NPPF – National Planning Policy Framework
NRW – Natural Resources Wales
PAW – Plantation Ancient Woodland
PC – Process Contribution
PEC – Predicted Environmental Contribution
SAC – Special Area of Conservation
SAMDev – Shropshire’s Site Allocations and Development Management Plan 2016-2026
SCAIL – Simple Calculation of Atmospheric Impacts Limits
SPA – Special Protection Area
SSSI – Site of Special Scientific Interest
SumPCs – sum of process contributions from sites ‘in -combination’.

Aymestrey Parish Council

Forward Planning Team MWLP
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Hereford
HR4 0LE

BY EMAIL ldf@herefordshire.gov.uk

3 March 2019

Dear Sir or Madam

Re: Draft Minerals and Waste Local Plan consultation 2019

Aymestrey Parish Council is deeply concerned by the proposals to extend both the lifespan and extent of Leinthall Earls quarry and to search for additional quarrying opportunities within the area. It notes that the draft Minerals and Waste Local Plan seeks to reduce the dependence on aggregate quarrying through its proposed “circular economy”: Policy S8 Resource Management. Aymestrey Parish Council could find no evidence in the Plan of a method to expedite this aspiration or to create the facilities to do so. The requirement for Waste Audits for large developments carries no obligation to use recycled resource in place of finite natural resources, the quarrying of which have major adverse environmental consequences. In the absence of genuine and deliverable measures to reduce and replace the use of natural resources, the continuation and expansion of quarrying cannot be deemed sustainable.

The operation of Leinthall Earls quarry already has a severe impact on the residents of Aymestrey through the noise levels, speeding and traffic volumes on the A4110. This was to have ceased from 2027, but is now envisaged not only to continue indefinitely but also to be expanded due to the absence of any realistic steps to require the use of less environmental damaging alternatives.

The Waste and Minerals Plan has been drafted without any regard to national and local planning policies or the LPA’s statutory duties, including those under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, s.40 of the Natural Environment and Rural Communities Act 2006 or Schedule 9 28G (2) of the Countryside and Rights of Way Act 2000.

The quarry is adjacent to an Ancient Woodland Site (Gatley Long Coppice), a Grade II* listed church and a registered park and garden.

Should any extension of the quarry - in time or size - be permitted, Aymestrey Parish Council considers that a very substantial s.106 should be paid to provide compensatory measures for the highways impact and loss of amenity and that significant environmental net gains should be delivered. No extension of the quarry should be permitted until a full restoration scheme covering the extant workings has been carried out.

The Parish Council also notes the proposal to use former quarry sites for landfill and would seek assurance that this is not envisaged for Leinthall Earls quarry, due to the very large highways impact and the risk it may pose to the nearby River Lugg Site of Special Scientific Interest, part of the River Wye SAC catchment, which is in unfavourable chemical and ecological condition.

Policy W3: Agricultural waste management

Aymestrey Parish Council has grave concerns about Policy W3.

On-farm anaerobic digesters (ADs) are very far from environmentally-friendly and Policy W3 of the draft Minerals and Waste Plan should be deleted in its entirety.

ADs address neither of the concerns they were intended to. They increase rather than reduce pollution, they generate huge volumes of traffic negating any reduction in fossil fuel use from energy generation and they contribute to climate change through large scale soil loss and the removal of agricultural land from food production. In order to generate energy from farm manure, an AD requires input of green feedstock - usually maize, sometimes silage or food crops - in a proportion of four or more times the quantity of the manure. This is in part because the manure on its own generates little energy - the renewable heat incentive (RHI) subsidy is paid according to the energy produced.

ADs do not address the problem of management of manure and, especially in Herefordshire, poultry litter. The process leaves liquid and dry digestate equivalent to the volume of the manure, feedstock and water that went into the digester. This has to be removed for disposal. The growing of crops purely as feedstock is effectively growing of waste because they have to be disposed of once converted to digestate.

The RHI subsidy promoting AD has led to huge swathes of the country planted with maize, about the worst possible crop for soil loss because the soil is left bare over the winter. Soil loss is both a cause of pollution to the water courses and disastrous for our ability to produce food. Digestate contains higher levels of phosphorus than the undigested manure and so poses a bigger risk to water quality than the manure did in the first place.

The harvesting of maize and delivery of manure to ADs generates huge volumes of traffic. The removal of digestate produces a similar number of vehicle movements, but these are spread over the year. The digestate can be used as fertiliser, but so could the manure have been.

Should the report, post-consultation, contain any policy suggesting approval of anaerobic digesters, given the undisputed environmental impact by reason of physical size, vehicle movements, storage of green fuel and manures and need for disposal of digestates, it is not in the public interest for approval of such digesters to by-pass normal planning application processes and considerations, including Neighbourhood Development Plans.

Yours faithfully

Maggie Brown

Mrs Maggie Brown
Clerk to Aymestrey Parish Council

Latham, James

From: clerk@burghillparishcouncil.org
Sent: 14 March 2019 16:12
To: Gilson, Susannah
Subject: FW: Draft Minerals and Waste Local Plan - Additional information

Follow Up Flag: Follow up
Flag Status: Completed

Dear Susi

Apologies for my late reply, the below comment was discussed at the Parish Council meeting on 12th March, and it was agreed by all Parish Councillors.

Can you please add this comment to the Draft Minerals and Waste Local Plan.

Kind Regards

Paulette

Clerk to Burghill Parish Council

From: clerk@burghillparishcouncil.org <clerk@burghillparishcouncil.org>
Sent: 04 March 2019 10:29
To: 'Gilson, Susannah' <Susannah.Gilson@herefordshire.gov.uk>
Subject: Draft Minerals and Waste Local Plan - Additional information

Hi Susi

Please see below the draft response being presented to Burghill Parish Council at the next meeting (Tuesday 12th March). I will email you the agreed response on 13th March.

The main comments would relate to HGV traffic on the A4110.

A large percentage of HGV's from the northern quarries take the A4110 route. There are frequent contra-flow blockages on the highway at Portway and Bewdley Bank where the carriageway is not wide enough for the smooth passage of wide vehicles. Verges have been eaten away and now lorries are entering driveways to use as passing places. There is also break up of the road surface at the edge of the carriageways and highway drainage runs have been damaged.

The BPC would suggest restrictions on transport routes to direct HGV traffic to the trunk road network and onto highways where the maintenance is funded by Highways England. Also the introduction of a one way weight limit, for access only, on the A4110 between the A4103/A4110 intersection north of the city and the northern junction between the A4110 and the A44(T). This would make HGV's take a route capable of accommodating such use"

Kind Regards

Draft Minerals and Waste Plan Consultation Jan – March 2019

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

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

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

Yes No

If no, please explain why

If our many concerns relating to Perton Quarry are an indicator of a comprehensive evidence gathering for all areas named in the Draft Plan, then much more work is needed before we could approve the draft plan.

Plans for consultation with residents: We would advocate extensive consultation with local residents who live adjacent to the areas named in the plan and who would be affected directly by proposed changes.

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

Yes No

If no, please explain why

This depends on whether the materials extracted are used outside Herefordshire - in other words, the county becomes a supplier of aggregate for other parts of the UK, which may not be an effective use of County resources.

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

Yes No

If no, please explain why

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

Yes No

If no, please explain why

Noise, other emissions and effects on borehole water quality

Additional quarrying and subsequent use for landfill, will result in additional vehicle movements and road damage, reduction in quality of life, additional noise, smoke, fumes, dust, and in the case of quarrying, possible loss of borehole function providing natural drinking water are all potential effects of the proposed changes. We would like assurance on the provision of ongoing and independent monitoring of all associated effects, and on who will be accountable in the long term.

Perton: why is further extension needed? With regard to Perton, the map of Perton Quarry attached to the Draft is not current, and fails to outline the recently started SOUTHERN extension of the quarry. This gives a misimpression of the size of the existing site and needs to be amended. This existing southern extension has about 25 years of stone, therefore we are concerned that there is a need to extend the quarry to the northwest if this plan is meant to take us up to 2031.

SSSI: 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 north-western quarry face, or of several different bats species, insects including the rare silver washed fritillaries and wood white butterflies; barn owls, tawny owls and little owls. The plan makes only passing reference to the fact it is a SSSI.

6.7 Annexe A: Additional requirements needed before expansion is undertaken. We question the findings of the Habitats Regulations Assessment Screening Report (P27 and P60), which does not find any reason why not to use the Quarry. We therefore believe that an independent body i.e. the Hereford Wildlife Trust, should undertake a survey of each area covered in the plan.

Archaeology: An archeological survey needs to be undertaken for each area before any quarrying or building or land movements are undertaken.

Unstable geology: Silurian Limestone is notoriously unstable: there has already been one large landslip immediately adjacent to the quarried area (in 1844 which carried away a chapel); At Old Sufton ¾ mile N. from Mordiford, there is an extensive roadside cutting which was formerly a portion of a quarry. A part of this fell across the road in 1940 causing considerable damage. Ongoing assessment of land and local housing building stability would need to be undertaken particularly in the light of climate change and severe weather events (a cycle of drought followed by heavy rain).

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

Yes

No

If no, please explain why

There are associated impacts on the immediate and surrounding parishes which in our opinion have not been fully considered in the Draft Plan. However we recognise the need for change, and also that waste management also creates employment.

1. **Incinerators, Biomass-digestion plants and associated vehicle movements.** Impacts include loss of land that could be used for food-production, unpleasant smells, associated bonfires and vehicle movements, potential pollution of watercourses. Smoke and fumes from existing fires/bio-mass digesters on Hampton Bishop road already impact on Dormington and the surrounding valley.
2. **Agricultural waste:** We fully support the better management of agricultural wastes to protect the river systems and of anaerobic digestion systems to capture the methane from natural agricultural wastes, to be used as a source of energy or fuel, and produce a digestate that is less harmful to soil and water-run offs than raw manure. However, there is also potential impact on local residents from changes in farming practices (traffic, smells, noise etc).

For a long term plan such as this, we believe that these improvements must be mandatory rather than "best practice" and that the infrastructure should support even the smallest farm in such an undertaking; and that this change must include the recovery and re-use of plastics such as those from poly tunnels, plastic fencing materials etc

3. **Construction wastes** – Lugg Bridge Quarry. If this expands and has more vehicle movements (off the Bromyard road), this may have an indirect impact on the parish, although we welcome any opportunity to reduce the amount of fly-tipping of all wastes.

4. **Groundwater contamination:** If wastes are to be stored in new landfill sites such as Perton Quarry, then groundwater supplies may become contaminated as limestone is notoriously permeable. We would like assurance on long-term accountability should this arise and assurance on the provision of funds for landscape restoration.

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

Yes No

If no, please explain why

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.

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

Yes No

If YES, please explain why (Use continuation box on page 4 if necessary)

About you:

Name: David Lloyd, Chair for Dormington and Mordiford Parish Council

Address:

Email:

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

Yes No

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

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

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

Questionnaires can be returned by post to:

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

Or by email to ldf@herefordshire.gov.uk

Please return this questionnaire by **midnight on 4th March 2019**

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

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

Latham, James

From: Idf
Sent: 14 February 2019 09:12
To: Gilson, Susannah
Cc: Eaton, Victoria
Subject: FW: Kingsland PC RE: Draft Minerals and Waste Local Plan

Follow Up Flag: Follow up
Flag Status: Flagged

M&W comment

From: clerk.kingslandpc@gmail.com <clerk.kingslandpc@gmail.com>
Sent: 13 February 2019 10:53
To: Idf <ldf@herefordshire.gov.uk>
Cc: Clerk, Kingsland PC <clerk.kingslandpc@gmail.com>
Subject: Kingsland PC RE: Draft Minerals and Waste Local Plan

Dear Sir,

Kingsland Parish Council considered the Draft Minerals and Waste Local Plan yesterday evening and has a single comment to make: To consider re-opening local quarries.

Regards,

Richard Hewitt,
Clerk to Kingsland Parish Council.

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Latham, James

From: Idf
Sent: 14 March 2019 08:17
To: Eaton, Victoria; Gilson, Susannah
Subject: FW: Orleton PC Re: Draft Minerals and Waste Local Plan

Follow Up Flag: Follow up
Flag Status: Completed

[For info](#)

From: Orleton Parish Council <clerk.orletonpc@gmail.com>
Sent: 13 March 2019 18:22
To: Idf <ldf@herefordshire.gov.uk>
Cc: clerk.orletonpc@gmail.com
Subject: Orleton PC Re: Draft Minerals and Waste Local Plan

Dear Sir,

After considering the Draft Minerals and Waste Local Plan, Orleton Parish Council agreed to comment that consideration should be given to re-opening small old quarries to use local stone to restore local buildings.

Regards,

Richard Hewitt,
Clerk to Orleton Parish Council

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Latham, James

From: ldf
Sent: 04 March 2019 15:13
To: Gilson, Susannah; Eaton, Victoria
Subject: FW: Mineral & Waste DPD consultation response
Attachments: Mineral & Waste DPD - Pembridge Examination Rport Dec18.pdf

From: clerk@pembridgeparishcouncil.gov.uk <clerk@pembridgeparishcouncil.gov.uk>
Sent: 04 March 2019 14:40
To: ldf
Cc: Andrew Pace <ajejpace@aol.com>
Subject: Mineral & Waste DPD consultation response

Hello,
Pembridge NDP sought to include waste from intensive livestock units within one of its policies. Upon examination, references were removed but some helpful comments about what might be covered in the Minerals and Waste DPD were suggested.

Parish Council has decided to forward the Examiner's report as part of the consultation response hoping it would take the Examiner's comments into account.
I have attached the final examiners report with the relevant policy PEM11 pages 17-20 highlighted to save reading the whole document.

Kind regards,

Rebecca Bissell
Pembridge Parish Clerk
Email: Clerk@pembridgeparishcouncil.gov.uk

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Pembridge
Neighbourhood Development Plan
Submission Version 2011 – 2031

Report of Examination

December 2018

**Undertaken for Herefordshire Council with the support of
Pembridge Parish Council on the submission version of the plan.**



Independent Examiner:

Liz Beth BA (Hons) MA Dip Design in the Built Environment MRTPI

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Abbreviations used in the text of this report:

The Pembridge Neighbourhood Development Plan is referred to as ‘the Plan’ or ‘PNDP’.

Pembridge Parish Council is abbreviated to ‘Pembridge PC’.

Herefordshire Council is also referred to as the Local Planning Authority ‘LPA’.

The National Planning Policy Framework (2012 version) is abbreviated to ‘NPPF’.

The National Planning Practice Guidance is abbreviated to ‘NPPG’.

The Herefordshire Local Plan Core Strategy 2015 is abbreviated to ‘HCS’.

The Regulation 14 Consultation is abbreviated to ‘Reg14’ Consultation.

The Regulation 16 Consultation is abbreviated to ‘Reg16’ Consultation.

Summary

- I have undertaken the examination of the Pembridge Neighbourhood Development Plan during November and early December 2018 and detail the results of that examination in this report.
- The Pembridge Parish Council have undertaken extensive consultation on this Plan, and it complies with legislative requirements. The Plan is a generally well-written and formatted document, with a wide range of locally responsive policies included. The Herefordshire Local Plan Core Strategy 2011 – 2031 provides a comprehensive strategic policy framework.
- I have considered the comments made at the Regulation 16 Publicity Stage, and where relevant these have to an extent informed some of the recommended modifications.
- Subject to the modifications recommended, the Plan meets the basic conditions and may proceed to referendum.
- I recommend the referendum boundary is the designated neighbourhood plan area.

Acknowledgements: Thanks to Local Authority and qualifying body staff for their assistance with this examination. My compliments to the local community volunteers and Pembridge Parish Council, who have worked hard to produce a well-evidenced and comprehensive Plan.

1. Introduction and Background

1.1 Neighbourhood Development Plans

1.1.1 The Localism Act 2011 empowered local communities to develop planning policy for their area by drawing up neighbourhood plans. For the first time, a community-led plan that is successful at referendum becomes part of the statutory development plan for their planning authority.

1.1.2 Giving communities greater control over planning policy in this way is intended to encourage positive planning for sustainable development. The National Planning Policy Framework (NPPF) states that:

“neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need”.

Further advice on the preparation of neighbourhood plans is contained in the Government’s Planning Practice Guidance website:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

1.1.3 Neighbourhood plans can only be prepared by a ‘qualifying body’, and in Pembridge that is the Pembridge Parish Council. Drawing up the Neighbourhood Plan was undertaken by a Steering Group, formed from the Planning and Housing Committee of the Parish Council and interested volunteers.

1.2 Independent Examination

1.2.1 Once Pembridge PC had prepared their neighbourhood plan and consulted on it, they submitted it to Herefordshire Council (the LPA). After publicising the plan with a further opportunity for comment, the LPA were required to appoint an Independent Examiner, with the agreement of Pembridge PC to that appointment.

1.2.2 I have been appointed to be the Independent Examiner for this plan. I am a chartered Town Planner with over thirty years of local authority and voluntary sector planning experience in development management, planning policy and project management. I have been working with communities for many years, and have recently concentrated on supporting groups producing neighbourhood plans. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS). I am independent of any local connections to Pembridge and Herefordshire Council, and have no conflict of interest that would exclude me from examining this plan.

1.2.3 As the Independent Examiner I am required to produce this report and recommend either:

- (a) That the neighbourhood plan is submitted to a referendum without changes; or
- (b) That modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- (c) That the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.2.4 The legal requirements are firstly that the Plan meets the 'Basic Conditions', which I consider in sections 3 and 4 below. The Plan also needs to meet the following requirements under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990:

- It has been prepared and submitted for examination by a qualifying body;
- It has been prepared for an area that has been properly designated by the Local Planning Authority;
- It specifies the period during which it has effect;
- It does not include provisions and policies for excluded development;
- It does not relate to land outside the designated neighbourhood area.

The Pembridge Neighbourhood Development Plan (PNDP) complies with the requirements of Paragraph 8(1). The Neighbourhood Area was designated on 28th August 2012 by the LPA. The Plan does not relate to land outside the designated Neighbourhood Area. It specifies the period during which it has effect as 2011 – 2031 and has been submitted and prepared by a qualifying body and people working to that qualifying body. With the modifications recommended, particularly with regard to Policy PEM11, It will not include policies about excluded development; effectively mineral and waste development or strategic infrastructure.

1.2.5 I made an unaccompanied site visit to Pembridge to familiarise myself with the area and visit relevant sites and areas affected by the policies. This examination has been dealt with by written representations, as I did not consider a hearing necessary.

1.2.6 I am also required to consider whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to a referendum. I make my recommendation on this in section 5 at the end of this report.

1.3 Planning Policy Context

1.3.1 The Development Plan for Pembridge, not including documents relating to excluded mineral and waste development, is the Herefordshire Core Strategy 2011-31 adopted by the LPA in 2015 and some saved policies from the Herefordshire Unitary Development Plan. The latter are not relevant for the PNDP however being mainly concerned with minerals and waste issues, development that is excluded from consideration by neighbourhood plans. The Policies of the Core Strategy are considered 'strategic' for the purposes of the Basic Conditions.

1.3.2 The National Planning Policy Framework (NPPF) sets out government planning policy for England, and the National Planning Practice Guidance (NPPG) website offers guidance on how this policy should be implemented. Although the NPPF has been revised recently, that document makes clear (para 214 of Appendix 1 and footnote 69) that neighbourhood plans submitted to the LPA before January 2019 will need to have regard to the previous 2012 version of the NPPF.

1.3.3 During my examination of the PNDP I have considered the following documents:

- National Planning Policy Framework (NPPF) 2012
- National Planning Practice Guidance 2014 and as updated
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004
- The Localism Act 2011
- General Permitted Development (England) Order 2015 - [GDPO 2015]
- The Neighbourhood Planning Regulations 2012 (as amended)
- Written Ministerial Statement March 2015
- 'Decide if a material is waste or not: general guide' DEFRA/Environment Agency 2016
- Submission version of the Pembridge Neighbourhood Development Plan
- The Basic Conditions Statement submitted with the PNDP
- The Consultation Statement submitted with the PNDP
- The Environmental Report (SEA) for the PNDP
- Neighbourhood Area Designation (map) – in Basic Conditions Statement
- Site Assessment Report for Pembridge Data Orchard April 2017
- Herefordshire Core Strategy 2011 – 2031: Adopted 2015
- Herefordshire Unitary Development Plan (archive) 2007
- NP Guidance Note 20 Herefordshire Council 2015: "Guide to settlement boundaries"
- Herefordshire Renewable Energy Study 2010
- Representations received during the publicity period (reg16 consultation)

2. Plan Preparation and Consultation

2.1 Pre-submission Process and Consultation

2.1.1 Pembridge is a village in the County of Herefordshire, to the west of Leominster, located on the main A44 trunk road. The village is the only settlement of any size in the Parish of Pembridge. It is a mainly rural area, although on the edge of the parish a significant employment site is located adjacent to the Shobdon Airfield. The neighbourhood area includes the whole parish, an area with extensive historic and environmental assets.

2.1.2 A Steering Group made up of Parish Councillors and volunteers from the local community led the production of the Plan. They started slowly as they wished their Plan to be guided by strategic policy in the HCS – which was adopted in 2015. The local community was kept informed of progress via the parish council website, a facebook page, updates in the Parish Magazine and the events that were organised. Steering Group meetings were open to the public, who were able to ask questions in them and make comments.

2.1.3 The Consultation Statement sets out the nature and form of consultation prior to the formal Reg14 six week consultation. In 2014 two open meetings were held, the first to introduce the Plan and explain how people could get involved. The second meeting was to publicise and progress the questionnaire for the Residents' Survey, which achieved a 35% response rate. A call for sites was also undertaken at the end of 2014, and in 2015 as the results of the survey were worked into draft vision and objectives, topic working groups were set up to explore the issues for the Plan in greater detail.

2.1.4 Further consultation work and an extended call for sites was undertaken in 2016, and working with a planning consultant, the draft Plan and site allocations were the subject of further consultation until a draft was agreed by Pembridge PC for the Reg14 consultation.

2.1.5 As required by regulation 14 (Reg14) of the Neighbourhood Planning Regulations 2012, the formal consultation for six weeks on the pre-submission Pembridge Draft NDP ran from Friday 11th August 2017 to Monday the 25th September 2017. The draft Plan and SEA and HRA reports were available for this consultation online and in hardcopy at various locations in the village. The consultation was advertised in the Parish Magazine and on facebook.

2.1.6 Representations to the Reg14 consultation were received from residents, statutory bodies and developers. A considered response to each is detailed in the Consultation Statement, and

several amendments have been made to the Plan as a result of constructive suggestions for changes. I am satisfied that due process has been followed during the consultation undertaken on the Plan, and that it was extensive and aimed to reach as many people as possible. The Consultation Statement details all consultation activities, and the record of comments and objections received during the regulation 14 consultation shows that these were properly considered, and where appropriate resulted in amendments to the plan to accommodate points raised.

2.1.7 As required, the amended plan, together with a Basic Conditions Statement, a Consultation Statement, the SEA and HRA documentation and a plan showing the neighbourhood area was submitted to Herefordshire Council on the 24th July 2018.

2.2 Regulation 16 Consultation Responses

2.2.1 Herefordshire Council undertook the Reg 16 consultation and publicity on the PNDP for six weeks, from the 1st August to the 26th September 2018. Thirteen representations were received during this consultation; four from different sections of the LPA. Two statutory respondents had no specific comments to make on this plan but offered general guidance. Historic England indicated that they were pleased with the Plan. Issues raised in the other responses that are pertinent to this examination of whether the Plan meets the basic conditions, are considered in sections 3 and 4 of this report below.

2.2.2 A response from the National Farmers' Union (NFU) complained that they had not been consulted at Reg14 stage, and this meant the agricultural community's interests were not properly considered. However after enquiries of the LPA and qualifying body, I am satisfied that consultation undertaken prior to, and during, the Reg14 consultation offered sufficient opportunities for the farming community and relevant landowners to comment. Issues raised on the document by the NFU during the Reg16 consultation will be considered during the consideration of policies in Section 4 below, particularly Policy PEM11 and its justification.

3. Compliance with the Basic Conditions Part 1.

3.1 General legislative requirements of the 1990 Town and Country Planning Act (TCPA) other than the Basic Conditions are set out in paragraph 1.2.4 above. The same section of this report considers that the PNDP has complied with these requirements. What this examination must now consider is whether the Plan complies with the Basic Conditions, which state it must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area; and
- Be compatible with and not breach European Union (EU) obligations and human rights law.

3.2 The PNDP has a policy specifically promoting sustainable development (PEM1), and states in the justification for this policy that it forms the basis for the overall approach of the Plan. The sustainability of policies has been tested comprehensively in the Basic Conditions Statement. The vision for Pembridge into the future is a vibrant and flourishing community that is retaining its historic character and unique environment. The Plan has allocated more housing than the minimum required, and for all these reasons I find that it is promoting positive sustainable development. An objection to the principle of a settlement boundary was received due to this not being consistent with a positive approach to growth. However a settlement boundary is generally accepted as indicating and providing clarity on where countryside ends and a settlement, with its generally positive promotion of urban development, begins. The setting of settlement boundaries in neighbourhood plans is promoted in the HCS (para 4.8.23) and thus the PNDP is complying with the Basic Conditions in setting a settlement boundary.

3.3 The PNDP needed an environmental report undertaken for the purposes of Strategic Environmental Assessment (SEA), and a full Habitat Regulations Assessment (HRA). These environmental requirements in EU law are the main EU Directives that neighbourhood plans need to comply with. The SEA was required due to the range of environmental designations within and around the Parish. As the area is also within the catchment of the River Wye, a Special Area of Conservation (SAC), and 7.1km away from it, an HRA was also required. The River Arrow that flows through the parish is a tributary of the Lugg and Wye Rivers.

3.4 The Environmental Report for the SEA has concluded that the Plan is compliant with previously environmentally assessed strategic policy at the local level, and that there are no major potential conflicts between the PNDP's objectives and the SEA framework (para 4.5). The policies of the PNDP had mostly a positive environmental impact (para 6.5). A re-screening was undertaken of policies changed after the Reg14 consultation, and this concluded that these would have 'no significant effects towards the surrounding environment.'

3.5 A full screening and assessment of the Plan was required for the purposes of the Habitats Regulations legislation due to the proximity of the River Wye (and Lugg) SAC. None of the PNDP objectives and policies were considered to be likely to have a significant effect on the SAC (HRA para 6.4). Additionally the 2018 HRA Report has also considered whether further work is required in the light of the Sweetman judgement (para 10.1), and the conclusion is that the assessment is compliant with the implications of that judgement.

3.6 The PNDP in my view complies with Human Rights Legislation. It has not been challenged with regard to this, and the consultation statement showed that the need to consult with a wide cross-section of the community was appreciated.

4. Compliance with the Basic Conditions Part 2: National Policy and the Development Plan

4.1 The final and most complex aspect of the Basic Conditions to consider is whether the PNDP meets the requirements as regards national policy and the development plan. This means firstly that the Plan must have regard to national policy and guidance, which for this neighbourhood plan is the NPPF (2012 version) and the NPPG. Secondly the Plan must be in general conformity with the strategic policies of the development plan. The phrase 'general conformity' allows for some flexibility. If I determine that the Plan as submitted does not comply with the Basic Conditions, I may recommend modifications that would rectify the non-compliance.

4.2 The Plan and its policies are considered below in terms of whether they comply with the Basic Conditions as regards national policy and the development plan. If not, then modifications required to bring the plan into conformity are recommended.

Modifications are boxed in this report, with text to *remain in italics*, new text **highlighted in Bold** and text to be deleted ~~shown but struck through~~. Instructions for alterations are underlined.

4.3 The format of the PNDP is generally good. Policies are clearly distinguished, and a projects section is an appendix separate to the Plan. During consideration of the Consultation Statement I discovered that a third appendix to the draft PNDP for the Reg14 consultation was to be excluded from future versions of the Plan. This is acceptable as long as the Site Assessment Report from DataOrchard remains part of the documentation associated with the Plan. Government guidance in the NPPG [ID: 41-040-20160211] requires a neighbourhood plan to be based on robust, proportionate evidence. The Plan and its allocations need to be seen to be based on a criteria based selection process and sound evidence.

4.4 **Policy PEM1: Promoting Sustainable Development** Complies with the Basic Conditions.

4.5 Policy PEM2: Development Strategy This is a general policy setting out the approach to development. Policy PEM3 has further detail on the amended Settlement Boundary, but this policy states in the last line of criteria a) that ‘locations are defined where development would only be permitted should proposals involve enhancement measures to the Conservation Area’. In fact locations where this may apply are not clearly defined, all that is happened is that the settlement boundary has been extended, which would allow development on the same general basis as the rest of the settlement. The statement lacks the clarity required of policy in the NPPF (para 154), and the intent would be better served by a solution where the sites remain outside the designated settlement boundary, in line with what is actually found on the ground. The wording of the rest of criteria a) is not clear: for example is it within the settlement boundary that ‘other appropriate forms of development may take place’ or within the housing sites?

4.5.1 Criteria c) of this policy is not reasonable unless the restriction on traffic through Pembridge is specified as a significant increase. Any development is likely to generate some traffic, if only a few vehicle movements a day, and the NPPF (para173) requires any policy to not unreasonably restrict viability. Thus in order to comply with the Basic Conditions I recommend that criteria a) and c) are modified as shown in Modification 1.

Modification 1: Policy PEM2 criteria a) and c) to be altered as shown:

*a) A settlement boundary is defined for Pembridge incorporating a number of housing sites. ~~and~~ **Within this boundary** ~~which other~~ appropriate forms of development may take place where this would retain the village’s local distinctiveness and the character and appearance of its Conservation Area. ~~In addition, locations are defined where development would only be permitted should proposals involve enhancement measures to the Conservation Area.~~*

... ..

*c) Economic development associated with the complex of Shobdon Airfield falling within ~~the~~ **Pembridge** Parish will be supported provided this does not result in **significant** increased traffic through Pembridge village.*

4.6 Policy PEM3: Housing Development in Pembridge Village This policy deals with the settlement boundary, but does not formally define it. It needs to make reference to the plan that shows the amended boundary for clarity. Additionally there is no need to make reference to the need to address policies in the Herefordshire Core Strategy. I accept that for emphasis and clarity policies in the PNDP relating to the conservation area should be mentioned. The phrase ‘will be permitted’ has been objected to as not a Parish Council action, but this Plan will form part of the development plan subject to a successful referendum, and the LPA will then use it and its policies.

4.6.1 The settlement boundary has been amended from the original boundary defined in the Unitary Development Plan and now incorporates sites allocated for housing and current planning permissions that have sometimes already been built out. There is also a proposal to alter the settlement boundary to include land that is currently agricultural and not allocated for housing. These sites are discussed in the Plan at paras 5.8 – 5.9, together with detailed design criteria. However this land is included within the conservation area boundary, indicating that it is an important part of the setting of the conservation area.

4.6.2 I asked a question of the qualifying body and LPA with regard to the alteration of the settlement boundary to include these two sites, and although I now understand the thinking behind this action, I do not feel able to support it. A settlement boundary should indicate the natural limits of existing and planned development in a settlement, it is not a vehicle to indirectly allocate land for housing or indeed any other development. Given the sensitivity of the sites as open land deliberately included within the conservation area, I do not accept that the proposed solution to encouraging suitable development on these sites has paid sufficient regard to the need to protect heritage assets (NPPF section 12). Inclusion within the settlement boundary would have a similar effect to an outline planning permission, but this is something the Plan, and general practice, discourages within conservation areas.

4.6.3 Thus in order to comply with government guidance on the protection and conservation of heritage assets, I recommend that the proposed boundary is re-drawn to exclude site 8 (Land to the east of Oak View) and site 9 (Land to the north of Trafford Cottages). Modification to the text of the Plan can mention these areas as being potentially available for development as they are adjacent to the settlement boundary and policy RA2 of the HCS allows for development ‘in or adjacent’ to certain settlements including Pembridge. The description of the sites, and the design guidance, can

remain as a useful indication of development potential should constraints to development be overcome or opportunities arise for joint development.

Modification 2: Policy PEM3, the Village Map and its associated justification text is recommended to be amended as shown in order that the Plan meets the Basic Conditions with regard to the clarity and protection of heritage assets requirements of government policy:-

Policy PEM3: Housing Development in Pembridge Village

*New housing within Pembridge will primarily be restricted to sensitive infilling within ~~a~~ the settlement boundary **defined on the Pembridge Village Map** and sites identified for development shown on **the Pembridge Village Map**.*

Within the settlement boundary infilling will be permitted where it meets appropriate design and other criteria set out within relevant policies contained within this plan, in particular, PEM6 and PEM20, ~~and also address policies set out in Herefordshire Local Plan Core Strategy.~~

The Pembridge Village Map to be altered so that site 8 (Land to the east of Oak View) and site 9 (Land to the north of Trafford Cottages) are excluded from being within the settlement boundary.

Paragraph 5.7 is to be amended as follows:

~~A limited number of other areas forming extensions to the previous settlement boundary, although not shown as allocated sites, are also included within the new boundary. These include Land to the east of Oak View and land to the north of Trafford Cottages~~ **may be suitable for development under Policy RA2 of the HCS as land adjacent to the settlement of Pembridge.** *These sites should only be developed however if suitably sensitive access arrangements can be provided and they incorporate measures to enhance the Conservation Area, as discussed in paragraphs 5.8 and 5.9 below.*

4.7 Policy PEM4: Housing Sites in Pembridge This policy allocates sites for development within the village, altering the settlement boundary to accommodate them. A site selection exercise was undertaken by consultants and is separately documented. A call for sites was undertaken to supplement the Herefordshire 2012 SHLAA, and I am satisfied that an adequate site selection process has been undertaken. The Plan is very positive, in that sites have been allocated for more than the required minimum number of dwellings to be accommodated.

4.7.1 The Plan allocates seven sites for residential development. The passage of time has resulted in site iii) having been partially built out already, and for accuracy this site should now be shown with the reduced allocation size for the remaining site not yet developed. Paragraph 5.2 may need correction, although as it jointly mentions 'completions and outstanding planning permissions' it is possible there is no updating correction needed, with regard to this site anyway. For the avoidance of doubt the allocation is described as a continuation of site iii) and not a new allocation.

4.7.2 Consultation responses during Reg16 indicated that incorrect information had been supplied concerning sites within a known closed landfill site, and that in para 5.13 sites v) and vi) should not be included in this statement. In fact the paragraph also needs to refer to the sites that are affected by name, site numbers have changed from the site assessment to those used in Policy PEM4, and confusion could therefore arise with the use of numbers only.

Modification 3: In order that Policy PEM4 meets the Basic Conditions and complies with government guidance with regards to clarity and accuracy of policy, I recommend that it is amended as follows:-

The following areas of land are identified on the Pembridge Village Map where new housing development may take place, provided they meet the requirements set out in relevant design and detailed policies within this plan:

- i) Land of approximately 1.80 hectares to rear and south of the Village Hall, Bearwood Lane;*
- ii) Land of approximately 0.8 hectares off Manley Crescent;*
- iii) Land of approximately **0.2 hectares being the continuation of an original allocation of 0.6 hectares off Sandiford Ploc;***

... ..

The Village Map to be altered to show the reduced allocation outstanding on site iii).

Paragraph 5.2 of the PNDP to be altered if necessary to update the current figure of completions and outstanding planning permissions.

The last two sentences of paragraph 5.13 to be altered as follows:

*Developers should note that housing sites ii) **Land off Manley Crescent;** iii) **Land off Sandiford Ploc;** ~~iv), vi)~~ and vii) **Land west of Manley Lane;** are within 250m of a known closed landfill site which is a use that may be considered potentially contaminative. Policy PEM23 (f) is especially relevant to these sites.*

4.8 Policy PEM5: Meeting Housing Needs There was a request for an additional qualifier to be added to criteria g) with regard to not being ‘adversely impacted by existing agricultural or commercial activities’. However this qualifier has been added to the general design policy PEM6, and in Policy PEM6 it will impact on all proposed new housing. In Policy PEM5 it would only apply to live/work units if added as requested, which is not appropriate. The policy complies with the Basic Conditions as currently written therefore.

4.9 Policy PEM6 – Design Criteria for Residential Development The Policy has been criticised in the Reg16 consultation as being overly prescriptive in places, but I do not agree with this assessment, and find the policy sufficiently flexible to comply with government guidance in this regard. The policy is setting out the quality of development that will be expected in the area, in line with the NPPF para58, and complies with the Basic Conditions.

4.10 Policy PEM7: Affordable and Intermediate Homes Complies with the Basic Conditions.

4.11 Policy PEM8: Reuse of Rural Buildings and Brownfield Land for Employment Enterprises
Complies with the Basic Conditions.

4.12 Policy PEM9: Working from Home Complies with the Basic Conditions when for clarity the following amendment is made to criteria e):

Modification 4: I recommend for clarity criteria e) reads as follows:

... ..

(e) They include dwellings and associated enterprises permitted through Policy PEM8 and Herefordshire Core Strategy policies RA3 and RA4.

4.13 **PEM10: Agricultural Diversification and Tourism Enterprises** Complies with the Basic Conditions.

4.14 Policy PEM11: Intensive Livestock Units This policy has attracted several responses during the Reg16 consultation, and I am grateful to the qualifying body for their response to these comments. The policy deals with development proposals for intensive livestock units and associated infrastructure. Criticism has been made that the policy is effectively duplicating environmental controls on agricultural practices, but I accept arguments that there are planning issues with this development that are separate to environmental controls, and that government guidance acknowledges this. These arguments need to be summarised in the justification for the policy however; they are currently in an annex to the Consultation Statement.

4.14.1 I have considered how far the policy is dealing with waste issues, which as excluded development for the purposes of neighbourhood planning cannot be dealt with in this Plan. The Environment Agency has produced useful guidance in this regard, which I reproduce below from the website accessed on the 4th december:

For example, when manure or slurry is used to spread to land as fertiliser it isn't classified as waste as long as it's used as part of a lawful operation – for example it complies with the [Nitrates Directive](#) and takes place on clearly identified parcels of land without prior processing. The reason for this is that animal faeces are a by-product of keeping animals and make up a traditional fertiliser where other fertilisers may be regarded as a substitute.

However, where manure or slurry is spread in such a way that it exceeds crop requirements, is of [no benefit to the land](#) or provides no ecological improvement, then it'll be waste and spreading it to land simply to get rid of it is classified as a disposal operation.

<https://www.gov.uk/government/publications/legal-definition-of-waste-guidance/decide-if-a-material-is-waste-or-not>

The situation with manure and slurry from an intensive livestock unit is complex therefore in any consideration of whether it is waste or not. But this suggests that there is a planning issue with where and how it is spread, although the nearest a neighbourhood plan can come to dealing with it is to require details of the working method including disposal of manure and slurry to be submitted with any planning application for the LPA to engage with. The detailed requirements of Policy

PEM11 criteria e) may be dealing with waste issues, and if so they could not be included in a neighbourhood plan. This criteria is considered further in para 4.14.4 below.

4.14.2 Criteria a) is not clear on what is referred to as 'full mitigation'. As the criteria is dealing with landscape issues, the second sentence should refer to landscape and visual effects and mitigation of these. Criteria b) is confused in that the sentence does not read well with the overall qualifier of where units can be sited. Beyond this, other criteria in the policy do not relate back well to the first sentence apart from criteria d). Modification 5 sets out alternative wording and ordering of these criteria, and reformats the policy, so that national guidance on the need for clarity in policy will be met (NPPF para154), and thus the Basic Conditions complied with with regards to clarity.

4.14.3 Criteria c) sets out distances from Pembridge village and other (unconnected) residential property that need to be met in order that any intensive unit and associated infrastructure will protect residential amenity. These distances have been criticised by the LPA as not being justified by evidence, and therefore hard to implement in practice. They have accepted that the policy is in general conformity with strategic policy in the development plan overall. The qualifying body are relying on work undertaken for The Beverley Borough Local Plan (now superseded) in the East Riding. This policy used a distance of 400m separation in the rural areas, or 800m from settlement boundaries for selected settlements – the implication being that these settlements are not considered rural. It should be noted that both the links to the relevant website for this material in the Plan seem to be broken. I have noted that the previous Herefordshire UDP (Policy E16 now superseded) considered development within 400m of intensive livestock units as sensitive to adverse impact to amenity from the units. Additionally the GPDO 2015 [Schedule 2 Part 6 Class A: A1(i)] removes PD rights for intensive livestock development within 400m of a 'protected building' (one normally occupied by people). I consider therefore that the case for this distance restriction has been made in accepted practice and other policy. I do not find adequate and robust evidence however to justify the use of the 600m distance required from Pembridge Village. There is a need for some flexibility in this policy restriction around factors such as the size of the unit, the direction of prevailing winds and other site-specific considerations so that the policy is adaptable to individual development circumstances and does not impose unnecessary restrictions on development viability (NPPF para173). Modification 5 sets out alterations to criteria c) so that it is based on a robust evidence base, as required by the NPPG [ID: 41-040-20160211], and does not unreasonably impact on the viability of development.

4.14.4 As noted above, criteria e) is dealing with issues that will sometimes be likely to be waste matters. When they are not however, the criteria is still attempting to impose restrictions and controls on actions that are not subject to planning permission. This is beyond the purpose and remit of a development plan, which must concern itself with land-use issues. Where a new development proposal for an intensive livestock unit is the subject of a planning application however, then a working method statement would be an acceptable requirement and assist the LPA in properly implementing government guidance with regard to potentially polluting development (NPPF para120). It will also be useful in determining whether or not the disposal of manure and slurry is waste disposal or the application of fertiliser. Requiring a working method statement is currently stated in the text of the Plan (para 6.8), but will be more effectively included within the policy. Para 6.8 in the Plan also has comments about the potential requirement for hours of working restrictions on a unit. As this is not a policy requirement given its location in the justification text, it can only be seen as informal advice that the LPA may wish to consider when dealing with planning applications where residential amenity is a particular issue. Criteria f) is protecting nationally important environmental assets that are vulnerable to nitrate pollution, which is a land-use issue.

4.14.5 Modification 5 amends Policy PEM11 so that it complies with the Basic Conditions with regard to government guidance on robust evidence, viability and curbing pollution. Amendments also ensure that the Plan deals with issues a neighbourhood plan is entitled to, namely land-use that is not excluded development. I therefore recommend that Policy PEM11 is amended as shown in Modification 5 in order that it complies with the Basic Conditions.

Modification 5: Policy PEM11 to be amended as follows:

Proposals for intensive livestock units and associated structures should be sited where:

a) *They do not intrude unacceptably into the landscape or adversely affect important views or landscape character more generally. Proposals seeking to utilise tree screening and choice of materials to reduce **adverse visual and landscape** ~~the environmental~~ effects should only be permitted where these can achieve **effective full** mitigation of the adverse impact.*

b) *Any traffic generated can be accommodated safely upon the local highway network, ~~should~~ **does** not adversely affect residential amenity and avoids adverse effects upon the historic environment.*

c) *There are no other potentially polluting effects upon local amenity **and the environment**, including from outside lighting.*

Modification 5 cont.

Proposals, including associated earth walled storage compounds or lagoons, should normally be sited no closer than 600 metres from Pembridge village. Elsewhere, such development should be no closer than 400m from a protected building or residential property not associated with the operation, measurements to be taken between the nearest point of the proposed development and the nearest point of the residential property or protected building. Where an operation can be demonstrated to have no impact at a nearer distance due to the small scale of the operation or other site specific factors then this distance requirement may be reduced.

Any planning application for an intensive livestock unit should be accompanied by a working method statement that includes clear details on the number and quantity of animals and by-products, methods of dealing with inputs and outputs from the process and pollution controls, transportation requirements and any other aspect of the development specified by the LPA.

~~e) Where the disposal of manure waste is proposed within any operational holding through spreading on land then sufficient suitable land should be available for this which is under the applicant's own control in a location where this will not adversely affect residential amenity. The installation and use of an effective purification system will be taken into account when assessing the suitability of available land. Should manure waste disposal be through spreading on land within another ownership or through another means then this should be agreed with the local planning authority whose area is to receive the waste.~~

~~f) Proposals or their related slurry or manure waste spreading areas, should not be sited where they would have a significant adverse effect on the River Lugg SSSI or River Wye Special Area of Conservation, including tributary streams.~~

The 'in combination effect' of such operations in terms of aerial emissions and deposition, including acid and nitrogen will be a consideration. In all these respects, the cumulative effect of such units upon the environment within the Parish should be taken into account, especially the potential polluting effects on residential amenity and biodiversity.

Para 6.8 to include a summary of the evidence supporting the policy currently quoted at length as an Annex to the Consultation Statement and reference the Annex.

4.15 **Policy PEM12: Supporting Infrastructure** Complies with the Basic Conditions.

4.16 **Policy PEM13: Development on Shobdon Airfield** Complies with the Basic Conditions.

4.17 **Policy PEM14: Renewable and Low Carbon Energy Generation** The policy is encouraging appropriate renewable and low carbon energy development. In the case of wind energy, no areas are designated as suitable for large or medium scale generation, but the area is considered suitable for individual small-scale turbines subject to criteria given in the policy. Thus for individual small-scale wind development the requirements of the Written Ministerial Statement March 2015 are met, but there is a need to define what is meant by 'small scale'. I made an enquiry to the qualifying body regarding this point, and they felt that the best definition was that used in the Herefordshire Renewable Energy Study 2010, a maximum power generation rating of 15kW. Thus in order that Policy PEM14 meets the requirements of the Basic Conditions with regard to government guidance on policy clarity, I recommend that it is amended as shown in Modification 6.

Modification 6: The last paragraph of Policy PEM14 to be amended as follows:

... ..

No sites are identified as suitable within the parish for large or medium scale energy generation through wind power but Individual small-scale turbines serving a local need may be permitted where they meet the above criteria and have a maximum power generation rating no greater than 15kW.

4.18 **Policy PEM15: Protection and Enhancement of Community Facilities and Services**

The policy is protecting valued community facilities, that are indicated by name in the text of the Plan, but not in the policy. In order that the Policy has the clarity required of by the NPPF, it should be altered to indicate the facilities that it relates to. I asked the question of the qualifying body as to which facilities it was seen to cover, and the response has informed Modification 7. Areas that

are to be designated as Local Green Space are excluded, as this would set up a conflict of level of protection. The school playing field has been included with the school as a community facility. Sport England indicated, in their Reg16 response, concern that it was not protected. Should the school wish to extend then Policy PEM15 does not preclude some use of open land around the school, as long as a playing field is left, as it would be development enhancing the school's viability.

Modification 7: The first paragraph of Policy PEM15 is recommended to be altered as shown in order that it complies with the Basic Conditions:

*Existing community facilities listed in this policy shall be retained and protected from development that might restrict unnecessarily their current use unless alternative provision is made in accordance with this policy. The retention of key services will be supported where possible through enabling development that would enhance their viability. **Community facilities to be protected are:-***

- Pembridge Primary School and Play Area
- St Mary's Church
- The Village Hall and Community Open Space adjacent to the Village Hall
- The Kings House High Street
- New Inn High Street
- Red Lion High Street
- The current range of village shops as at December 2018

... ..

4.19 Policy PEM16: Safeguarding Local Green Space I visited all the proposed Local Green Space, and could see from my visit and evidence presented in the Plan that they were all worthy of designation with the exception of the Community Open Space adjacent to the Village Hall. There is a need for Local Green Space to be special, as required by the NPPF para77, and this space has no attributes that make such a designation legitimate. It has therefore been transferred to Policy PEM15 and given some protection as a community facility together with the Village Hall. Future development on it that could render the Village Hall more viable is not ruled out by Policy PEM15.

4.19.1 The wording of the policy does not currently give the protection this designation is to be awarded (NPPF para78). A comment from the Strategic Planning section of the LPA has also

indicated concerns with regard to the wording. For reasons of complying with government guidance with regard to the designation of Local Green Space and thus complying with the Basic Conditions, I recommend that Policy PEM16 is amended as set out in Modification 8.

Modification 8: Policy PEM16 to be amended as follows:

The following areas ~~also identified upon~~ in the Pembridge village Map are designated Local Green Space. Development that would result in the loss or damage of these sites or ~~unnecessarily restrict~~ reduce their current use or value will not be permitted. Proposals that will benefit their current utility will ~~however~~ be supported provided they comply with all policies in the development plan including this policy. ~~permitted provided there is no significant adverse effect on residential amenity:~~

- i) Churchyard at St Mary's Church.
- ii) The Millennium Meadow.
- iii) Pembridge Village Green.
- iv) Riverside Walk.
- ~~v) Community Open Space adjacent to the Village Hall.~~
- ~~vi~~ v) The Green surrounding the War Memorial in West Street.

4.20 Policy PEM17: Contributions to Community Services, Youth Provision and Recreation Facilities

The policy complies with the Basic Conditions.

4.21 Policy PEM18: Retaining the Natural Environment and Landscape The policy has been criticised in the Reg16 responses as not differentiating between different levels of protection for national and local environmental assets, as required by the NPPF (para 113). Generally the criteria within the policy distinguish between local and national features well, but criteria e) and f) should have appropriate qualifiers fitting to the status of the local wildlife sites they protect. Criteria a) deals with landscape issues rather than ecological protection and is acceptable as it stands. Criteria b) did not have acceptable clarity, and with reference back to the qualifying body and LPA I have proposed a modification that improves it. Criteria e) did not read well within the format of the policy, and I have thus also recommended a modification for clarity here.

Modification 9: In order that the policy complies with government policy with regard to the hierarchy of protection of environmental sites, and the clarity required of policy, I recommend Policy PEM18 is amended as follows:

... ..

b) *Contribute towards the wider ecological network within the Parish through measures to enhance the ecological corridors and stepping stones identified by the LPA in the Ecological Network Map 2013. In particular ~~to maintain and of~~ the ecological corridors of the River Arrow's tributaries ~~and stepping stones elsewhere~~ throughout the Parish and within Pembridge Village should be Protected and enhanced wherever possible; ~~through its centre;~~*

... ..

e) ~~In addition,~~ **Protect** the biodiversity value of local wildlife sites and green infrastructure within the parish, and in particular around and within Pembridge village, ~~should be protected from unacceptable harm to the asset, particularly~~ from the adverse effects of development. New development should also seek to add to the green infrastructure network where possible;

f) *Retain wherever possible important features such as ponds, orchards and hedgerows, and maintain and preferably extend tree cover, adding to the natural assets of the Parish where opportunities are available.*

4.22 **Policy PEM19: Protecting Heritage Assets** This policy has also been criticised for not distinguishing between different levels of protection at a national and local level, and ruling out development even where there is less than substantial harm on assets of lesser value. The response draws attention to policy in the NPPF (paras 133-4) that set out this requirement. I find the qualifier 'where appropriate' in the first sentence of the policy allows this distinction to be made between assets of varying quality, and the nature of any threat from a development proposal. However criteria d) is vague in the mention of 'other similar heritage assets' as these may not have the status of nationally listed heritage assets. Otherwise I find the policy complies with government guidance in this regard and is suitably more flexible with regard to local heritage assets in criteria e), g) and h).

4.22.1 In order that Policy PEM19 complies with the Basic Conditions with regard to government guidance in the NPPF I recommend that it is amended as shown in Modification 10.

Modification 10: Criteria d) of Policy PEM19 to be amended as follows:

... ..

d) Resisting development that adversely affects features or the setting of Listed Buildings. ~~and other similar heritage assets~~. In particular, the Market Hall and its setting should be protected, including from the impacts of traffic upon its fabric.

... ..

4.23 Policy PEM20: Development within Pembridge Conservation Area Complies with the Basic Conditions.

4.24 Policy PEM21: Protection from Flood Risk Complies with the Basic Conditions.

4.25 Policy PEM22: Sewage and Sewerage Infrastructure Complies with the Basic Conditions and is supported by Welsh Water (Dwr Cymru).

4.26 Policy PEM23: Sustainable Design Complies with the Basic Conditions.

4.27 Policy PEM24: Traffic Measures within the Parish Complies with the Basic Conditions

4.28 **Policy PEM25: Highway Design Requirements** The policy complies with the Basic Conditions, but clarification of the justification text is required in order that the Plan meets the requirements of the NPPF with regard to clarity, and thus complies with the Basic Conditions.

Modification 11: I recommend the second sentence of paragraph 9.3 of the PNDP is amended as follows in order that the document has the clarity required and complies with the Basic Conditions.

*This applies not only in ~~the~~ Pembridge **Village** where growth is proposed, but also elsewhere in the Parish.*

4.29 **Policy PEM26: Protection and Development of Public Rights of Way** Complies with the Basic Conditions.

5. The Referendum Boundary

5.1 The Pembridge Neighbourhood Development Plan has no policy or proposals that have a significant enough impact beyond the designated Neighbourhood Plan Boundary that would require the referendum boundary to extend beyond the Plan boundary. Therefore I recommend that the boundary for the purposes of any future referendum on the Pembridge Neighbourhood Development Plan 2011 – 2031 shall be the boundary of the designated Neighbourhood Area for the Plan.

Latham, James

From: Emma Lewis <shobdonparishclerk@gmail.com>
Sent: 26 February 2019 08:02
To: ldf
Subject: Draft Minerals and waste Local Plan

Shobdon Parish Council met on the 28th January and discussed the draft plan and had the following comments: "**The Parish Council noted** that the draft plan includes provision for the re-opening of the quarry at Shobdon, which is currently mothballed. The site is currently very overgrown, and the fence line is in an extremely poor condition causing a potential safety hazard. It was **agreed** that whilst the Parish Council had no objection in principle to the re-opening of the quarry, they would like Herefordshire Council to hold Tarmac to account on timescales for the possible re-opening of the site. If the site is not to be used in the foreseeable future, then Tarmac should be required to manage the rehabilitation of the site to ensure future safety and remove their waste and scrap from the land. "

With best wishes.

--
Emma Lewis
Clerk to Shobdon Parish Council

Latham, James

From: Emma Thomas <clerk@wnlgpc.org.uk>
Sent: 15 February 2019 14:15
To: Gilson, Susannah
Subject: Minerals and Waste Consultation

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Susi

The Parish do not wish to make a comment but would like to be kept informed of any updates or further consultations arising on this matter please.

Kind regards

Emma Thomas

Clerk to Welsh Newton and Llanrothal Group Parish Council

4 March 2019

Dear Madam/Sir,

MINERALS AND WASTE LOCAL PLAN CONSULTATION RESPONSE

1 Introduction

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

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

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

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

2 Inadequate evidence base – answering your Q1

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

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

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

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

3 Is the vision appropriate and deliverable – Answering your Q2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 Heavy Goods Vehicle Traffic

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

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

5 Hydrocarbons

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours sincerely

Anthony Geeson
Vice Chair
CPRE Herefordshire

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

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

APPENDIX 1

POLICY GUIDANCE NOTE ON SHALE GAS (FRACKING)

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

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

Fracking and climate change

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

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

Fracking and local environmental impacts

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

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

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

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

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

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

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

Measures

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

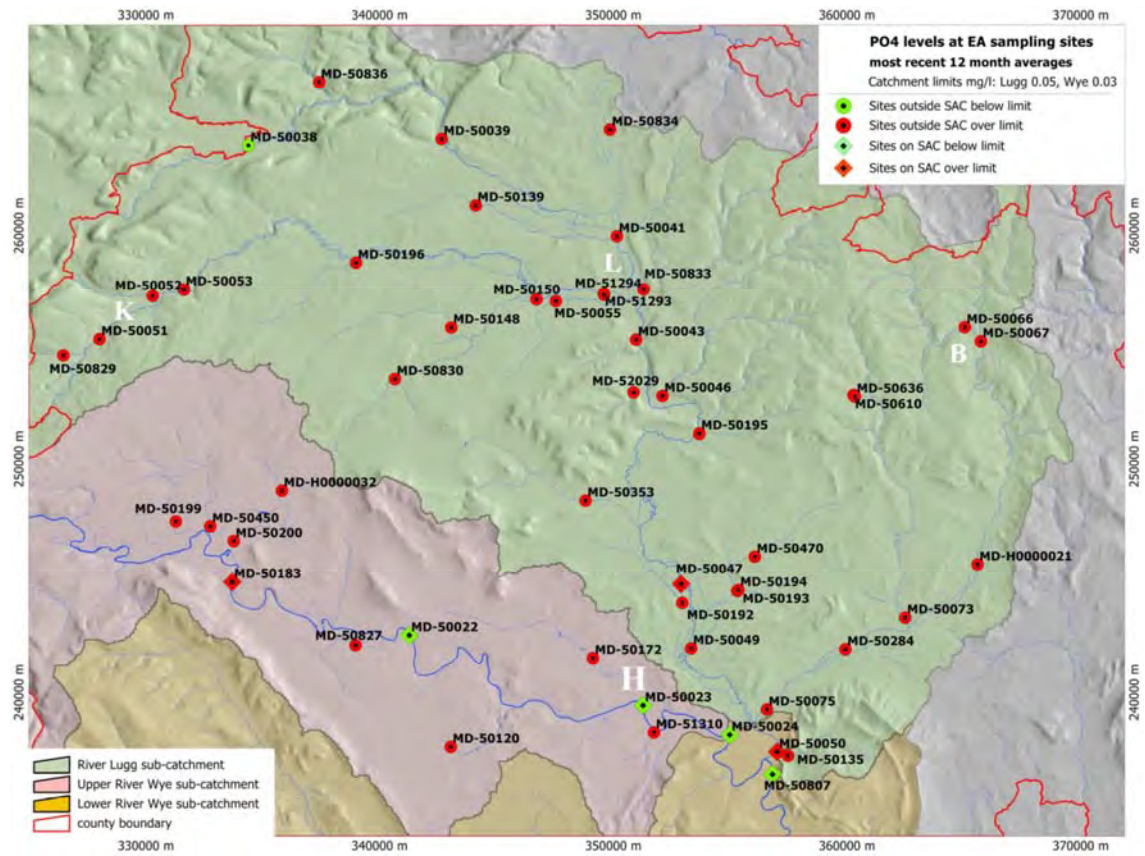
- Ensure any Shale Wealth Fund provides a funding stream to deliver CCS as well as local landscape enhancements, so as to set against some of the harm, rather than seeking to induce local communities to support fracking developments;
- The cumulative impact of fracking should be carefully and frequently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

References

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

CPRE June 2017

APPENDIX 2 Phosphate levels in Herefordshire's rivers in 2017



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

Herefordshire Council
Minerals and Waste Local Plan

Enquiries: Rhys Evans/Ryan Norman
0800 917 2652

Sent via email

1st March 2019

Dear Sir/Madam,

HEREFORDSHIRE COUNCIL MINERALS & WASTE LOCAL PLAN, FEB 2019

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

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

Policy W4: Wastewater Management

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

Section 8: Delivery, Implementation and Monitoring

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

Annex A – Allocated sites and the key development criteria

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

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

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

Yours faithfully,

Ryan Norman
Forward Plans Officer
Developer Services

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

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

Dear Sir/Madam,

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

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

Mineral planning

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

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

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

Groundwater Protection Principles

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Hydrogeological Impact Assessment (HIA)

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

Examining any impacts upon the water environment from quarrying activities

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

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

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

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

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

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

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

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

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

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

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

Restoration Plans

Background

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

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

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

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

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

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

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

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

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

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

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

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

Download link:

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

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

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

Quarries identified within Herefordshire, existing and proposed

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

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

Upper Lyde – Sand and gravel

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

Shobdon– Sand and gravel

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

Wellington Quarry - sand and gravel

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

Leinthall Quarry - crushed rock

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

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

Perton Quarry – crushed rock

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

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

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

Llandraw Quarry - building stone

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

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

Callow Quarry - building stone

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

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

Tybubach Quarry - building stone

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

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

Westonhill Wood Quarry - building stone

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

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

Quarries identified as inactive/ closed or mothballed

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

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

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

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

Flood Risk / Strategic Flood Risk Assessment (SFRA)

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

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

Waste sites

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

- Site W05 Leominster HWS and HWRC;

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

You could seek this detail prior to allocating this site.

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

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

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

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

Specific Waste Comments:

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

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

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

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

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

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

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

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

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

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

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

Additional Points:

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

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

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

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

Sustainability Appraisal

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

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

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

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

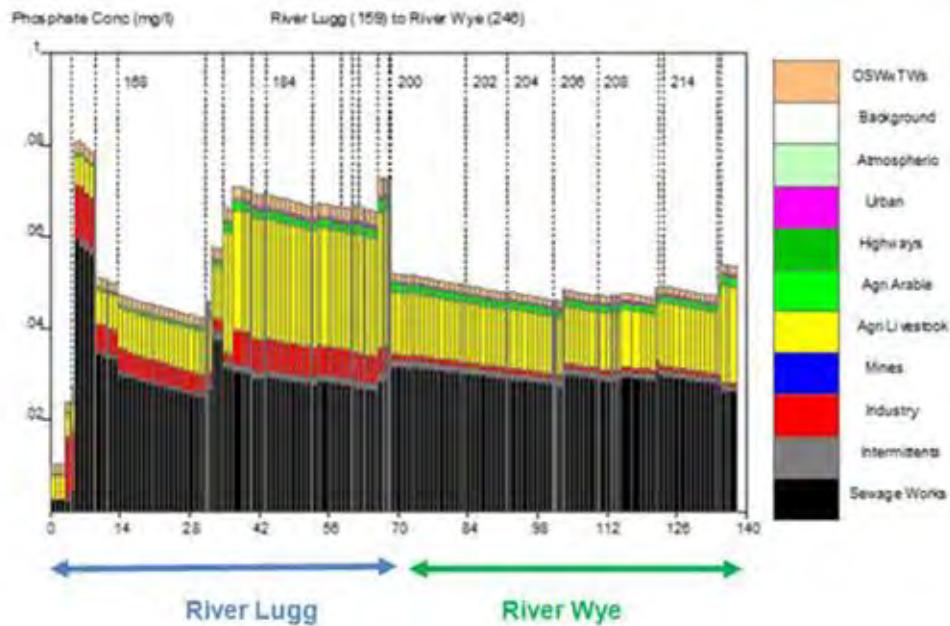
The above raises a few specific waste issues regarding the MWLP and SA, but the main concern we have relates to perhaps a lack of some precision around certain terms and comments regarding the Waste Hierarchy, Circular Economy and Waste Management/Waste Treatment. Transforming to a Circular Economy from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

Agricultural waste

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

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

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



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

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

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

Yours sincerely

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

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

Dear Victoria

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

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

Kind regards

Lorraine Brooks
Planning Officer - Minerals and Waste Policy

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

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

Go to www.gloucestershire.gov.uk to find information on any County Council service.
It couldn't be easier to find information instantly and in some cases apply for services online.

From: Gilson, Susannah <Susannah.Gilson@herefordshire.gov.uk>

Latham, James

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

Hello Susi,

We have no comment thank you.

Rob

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

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

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

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

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

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

Kind regards
Susi

Herefordshire.gov.uk

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



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Minerals and Waste Consultation – Green Party Response

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

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

Additional comments with reference to Agricultural Waste:

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

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

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

Latham, James

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

In case its not too late...

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

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

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

Regards
Trish

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

Draft Minerals and Waste Plan Consultation Jan – March 2019

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

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

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

Yes No

If no, please explain why

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

Yes No

If no, please explain why

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

Yes No

If no, please explain why

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

Yes No

If no, please explain why

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

Yes No

If no, please explain why

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

Yes No

If no, please explain why

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

Yes

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

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

About you:

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

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

Email: eht@worc.ac.uk

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

Yes

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

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

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

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

Questionnaires can be returned by post to:

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

Or by email to ldf@herefordshire.gov.uk

Please return this questionnaire by midnight on 4th March 2019

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

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

para 2.3.2 Append

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

para 2.4.13 enhance as follows

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

para 5.4.15

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

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

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

para 6.2.6

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

para 6.2.12

Recognising the advantages of working an area efficiently, sites for future crushed rock extraction are allocated adjacent or near to existing permitted sites. Crushed rock reserves at Leinthall (Site M07) and Perton (Site M10) quarries are both proposed to be allocated in the MWLP. Within the submissions made in response to the Call for Sites 2016, the reserve across Site M07b is around 7 million tonnes. Information has not been provided to date on the reserve at Site M10b. In addition, preferred areas of search have been identified for working limestone reserves within Herefordshire. **The Silurian rocks obtained from these sites are rich sources of fossils. Even locations that are not designated sites could uncover internationally important features, hence plans to mitigate impacts on geodiversity will be required for all proposals.**

para 6.3.3

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

para 8.1.7

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

Latham, James

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

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

Dear Sir/Madam,

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

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

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

I trust this advice is helpful.

Best wishes

Bill Bloxsome
HLMNP Facilitator

Your ref: Herefordshire Minerals and Waste Local Plan

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

Via Email: veaton@herefordshire.gov.uk

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

4 March 2019

Dear Victoria,

Herefordshire Minerals and Waste Local Plan Consultation– 2018

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

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

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

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

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

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

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

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

Yours sincerely,

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

Draft Minerals and Waste Plan Consultation Jan – March 2019

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

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

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

Yes No

If no, please explain why

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yes No

If no, please explain why

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

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

Yes No

If no, please explain why

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

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

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

Yes No

If no, please explain why

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

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

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

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

Yes No

If no, please explain why

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

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

Yes No

If no, please explain why

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

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

Yes No

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

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

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

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

About you:

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

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

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

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

Yes No

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

Access to Information

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

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

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

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

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

Questionnaires can be returned by post to:

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

Or by email to ldf@herefordshire.gov.uk

Please return this questionnaire by midnight on 4th March 2019

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

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

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

Contact:

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

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

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

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

Comments on the Draft M&WLP

Para 3.3.4

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

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

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

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

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

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

Para 3.4.1 (17th bullet point)

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

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

Draft MWLP Objectives ; Objective 3

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

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

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

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

Draft MWLP Objectives; Objective 6

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

The NPPF at para 207 requires that;

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

Suggested text change as follows;

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

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

Para 5.5.14

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

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

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

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

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

Policy SS8 : Resource Management

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

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

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

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

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

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

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

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

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

Policy SD5 :Site Reclamation

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

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

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

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

Policy M2 : Safeguarding of Mineral Resources from Sterilisation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Planning policies should:

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

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

Suggested wording for such a policy is set out below;

Additional Policy :

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

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

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

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

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

Para 6.2.5

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

Policy M3: The winning and working of sand and gravel

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

Suggested changes to the policy are set out below;

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

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

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

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

Suggested changes to the policy are set out below;

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

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

Policy M5: The winning and working of sandstone

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

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

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

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

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

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

The policy needs rewording as follows;

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

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

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

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

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

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

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

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

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

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

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

ME NORTH

28/02/2019



Your ref:

Our ref:

Email: Sarah.faulkner@nfu.org.uk

Direct line: 01952 409247

Date: 28 February 2019

Dear Sir

Herefordshire Minerals and Waste Local Plan Consultation

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

Key comments:

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

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

Detailed comments:

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

Policy W3: Agricultural Waste Management

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

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

Yours sincerely

Sarah Faulkner
Environment and Rural Affairs Adviser

Forward Planning Team MWLP
Plough Lane
Hereford
HR4 0LE

Lucy Bartley
Consultant Town Planner

Tel: 01926 439116
n.grid@woodplc.com

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

20 February 2019

Dear Sir / Madam

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

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

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

Further Advice

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

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

Lucy Bartley
Consultant Town Planner

Spencer Jefferies
Development Liaison Officer, National Grid

n.grid@woodplc.com

box.landandacquisitions@nationalgrid.com

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[via email]

Lucy Bartley
Consultant Town Planner

cc. Spencer Jefferies, National Grid

Draft Minerals and Waste Plan Consultation Jan – March 2019

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

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

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

Yes No

If no, please explain why

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

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

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

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

Yes No

If no, please explain why

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

Yes No

If no, please explain why

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

Yes No

If no, please explain why

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

Yes No

If no, please explain why

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

Yes No

If no, please explain why

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

Yes No

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

Leinthall Quarry (M07a and M07b)

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

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

Cross boundary issues

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

About you:

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

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

Email chris.lambart@nationaltrust.org.uk

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

Yes No

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

Access to Information

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

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

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

Questionnaires can be returned by post to:

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

Please return this questionnaire by midnight on 4th March 2019

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

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

Date: 04 March 2019
Our ref: 271606



Planning Strategy
Warwickshire County Council

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

T 0300 060 3900

BY EMAIL ONLY

Dear Sir/Madam

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

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

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

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

Natural England welcomes the references in the draft plan to:

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

Natural England would like to see:

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

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

Habitats Regulations Assessment

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

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

Sustainability Appraisal

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

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

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

Yours sincerely,

H.McDowall

Hazel McDowall
Planning for a Better Environment Team

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

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

Dear Sir / Madam,

Herefordshire Minerals & Waste Local Plan
Draft Plan

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

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

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

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

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

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

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

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

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

Yours sincerely,

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

Latham, James

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

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

In response to your consultation.

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

Yes No X

If no, please explain why

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

Regards,

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

Tel. 01785 27-7275 / Mobile 07976 738743

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

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

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

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

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

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

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

WM AWP April 2019



worcestershire
county council

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

04 March 2019

Dear Ms Gilson,

Draft Minerals and Waste Local Plan consultation 2019

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

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

Yours sincerely,

Emily Barker
Planning Services Manager

Emily Barker
Planning Services
Manager

County Hall
Spetchley Road
Worcester
WR5 2NP

Minerals

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

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

Waste

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

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

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

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



Draft Minerals and Waste Plan Consultation Jan – March 2019

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

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

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

Yes No Don't know .

If no, please explain why

This is an impossible question to answer as we do not have a reference list.

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

Yes No

If no, please explain why

Yes, the way that section 4 is constructed is appropriate and as long as the management of the objectives is adaptive the outcomes should be realistic.

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

Yes No

If no, please explain why

As long as the commitment to habitat creation and management is appropriately deployed.

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

Yes No

If no, please explain why

Yes, as long as appropriate environmental impact assessments are carried out.

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

Yes No

If no, please explain why

Yes, they appear to be well intentioned as long as infrastructure is sufficient to cope with population growth + increased demand.

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

Yes No

If no, please explain why

Yes, it needs to be flexible and adaptive.
I would request that consultation such as this is carried out every 5 years.

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

Yes No

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

In section 3.4 Issues and Challenges I would prefer to see bullet point 5 reworded to say "Address the potential positive and negative impacts..." rather than "considering how to address...".
The final bullet point under subheading 'Aerial' in section 3.4 would benefit from having 'adaptive management' included in the sentence as well as flexibility. Please see overleaf.

About you:

Name: ANQA A LLOYD

Address: [REDACTED]

Postcode: [REDACTED]

Email: [REDACTED]

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

Yes No

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

Access to Information

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

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

* continued from question 7.

Section 5.3 - Movement and transportation.
The inclusion of 'slow' transport networks would be beneficial (i.e. showing a commitment to using canal networks).

Core Strategy Policy LDI 5.4.8 - I think this would benefit from giving more specific consideration to what is meant by "consider soil quality in more detail". Does this mean compaction, contamination, run-off? Examples could be included to add clarity.

Policy SS8: Resource management - 2c. Would it be feasible to consider adding community composting?

Policy M7: Unconventional hydrocarbons.
Would it be possible for the Welsh Council to look at other methods of securing energy supply and supporting a transition to a low carbon economy (e.g. hydro-electric power, wind, solar).

Agricultural waste - would this section benefit from including a spatial strategy?

Section 8.3. Monitoring 8.3.5. Could details of who or what the 'waste Data Interrogator' be included?

Draft Minerals and Waste Plan Consultation Jan – March 2019

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

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

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

Yes No

If no, please explain why

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

Yes No

If no, please explain why

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

No comment

Yes No

If no, please explain why

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

Yes No

If no, please explain why

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

Yes No

If no, please explain why

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

Yes No

If no, please explain why

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

Yes No

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

Policy SS8 Resource Management - The draft plan incorporates this new policy which is intended to manage climate change, by directing the use of minerals and waste resources, through the encouragement of waste prevention and the provision of a Resource

Audit. The resource audit is designed to identify the sourcing of construction materials and the amount and types of waste generated. As this concerns minerals use rather than production and supply it seems more relevant to the core strategy rather than the HMWLP

Policy M1: Minerals Strategy – Subpara (a) - The policy direction in Policy M1: Minerals Strategy, is to deliver sustainable winning and working of minerals and includes “identifying sources of alternatives to primary mineral resources, and encouraging the development of facilities to process alternative materials either at the point of production or other suitable locations”.

The draft plan acknowledges that a purpose of recycling, which is part of the waste strategy, is to reduce the pressure on primary mineral reserves. Alternatives to primary resources may be secondary aggregates or recycled aggregates. The policy aim in M1(a) of encouraging the development of processing facilities, in conjunction with provision in W6 for example, to encourage recycling, by making available or permitting mineral sites for processing CDE waste, is sound but it is doubtful that mineral planning policy M1(a) can “identify sources of alternatives to primary mineral resources”. The sources, in the case of CDE wastes in particular, are driven by other development opportunities in response to economic circumstances which is an open market factor which may generate the CDE waste. The draft policy M1(a) would be deliverable without the highlighted text.

Policy M1 Minerals Strategy – Subpara (b) – Provision is included for ensuring that new-build and refurbishment developments should contribute to the “efficient use of resources, increasing the proportion of recycled materials used as an alternative to primary mineral where appropriate”. This is a supply chain aspiration which may not be influenced directly through mineral planning policy but perhaps could be an intention of the core strategy.

Policy M2 Minerals Safeguarding of Mineral Resources from Sterilisation – The supporting text in the draft HMWLP refers to Figure 7 as depicting the extent of the mineral safeguarding areas. As the policy relies on this plan representation it needs to be clear. The plan becomes pixelated and distorted and is rendered meaningless when enlarged. Future iterations of the HMWLP need to improve the plan representation serving this policy.

The mineral safeguarding areas focus on BGS mapping and preferred sites. Buffer zones around existing operations and site allocations have been discounted in the reasoning with arguments that different minerals require different buffer zones and that there is no distance or area otherwise prescribed in planning policy on this issue. However the Spatial Context and Site Report supporting text in 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 assessment. 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 and tool in protection of mineral resources.

Policy M4 Winning and Working of Crushed Rock (Limestone) – Policy M4 (C) implies that in addition to the two crushed site allocations and the areas of search that there are other areas of search. These are not defined. If these areas are relevant to landbank provisions they will not be adequately protected in safeguarding Policy M2 as they are

undefined and may be outside of the safeguarded areas or preferred areas of search. This comment applies equally to Policy M3.

About you:

Name:...Ataghan Limited Stoke Edith Estate.....

Address:... The Estate Office, Stoke Edith, Herefordshire, HR1 4HG
.....
.....

Email:... edith@estateoffice.org.....

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

Yes No

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

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Please return this questionnaire by midnight on 4th March 2019

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

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

The following comments are site specific relating to Perton Quarry minerals site reference 10a and 10b and waste site reference W48a and W48b

SSSI Designation

The Spatial Sites Context Report Annex A and B describes the existing quarry at Perton and the site allocation. There are two NE reference and citation numbers of the SSSI designations at Perton however the two designations have the same name, Perton Roadside Section and Quarry. The areas are at Perton Roadside Section and Quarry (1) - Reference 1046401 Citation 1013238 and Perton Roadside Section and Quarry (2) adjacent to the roadside Reference 1046402 Citation 1026659.

Within the text of the HMWLP 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 either contain (as is the case for M10a) or are adjacent (as is the case for

M10b) to the Perton Roadside Section Quarry SSSI.” However neither the existing quarry or the site allocation are adjacent to Perton Roadside Section and Quarry (2).

The Site Spatial Context Report Annexes A & B do not reflect the correct SSSI relative to the existing quarry or site allocation. The Perton Roadside Section and Quarry (1) SSSI is within the existing quarry extent. The site allocation area is not within this part of the SSSI although is adjacent to it. The Perton Roadside Section and Quarry (2) SSSI is within the highway boundary on the eastern side of Perton Road from a point near to the quarry entrance as far as a disused quarry. This SSSI is not within the existing quarry and it is difficult to describe it as adjacent to the existing quarry as it includes the face away from the roadside. The site allocation is also not within or adjacent to this SSSI designation.

SSSI Prevention of adverse impacts

The HMWLP 3.4 Issues & challenges General refers to “Developing an appropriate approach to the protection and enhancement of the plan area’s Sites of Special Scientific Interest“. it relies on Core Strategy Policy LD2: Biodiversity and Geodiversity to deliver this which is compatible with the NPPF. Relevant parts of the policy are “Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire, through the:

2 restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks;

Where appropriate the council will work with developers to agree a management strategy to ensure the protection of, and prevention of adverse impacts on, biodiversity and geodiversity features.”

The approach appears to be more forensic in the Spatial Sites Context Report Annex A against the site specific allocation for Perton which states that “Any planning application will be required to demonstrate how the geological and fossil features for which the SSSI is designated will be preserved throughout working reclamation and afteruse”.

The sustainability appraisal notes that quarrying need not be an adverse impact on the SSSI and indeed extraction is seen as a way of exposing and more areas of interest than would exist without quarrying.

Although the comment requiring geological features to be “preserved” is not included in policy there is incompatibility in the 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 the intentions of LD2 to prevent adverse impact.

Suitability for Waste Uses

The Spatial Context Sites Report assesses waste sites and considers waste sites and minerals sites for capability in waste use. In para 3.3.2 it refers to Sites W42 to W57 as the mineral sites selected to be considered for waste uses, principally the recovery of construction, demolition and excavation wastes and the deposit of waste. The notes against Perton W48a and W48b discount Perton for waste use on the grounds that the site will be restored using on site materials. i.e. not importation of CDE wastes. The extant permission does not permit use of waste in restoration of the site although the restoration scheme is yet to be determined. However the waste strategy intended to consider sites for recycling as well as deposit of waste. If considered under policy W6: Preferred Locations for Construction, Demolition and Excavation Waste Management Facilities, Perton could be promoted in future as an active mineral working as a suitable location for treatment of CDE wastes. There may also in future be a case for partial infill, depending on the useable land area required for future afteruse intentions. It could mean a change in the existing planning permission but the current planning permission should not be a reason for discounting the future potential of this site to serve waste deposit needs or recycling uses.

Latham, James

From: Gilson, Susannah
Sent: 11 March 2019 14:04
To: Eaton, Victoria
Cc: Singleton, Kevin
Subject: FW: EXT || Draft Minerals and Waste Local Plan Consultation

FYI

From: Cashman, Vicky <vicky.cashman@cadentgas.com>
Sent: 11 March 2019 13:59
To: ldf <ldf@herefordshire.gov.uk>; Gilson, Susannah <Susannah.Gilson@herefordshire.gov.uk>
Subject: {Disarmed} FW: EXT || Draft Minerals and Waste Local Plan Consultation

Dear Susannah

Apologies for the delay and appreciate I have now missed your consultation deadline however I wanted still to flag to you a high pressure (major accident hazard pipeline) which is located within the Wellington Quarry allocations. This is a potential constraint to any quarrying activity in this area and I would request that Cadent Gas (plantprotection@cadentgas.com) are consulted as part of any proposed planning application for this area.

Kind Regards
Vicky

Vicky Cashman
Consents Officer

Cadent

Ashbrook Court, Central Boulevard, Prologis Park, Coventry CV7 8PE
+44 (0)77 47671508

From: Gilson, Susannah [<mailto:Susannah.Gilson@herefordshire.gov.uk>]
Sent: 21 January 2019 11:20
To: .box.plantprotection
Subject: EXT || Draft Minerals and Waste Local Plan Consultation

Draft Minerals and Waste Local Plan (MWLP) – Consultation

We will shortly be consulting on the first draft of the Herefordshire Minerals and Waste Local Plan, which will form a part of the planning policy framework (Local Plan) for Herefordshire, and would like to know your views.

The draft MWLP will be consulted upon from Monday 21 January to Monday 4 March 2019.

Minerals and waste planning is concerned with the delivery of sustainable minerals supply and waste management. This includes providing for the efficient use of minerals, the effective minimisation and use of wastes, and enabling self-sufficiency and resilience.

The MWLP will set out the strategic priorities for minerals and waste development in Herefordshire until 2031 and beyond. It contains the vision, objectives and strategy for minerals and waste planning. It also has detailed policies and locations for future minerals extraction, (such as sand and

Latham, James

From: Augustine Fowler-Wright
Sent: 31 January 2019 15:26
To: Gilson, Susannah
Subject: Re: Draft Minerals and Waste Local Plan Consultation drop-in

Follow Up Flag: Follow up
Flag Status: Completed

From Gus Fowler-Wright

Thank you for the email notification.

I do not believe that a public forum would assist us.

We own Madley Industrial Estate of which 5.5 acres approx (branded Stony Street Industrial Estate) after an arduous and extensive Environmental Impact Assessment; obtained Planning Consent for the not constructed waste plant.

This site procurement process revealed it to be a unique 'waste processing or waste to energy' 'in County site'.

There simply was no other site suitable.

I will send a site plan to assist.

I would note that the current review of County Travellers' site's considering a former Travellers' Site on our boundary should be considered after the value to the County if having a single waste processing plant plot available. To avoid compromising it without consideration.

I would be happy to meet the relevant Planning Officer if this would assist.

Kind Regards,

Gus F-W

Sent from my iPhone

On 22 Jan 2019, at 14:51, Gilson, Susannah <Susannah.Gilson@herefordshire.gov.uk> wrote:

A public drop-in session will take place at The Courtyard Theatre, on Tuesday 5 February from 1-3pm. It will be an opportunity for you to ask any questions and find out more information about the Draft Minerals and Waste Local Plan consultation.

The draft plan and accompanying documents are available to view at www.herefordshire.gov.uk/mineralsandwaste

If you have any questions about the consultation, you can also contact us in the following ways:

Email - ldf@herefordshire.gov.uk

Or call 01432 260146, 01342 260137

Latham, James

From: Augustine Fowler-Wright
Sent:
To: 07 February 2019 11:10
Subject: Gilson, Susannah
Attachments: Draft Minerals and Waste Consultation
Doc 07 Feb 2019, 0929.pdf; ATT00002.txt
Follow Up Flag:
Flag Status: Follow up
Flagged

From Gus Fowler-Wright

Further to my previous email.

Please add attached plan to the bundle.

Edging:

Orange: Proposed Travellers' Site

Green: Our land (Farm (pig Holding number) to North. Madley Industrial Estate to South (ie main access road extending from Stone Street through the Estate to our land 'off plan to East'.

Edged Red: Stony Street (ie not constructed) Industrial Estate.

It is this land / facility that has been shown to be a unique 'in County' waste or waste to energy site.

I note that the Consultation re the Travellers' Site is re a site that shares the entrance and road proximity and accordingly does not consider any 'Cordon Sanitaire'.

Kind Regards,

Gus Fowler-Wright



Aug 2003

1:2000

Draft Minerals and Waste Plan Consultation Jan – March 2019

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

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

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

Yes No

If no, please explain why

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

Yes No

If no, please explain why

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

Yes No

If no, please explain why

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

Yes



No



If no, please explain why

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

Yes



No



If no, please explain why

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

Yes



No



If no, please explain why

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

Yes

No

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

On behalf of Dinmore Aggregates Ltd, we have promoted the allocation of the sand and gravel reserves to the north of Wellington Quarry (immediately south and north of Haywood Lane) together with restoration of the land with the use of inert waste. The background environmental assessment work carried out by independent specialist environmental consultants to support the allocation (and a future planning application) demonstrates that there are no in principle constraints to the proposed supply of sand and gravel reserves from this land across the Plan period.

About you:

Name: **Christian Smith, (GP Planning Ltd) – On behalf of Dinmore Aggregates Ltd**

Address: **iCon Environmental Innovation Centre, Daventry, Northamptonshire, NN11 0QB**

Email: **chris@gpplanning.co.uk**

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

Yes

No

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

Access to Information

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

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

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

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

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

Questionnaires can be returned by post to:

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

Or by email to ldf@herefordshire.gov.uk

Please return this questionnaire by midnight on 4th March 2019

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

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

Herefordshire
Forward Planning – Draft MWLP
Plough Lane
Hereford
HR4 0LE

My Ref: TAR-022-M/MWLP/001

Your Ref:

Date: 4th March 2019

Sent by email to ldf@herefordshire.gov.uk

Dear Sir/Madam,

HEREFORDSHIRE MINERALS AND WASTE LOCAL PLAN: DRAFT PLAN

REPRESENTATIONS ON BEHALF OF TARMAC TRADING LTD

Thank you for allowing us opportunity to make representations in respect of the above consultation on the Herefordshire Minerals and Waste Local Plan (MWLP). Our comments on behalf of Tarmac Trading Ltd (Tarmac) are set out below.

Our client has mineral interests within Herefordshire – namely Wellington Quarry (including the Moreton on Lugg railhead), Shobdon Quarry and Nash Scar Quarry. We have made representations to the ‘call for sites’ consultation which took place during 2016 and in response to the subsequent Issues and Options Paper in 2017. We have previously stated that all of the sites listed above have the potential for working during the emerging MWLP plan period. Amongst other points of relevance to our client, we would like to re-iterate that all of Tarmac’s interests within Herefordshire retain the potential for working over the MWLP plan period.

This letter is a summary of the current operations and potential extensions that may come forward over the MWLP Plan period as appropriate. We also include comments on the content of the MWLP Draft Plan and how we consider the MWLP can be reconfigured where appropriate to ensure that the MWLP stands the greatest chance of being found ‘sound’ at Examination.

In summary, Tarmac interests within Herefordshire include:

Heatons

9 The Square, Keyworth, Nottingham NG12 5JT

tel: 0115 937 5552 email: consultants@heatonplanning.co.uk web: www.heatonplanning.co.uk

Wellington Quarry: Wellington Quarry is an operational sand and gravel quarry with ancillary processing infrastructure, located off Heywood Lane (situated to the north of Moreton on Lugg). The site also supports ancillary operations including a 3rd party operated ready mixed concrete plant, a concrete blockworks and a dedicated railhead for mineral export (discussed below).

Tarmac have long-term aspirations for the continued working of sand and gravel resource within this area and have promoted extensions for sand and gravel extraction.

Moreton on Lugg Railhead: The railhead is extensively used for the purposes of storage, loading and distribution of hard stone minerals by rail, predominantly in to the south east. The stone originates from the company's nearby quarries and Dolyhir and Gore and is delivered to Wellington by road. As sand and gravel resources in other parts of the country become scarcer, the potential to rail feed Wellington material will increase. This railhead is regarded as an important piece of ancillary minerals infrastructure that enables the sustainable transportation of mineral by rail.

Shobdon Quarry: Shobdon Quarry is a sand and gravel quarry situated south of Shobdon Aerodrome. The site has permitted mineral reserve. However, the site is currently mothballed. A Review of Mineral Permission ref. 407218 and 407384 was approved on 21st July 2005. The site contains in the region of 900,000 tonnes of unworked sand and gravel reserves which remain of interest to Tarmac. In addition, land adjoining the permitted reserves to the east has been promoted by Tarmac for sand and gravel extraction.

Nash Scar Quarry: Nash Scar Quarry is a mothballed limestone and sandstone quarry situated off the B4362 approximately 2 kilometres south of Presteigne. The site has been mothballed since c. 1988. Planning permission was granted in 2011 (ref. DMN/102907/M) for the extension of time to submit and agree a restoration and aftercare scheme for the site. Although Tarmac do not currently intend to re-enter and work Nash Scar in the short-term, there remains potential to work the existing in situ reserves over the MWLP plan period.

The Sections below relate to the Local Aggregate Assessment (LAA) 2018 for Herefordshire and the Minerals and Waste Local Plan (MWLP) Draft Plan January 2019.

The Local Aggregate Assessment 2018

Sand and Gravel Supply

Whilst there are 3 sites which contain permitted mineral reserve, there is only one active operation – Wellington Quarry. The annual sales data is reflective of the production/output from one quarry and should not be construed as a reflection of sand and gravel demand.

The Planning Practice Guidance identifies, 'Mineral Planning Authorities should also look at average sales over the last 3 years in particular to identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply' (Paragraph: 064 Reference ID: 27-064-20140306). 3 years average sales is back to prerecession sales levels and a strong indication of a trend of increased demand.

Herefordshire is a net importer of sand and gravel with up to 50% reliance on imports to meet demand. The majority of the imports are from Staffordshire and Worcestershire (LAA paragraph 3.11). Planning Authorities are under a duty to cooperate with each other on strategic matters that cross administrative boundaries (NPPF paragraph 24). 'Joint working should help...to determine whether development needs that cannot be met wholly within a particular Plan area could be met elsewhere' (NPPF paragraph 26). In order to comply with this duty to cooperate it is essential that the MPA is clear with neighbouring Authorities what the anticipated demand for sand and gravel is likely to be. The ability for the West Midlands Region to maintain current sand and gravel exports to adjacent Counties has the potential to be heavily influenced by aggregate demand required to meet delivery of HS2. This will require further discussion with other Authorities within the WMAWP area.

Landbank

The Planning Practice Guidance states that, 'Landbanks of aggregate mineral reserves, or aggregate landbanks, are principally a monitoring tool to provide a mineral planning authority with early warning of possible disruption to the provision of an adequate and steady supply of land-won aggregates in their particular area (Paragraph: 080 Reference ID: 27-080-20140306). Whilst land banks are a useful monitoring tool, they should be treated with caution in circumstances where there are few active operations. 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 the working. As such, there could be a potential time lag in 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

Paragraph 4.9 is indicating that Herefordshire remains a significant importer of crushed rock. Crushed rock is imported to Herefordshire, primarily from Powys to the rail head at Wellington Quarry. However, a significant proportion of this crushed rock supply is transferred onwards to serve markets in the south east of England. The LAA needs to make clear the indigenous supply and the percentages exported again from the County. There is some discrepancy over the best methods for calculating the crushed rock land bank which should be agreed with the WMAWP. Particularly as aligned with the WMAMR, Herefordshire does not have sufficient landbank to meet the NPPF requirements of 10 years. As per comments on sand and gravel, if there is to be a 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

The demand for aggregates section of the LAA forecasts sand and gravel demand assuming the current level of import. As per comments above on sand and gravel supply, this reliance can not be assumed as there is potential for significant supply constraints imposed by the construction of HS2. This will affect the Birmingham and Staffordshire areas primarily but this will limit their abilities to ensure continued supply to other Counties. In addition, the calculations review the

available landbank. Whilst this indicates that there may be sufficient permitted reserves to theoretically meet the 'adequate' supply of aggregate, the one active operation will cease operating during the Plan period. This limit to productive capacity, combined with a potential issue over the security of imports, affect the Counties ability to provide a 'steady' supply of aggregate as per the requirements of the NPPF at paragraph 207(a).

Paragraph 207(a) of the NPPF introduced the requirement for MPA's to plan for a steady and adequate supply of aggregates by, 'preparing an annual LAA, to forecast future demand, based on a rolling average of sales data and other relevant local information and an assessment of all supply options'.

Whilst it is correct to review historic sales, reliance on forecasting should not solely be placed on the average over 10 years as these sales figures are effectively a historic monitoring tool. What is helpful when reviewing the figures is looking at the level of sand and gravel provision during a period of economic growth. The LAA fails to consider published national guidelines such as those derived historically by the Regions. Whilst these figures have been discounted in recent years as they were much higher than average sales, they reflect a time of economic growth. The Mineral Products Association publishes sales volume statistics which are also indicating that in 2018, average aggregate sales grew nationally by 2.1%. Mortar sales, which continue to benefit from momentum in house building, accelerated in 2018, up 14.3% compared to 2017. Whilst levels of growth have been slower and are not back to prerecession levels, the national forecast is indicating a likely sustained period of growth and aggregate demand.

Conclusion

Whilst it is accepted that it is difficult to predict the level of aggregate required to meet demand for housing, commercial and infrastructure development, the evidence is indicating a period of sustained growth/demand. In addition external factors (outside the County) may affect the security of aggregate supply to the County – particularly the impact of HS2 on the wider West Midlands. Currently it is not considered that the LAA is meeting the requirements of Paragraph 207(a) of the NPPF to plan for a steady and adequate supply of aggregates by, 'preparing an annual LAA, to forecast future demand. The evidence base to the Minerals Plan (including 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.

Herefordshire Minerals and Waste Local Plan – Draft Plan – January 2019

Preamble and Context

We consider that the text within the Policy Context (Section 3.3 of the MWLP Draft Plan) is unsound in places. Paragraph 3.3.4 interprets NPPF emphasis on conserving important landscape and heritage assets but is unsound in its current form as it does not accurately reflect the national guidance within NPPF. NPPF paragraph 205 states that "mineral planning authorities should: (a) as far as practical provide for the maintenance of landbanks of non-energy minerals from outside National Parks...". Paragraph 3.3.4 of the MWLP Draft Plan states that the

NPPF requires landbanks for non-energy minerals be provided outside National Parks, Areas of Outstanding Natural Beauty, Scheduled Monuments and World Heritage Sites.

Paragraph 3.3.4 should be re-worded to fully reflect NPPF, incorporating text within NPPF paragraph 205a that “as far as practicable” MPAs should provide for the maintenance of landbanks of non-energy minerals from outside National Parks, Areas of Outstanding Natural Beauty, Scheduled Monuments and World Heritage Sites.

Paragraph 3.4.1 summarises the ‘Issues and Challenges’ within the MWLP and includes under ‘General’ (at the 17th bullet point) that the MWLP is “developing an approach to the protection of enhancement of the plan area’s important landscapes, and natural and heritage assets, including the two AONBs, numerous Conservation Areas, SSSIs, Special Areas of Conservation, Ramsar Sites, Special Protection Areas, SINCs, nature reserves and listed buildings and ground and surface water supply and quality; as well as the wide range of non-designated assets which are important for their own intrinsic value.”

The bullet point provides a comprehensive list of designated and undesignated features/assets to be considered in the development of the MWLP and in determining minerals and waste applications over the Plan period. However, the bullet point and wider paragraph 3.4.1 do not distinguish between designated and un-designated assets/features, nor does the wording 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. The current wording is contrary to NPPF paragraph 171 which states that plans should “distinguish between the hierarchy of international, national and locally designated sites.”

Strategic Objectives

Strategic Objective 3

We consider that Objective 3 within Table 1 (paragraph 4.2.2) is not effective as it states that the MWLP aims to safeguard “appropriate mineral and waste resources within Herefordshire and the associated transport infrastructure for the future.” We consider that the currently wording, including the use of “appropriate minerals and waste resources” is ambiguous as to what is to be considered ‘appropriate’. We suggest the deletion of ‘appropriate’ and re-wording Objective 3 to state:

To safeguard appropriate mineral and waste resources, **ancillary operations (e.g. concrete batching plants, secondary aggregate recycling centres)**, and associated transport infrastructure.

Strategic Objective 6

We consider that Objective 6 is not consistent with NPPF paragraph 207. NPPF is clear that MPAs should “plan for a steady and adequate supply of aggregates” (our emphasis added). Objective 6 should be re-worded and “steady and sustainable” replaced with “steady and **adequate** supply...”.

Spatial Strategy

The Draft MWLP recognises at paragraph 4.3.2 that mineral extraction can only take place where the mineral occurs. This recognition is welcomed by Tarmac, however, the spatial strategy for sand and gravel extraction in Herefordshire over the Plan period is set out with a sequential approach. As stated at paragraph 4.3.4, future sand and gravel workings are to be focused on Preferred Search Areas of limited scale located at four locations across the county.

Paragraph 4.3.4 states that this approach means “that a proliferation of minerals development across the county can be avoided.” We consider that at present the Spatial Strategy for sand and gravel extraction across the county over the Plan period is unsound.

In its current form, paragraph 4.3.4 implies that the objective of the spatial strategy is to restrict mineral extraction which is contrary to NPPF paragraphs 203 and 205 which give great weight to the benefits of mineral extraction and emphasise the essential need to ensure sufficient supply of minerals. Paragraph 203 also emphasises that minerals can only be worked where they are found.

As we emphasise in this letter, there is likely to be increased demand for sand and gravel sourced from within Herefordshire over the MWLP Plan period to meet local needs, particularly given the county’s reliance on sand and gravel imports from neighbouring counties. Imports of sand and gravel are likely to prove an unreliable source given large-scale infrastructure projects such as HS2. In addition to increased demand for sand and gravel for construction purposes across the wider West Midlands, projects such as HS2 will necessitate the use of significant volumes of sand and gravel; this will divert sand and gravel away from export to Herefordshire. Herefordshire will have a shortfall of sand and gravel over the Plan period and the spatial strategy should reflect the risk of a supply deficit through greater flexibility than is proposed within the Spatial Strategy of the MWLP Draft Plan.

Focusing future sand and gravel working to within preferred areas is not considered to be effective given the onus on the importance of mineral extraction and maintaining a steady and adequate supply of minerals in NPPF. National guidance that “as far as practicable” MPAs should provide for the maintenance of landbanks of non-energy minerals from outside National Parks, Areas of Outstanding Natural Beauty, Scheduled Monuments and World Heritage Sites is considered to be sufficiently robust and effective in ensuring that mineral extraction does not result in unacceptably adverse impacts on our landscape, heritage and nature conservation designations. The current Spatial Strategy is considered to be overly-restrictive on future sand and gravel extraction and is not consistent with NPPF.

Chapter 5 – Strategic Policy and General Principles

Policy SD5: Site Reclamation

Policy SD5 is not considered to be effective in its current form as it requires site reclamation schemes to include “(b) proposals that deliver landscape scale benefits and/or integrated green infrastructure appropriate to its location”. At present, bullet point (b) requires proposals to deliver ‘landscape-scale benefits’ which is not considered to be an effective basis for such a policy

as it may not be practical for all sites to delivery benefits on such a significant scale. We suggest the following re-wording to make the Policy application of the Policy effective:

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

Chapter 6 – Minerals

Policy M1: Minerals Strategy

We support elements of Policy M1, including the identification of mineral resources and infrastructure and their safeguarding from proximal and direct sterilisation by non-minerals / built development (point g.) However, the thrust of the Policy as it is currently worded should be revised to better reflect the importance of mineral development, in particular the winning and working of primary mineral resources.

Points a and b of Policy M1 support the use of alternatives to primary mineral resources and the use of recycled materials in development projects where appropriate. We consider that as Policy M1 is the main Minerals Strategy which outlines the overall approach of the MWLP to minerals development over the Plan period, Policy M1 should be re-worded in order to be effective and more consistent with NPPF. At present the Policy does not include fully reflect the importance of primary mineral extraction and the essential need to ensure a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs, as set out in NPPF paragraph 203. The importance of recycled materials is acknowledged, however recycled materials will not fully replace primary materials as a reliable source over the Plan period. Policy M1 should reflect this.

Policy M2: Safeguarding of Mineral Resources from Sterilisation

The NPPF (paragraph 204c) states that planning policies should, ‘safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided’. This includes setting out policies for, ‘prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place’ (paragraph 204d) as well as safeguarding existing, planned and potential sites for the bulk transport, handling and processing of minerals, the manufacture of concrete and concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material’ (paragraph 204e).

Currently Policy M2 only refers to safeguarding of mineral resources and does not refer to ‘ancillary infrastructure’ as required by paragraph 204e of the NPPF. The policy is therefore unsound and should be amended.

The Planning Practice Guidance provides additional guidance on minerals safeguarding which includes defining Mineral Consultation Areas. Whilst it is right to include the geological resource area as a base within the Plan, there is concern that safeguarding maps on such a large scale dilute the significance and importance of safeguarding. They also become 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 paragraph 6.1.14 would have

to produce a Mineral Resource Assessment. Given the small number of active sites within the County (including proposed allocations within the Plan) and the national importance of the railhead at Moreton-on-Lugg a more effective strategy would be for the Council to adopt Mineral Consultation Areas as part of the Plan.

The Plan should also include reference to the 'Agent of Change' principle as per paragraph 182 of the NPPF when considering safeguarding. This principle places the onus on new development in proximity to an existing business to demonstrate that there would not be adverse impact and provide mitigation as appropriate. This is applicable to the potential for impact upon active mineral operations as well as ancillary mineral development/infrastructure.

Policy M3: The winning and working of sand and gravel

Policy M3 is unsound as it is not positively prepared, an effective strategy or compliant with the NPPF in planning for a steady and adequate supply of aggregates.

In order to ensure flexibility in the Plan, it should not set a maximum provision figure. As advocated under comments on the Local Aggregate Assessment, there is concern that the Mineral Planning Authority will be unable to meet anticipated demand without the reliance on imports from adjoining Counties. In addition, the current 'forecast' of need contained within the LAA is based on historic sales from a single active working with planning permission to work until 2027. The Policy should be re-worded positively to ensure the Plan provides 'at least' 4.5 million tonnes of sand and gravel over the Plan period. This removes the requirement for 'additional provision' and a 'mid-term review'. The LAA will be the evidence base document, reviewed annually, which indicates whether there is likely to be an increase in demand over the Plan period in accordance with paragraph 207a of the NPPF.

The Planning Practice Guidance (paragraph: 080 Reference ID: 27-080-20140306) identifies that landbanks are, 'principally a monitoring tool to provide a mineral planning authority with early warning of possible disruption to the provision of an adequate and steady supply of land-won aggregates in their particular area'. The landbank in Herefordshire is based upon substantial reserves being tied to inactive operations. When reviewing the ability of the Plan area to meet anticipated demand and provide a 'steady and adequate' supply of aggregate, it is important that the distinction between active sites and inactive sites is made. Principally as it takes time and significant cost to turn an inactive site to a production unit. It is not possible to 'turn on' supply quickly. As a result, the requirement of the policy to maintaining an adequate landbank should be removed.

Considering comments above, the policy should be re-worded as follows:

- 1. The Plan will make provision for at least 4.5 million tonnes of sand and gravel. The Plan will maintain a landbank 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 Local Aggregate Assessment.*
- 2. In order of preference, sand and gravel extraction shall be permitted at the following locations:*

- A. *Allocated sites:*
 - *Upper Lyde Quarry*
 - *Shobdon Quarry*
 - *Wellington Quarry*
- B. *Designated Preferred Areas*
 - *Area B of the Key Diagram*
 - *Area C of the Key Diagram*
- C. *Other areas of search to maintain an adequate landbank and enhance production capacity where there is a demonstrated need*

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

As with Policy M3, we submit that Policy M4 is unsound as it is not positively prepared, an effective strategy or compliant with the NPPF.

In order to ensure flexibility in the Plan, it should not set a maximum provision figure for ‘total provision of crushed rock over the plan period’. As advocated under comments on the Local Aggregate Assessment and acknowledged in paragraphs 6.2.8 – 6.2.11 of the MWLP Draft, there is concern that the MPA will be unable to meet anticipated demand over the Plan period. British Geological Survey data for 2014 indicates that Herefordshire is only 20% to 30% self-sufficient in crushed rock provision, prior to the extant permission for Leinthall Quarry requiring the cessation of winning and working of minerals at the site by 31st August 2027.

Given the concerns surrounding provision of a steady and adequate supply over the Plan period as required by NPPF, Policy M4 should be re-worded positively to ensure the Plan provides ‘at least’ 7.5 million tonnes of crushed rock over the Plan period. This removes the requirement for ‘additional provision’ and a ‘mid-term review’. The LAA will be the evidence base document, reviewed annually, which indicates whether there is likely to be an increase in demand over the Plan period in accordance with paragraph 207a of the NPPF.

Considering comments above, the policy should be re-worded as follows:

1. *The Plan will make provision for at least 7.5 million tonnes of crushed rock. The Plan will maintain a landbank of at least 10 years and enhance productive capacity in the County to ensure that a steady and adequate supply of crushed rock is provided based on a forecast of future demand contained within an annual Local Aggregate Assessment.*
2. *In order of preference, crushed rock extraction shall be permitted at the following locations:*
 - A. *Allocated sites:*
 - *Leinthall Quarry*
 - *Perton Quarry*
 - B. *Designated Preferred Areas*
 - *Area A of the Key Diagram*
 - *Area D of the Key Diagram*
 - C. *Other areas of search to maintain an adequate landbank and enhance production capacity where there is a demonstrated need*

Chapter 8 - Delivery, Implementation and Monitoring

Delivery

It should be made clear in paragraph 8.1.3 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 paragraph 54 of the NPPF.

Table 3

Policies for the working of minerals should refer to the Local Aggregate Assessment as an indicator used to monitor the effectiveness of the Plan strategy.

Allocated Sites and Key Development Criteria

Shobdon Quarry

The redline boundary for Shobdon Quarry shows the permitted working area. In addition to this, Tarmac have promoted additional land to the east for mineral extraction. The strategy within the emerging Minerals and Waste Local Plan is advocating Shobdon as the preferred area for mineral extraction. The extension area should therefore be included within the Plan. Extending Shobdon Quarry would ensure the long-term sustained supply of aggregate.

Key Development Criteria

Shobdon Airfield

The Shobdon Airfield criteria requires any planning application to, 'demonstrate no unacceptable adverse impact on current or likely future operations at Shobdon Airfield'. In addition to ensuring that the minerals development does not give rise to adverse impact on adjacent land uses. Reference is made to paragraph 182 of the NPPF and the 'agent of change' principle. The importance of safeguarding the mineral resource and active mineral workings are also offered significant weight within the NPPF. Tarmac have made numerous representations to the Shobdon Neighbourhood Plan consultations having regard to potential development opportunities at Shobdon Airfield (Policy S1) and would 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 impact upon adjacent land uses. The use of Mineral Consultation Areas may address this issue as per our comments above under Policy M2.

Phased working

The reference to 'proliferation of mineral working infrastructure will not be permitted' is not considered justified/reasonable. The requirements of the operation will justify the extent/amount of infrastructure required. Any planning application will be accompanied by

plans/drawing as well as environmental assessment as necessary. Each application will need to be judged on its merits and therefore it is considered that this criteria should be removed.

Green Infrastructure

The green infrastructure criteria seeks to ensure that restoration schemes 'deliver objectives for green infrastructure protection and enhancement'. These should take account of the wider Herefordshire Green Infrastructure Strategy. Whilst the policy can encourage protection and enhancement where opportunities exist they should not be categoric. In order to ensure the delivery of mineral sites, the operators need to balance the aspirations of the Minerals Planning Authority with the long term aspirations of the landowner. There needs to be an element of flexibility. The criteria should therefore, 'seek opportunities' for green infrastructure enhancement.

Wellington Quarry

Key Development Criteria

Housing and Wellington Primary School

The Plan for Wellington Quarry is showing further extension areas to the south of the Quarry. This is effectively moving mineral extraction further from the village of Wellington and thereby lessening any potential for impact upon housing in Wellington and the Primary School. As a result, 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 mineral extraction to the south is unlikely to involve the relocation of the site access or the movement of 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 be accompanied by a Transport Statement and a full Transport Assessment may not be required.

Green Infrastructure

Comments on green infrastructure protection and enhancement are outlined above in regards to Shobdon Quarry.

Phased Working

Comments regarding the 'proliferation of ancillary infrastructure are the same as those provided above in relation to Shobdon Quarry.

Conclusions

I trust that these comments are helpful. Should you wish to discuss in more detail, please do not hesitate to contact us.

Kind regards,

Jenna Conway
Heatons



Incorporating

DART ENERGY

Forward Planning Team MWLP
Plough Lane
Hereford
HR4 0LE

<mailto:ldf@herefordshire.gov.uk>

Dear Sir/Madam

RE: Public Consultation – Draft Herefordshire Minerals and Waste Local Plan January 2019

IGas Energy PLC (IGas) would like to take the opportunity comment on the draft Herefordshire Minerals and Waste Local Plan (the Plan).

Summary

- The draft Plan fails to recognise the roles and responsibilities of other regulators for the purposes of unconventional hydrocarbons (Environment Agency [EA], Oil and Gas Authority [OGA] and Health and Safety Executive [HSE]).
- The draft Plan fails to take into account the support of the National Policy Framework (NPPF), the Written Ministerial Statement of 17 May 2018 Energy Policy and Planning Policy Guidance (PPG) for the exploration, appraisal and production of onshore oil and gas by introducing unnecessarily restrictive policies and criterion thereby making the draft Plan in its current form unsound.
- A review of the policies and supporting text in relation to hydrocarbons and appropriate amendments as set out below would make the draft Plan sound.

Background

IGas is a British company listed on the Alternative Investment Market of the London Stock Exchange. It is a leading UK onshore oil and gas exploration and production business, holding a portfolio of production and exploration assets primarily focused on three regions: the North West, East Midlands and the Weald Basin in Southern England.

Through the UK onshore licensing regime, IGas has made commitments to Government to explore whether hydrocarbons exist within the licence areas and establish if the UK has a viable onshore oil and gas resource.

IGas holds a number of onshore UK licence interests in three regions, many of which it both owns and operates. IGas supports the process of local plan considerations; it would like to ensure that any proposed plan with respect to onshore oil and gas is sound, and meets with

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IGas Energy Group Comprises

IGas Energy PLC	IGas Energy Production Ltd	IGas Energy Enterprise Ltd	Island Gas Operations Ltd	Star Energy Group Ltd	Star Energy Weald Basin Ltd
IGas Exploration Ltd	IGas Energy Development Ltd	Island Gas Ltd	Island Gas (Singleton) Ltd	Star Energy Ltd	Dart Energy Ltd and subsidiaries

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the criteria and policies outlined by Government in the National Planning Policy Framework (NPPF), Planning Practice Guidance and related Written Ministerial Statement(s) (WMS). Whilst it is noted in Paragraph 2.1.6 that the plan has (rightly) taken into account the National Planning Policy Framework and Planning Practice Guidance, no reference is made to the WMSs.

In particular, any policy framework which serves to significantly impede or prevent such development in areas where minerals are found and have been licensed by the Government for hydrocarbon development, would be contrary to national policy unless there is strong evidential justification.

The planning process for onshore oil and gas is one of five regulatory processes that are required under the current policy framework set by government. It is considered, that the proposed plan should reference each regulatory function and identify those areas, which fall outside of the planning process. Paragraph 183 of the NPPF states: "*The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes would operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities*". Paragraphs 012 and 112 of Planning Policy Guidance – Minerals make clear that planning authorities are not responsible for matters covered by other regulatory regimes. Paragraph 112 states, mineral planning authorities, "*should assume that these regimes will operate effectively. Whilst these issues may be put before mineral planning authorities, they should not need to carry out their own assessment as they can rely on the assessment of other regulatory bodies.*" This planning policy principle has been re-confirmed in a number of legal cases (Frack Free Balcombe Residents Association v West Sussex CC 2014).

IGas comments on the draft Plan.

2. Introduction and Background

IGas notes there are currently no PEDLs in Herefordshire or adjoining authorities and therefore no hydrocarbon development proposals could be brought forward at this moment in time. It also notes historically only two conventional oil and gas wells have been drilled (1967 and 1993), both of which have been plugged and abandoned due to their failure to discover hydrocarbons. Whilst a small block of land was offered in December 2015 for onshore hydrocarbon exploration in relation to coalbed methane, the offer was declined. Whilst there may be a further round of onshore licences, which could include Herefordshire and/or adjoining authorities due to the geological presence of coal and shale, there is no timetable for such.

Paragraph 2.2.2 refers to gas extraction; this should be changed to hydrocarbon to be consistent with 'hydrocarbons' referred to in paragraph 2.3.3 and which it should be made clear are used to make energy and can contribute in the transition to towards a low carbon economy.

3. Context

IGas notes the reliance the County Council places on the geological advice of the British Geological Survey (BGS) that the shale geology in Herefordshire is unlikely to make oil and gas exploration viable and activities relating to the exploration and extraction of hydrocarbons in Herefordshire are not expected in the short term (paragraph 3.1.6). This view is repeated in paragraph 6.1.6.

Given the BGS's advice, should the Oil and Gas Authority (OGA) offer any further round of licences, it is unlikely any PEDL would be offered that would extend over parts or the whole of Herefordshire or adjoining authorities. Further, whilst recognising in the medium to long term the situation may change, paragraph 3.1.8 states that current policy in minimising carbon emissions considers future interest or activities to be unlikely.

It is therefore questionable whether there is a need for Policy M7 and supporting text to be included in the plan at all. However, the very presence of the mineral is considered sufficient justification for the policy to provide for the potential opportunity of working hydrocarbons in the future if circumstances change. Further, current national planning policy strongly supports the opportunity to explore, appraise and produce unconventional hydrocarbons; the Plan should recognise this when saying energy of this nature does not fit easily with the climate change aspirations of the Core Strategy. Conversely, it is clear that the use of unconventional hydrocarbons could make a significant contribution towards the transition to carbon reductions and climate change as a clean energy and which could assist in reducing reliance on imports.

Section 3.3 Policy Context

Paragraph 3.3.1 refers to the NPPF and minerals of local and national importance that are in Herefordshire including gas. However, the section does not refer to the Written Ministerial Statement (WMS, 19 May 2018) relating to hydrocarbons or the importance and weight to be attached to hydrocarbon development, particularly as a specific policy (M7) relating to such is proposed irrespective of the likelihood of any development coming forward (paragraph 3.1.6 above).

In accordance with the WMS, the Plan should recognise that hydrocarbons will still be required, will continue to make a major contribution towards climate change and the transition to a low carbon economy and therefore policies must be prepared in line with national policy to make the plan sound. Failure to recognise this renders the Plan unsound.

Section 3.4 – Issues and Challenges:

Minerals

It would help if the bullet points were numbered. The fifth bullet point:

- *Considering how to address the potential positive and negative impacts of exploiting unconventional hydrocarbon resources such as shale gas as well as planning for conventional forms of energy minerals.*

The principle of this bullet point should apply to all mineral development, including unconventional hydrocarbons. It is the only bullet point to '*consider how to address*' the potential positive and negative impacts, and, unreasonably, only refers to unconventional hydrocarbons. None of the other bullet points requires the potential positive and negative impacts associated with the mining of other minerals to be considered. The mining of other minerals could be significantly larger in scale and generate impacts associated with noise, dust, visual impact, lighting, and vehicle movements etc. over a much longer period. If the bullet point is to be retained, it should relate to unconventional hydrocarbons and either exclude shale gas, or include shale gas and coal bed methane given the principle of development is common to both. It is not clear what '*planning for conventional forms of energy minerals*' means; if it is coal, it should say so.

4.1 Vision

IGas supports the supporting text to the vision that minerals are an important asset to the County, that they should be used sustainably and to their full potential (paragraph 4.4.1). That importance extends regionally and in the case of hydrocarbons, nationally, in that they contribute to a secure source of energy supply and to climate change in the transition to a low carbon economy. IGas considers the supporting text to the vision should refer to this.

4.2 Strategic objectives

IGas generally supports the proposed objectives of the Plan.

Social Progress: Objective 1

The objective could be considered overly ambitious to enable minerals and waste developments to '*make an appropriate contribution to improve health, well being....*'. A more realistic approach would be to minimise the impacts '*through best practice operations....*'

Economic Prosperity: Objective 6

This objective should recognise the contribution energy minerals make to ensuring a secure source of energy supply and to climate change in the transition to a low carbon economy.

Objective 11

Objective 11 should be clear that it is only the impact of the development itself on climate change that needs to be considered and should recognise the national commitment to maintain and enhance energy security in the UK.

4.3 Spatial Strategy

Paragraph 4.3.6 states there is little evidence to suggest coal or gas will be exploited over the plan period as referred to in paragraph 3.1.8. However, the very presence of the mineral justifies the need to provide for the opportunity of working it and IGas supports the approach. It is considered reference to gas should be changed to hydrocarbons.

5. Strategic Policy and General Principles

5.1 Principles

Paragraph 5.1.4 refers to an Environmental Permit but no greater explanation of a Permit is provided, not even in the Glossary. It would be helpful for the role of other regulatory bodies be explained; particularly the Environment Agency (EA) which is responsible for Environmental Permits, but also the Health and Safety Executive (HSE) and for the purposes of hydrocarbons, the Oil and Gas Authority (OGA).

5.2 Sustainable Development – Core Strategy policy SS1

5.2.1 Social and economic should recognise the contribution of energy.

5.2.7 *'Positive consideration shall be given to development proposals that demonstrably take account of a local community's response'*. This statement fails to recognise that positive consideration could be given to development proposals that demonstrably comply with national policy and guidance irrespective of community response. This sentence should be removed.

6. Minerals

As stated above in respect of Section 3, notwithstanding the likelihood of licences being issued and unconventional hydrocarbons being extracted within the plan period, it is essential the contribution minerals of this nature can make towards the transition to a low carbon economy and climate change is recognised. The strategy therefore is generally supported. However, it is considered M1 d. is inconsistent with other parts of Policy M1. Development proposals for unconventional hydrocarbons should be considered against the same criteria as any other minerals and should not be separated out in the way proposed. This bullet point could result in restrictive criteria contrary to national policy and guidance and should be removed.

6.5 Unconventional Hydrocarbons

The description of the three main phases of onshore hydrocarbon development is generally supported, although there appears to be inconsistency in reference to hydrocarbons, unconventional hydrocarbons, an absence of reference to conventional hydrocarbons, but the inclusion of oil in 'appraisal'; this should be addressed.

Paragraph 6.5.5 sets out the criteria against which best practice will be considered; it would help if the criterion were to be numbered. The NPPF is clear that the planning process should rely on other regulatory bodies, for the purposes of hydrocarbons; this is the EA, the HSE and the OGA. In this respect, fugitive emissions are a matter for the EA; availability of water will be on a site-by-site basis and regulated by the EA or water suppliers; waste management plans are a matter for the EA through their permitting process. These should not be priority-planning matters and, along with paragraph 6.5.6, make the plan unsound.

Paragraph 6.5.7 refers to the United Kingdom Onshore Oil and Gas Group (UKOOG) Charter for community engagement and requires all applicants (for hydrocarbon developments), whether a member or not of UKOOG, to comply with such. This is unreasonable. The Charter does not form part of the Development Plan nor can it be a

criterion for the validation of a planning application. Whilst it is likely, the industry would comply with the Charter irrespective of being a member of UKOOG or not, if the minerals planning authority require engagement with local communities, this must be in accordance with their own Statement of Community Consultation and planning application validation list.

Policy M7: Unconventional Hydrocarbons

1.a. Whilst the commitment to permit exploration, appraisal and production of unconventional hydrocarbons, including through the use of hydraulic fracturing is welcome, there should be no need for a developer to have to demonstrate the contribution they could make at the exploration or appraisal stages. National policy and the WMS are clear about the contribution hydrocarbons can make towards energy supply, the transition to a low carbon economy and climate change. The policy as worded makes the Plan unsound.

1.b. There are many existing hydrocarbon developments falling within designated sensitive areas such as AONBs. Provision for hydrocarbon developments not involving hydraulic fracturing underneath or in close proximity to designated areas, assets and habits, subject to special care being taken to avoid harming such areas, should be made.

2.a. Off site management or disposal of waste is a matter for the EA. The last sentence should be removed.

2.b. Matters relating to reinjection of returned water via an existing borehole and protection of ground and surface waters are matters for the EA permitting process. Matters relating to seismicity are a matter for the OGA and the EA where they may affect groundwater.

Planning permission is only one stage of securing consent to drill a borehole. Authorities must assume that the other regulatory bodies (EA, OGA, and HSE) operate as intended. National guidance is very clear that issues covered by other regulators should not be addressed by the planning process (Para 183 of the NPPF).

3.a. i. As above, the decommissioning of wells is a matter for the OGA, HSE and the EA.

3.b. The possible requirement for a financial guarantee that 'may' be required is considered unnecessary. Planning authorities can impose conditions to ensure the satisfactory restoration and aftercare of a site and have a number of enforcement options available to ensure compliance with such and the need for any financial guarantee must be determined on a case-by-case basis.

Conclusion

In conclusion, whilst generally the objectives and policies of the draft Plan are supported, it is considered there are elements that make the Plan unsound. The Plan fails to recognise the roles and responsibilities of other regulators for the purposes of unconventional hydrocarbons (EA, OGA and HSE). It also fails to take into account the support of national policy, the WMS and guidance for the exploration, appraisal and production of onshore oil and gas by introducing unnecessarily restrictive policies and criterion.



IGas is of the view that a review of the policies and supporting text in relation to hydrocarbons and with appropriate amendments could make the draft Plan sound. We trust the above comments are helpful and look forward to engaging with you further during the development of this plan.

Yours faithfully

Stephen Bowler
CEO

Draft Minerals and Waste Plan Consultation Jan – March 2019

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

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

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

No

If no, please explain why

The Council's Minerals and Waste planning policies are out of date. They were adopted in the Unitary Development Plan in 2007 and when they were re-drafted for the 2015 Local Plan Core Strategy Public Enquiry they were found to be unsound. 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:

- (1) re the Duty to Co-operate : no meetings since Autumn 2017 of the West Midlands technical advisory group or aggregates working party have taken place;
- (2) re the Nutrient Management Plan : still no dashboard from the Environment Agency;
- (3) re Strategic Flood Risk Assessment : no update since 2015 despite it being promised for 2018;
- (4) re Biodiversity: out of date records are still being used, such as the LDF framework 'Building Diversity...' 2009, and the County Ecological Network Map, 2013.
- (5) No reference to Neighbourhood Development Plans which include Minerals and Waste recommendations.

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

No

If no, please explain why

These draft policies have been designed to accommodate an adopted Core Strategy which is now out of date. The policies enable the destruction of Key Green Infrastructure Assets with devastating effects on the biosphere. The vision should encompass growth commensurate with population growth forecasts, rather than with the Core Strategy housing trajectory which, with the benefit of hindsight, should never have been endorsed. The Core Strategy should be scaled down, and grandiose claims for it should be abandoned. Herefordshire is unlikely to be a destination chosen for a nationally significant infrastructure project, as pointed out in the Issue and Options MWLP paper of August 2017, (Cl. 5.8.3).

Suggestions in, for example, various of the Council's Consultations on the Hereford Transport Package, that road building in Herefordshire could qualify for NSIP status, are another example of the Council's grandiose claims which are not based in reality.

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

No

If no, please explain why

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' should be deleted.

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

No

If no, please explain why

The calculation of 7.5 million tonnes crushed rock 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 7.5 million tonnes' are deleted and replaced with 'is likely to be in the region of 6.5 million tonnes, subject to calculations revisited through a mid-term review'. The wording in the second sentence 'through a mid-term review' should be deleted.

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

No

If no, please explain why

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. Whereas the 'Preparing the Draft Plan Report, November 2018' acknowledges the strength of feeling within the County that opposes the use of hydraulic fracturing, nevertheless Policy M7 simply lists the way in which hydraulic fracturing may go ahead. The first sentence in Section 1 (c) of that Policy should be re-written to read as follows:-

'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.'

With regard to Policy SS8 : Resource Management, (another section that PRECEDES the policies in the Waste Strategy section) the wording in the first sentence should be amended to include the word 'specifically' between the words 'will be' and 'directed'. The reference here to climate change is welcome. In that same Policy SS8, # 2, the emphasis on a Resource Audit is also welcome.

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

No

If no, please explain why

While the flexibility of the policies in the draft 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. The Plan is designed to cover ten years of infrastructure development that result in environmental degradation, loss of biodiversity and increase in climate changing emissions. As Toni Fagan notes in her letter published in the Hereford Times, 21 February 2019, “scientists are telling our policy makers to act as if we have an emergency ... a Climate Emergency ... we need to change course”. One way of doing this, in an incremental way, will be to scale down the growth plans for Herefordshire, and adjust the MWLP accordingly.

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

Yes` No .

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

1). 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.

The Core Strategy is completely outdated by our better understanding of environmental impacts associated with roadbuilding, traffic pollution, increased severe weather events, flood management and housing need, reflected in new planning policy:

- a. There is no consideration of the impact of building materials application, only extraction
- b. The Core Strategy infrastructure designs are not essential and poorly justified
- c. Climate Change issues are not considered for location of Core Strategy development sites
- d. This Plan enables increased vehicle emissions from expanded road capacity
- e. It fails to reduce mineral extraction for infrastructure using modern planning i.e. optionality
- f. Lower National housebuilding requirements for Council Plans should be incorporated
- g. Reducing carbon footprint of activities of Local Government, should include roadbuilding
- h. Complete lack of protection for Key Green Infrastructure Assets in the Core Strategy

2). The Draft Mineral and Waste Plan is sadly deficient in many areas:

- a. There is no consideration of the fossil fuel impacts from construction and transport in it
- b. The draft plan still lacks any analysis of the Strategic Flood Risk Assessment
- 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

- 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
- e. The protection of Key Green Infrastructure Assets is ignored in Core Strategy transport infrastructure plans
- 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

Failing in 8 of its 12 key objectives

1. To enable minerals and waste development to make an appropriate contribution to improve the health, well-being and quality of life of residents, through best practice operations, open space provision, educational and cultural information, green infrastructure and delivery of strategic, landscape scale site reclamation.

Health wellbeing and quality of life is no longer enhanced through enabling great traffic volumes to travel our roads. It is a well-known fact that bigger roads attract greater traffic especially when urban expansion accompanies developments. That traffic produces more emissions harmful to human health and reducing biodiversity. The plan enables the destruction of Key Green Infrastructure Assets and fails to reduce our impact on the biosphere. FAILED

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

The proposed extraction rates must rise sharply to meet projected demand to such an extent that two of the quarries will be exhausted and another requires substantial expansion. Building materials must be transported over longer distances to satisfy this unsustainable growth rate.

How can that outcome be a result of long-term conservation of primary minerals? FAILED

3. To safeguard appropriate mineral and waste resources within Herefordshire and the associated transport infrastructure for the future.

Bulk materials for construction are most efficiently transported by rail or pipeline, not roads. Scale of production and proximity to development are the key factors for economic mineral extraction. Building larger roads enables greater transportation of resources hence more extraction, not conservation. The roadbuilding proposed and resultant extraction of natural resources is a backward development, like the Hereford to Gloucester canal, it will be redundant before it is completed. FAILED

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

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

5. To reduce the need to travel and lessen the harmful impacts from traffic growth, promoting the use of alternatives to road transport and ensuring that new development is served by suitable transport networks. You must be joking, extract resources to double road capacity for a 25% increase in car dependent City households and claim it reduces traffic emissions? There are no plans in this County to improve public transport like buses, trams, trains or pollution free car sharing. FAILED

6. To achieve sustainable communities and protect the environment by delivering well-designed and well-operated minerals and waste development that use land efficiently, reinforce local distinctiveness, and are supported by the necessary infrastructure, including green infrastructure. The current Mineral and waste Extraction plan is for a Core Strategy that uses high grade arable land on a floodplain, surrounding a conservation area, over previously identified gravel mineral resources for Housing estates. That is hardly supporting our green infrastructure or best use of our productive farmland. FAILED

7. To address the causes and impacts of climate change relating to minerals and waste development activity, including using opportunities arising from minerals and waste operations and reclamation activity to mitigate and adapt to climate change and to leave a positive legacy. With no assessment in the sustainability analysis of the Transport emissions from extractive

industries, this draft is both inadequate and misleading. No attempt has been made to apply this National policy to the planning process. FAILED

8. To conserve, promote, utilise and enjoy our natural, built, heritage and cultural assets for the fullest benefits to the whole community, by safeguarding the county's current stock of valued heritage and significant environmental assets from loss and damage, reversing negative trends, ensuring best condition and site betterment, as well as appropriately managing future assets. Clearly this is the last and the least important policy in the plan given that this MWDP plan enables the destruction of Heritage assets by road building through historic parklands, loss of biodiversity through pollution over the River Wye SAC, enhances negative trends of carbon emissions and loss of habitat while exhausting natural resources at unsustainable rates. FAILED
The Minerals and Waste Plan will enable Herefordshire Council to follow its outdated Core Strategy which cause harm in the three areas identified in Section 5.2.3

1. Social – for example through disrupting access to the countryside or creating a poor-quality built environment;

The original road infrastructure project objectives for the SWTP were to increase social mobility of the most deprived areas in Hereford but these objectives were dropped. There are no planned improvements to public transport and the air pollution will be higher from much more traffic. The city of Hereford will suffer seven years 2020-2027 of disruption of access to the countryside from road construction to the West if this Mineral Extraction Plan is approved. The resulting infrastructure will be a poor quality 1970's style road for an urban expansion of car dependent housing, misleadingly promoted as a bypass.

2. economic – for example affecting two of Herefordshire's key industries tourism and agriculture through development in the wrong place; and

This Plan will facilitate the development of inappropriate infrastructure, causing a major adverse impact on the Community of Belmont Abbey and the potential County Museum site at Belmont House. It will result in better access for the minority (3.3%) of traffic which is heavy industrial transport but will reduce the tourist attraction of the region adding noise and pollution to a pristine environment. Two of Hereford's key industrial plants, Cider bottling, and Chicken processing are threatened with loss of clean water through contamination from proposed road and housing estates over the Yazor Floodplain and commercial aquifers. This MWLP will sign the death knell of Hereford's historic river vistas from the Heritage parklands of Belmont to the City Cathedral.

3. environmental – for example through adverse landscape or cultural impacts or disturbance to habitats.

This plan enables the supply of materials that result in a major adverse impact on the River Wye Special Area of Conservation through bridge building and subsequent increases in road traffic. The Minerals and Waste Local Plan enables the disturbance and loss of habitat of rare birds, rare plants and protected fish species. No habitat assessments were published prior to decisions on road building routes. No detailed air quality studies were made in conjunction with analysis of modern transport options. The earth moving from borrow pits, numerous road cuts and embankments up to 900m long and 90m wide are not included in the plan but result in destruction of the Historic Parklands of Belmont House designed by Humphry Repton.

Analysis of impact from emissions is sadly lacking from the sustainability assessment given the intensity of the proposed heavy goods traffic.

5.3.1 A large percentage of the vehicle movements associated with minerals and waste development are heavy goods vehicles, which are likely to be significant in volume. Including 7.5 million tonnes of limestone and 4.5 million tonnes of sand and gravel over the Core Strategy period.

Policy SS8: Resource Management

The use of minerals and waste resources will be directed to contribute positively to addressing climate change through:

1. Herefordshire Council encouraging waste prevention through:

d. leading by example in its activities.

This statement is at odds with the outdated Core Strategy which describes the need for enormous concrete bridges and road construction around Hereford to reduce congestion and pollution. Modern transport technology negates the need for further road expansions that will

increase greenhouse gas emissions. Clearly Herefordshire Council is not leading by example.

Principle of development Policy M7: Unconventional hydrocarbons

a. Where it is demonstrated to make a viable contribution to security of energy supply and support the transition to a low-carbon economy, the exploration, appraisal and production of unconventional hydrocarbons, including through the use of hydraulic fracturing, will be permitted.

b. Surface proposals will only be permitted where they would be outside the following designated areas: Areas of Outstanding Natural Beauty; protected groundwater source areas; World Heritage sites; Special Protection Areas; Special Areas of Conservation; Ramsar sites; and Sites of Special Scientific Interest.

c. Sub-surface proposals underneath the designations referred to above, will only be permitted where it can be demonstrated that material harm to the designated asset will not occur. Proposals to explore, appraise or extract from beneath an Area of Outstanding Natural Beauty will be considered to comprise major development.

d. Development proposals will be required to demonstrate the use of best practice throughout construction and operation phases and through plant specification.

This Policy is at odds with the current Global Climate Emergency. It should be excluded or amended to reflect growing awareness of the damage caused by the burning of fossil fuels.

About you:

Name:.....Jeremy Milln (supporting Here for Hereford and Wye Ruin It)

Address:.....

.....

Email:.....

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

Yes

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

Access to Information

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

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

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

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

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

Questionnaires can be returned by post to:

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

Or by email to ldf@herefordshire.gov.uk

Please return this questionnaire by midnight on 4th March 2019

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

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

Latham, James

From: Idf
Sent: 11 March 2019 08:45
To: Eaton, Victoria; Gilson, Susannah
Subject: FW: Draft Minerals and Waste Plan Consultation - March 2019

Follow Up Flag: Follow up
Flag Status: Completed

Kev

-----Original Message-----

From: Kris Johnston
Sent: 08 March 2019 18:44
To: Idf <ldf@herefordshire.gov.uk>
Subject: Draft Minerals and Waste Plan Consultation - March 2019

I support all the comments made on the draft plan by Aymestrey Parish Council, with the following additional comments.

The operation of Leinthall Earls quarry has, over a lengthy period of time, had a severe impact on the residents of Aymestrey through the noise levels, speeding and traffic volumes on the A4110. The road has a narrow pavement on the western side but no pavement the eastern side. The quarry operators are unable to control the speeding, partly because the drivers of visiting lorries are generally not employed by the quarry operators. Average speed control cameras are necessary but not in place.

The quarry is adjacent to an Ancient Woodland Site (Gatley Long Coppice), a Grade II* listed church and a registered park and garden. Added to the comments of the Parish Council are that the quarry can also be clearly seen from the Mortimer Trail as it descends Shobdon Hill. Further, it can be seen at closer quarters from the ancient hill fort of Croft Ambrey.

Any extension of the quarry in time or size will disturb both the species establishing themselves on the quarried land which has been restored and the use and enjoyment of this unique landscape by both locals and tourists.

The Minerals and Waste Plans should not be coupled together. They are not two sides of the same coin - dig an enormous hole, fill it with rubbish. There should be two separate plans.

Leinthall Earls quarry is not suitable for waste disposal due to the very large highways impact and the risk it may pose to the nearby River Lugg Site of Special Scientific Interest, part of the River Wye SAC catchment, which is in unfavourable chemical and ecological condition. This sensitive landscape has been abused long enough by quarrying and restoration should follow on immediately following that quarrying, not be bypassed completely by filling in the land over a long period of time with rubbish.

Please confirm that these comments will be taken into account.

Mrs K Johnston
Aymestrey

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

Date: 4 March 2019
Our ref: 04051/02/NT/STi/17184198v2
Your ref:

Dear Sir or Madam

Herefordshire Draft Minerals and Waste Plan Consultation

On behalf of our client, Bourne Leisure Limited (“Bourne Leisure”), please find below representations on the Draft Minerals and Waste Local Plan (MWLP), published for comment until 4 March 2019.

Bourne Leisure operates more than 50 holiday sites in the form of holiday parks, family entertainment resorts and hotels in Great Britain and is therefore a significant contributor to the national tourist economy, as well as local visitor economies. By way of background, in Herefordshire Bourne Leisure operates Holme Lacy House Hotel under its Warner Leisure Hotels brand.

We provide comments on the following elements of the consultation document within the enclosed representation form:

- 1 Q7: Any other comments:
 - a Minerals and waste development – paragraph 3.1.24
 - b Table 1: Draft MWLP Objectives
 - c Sustainable Development and Sustainable Design – Core Strategy policy SS1 and SD1
 - d Historic environment and heritage assets – Core Strategy policy LD4

We trust that these representations are clear and will assist in progressing the emerging MWLP. Please do not hesitate to contact either my colleague Stephanie Irvine or me should you require clarification on any of the points made. We would also be grateful if you would continue to keep us informed of progress on the development of the MWLP and all other emerging planning policy for Herefordshire.

Yours faithfully

Helen Ashby-Ridgway
Associate Director

Draft Minerals and Waste Plan Consultation Jan – March 2019

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

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

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

Yes No

If no, please explain why

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

Yes No

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

Yes No

If no, please explain why

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

Yes No

If no, please explain why

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

Yes No

If no, please explain why

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

Yes No

If no, please explain why

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

Yes No

Minerals and waste development – paragraph 3.1.24

The Draft MWLP states at paragraph 3.1.24:

“A key role for the Draft MWLP is to develop planning policies that promote appropriate development that meets the recognised market needs, whilst ensuring that detrimental impacts are minimized and opportunities for betterment are optimized.”

Bourne Leisure considers that the emerging MWLP should go further than only ensuring that detrimental impacts are “minimized” and should provide explicit protection for residents, businesses and visitors. In particular, there is a risk that tourists may be deterred by these

issues from visiting or returning to the area if there are adverse impacts from mineral or waste developments. Given the importance of tourism to the local and regional economy, the lack of protection for amenity could lead to harmful impacts on these economies.

The NPPF states at paragraph 205b that minerals planning authorities should, in considering proposals for minerals extraction:

“ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality.”

In relation to waste development proposals, the PPG states that authorities should “properly” consider the potential impacts from noise, vibration, artificial light, dust and odour before granting planning permission (ID: 28-049-20141016).

Bourne Leisure considers that draft paragraph is at odds with national policy and is not consistent with NPPF paragraph 205b nor the Planning Practice Guide reference ID: 28-049-20141016. In setting the context for the emerging plan, the paragraph does not reflect national policy and guidance upon which the Vision and objectives are thereafter based.

Bourne Leisure therefore considers that draft paragraph 3.1.24 should be amended as follows:

“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 that detrimental impacts are minimized and opportunities for betterment are optimized.” (proposed amendments underlined)

Table 1 – Draft MWLP Objectives

The proposed Vision in the Draft MWLP states:

“Over the period to 2031, Herefordshire will deliver sustainable provision of minerals supply and waste management, balancing development needs whilst supporting the county’s communities, protecting and enhancing environmental, heritage and cultural assets and strengthening the local economy. Sustainable provision within Herefordshire will be achieved through: efficient use and effective protection of mineral resources; efficient waste management infrastructure including delivery of the circular economy; taking a strategic approach to achieving high quality reclamation that provides site betterment; and optimising self-sufficiency and resilience.” [our emphasis]

In the context of this emerging Vision, Bourne Leisure is concerned that the draft objectives for the MWLP do not recognise that minerals and waste development can have adverse amenity impacts for sensitive receptors, such as residential or holiday accommodation. Should minerals and waste operations give rise to unacceptable adverse impacts there is a risk that tourists may be deterred from visiting or returning to the area, thereby impacting on the local economy.

The NPPF states at paragraph 205b that minerals planning authorities should, in considering proposals for minerals extraction:

“ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality.”

The PPG adds that mineral planning authorities should address the potential environmental impacts of proposals for minerals development proposals, including in relation to noise, dust, air quality, visual impact on the local and wider landscape, landscape character, and architectural and heritage features (ID: 27-013-20140306).

In relation to waste development proposals, the PPG states that authorities should “properly” consider the potential impacts from noise, vibration, artificial light, dust and odour before granting planning permission (ID: 28-049-20141016).

Paragraph 5.2.3 of the Draft MWLP recognises this risk. However, as drafted, Bourne Leisure considers that the emerging MWLP Objectives do not fulfil the fourth test of soundness (“Consistent with national policy”) in the NPPF (paragraph 35), as they do not provide an adequate framework for the policies in the emerging plan. Further, as drafted, the objectives would not provide an effective way of delivering the emerging Plan’s vision. Bourne Leisure therefore considers that the emerging MWLP should include an objective to protect residents, businesses and visitors against the unacceptable adverse amenity impacts of waste and mineral development.

Sustainable Development and Sustainable Design – Core Strategy policies SS1 and SD1

Bourne Leisure endorses the information provided at Sections 5.2 and 5.7 as additional explanations to Core Strategy policies SS1 and SD1 respectively. It clearly sets out the need to ensure that the unacceptable adverse impacts of minerals and waste development are avoided or mitigated. It is considered that this explanation properly expands upon Policies SS1 and SD1 and highlights that the local authority should take into account the potential effect of minerals and waste development proposals on people, businesses and the natural environment when considering these proposals.

Despite this overall endorsement, it is not clear how this explanation will form part of the emerging MWLP in the pre-submission version. To ensure the plan is justified, effective and consistent with national policy, these considerations should be set out as a new policy that supplements Core Strategy Policies SS1 and SD1. In doing so the policy would provide an explicit framework that would help to deliver the emerging Vision and the strategic objectives as amended elsewhere in these representations.

Historic environment and heritage assets – Core Strategy policy LD4

The Draft MWLP briefly sets out its proposed approach to the historic environment and heritage assets at paragraphs 5.4.19 to 5.4.21.

It states at paragraph 5.4.19:

“Minerals and waste development proposals should include a clear strategy for enhancing the historic environment character. Site reclamation and 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.”

The Draft MWLP relies on the adopted Core Strategy (Policy LD4) and on advice published by Historic England 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.

The NPPF states at paragraph 185:

“Plans should set out a positive strategy for the conservation and enjoyment of the historic environment... This strategy should take into account:

a) the desirability of sustaining and enhancing the significance of heritage assets...”

The NPPF also states at paragraph 190:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

As drafted, Bourne Leisure considers that the section on the historic environment and heritage assets in the draft MWLP does not comply with the fourth test of soundness in the NPPF (paragraph 35), as it does not set out a positive strategy for the conservation and enjoyment of the historic environment (NPPF paragraph 190).

Bourne Leisure therefore considers that the emerging MWLP should make it clear that planning decisions in relation to minerals and waste development should take into account the need to protect the significance of designated heritage assets.

Bourne Leisure considers that draft paragraph 5.4.19 should be amended as follows:

“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. ~~a clear strategy for enhancing the historic environment character.~~ Site reclamation and 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.” (proposed amendments underlined)

It is also not clear how this explanation will form part of the emerging MWLP in the pre-submission version. To ensure the plan is justified, effective and consistent with national policy, these considerations should be set out as a new policy that supplements Core Strategy Policy LD4. In doing so the policy would provide an explicit framework that would help to deliver the emerging Vision and the strategic objectives as amended elsewhere in these representations.

About you:

Name: Helen Ashby-Ridgway

.....

Address: Lichfields, Helmont House, Churchill Way, Cardiff, CF10 2HE

.....

.....

Email: helen.ashby-ridgway@lichfields.uk

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

Yes No

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

Access to Information

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

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

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

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

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

Questionnaires can be returned by post to:

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

Or by email to ldf@herefordshire.gov.uk

Please return this questionnaire by midnight on 4th March 2019

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

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

Latham, James

From: ldf
Sent: 30 January 2019 09:19
To: Eaton, Victoria; Gilson, Susannah
Subject: FW: consultation response to the draft minerals and waste local plan

Hi Both

M&W LP response attached.

Regards

Kev

From: Richard Kippax
Sent: 29 January 2019 17:46
To: ldf <ldf@herefordshire.gov.uk>
Cc: Joanna Kippax
Subject: consultation response to the draft minerals and waste local plan

Dear Herefordshire Council

I write in response to your draft plan and would make the following points if I may.

I live at Wootton Farm which is close by to Perton Quarry so I am interested in your plans for that site in particular though most of the points I make apply to the other sites as well.

1 What do local residents think about your plan? Do you have a statutory or at least moral duty to ask their views? If so should you not write to them ALL as part of the consultation process so you have as complete a 'local view' as possible?

2 What are the potential environmental impacts of your plan to wildlife? What do you know about the local ecology around the existing site and how a site extension might impact this? I could not see that this has been considered as part of your plan.

Thinking specifically of the Perton site did you know that there are nesting peregrine falcons at the site? How can you ensure that their nesting sites are not disturbed by a northwestern extension (on the cliff on the northwestern side is where I believe they nest).

What other rare fauna and flora might be there also? Just down the hill at Wootton Farm for example there are silver washed fritillaries and wood white butterflies as well as barn owls and tawny owls and in recent times past little owls. The local area is RICH in wildlife.

Shouldn't you commission the Herefordshire Wildlife Trust to do a survey of each area you propose to impact?

3 What do you know about the archaeology of each site extension in your plan? Once quarried it is lost for ever? Shouldn't you commission an archaeological survey of any proposed site extension? To the north of the quarry are iron age strip lynchets in the open field. Do you KNOW they don't extend into the are of the proposed site extension

4 The map you have attached of Perton Quarry is not uptodate. It fails to outline the recently started SOUTHERN extension of the quarry (for which there has long been planning permission obviously). This

needs correcting please as it gives a misimpression of the size of the existing site. Please email specifically to say this has been done. I understand this **southern** extension has about 25 years of stone in it so why the need to extend the quarry to the northwest if this plan is meant to take us up to 2031?

In relation to point 4 above I hypothesise that the ridge recently destroyed by the southern extension may have been a bronze or iron age ridge route. (I accept this is pure conjecture on my part). I make this point to ask you to consider the potential archaeology of any site extension BEFORE it is destroyed for ever.

5 What impact will a northwestern extension to Perton Quarry have on the geology of an already unstable geological area please? How is this going to be assessed? How will it be assessed on an ongoing basis?

What risk is there to local buildings' structural integrity from quarrying activities? How is this going to be monitored throughout the period of the plan?

6 What impact will a northwestern extension to Perton Quarry have on drinking water supplies for those houses nearby which have borehole supplies?

Do you know which houses in the area are on borehole water even?

How far away does any 'nearby' house need to be before you KNOW it is NOT impacted by the quarrying extension?

How are you going to monitor any subsequent impact on drinking water quality in years to come as for any extension it will take many years to extract all the stone?

7 With the push by central Government for more housing in Herefordshire there are several potential houses that will in my view be impacted adversely by a northwest extension to Perton Quarry. Do you know where these are? None of three I mean are habitable at present but all are adjacent or very close to the north western extension, and I imagine that these properties will be less developable if the quarry is extended further.

8 Please could you comment further in your plan about the LONGER TERM potential or otherwise for all your sites? After all we don't want to turn Herefordshire into one big quarry but at the same time I entirely accept the need for development in the future!

9 What plans do you have to monitor local air quality due to site extension please?

10 What plans do you have to monitor any site extensions from a noise point of view please?

11 Herefordshire is an amazingly beautiful county. How do you propose minimising the adverse visual impact these site extensions will have?

12 You mention the need to supply quarried products from local sources. How will you ensure that these products stay within Herefordshire and don't go to supply projects OUTSIDE the county? It would be a shame to dig up Herefordshire to build roads etc in other parts of the country! How will you monitor this on an ongoing basis over the period of the plan?

I look forward to hearing from you on all these points.

Yours faithfully

Dr Richard Kippax

UKOOG
6th Floor
65 Gresham Street
London
EC2V 7NQ
[info@ UKOOG.org.uk](mailto:info@UKOOG.org.uk)

Forward Planning
Herefordshire Council Offices
Plough Lane
Hereford
HR4 0LE
ldf@herefordshire.gov.uk

Monday 4th March 2019

Dear Sir/Madam

RE: Hereford Draft Minerals and Waste Local Plan 2019 Consultation

UKOOG is the representative body for the UK onshore oil and gas industry, including exploration and production.

We support the process of local plan considerations and want to ensure that any proposed plan with respect to onshore oil and gas is sound and meets with the criteria and policies outlined by Government in the NPPF, Planning Practice Guidance and related Written Ministerial Statements.

In particular, any policy framework which serves to significantly impede or prevent such development in areas where minerals are found, and have been licensed by the Government for hydrocarbon development, will be contrary to national policy unless there is strong evidential justification.

The planning process for onshore oil and gas is one of five regulatory processes that are required under the current policy framework set by government. As such the proposed plan should include a review of each regulatory function and identify those areas which fall outside of the planning process. **PPG 012** and **PPG 112** make clear that planning authorities are not responsible for matters covered by other regulatory regimes. MPAs *"should assume that these regimes will operate effectively. Whilst these issues may be put before mineral planning authorities, they should not need to carry out their own assessment as they can rely on the assessment of other regulatory bodies."* This planning policy principle has been re-confirmed in a number of legal cases including most recently. (Frack Free Balcombe Residents Association) v West Sussex CC 2014.

Our comments on the draft policies that cover Minerals and Unconventional Hydrocarbons are as follows:

Policy M1: Minerals Strategy

UKOOG comments:

UKOOG supports an overall approach that considers *'The sustainable winning and working of mineral resources in Herefordshire'* and one that *'establish(es) appropriate criteria to consider development proposals for unconventional hydrocarbons'*. The industry also supports an approach that looks to use

land efficiently and seeks to share infrastructure where it is practical to do so, which aligns with draft Policy M1.

With regard to safeguarding, KOOG agrees with the policy approach of ‘safeguarding them from the encroachment of incompatible uses and sterilisation by built development’.

Principle of development Policy M7: Unconventional hydrocarbons

KOOG comments:

KOOG would like to remind the Council that M7 (a) which states, ‘Where it is demonstrated to make a viable contribution to security of energy supply and support the transition to a low-carbon economy, the exploration, appraisal and production of unconventional hydrocarbons, including through the use of hydraulic fracturing, will be permitted’ is a matter of national policy and not a matter for minerals planning authorities.

KOOG supports Policy M7 (b), ‘Surface proposals will only be permitted where they would be outside the following designated areas: Areas of Outstanding Natural Beauty; protected ground water source areas; World Heritage sites; Special Protection Areas; Special Areas of Conservation; Ramsar sites; and Sites of Special Scientific Interest’, which reflects the controls established through the Infrastructure Act 2015.

Policy M7 (c) states, ‘Sub-surface proposals underneath the designations referred to above, will only be permitted where it can be demonstrated that material harm to the designated asset will not occur. Proposals to explore, appraise or extract from beneath an Area of Outstanding Natural Beauty will be considered to comprise major development. The regulation of the subsurface is a matter for the Environment Agency (EA), Health and Safety Executive (HSE) and Oil and Gas Authority (OGA) and not the minerals planning authority in the context of onshore oil and gas, this is clearly stated in both **PPG 012** and **PPG 112**.

Waste management

KOOG comments:

All oil and gas operations require permits from the EA to manage mining or extractive wastes. Such wastes include returned or reservoir fluids, waste gases and solids from the well, including any naturally occurring radioactive materials. These permits stipulate waste treatment methods, any recycling measures and the overall route of disposal. Furthermore, the EA also permit waste water re-injection activities via existing boreholes.

It is KOOGs view that this section of the draft plan should clearly state the role of the EA in regulating waste to avoid unnecessary duplication by the MPA.

Decommissioning and Reclamation

KOOG comments:

The policy on decommissioning and Reclamation states,

‘Following completion of the operational phase of development or during periods of suspension pending further development:

- i. any wells will be decommissioned so as to prevent the risk of any contamination of ground or surface waters and emissions to air; and*

ii. all plant, machinery and equipment not require to be retained at the site for operational purposes would be removed and the land restored to its original use or other agreed beneficial use, within an agreed timescale.

Where a well is suspended pending further development, the well would not be 'decommissioned' as stated in point (i). The term 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 that should be drawn out in the policy and supporting text.

We hope that you find our comments helpful.

Please come back to us if you have any questions.

Yours faithfully

Steve Thompsett
Executive Director

Eaton, Victoria

From: William Owens [REDACTED]
Sent: 29 January 2019 12:56
To: Eaton, Victoria
Subject: Gravel and Sand Extraction - Land at Arrow Green, Kingsland/Monkland Herefordshire
Attachments: Land at Arrow Green.png; Land at Arrow Green Location Plan.png

Hi Victoria,

As discussed earlier we have a block of land we would like you to consider for gravel and sand extraction and therefore included as a potential site in the Herefordshire consultation.

Its approximately 80 acres and it is located between Monkland and Kingsland just off A4110. With good access off the main road. I have attached two plans showing the location and a plan showing the exact land outlined in red.

Furthermore we have had a preliminary mineral resource evaluation carried out for the land, detailing the findings, particles sizes and geology done through trial pits. The headline figures from the report re tonnage are as follows.

- Including clayey sand and gravel above the water table - greater than 665,000t recoverable mineral tonnage.
- Excluding clayey sand and gravel above the water table - greater than 550,000t of recoverable mineral tonnage.

I will arrange for some of this report to be posted to you. We also had a planning appraisal for the site carried out which i can send a copy on the request.

If you require any further information please do not hesitate to ask.

Kind regards

Will

Victoria,

Please find enclse mineral extraction evaluation
in accordance with my email dated 29.01.10

Will Owens

Edge & Pritchard Limited

Consulting Geotechnical Engineers

18 Farriers Road
Middle Barton
Chipping Norton
Oxfordshire OX7 7EU
United Kingdom

Tel: +44 (0) 1869 340600
Fax: +44 (0) 1869 340383

DRAFT

LAND AT ARROW GREEN, KINGSLAND, HEREFORDSHIRE

PRELIMINARY MINERAL RESOURCE EVALUATION

prepared for

Mr D Owens

Report reference AG/1/1

5 July 2002

3.1.2 Overburden

The overburden comprises topsoil/subsoil and silty clay (Alluvium).

3.1.3 Sand and Gravel

Glacial sand and gravel was intersected in all 14 trial pits.

The deposit is a dense, slightly clayey to clayey, silty sand and gravel and typically comprises:

- a more 'clayey' upper part above the water table (intersected thickness: *c.* 0.00-0.70m);
- a 'cleaner' lower part below the water table (intersected thickness: greater than *c.* 1.10-2.55m).

It should be noted that the base of the mineral deposit was only proved in one trial pit (TP13). At the other locations the depth to the base of the mineral deposit exceeded the depth capability of the JCB and/or the trial pit had to be abandoned due to instability of the trial pit sides.

The composition of the deposit exhibits considerable variation in terms of grading - this is typical of a sand and gravel deposit of glacial origin. Lenses of sand and gravel occur throughout the deposit. Oversize material (cobbles) occurs locally.

Clasts are typically sub-rounded and are composed of a range of rock types.

3.1.4 Underburden

Underburden was intersected in 1 trial pit only (TP13) and comprised red brown clay. This is inferred to be weathered Raglan Mudstone.

3.2 Hydrogeology

Groundwater was intersected in all trial pits at depths from ground surface ranging from *c.* 1.1-2.5m.

4. MINERAL RESOURCE ESTIMATION

4.2.1 Material Quality

Particle Size Distribution

PSD test results for the samples tested (with the exception of sample 13/2 - see below) are given on Table 2.

The test results for sample 13/2 recovered from trial pit TP13 are considered erroneous. The sample was logged at the site as a relatively clean sand and gravel. However, the test results are more consistent with a sandy, gravelly clay. The testing laboratory is unable to account for this apparent inconsistency and accordingly this sample has been excluded from further analysis of results.

The following general grading of the deposit is indicated:

- Oversize material (+37.5mm): Average 14% (range 10-19%);
- Coarse aggregate (5mm – 37.5mm): Average 49% (range 31-60%);
- Sand (75micron - 5mm): Average 26% (range 17-37%);
- Fines (-75micron): Average 11% (range 6-17%).

The indicated average fines content is relatively high for a commercially viable mineral deposit. However, the average figure includes the samples of generally more clayey material recovered from above the water table. The average fines content for the generally cleaner material recovered from below the water table is more reasonable at c. 8.5%.

The content of oversize material is relatively high. However, if the overall deposit tonnage is sufficiently high, consideration could be given to crushing the oversize material.

PSD test results have been reviewed and compared with appropriate specifications for commercial uses of sand and gravel aggregates as set out in BS882 (British Standards Institution BS882: 1992, Specification for Aggregates from Natural Sources for Concrete). The following observations are made:

- **Coarse concreting aggregate:** Taking the deposit as a whole, the graded coarse aggregate falls marginally outside the BS882 grading limits for coarse concreting aggregate due to an excess of finer material passing 5mm. The samples recovered from below the water table come closer to meeting the grading limits. However, it is considered that the product could be brought within specification by careful screening;
- **Concreting sand:** Taking the deposit as a whole, the graded sand falls within the BS882 grading limits for coarse and medium concreting sand.

Ten Per Cent Fines Value

The mechanical strength of the coarse aggregate has been assessed by performing a TFV test on a representative combined sample of material. A TVF of 130kN is indicated by the laboratory results.

The value is relatively low compared to values more typically obtained for gravels used as concreting aggregate (170-250kN). Based on BS882, in terms of mechanical strength requirements, the coarse aggregate would be suitable for general purpose concrete and pavement wearing surfaces, but not for heavy duty concrete floor finishes.

Water Absorption

A water absorption value of 5.5% is indicated by the laboratory results.

The value is relatively high. A value greater than *c.* 3% is likely to limit the suitability of the aggregate for higher specification concrete applications.

4.2.2 End Use Potential

It is considered that the processed sand and gravel would likely to be of commercial value for use in the following applications:

- concreting aggregate;
- highway works: sub-base construction;
- highway works: general granular fill, drainage works, pipe bedding.

With reference to the above noted applications, the greatest financial return would be associated with use of the sand and gravel for concreting aggregate. Use of the material as a general fill material would realise the lowest financial return.

4.2.3 Mineral Resource Tonnage

The following preliminary estimate of the mineral resource tonnage present at the site has been made:

- *Including 'clayey' sand and gravel above the water table*
 - Average mineral thickness: greater than c. 2.07m;
 - Gross mineral volume: greater than c. 455,000m³;
 - Recoverable mineral tonnage: greater than c. 665,000t.
- *Excluding 'clayey' sand and gravel above the water table*
 - Average mineral thickness: greater than c. 1.71m;
 - Gross mineral volume: greater than c. 375,000m³;
 - Recoverable mineral tonnage: greater than c. 550,000t.

General assumptions made in the mineral resource estimate are as follows:

- Mineral extraction area: c. 22ha;
- Processing losses: 11%;
- 1.65t/m³ conversion factor for processed material.

Assuming that the 'clayey' sand and gravel above the water table can be processed as mineral, it is estimated that an overburden volume of c. 270,000m³ (average thickness of c. 1.21m) would have to be stripped - a favourable ratio of overburden volume to gross mineral volume of better than c. 0.6: 1 is therefore indicated. A less favourable stripping ratio would be associated with the deposit if the 'clayey' sand and gravel above the water table could not be processed as mineral and reported as waste.

5. SUMMARY AND RECOMMENDATIONS

This Company has completed a preliminary mineral resource evaluation of land at of land at Arrow Green, Kingsland, Herefordshire involving a desk study, site investigation and laboratory testing.

A sand and gravel mineral resource, currently estimated to be at least *c.* 550,000t and possibly exceeding 665,000t has been identified and a range of potential end use applications have been identified.

It is considered that the processed sand and gravel would likely be of commercial value for use as concreting aggregate and in a range of highway works applications.

Further site investigation work involving boreholes, trial pits, site surveying and laboratory testing would be required in order to permit a more detailed evaluation of the quality of the sand and gravel and the associated end use potential, and a more accurate estimate of the mineral resource tonnage. Importantly:

- the full thickness of the mineral deposit across the site needs to be determined;
- the viability of processing the 'clayey' sand and gravel above the water table as mineral needs to be confirmed;
- mineral quality and end use potential needs to be confirmed by further laboratory testing.

It is considered that the preliminary results obtained to date are sufficiently encouraging to justify completing further site investigation and laboratory testing work. However, in advance of any such further work, it is recommended that relevant mineral planning issues are considered in order to establish at an early stage whether the site offers realistic development potential within a planning context.

5 July 2002



River Arrow

A4110

Moor Brook

Moor Brook

A4110

Google

Default

Home Zoom In Point Select Unselect All Measure Area Coordinate Export Annotate Rectangle Log Off

Back Zoom Out Polygon Select Zoom to Active Selection Toggle scale bar Annotate Polyline Annotate Text Exit

Forward Pan Rectangle Select Measure Distance Toggle overview map Annotate Polygon Clear Annotation

Default

Info

Planning Constraints (no EA) (16)

SPECIAL WILDLIFE SITE - SWS_503

Planning Constraints Information (1/1)

Reference SPECIAL WILDL...

Old Reference

Category Special Wildlife...

Description River Arrow

Location

Grade (Listed Buildings)

Label

Unit

Case Officer

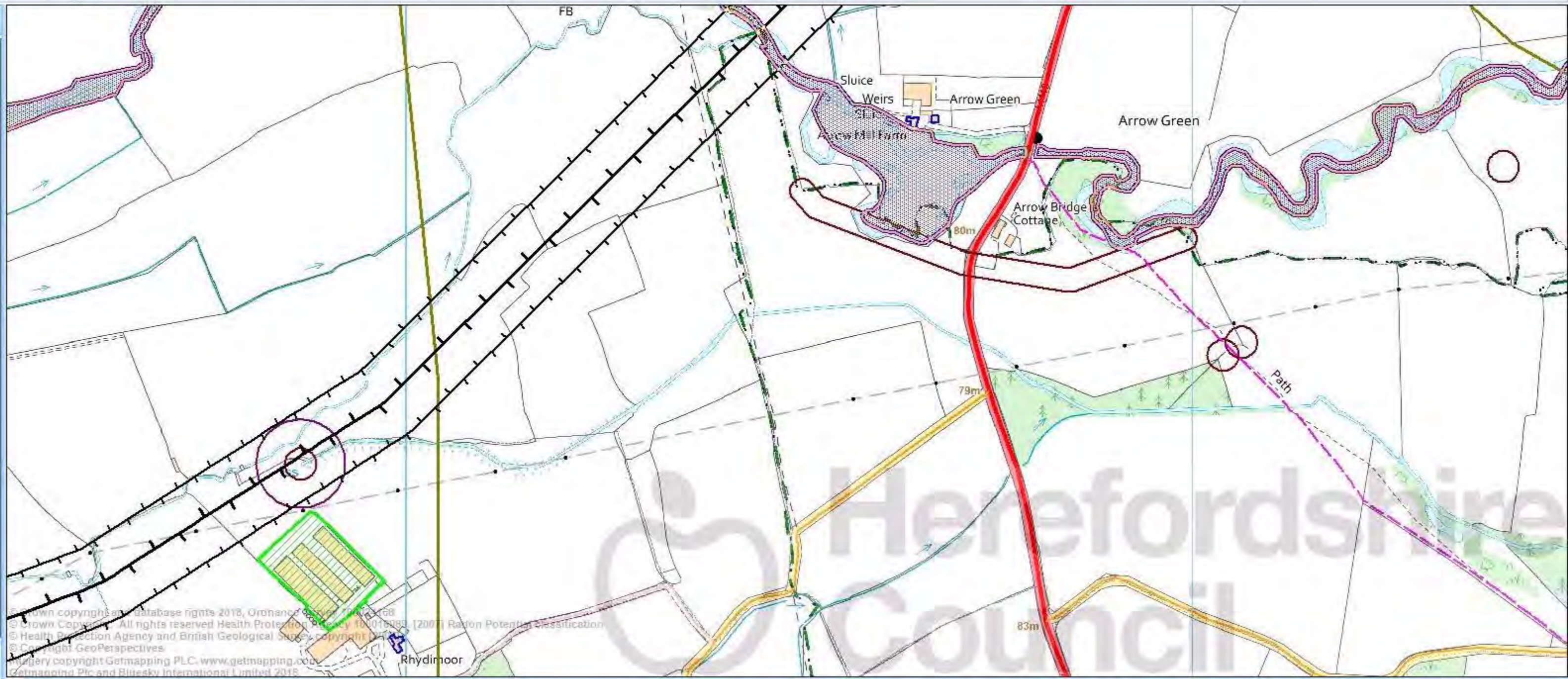
Legend

Queries

Info

Print

Coordinate details



Parish and Clerk information (2) SSSI Impact Risk Zone Information (1) Ward Name (2) HRA Screening Information (1) Planning Constraints Information (16)

Apply Reset Export

	Full Name	Short Name	Area / ha	Title	Initials	First Name	Surname	Address Line 1	Address Line 2	Address Line 3	Address Line 4	Address Line 5	Postcode	Telephone	Fax	Email
▶	Kingsland CP	Kingsland	1991.834	Mr.	R.	Richard	Hewitt	Orchard View	Brinshope	Wigmore			HR6 9UR	01568 770 776		clerk.kingslandpc@gmail.com
	Monkland & Stretford CP	Monkland & Stretford	624.087	Mrs.	L.	Lesley	Hay	Bank Croft	Monkland	Leominster	Herefordshire		HR6 9DB	01568 720092		thelesleyhay@hotmail.co.uk



Appendix 2

Representations submitted online

Name/Organisation Mr C Smith, Director of GP Planning Ltd
If you are an agent, please indicate below the name of who you represent: Herefordshire Quarries Ltd
Which of these policies will you be commenting on? "Minerals Strategy - M1", "Safeguarding of minerals resources and associated infrastructure from sterilisation and significant adverse effects - M2", "Winning and working of sand and gravel - M3", "Waste strategy - W1", "Solid waste management requirements - W2", "Preferred locations for solid waste treatment facilities - W5", "Preferred locations for construction, demolition and excavation waste management facilities - W6", "Waste management operations - W7"
Test of Soundness: Positive – yes, Justified – yes, Effective – yes, Consistent with National Policy – yes

Name/Organisation Mr S.P. Glennie-Smith
Do you have any questions regarding the Sustainability Appraisal or Habitat Regulations Assessment? Please discontinue the practice of booking to use waste sites. This encourages fly tipping and is very inconvenient. In particular: why do cyclists and pedestrians have to book? Queuing cars (and traffic problems they might cause outside the site) is a separate issue from social distancing. Thus, when there is no need for the latter, cyclists and pedestrians should not be included in any booking system that the council might decide to make permanent. All waste sites are outdoors, where it has been shown the risk from infectious diseases (including Covid) is about 5% of the risk indoors: yet (eg.) supermarkets do not have booking systems. Some (eg. Aldi and Tesco) operate a 'traffic light' system to control maximum numbers, but all allow a much higher 'customer density'.

Name/Organisation Mr NJ Day Principal Engineer (rtd)
Which of these policies will you be commenting on? "Waste strategy - W1", "Wastewater management - W4", "Waste management operations - W7"
Test of Soundness: Positive - no, Justified – no, Effective – no, Consistent with National Policy – No comment

Further comments:

Waste strategy has not been sufficiently integrated, allowing massive nutrient runoff to pollute our rivers - for there to be a future we must do better

Wastewater has been too readily allowed to spill over into our watercourses further worsening the pollution issues with additional nutrients as well as noxious substances discharged. Must tighten regulations and there enforcement.

Wastewater has been too readily allowed to spill over into our watercourses further worsening the pollution issues with additional nutrients as well as noxious substances discharged. Must tighten regulations and there enforcement.

Name/Organisation

Mrs A Sanders, Principal Natural Environment Officer, Herefordshire Council

Do you have any questions regarding the Sustainability Appraisal or Habitat Regulations Assessment?

Habitats Regulations Assessment: This should be updated as much as possible to reflect the rapidly evolving phosphate knowledge, assessment guidance from Natural England and the councils guidance on this relating to the River Wye and Lugg catchment of the Wye.

In particular the HRA should consider all waste including agricultural waste implications and final destination of waste, water use implications of processes including washing of materials and vehicles.

The council's Natural Environment team would be able to discuss and advise on the relevant aspects of the Plan and HRA with consultants.

Name/Organisation

Mrs V Wegg-Prosser, Hon Sec, Here for Hereford

Do you have any questions regarding the Sustainability Appraisal or Habitat Regulations Assessment?

Re Sustainability Assessment (entitled Sustainability Appraisal in the DPD suite of documents) Here for Hereford welcomes the opportunity to comment on this Submission Document.

Its Sustainability Appraisal underpins the MWLP itself. For this reason, our comments are being included in the 'free text' section of the Questionnaire.

Ch. 8 Here for Hereford welcomes the italicised additions to the Proposed Monitoring Indicators Here for Hereford draws attention to Herefordshire Council's Decision (4.6.2020) to part fund the West Midlands Regional Technical Advisory Body. In its Decision Details, the Council notes that 'without the group's comments on the waste policies and proposals in the MWLP it would not be possible to meet the test of soundness in relation to the statutory duty to co-operate on development plan documents'.

Similar comments are required from the West Midlands Aggregates Working Party. Judging by the absence of Minutes or Annual Reports from these West Midlands bodies on the Council's website, it appears that neither has met since at least 2014.

For this MWLP to pass the test of soundness, Here for Hereford recommends that additional Monitoring clauses are added to Ch. 8 of the SA to the effect that in the case of the attainment of each relevant Objective, the following wording be included: Comments from the West Midlands Technical Advisory Body and West Midlands Aggregate Working Party confirming that the assessment of each relevant Objective has been carried out in accordance with the terms of reference of each of these bodies and found to be satisfactory in a timely manner will be required in order to support each Objective of the MWLP.

cl. 5.9 of SA Noting that the Council's previously submitted MWLP was found to be unsound by the PI, Here for Hereford hopes that the revised wording in this submitted MWLP regarding 'strategic' approach to reclamation (cl. 5.9 of SA) rather than 'restoration to high standard', and this MWLP's endorsement of the circular economy (Cl. 2.16, 2.38 and various others in the SA) as regards minerals and waste strategic management will be approved by the PI.

cl 1.14 Noting that the Brexit amendments are designed to ensure a high level of protection of the environment after the UK has left the EU, and that there will be no substantive changes to the way the SEA regime operates, Here for Hereford respectfully suggests that cl 1.14 be amended for clarity to consist of one sentence only, thus after the words 'left the UK' insert comma (deleting the full stop) and add 'to the extent that' then continue as is: 'no substantive changes are being made by this instrument to the way the SEA regime operates'.

The above comments from Here for Hereford are being submitted in time to meet the deadline for submission of midnight on 24 May 2021. Thank you for reading them. We hope the PI will find them helpful.

Name/Organisation

Mr C Lambart, Planning Adviser, National Trust

Which of these policies/Paras will you be commenting on?

"Winning and working of crushed rock (limestone) - M4" (2a)

Tests of soundness:

Positive – Yes, Justified – No, Effective – Yes, Consistent with National Policy – No

Policy M4/2a of the publication draft plan identifies two preferred areas for limestone working. One of these, adjacent to Leinthall Quarry is close to nationally important heritage assets in the National Trust's care: Croft Ambrey and the park of Croft Castle. These are recognised to a degree in the development criteria however we are concerned that the sustainability appraisal of the Publication Draft appears not to have had regard to them and that the development criteria give insufficient regard to heritage as a planning consideration.

Croft Ambrey is a scheduled monument (1001750) and the park and garden of Croft Castle is registered grade II* (1000878). Scheduled monument and grade II* registered parks and gardens are both identified as heritage assets of the highest significance in paragraph 194 of the National Planning Policy Framework (2019 edition).

Paragraph 184 of the framework states that heritage assets are an irreplaceable resource and that they should be conserved in a manner appropriate to their significance. Paragraph 193 requires great weight to be given to the conservation of heritage assets and the more important the asset the greater that weight should be. Paragraph 194 requires clear and convincing justification for any harm, including harm arising from development within the setting of a heritage asset.

Croft Ambrey has multi-period historic significance. The scheduling is for, "Small multivallate hillfort, Romano-Celtic temple and medieval warren." Multivallate hillforts are rare (about 100 recorded nationally) and of importance for understanding the nature of settlement and social organisation within the Iron Age period.

Romano-Celtic temples were built and used throughout the Roman period from the mid first century AD to the late fourth/early fifth century AD. They are rare nationally with only about 150 sites recorded in England and important for contributing to the complete picture of Roman religious practice, including its continuity from Iron Age practice.

The tradition of warren construction and use dates from the 12th century, following the introduction of rabbits into England from the continent. Approximately 1,000 - 2,000 examples are known nationally. The register entry reports that the historic park is presumed to have been created c1500. It was landscaped in the picturesque style either side of 1800, probably by Somerset Davies and possibly with some input from Richard Payne Knight. and mentions a summerhouse on the Ambrey in the 19th century.

Today the walk to the Ambrey remains popular with visitors to Croft. There are extensive views from the Ambrey and its character as a high place overlooking the surrounding area is presumed to be part of it being used as a location for a hill-fort and a temple, as well as for its later inclusion in the landscaped park, including as a site for a summer house. Leinthall Quarry is visible, and sometimes audible, from Croft Ambrey.

The publication plan notes that permission runs until 2027. The proposed allocation would both increase the physical extent of the quarry and the time period over which extraction would continue. The extension area would also be visible and at times audible from the Ambrey.

Sustainability Appraisal of the Publication Draft Jan 2021 addresses historic environment and cultural heritage at paragraphs 6.21-6.23. Paragraph 6.21 reports, "Uncertain minor negative effects are identified for all the mineral sites as adverse effects on buried archaeology in sandstone or sand and gravel deposits may be possible but are unknown in the absence of detailed site assessment work to draw from."

No reference is made to the effects on the settings of the designated heritage assets which would be an additional impact specific to the extension of Leinthall Quarry. It is therefore not clear what regard has been had to the designated heritage assets in the proposed allocation at Leinthall Quarry and whether this is consistent with national policy.

Paragraph 6.2.18 of the Publication Draft states, "the allocated sites are accompanied by key development criteria that present particular issues to be comprehensively addressed in association with any development proposal."

It also notes that the plan is to be read as a whole and development proposals will be considered against all relevant policies. The National Trust welcomes the identification of impacts on heritage assets including Croft Ambrey and Croft Castle Park in the key development criteria for the Leinthall Quarry allocation. However, we consider the wording "need to demonstrate the level of effect" does not adequately reflect an approach of seeking to avoid, minimise and mitigate harm both during the operation of the quarry and in proposals for restoration and aftercare.

Please set out what change(s) you consider necessary to make the policy legally compliant or sound.

Further evidence in relation to the consideration of the impacts of the Leinthall Quarry allocation on the setting of the designated heritage assets and whether there would be sufficient justification for the harm arising from prolonging the lifetime of the quarry and extending its area. A more positive wording of the development criterion relating to heritage.

Do you have any questions regarding the Sustainability Appraisal or Habitat Regulations Assessment?

SA para 6.21-6.23, covered in answer to Q4(g)

Name/Organisation

Mrs J Debbage, Town Clerk, Leominster Town Council

Which of these policies/Paras will you be commenting on?

"Minerals Strategy - M1"

Test of Soundness:

Positive – yes, Justified – yes, Effective – yes, Consistent with National Policy – yes

Aymestrey Parish Council

For the attention of Vicky Eaton, Herefordshire Council

By email vicky.eaton@herefordshire.gov.uk and ldf@herefordshire.gov.uk

12 May 2021

Dear Sirs

Herefordshire Minerals and Waste Local Plan - Publication Draft, Aymestrey Parish Council Comments.

Aymestrey Parish Council has several concerns about the draft Minerals and Waste Local Plan, which it raised during the previous round of consultation, but which have not been addressed in the latest revisions.

Aymestrey PC does not consider the plan to be sound because:

- 1) It does not comply with the NPPF requirement to “take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials” and;
- 2) It is not drafted in accordance with statutory requirements, in particular Part 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

These concerns are set out in more detail below.

Leinthall Earls Quarry.

Leinthall Earls Quarry is within Aymestrey Parish. The relevant draft policy is M4 as follows:

Policy M4: Winning and working of crushed rock (limestone)

1. Total provision for crushed rock over the plan period to 31 December 2041 will be 9 million tonnes. Additional provision shall be made through the five-year reviews if necessary to maintain a landbank of at least ten years for crushed rock at 31 December 2041, based on an annual rate of provision to be determined through the review.
2. In order of preference, crushed rock extraction shall be supported at the following locations:
 - a. Specific Sites (presented in alphabetical order) subject to the key development criteria set out at section 9:*
 - Leinthall Quarry;
 - Perton Quarry.

Under the current planning permission, quarrying at Leinthall Earls is due to cease in 2027. This policy creates a presumption that the permission will be renewed and extended. Given the multiple and very significant adverse impacts the quarry has on Aymestrey parish, the Parish Council expects that the amount of quarrying is kept to an absolute minimum in accordance with the National Planning Policy Framework (NPPF).

Neither MWLP Policy M4 nor the supporting text make any reference to the NPPF requirement that planning authorities consider the extent to which alternative, secondary and recycled materials can be used before a commitment is made to any mineral extraction. (NPPF Paragraphs 203 and 204). Nor do the policies deliver any real measures to substitute secondary or recycled material for primary minerals.

Having failed to do this, the MWLP potentially allows for the quarrying of more material than necessary from Leinthall and Perton quarries. The same applies to the policies for extraction of other primary materials.

clerk@aymestrey.org

The supporting text to Policy M4 says at 6.2.17 "In order to reduce the potential for adverse impacts, it is intended that mineral would be transported off-site for processing". This needs to be written into the policy to have any effect (see comments below).

The "Circular Economy"

The policy that apparently seeks to address paragraph NPPF 203 is SP1 - Resource Management. However, this policy is directed at climate change rather than the reduction of the requirement for primary mineral and while the ambition to promote a "circular economy" is stated, the policy does not provide any means of delivering it.

SP1 1. says:

The use of minerals and waste resources will be directed to contribute positively to addressing climate change through:

1. Herefordshire Council encouraging waste prevention by:
 - a. promoting a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest value for as long as possible;
 - b. maintaining engagement with businesses, community groups, and the general public to raise levels of awareness and understanding of waste issues;
 - c. working in partnership with other public bodies to ensure that waste prevention and the circular economy is addressed in all contracts for works and services; and
 - d. leading by example in its activities.

These are statements of intent, which are not relevant to development management decisions. It is unclear how these aspirations will be delivered or why they have been written into policy.

Policy SP2. 2. Refers to the requirement for a "Resource Audit" but does not say when such an audit will be required or what developers are expected to deliver through such an audit.

The supporting text says at 5.5.15 that "Any application for major development, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as may be amended) will be required to be accompanied by a Resource Audit",

at 5.5.17 "Smaller applications, accompanied by Design and Access Statements, should include commentary on waste prevention and management measures. All submitted applications should make reference to the national and local zero-carbon plans in place at the time in order to inform best practice measures that can be incorporated into the proposed development",

and at 5.5.18 "All development should be designed to increase the potential for recycling waste."

To have any force, these requirements must be written into the policy.

In *R (Cherkley Campaign Ltd) v Mole Valley DC* [2014], the Court of Appeal held that the supporting text of a development plan cannot be interpreted as policy.

The case related to the grant of planning permission for development of a golf course. The supporting text to the development plan policy said that applicants should demonstrate the need for such facilities, but this requirement was not contained in the policy itself and so the applicant was not bound to comply with it.

Importantly, the court questioned whether the development plan was sound at all, because of the way it had sought to introduce policy through the supporting text.

The judgement refers to Planning Practice Guidance PPG12, which says as follows:

“The written statement should also include a reasoned justification of the plan’s policies and proposals. A brief and clearly presented explanation and justification of such policies and proposals will be appreciated by local residents, developers and all those concerned with development issues. The reasoned justification should only contain an explanation behind the policies and proposals in the plan. It should not contain policies and proposals which will be used in themselves for taking decisions on planning applications. To avoid any confusion, the policies and proposals in the plan should be readily distinguished from the reasoned justification (for example, by the use of a different typeface).” (Our emphasis)

Although PPG is now withdrawn, it remains relevant. The online Planning Practice Guidance that replaced the PPGs is much abbreviated but it refers to Regulations 8 and 9 of the Town and Country Planning (Local Planning) (England) Regulations 2012. (Paragraph: 002 Reference ID: 61-002-20190315)

Regulation 8 sets out the form and content of local plans and supplementary planning documents as follows:

Form and content of local plans and supplementary planning documents: general

8.—(1) A local plan or a supplementary planning document must—

(a) contain the date on which the document is adopted; and

(b) indicate whether the document is a local plan or a supplementary planning document.

(2) A local plan or a supplementary planning document must contain a reasoned justification of the policies contained in it.

(3) Any policies contained in a supplementary planning document must not conflict with the adopted development plan.

(4) Subject to paragraph (5), the policies contained in a local plan must be consistent with the adopted development plan.

(5) Where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy.

(Our emphasis)

The supporting text to a policy is intended to justify that policy and explain how it should be interpreted: it cannot be used to introduce additional policy requirements. The draft MWLP, has repeatedly sought to write policy requirements into the reasoned justification and is consequently not compliant with the relevant legislation.

There are a number of statements in both policy and supporting text that apparently seek to deliver the “circular economy”, including the following:

Paragraph 5.5.17: “Such documents (Resource Audits) are expected to have an increasing role demonstrating how new development is delivered and managed in a sustainable manner, explicitly setting out: how the use of raw materials will be minimised...”

Policy M1 b. - development control decisions will:

“ensur(e) new-build and refurbishment developments contribute to the efficient use of resources, increasing the proportion of recycled materials used as an alternative to primary mineral where appropriate;”

Policy M1 : Minerals Strategy:

The sustainable winning and working of mineral resources in Herefordshire will be delivered through:

a. identifying sources of alternatives to primary mineral resources, and encouraging the development of facilities to process alternative materials either at the point of production or other suitable locations;

These policies do not explicitly set out how the use of raw materials will be minimised and nor do they include any policy requirements to achieve this. Policy M1 fails to explain whose task it is to identify sources of alternative materials or how this aim fits into the planning decision-making process.

Rather than creating a mere expectation, the policies should facilitate a reduction in demand for primary minerals to comply with the NPPF requirement to ensure best use of and secure the long term conservation of this finite resource.

Neither Policy SP1 nor the supporting text contain any objectives or targets, there is no requirement to use any recycled material - applicants need only provide a description of materials used - and the policy does not indicate that the decision maker will require compliance with the resource audit.

The draft MWLP consequently fails to meet the NPPF paragraph 204 requirement for an account of what role recycled/substitute materials will play in reducing the requirement for continued quarrying. If it is not practicable to provide such an account, the MWLP should explain and justify this.

Policies W2 and W3

Policies W2 and W3 provide unconditional support for various waste developments, livestock units and anaerobic digesters, all of which pose significant risks to the environment.

Policy W2 supports a series of “Solid Waste Management” developments with no qualification whatsoever. The supporting text refers to development that is “well designed, appropriately situated and demonstrated to deliver a sustainable outcome.” This must be incorporated into the policy itself to have any effect.

Policy W3 offers support for livestock units and anaerobic digesters provided they demonstrate nutrient neutrality within the catchment of the River Wye Special Area of Conservation. While this is important, there are several other impacts, including on landscape, air quality, residential amenity and traffic impacts, that should be addressed in the policy, if only by stating that support for these developments is subject to compliance with Core Strategy policies.

The MWLP apparently seeks to overcome the unconditional support offered by these policies by stating that decisions should be taken in conformity with the development plan as a whole. The problem is that these are the ONLY policies in the whole development plan governing these specific forms of development. Due to the unequivocal wording of the policies, compliance with the relevant MWLP policy could reasonably be viewed as compliance with the development plan as a whole.

In offering unqualified support for specific forms of development, the policies are in conflict with those in the adopted Core Strategy seeking to protect the environment, the landscape, residential amenity and so on from inappropriate development. This is a potential breach of Reg. 8 (3) of Town and Country Planning (Local Planning) (England) Regulations 2012.

When considering whether a planning application is in accordance with the development plan as a whole, the decision-maker must make a planning judgement about the weight to be accorded to policies that may pull in different directions. The way that the policies in the MWLP are drafted does not allow for this balancing exercise because they create an unqualified presumption in favour of development.

A similarly constructed policy (albeit a negatively worded one) was discussed in the case of *R (Corbett) v Cornwall County Council* [2020], relating to a policy that precluded development that would harm an area of great landscape value.

Lindblom LJ giving the lead judgement in the Court of Appeal said:

“I acknowledge that the language of Policy 14 is unqualified. A word such as “normally” or “generally” was not inserted to soften the expression “will not be permitted”. Nor is the policy qualified by any reference to the nature or degree of harm likely to be caused. And it says nothing about development expressly supported in other policies of the plan.”

While the Court of Appeal held that Cornwall Council was able to overcome the constraint of that policy by reference to other policies in the development plan, the High Court had taken a different view and quashed

the permission. In the Court of Appeal, Lindblom LJ agreed that a single policy could have pre-eminence over others in the development plan in any planning decision:

“I am not saying that, as a matter of principle, the breach of a single policy of a development plan can never be capable of amounting to conflict with the plan as a whole. I would not go that far. But that general question is not the issue here.”

The court was discussing whether a single policy created a presumption for refusal - and agreed that an individual policy could achieve this. The same is true in reverse, where a policy is stated so unequivocally that it grants a presumption for approval and cannot easily be outweighed by other planning policies.

CONCLUSION

Aymestrey Parish Council would like to see the following amendments to the draft Minerals and Waste Local Plan:

- 1) All policy requirements to be incorporated into the policies themselves, rather than drafted into the supporting text, where they will have no effect. This is particularly critical for policy SP1, which is intended to deliver the circular economy and reduce the demand for primary materials.
- 2) Policies should create a presumption that all new development proposals use recycled materials except where there is convincing justification for the use of any primary minerals/materials. We would commend Policy SR01 of the South Gloucestershire Minerals Local Plan copied at Annex 1.
- 3) Policies should not create an unqualified presumption in favour of any development that has the potential for significant environmental impacts. This is especially applicable to draft policies W1 and W2. Policies should state clearly that all relevant local plan policies are applicable.

*Paragraph 2 of Policy M4 states that the two sites for extraction are listed in order of preference and then in brackets, in alphabetical order. Which is it?

Annex 1) South Gloucestershire Minerals Local Plan Policy SR01 (Adopted March 2020)

Yours sincerely

Maggie Brown
Clerk, Aymestrey Parish Council

Aymestrey Parish Council

For the attention of Vicky Eaton, Herefordshire Council

By email vicky.eaton@herefordshire.gov.uk and ldf@herefordshire.gov.uk

**Herefordshire Minerals and Waste Local Plan - Publication Draft.
Aymestrey Parish Council Comments – Annex 1**

Annex 1) South Gloucestershire Minerals Local Plan Policy SR01 (Adopted March 2020)

Policy SR01 | Maximising the use of secondary and recycled aggregates

Part a | Mineral developments


Mineral development proposals will be permitted where they adopt best practice in the extraction, processing and transportation of primary minerals in order to minimise the amount of waste generated and make provision for the sustainable production of secondary and recycled aggregates, subject to the requirements of Policy MW06 | Ancillary minerals development

Part b | Non-mineral developments

Non-mineral development proposals will be permitted where they adopt sustainable design principles, construction methods and procurement policies that are in line with the adopted Gloucestershire Waste Core Strategy Policy WCS 2 | Waste reduction. This includes using the minimal amount of primary minerals, reusing or facilitating the recycling of mineral wastes generated on-site and using alternative construction materials sourced from secondary and recycled aggregates.

Part c | Non-mineral developments involving the production of secondary aggregates

Non-mineral developments involving the production of secondary aggregates will be permitted subject to such operations meeting the applicable requirements of other local development plan policies such as those concerned with amenity protection and environmental acceptability.

Contributes to the delivery of plan objectives 

Strategic Planning
Herefordshire Council
Plough Lane Offices
Hereford
HR4 0LE

Date: 24 May 2021
Our ref: 04051/02/NT/STi/19706614v1
Your ref:

Dear Sir or Madam

Herefordshire Publication Draft Minerals and Waste Plan Consultation

On behalf of our client, Bourne Leisure Limited (“Bourne Leisure”), please find below representations on the Publication Draft Minerals and Waste Local Plan (MWLP), published for comment until 24 May 2021.

Bourne Leisure operates more than 50 holiday sites in the form of holiday parks, family entertainment resorts and hotels in Great Britain and is therefore a significant contributor to the national tourist economy, as well as local visitor economies. By way of background, in Herefordshire Bourne Leisure operates Holme Lacy House Hotel under its Warner Leisure Hotels brand.

Please find below a completed representation form, with detailed comments in the document that follows, on the following elements of the Publication Draft MWLP:

- 1 Policy M2; Paragraph 6.1.12; Figure 7;
- 2 Policy M2;
- 3 Objective 5; and,
- 4 Paragraph 5.4.26.

We trust that these representations are clear and will assist in progressing the emerging MWLP. Please do not hesitate to contact either my colleague Stephanie Irvine or me should you require clarification on any of the points made. We would also be grateful if you would continue to keep us informed of progress on the development of the MWLP and all other emerging planning policy for Herefordshire.

Yours faithfully

Helen Ashby-Ridgway
Associate Director

Copy Bourne Leisure

Herefordshire Minerals and Waste Local Plan DPD Pre-submission publication

Representation Form - Guidance

April 2021

The publication period:

The publication will last for six weeks from Monday 12 April to midnight on Monday 24 May 2021.

Submitting your printed questionnaire:

- By email to: ldf@herefordshire.gov.uk
- Due to current Covid guidelines, our office is not currently manned full time; therefore please only send a form by post if you are unable to use the online options. Send the completed form to the following address:
Strategic Planning
Herefordshire Council
Plough Lane Offices
Hereford, HR4 0LE

Please note that comments will not be accepted by telephone or on social media.

Filling in the form:

This form has two parts:

- You must complete one copy of Part A, which asks for your personal details.
- You should complete Part B for each policy that you wish to comment on.

Your comments:

- As this is a statutory stage of publication consultation, comments will be accepted no later than midnight on Monday 24 May 2021.
- All comments will be considered by the Planning Inspector as part of the examination of the document. The Inspector may wish to contact you to discuss your comments and concerns, prior to the formal examination.
- The personal information in Part A will only be used for purposes related to the consultation and the Minerals and Waste Local Plan DPD examination. Only your comments, name and/or organisation will be published, but other information will be shared with the Government-appointed Planning Inspector who will examine the document.

Purpose of the publication:

The purpose of the Minerals and Waste Local Plan DPD examination is to enable the Inspector to decide whether the document and evidence gathered is 'sound', legally compliant and is in accordance with national planning policy and the relevant legislation. A more detailed explanation of this is set out on Part B of the form. It will assist the Inspector if you are able to bear in mind the purpose of the examination when you are completing the form, and relate your representation to these points whenever possible.

If you need help to understand this document, or have any other questions about the Minerals and Waste Local Plan DPD, please contact the Strategic Planning office on 01432 260146 or email ldf@herefordshire.gov.uk

**Minerals and Waste Local Plan DPD
Pre-submission publication**

**Comments Form – Part A
Personal details**

Title: Ms..... Initials: H.....

Surname: Ashby-Ridgway.....

Job title (where relevant): Planning Director.....

Company/Organisation (where relevant): Lichfields.....

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Address 2: Churchill Way.....

Address 3: Cardiff.....

Address 4:

Postcode: CF10 2HE.....

Telephone number: 02920 435880.....

Email address: helen.ashby-ridgway@lichfields.uk / stephanie.irvine@lichfields.uk.....

Preferred contact method: Email.....

If you are an agent, please indicate below the name of the client that you represent:

Bourne Leisure Limited.....

If wish to be on our mailing list to receive information with regard to developments in planning policy, please tick the box. You have the right to withdraw your details at any time in the future:

Yes please.

**Minerals and Waste Local Plan DPD
Pre-submission publication**

**Comments Form – Part B
Comments on soundness**

Please complete this part of the form for each section of the document that you wish to comment on.

All representations will be considered by the Planning Inspector as part of the examination. The purpose of the examination is to enable the Inspector to decide whether the document and evidence gathered is 'sound'. For it to be sound, the document must be:

Positively prepared - Including does it meet the development requirements and will they be sustainable?

Justified- Has it taken the right approach and is it based on reliable evidence?

Effective - Are the proposals deliverable?

Consistent with national policy - Are the policies in line with national planning policy?

You should bear these considerations in mind when making your comments.

Which part of the DPD does this comment relate to?

Policy no.

M2

Paragraph no.

6.1.2; Fig 7

Do you consider this part of the document is sound based on the following issues?

	Yes	No
Positively Prepared (PP)	<input type="checkbox"/>	<input type="checkbox"/>
Justified (J)	<input type="checkbox"/>	<input type="checkbox"/>
Effective (E)	<input type="checkbox"/>	<input type="checkbox"/>
Consistent with National Policy (NP)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you have ticked no to any of the above, please give your reasons below about the Tests of Soundness.

Please see attached document

Do you consider that your comment is a representation of:

Support



Objection



Please set out what change(s) you consider necessary to make the policy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see attached document

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M2

Paragraph no.

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	Yes	No
Positively Prepared (PP)	<input type="checkbox"/>	<input type="checkbox"/>
Justified (J)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Effective (E)	<input type="checkbox"/>	<input type="checkbox"/>
Consistent with National Policy (NP)	<input type="checkbox"/>	<input type="checkbox"/>

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Which part of the DPD does this comment relate to?

Policy no.

Paragraph no.

Objective 5

Do you consider this part of the document is sound based on the following issues?

	Yes	No
Positively Prepared (PP)	<input type="checkbox"/>	<input type="checkbox"/>
Justified (J)	<input type="checkbox"/>	<input type="checkbox"/>
Effective (E)	<input type="checkbox"/>	<input type="checkbox"/>
Consistent with National Policy (NP)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you have ticked no to any of the above, please give your reasons below about the Tests of Soundness.

Please see attached document

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Support



Objection



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Please see attached document

**Minerals and Waste Local Plan DPD
Pre-submission publication**

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Which part of the DPD does this comment relate to?

Policy no.

Paragraph no.

5.4.26

Do you consider this part of the document is sound based on the following issues?

	Yes	No
Positively Prepared (PP)	<input type="checkbox"/>	<input type="checkbox"/>
Justified (J)	<input type="checkbox"/>	<input type="checkbox"/>
Effective (E)	<input type="checkbox"/>	<input type="checkbox"/>
Consistent with National Policy (NP)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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Support



Objection



Please set out what change(s) you consider necessary to make the policy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see attached document


If you have any comments regarding the Sustainability Assessment and/or Habitats Regulations Assessment, please use the box below:

Please note your representation should cover all the information, evidence and supporting information necessary to justify the representation and the suggested change, as there will not normally be an opportunity to make further representations. After this stage, further submissions will only be at the request of the independent Inspector appointed by the Secretary of State, based on the matters and issues identified for examination.

How do you wish your representation to be dealt with at the examination hearing? Please note: The Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the hearing part of the examination.

- Attending examination
- Written representation

Name: .Helen Ashby-Ridgway.....

Signature: .....

Date: 24/05/21.....

Thank you for taking the time to make a representation.

Minerals and Waste Local Plan DPD: Pre-submission consultation – Lichfields Representations on behalf of Bourne Leisure Limited

Policy no. M2

Paragraph no. 6.1.12; Figure 7

Not sound in relation to policy test: Consistent with national policy

Policy M1: Minerals Strategy in the Publication Draft MWLP states:

“The sustainable winning and working of mineral resources in Herefordshire will be delivered through: ...

f. identifying mineral resources and infrastructure within Herefordshire and safeguarding them from the encroachment of incompatible uses and sterilisation by built development.”

Policy M2 then sets out the draft policy requirements for development in the proposed Minerals Safeguarding Areas. The text at paragraph 6.1.12 accompanying this policy states that the proposed Minerals Safeguarding Areas for Herefordshire are presented at Figure 7 in the MWLP and that key policy details are provided in the interactive mapping on the Herefordshire Council website.

There are clear differences between the identified Minerals Safeguarding Areas at Figure 7 and the “Mineral Reserves” in the Interactive map. The scale of the map at Figure 7 – both within the main MWLP document and at Annex A at A3 size – means that it is difficult to accurately identify the boundaries of the proposed Minerals Safeguarding Areas. However, it is clear that the two maps are not consistent with one another and it is not at all clear whether that is intentional or not. This is made more confusing as the Interactive Map is titled “Interactive Publication Draft MWLP Proposals” rather than it being a context or constraints map.

Figure 1 Minerals Safeguarding Areas indicated at Figure 7 in the Publication Draft MWLP

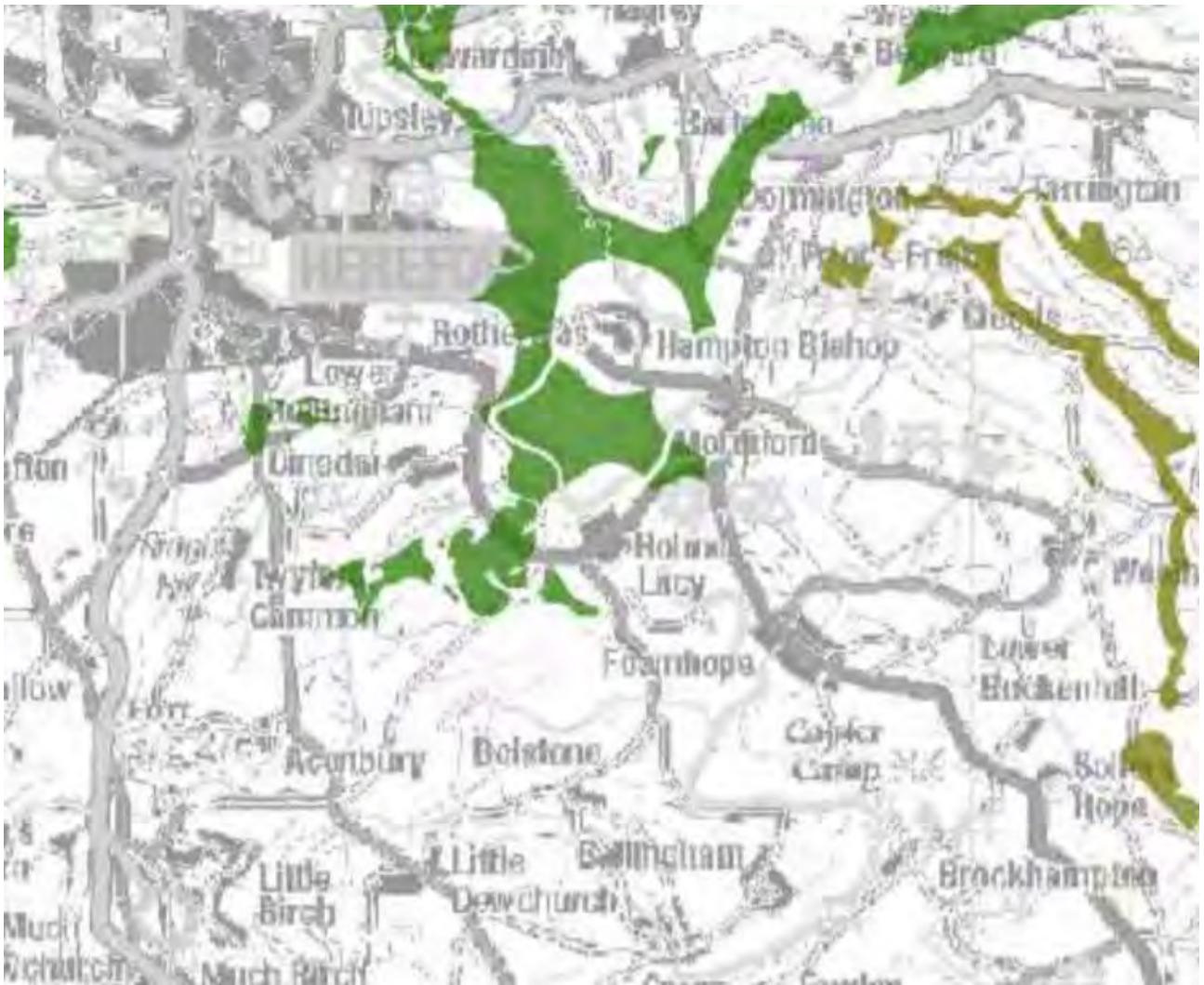
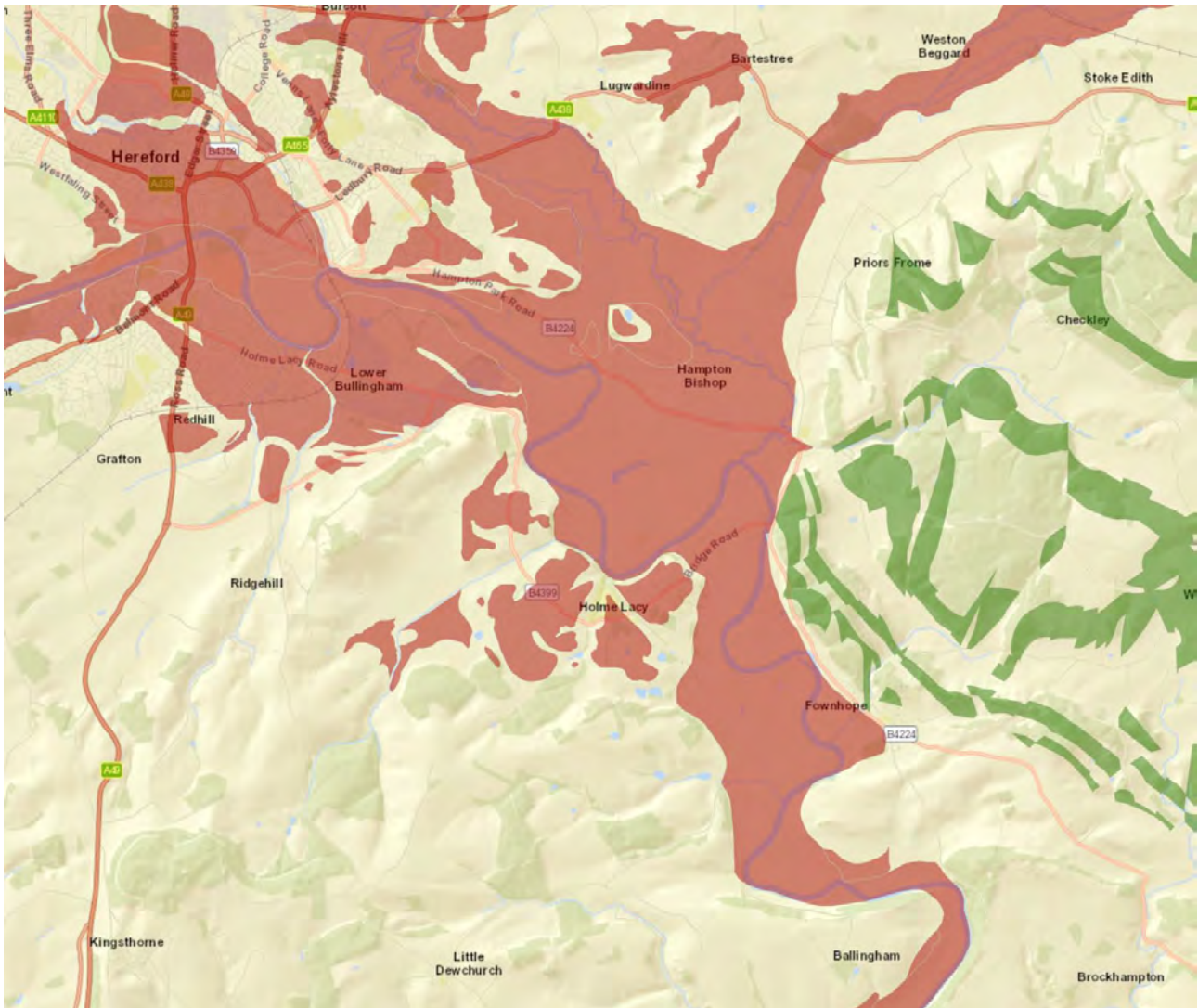


Figure 2 “Mineral Reserves” identified by Interactive Map



Planning Practice Guidance (PPG) sets out that Minerals Safeguarding Areas should not generally be defined in areas already covered by existing development, where extraction would not be possible in any case, or in designated areas, such as designated heritage assets.

The PPG states at ref ID: 27-004-20140306:

“Safeguarding mineral resources should be defined in designated areas and urban areas where necessary to do so. For example, safeguarding of minerals beneath large regeneration projects in brownfield land areas can enable suitable use of the mineral and stabilisation of any potentially unstable land before any non-minerals development takes place.”

This national guidance indicates that areas such as Holme Lacy House Hotel, which is already developed and is a designated heritage asset, should not be defined as a Minerals Safeguarding Area.

The Interactive Map identifies “Mineral Reserves” rather than Minerals Safeguarding Areas, and it is not clear whether these terms are intended to be interchangeable. According to the definition provided by the British Geological Survey website (<https://www2.bgs.ac.uk/mineralsuk/mineralsYou/resourcesReserves.html>), the term “mineral reserves” indicates:

“That part of a mineral resource, which has been fully evaluated and is deemed commercially viable to work, is called a mineral reserve. However, in the context of land-use planning, the term mineral reserve

should be further restricted to those minerals with legal access and for which a valid planning permission for extraction also exists (i.e. permitted reserves).”

According to the British Geological Survey, mineral resources are defined as:

“...natural concentrations of minerals or, in the case of aggregates, bodies of rock that are, or may become, of potential economic interest due to their inherent properties (for example the high crushing strength of a rock or its suitability for use as an aggregate). The mineral will also be present in sufficient quantity to make it of intrinsic economic interest.”

Safeguarded resources are therefore considered to be a subset of the total provision of mineral resources, as defined above.

Based on this, it appears that the Interactive Map is identifying all mineral resources, rather than only those that are intended to be safeguarded (Mineral Safeguarding Areas) or those that are subject to a valid planning permission (mineral reserves).

As drafted, the Publication Draft MWLP is not sound in relation to the policy test relating to consistency with national policy, as the proposed Minerals Safeguarding Areas appear to include designated areas and urban areas where it is not necessary to do so. It is also not sound in relation **to the “justified” policy test, as it does not take account of proportionate evidence in relation to the definition of mineral reserves and resources.**

Change sought

If the areas labelled “Mineral Reserves” on the Interactive Map are intended to identify the presence of all mineral resources, and not only the areas to be safeguarded (Mineral Safeguarding Areas) or those that are subject to a valid planning permission (mineral reserves), this should be made clear and the map layer relabelled “Mineral Resources”. Minerals Safeguarding Areas should be illustrated separately on this map. The Council should also ensure there is appropriate alignment between the two maps, Figure 7 in the emerging MWLP and the Interactive Map, in relation to the proposed Minerals Safeguarding Areas

The Minerals Planning Authority should also either provide a larger scale version of Figure 7 in order to enable readers to identify and consider the implications of the boundaries of the Minerals Safeguarding Areas or provide for consultation a link to this information within the Interactive Map before the emerging plan is submitted for examination.

The Minerals Safeguarding Areas should not include designated areas or urban areas unless there is a specific need to do so. Given that it is already developed and is a designated heritage asset, Holme Lacy House Hotel and its grounds should not be included within a Minerals Safeguarding Area.

Policy no. M2

Paragraph no.

Not sound in relation to policy test: Justified

Policy M2: Safeguarding of Minerals Resources and Associated Infrastructure from Sterilisation or Significant Adverse Effect in the Publication Draft MWLP states:

“1. Within the minerals safeguarding areas, non-minerals development will only be supported in the following circumstances:

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

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

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

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

Our first representation on Draft Policy M2 (above) states that Minerals Safeguarding Areas should not include areas where it would not be appropriate to extract mineral resources. However, there should also be a provision in policy to allow non-minerals development in circumstances where a site is included within a larger Minerals Safeguarding Area but where minerals extraction is not appropriate. For example, an individual site may be located in close proximity to existing sensitive uses, such as residential or holiday accommodation and so would not be suitable for mineral extraction.

The Herefordshire Local Plan Core Strategy states at Policy SD1: Sustainable Design and Energy Efficiency:

“...all development proposals should incorporate the following requirements: ...

- *safeguard residential amenity for existing and proposed residents;*
- *ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution.*”

Based on the requirements of Policy SD1 in the Core Strategy, there will be circumstances where it is not appropriate to extract minerals. There will also be circumstances where mineral extraction would cause harm to a heritage asset and so would not be appropriate based on the policies in the NPPF under paragraphs 189 to 202. Policy M2 in the emerging MWLP should provide the flexibility to respond to individual circumstances such as these where mineral extraction would not be in accordance with national or local planning policy.

As drafted, Policy M2 is not sound in relation to the “justified” policy test, as it is not a reasonable strategy based on Policy S1 in the Core Strategy and does not take account of the fact that some individual sites may not be suitable for mineral extraction.

Change sought

In order to **meet the “justified” test of soundness, Bourne Leisure considers that Draft Policy M2 should be amended as follows:**

“1. Within the minerals safeguarding areas, non-minerals development will only be supported in the following circumstances:

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

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

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

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

e. the extraction of the mineral resource would not be appropriate in the context of national or local planning policy designations and/or impact upon neighbouring amenity.” (proposed amendments underlined)

Policy no.

Paragraph no. Objective 5

Not sound in relation to policy test: Consistent with national policy

Draft Objective 5 in the emerging MWLP states:

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

Bourne Leisure is concerned that Draft Objective 5 in the Publication Draft MWLP does not provide explicit protection for amenity in relation to sensitive receptors, such as residential and holiday accommodation. Should minerals and waste operations give rise to unacceptable adverse impacts there is a risk that tourists may be deterred from visiting or returning to the area, thereby impacting on the local economy.

This risk to the local economy conflicts with the proposed Vision, which emphasises the need to strengthen it:

“Over the period to 2041, Herefordshire will deliver sustainable provision of minerals supply and waste management, balancing development needs whilst supporting the county’s communities, protecting and enhancing environmental, heritage and cultural assets and strengthening the local economy.

Sustainable provision within Herefordshire will be achieved through: efficient use and effective protection of mineral resources; efficient waste management infrastructure including delivery of the circular economy; taking a strategic approach to achieving high quality reclamation that provides site betterment; and optimising self-sufficiency and resilience.” [our emphasis]

Paragraphs 3.1.24 and 5.2.5 in the Publication Draft MWLP recognise, appropriately, that minerals and waste development can give rise to adverse impacts.

Paragraph 3.1.24 states:

“Both minerals and waste development has the potential to give rise to adverse impacts, for example effects on the landscape, through the impact of vehicle movements, or the generation of dust or other forms of pollution.”

Paragraph 5.2.5 states:

“Whilst they can bring local benefit, minerals and waste development can be a source of concern to local communities (people, places or business). The potential for both beneficial and adverse impacts will vary according to the nature, size, location and duration of the development, and can change over its lifetime. Taking local circumstances into account, to consider the potential for effect on people, businesses and the natural environment, will enable minerals and waste developments to respond to the different opportunities for achieving sustainable development.”

However, Draft Objective 5 does not provide an effective way to deliver the proposed Vision and does not reflect the concerns set out in paragraphs 3.1.24 and 5.2.5.

The NPPF states at paragraph 205b that minerals planning authorities should, in considering proposals for minerals extraction:

“ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality.”

The PPG adds that mineral planning authorities should address the potential environmental impacts of proposals for minerals development proposals, including in relation to noise, dust, air quality, visual impact

on the local and wider landscape, landscape character, and architectural and heritage features (ID: 27-013-20140306).

In relation to waste development proposals, the PPG states that authorities should “properly” consider the potential impacts from noise, vibration, artificial light, dust and odour before granting planning permission (ID: 28-049-20141016).

As drafted, Bourne Leisure considers that the emerging MWLP Objectives do not fulfil the fourth test of **soundness (“Consistent with national policy”)** in the NPPF, as they do not provide an adequate framework for the policies in the emerging plan. Furthermore, as drafted, the objectives would not provide an effective way of **delivering the emerging Plan’s** Vision, which includes strengthening the local economy.

We also note that, in response to **Bourne Leisure’s representations to the 2019 Draft MWLP, the Council’s Consultation Statement** (January 2021) states that the **“potential impact on tourism will continue to be considered in further developing the MWLP”**. However, there is no explicit protection for tourists in the Publication Draft MWLP.

Change sought

Bourne Leisure proposes that Draft Objective 5 is amended as follows in order to provide consistency with national policy:

“To optimise the contribution that mineral working and waste management makes to Herefordshire’s economy as land-based industries, ~~balanced with effective protection of~~ whilst ensuring that there are no unacceptable adverse impacts on people, places and businesses ~~from adverse impacts.~~” (proposed amendments underlined)

Policy no.

Paragraph no. 5.4.26

Not sound in relation to policy test: Consistent with national policy

The Publication Draft MWLP states at paragraph 5.4.26:

“Minerals and waste development proposals should take account of the significance of heritage assets (whether above or below ground, designated or non-designated, and their setting) and include a clear strategy for enhancing the historic environment character.”

Bourne Leisure considers that the proposed approach in paragraph 5.4.26 in the Publication Draft MWLP should go further to state that minerals and waste proposals should avoid or minimise any conflict between conservation of the heritage asset and any aspect of the proposal.

The NPPF states at paragraph 185:

“Plans should set out a positive strategy for the conservation and enjoyment of the historic environment... This strategy should take into account:

a) the desirability of sustaining and enhancing the significance of heritage assets...”

The NPPF also states at paragraph 190:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

As drafted, Bourne Leisure considers that the section on the historic environment and heritage assets in the draft MWLP does not comply with the fourth test of soundness in the NPPF (**“Consistent with national policy”**), as it does not set out a positive strategy for the conservation and enjoyment of the historic environment.

Change sought

Bourne Leisure proposes that draft paragraph 5.4.26 is amended as follows in order to provide consistency with national policy:

“Minerals and waste development proposals should take account of the significance of heritage assets (whether above or below ground, designated or non-designated, and their setting), avoid or minimise any conflict between conservation of the heritage asset and any aspect of the proposal and include a clear strategy for enhancing the historic environment character.” (proposed amendments underlined)



The Coal
Authority

Herefordshire Minerals and Waste Local Plan - Pre-Submission Consultation

Contact Details

Planning and Local Authority Liaison Department
The Coal Authority
200 Lichfield Lane
Berry Hill
MANSFIELD
Nottinghamshire
NG18 4RG

Planning Email: planningconsultation@coal.gov.uk
Planning Enquiries: 01623 637 119

Date

17 May 2021

Dear Sir/Madam

Herefordshire Minerals and Waste Local Plan - Pre-Submission Consultation

Thank you for your notification received on the 4 May 2021 in respect of the above consultation.

It is noted that you refer in the Minerals and Waste Local Plan to the data that provide authorities in respect of surface coal resource.

Although in the past we have encouraged the protection of coal reserves, including consideration of prior extraction, our formal remit in this respect lies in providing data to MPAs to assist local decision making, but nothing more. It is noted that coal is still identified as a nationally important mineral and guidance on identifying safeguarding areas for such minerals is set at national level. We also appreciate that given the climate change agenda, the use of coal as a general energy resource may raise concerns, but that coal may also have specialist uses such as for metallurgical and other manufacturing processes.

With national policy for a low-carbon future in mind, in January 2021 it was agreed corporately that although we will continue to provide the GIS surface coal data to authorities, all decision making regarding the safeguarding of surface coal will lie with the responsible authority. We will therefore no longer be requiring those authorities with responsibilities for minerals to specifically include surface coal resource within Mineral Safeguarding Areas. We will leave this decision to the relevant authority in recognition of their superior knowledge and understanding of local circumstances and responsibility for local environments and communities.

It should also be noted that although the Coal Authority's records may indicate that surface coal resource is present on the site, this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. The data we have access

to is not so refined and the depth and quality of "surface coal" resources may vary significantly. We also appreciate that our records are only one of a number of information sources that you may review before identifying mineral safeguarding areas.

Please do not hesitate to contact me should you wish to discuss this further.

Yours faithfully

Melanie Lindsley

Melanie Lindsley *BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI*
Development Team Leader (Planning)



The Coal
Authority

Herefordshire Minerals and Waste Local Plan [Sustainability Appraisal] - Pre-Submission Consultation

Contact Details

Planning and Local Authority Liaison Department
The Coal Authority
200 Lichfield Lane
Berry Hill
MANSFIELD
Nottinghamshire
NG18 4RG

Planning Email: planningconsultation@coal.gov.uk
Planning Enquiries: 01623 637 119

Date

17 May 2021

Dear Sir/Madam

Herefordshire Minerals and Waste Local Plan [Sustainability Appraisal] (Pre-Submission Consultation)

Thank you for your notification received on the 4 May 2021 in respect of the above consultation.

I can confirm that the Coal Authority has no specific comments to make in respect of the Sustainability Appraisal.

Yours faithfully

Melanie Lindsley

Melanie Lindsley BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI
Development Team Leader (Planning)

Herefordshire Minerals and Waste Local Plan DPD Pre-submission publication

Representation Form - Guidance

April 2021

The publication period:

The publication will last for six weeks from Monday 12 April to midnight on Monday 24 May 2021.

Submitting your printed questionnaire:

- By email to: ldf@herefordshire.gov.uk
- Due to current Covid guidelines, our office is not currently manned full time; therefore please only send a form by post if you are unable to use the online options. Send the completed form to the following address:
Strategic Planning
Herefordshire Council
Plough Lane Offices
Hereford, HR4 0LE

Please note that comments will not be accepted by telephone or on social media.

Filling in the form:

This form has two parts:

- You must complete one copy of Part A, which asks for your personal details.
- You should complete Part B for each policy that you wish to comment on.

Your comments:

- As this is a statutory stage of publication consultation, comments will be accepted no later than midnight on Monday 24 May 2021.
- All comments will be considered by the Planning Inspector as part of the examination of the document. The Inspector may wish to contact you to discuss your comments and concerns, prior to the formal examination.
- The personal information in Part A will only be used for purposes related to the consultation and the Minerals and Waste Local Plan DPD examination. Only your comments, name and/or organisation will be published, but other information will be shared with the Government-appointed Planning Inspector who will examine the document.

Purpose of the publication:

The purpose of the Minerals and Waste Local Plan DPD examination is to enable the Inspector to decide whether the document and evidence gathered is 'sound', legally compliant and is in accordance with national planning policy and the relevant legislation. A more detailed explanation of this is set out on Part B of the form. It will assist the Inspector if you are able to bear in mind the purpose of the examination when you are completing the form, and relate your representation to these points whenever possible.

If you need help to understand this document, or have any other questions about the Minerals and Waste Local Plan DPD, please contact the Strategic Planning office on 01432 260146 or email ldf@herefordshire.gov.uk

Official use ref:

**Minerals and Waste Local Plan DPD
Pre-submission publication**

**Comments Form – Part A
Personal details**

Title: MR..... Initials: M.....

Surname: DAVIES.....

Job title (where relevant): PLANNING SPECIALIST.....

Company/Organisation (where relevant): ENVIRONMENT AGENCY.....

Address 1: HAFREN HOUSE.....

Address 2: WELSHPOOL ROAD.....

Address 3: SHREWSBURY.....

Address 4: SHROPSHIRE.....

Postcode: SY3 8BB.....

Telephone number:

Email address: WestMidsPlanning@Environment-Agency.gov.uk

Preferred contact method:

If you are an agent, please indicate below the name of the client that you represent:

.....

If wish to be on our mailing list to receive information with regard to developments in planning policy, please tick the box. You have the right to withdraw your details at any time in the future:

Yes please.

Minerals and Waste Local Plan DPD

Herefordshire.gov.uk

Pre-submission publication

Comments Form – Part B Comments on soundness

Please complete this part of the form for each section of the document that you wish to comment on.

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Justified- Has it taken the right approach and is it based on reliable evidence?

Effective - Are the proposals deliverable?

Consistent with national policy - Are the policies in line with national planning policy?

You should bear these considerations in mind when making your comments.

Which part of the DPD does this comment relate to?

Policy no.	Various (stated below)	Paragraph no.	Various (stated below)	
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Do you consider this part of the document is sound based on the following issues?

	Yes	No
Positively Prepared (PP)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Justified (J)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Effective (E)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Consistent with National Policy (NP)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you have ticked no to any of the above, please give your reasons below about the Tests of Soundness.

We are supportive but have one suggestion to make the plan the most effective.

Do you consider that your comment is a representation of:

- Support
- Objection

Please set out what change(s) you consider necessary to make the policy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The following comments relate primarily to minerals site allocations and related policy and text. We have provided some supportive comments and highlight where a further revision could be included to make the plan more robust and effective.

Mineral sites and Hydro-geological considerations:

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

The current Plan recognises the HIA process but not specifically abstractions (private and public) and so we would reiterate this for your consideration. Naturally, HIA will consider such water features so it should be covered in that an assessment will have to take place assessing impacts, but it would be worthwhile in just highlighting this, especially as Herefordshire does have hundreds of private water supplies. **We suggest a line could be included under each site and the policies for each** e.g. where you say under *Key Development Criteria for Groundwater* and you already state ‘Need to demonstrate the potential risks to the water environment’ – suggest add “including abstractions (both private and public water supplies), wells and springs”. Whilst water environment may be all

encompassing, the uniqueness of Herefordshire is it's more rural landscape and that a lot of drinking water supplies come from private boreholes, wells and springs from the local rocks so protection is vital from any potential impacts of quarrying i.e. dewatering drawdown effects or even removal of aquifer rock/ deposits supporting the same source of groundwater to these water features.

Notwithstanding the above suggestion, our previous responses to date on the various iterations of the plan have covered all the other aspects from a groundwater protection point of view we wanted to cover and we support the inclusion of those.

In particular, we support:

page 47 of the plan in section '5.9 Sustainable water management and water resources – Core Strategy policy SD3' considers the water environment and some of our wording has been used from our various previous correspondence. Source Protection Zones are acknowledged and what they mean for quarrying which is good/welcomed. Also acknowledged that dewatering activities are likely to require an abstraction licence from the Environment Agency. The requirements for baseline monitoring are also detailed which is what we would want to see in this strategic plan.

Hydrogeological Impact Assessment (HIA) is explicitly detailed and the process which needs to be undertaken. This is welcomed and makes a clear reference to our guidance with download links so it should be apparent when planning permission is sought this is the process we would like to see followed etc.

Sites:

Regarding site specific quarry allocation considerations and issues, we have already provided comprehensive comments on each site in turn from a groundwater protection perspective at the previous stage. We wouldn't propose to make any further detailed comments on each site as we have been clear to you previously on the relevant issues and requirements.

Section 9.2 Key Development Criteria on page 85 onwards of the plan for each site includes Policies relevant for each quarry development site and a section on groundwater/ surface water and the *key development criteria* which needs to be followed for planning permission purposes. Each quarry site (where relevant) appears to acknowledge the aquifer and rock type and the need to demonstrate the potential risks to the water environment from the quarry under consideration. Also where there is a river in potential connectivity this is acknowledged and a comment made on demonstrating the level of effect on water quality and hydrology of the river environment from quarrying which is good for our point of view. It also refers to effects of quarrying on SSSI and SAC designation status, which is linked to hydro-geological connectivity and wider water environment assessment.

Allocated Sites Appendix – Jan 2021 goes through each quarry site in further detail to the plan and the policies which would apply. These appear to pick up our previous comments. We would address the individual Hydrogeological Impact Assessment (HIA)'s for the allocated land parcels for expansion in the future and encourage pre-application (we have a cost recovery service).

If you have any comments regarding the Sustainability Assessment and/or Habitats Regulations Assessment, please use the box below:

Please note your representation should cover all the information, evidence and supporting information necessary to justify the representation and the suggested change, as there will not normally be an opportunity to make further representations. After this stage, further submissions will only be at the request of the independent Inspector appointed by the Secretary of State, based on the matters and issues identified for examination.

How do you wish your representation to be dealt with at the examination hearing? Please note: The Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the hearing part of the examination.

Attending examination
Written representation

Name: Mark Davies.....

Signature: *M. Davies* **Date:** 24 May 2021.

Thank you for taking the time to make a representation.

Herefordshire Minerals and Waste Local Plan DPD Pre-submission publication

Representation Form - Guidance

April 2021

The publication period:

The publication will last for six weeks from Monday 12 April to midnight on Monday 24 May 2021.

Submitting your printed questionnaire:

- By email to: ldf@herefordshire.gov.uk
- Due to current Covid guidelines, our office is not currently manned full time; therefore please only send a form by post if you are unable to use the online options. Send the completed form to the following address:
Strategic Planning
Herefordshire Council
Plough Lane Offices
Hereford, HR4 0LE

Please note that comments will not be accepted by telephone or on social media.

Filling in the form:

This form has two parts:

- You must complete one copy of Part A, which asks for your personal details.
- You should complete Part B for each policy that you wish to comment on.

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Purpose of the publication:

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If you need help to understand this document, or have any other questions about the Minerals and Waste Local Plan DPD, please contact the Strategic Planning office on 01432 260146 or email ldf@herefordshire.gov.uk

Official use ref:

**Minerals and Waste Local Plan DPD
Pre-submission publication**

**Comments Form – Part A
Personal details**

Title: MR..... Initials: M.....

Surname: DAVIES.....

Job title (where relevant): PLANNING SPECIALIST.....

Company/Organisation (where relevant): ENVIRONMENT AGENCY.....

Address 1: HAFREN HOUSE.....

Address 2: WELSHPOOL ROAD.....

Address 3: SHREWSBURY.....

Address 4: SHROPSHIRE.....

Postcode: SY3 8BB.....

Telephone number:

Email address: WestMidsPlanning@Environment-Agency.gov.uk

Preferred contact method:

If you are an agent, please indicate below the name of the client that you represent:

.....

If wish to be on our mailing list to receive information with regard to developments in planning policy, please tick the box. You have the right to withdraw your details at any time in the future:

Yes please.

Minerals and Waste Local Plan DPD

Pre-submission publication

Comments Form – Part B Comments on soundness

Please complete this part of the form for each section of the document that you wish to comment on.

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Positively prepared - Including does it meet the development requirements and will they be sustainable?

Justified- Has it taken the right approach and is it based on reliable evidence?

Effective - Are the proposals deliverable?

Consistent with national policy - Are the policies in line with national planning policy?

You should bear these considerations in mind when making your comments.

Which part of the DPD does this comment relate to?

Policy no.	Flood Risk 'evidence base'	Paragraph no.	Sites/Design criteria; Various	
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Do you consider this part of the document is sound based on the following issues?

	Yes	No
Positively Prepared (PP)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Justified (J)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Effective (E)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Consistent with National Policy (NP)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If you have ticked no to any of the above, please give your reasons below about the Tests of Soundness.

We are supportive of the evidence base provided in relation to 'flood risk'. We have highlighted some areas where things have changed and are being updated in the near future.

Do you consider that your comment is a representation of:

Support
Objection

Please set out what change(s) you consider necessary to make the policy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The following comments relate to your Strategic Flood Risk Assessment (SFRA) evidence base.

We are satisfied with the Minerals and Waste Level 2 SFRA as submitted as part of your evidence base. We provided positive comments in 2020 to inform your sequential test and site appraisal. These appear to have been taken forward.

The only changes since then are:

1. The updated flood map for the Arrow and Lugg - now our hydraulic modelling is in the Flood Map for Planning (previously was JFLOW), but we highlighted some sites were covered by the model in our previous response to the SFRA (e.g. Leominster Household Waste site, Southern Avenue, Enterprise Park).
2. The other major change to note is with regard to **new peak river flow climate change allowances**, which are due to be published in July 2021. This will update advice within the NPPG and our local area Climate Change Guidance.

We are in the process of updating the allowances for peak river flow and [Flood risk assessments: climate change allowances](#) following research completed in 2020. This research sought to better understand how different river catchments respond to changes in rainfall due to climate change within river basin districts. It uses the latest rainfall projections in [UKCP18](#). We are currently developing new allowances that represent the findings of this research, but are also user friendly. We anticipate that the new peak river flow allowances will be published in July 2021. When they are published we will provide an updated briefing to explain the changes. This will update advice within the NPPG and our local area Climate Change Guidance.

The changes shouldn't be too significant, and it looks like the climate change is relatively similar to previous modelled information for the design event. So whilst Climate Change may worsen flood risk, the expectations for this to get worse is not quite as severe/progressive compared to previous data i.e. it's already quite precautionary.

We are not advising you to consider these emerging new allowances at this stage in your plan making programme.

Recommendation - You could include a line in the design criteria for relevant sites to ensure that development proposals, with detailed Flood Risk Assessment at the planning application stage, will need to have regard to the latest climate change allowances (including peak river flow updates).

If you have any comments regarding the Sustainability Assessment and/or Habitats Regulations Assessment, please use the box below:

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How do you wish your representation to be dealt with at the examination hearing? Please note: The Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the hearing part of the examination.

Attending examination
Written representation

Name: Mark Davies.....

Signature: M. Davies

Date: 24 May 2021.

Thank you for taking the time to make a representation.

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Hereford, HR4 0LE

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Official use ref:

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Pre-submission publication**

**Comments Form – Part A
Personal details**

Title: MR..... Initials: M.....

Surname: DAVIES.....

Job title (where relevant): PLANNING SPECIALIST.....

Company/Organisation (where relevant): ENVIRONMENT AGENCY.....

Address 1: HAFREN HOUSE.....

Address 2: WELSHPOOL ROAD.....

Address 3: SHREWSBURY.....

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Yes please.

Minerals and Waste Local Plan DPD

Pre-submission publication

Comments Form – Part B Comments on soundness

Please complete this part of the form for each section of the document that you wish to comment on.

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Justified- Has it taken the right approach and is it based on reliable evidence?

Effective - Are the proposals deliverable?

Consistent with national policy - Are the policies in line with national planning policy?

You should bear these considerations in mind when making your comments.

Which part of the DPD does this comment relate to?

Policy no.	W3, W4, W6 incl. key development design criteria.	Paragraph no.	
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Do you consider this part of the document is sound based on the following issues?

	Yes	No
Positively Prepared (PP)	<input type="checkbox"/>	<input type="checkbox"/>
Justified (J)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Effective (E)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consistent with National Policy (NP)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you have ticked no to any of the above, please give your reasons below about the Tests of Soundness.

The plan is not 'Justified' with reference to the most appropriate strategy and when considered against the reasonable alternatives, based on and linked to a proportionate evidence (base).

It is not 'Effective' – the plan including sites and policies should be deliverable over its period.

It is not 'Consistent with national policy' in that the plan should be deliverable and enable sustainable development. We have indicated some relevant NPPG where necessary.

There is a level of uncertainty and deliverability in the absence of any specified or agreed measures around the issue of nutrient neutrality.

Do you consider that your comment is a representation of:

Support

Objection

Please set out what change(s) you consider necessary to make the policy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The following comments relate to Policy W3 and Policy W4, as well as evidence and design criteria associated with mineral and waste sites.

Policy W3 and W4

We acknowledge your references to nutrient neutrality and management, your aim to cover a variety of aspects including agricultural, point source water quality and waste related elements.

Requiring assessment of and delivering some deliverable options would help with water protection, and effective waste management should reduce the amount of nutrients and pollutants released to waterbodies.

Policy W3

The plan is recommending that manure management plans (MMPs) should be submitted with all applications. We would support your suggestion for a MMP (or assessment) to be included at the planning stage to cover this issue and ensure the land use/proposal is acceptable.

Part 'a' and 'b' of Policy W3:

The terms “natural” and “non-natural” waste, are not terms that are widely used by us in our waste regulation and definition of waste. The policy is also not prescriptive about how these natural and non-natural wastes will be “appropriately managed”. Some explanation and detail could be provided to make the policy more robust and effective.

We note that you refer to “*Natural wastes appropriate for anaerobic digestion (or other biological technologies) will be organic and likely to comprise: manures; poultry litter; spoiled crops; dirty water; and used bedding. Non-natural wastes are likely to comprise plastics, fencing materials, cleaning products and medicines that are likely to require treatment and/or disposal off-farm*”.

We acknowledge that your policy would seek to require a waste management method statement to be submitted with all applications for livestock unit(s) on agricultural holdings. This could include intensive poultry and pig sites (some of which are subject to our regulation under EPR based on nature and an intensity stocking threshold). For information, as part of our intensive pig and poultry permit applications we don't require assessment or Manure Management Plans as part of the permit determination – but they are required for Environmental Permit holders after. For sites we regulate the ‘control’ of such management may come as part of the permit and/or other legislation such as the farming rules for water as you pick up in this section of the plan.

We would question how the policy (part ‘a’ and ‘b’) would be implemented and what would be accepted as “appropriately managed”. How would you check that wastes produced (if this includes manures which are not technically classed as a ‘waste’) are spread appropriately? Assuming within your definition of ‘natural waste’ you include manure and poultry litter, we appreciate you would be seeking to manage and control these elements.

Whether some clarity could be added to the text or you could consider a reference to and use of a supplementary guide to outline ways in which the method statement would operate with potential management options/wider solutions that could be explored. We understand section 106 legal agreements may be being utilised for manure management control, relating to poultry, elsewhere.

Part 2 of Policy W3: Anaerobic digestion will be supported where its use is to manage only natural wastes generated primarily on the agricultural unit within which it is located.

This policy also uses the term ‘natural’ waste. We would highlight that there are lots of AD which take waste from elsewhere. This policy would not apply to a number of existing AD sites (unless an extension to perhaps of that nature) in the County.

For information - our revised ‘regulatory statement’ for anaerobic digestion, helps define **non waste feedstock**. It states that ‘If you use **only energy crops or other non-waste materials as feedstock*** for your anaerobic digestion plant, we will not require an EP for the activity’. Any associated combustion plant will be regulated by us if it exceeds the 50mw threshold. Our **T24 Exemption** allows farmers to anaerobically digest manure, slurry and vegetation on their farms to produce digestate that can be used as a fertiliser or soil conditioner, subject to restrictions at: <https://www.gov.uk/waste-exemption-t24-anaerobic-digestion-at-premises-used-for-agriculture-and-burning-resulting-biogas>

Our Briefing Note on ‘Crop Residues used as feedstock*...’ (September 2014) confirms that Operators do not require an environmental permit or exemption either for the operation of the plant **or for the beneficial**

use of the digestate produced, provided that they only take the following feedstocks:

- *purpose-grown crops, or*
- *crop residues that meet the above criteria, or*
- *a mixture of the above.*

Examples of crop residues are:

- *Misshapen, bruised or undersized fruit and vegetables separated out, on the farm or in a pack-house, as being unsuitable for sale as food for consumption*
- *Parts of fruit and vegetables such as leaves, roots and toppings that are removed as part of the processing for sale. This may be in a pack-house or at a farm.*

New AD sites or extensions to existing (to increase capacity) AD could impact upon diffuse water pollution through the production of maize and its potential contribution to Phosphorus or Nitrogen losses to the catchment.

Part 3 of Policy W3:

All development proposals will be required to demonstrate delivery of a net reduction in nutrient discharges contributing to nutrient neutrality, or betterment, within the River Wye SAC.

This statement could impact upon development where it cannot connect to mains foul sewer and demonstrate nutrient neutrality. With agricultural developments it might be difficult/impossible to be nutrient neutral. It may be that wider options could be provided locally or in the catchment and/or planning contributions (linked to what is being potentially progressed) could be sought to assist delivery of nutrient neutrality or betterment measures linked to the Nutrient Management Plan (NMP) e.g. environmental projects, improvements. What about minerals restoration to agriculture or other?

We note that through this policy, there could be cases where you could refuse planning permission where development (associated works) do not contribute to achieving nutrient neutrality. This may lead to stalled applications and uncertainty around what and when development could come forward.

Linked to this, where sites are proposed, including those '**waste sites**' (policy W6) within this strategic plan, to connect to the mains foul sewer (preference) you should seek certainty that there is sufficient capacity and options to achieve nutrient neutrality are clearly evidenced and are deliverable. This is linked to a Water Cycle Study or similar evidence base to help confirm.

Note: Government Guidance notes that adequate water and wastewater infrastructure is needed to support sustainable development. It states that sufficient detail should be provided to give clarity to all parties on if/when infrastructure upgrades will be provided, looking at the needs and costs (what and how much). The NPPG refers to "ensuring viability and deliverability – pursuing sustainable development requires careful attention to viability and costs in plan making and decision making". Plans should be "deliverable".

In addition, we note that your '**development criteria**' acknowledges, for all relevant site allocations (both minerals and waste), that "development should demonstrate nutrient neutrality or betterment". Leaving or deferring such matters to the planning application stage may not be appropriate, given the above. NPPG advises that you should ensure a reasonable prospect of delivery as part of effective plan making. You should justify and be confident/satisfied that your approach is reasonable and effective.

We understand Integrated Wetlands are in the process of being implemented to help free up some growth in the Wye and Lugg catchment, as strategic mitigation for Phosphate reduction. This is linked to the NMP and a development contribution scheme. However, it is not clear what this will cover and what additional mitigation work is necessary to achieve the desired outcome, linked to growth in this local plan, options for

agricultural management, and any update to the NMP. We understand the NMP is under review, the purpose of this is to provide an increased level of certainty around Phosphate reduction and timescales. The local plan is not clear on potential options/solutions relating to wastewater infrastructure for areas where there is a capacity issue of sorts, linked to Nutrient Neutrality, and not an identified solution perhaps. You should ensure mitigation is a viable and identified, deliverable action. In the absence of such there are potential concerns relating to the need for an effective, robust evidence base focusing on 'deliverability'. We would recommend that you ensure you have reasonable certainty, in consideration of what the current NMP has been able to deliver, to take forward the sites in this plan.

Linked to the above **Policy W4: Wastewater management** states that -

Planning permission will be granted to the statutory water and sewerage undertaker to extend, upgrade, or make provision for new infrastructure necessary to ensure the statutory undertaker can continue to undertake its duty to supply potable water and treat foul flows. Works undertaken should contribute to achieving nutrient neutrality, or betterment, within the River Wye SAC. Wherever practical and economical, biogas should be recovered for use as an energy source and phosphorus should be recovered for beneficial uses.

It is good to see that this recognises the effects of waste water discharges and seeks to ensure new, extended or upgraded wastewater works would need to contribute to achieving Nutrient Neutrality or betterment. It is just unclear what, when and how such measures would be necessary to inform any sites within this plan etc.

We have commented on phosphorus recovery elsewhere in our 'waste' representations.

If you have any comments regarding the Sustainability Assessment and/or Habitats Regulations Assessment, please use the box below:

Similar matters are referenced in your HRA.

Please note your representation should cover all the information, evidence and supporting information necessary to justify the representation and the suggested change, as there will not normally be an opportunity to make further representations. After this stage, further submissions will only be at the request of the independent Inspector appointed by the Secretary of State, based on the matters and issues identified for examination.

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Attending examination

Written representation

Name: Mark Davies.....

Signature: *M. Davies*

Date: 24 May 2021.

Thank you for taking the time to make a representation.

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Official use ref:

**Minerals and Waste Local Plan DPD
Pre-submission publication**

**Comments Form – Part A
Personal details**

Title: MR..... Initials: M.....

Surname: DAVIES.....

Job title (where relevant): PLANNING SPECIALIST.....

Company/Organisation (where relevant): ENVIRONMENT AGENCY.....

Address 1: HAFREN HOUSE.....

Address 2: WELSHPOOL ROAD.....

Address 3: SHREWSBURY.....

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Postcode: SY3 8BB.....

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If you are an agent, please indicate below the name of the client that you represent:

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If wish to be on our mailing list to receive information with regard to developments in planning policy, please tick the box. You have the right to withdraw your details at any time in the future:

Yes please.

Minerals and Waste Local Plan DPD

Herefordshire.gov.uk

Pre-submission publication

Comments Form – Part B Comments on soundness

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Effective - Are the proposals deliverable?

Consistent with national policy - Are the policies in line with national planning policy?

You should bear these considerations in mind when making your comments.

Which part of the DPD does this comment relate to?

Policy no.	Various (stated below)	Paragraph no.	Various (stated below)	
------------	------------------------------	---------------	------------------------------	--

Do you consider this part of the document is sound based on the following issues?

	Yes	No
Positively Prepared (PP)	<input type="checkbox"/>	<input type="checkbox"/>
Justified (J)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Effective (E)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consistent with National Policy (NP)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you have ticked no to any of the above, please give your reasons below about the Tests of Soundness.

The plan is not 'Justified' with reference to the most appropriate strategy and when considered against the reasonable alternatives, based on and linked to a proportionate evidence (base).

It is not 'Effective' – the plan including sites and policies should be deliverable over its period.

It is not 'Consistent with national policy' in that the plan should be deliverable and enable sustainable development. We have indicated some relevant NPPG where necessary.

Do you consider that your comment is a representation of:

- Support
- Objection

Please set out what change(s) you consider necessary to make the policy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The following comments relate to waste matters and other general areas. They are suggestions intended to assist some potential revisions to parts of your plan.

1. The draft Plan dated January 2021 predates changed government climate targets, -how will any changed requirements to decarbonise emissions, (such as reducing waste to landfill and incineration,) meet tougher targets? How does this plan interface with the Councils Climate Emergency planning, especially regarding waste? The Council Website does show various interventions are planned or in train, and these should be broadly synergistic but it is not clear how these link to the MWLP? If you can confirm the mechanism to ensure a consistent approach to these plans?
2. Paragraph 2.1.3: Similarly Figure 1 does not seem to show how the MWLP and Housing Plans will be reconciled, appreciate Housing is in the Core Strategy. In particular it is increasingly necessary to ensure appropriate Safeguarding of the areas around existing key facilities, and prevent inappropriate encroachment of residential or other development close to or even immediately adjacent to existing waste management facilities, with consequent amenity complaints from residents. It is not possible to absolutely prevent all emissions and amenity impacts, regardless of the "Agent of Change" duty on developers, so the typical "Buffer Zone" around an operating waste site should not be seen as an automatic development opportunity. How can the MWLP ensure inappropriate encroachment will not take place?
3. In Paragraph 2.3.1, we now need to relatively quickly and permanently transform our "modern economy" to

a different and largely circular model, to reduce carbon emissions and eliminate residual waste, whilst producing valuable and sustainable new materials to create employment opportunities and wealth and avoiding the cost and uncertainties around importing resources. The wording used suggests a “Business as usual” approach to a traditional linear economic model based on resource depletion and emissions to air, water and land? Is it possible to review the wording used? Past failure to sufficiently act early means that we now need to decarbonise increasingly quickly. Recycling available waste minerals would also retain reserves of new raw materials in the ground for as long as possible. We referred to the Circular Economy in our letter of 1 March 2019 and appreciate that a Circular Economy is referenced later in the report.

4. In Paragraph 2.3.3, it may be just an example, but the phrase “hydrocarbons are used to make energy” implies “business as usual” thinking towards fossil fuel and an energy model that we need to move away from?
5. The order of how the arguments and concepts are presented in Sections 2.3.5 and 2.3.6 could be changed and reworded, to say that we need to transform from a traditional Linear Economic model to a much more Circular approach to retaining the value of materials for as long as possible, and this would help address a number of environmental and social issues (such as fly tipping,) and create new opportunities, including decarbonisation. However we need a “Circular Infrastructure” to achieve and sustain this, rather than a waste management model that is still focussed on “disposal”. There is also the prospect of waste to energy becoming problematic unless it includes carbon-capture.
6. Similarly, Section 2.3.7 could also include the HWRC network providing “Reuse” services, where unwanted useful items can be left to be repaired, refurbished or sold, rather than just recycled or disposed of, -some Councils operate this system. HWRCs need to be located close to communities, with consideration of a future with reducing car dependency, and therefore need more sensitive design to manage any amenity impacts, so they are regarded as a valuable community asset, not a liability.
7. Presumably Section 2.5.2 allows sufficient flexibility around evolving Climate Change and Decarbonisation drivers, although these issues are not mentioned.
8. Regarding demand for minerals, it is being reported that there may be shortages of construction materials due to major infrastructure projects such as HS2. You may want to consider the likely implications.
9. Section 3.1.16 says “Waste is generated from a **wide range** of domestic, commercial and industrial activities.” Traditionally in a linear economic model it is virtually impossible to identify any human activity that does not produce some amount of waste, -even if this is trivial when taken in isolation. The problem is that everyone is doing it, and the amounts tend to go up over time. In a Circular economy, activities may only generate waste that can be converted back into useful products. The only genuine exclusions would be households, organisations or businesses that have successfully gone “zero waste”, so in future excluding more activities from responsibility for producing waste could become more normal, especially in response to the Climate Emergency. You may want to look at how to expand take-up of “Zero Waste” techniques.
10. Paragraph 3.1.18 does not indicate how much waste may be handled more than once through transfer stations, nor indicates how much waste is imported from outside Herefordshire. Waste transfer and treatment facilities mean that you need more infrastructure “capacity” than the total arisings, due to double-handling. This could become more important with a Circular Economy model, as recovered waste may pass through several different processes to be converted back into resources and new products. The boundary between “Waste” and “Non-Waste” industrial processes could start to become increasingly blurred.
11. In sections 3.1.24, 3.1.25 and 3.1.26, a Circular Economy can also help reduce the burdens to Public and Private Sectors from Landfill or similar tax costs, so supporting efficiency of services, and could also help tackle waste crime and the societal costs of activities such as fly tipping and illegal waste dumping and uncontrolled burning. The term “Market Needs” may increasingly involve materials sourced from wastes to support a Circular Economy, rather than looking for traditional “Waste Management” Contracts for disposal?
12. Presumably Section 3.3.10 will need review, alongside the implications for how to decarbonise within the

required timescale, and possibly how to best adapt the Plan to targets that might change again, within the Plan period.

13. We welcome the visualisation in Figure 5, the aim is to minimise the amounts of new raw materials required, and to minimise carbon emissions as far as possible. It would be useful to start developing some Herefordshire-specific quantity information to add to the graphic.
14. In Section 3.3.18, Incineration with or without energy recovery still releases carbon into the air and then removes scope to add value from combustible material streams such as paper/card, wood, plastics and textiles. Additionally it would be preferable to restrict landfill to Inert, inactive wastes.
15. We welcome Sections 3.3.19 and 3.3.20 regarding the Circular Economy and the potential challenges. You may want to consider developing a Circular Economy Strategy/Pathway as part of wider decarbonisation plans, to bring all the necessary interventions into one place?
16. Section 3.2.22 says *“There is nothing in legislation or policy that says accepting waste from another authority or region is a bad thing and, indeed, in many cases it may be the best economic and environmental solution.”* Indeed, there may be no specific requirements, and waste will cross boundaries particularly from production sites located close to borders of Authorities or along main roads and motorway arteries. However moving waste in bulk comes with costs and emissions from transport, which make up a significant part of our emissions mix, causes road congestion and impacts air quality, especially from fine particles. The Agency also notes that wastes seem to be travelling further distances. Whilst it may be that a suitable facility is in an adjacent Authority, and may be environmentally better (such as more modern and efficient,) -moving waste still comes with environmental and social impacts, plus the economic costs of haulage.
17. In Sections 3.3.26 to 3.3.38, it will be necessary to ensure that these multiple strategies are harmonised and avoid causing conflict, along with the need to deliver housing, and as mentioned will need to adapt to changes in any one of them. Is there any available overview resource, and if not how is this being managed to ensure oversight?
18. Regarding Section 3.4, the issues relating to ensuring a Minerals supply and managing waste, come together regarding production of “Construction and Demolition” waste, including streams from maintenance, refurbishment and “house-extension” or property conversion activities, which often involve the use of skips to remove waste. This can often include plasterboard waste which is potentially recoverable and recyclable, but when included into a residual waste stream for landfill, can generate Hydrogen sulphide which is highly odourous, toxic, flammable, and also very polluting of water if released. It should be disposed of in a dry, dedicated monocell, not with other degradable wastes. A more circular approach to this specific problem would be very welcome to allow recycling of plaster wastes into useful building products, to support the construction sector. A requirement for retaining whole-life Building Records at all developments would help with understanding how buildings were constructed, maintained, refurbished and can then be more intelligently dismantled to recover all useful or hazardous materials. This is partly covered later in Section 5.1.15, but only covers major developments, which is unfortunate.
19. Under “General” in Section 3.4, the statement that *“waste development contributes to and supports economic growth”*, is valid when facilitating easy access to waste facilities, however “disposal costs” represent an economic drain wherever useful materials could be recovered or retained in economic use. Waste is material that has “fallen out of the chain of utility”, so now has a largely negative value in that it typically costs time and money to dispose of. Normally you pay to have more of a product or service, waste is peculiar in that you usually have to pay to have less of it. Every Council Tax Bill includes a waste management element, so everybody usually pays, -if indirectly for waste services. If waste was not generated and all materials were retained in economic use, a circular approach to managing resources would retain and create even more value than the traditional “disposal” industry.
20. In the Vision set out in Section 4, is it possible to review the statements to give more focus on delivering a Circular Economy, and less on “Waste Management”? The more progress is made on a Circular Economy, the less will be required for residual waste management.
21. MWLP Objectives 1, 5 and 10: Is may be useful to refer to the provision of Safeguarding and Agent of

Change here, to mutually protect communities from the impacts of minerals and waste development, but to also secure such facilities from encroaching development and subsequent complaints from nearby expanding communities? You could refer to Biodiversity Net Gain in Objective 10?

22. In Objective 11, it may be implied but there is no specific reference to decarbonising?
23. Regarding Sand and Gravel reserves in Section 4.3.3, alluvial sands and gravels will often be associated with river valleys, with potential loss of groundwater storage, which can increase risk of flooding and recharge to the river. We note you cover this issue later. However appropriate restoration in connection with groundwater could create beneficial wetland areas.
24. In Section 5.1.5, permitting only considers the impacts on existing receptors, -where encroaching development subsequently takes place, the Agents of Change mechanism comes into play, requiring the developer to now provide appropriate mitigation, rather than the existing operator. In some cases this may not be practical. We would suggest you ensure that Agents of Change is considered in all planning applications, if any protective mechanisms are necessary and realistic and if they cannot sufficiently reduce any impacts, to refuse the application. Where measures are installed it should also be identified who is responsible for maintaining them.
25. In Section 5.1.6, dewatering or any other discharges may also require consent from the Agency and/or Water Company.
26. Section 5.2.6 refers to “Consultation” by developers. This is not very specific, and more active community engagement would be preferable, before, during and after an application and during the operational life of any facility. We appreciate this can sometimes be difficult, but we would expect the operator of a permitted facility to take the lead in managing relations with their local community and in responding to any concerns.
27. Section 5.4.5 should also refer to the Agent of Change requirement on developers.
28. Section 5.4.8 could also look at opportunities for new or restored ecological connectivity.
29. In Section 5.4.12, healthy soils can also provide carbon storage and sequestration, and can also allow for the addition of appropriate organic sludges and digestates for agriculture, so provide a natural “circular” reception and treatment capacity for suitable biowastes.
30. In Sections 5.5.9 and 5.5.13, ensuring products are repairable and identifying reuse or “second life” opportunities are also possible to prevent waste being produced whilst reducing demand for new resources. In this respect outlets such as charity shops, repair cafes, composting support groups, and platforms such as Freecycle or community furniture or wood recycling groups, all offer “infrastructure” to help prevent waste being produced. These can also help with wellbeing, life skills and social cohesion. How far is it possible when specifying services for the council that any products or items provided via the service sector, are repairable or “zero residual waste”? An example would be avoiding the need for pre-filled coffee pods in drinks machines, or other excessively packaged items? In Section 5.5.13, how would it be possible to make “return/reuse” behaviour more socially normal, rather than disposal as the default option?
31. In Section 5.5.17, what sort of “commentary” would be expected regarding waste prevention and waste management, to ensure these are not simply dismissed as impractical, apart from some nominal provision for the standard recycling containers? What would either a “Good”, “Acceptable” or “Unacceptable” commentary look like? Are any examples available? There appears to have been a recent relevant case regarding consideration of climate change in planning decisions, -are you able to sustain and enforce this requirement?
32. In Section 5.5.18, is it possible to also require provision of training in appropriate management of waste and recycling at source to prevent cross-contamination and other problems such as overloaded bins. Vulnerable and minority groups may be anxious to “do the right thing” but may not be aware what that involves, including if bulky collections are available to low-income residents. “Bin Anxiety” can be a problem which usually results in people using the residual waste bin. Rollout of nationally consistent recycling collections

may also be a consideration. Why is “*May be required...*” used in the last sentence here? Clearly for very small facilities such as kiosks, additional waste segregation facilities could be impractical, but not necessarily so.

33. We would broadly support the principles set out in Policy SP1 in setting the overall environmental ambition and expectation, although the earlier qualification relating to only major developments requiring resource Audits is a concern. Presumably smaller developments would require less effort to develop such an audit, and for say similar houses, duplication of much information could be possible. There is also the risk of developments being sized deliberately to avoid such requirements? Point 2.f. should also specify waste segregation as the use of “skips” to take all materials makes subsequent processing very challenging, for example materials covered in set paint, plaster, or concrete or adhesives or contaminated by leaking containers.
34. Section 5.6.3 could also include measures to prevent/deter fly tipping or more organised waste dumping, which can degrade their community asset value and can result in problems such as Japanese Knotweed becoming established.
35. Sections 5.7.14 to 5.7.18 could also refer to the Agents of Change requirement.
36. Section 5.11.4 discusses the changing nature of waste management, however we also see the development of above-ground-level tipping based on a range of business cases, such as reclaiming “boggy” grazing land, or platforms on hillsides for agricultural buildings, irrigation reservoirs, sight, noise or even flood bunds or golf course landscaping developments. Proposals for any tipping of this type should always be reasonable in scale and monitored so that excessive tipping does not take place, with subsequent retrospective planning applications to allow it to stay there.
37. In Section 7.1.3, is it possible to replace the phrase “*if new waste management infrastructure is not developed*”, with reference to developing a more “Circular Economy model”, as this would also create jobs and wealth from retaining resources locally in economic use, rather than simply having a traditional “disposal economy”. Indeed it may be possible to identify “added value” waste streams where import of materials could create benefits? For example specialist and precious metals such as catalysts and batteries, redundant computer equipment, farm, crop or food processing machinery, etc. Some of these materials could be useful in anaerobic digestion plant. Recycling plasterboard from builders waste has been mentioned previously.
38. Sections 7.1.5 and 7.16 suggest that a specific Phosphorous (or Nutrient) Management Strategy may be helpful to bring thinking together on how to retain Phosphorous as a resource, especially in a County with a highly agricultural economy. It would be positive to reduce emissions to the water environment due to the fertilizing/polluting effect from sewage discharges, farm runoff and other inputs. Whilst recovering Phosphorous from incinerated waste products is a form of Circular Economy, burning waste still uses up other useful resources and emits Carbon. A “Stack Free” Waste to energy facility where all emissions can be recovered and utilized would be preferable, if one is required to manage residual waste, for example where cleaned carbon dioxide and warm water is directed to large Greenhouses to boost food crop production? Digestates can be a phosphate source which is partly why it is spread on farmland, however runoff can then release it back into the environment, along with other pollution problems. Nitrates are another issue and can be released to air, land and water during both combustion and digestate spreading, so use of these materials in agriculture needs to be managed properly and is a seasonal activity.
39. In Section 7.1.7, there should still be efforts to prevent non-hazardous (non-inert) waste production at source, (for example through education and appropriate design of waste storage and sorting areas,) as exporting waste comes with increased transport and carbon impacts, especially if fewer landfill sites become available so more waste will have to go to fewer Regionally or Nationally “strategic” facilities, including Wales, -as is discussed. However subsequent international export of wastes (such as plastics and RDF) may become increasingly problematic due to changes in what materials overseas states are prepared to accept.
40. Section 7.1.8 could suggest that an alternative to residual waste landfill would be supported if other

Hierarchy interventions still cannot manage the amounts being generated. Typically this means some form of waste-to-energy conversion process. As with Phosphorous, a “Circular” approach here, rather than a traditional Linear model would be preferable. As mentioned some option of “stackless technology” to minimise carbon dioxide and other emissions and maximize heat and resource recovery would be preferable, possibly involving biochar production which could sequester carbon, hold water and improve soil quality, especially at mineral and other restoration sites? Whilst there can be technical challenges to managing this at large scale, it would be more “Future-Proofed” than standard Waste-to-Energy, as it could presumably be operating into the second half of this century. Such a facility could also help address issues with streams such as clinical waste, -of course increased disposable PPE production in the Community and in Healthcare has been a challenge since 2020 and this should be a future consideration. Understandably there has to be a threshold volume of waste anticipated to make a facility of this type a viable investment. Additionally in Section 7.4.2, and regarding Policy W7, is it possible to look for some emerging low Carbon technology that can generate both Energy, heat and useful resources, whilst minimizing emissions to air? You may need to be aware of probable regulatory changes to waste and recycling such as food waste collections, Deposit Recovery schemes and Enhanced Producer Responsibility that may start to reduce plastic and the calorific value in residual waste?

41. In Section 7.1.11, it is good to recognise how much waste capacity is being provided by sustainable “Plan-Compliant” facilities, and how far waste management is dependent on any existing “Non-Plan-Compliant” capacity or facilities to allow a managed transfer over time.
42. Regarding CD&E wastes in Section 7.2.6, please refer to the earlier observations about “skip” waste and increased recovery of materials containing plaster/gypsum.
43. In Policy W7 it is not clear what a “Material Level” of Benefit may mean? Would a relatively marginal level of benefit still be deemed acceptable or would it have to be a significant benefit? How would any benefit be assessed, in particular regarding Carbon emissions?
44. Section 8.3.5 is potentially slightly misleading, the Environment Agency does not actively “Collect” waste data, through surveys, etc., - it is more collated through operator returns, verified and published in the Interrogators as discussed. In future this may change which could aid monitoring going forward.
45. In Section 8.3.6, some waste facilities may have closed temporarily or permanently as a result of Covid-19, it may be appropriate to review the operational status of the facilities identified in the Plan.
46. The Glossary does not define the terms Waste Management or “Agent of Change”. The definition of Circular Economy that is used seems somewhat “economical”, in that it does not indicate that this should be a more environmentally sustainable model in preference to a Linear Economy, and should also help with de-carbonising, whilst creating jobs, and reducing the burdens of traditional “waste disposal”. Would it be possible to set out the other benefits from transforming to a Circular Economy?

Thank you.

If you have any comments regarding the Sustainability Assessment and/or Habitats Regulations Assessment, please use the box below:

Regarding the Sustainability Appraisal;

SA Objective 8 says “Move treatment of waste up the hierarchy” -Why only “treatment”? As mentioned in the Plan, waste treatment may or may not involve a preparatory process (such as removing water,). Possibly the term “treatment” is superfluous, in referring to its’ overall handling, -rather than as a specific “Waste Treatment activity”? As in the Appraisal question, wastes destined to landfill or incineration should also be moved up the Waste Hierarchy as far as possible. This may simply be an issue with the wording.

Section 1.1.05 refers to Herefordshire as a Tourist destination. With reference to earlier comments on educating people, visitors may be unaware of local arrangements for waste, and even feel that “recycling” is “optional” or not necessary when they are on Holiday, - as seen with some littering behaviours at beauty spots during Covid-19. Is it possible to improve engagement with visitors regarding waste and recycling? Education could also help tackle issues such as fly-tipping.

Regarding the population profile, there seems to be no specific mention to people with physical or cognitive restrictions, however they also produce waste and may encounter particular challenges, such as when visiting a HWRC, or understanding how to recycle properly. How can particular accessibility needs be addressed? Facilities such as charity shops and donation points can aim to support these groups as well as animals and wildlife.

The Statement “*Encourage symbiotic relationships between waste management, engineering, manufacturing and research industries which will help to reduce the transport distances of waste;*” does start to capture the need for an integrated Circular Economy, where traditional waste management is not seen as somehow

detached from other activities, -perhaps this should include Agriculture, and Sewage treatment (regarding Nutrient discharges to water and sludge management,) as well?

In addition to energy generation, there is an increasing need for energy storage to help manage demand in a de-fossilised energy sector. Technologies such as gasification and AD could support this, alongside things like water storage for hydropower, and possibly compressed/liquefied air storage. Energy from waste facilities could power these, and possibly end-of life mineral workings could provide either capacity for water, or heat that could be recovered by water-source heat pumps? Presumably energy supply in Herefordshire is also being considered as part of the Climate Emergency response. Additionally we may need to maximize the recovery of elements used to make batteries, such as lithium.

Water resources is also under focus, especially regarding the River Wye, and in a changing climate, prolonged hot dry weather could be a challenge for both domestic consumers and agriculture as well as various commercial sectors. Large end-of-life mineral workings could be adapted to become reservoirs, -if the location and geology is suitable.

Objective 16: Agents of Change could also be a consideration in preventing amenity impacts.

Please note your representation should cover all the information, evidence and supporting information necessary to justify the representation and the suggested change, as there will not normally be an opportunity to make further representations. After this stage, further submissions will only be at the request of the independent Inspector appointed by the Secretary of State, based on the matters and issues identified for examination.

How do you wish your representation to be dealt with at the examination hearing? Please note: The Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the hearing part of the examination.

Attending examination
Written representation

Name: Mark Davies.....

Signature: M. Davies

Date: 24 May 2021.

Thank you for taking the time to make a representation.

Latham, James

From: Nigel Gibbons <Nigel.Gibbons@fdean.gov.uk>
Sent: 05 May 2021 12:24
To: Gilson, Susannah <Susannah.Gilson@herefordshire.gov.uk>
Subject: RE: Still time for you to have your say about Minerals and Waste in Herefordshire

This message originated from outside of Herefordshire Council or Hoople. Please do not click links or open attachments unless you recognise the sender and know the content is safe.

Thank you for your reminder and associated consultation. I have no comments to make at this stage on the documents referred to.

Nigel Gibbons
Forward Planning Manager - Forest of Dean District Council



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From: Gilson, Susannah [<mailto:Susannah.Gilson@herefordshire.gov.uk>]
Sent: 04 May 2021 10:28
To: Nigel Gibbons
Subject: Still time for you to have your say about Minerals and Waste in Herefordshire

Minerals and Waste Local Plan Pre-Submission Consultation ends on 24 May 2021

Herefordshire Council is preparing a Minerals and Waste Development Plan Document, which when adopted will form part of the Herefordshire Local Plan and there is still time for you to comment.

The Minerals and Waste Local Plan has been published along with accompanying evidence base reports. The consultation is open until midnight on Monday 24 May 2021.

During this period comments are invited on the 'soundness' of the plan and whether the correct legal processes have been followed. To be sound policies should be positively prepared, justified, effective and consistent with national policy.

Comments are also sought on the Sustainability Appraisal and the Habitats Regulations Assessment reports, which have been published alongside the MWLP and its evidence base documents.

The consultation documents & evidence used to support the development of the MWLP, and details of how to take part will be available on the [Minerals and Waste Local Plan webpage](#) .

A video presentation providing an overview of the policies and proposals of the MWLP, and how to get involved in the consultation, can also be viewed on the website, along with the presentation slides. After watching this, should you have any questions on the MWLP or its evidence base, please email ldf@herefordshire.gov.uk

After the consultation, the council will consider all the representations prior to submitting the final draft of the document to the Secretary of State for examination, together with the representations received.

If you have any questions, please email ldf@herefordshire.gov.uk or call 01432 260146.

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GCC M&W reference:	PR2021/0069/1/LP
Alternative reference:	Herefordshire Minerals and Waste Local Plan Pre- Submission Consultation
Response date:	21 st May 2021
To:	Herefordshire Council
Responding GCC M&W Officer	Laura Burford

Summary of recommendation:

No comments / observations	<input checked="" type="checkbox"/>
Comments / advice offered without a recommendation (see comments section)	<input type="checkbox"/>
Further information is required (see comments section)	<input type="checkbox"/>
No objection subject to conditions / informatives (see comments and conditions section)	<input type="checkbox"/>
Refusal or objection if details remain unchanged (see comments section)	<input type="checkbox"/>

Response by topic: (more than one topic can be selected)

Non-minerals and / or waste development proposal (M&W Infrastructure safeguarding)	<input type="checkbox"/>
Non-minerals and / or waste development proposal (Mineral resource safeguarding)	<input type="checkbox"/>
Non-minerals and / or waste development proposal (Waste Minimisation Statement)	<input type="checkbox"/>
Minerals and / or waste development proposal	<input type="checkbox"/>
Specific local development plan document consultation (DPDs, SPDs, AAPs, NDPs, SCIs)	<input checked="" type="checkbox"/>
Duty to Cooperate-related consultation	<input type="checkbox"/>
Non-DPD policy-related document consultation (including LAAs)	<input type="checkbox"/>



All other general enquires

Minerals and Waste Policy officer comments

All of the details set out within this section are made by officers on behalf of Gloucestershire County Council in its capacity as the Mineral and Waste Planning Authority (MWPA): -

On this occasion we have no comments to make.

Recommended action

N/a

Conditions recommended by officers on behalf of the MWPA (if advised)

N/a

Important Note:

If you have any further queries with this consultation response please **do not** contact the responding GCC M&W officer direct. All queries must arrive through m-wplans@gloucestershire.gov.uk

Latham, James

From: Kay Hughes
Sent: 15 May 2021 11:39
To: Eaton, Victoria
Cc: ldf
Subject: Minerals and Waste Local Plan Pre-Submission Consultation

This message originated from outside of Herefordshire Council or Hoople. Please do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Vicky,

Thank you for your email on 10th May regards responses to the Minerals and Waste Plan. The problem with the online questionnaire is that the website uses a revoked digital certificate and my system will not allow it to open on my pc.

I can open the pdf form but am unable to edit it online as I have no licence to do so.

The nub of the issue is that H&WEHT is content with the plan as it stands and simply wish to express our support in the following fashion:

Thank you for inviting H&WEHT to comment on the Publication Draft of Herefordshire's Minerals and Waste Plan.

I have taken a look at the plan on behalf of the Trust and I am pleased to see that it has taken full account of the recommendations we made on the previous draft and consider that it supports the NPPF requirements regarding geodiversity in a balanced and appropriate manner.

We are content that the plan be submitted in its current form.

If you think it appropriate I will print the pdf, complete it by hand and send it by post, but given that our intention is simply supportive that may not be worth the administrative overheads!

Regards,

Kay Hughes,

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

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Herefordshire Minerals and Waste Local Plan DPD Pre-submission publication

Representation Form - Guidance

April 2021

The publication period:

The publication will last for six weeks from Monday 12 April to midnight on Monday 24 May 2021.

Submitting your printed questionnaire:

- By email to: ldf@herefordshire.gov.uk
- Due to current Covid guidelines, our office is not currently manned full time; therefore please only send a form by post if you are unable to use the online options. Send the completed form to the following address:
Strategic Planning
Herefordshire Council
Plough Lane Offices
Hereford, HR4 0LE

Please note that comments will not be accepted by telephone or on social media.

Filling in the form:

This form has two parts:

- You must complete one copy of Part A, which asks for your personal details.
- You should complete Part B for each policy that you wish to comment on.

Your comments:

- As this is a statutory stage of publication consultation, comments will be accepted no later than midnight on Monday 24 May 2021.
- All comments will be considered by the Planning Inspector as part of the examination of the document. The Inspector may wish to contact you to discuss your comments and concerns, prior to the formal examination.
- The personal information in Part A will only be used for purposes related to the consultation and the Minerals and Waste Local Plan DPD examination. Only your comments, name and/or organisation will be published, but other information will be shared with the Government-appointed Planning Inspector who will examine the document.

Purpose of the publication:

The purpose of the Minerals and Waste Local Plan DPD examination is to enable the Inspector to decide whether the document and evidence gathered is 'sound', legally compliant and is in accordance with national planning policy and the relevant legislation. A more detailed explanation of this is set out on Part B of the form. It will assist the Inspector if you are able to bear in mind the purpose of the examination when you are completing the form, and relate your representation to these points whenever possible.

If you need help to understand this document, or have any other questions about the Minerals and Waste Local Plan DPD, please contact the Strategic Planning office on 01432 260146 or email ldf@herefordshire.gov.uk

Official use ref:

Minerals and Waste Local Plan DPD Pre-submission publication

**Comments Form – Part A
Personal details**

Title: MRS Initials: E

Surname: BODEN

Job title: HISTORIC ENVIRONMENT PLANNING ADVISER

Company/Organisation (where relevant): HISTORIC ENGLAND

Address 1: HISTORIC ENGLAND – MIDLANDS REGIONS GROUP

Address 2: THE AXIS

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If you are an agent, please indicate below the name of the client that you represent:

N/A

.....
If wish to be on our mailing list to receive information with regard to developments in planning policy, please tick the box. You have the right to withdraw your details at any time in the future:

Yes please.

**Minerals and Waste Local Plan DPD
Pre-submission publication**

**Comments Form – Part B
Comments on soundness**

Please complete this part of the form for each section of the document that you wish to comment on.

All representations will be considered by the Planning Inspector as part of the examination. The purpose of the examination is to enable the Inspector to decide whether the document and evidence gathered is 'sound'. For it to be sound, the document must be:

Positively prepared - Including does it meet the development requirements, and will they be sustainable?

Justified- Has it taken the right approach and is it based on reliable evidence?

Effective - Are the proposals deliverable?

Consistent with national policy - Are the policies in line with national planning policy?

You should bear these considerations in mind when making your comments.

Which part of the DPD does this comment relate to?

Policy no. - Please see attached letter

Paragraph n o. - Please see attached letter

Do you consider this part of the document is sound based on the following issues?

	Yes	No
Positively Prepared (PP)	<input type="checkbox"/>	x
Justified (J)	<input type="checkbox"/>	x
Effective (E)	<input type="checkbox"/>	x
Consistent with National Policy (NP)	<input type="checkbox"/>	x

If you have ticked no to any of the above, please give your reasons below about the Tests of Soundness.

Please see attached letter and Appendix A.

Do you consider that your comment is a representation of:

- Support
- Objection

Please set out what change(s) you consider necessary to make the policy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see attached letter and Appendix A.

If you have any comments regarding the Sustainability Assessment and/or Habitats Regulations Assessment, please use the box below:

Please see attached letter and Appendix A.

Please note your representation should cover all the information, evidence and supporting information necessary to justify the representation and the suggested change, as there will not normally be an opportunity to make further representations. After this stage, further submissions will only be at the request of the independent Inspector appointed by the Secretary of State, based on the matters and issues identified for examination.

How do you wish your representation to be dealt with at the examination hearing? Please note: The Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the hearing part of the examination.

Attending examination **x**
Written representation

Name: Elizabeth Boden

Signature: Elizabeth Boden

Date: 24th May 2021

Thank you for taking the time to make a representation.



Appendix A

Historic England’s comments on Proposed Allocations within or near to Heritage Assets

Minerals – Sand and Gravel					
Policy Ref	Site Location /Settlement	Site Name	Consented Area	Allocated Area	HE Comments on Council’s Assessment & Approach
M3 (2, a)	North-west of Leominster	Shobdon Quarry	18.3 ha	4.81 ha	<p>HE has no concerns regarding designated heritage assets but raises concerns in relation to non-designated assets as we note that the area is rich in prehistoric subsurface archaeology (barrows, settlement enclosures and possible Mesolithic remains).</p> <p>Whilst HE welcomes the inclusion in the Key Development Criteria for DBA/field evaluation as appropriate and the requirement for mitigation, we advise that a Heritage Impact Assessment is undertaken prior to the allocation of the extension to this site within the Minerals & Waste Local Plan. This assessment should review the potential archaeological and palaeo-environmental value of the site based on existing knowledge and prediction and we also suggest that the criteria for mitigation should include appropriate methods for managing lithic scatters, as well as structural features.</p>
M3 (2, a)	North of Hereford	Upper Lyde Quarry	2.79 ha	3.21 ha	<p>HE has no concerns regarding designated heritage assets. With regard to non-designated heritage assets we raise concerns and consider that a robust assessment of the archaeological potential should be</p>





					<p>carried out to confirm that the allocation is deliverable, in accordance with the NPPF.</p> <p>We welcome that the Key Development Criteria covers archaeological assessment and mitigation of non-designated heritage assets, given the potential for Roman and prehistoric remains in this area. However, to ensure that the allocation is deliverable in accordance with the NPPF we advise that a Heritage Impact Assessment is undertaken prior to the allocation of the extension to this site, which should review the potential archaeological and palaeo-environmental value of these sites based on existing knowledge and prediction.</p>
M3 (2, a)	North of Hereford, east & south of Wellington	Wellington Quarry	152.88 ha	80.83 ha	<p>There is a wealth of designated heritage assets in this area and HE raises significant concerns regarding the potential for impacts on:</p> <ul style="list-style-type: none"> • the setting of Grade I church of St Mary, Marden (1302203) on east side of the River Lugg • Grade II* Leystone Bridge (1348952) over the Lugg (may be impacted by increased flood risk) • Wellington is rich in listed buildings, including the Grade I Church and Grade II* Church House • the setting of Sutton Walls hillfort. <p>There is also a wealth of non-designated prehistoric, Romano-British and Saxon archaeology in the area and there may be non-designated water sensitive heritage assets that could also be impacted.</p>





					HE welcomes the inclusion in the Key Development Criteria of the need to demonstrate the level of effect on heritage assets and their settings, particularly listed buildings and Sutton Walls Fort. Nevertheless, given the extent of designated heritage assets of national significance and the potential for important non-designated archaeological remains, we strongly advise that a Heritage Impact Assessment is undertaken prior to the allocation of the extension to this site, to ensure that it is deliverable in accordance with the NPPF.
Minerals – Limestone and Crushed Rock					
Policy Ref	Site Location/ Settlement	Site Name	Consented Area	Indicative Area	HE Comments on Council's Assessment & Approach
M4(2,a)	North-east of Leominster	Leinthall Quarry	31.46 ha	8.55 ha	HE raises objection with regard to this proposed allocation to extend the quarry, as there is considerable potential to impact on heritage assets: <ul style="list-style-type: none"> • the setting of Gatley Park (1000882), a Grade II Registered Park and Garden (RPG), which is a designed landscape and provides a setting for the Grade II* house of Gatley Park (1082116) • the Grade II* church of St Andrew (1082117), which is also located at entrance to quarry and close to the Park boundary • the setting of the RPG of Croft Castle • the setting of Croft Ambrey Camp (Iron Age hillfort), as the view from hillfort northwards looks directly at the quarry.





					<p>HE considers that the impact of the proposed extension to the quarry affecting the experience from Croft Ambrey Camp scheduled monument, in terms of the Iron Age use and designated landscape use, has not be adequately assessed.</p> <p>HE strongly advises that a Heritage Impact Assessment is undertaken prior to the allocation of the extension to this site within the Minerals & Waste Local Plan, particularly with regard to the impact on the setting of Croft Ambrey Camp.</p> <p>In absence of a settings assessment HE raises objection to this proposed allocation, as the risk of harm has not been adequately assessed. The evidence base is deficient in this regard and the Plan does not therefore demonstrate a positive approach to the historic environment as required by the NPPF. HE therefore considers the Plan to be unsound in this respect.</p>
M4(2,a)	West of Hereford, between Herford and Ledbury	Perton Quarry	20.69 ha	4.64 ha	<p>HE notes that the site is just SW of the Grade II RPG Stoke Edith - an early landscape designed by London in the late C17 and remodelled by Repton and then Nesfield. Evaluation would be needed to see whether the historic landscape extends further than the designated area and if the site impacts on this and the setting of the park. HE therefore advises that a Heritage Statement should accompany any planning application and that this should be a requirement of the Key Development Criteria in relation to this proposed allocation.</p>





Minerals – Sandstone					
M5(1,a)	Buckholt	Callow Delve	3.13 ha	3.13 ha	No change in extent over consented area. HE has no concerns.
M5(1,a)	Llanrosser	Pennsylvania Delves	1.46 ha	1.46 ha	No change in extent over consented area. HE has no concerns.
M5(1,a)	Llanrosser	Sunnybank Delve	0.42ha	0.42 ha	No change in extent over consented area. HE has no concerns.
M5(1,a&b)	Craswall	Blackhill Delve	1.38 ha	3.13 ha	No change in extent over consented area. HE has no concerns.
M5(1,a&b)	Craswall	Llandraw Delve	0.39 ha	0.39 ha	No change in extent over consented area. HE has no concerns.
M5(1,a&b)	Merbach	Westonhill Wood Delves	73.41 ha	73.41 ha	No change in extent over consented area. HE has no concerns.
Waste – Waste Management Sites					
Policy Ref	Site Location /Settlement	Site Name	Consented Area	Allocated Area	HE Comments on Council's Assessment & Approach
W5 (2)	Hereford	Hereford Enterprise Zone (Rotherwas Industrial Estate)	0 ha	122.75 ha	HE raises concerns with regard to this proposed allocation, as there is considerable potential to impact on setting of Grade II* Rotherwas Chapel (1180032) and





					<p>associated scheduled remains of the demolished Rotherwas House and garden (1014880). Dependent on scale, the allocation also has the potential to impact on the setting of Dinedor Camp (Scheduled Monument), located to the south. In addition, the site was formerly a WWI munitions site which has some features safeguarded.</p> <p>HE welcomes the inclusion in the Key Development Criteria of the need to demonstrate the level of effect on heritage assets and their settings, particularly listed buildings and Rotherwas Chapel and Rotherwas House. Nevertheless, given the extent of designated heritage assets and the potential for important non-designated archaeological remains, HE advises that a Heritage Statement should accompany any planning application and that this should be a requirement of the Key Development Criteria in relation to this proposed allocation.</p>
W5 (2)	Hereford	Westfields Trading Estate	0 ha	45.56 ha	<p>The proposed allocation wraps around the Widemarsh Common Conservation Area. HE advises that a Heritage Statement will be necessary to fully appraise any impacts on the setting of the Conservation Area and suggests that this requirement is encompassed in the Key Development Criteria for this allocation, as well as any suggestions for maximising enhancement and mitigating harm.</p> <p>We also suggest that the criteria for archaeological mitigation should include appropriate methods for</p>





					managing lithic scatters, as well as structural features, as there is the potential for remains of Mesolithic activity in this area.
W5 (2)	Hereford	Three Elms Trading Estate	0 ha	2.77 ha	HE has no concerns.
W5 (2)	Hereford	Holmer Road	0 ha	1.03 ha	The proposed allocation borders the Widemarsh Common Conservation Area. HE advises that a Heritage Statement will be necessary to fully appraise any impacts on the setting of the Conservation Area and suggests that this requirement is encompassed in the Key Development Criteria for this allocation, as well as any suggestions for maximising enhancement and mitigating harm.
W5 (2)	Leominster	Leominster Enterprise Park	0 ha	16.86 ha	HE notes that there may be water sensitive heritage assets (designated and non-designated) that could be impacted.
W5 (2)	Leominster	Southern Avenue	0 ha	33.63 ha	HE notes that there may be water sensitive heritage assets (designated and non-designated) that could be impacted.
W5 (2)	Ledbury	Land between Little Marcle Road and Ross Road	0 ha	11.22 ha	HE has no concerns.
W5 (2)	Ross-on-Wye	Model Farm	0 ha	10.4 ha	HE has no concerns.
W5 (2)	Moreton-on-Lugg	Moreton Business Park	0 ha	34.21	HE welcomes the inclusion in the Key Development Criteria of the need to demonstrate the level of effect on heritage assets and their settings, particularly listed





					<p>buildings and Sutton Walls Fort. However, at this stage we recognise that the extent and nature of the waste management facilities is not defined, and therefore HE recommends that the Key Development Criteria should include a requirement for a Heritage Statement, as this would assist in addressing any concerns that HE may have with regard to this allocation.</p> <p>In addition, HE notes the requirement in the Key Development Criteria for archaeological assessment (DB and/or field evaluation as appropriate). This is particularly important in light of evaluation carried out in 2012 https://warden.historicengland.org.uk/report/075f4032-328f-4639-a5bd-cfd4dc5f3314 which concludes that the Roman settlement and paleochannel are vulnerable to development and that, should any development proceed, a programme of archaeological works should be implemented to preserve these features by record. It is also important that the “Supplementary Sites Report – Annex A” refers to this most current information about the site.</p>
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Waste – Solid Waste Treatment Facilities

Policy Ref	Site Location /Settlement	Site Name	Consented Area	Allocated Area	HE Comments on Council’s Assessment & Approach
W5 (3)	Hereford	Former City Spares Site	1.06 ha	1.06 ha	No change in extent over consented area. HE has no concerns. However, HE is aware of an important historic





					feature known as the Rotherwas Ribbon in close proximity to the site. We therefore recommend close working with Herefordshire Council's archaeology team to assess potential impacts of the proposed allocation on this feature.
W5 (3)	Kington	Kington Household Waste and Recycling Centre	0.85 ha	0.85 ha	No change in extent over consented area. HE has no concerns.
W5 (3)	Ledbury	Ledbury Household Waste and Recycling Centre	0.3 ha	0.3 ha	No change in extent over consented area. HE has no concerns.
W5 (3)	Leominster	Leominster Household Waste Site and Household Waste Recovery Centre	1.08 ha	1.08 ha	No change in extent over consented area. HE has no concerns.

Waste – Construction, Demolition and Excavation Waste Management Facilities

Policy Ref	Site Location /Settlement	Site Name	Consented Area	Allocated Area	HE Comments on Council's Assessment & Approach
W6 (1,a)	North-west of Hereford	Former Lugg Bridge Quarry	3.39 ha	3.39 ha	No change in extent over consented area. HE notes that there is excellent potential for water meadows and waterlogged deposits with palaeoenviro potential and





					welcomes that the Key Development Criteria include DB assessment/field evaluation as appropriate and mitigation to record, protect and recover any assets.
W6 (2)	North-west of Leominster	Shobdon Quarry	18.13 ha	4.81 ha	HE has no concerns.
W6 (2)	North of Hereford	Upper Lyde Quarry	2.79 ha	3.21 ha	HE has no concerns.
W6 (2)	North of Hereford, east & south of Wellington	Wellington Quarry	152.88 ha	80.83 ha	Given the wealth of heritage in this area HE welcomes the inclusion in the Key Development Criteria of the need to demonstrate the level of effect on heritage assets and their settings, particularly listed buildings and Sutton Walls Fort. However, at this stage we recognise that the extent and nature of these facilities is not defined, and therefore HE recommends that the Key Development Criteria should include a requirement for a Heritage Statement, as this may assist in addressing any concerns that HE may have with regard to this allocation.





Historic England

Our ref: PL00536983
Your ref:

Telephone: 07823 878657
Email:
elizabeth.boden@historicengland.org.uk

24 May 2021

FAO: Strategic Planning Team

Dear Sir/Madam,

Re: Herefordshire Waste & Minerals Plan to 2041 - Regulation 19: Pre-Submission Consultation

Thank you for consulting Historic England on the Pre-Submission Herefordshire Waste and Minerals Plan that was published on 12th April 2021. In relation to this consultation document we have the following comments:

General comments

Historic England responded to the Draft Minerals and Waste Plan consultation that took place between January to March 2019 and has also commented informally on the draft Publication Plan in August 2020. Concerns were raised that the lack of evidence base in relation to the historic environment had led to insufficient consideration of the subject in the Plan. Greater detail was therefore sought by Historic England regarding the analysis of sites and how resultant impacts from development on the historic environment could be mitigated effectively.

With regard to the current consultation, firstly, we note that the Regulation 19 Plan is accompanied by a 'Supplementary Report to the Spatial Context and Sites Report' and also Annex A to this Supplementary Report; prepared to address comments made previously by Historic England and others. This contains an analysis of the proposed minerals and waste sites undertaken across a broad range of topics, including heritage, and which seeks to assess the impact of development on designated and non-designated heritage assets and their settings.

Whilst Historic England welcomes the further assessment work, we recommend that the methodology used for the assessment of heritage assets which may be affected by potential site allocations should be in line with that set out in Historic England's



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Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.





Advice Note 3: The Historic Environment and Site Allocations in Local Plans, 2015 (HEAN3).

<https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/heag074-he-and-site-allocation-local-plans/>

With regard to a number of the proposed allocations, Historic England has objections/concerns and considers that further assessments should be undertaken in the form of detailed Heritage Impact Assessments (HIAs), prepared either by, or on behalf of, the Local Authority, with reference to HEAN3 and Historic England's Good Practice Advice Note 3 (Second Edition): The Setting of Heritage Assets (2017) (GPAN3):

<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>

We stress that these assessments should be undertaken **prior** to the allocation of the proposed allocations/extensions at the following quarries, and not at a later development management stage:

- Leinthall
- Wellington
- Upper Lyde and
- Shobdon.

For full details please see our tabulated comments in the attached **Appendix A**.

Until this further assessment work has been undertaken to inform the proposed site allocations and the Plan can demonstrate that the historic environment can be sustained in line with the requirements of the NPPF, Historic England therefore regretfully finds the Plan unsound.

In terms of guidance we also refer you to Historic England's updated advice on Minerals Extraction and Archaeology, published in January 2020:

<https://historicengland.org.uk/images-books/publications/mineral-extraction-and-archaeology-advice-note-13/>

With specific reference to non-designated heritage assets, these can make a positive contribution to the character of our settlements and enrich our sense of place. It is noted that the Plan identifies where non-designated heritage assets may be affected by the proposed allocations. We recommend that the views of your chosen specialist archaeological adviser are sought on these proposed allocations to confirm that the evidence base is sufficiently robust to ensure that any proposed allocation is deliverable in accordance with local and national planning policies. Your adviser will inform you on whether further assessment work is required through field assessment prior to allocation to ensure the extent, character and significance has been adequately understood to inform the allocation of a site.





This is particularly relevant with regard to the proposed quarry extensions at Shobdon, Upper Lyde and Wellington quarries and also the proposed waste facilities at Hereford Enterprise Zone (Rotherwas Industrial Estate), Westfields Trading Estate, Moreton Business Park and the Former City Spares Site, as detailed in our comments set out in the table attached at **Appendix A**.

Historic England is however concerned that the potential for Palaeolithic archaeology is not appropriately addressed in the Plan and accompanying evidence base documents, with regard to mineral workings. It is important to recognise that appropriate techniques are required to adequately identify deposits of Palaeolithic interest at an early stage. For example, in the description of Callow Delve in the 'Supplementary Report to the Spatial Context and Sites Report Annex', Upper Palaeolithic artefacts are mentioned only under the Ecology topic, and not under the Heritage Topic (Table 6, p.6-1).

Furthermore, with regard to Palaeolithic archaeology, it is noted that throughout the document that reference is made to "*standard assessment procedures*". However, it should be understood that standard procedures may not necessarily be appropriate. This is explained in Historic England's recent advice note on 'Mineral Extraction and Archaeology', referenced above, which notes how the information HERs hold about the Palaeolithic is not always detailed (so limiting the potential of a standard DBA), and that standard fieldwork approaches (such as evaluation through the overburden or strip, map and sample during soil stripping) will not be appropriate (see paragraphs 45-49, p.18).

In addition, Historic England also notes that there are a number of sites where it is mentioned that there is the potential to affect the hydrology of an area. In these cases, there is therefore the need to consider the effect of this on any water sensitive heritage assets (designated or not) that could also be impacted. We note that this is treated as an ecological concern as at present, rather than a heritage concern also, and recommend that this should be addressed.

Sustainability Appraisal

With regard to the SA which accompanies the Regulation 19 Minerals and Waste Plan, Historic England welcomes that heritage assets are included under reference to the historic environment of the County, in para. 3.47, under "Environmental Characteristics" comprising the baseline for the SA. We also welcome that the 'Historic Environment' is included as a key sustainability issue, and consideration is given in the SA of the likely evolution of the issue without the MWLP.

However, Historic England notes that in Chapter 3 under the "Review of relevant plans, programmes and environmental protection objectives" there is still no reference to Historic Landscape Characterisation information, or any evidence that the Historic Environment Record has been consulted and considered in the Local PPP part of the SA. We are aware from the Plan itself (para. 5.4.28) that evidence relating to heritage has been considered, and therefore documents such as "The





Herefordshire County Archaeology and Minerals Resource Assessment” (2014) and this should be referenced within the baseline documents for the SA.

Historic England welcomes the inclusion of SA Objective 6, focussed on the historic environment and cultural heritage and a separate objective, SA Objective 7, focussed on valuing, protecting and enhancing the built quality of settlements and neighbourhoods.

For SA Objective 7, in relation to the SA findings for the mineral site allocations & areas of search, it is noted that uncertain significant negative effects (--?) are expected for two site allocations; the proposed extensions to Wellington (M05) and Leinthall Quarries (M07a) (paras. 4.18 – 4.21 inclusive p.107). Whilst Historic England would agree with this assessment, we consider that similar scorings should be given in relation to SA Objective 6 for both of these allocations, given their potential for impact on the setting of heritage assets and in the absence of further assessment work, as detailed in our detailed response attached at Annex A.

With regard to SA Objective 7, in relation to the SA findings for the waste site allocations, it is noted that uncertain significant negative effects (--?) are expected for several proposed sites: Leominster HWS & HWRC (W05), Ledbury WRC (W07), Kington WRC (W10) and City Spares MRS (W19) due to their close proximity (100m) of a settlement. However, in relation to SA Objective 6, we note that uncertain negligible effects (0?) have been determined for most sites and we consider that with regard to the proposal for Rotherwas Industrial Estate (W58), given the extent of designated heritage assets in the vicinity and the potential for important non-designated archaeological remains to be affected, the scoring should be reviewed and possibly amended to uncertain minor effects (-?) at this stage.

Historic England also notes that uncertain significant negative effects are identified for Mineral Areas of Search (p.201-202) in relation to SA Objective 6, and also in relation to buried archaeology for sandstone and sand and gravel, and agrees that further assessment work is required for certain sites to inform this further. Please see our attached Annex A for details.

In relation to cumulative effects (p.234) Historic England considers that there is the potential for cumulative adverse effects on the historic environment with particular regard to Upper Lyde, Leinhthall and Perton quarries and that this should be recognised within the SA report.

Historic England welcomes the recommendation for SA Objective 6 (p.245), but considers that in the absence of a more complete evidence base comprising further assessment work prior to certain sites being allocated (please see our **Appendix A** for details), it cannot be conclusively stated that there will be “no residual significant effect in relation to SA Objective 6: Historic Environment” (para. 7.28).





Specific comments

INTRODUCTION AND BACKGROUND

Evidence Base

Although the Supplementary Report to the Spatial Context and Sites Report contains a list of heritage data sets and reports used to inform the analysis of sites undertaken, we suggest that section 2.4 of the Plan is broadened to mention the evidence in relation to the historic environment, that has been used to inform the site selection process.

Notwithstanding the above, Historic England considers that with respect to certain proposed allocations further assessment with regard to the historic environment should be undertaken, to address soundness issues with the Plan.

CONTEXT

Minerals

Historic England welcomes the acknowledgment in para. 3.1.4 that sandstone is particularly important for heritage restoration.

National Policy

Reference to the NPPF paragraph 205 a) is welcomed at paragraph 3.3.7 of the Plan, but we suggest that this should also refer to Conservation Areas, to better reflect the wording of the NPPF.

We also consider that the NPPF paragraph 205 b) should be referenced, particularly with regard to the cumulative effect on the historic environment from a number of sites in a locality. This may be particularly pertinent to proposed allocations to extend workings for sand and gravel to the north of Herford (the Upper Lyde and Wellington quarries).

Issues and Challenges – paragraph 3.4.1

Minerals –

Historic England welcomes the reference at bullet point 4 to continuing to provide a supply of building stone for the repair and maintenance of Herefordshire's traditional buildings.

Whilst we welcome the identification at bullet point 7 of ensuring that sufficient safeguards are in place to minimise the impacts of minerals extraction on 'the environment and other important assets', we consider that this should specifically





refer to the historic environment and to designated and non-designated heritage assets.

Waste –

Historic England is supportive of the development of an appropriate locational strategy for new waste management facilities, as set out in bullet point 3, but considers that this should also reference the need to provide for them outside of scheduled monuments and conservation areas [NPPF para.205 a)].

Whilst we welcome the identification at bullet point 6 of ensuring that sufficient safeguards are in place to minimise the impacts of waste management on ‘the environment and other important assets’, we consider that this should specifically refer to the historic environment and to designated and non-designated heritage assets.

General –

Historic England welcomes the development of an approach to the protection of the plan area’s heritage assets but recommends that the list of these assets should also include scheduled monuments and Registered Parks and Gardens.

VISION, OBJECTIVES AND SPATIAL STRATEGY

Vision

Historic England welcomes the inclusion of the aspiration that the County’s heritage and cultural assets will be protected and enhanced (p.27) but suggests that the word ‘protected’ is amended to ‘conserved’.

Strategic Objectives

Objective 12 references several environmental considerations, including heritage. Whilst, Historic England welcomes the aims of this objective in relation to the historic environment, we are concerned that it includes a variety of environmental considerations, which can often have competing, rather than complementary objectives, and would therefore suggest the inclusion of a single objective which relates to the historic environment.

Spatial Strategy

Historic England notes that minerals working for sand and gravel and limestone and crushed rock will be focused primarily at extensions to existing quarries and on the allocation of already consented areas. However, we have significant concerns with regard to certain of these proposed extensions; particularly Leinthall, where we raise objection; and also, Wellington; Upper Lyde and Shobdon. For details please see our tabulated comments in the attached **Appendix A**.





With regard to sandstone workings, the proposed allocations are all important sites for winning of local building stone that can supply conservation works. These quarries are small in scale and Historic England considers that there will be no immediate impact on designated heritage assets.

Historic England notes that some of the proposed allocations relating to waste disposal are urban focused; with many being new facilities in existing industrial locations, or existing household waste sites and are therefore unlikely to have a high degree of impact on the historic environment. However, this is with the exception of the Hereford Enterprise Zone (Rotherwas Industrial Estate) which is a very large allocation and has considerable potential to impact on the setting of several heritage assets. Please see out tabulated comments in the attached **Appendix A** for further details.

In relation to proposed allocations for construction, demolition and excavation waste processing, these are located within existing quarry locations and potential harm is limited to the scale of development or storage of materials for processing.

With regard to Figure 6: Key Diagram (p.4-5), Historic England considers that designated heritage assets (Listed Buildings, Conservation Areas, Scheduled Monuments, Registered Parks and Gardens) should be included, so that these can be easily identified relative to the 'Areas of Search' shown.

STRATEGIC POLICY AND GENERAL PRINCIPLES

Movement and Transportation –

Historic England welcomes the advice in para.5.3.3. that site access arrangements, or routes of conveyors or pipelines, should be designed/laid out to avoid damage to heritage assets.

Environmental Quality & Distinctiveness – Core Strategy Policies –

Historic England previously raised concerns at the Regulation 18 Draft consultation Stage that Core Strategy Policy LD4: Historic Environment and Heritage Assets was intended to be utilised as a relevant development management policy for the MWP, augmented by additional text which we considered relatively weak. We also commented that it was not clear how HE publications and guidance had been utilised within the document and that there was an overall lack of evidence with regard to the historic environment. HE therefore considered that the Draft Plan was not sufficient to ensure the historic environment could be sustained in line with NPPF requirements.

With regard to the Publication Draft Historic England notes that the additional text referred to above has been amended and strengthened to better reflect the guidance of the NPPF (paras. 5.4.26 – 5.4.29 inclusive), which we welcome.





Historic England also welcomes the reference in para. 5.4.28 to “The Herefordshire County Archaeology and Minerals Resource Assessment” (2014) which we understand has been utilised to inform the Publication Draft MWLP.

Whilst we are pleased to see reference to publications from Historic England in para. 5.4.29 this should be updated to reference Historic England’s latest advice note “Minerals Extraction and Archaeology”, published in January 2020:

<https://historicengland.org.uk/images-books/publications/mineral-extraction-and-archaeology-advice-note-13/>

MWLP Policy SP2: Access to open space and recreation from minerals and waste development -

Historic England welcomes this policy, which aims to optimise opportunities to improve public access to open spaces and integrate historic context where appropriate.

MWLP Policy SP4: Site Reclamation -

Historic England welcomes this policy and supports the approach to secure the satisfactory restoration and after-care of sites, which we note includes the requirement for a Reclamation Plan and integration with the site’s historic context, as also noted in the accompanying text at para. 5.11.7.

MINERALS

Policy M1: Minerals Strategy –

in relation to c) ‘the allocation of preferred areas and sites that are considered appropriate in principle for construction minerals development’ please see our comments under ‘Spatial Strategy’ above and for our specific comments on proposed minerals site allocations please see the attached **Appendix A**.

Policy M2: Safeguarding of Minerals Resources and Associated Infrastructure from Sterilisation of Significant Adverse Effects –

with regard to this policy and to Figure 7, which shows the Minerals Safeguarded Areas, Historic England notes that these areas are considerable in extent and that specific reference should be made to the need to fully consider the impacts on the historic environment.





WASTE

Please see out comments under 'Spatial Strategy' above and for our specific comments on proposed waste site allocations please see the attached **Appendix A**.

DELIVERY, IMPLEMENTATION AND MONITORING

Historic England welcomes that Core Strategy Policy LD4: Historic Environment and Heritage Assets is included within the framework for delivery, implementation and monitoring of minerals and waste sites.

GLOSSARY

Historic England advises that the definition of 'Heritage Assets' within the Glossary should also encompass non-designated heritage assets.

We hope that the above comments will assist but if you have any queries about any of the matters raised or consider that a meeting would be helpful, please do not hesitate to contact me.

Finally, we should like to stress that this opinion is based on the information provided by the Council in its Regulation 19 consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals, which may subsequently arise where we consider that these would have an adverse effect upon the historic environment.

Yours faithfully,

Elizabeth Boden

Elizabeth Boden (Mrs)
Historic Environment Planning Adviser
E-mail: elizabeth.boden@historicengland.org.uk



Contact:

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

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

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

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

Comments on the M&WLP

Para 3.3.7

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

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

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

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

*The NPPF seeks to conserve important landscape and heritage assets by requiring **that as far as practical** that landbanks for non-energy minerals are provided outside National Parks, Areas of Outstanding Natural Beauty, Scheduled Monuments and World Heritage Sites.*

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

Para 3.4.1 (17th bullet point)

Our concern with the text under this bullet point is that there is no recognition of the hierarchy of importance for the various types of nature conservation assets, and heritage assets that must be taken into account when testing development proposals. This is made clear as a requirement in NPPF para 171 and para 189. As such the text as drafted is unsound and should be redrafted to properly reflect the NPPF.

Draft MWLP Objectives; Objective 3

There appears to be a drafting error in that there is no objective 3 in Table 1. If the proposed objective 3 is meant to be as set out in the draft MWLP (Jan 2019) then

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

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

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

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

Draft MWLP Objectives; Objective 6

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

The NPPF at para 207 requires that;

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

Suggested text change as follows;

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

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

Para 4.3.3 & 4.3.4

The word *reserves* in these two paragraphs should be changed to *resources* to properly reflect the planning and economic status of the minerals referred to.

Policy SS8 : Resource Management

We support this policy and in particular the need for a resource audit identifying the amount and type on construction aggregates required and their likely source. This will help give visibility to future demand for the benefit of industry and the mineral planning authority .

Para 5.7.19 (Utilities)

This paragraph deal with the topic of Utilities. While we accept such infrastructure should be identified it is often the case that such utilities are sterilising mineral which would then fall to Mining Code legislation to adjudicate. If a developer submitted plans that showed the projection of such infrastructure, then this could materially damage their position under the Mining code and value of landowner assets.

It is suggested that paragraph 5.7.19. is adjusted as follows;

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

Planning applications should identify all existing and proposed utility services that cross, abut, or are adjacent to the proposed development site. ~~The submitted details should demonstrate how such infrastructure would be protected, to ensure it remains operational and safe.~~

Policy SD4 :Site Reclamation

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

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

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

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

Para 6.1.12

The word *reserve* in this paragraph should be changed to *resource* to properly reflect the status of the minerals referred to. It cannot be a reserve until it is able to be economically won with all necessary permission and permits.

Policy M2 : Safeguarding of Mineral Resources from Sterilisation

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

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

It is identified as best practice to include buffers within MSAs to guard against proximal development potentially affecting the mineral resource. It is intended by the BGS guidance, and examples of best practice in that guidance that such buffers should be included in the MSA to ensure maximum protection (see Figure 2 and Case Study 3). When considered against NPPF paragraph 204 (c) which says planning policies should *safeguard mineral resources by defining Mineral Safeguarding areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral where this should be avoided.....* the national protection accorded to minerals is intended to be within the designated area of an MSA and not outside of it or even adjacent to it. This is because the MSA should contain all minerals of potential economic value and any areas where development is likely to have adverse

proximal effects upon it. The concern is that the approach adopted by the Council will dilute the protection given to minerals by allowing developers to argue that sites outside the MSA do not enjoy the same protection as sites within it even though they are adjacent to it. Accordingly, buffers need to be applied to the policy to make it effective and in accordance with national policy.

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

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

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

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

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

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

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

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

*2. Where the operation of an existing mineral working could have a significant adverse effect on new development (including changes of use) in its vicinity, ~~the applicant shall be required to provide suitable mitigation before the new development is completed~~ **the agent of change principle will be applied to that development to ensure that future extraction of mineral reserves is not in anyway prejudiced.***

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

We do not believe that Policy M2 effectively addresses the issue of associated mineral infrastructure and its safeguarding and makes the policy unsound .

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

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

Planning policies should:

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

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

Suggested wording for such a policy is set out below;

Additional Policy :

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

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

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

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

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

Policy M3: The winning and working of sand and gravel

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

The forecasts for sand and gravel, and rock demand heavily rely on a continuation of significant imports from outside of the County. This is a dangerous assumption as it is likely that for significant supply constraints as a result of the construction of HS2 (particularly from the West Midlands).

One operation within the County will cease during the Plan period which will reduce productive capacity. This in addition to a threat to imports, will challenge the ability to provide a 'steady and adequate' supply of aggregate as required by the NPPF at paragraph 207(a).

It is considered that more flexibility needs to be put into policy to cover the issues of reducing productive capacity, which will not be picked up by LAAs and the pressures on getting adequate imports to satisfy the fall in the authorities' own indigenous mineral provision.

Policy M5: The winning and working of sandstone

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

To future proof the MWLP the Plan should reflect the proposed changes to NPPF at paragraph 205(g) where the term *small-scale* is to be removed and this should be reflected in the approach taken by Worcs.CC regarding this.

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

area, which is likely to be too small, and too infrequent. The demands for such products are just as likely to arise outside the planning authority area as within it.

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

An emphasis of policy on local markets or small-scale working is likely to discourage applications. Our members report problems because they are being limited to 'local markets' which reflects the historic circumstances of the industry and the emphasis on heritage end uses. A 'local market' means restricted outlets, low volumes and low turnover/operating profit. This scenario does not allow the operator to invest in the technology and training which is increasingly being required of him. This is a serious threat to continuity of security of supply. Conversely, serving wider markets makes it easier to guarantee that stone will also be available to serve the local market. Emphasising local markets and small-scale operations like this is merely descriptive of the traditional character of the industry. We should prefer policy to omit implications that dimension stone production needs to be controlled or curtailed, which we believe is against the spirit and purpose of NPPF.

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

The policy needs rewording as follows;

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

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

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

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

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

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

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

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

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

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

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

ME NORTH

21/05/21

Our Ref: MV/ 15B901605

24 May 2021



Herefordshire Council
ldf@herefordshire.gov.uk
via email only

Dear Sir / Madam

**Minerals and Waste Local Plan Pre-Submission Consultation
May 2021
Representations on behalf of National Grid**

National Grid has appointed Avison Young to review and respond to local planning authority Development Plan Document consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

About National Grid

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators, so it can reach homes and businesses.

National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

National Grid Ventures (NGV) is separate from National Grid's core regulated businesses. NGV develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States.

Response

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

Further Advice

National Grid is happy to provide advice and guidance to the Council concerning their networks.

Please see attached information outlining further guidance on development close to National Grid assets.

If we can be of any assistance to you in providing informal comments in confidence during your policy development, please do not hesitate to contact us.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect their assets. Please remember to consult National Grid on any Development Plan Document (DPD) or site-specific proposals that could affect National Grid's assets.

We would be grateful if you could add our details shown below to your consultation database, if they are not already included:

Matt Verlander, Director

nationalgrid.uk@avisonyoung.com

Avison Young
Central Square South
Orchard Street
Newcastle upon Tyne
NE1 3AZ

Spencer Jefferies, Town Planner

box.landandacquisitions@nationalgrid.com

National Grid
National Grid House
Warwick Technology Park
Gallows Hill
Warwick, CV34 6DA

If you require any further information in respect of this letter, then please contact us.

Yours faithfully,

Matt Verlander MRTPI

Director

0191 269 0094

matt.verlander@avisonyoung.com

For and on behalf of Avison Young

Guidance on development near National Grid assets

National Grid is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.

Electricity assets

Developers of sites crossed or in close proximity to National Grid assets should be aware that it is National Grid policy to retain existing overhead lines in-situ, though it recognises that there may be exceptional circumstances that would justify the request where, for example, the proposal is of regional or national importance.

National Grid's *'Guidelines for Development near pylons and high voltage overhead power lines'* promote the successful development of sites crossed by existing overhead lines and the creation of well-designed places. The guidelines demonstrate that a creative design approach can minimise the impact of overhead lines whilst promoting a quality environment. The guidelines can be downloaded here: <https://www.nationalgridet.com/document/130626/download>

The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

National Grid's statutory safety clearances are detailed in their *'Guidelines when working near National Grid Electricity Transmission assets'*, which can be downloaded here: www.nationalgridet.com/network-and-assets/working-near-our-assets

Gas assets

High-Pressure Gas Pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to leave their existing transmission pipelines in situ. Contact should be made with the Health and Safety Executive (HSE) in respect of sites affected by High-Pressure Gas Pipelines.

National Grid have land rights for each asset which prevents the erection of permanent/temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally, written permission will be required before any works commence within the National Grid's 12.2m building proximity distance, and a deed of consent is required for any crossing of the easement.

National Grid's *'Guidelines when working near National Grid Gas assets'* can be downloaded here: www.nationalgridgas.com/land-and-assets/working-near-our-assets

How to contact National Grid

If you require any further information in relation to the above and/or if you would like to check if National Grid's transmission networks may be affected by a proposed development, please contact:

Avison Young (UK) Limited registered in England and Wales number 6382509.
Registered office, 3 Brindleyplace, Birmingham B1 2JB. Regulated by RICS



- National Grid's Plant Protection team: plantprotection@nationalgrid.com

Cadent Plant Protection Team

Block 1

Brick Kiln Street

Hinckley

LE10 0NA

0800 688 588

or visit the website: <https://www.beforeyoudig.cadentgas.com/login.aspx>

Date: 24 May 2021
Our ref: 349461



Herefordshire Council

BY EMAIL ONLY

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Hornbeam House
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T 0300 060 3900

Dear Ms. Gilson,

Planning consultation: Herefordshire Council Minerals and Waste Local Plan (MWLP) – pre-submission consultation

Thank you for your consultation on the above

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

THE CONSERVATION OF HABITATS AND SPECIES AMENDMENTS (EU EXIT) REGULATIONS 2019

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

Natural England welcomes the opportunity to comment at this stage of the Local Plan. We have reviewed the consultation document and provide comments that are most relevant to our interest in the Natural Environment.

Natural England generally welcomes the Herefordshire Minerals and Waste Local Plan. We have no substantial comments to make on the detail of the plan itself, but offer the following support to certain policies and topics raised.

However there are concerns regarding the Habitat Regulations Assessment, and we are unable to agree a conclusion of no adverse effect on integrity. Natural England advises that further clarification is required of certain policies and allocations. Amending the wording of the HRA report, as highlighted below, may help to clarify the proposed mitigation. We therefore provide advice with regard to the site allocations and the plan's compliance with the *Conservation of Habitats and Species Amendment (EU Exit) Regulations 2019*.

Minerals and Waste Local Plan

Agricultural Waste

Para 7.2.27 and 7.2.28

We offer support to the references made here.

This includes a waste management method statement to be submitted with all applications for livestock unit(s) on agricultural holdings, and the agricultural sector contributing to achieving at least

nutrient neutrality. *“It is important that the agricultural sector makes a real contribution to achieving at least nutrient neutrality, if not betterment, in the River Wye SAC.”*

This reference is welcomed and encouraged.

Policy W3 – Agricultural Waste Management

“Anaerobic digestion will be supported where its use is to manage only natural wastes generated primarily on the agricultural unit within which it is located.”

Natural England generally supports this point.

Proposals in the River Lugg catchment do need to demonstrate nutrient neutrality. Therefore any proposals for anaerobic digestors that fall within the River Lugg catchment will need to consider the following;

If an application for a new or extension to an existing anaerobic digester plant is within the catchment of the River Lugg, your authority should consider the risk that the development will indirectly increase the amount of phosphates entering the designated site. If an increase in the catchment’s phosphate loads is considered likely then the implications of the proposals, along with any measures that may be implemented to alleviate that risk, should also be considered through an appropriate assessment.

Policy W4 – Waste water management

It is noted that this policy makes reference to nutrient neutrality. We would support and encourage proposals that contribute to nutrient neutrality as a form of mitigation. However, we do question the term ‘betterment’, and ask for further clarity on this statement.

Habitats Regulations Assessment

We offer the following advice in order to provide for potential revisions to the HRA to take account of further evidence.

The HRA relies on the Nutrient Management Plan (NMP), as strategic mitigation. Clarification is sought here. We accept that the NMP and the information within it can be referred to and used as part of the evidence base. . However following the clarification given by the [Coöperatie Mobilisation for the Environment cases](#) (Dutch Nitrogen case), the NMP cannot be relied upon as strategic mitigation because it does not have enough certainty to conclude that there are no adverse effect on integrity. The Dutch case applies to designated sites already in unfavourable condition due to nutrient enrichment. In this case that is the River Lugg part of the River Wye SAC.

The Dutch case clarified that an Appropriate Assessment (AA) may not take into account the benefits of conservation, preventative or other measures if the expected benefits of those measures are not “certain” at the time of the assessment. Because the NMP does not have enough certainty that actions will be delivered and targets achieved, it cannot be relied upon as strategic mitigation.

The Dutch case also clarified that where the conservation status of a natural habitat is unfavourable, the possibility of authorising activities which may subsequently affect the ecological situation of the sites concerned is ‘necessarily limited’.

The phrase ‘nutrient neutral or betterment’ has been used within the HRA. It is noted that this is used as part of Herefordshire Council’s position statement;

“In the interim -

*On Natural England’s advice, there remains potential for a positive appropriate assessment, where it can be demonstrated that development is **nutrient neutral** or would lead to **betterment** to enable*

development to proceed. Proposals will need to provide appropriate evidence of avoidance/mitigation measures. (Refer to Stage 2 of the Interim Plan for guidance)."

The term betterment does not provide any certainty that proposals will be nutrient neutral. It is assumed that betterment would result in a proposal being an improvement compared to the current situation, however in some cases such an improvement will not be sufficient to demonstrate nutrient neutrality, meaning such cases will still result in an increase of phosphate. Within the Lugg catchment, this would be unacceptable, and mitigation measures to demonstrate nutrient neutrality would be required.

It is noted that Nutrient Neutrality has also been mentioned as mitigation for agriculture. The Nutrient Neutrality (NN) calculator that Herefordshire Council have produced is for housing. However any agricultural planning applications that would increase Phosphate do also need to offset that, i.e. be NN. Further work is required to fully understand this.

Policy W3 – Agricultural Waste Management

We are unable to agree with the following statement;

'All development proposals will be required to demonstrate delivery of a net reduction in nutrient discharges contributing to nutrient neutrality, or betterment, within the River Wye SAC.'

Further clarity is required, to explain whether this statement includes proposals which fall within the Lugg catchment, a component of the River Wye SAC. We advise that betterment would not be adequate in the River Lugg part of the SAC and nutrient neutrality should be required.

Para 5.20

The plan should clarify which parts of the River Wye SAC are failing. The River Lugg, which is part of the River Wye SAC, has not been mentioned.

We agree with the statement that phosphate discharge into the river is important. The River Lugg is already exceeding its targets for phosphate. However other pollutants which may end up in the river also need mitigating against. We would still expect mitigation for example, against surface runoff.

Para 5.21

Reference is made to the Nutrient Management Plan. Clarification is required on whether this is referring to the River Wye or River Lugg. The latest advice from Herefordshire Council is outlined within their April 2021 position statement.

Para 5.22

Further explanation is required here. The conclusion states,

"Therefore, while the above policies and site allocations could result in some discharges/run-off to the River Wye, these are unlikely to adversely affect the integrity of the SAC because any discharges or run-off will not be high in phosphates."

We are unable to agree with reasoning of ruling out adverse effects on integrity. There is no mention of River Lugg SAC, which is already in unfavourable condition and failing its conservation objective for phosphate. Any increase of phosphate, however small, cannot be permitted, as it would result in a HRA conclusion of adverse effects on integrity.

It is agreed that restoration to agriculture could result in phosphate discharge. However there does not appear to be any mention of any mitigation. We would recommend consideration of restoration to recreational use and/or green infrastructure.

Para 5.26

The wording of this paragraph needs to be improved. Nutrient neutrality has been mentioned, but it is not clear whether this is in relation to the River Wye or Lugg. The term betterment implies that a phosphate increase could still be allowed. Following the Dutch Nitrogen Judgment, a plan or project that resulted in additional discharge of phosphate to the River Lugg part of the River Wye SAC would have an adverse effect on integrity.

Para 5.29

Does this include both the River Wye SAC and River Lugg SAC?

Para 5.30

Allocations M05 and W45 are both located within the River Lugg catchment. Clarification is required on what mitigation has been proposed.

Para 5.33

In-combination - Multiple quarries and waste facility sites could be impacting on both the River Wye and River Lugg. Further explanation needed to explain how in-combination effects has been ruled out.

Para's 5.45 – 5.48

Noise and light disturbance have been mentioned as potential impacts. However, it is not clear whether any mitigation has been proposed. Further thought and explanation is required here, as other impacts from proposed works could impact on bats and therefore further mitigation may need to be considered.

Para 5.49

Change wording from likely significant effect to adverse effect on integrity.

Natural England would be happy to discuss the issues raised in this letter, should the Local Authority wish, to try and find a solution to the concerns that have been raised.

Yours sincerely

Rebecca Underdown
Planning for a Better Environment Team

Latham, James

From: Mid Planning <MidPlanning@cyfoethnaturiolcymru.gov.uk>
Sent: 24 May 2021 22:18
To: Eaton, Victoria; Eaton, Victoria; Idf
Subject: MandWDPD LDP - Minerals and Waste, Herefordshire (LDP) - NRW Response
NRW:07380393

Importance: High

This message originated from outside of Herefordshire Council or Hoople. Please do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam

Thank you for consulting Natural Resources Wales (NRW) on Herefordshire Minerals and Waste Local Plan Pre-submission document which we received on 04/05/21. We understand that comments are sought on the soundness of the plan with advice being required also on the accompanying Sustainability Appraisal and Habitats Regulations Assessment reports.

Please note that our comments are without prejudice to any advice we may wish to make when consulted on any subsequent documents. At the time of any other consultation there may be new information available which we will need to consider in making a formal response.

Phosphate Sensitive Catchment – River Wye Special Area of Conservation (SAC)

We were last consulted on this plan on 21/01/2019 where the plan was in its draft form. Since the previous consultation, the evidence and data available to inform the production of Local Plan documents has changed. On the 21st January 2021 we issued a [planning position statement](#) regarding the phosphate levels from development in the riverine SAC catchments in Wales. We consider that this evidence needs to be a key consideration in the production of the LDP policies and allocated sites.

Having reviewed the list of key local plans, programmes and environmental protection objectives outlined in the 'Publication Draft Herefordshire Minerals and Waste Local Plan Sustainability Appraisal', we note that this evidence has not been referenced. Notwithstanding advice provided by Natural England or the Environment Agency, we recommend that the [compliance report data and evidence](#) is taken into consideration in the sustainability appraisal and accompanying Habitats Regulations Assessment and be updated accordingly.

We note the approach taken in the Minerals and Waste Local Plan (MWLP) regarding phosphates in the River Wye SAC as set out in Section 3 of the 'Herefordshire MWLP – Preparing the Publication Draft Plan' document dated January 2021 and welcome the concept of phosphorous recovery and the requirement of proposals to demonstrate nutrient neutrality, or betterment within the River Wye SAC. This is set out in Policy W3 Agricultural Waste Management and W4 Wastewater Management. We note there does not seem to be the same requirement set out in policy for minerals development within the plan.

Habitats Regulations Assessment (HRA)

We generally accept the conclusions and assessment carried out within the Herefordshire MWLP HRA. We do however have some concern and offer the following advice.

We note that the Appropriate Assessment findings are concluded in Chapter 5 of the HRA document for the River Wye SAC and the Wye Valley and Forest of Dean Bat Sites SAC. The conclusion for each of the likely significant effects identified by the HRA is that provided that the mitigation

measures and additional recommendations included in the publication draft of the MWLP are implemented successfully, adverse effects on the integrity of the SAC's will be avoided, either alone or in-combination.

The recommended mitigation strategy is for the requirement of an Ecological Mitigation Plan to identify a number of site-specific measures where there is potential for operations to affect the River Wye SAC. It is considered that this in addition to 'Safeguards' provided within the MWLP is sufficient to avoid adverse effects on the integrity of the River Wye SAC.

Safeguards or 'standard measures' are set out in paragraph 5.4.5 of the MWLP Publication draft, which are considered to be robust measures to ensure that proposed development does not cause an unacceptable adverse impact on either the environment or local communities. We recommend that reliance on an Ecological Mitigation Plan in addition to the safeguards may not result in HRAs carried out at the specific site level as each one comes forward or is reviewed that result in adequate protection of the River Wye SAC. To overcome this limitation it may be possible to provide outline needs of site specific HRAs and to consider what mechanisms are in place and/or available in order to provide the relevant information to inform the HRA process for the MWLP. Therefore, whilst we do not disagree that HRA for specific sites needs to be considered by development management, we raise concerns regarding safeguards in the interest of protecting the River Wye SAC in Wales at this plan stage. Further as the Competent Authority, we seek to remind you that you should be satisfied that beyond any reasonable scientific doubt that the safeguarding measures proposed as mitigation and avoidance measures are sufficient to inform the Appropriate Assessment of the MWLP at the submission stage.

Paragraph 5.22 of the HRA states that *'Mineral working proposals would not normally be considered as a source of phosphate, as they do not generate wastewater from residential occupancy and there is no mining of phosphate rock in Herefordshire. Therefore, while the above policies and site allocations could result in some discharges/run-off to the River Wye, these are unlikely to adversely affect the integrity of the SAC because any discharges or run-off will not be high in phosphates'*. We do not agree with this statement and consider that discharges from mineral development considered alone and/or in combination may have phosphate implications that affect the integrity of the River Wye SAC. The MWLP Appropriate Assessment should recognise that stripping and storage of topsoil and subsoils if inadequately managed has the potential for adverse effects on the integrity of the River Wye SAC because organic matter laden run-off either alone or in-combination is not known for the plan. We consider that this an example issue of where measures can be identified at the this MWLP stage to inform an Ecological Mitigation Plan or other form of safeguard can be identified and cascaded to a site specific HRA for securing via an appropriate planning control.

Wye Valley and Forest of Dean Bat Sites SAC

We note the consideration of potential implications arising from the allocated site at Callow Delve in terms of potential loss of offsite but functionally linked habitat for horseshoe bats associated with the Wye Valley and Forest of Dean Bat Sites SAC.

We have considered the Appropriate Assessment of this allocation and the avoidance and mitigation measures outlined within the publication draft of the MWLP. We understand that the allocation may result in the loss of small areas of habitat and agree that a site-specific HRA should accompany any new proposal brought forward which demonstrates how adverse effects on horseshoe bats will be avoided. Given that the site is currently an active site and is to be taken forward as an allocation for further working, we are satisfied that beyond that this can be achieved; but advise that a review of any current HRA should be completed to ensure there are no localised effects that need to be identified and used to inform the MWLP and any future HRA at the site level.

Landscape

We note that that the environmental baseline information is set out in Appendix C1 of the Sustainability Appraisal of the Publication Draft Herefordshire Minerals and Waste Local Plan appendices documents dated December 2020.

Paragraph C.112 sets outline the environmental baseline information in respect of Landscape. Whilst reference is made to national character area 99: Black Mountains and Golden Valley, no reference is made to the Brecon Beacons National Park which borders the Western boundary of Herefordshire.

The National Park should be considered in the baseline assessment for the MWLP. Sites need to consider whether they are likely to have any impact upon the Special Qualities of the National Park and any impact upon its visual setting. Given the scale, distance and intervening features between the National Park and the allocations, it is unlikely that any significant impacts would be identified, however consideration of the impacts must be given at this stage in order to inform the sustainability appraisal for the MWLP.

If you have any queries, or if you require any further information, please do not hesitate to contact us.

Yours Sincerely

Bryn Pryce MRTPI MSc BSc

[Uwch Cynghorydd Cynllunio Datblygu](#) / Senior Development Planning Advisor

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Yn falch o arwain y ffordd at ddyfodol gwell i Gymru trwy reoli'r amgylchedd ac adnoddau naturiol yn gynaliadwy. Proud to be leading the way to a better future for Wales by managing the environment and natural resources sustainably.



Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi. Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.

Herefordshire Minerals and Waste Local Plan DPD Pre-submission publication

Representation Form - Guidance

April 2021

The publication period:

The publication will last for six weeks from Monday 12 April to midnight on Monday 24 May 2021.

Submitting your printed questionnaire:

- By email to: ldf@herefordshire.gov.uk
- Due to current Covid guidelines, our office is not currently manned full time; therefore please only send a form by post if you are unable to use the online options. Send the completed form to the following address:
Strategic Planning
Herefordshire Council
Plough Lane Offices
Hereford, HR4 0LE

Please note that comments will not be accepted by telephone or on social media.

Filling in the form:

This form has two parts:

- You must complete one copy of Part A, which asks for your personal details.
- You should complete Part B for each policy that you wish to comment on.

Your comments:

- As this is a statutory stage of publication consultation, comments will be accepted no later than midnight on Monday 24 May 2021.
- All comments will be considered by the Planning Inspector as part of the examination of the document. The Inspector may wish to contact you to discuss your comments and concerns, prior to the formal examination.
- The personal information in Part A will only be used for purposes related to the consultation and the Minerals and Waste Local Plan DPD examination. Only your comments, name and/or organisation will be published, but other information will be shared with the Government-appointed Planning Inspector who will examine the document.

Purpose of the publication:

The purpose of the Minerals and Waste Local Plan DPD examination is to enable the Inspector to decide whether the document and evidence gathered is 'sound', legally compliant and is in accordance with national planning policy and the relevant legislation. A more detailed explanation of this is set out on Part B of the form. It will assist the Inspector if you are able to bear in mind the purpose of the examination when you are completing the form, and relate your representation to these points whenever possible.

If you need help to understand this document, or have any other questions about the Minerals and Waste Local Plan DPD, please contact the Strategic Planning office on 01432 260146 or email ldf@herefordshire.gov.uk

**Minerals and Waste Local Plan DPD
Pre-submission publication**

**Comments Form – Part A
Personal details**

Title: Mr Initials: A.Q.

Surname: Christelow

Job title (where relevant): Senior Planning Officer

Company/Organisation (where relevant): Staffordshire County Council (Minerals and Waste Planning)

Address 1: 2 Staffordshire Place

Address 2: Tipping Street

Address 3: Stafford

Address 4:

Postcode: ST16 2DH

Telephone number: 01785276705

Email address: Andy.Christelow@staffordshire.gov.uk

Preferred contact method: Email

If you are an agent, please indicate below the name of the client that you represent:

N/A

If wish to be on our mailing list to receive information with regard to developments in planning policy, please tick the box. You have the right to withdraw your details at any time in the future:

Yes please.

**Minerals and Waste Local Plan DPD
Pre-submission publication**

**Comments Form – Part B
Comments on soundness**

Please complete this part of the form for each section of the document that you wish to comment on.

All representations will be considered by the Planning Inspector as part of the examination. The purpose of the examination is to enable the Inspector to decide whether the document and evidence gathered is 'sound'. For it to be sound, the document must be:

Positively prepared - Including does it meet the development requirements and will they be sustainable?

Justified- Has it taken the right approach and is it based on reliable evidence?

Effective - Are the proposals deliverable?

Consistent with national policy - Are the policies in line with national planning policy?

You should bear these considerations in mind when making your comments.

Which part of the DPD does this comment relate to?

Policy no.

M3

Paragraph no.

1

Do you consider this part of the document is sound based on the following issues?

	Yes	No
Positively Prepared (PP)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Justified (J)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Effective (E)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consistent with National Policy (NP)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If you have ticked no to any of the above, please give your reasons below about the Tests of Soundness.

Policy M3 (Winning and working of sand and gravel) appears to make a level of provision based on maintaining current capacity. Paragraph 3.1.12 acknowledges that this fulfils only 40% to 50% of the consumption of sand and gravel aggregates in Herefordshire, with the balance being imported - 30% to 40% coming from Staffordshire.

The data for consumption and imports is old and needs to be updated, but the policy, as written, may not be capable of ensuring a steady and adequate level on sand and gravel production throughout the plan period, even with the promised regular reviews.

There needs to be greater resilience in the supply strategy to cope with changes, especially in the light of major construction projects, such as HS2, competing for supplies in areas such as Staffordshire which have previously been relied upon to supplement production in Herefordshire.

Do you consider that your comment is a representation of:

Support



Objection



Please set out what change(s) you consider necessary to make the policy legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The policy should make provision for the production of sufficient sand and gravel to meet the identified demand within Herefordshire, reducing reliance on imports.

If you have any comments regarding the Sustainability Assessment and/or Habitats Regulations Assessment, please use the box below:

Please note your representation should cover all the information, evidence and supporting information necessary to justify the representation and the suggested change, as there will not normally be an opportunity to make further representations. After this stage, further submissions will only be at the request of the independent Inspector appointed by the Secretary of State, based on the matters and issues identified for examination.

How do you wish your representation to be dealt with at the examination hearing? Please note: The Inspector will determine the most appropriate procedure to adopt, to hear those who have indicated that they wish to participate at the hearing part of the examination.

Attending examination
Written representation



Name: Andrew Christelow.....

Signature: A.Q.Christelow.....

Date: 24 May 2021.....

Thank you for taking the time to make a representation.

My Ref: TAR-022-P/JC

Your Ref: MWLP Publication Draft

Date: 24th May 2021

Strategic Planning
Herefordshire Council
Plough Lane
Hereford
HR4 0LE

Dear Sirs

HEREFORDSHIRE MINERALS AND WASTE LOCAL PLAN – PUBLICATION DRAFT

REPRESENTATIONS ON BEHALF OF TARMAC TRADING LTD

Thank you for allowing us opportunity to make representations in respect of the above consultation on the Herefordshire Minerals and Waste Local Plan (MWLP). Our comments on behalf of Tarmac Trading Ltd (Tarmac) are set out below.

Tarmac Land Interests within Herefordshire

Our client has mineral interests within Herefordshire – namely Wellington Quarry and the Moreton on Lugg railhead together with the mothballed Nash Scar Quarry.

Wellington Quarry: Wellington Quarry is an operational sand and gravel quarry with ancillary processing infrastructure, located off Heywood Lane (situated to the north of Moreton on Lugg). The site also supports ancillary operations including a ready mixed concrete plant and a concrete blockwork. The access to a dedicated railhead -Moreton-on-Lugg - is shared with the existing mineral operations.

Tarmac has long-term aspirations for the continued working of sand and gravel resource within this area and have promoted extensions for sand and gravel extraction.

Moreton on Lugg Railhead: The railhead is extensively used for the purposes of storage, loading and distribution of hard stone minerals by rail, predominantly into the south east. The stone originates from the company's quarries within Wales - Dolyhir and Gore - and is delivered to Wellington by road. As aggregate resources in Herefordshire become scarcer, the potential to

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rail feed in to and from the railhead will increase. This railhead is regarded as an important long-term piece of ancillary minerals infrastructure that enables the sustainable transportation of mineral by rail.

General Comments on Mineral Supply

Sand and Gravel Supply

Whilst there are 3 sites which contain permitted mineral reserve and the landbank appears high, there is only one active operation – Wellington Quarry (LAA 2019). The annual sales data is reflective of the production/output from one quarry and should not be construed as a reflection of reduced/subdued sand and gravel demand. The three years sales average exceeds the 10 year average (0.158mtpa and 0.115mtpa respectively) and the 2018 sales increases again to 0.192mtpa indicating a rise in demand.

Herefordshire is a net importer of sand and gravel with up to 50% reliance on imports to meet demand (LAA 2019). Planning Authorities are under a duty to cooperate with each other on strategic matters that cross administrative boundaries (NPPF paragraph 24). 'Joint working should help...to determine whether development needs that cannot be met wholly within a particular Plan area could be met elsewhere' (NPPF paragraph 26). In order to comply with this duty to cooperate it is essential that the MPA is clear with neighbouring Authorities what the anticipated demand for sand and gravel is likely to be. The ability for the West Midlands Region to maintain current sand and gravel exports to adjacent Counties has the potential to be heavily influenced by aggregate demand required to meet delivery of HS2. This will require further discussion with other Authorities within the WMAWP area.

Landbank

The Planning Practice Guidance states that, 'Landbanks of aggregate mineral reserves, or aggregate landbanks, are principally a monitoring tool to provide a mineral planning authority with early warning of possible disruption to the provision of an adequate and steady supply of land-won aggregates in their particular area (Paragraph: 080 Reference ID: 27-080-20140306). Whilst land banks are a useful monitoring tool, they should be treated with caution in circumstances where there are few active operations. 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 the working. As such, there should be greater emphasis or support on continual working from active operations in advance of new greenfield sites. There should also be recognition that there could be a potential time lag in 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

Herefordshire remains heavily reliant on import of crushed rock to meet its own demand. Crushed rock is imported to Herefordshire, primarily from Powys to the rail head at Moreton-on-Lugg. A significant proportion of this crushed rock supply is transferred onwards to serve markets in the south east of England. The LAA and the MWLP need to make clear the indigenous supply and the percentages exported again from the County. As per comments on sand and gravel, if

there is to be a 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.

In addition, the significance of bulk transfer infrastructure should be given elevated status. Although Herefordshire does not have significant indigenous crushed rock resource, it is a vital interchange in the overall network for the onward transfer of aggregate which is essential in the supply chain.

Forecast of Future Demand

The forecasts for sand and gravel demand assume a continuation of the current level of import. This reliance cannot be assumed and should be closely monitored as there is potential for significant supply constraints imposed by the construction of HS2 (particularly from the West Midlands). This will affect the Birmingham and Staffordshire areas primarily/directly, but this may limit their abilities to ensure continued supply to other Counties.

Whilst the available landbank indicates that there may be sufficient permitted reserves to theoretically meet the 'adequate' supply of aggregate, the one active operation will cease operating during the Plan period even with the proposed allocated areas. This limit to productive capacity, combined with a potential issue over the security of imports, affect the Counties ability to provide a 'steady' and adequate supply of aggregate as per the requirements of the NPPF at paragraph 207(a).

Paragraph 207(a) of the NPPF introduced the requirement for MPA's to plan for a steady and adequate supply of aggregates by, 'preparing an annual LAA, to forecast future demand, based on a rolling average of sales data and other relevant local information and an assessment of all supply options'. Basing the MWLP requirements on increased sales is supported. However, it is considered that other supply options including the significance of bulk transfer infrastructure should be given elevated status.

Chapter 1 – The Publication Draft Minerals and Waste Local Plan for Herefordshire

General - The Minerals and Waste Plan Format

The MWLP is to be read alongside the adopted Herefordshire Core Strategy as the Development Plan for the County. Whilst the MWLP outlines policy on mineral supply (amount to be planned for and location), general development management policy criteria (i.e. that relating to heritage, amenity or biodiversity) is to be contained within the main Core Strategy (currently subject to initial phases/evidence gathering for an agreed Review).

Policy and guidance for residents and developers contained within a Local Plan should be clear and not a 'paper chase' exercise. Whilst we do not object to the approach taken by the Mineral Planning Authority, there is some concern that reviews into two separate documents (albeit they form the one comprehensive Development Plan) on different Review schedules and informed by separate evidence base documents will result in a Plan that is unable to respond quickly to changes in circumstances.

Chapter 3 - Context

Paragraph 3.1.14

The Plan identifies key ‘ancillary’ infrastructure including the Moreton-on-Lugg railhead. The significance of the railhead and its essentiality to mineral supply of national importance is underplayed within the Plan and should be given elevated status. It operates with an independent consent from the active Wellington Quarry mineral working and is therefore not tied explicitly to the quarrying operations. Currently the railhead facilitates primarily the export of crushed rock to the south east of England. However, there are opportunities for long term continued contribution to mineral supply outside of the County in addition to the inward supply of aggregate to assist in meeting demand requirements. As identified in the MWLP (para 3.1.12), Herefordshire only provides 20%-30% of its own indigenous crushed rock demand and 40%-50% of its own indigenous sand and gravel demand and use of this infrastructure longer term could assist in securing the sustainable transfer of aggregate into and out of the County.

Paragraph 3.2.8

Paragraph 3.2.8 states that, Herefordshire has sought to provide a ‘positive policy framework to bring forward deliverable development to meet its own needs and to provide for those identified through these meetings’ (reference to the Technical Advisory Body and Aggregate Working Party). In regard to comments above regarding the reliance of import, the MWLP should state it, ‘*aims to provide for a contribution towards the County minerals needs*’. There is a heavy reliance on importation of aggregate to meet demand and indigenous supply is met by only one currently active operation. Policy within the County needs to be flexible enough to support mineral supply indigenously including elevation of infrastructure for the sustainable and bulk transfer of mineral.

Paragraph 3.3.7

Paragraph 3.3.7 is unsound and should be re-worded to reflect NPPF. As worded, the MWLP is requiring landbanks to be provided outside of National Parks, AONB’s etc. The NPPF (paragraph 205a) is not categorical on this issue and states, “as far as practicable” to avoid these areas.

‘The NPPF seeks to conserve important landscape and heritage assets by requiring that as far as practical to provide for the maintenance of landbanks of non-energy minerals from outside National Parks, Areas of Outstanding Natural Beauty, Scheduled Monuments and World Heritage Sites’.

3.4 Issues and Challenges

Minerals

It is suggested that the first bullet could be reworded to include reference to the need to provide for a ‘steady and adequate supply of minerals’ to better reflect the NPPF (para 207).

General

The second bullet should include reference to *'appropriate and proportionate'* to reflect that the significance of an asset is critical to determining the significance of impact from development. All of the constraints identified have different status/significance which may not in all circumstances warrant *'protection and enhancement'*, particularly if there are exception tests identified in the NPPF. As drafted this is unsound and contrary to the NPPF paragraphs 193-196.

The fifth bullet should recognise the constraints *and* opportunities (as opposed to constraints on opportunities) for the movements of mineral and waste.

The seventh bullet point is strongly supported. The MWLP is setting a framework for 20 years and therefore flexibility and adaptive management is critical to ensuring that a Plan is relevant and can respond rapidly to change.

Chapter 4 – Vision, Objectives and Spatial Strategy

It is considered that the key policy principles (paragraph 4.1.4) should include reference to *'steady and adequate supply'* in addition to the required maintenance of landbanks.

The Vision

The term *'sustainable provision'* should be clarified/defined in the glossary to make effective. It may be better drafted as *'steady and adequate supply'* to reflect the primary aims of mineral policy within the NPPF.

Strategic Objectives

There does not appear to be a strategic objective 3. In the previous draft this related to safeguarding which we consider to be an important element of policy that the MWLP should seek address. We would welcome this being reinstated.

Objective six should provide for a *'steady and adequate supply'* of minerals to reflect the aim of the NPPF.

Section 4.3 – Spatial Strategy

Paragraph 4.3.2

Whilst a spatial strategy for waste development is appropriate and development for management should be linked to where the demand will arise, minerals can only be worked where they are found. A strict locational strategy which limits opportunities for new working is not an effective strategy and is unsound particularly given the historic lack of operational units in the County. Whilst areas of search may be preferred locations of working, the drafting of paragraph 4.3.2 advocates that any other areas are *'constraint areas'* and therefore inappropriate for mineral extraction. As identified above, even landscape constraints such as National Parks are not a blanket restriction to mineral development.

As such the following amendments are suggested,

'The review of the underlying geology and natural and built environment of Herefordshire has identified both key areas of search for minerals development and those that areas that should be constrained from future development as far as practical. Not surprisingly, these areas generally follow the approach to development set out in both the NPPF and the Core Strategy, such as giving great weight to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.'

Reference within paragraphs 4.3.3 to 4.3.5 should be to mineral resource (as opposed to reserves) until they have obtained necessary consents for working.

Paragraph 4.3.4

The County has one currently active sand and gravel operation. It seems unlikely that there will be a proliferation of minerals development across the County and as stated above, minerals can only be worked where it is found. In the interests of maintaining supply to contribute to need as advocated by the MWLP objectives it is considered that a limiting locational strategy is not effective or justified and is unsound.

Chapter 5 - Strategic Policy and General Principles

Section 5.3 – Movement and Transportation

Reference to the importance of the Moreton-on-Lugg railhead is underplayed within the MWLP and should be given elevated status. Herefordshire's role in overall sustainable mineral supply due to infrastructure links such as the railhead should be referenced. There is no mention of its importance in policy nor to the significance of opportunities for long term mineral supply into and out of the County.

Section 5.6 - Biodiversity and Geodiversity

Paragraph 5.4.18 states that site reclamation, 'will be expected to contribute, at a landscape scale, to achieving nationally identified habitats or principal importance, taking account of the attributes of the site and of nearby areas, supporting coherent and resilient networks of habitats that link the site with relevant ecological features in the wider landscape'. Whilst the aim of this is supported it may not be appropriate in all circumstances (balanced with the aspirations of landowners) to achieve all of these objectives. Overly prescriptive principles are not justified and should be caveated with 'where appropriate or practicable or opportunities for these should be maximized' in place of be expected to.

Paragraph 5.4.19

Opportunities for geodiversity study are made possible by mineral development. Whilst study, sampling and recording may be feasible during extraction, the requirements to retain faces post development along with the long term liability would need agreement with the landowner and should not be essential in all circumstances. As above, the requirements should be caveated. As advocated by paragraphs 5.4.20 – 5.4.22, the different mineral types warrant different

approaches and paragraph 5.4.19 should be amended to reflect the individual circumstances. Hard rock faces are more likely to withstand weather and their long term retention more appropriate than a sand and gravel exposure.

Section 5.8 - Historic Environment and Heritage Assets

Paragraph 5.4.26 states that mineral and waste developments would need to include, 'a clear strategy for enhancing the historic environment character'. In addition, 'wet working of mineral sites may not be a viable option where there are potential archaeological assets, as this can significantly restrict the delivery of appropriate mitigation measures'.

Both sentences should be deleted as they are not justified nor in accordance with the NPPF. The NPPF is clear that there is hierarchy of significance to assets of historic importance and the approach to the consideration and judgement of impact is different (paragraphs 193-196). In addition, the current wording of paragraph 5.4.26 predetermines the significance of impact without any assessment having been undertaken.

Section 5.9 - Resource Management

Paragraph 5.5.14 advocates the use of resource audits for new development. This is supported. Whilst it is accepted that the use of recycled and secondary aggregates should be encouraged it should be recognised that these contribute to the overall resource that will be required but will not substitute primary aggregate in their entirety (NPPF paragraph 204b). The paragraph should be amended to include the requirement for primary resource to reflect the approach taken in paragraph 5.5.16.

'New development requires significant volumes of construction materials, and the facilities provided on site can affect how it performs through its operational lifetime. The planning system has a role to play encouraging the use of and contribution secondary or recycled construction materials can make in addition to primary aggregate requirements and preventing waste generated in construction and redevelopment projects'.

Policy SP1 – Resource Management

The theory of Policy SP1 is supported. The links with the Core Strategy (under Review) which will provide the detail on the development requirements for the County needs to be clear. This is one of the issues of multiple documents making up the Development Plan for the County and the need to ensure that all policies are coherent and can be read as a whole.

Policy SP4 – Site Reclamation

Policy SP4 is not considered to be effective in its current form nor is it justified. It requires site reclamation schemes to include "(b) proposals that deliver landscape scale benefits and/or integrated green infrastructure appropriate to its location". At present, bullet point (b) requires proposals to deliver 'landscape-scale benefits' which is not considered to be an effective basis for such a policy as it may not be practical for all sites to delivery benefits on such a significant scale. We suggest the following re-wording to make the Policy application of the Policy effective:

“(b) proposals that deliver landscape scale benefits and/or integrated green infrastructure when and where practical and appropriate to its location.”

Chapter 6 – Minerals

Minerals Strategy

Paragraph 6.1.8

Paragraph 6.1.8 identifies that, ‘because mineral resources may be substantial, it is possible for more than one quarry to operate within a single reserve area, either through extensions or new quarries opening up in the vicinity of an existing site. This is generally seen to be advantageous, as it enables the resource to be worked efficiently and for infrastructure (conveyors, processing plant etc.) to be shared. Consequently, the policy priority will be to achieve efficient use of land, extracting the most mineral with the least adverse impact and avoiding a proliferation of built development’.

The principle of this is supported and the extraction of the maximum mineral resource from an area already in operation is the most sustainable form of operation. We would support clarification on the working or shared use of an existing site/plant operation in advance of a new site working to avoid cumulative effects of simultaneous working.

It is considered that the national importance of the Moreton-on-Lugg railhead facility should be given some recognition in regard to the overall mineral supply policy. Whilst it is included as part of the safeguarding policy which protects it from alternative non compatible uses, it should also provide reference to securing the long term retention of the facility for outgoing mineral supply to areas without indigenous resource and its potential for future importation to meet the long term needs of Herefordshire should be recognised.

Policy M2 – Safeguarding of Minerals Resources and Associated Infrastructure from sterilization or significant adverse effect.

We welcome inclusion of associated infrastructure into this Policy. However, except for the title the policy does not go far enough to safeguard the asset/infrastructure from non-mineral development. There should be some explanatory text and we would advocate the use of Mineral Consultation Areas to ensure non compatible uses are not in such proximity to be affected by operations. In our view, the agent of change principle is also relevant to the effective working of existing businesses including railheads, ancillary minerals development and this should be set out in the Plan to guide development on proximity to it.

The interactive map illustrates the mineral resource but it does not identify ancillary infrastructure sites. As a minimum the railhead at Moreton-on-Lugg should be identified due to its importance for aggregate supply.

Policy M3 – Winning and Working of sand and gravel

In order to ensure flexibility in the Plan, it should not set a maximum provision figure. As advocated under comments on aggregate supply, there is concern that the Mineral Planning Authority will be unable to meet anticipated demand without the reliance on imports from adjoining Counties. In addition, the current 'forecast' of need contained within the LAA is based on historic sales from a single active working with planning permission to work until 2027. The Policy should be re-worded positively to ensure the Plan provides 'at least' 5 million tonnes of sand and gravel over the Plan period. This removes the requirement for 'additional provision' and a 'mid-term review'. The LAA will be the evidence base document, reviewed annually, which indicates whether there is likely to be an increase in demand over the Plan period in accordance with paragraph 207a of the NPPF and policy needs to be flexible enough to respond to change.

Policy M4 – Winning and working of crushed rock (limestone)

To ensure flexibility in the Plan, it should not set a maximum provision figure over the plan period. There is concern that the MPA will be unable to meet anticipated demand over the Plan period. British Geological Survey data for 2014 indicates that Herefordshire is only 20% to 30% self-sufficient in crushed rock provision.

Given the concerns surrounding provision of a steady and adequate supply over the Plan period as required by NPPF, Policy M4 should be re-worded positively to ensure the Plan provides 'at least' 9 million tonnes of crushed rock over the Plan period. This removes the requirement for 'additional provision' and a 'mid-term review'.

Chapter 8 - Delivery, Implementation and Monitoring

Delivery

Paragraph 8.1.3

It should be made clear in paragraph 8.1.3 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 paragraph 54 of the NPPF.

Table 3

Policies for the working of minerals should refer to the Local Aggregate Assessment as an indicator used to monitor the effectiveness of the Plan strategy, particularly in regard to the growth forecast for the County, the contribution to the Managed Aggregate Supply System and the maintenance of landbanks all of which are required by the NPPF.

Chapter 9 – Key Development Criteria

Wellington Quarry

We support the approach to phased working and the need to secure the optimum phasing of the allocated areas including how existing infrastructure will be used. There are areas proposed as allocated sites that Tarmac has secured options to work as a continuation of operations at Wellington Quarry. Other areas to the north and east are promoted independently from Tarmac. The phases under the control of Tarmac should be worked in advance of alternatives to allow maximum use of existing infrastructure and site access without giving rise to cumulative effective of simultaneous workings.

Reference is made to a proliferation of ancillary infrastructure not being permitted. This requires clarification. As above, it is agreed that simultaneous Quarry workings may not be appropriate due to the potential for adverse effect on the local highway network and residential receptors. However, ancillary mineral and waste activities such as concrete plants, aggregate recovery/recycling operations are appropriate on existing mineral sites.

It is hoped that the above comments are helpful. Should you wish to discuss any of the matters raised in more detail please do not hesitate to contact us. We would like to be kept informed of progress of the MWLP and attend the Examination.

Yours sincerely,

Jenna Conway
Heatons

Latham, James

From: Bridgwood, David <david.bridgwood@veolia.com>
Sent: 19 April 2021 16:19
To: Eaton, Victoria
Subject: Re: Minerals and Waste Local Plan Consultation - We would like to hear your views

This message originated from outside of Herefordshire Council or Hoople. Please do not click links or open attachments unless you recognise the sender and know the content is safe.

Victoria,

good to speak to you earlier.

As discussed, my concern is that at the moment the way the policy is worded at W5 there is no ability to undertake improvements to existing waste facilities. Whilst for small facilities we are ok on industrial estates generally, for anything over 50,000 tonnes it is a no go. What that does is to discourage enhancement of existing waste facilities. A company with, say, an existing and well established transfer station couldn't add an additional sorting or treatment line to drive their operations up the hierarchy, which is the thrust of what the plan is intending to do, unless they were sited in one of the already acceptable locations or prepared to relocate their operations to a completely new site. Realistically that's not going to happen.

I'd suggest adding a fourth category to W5. I'd suggest:

4. improvement or redevelopment of existing waste facilities in accordance with Policy W7.

David.

David Bridgwood

National Planning Manager

United Kingdom

t +44 (0) 203 567 2404 m +44 (0) 7887 882 653

Kingswood House, Kingswood Crescent, Cannock, WS11 8JP

www.veolia.co.uk

----- Forwarded message -----

From: **Bridgwood, David** <david.bridgwood@veolia.com>

Date: Fri, 16 Apr 2021 at 12:55

Subject: Re: Minerals and Waste Local Plan Consultation - We would like to hear your views

To: REDACTED

Cc: REDACTED

Ian,

we have a couple of small facilities in Herefordshire, so I'd already taken a look at this. To be clear, these are my/Veolia comments rather than an ESA view.

I think the thrust of the plan is very good. We certainly welcome the aims of the plan and the protection of existing waste sites from encroachment. I've not looked at the numbers in any detail, so I have no idea if they are right, but they look sensible. Overall a good, solid plan.

My only real observation is in relation to appropriate locations for new development. I might be a bit sensitive to this at the moment as I recently lost an appeal related to redevelopment of an existing waste site - we were proposing to turn an existing and well established but under used open crushing and screening site for C&D and scrap metals on an industrial estate into an enclosed bulking and sorting plant for C&I waste to serve one of our existing depots nearby. The aim was to reduce total vehicle mileage and move the waste up the hierarchy. The inspector found we complied with the principles of the plan, there were no amenity issues, he supported the mileage reduction and carbon savings, but refused it. The development was found to be counter to the spatial principles of the plan, because it wasn't one of the specifically allocated sites and there was no policy in the plan for redevelopment or enhancement of existing sites. Despite the plan saying in the RJ all the way through that that is what needs to happen and including a policy protecting existing sites from loss from waste use.

Policies W5 and W6 are written in that same way - they do not allow for appropriate improvement or redevelopment of existing waste facilities outside those areas that are otherwise appropriate, meet W7 and allow for movement of waste up the hierarchy. Basically what that means is that applying a strict reading to the policy, we can't redevelop or enhance any existing facilities - we have to go and buy a new site somewhere else in one of the identified locations and start from scratch. That significantly increases the cost, time and risk of investing in better waste management. I don't think it is the intention, but bear in

mind that while necessary waste management is rarely popular with local residents. They'll object on principle and cite those policies. There is a danger of protecting and entrenching poor performing operations because it is difficult to bring something better forward.

It will be easy to fix and I think will effectively help deliver what the plan is trying to do. And as I say, I think the thrust of it is something we can all support.

We'll be making a rep to point that out, and happy to share that. I leave it to the RTAB whether they want to make the same point.

David.

David Bridgwood

National Planning Manager

United Kingdom

t +44 (0) 203 567 2404 m +44 (0) 7887 882 653

Kingswood House, Kingswood Crescent, Cannock, WS11 8JP

www.veolia.co.uk

Latham, James

From: Tony Lyons <tonylyons@warwickshire.gov.uk>
Sent: 23 May 2021 19:15
To: Gilson, Susannah
Cc: Paul Wilcox; Richard Forbes
Subject: Re: Still time for you to have your say about Minerals and Waste in Herefordshire

Follow Up Flag: Follow up
Flag Status: Flagged

This message originated from outside of Herefordshire Council or Hoople. Please do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Susannah,

Thank you for consulting Warwickshire County Council on the Herefordshire Minerals and Waste Plan.

Whilst the 10 year average appears to show that there is landbank of 21.5 years, the calculation is based on only one site which is currently in production and the rate is approximately 0.15mt per annum over 10 years.

It is acknowledged that like many minerals authorities there are a few planning applications coming through the system. I haven't come across the evidence but does it include a call for new sites and was there a shortage of deliverable new sites?

I would question that if the plan is reliant on new sites coming forward, as there are not enough reserves to meet the plan's demand requirement, then is the plan too restrictive in proposing only two areas of search as potential areas where the shortfall can be met locally?

In regard to Policy M3: "Winning and working of sand and gravel", I would comment that there appears to be a reliance on, and an assumption, that a large proportion of the sand and gravel requirement (54%) for Herefordshire will be supplied from other minerals authorities (based on the percentage figures from the 2014 National aggregates survey). There will need to be a Duty to Cooperate agreement with other counties in the WMAWP to agree that this can level be maintained and that they can pick up the shortfall. There may be an opportunity to discuss that at the upcoming meeting in respect of a new methodology for producing West Midlands MPA Local Aggregate Assessments.

If you have any queries, please do not hesitate to contact me

Yours Sincerely

Tony Lyons
Principal Planning Officer
Planning Policy Team
Infrastructure and Sustainable Communities
Communities
Warwickshire County Council
PO Box 43
Shire Hall
Warwick
CV34 8SX

Latham, James

From: Conlon, Helen <Helen.Conlon@Barnet.gov.uk>
Sent: 24 May 2021 11:42
To: Eaton, Victoria
Subject: RE: Herefordshire MWLP Consultation

This message originated from outside of Herefordshire Council or Hoople. Please do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Victoria,

Please find the AWP response to the plan below:

Thank you for the opportunity to comment on the draft Herefordshire Minerals and Waste Local Plan. The West Midlands Aggregate Working Party (WM AWP) does not have any specific comments to make on the contents of the draft plan however, the consultation has been circulated amongst AWP members who have been encouraged to submit their own separate representations.

Kind regards,

Helen

From: Eaton, Victoria <Vicky.Eaton@herefordshire.gov.uk>
Sent: 20 May 2021 09:58
To: Conlon, Helen <Helen.Conlon@Barnet.gov.uk>
Subject: Herefordshire MWLP Consultation

Hello Helen,

I just wanted to give you a quick reminder that the Herefordshire Minerals and Waste Local Plan reg 19 pre-submission consultation is due to finish on Monday 24th May and wondered if the WM AWP may be sending anything in?

Do get in touch with me on 01432 260146 if you would like to have a chat about this. I am working today, but am part time and do not work on Fridays or Tuesdays.

Kind regards,
Vic

Victoria Eaton MRTPI
Senior Planning Officer (part-time)
vicky.eaton@herefordshire.gov.uk
01432 260146





Strategic Planning
Herefordshire Council
Plough Lane
Hereford
HR4 0LE

BY EMAIL ONLY

24th May 2021

Dear Ms Gilson,

Herefordshire Minerals & Waste Local Plan Publication Draft

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

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

Yours sincerely,

Emily Barker
Head of Planning and Transport Planning

Emily Barker
Head of Planning and
Transport Planning

County Hall
Spetchley Road
Worcester
WR5 2NP



Duty to cooperate

Herefordshire Council and Worcestershire County Council have engaged in ongoing discussions during the preparation of the HMWLP.

A Memorandum of Understanding was signed between Gloucestershire County Council, Herefordshire Council, and Worcestershire County Council in 2019 in relation to facilitating the steady and adequate supply of aggregates and industrial minerals; meeting demand for other non-energy minerals; and delivering sustainable waste management across Gloucestershire, Herefordshire and Worcestershire.

We welcome the references within the HMWLP to the movement of both mineral and waste materials as a normal part of the operation of the market, as well as the need to make a reasonable contribution to the Managed Aggregate Supply System.

The matters raised in our representations are matters of detail, and in no way indicate that strategic matters between the two authorities have not been considered or addressed.

Minerals

In our response to the consultation on the Draft Plan in 2019, we had concerns with the proposed terminology of "preferred areas of search" and other search areas in policies M3 and M4, as the Planning Practice Guidance (Paragraph: 008 Reference ID: 27-008-20140306, Revision date: 06 03 2014) refers to three distinct types of area - including "preferred areas" and "areas of search" - each with its own specific definition. We felt that the use of alternative names, including one that amalgamates two of the PPG definitions, risked confusion.

We note that amendments have been made to these policies and, although the term "preferred areas of search" is still used, the removal of "other search areas" means this now has greater clarity.

However, part 3 of these policies now reads:

"Only where it is demonstrated to be necessary to maintain an adequate landbank or there is a shortfall in production capacity available at the Specific Sites or Preferred Areas of Search, will [sand and gravel (M3) / limestone (M4)] extraction will be supported in any other area of reserve."

We query whether the term "reserve" is used correctly. Our understanding is that mineral reserves are those minerals with legal access and for which a valid planning permission for extraction also exists (see <https://www2.bgs.ac.uk/mineralsuk/mineralsYou/resourcesReserves.html>), and

therefore for clarity in the application of this policy, we suggest that this should be changed to “resource”.

Waste

We are pleased to note that policies W1 and W2 take an enabling approach to waste management development, setting minimum requirements for additional waste management capacity.



Cool Planet
Resources

The Dock Hub
Wilbury Villas
Hove
East Sussex
BN3 6AH
Email: ian.blake@cpresources.co.uk
Mobile: 07540 598832

Strategic Planning,
Herefordshire Council,
Plough Lane,
Hereford,
HR4 0LE

20 May 2021

By email: ldf@herefordshire.gov.uk

Dear Sir or Madam,

**Herefordshire Minerals and Waste Local Plan
WMRTAB Observations on the Reg 19 Pre-submission Draft**

The West Midlands Resource Technical Advisory Body (WMRTAB) was formed in 2011 and its overarching aim is to support co-operation between WPAs and others, by providing objective and authoritative technical advice concerning the sustainable management of material resources and strategic waste management data, issues, and development policies and proposals. In particular, WMRTAB helps WPAs meet their obligations under the Duty to Cooperate for plan making. WMRTAB includes the following members:

Waste Planning Authorities:

- Birmingham City Council
- Coventry City Council
- Dudley Metropolitan Borough Council
- Herefordshire Council
- Sandwell Metropolitan Borough Council
- Shropshire Council
- Solihull Metropolitan Borough Council
- Staffordshire County Council
- Stoke City Council
- Telford and Wrekin Council
- Walsall Council
- Warwickshire County Council

- Wolverhampton City Council
- Worcestershire County Council

Waste Management Industry:

- Biffa and Veolia (nominated by the Environmental Services Association),
- MVV
- Robert Hopkins Ltd and NISP/ International Synergies

Other Interested Parties:

- Environment Agency
- Friends of the Earth on behalf of Sustainability West Midlands
- Representatives from other (R)TAB groups
- Adjoining Waste Planning Authorities

A copy of the draft terms of reference for WMRTAB is included as Appendix 1.

As Herefordshire is located within the area covered by WMRTAB, it wishes to make several observations on the pre-submission draft Herefordshire Minerals and Waste Local Plan and these are set out below. These observations are submitted by Cool Planet Resources Ltd which is contracted by Waste Planning Authorities (WPA) in the West Midlands to provide support to WMRTAB.

Please note that this submission is made without prejudice to any representations that individual members of WMRTAB may wish to make on Pre-submission draft HMWLP.

Duty to Cooperate

As noted in paragraph 3.2.7 of the Plan, Herefordshire Council is an active member of WMRTAB with an officer of the Council regularly attending the group's meetings and contributing to its work. WMRTAB has therefore facilitated discussion between Herefordshire Council and other neighbouring waste planning authorities to assist with meeting its Duty to Cooperate on matters pertaining to the planning for waste management within Herefordshire.

In particular, WMRTAB notes that paragraph 3.2.8 of the HMWLP references WMRTAB and states: *"Herefordshire has sought to provide a positive policy framework to bring forward deliverable development to meet its own needs and to provide for those identified through these meetings."*

Planning for sufficient waste management capacity

WMRTAB notes that the HMWLP includes reference to how Herefordshire Council is seeking to address the need for waste management infrastructure within Herefordshire in a manner which acknowledges that the management of waste does not respect administrative boundaries.

WMRTAB agrees with, and supports, the following statements in paragraphs 3.3.22 and 3.3.23: *“there are both imports and exports of waste across the West Midlands region, as well as imports of waste from authorities in Wales.”* And *“The approach followed by authorities across the West Midlands is to seek to achieve ‘equivalent self-sufficiency’, which means that the capacity provided in any authority would be adequate to treat waste that arises in that authority, but allows for the inevitable cross-boundary movements that occur.”*

However, text within the Vision suggests that a *‘strategic approach’* will be taken to achieving a number of matters including *‘optimising self sufficiency’*. This might be taken to suggest that Herefordshire is concerned with managing its own waste which contradicts statements in earlier paragraphs mentioned above. In light of this, WMRTAB suggests that the term *‘self sufficiency’* used in the Vision be qualified in some way to avoid any confusion.

WMRTAB further supports Policy W1 that sets out the Council’s strategy for waste development in Herefordshire. In particular WMRTAB supports the approach of allowing for the development of capacity within the county that will enable *‘equivalent self sufficiency across all waste streams’*.

WMRTAB supports the flexible approach in the HMWLP to achieving *‘equivalent self sufficiency’* which includes planning for the delivery of a quantum of residual waste treatment capacity that is equivalent to the maximum estimated to be required. WMRTAB makes no comment on the accuracy of the values included in Policy W2 but supports the approach of identifying *‘minimum’* quantities of additional capacity needed which recognises that the quanta *“are not presented as a limit on new waste management development that is well designed, appropriately situated and demonstrated to deliver a sustainable outcome.”*

WMRTAB notes that while the HMWLP anticipates significant reductions in non hazardous waste to landfill, the need for such non hazardous landfill capacity is not clearly quantified. WMRTAB appreciates that the quantum of available non hazardous waste landfill capacity is reducing generally and while there may be no obvious deliverable opportunities for such development in Herefordshire it considers that the HMWLP could more clearly state that this need will likely be met by continued export to non-hazardous landfills beyond its area. This will allow neighbouring WPAs to consider how such a requirement might be met in their areas.

Managing Waste in Accordance with the Waste Hierarchy

WMRTAB supports the targets for waste management in the HMWLP which are at least consistent with national policy. WMRTAB notes that in the case of Construction, Demolition and Excavation waste a 90% recovery target has been set which is greater than the national target.

WMRTAB notes that Policy W7 is apparently intended to ensure that waste is managed in accordance with the waste hierarchy, however it considers that the wording of clause 1 could lead to this aim being frustrated. Specifically, clause 1 states (with emphasis added):

*“Facilities for the reuse, recycling or recovery of materials shall be supported where it is demonstrated that the proposed development will enable delivery of the waste hierarchy **and/or** make a positive contribution to achieving the circular economy in Herefordshire.”*

This wording essentially allows for the development of a facility where it is demonstrated that it would *“make a positive contribution to achieving the circular economy in Herefordshire”*. Therefore, for example, the Policy could allow for waste development which doesn’t manage waste in accordance with the waste hierarchy provided that it has been built using recycled/reused materials (thus making a positive contribution to the circular economy. To ensure the Policy is effective and consistent with national policy, WMRTAB suggest that clarification be provided.

Locations for Development

WMRTAB supports the flexibility in the Spatial Strategy (set out in section 4.3) which is inherent in the following statements (with emphasis added): *‘waste development will be **focussed** at Hereford and the market towns’* and *‘**some** waste management development will likely be **more dispersed**’* however it seems this may not be fully articulated in the policies of the Plan.

WMRTAB supports the approach set out in Policy W1 of protecting existing waste facilities from other development which may impact on its operation subject to those facilities being consistent with the spatial strategy. However, WMRTAB is concerned that Policies W5 and W6 do not clearly allow for improvement or redevelopment of existing waste facilities outside the areas specified (in W5 and W6) which is otherwise consistent with the HMWLP e.g. meets Policy W7 and allows for movement of waste up the waste hierarchy. Applying a strict reading would appear to mean that, where planning permission is required, existing waste facilities located outside of those specified areas cannot be redeveloped or enhanced under any circumstances. WMRTAB understands that it may not be appropriate to enhance or redevelop all existing sites, but current policy wording could lead to an undue reliance on the need to develop new sites to meet capacity requirements when additional capacity could be better provided for, where appropriate, at existing ones.

Other

Paragraphs 3.3.1 to 3.3.3 require updating to reflect the UK’s departure from the EU though this should not effect the content of the Plan’s policies.



Overall the HMWLP appears to be thorough in identifying, and seeking to address, issues relating to the management of waste arising in Herefordshire.

I hope these comments are of use – please contact me if you wish to discuss further. I'd be grateful if you would notify WMRTAB, via the email address provided above, of any future stages relating to the preparation of the Herefordshire Minerals and Waste Local Plan.

Yours sincerely,

Ian Blake
Chair, West Midlands Resource Technical Advisory Body

Appendix 1

West Midlands Resources Technical Advisory Body Terms of Reference

Draft v2.0 December 2020

1.0 Introduction

1.1 The West Midlands Resource Technical Advisory Body (WMRTAB) is a group consisting of: Waste Planning Authorities (WPAs), primarily from the former West Midlands Region; representatives from the waste management industry; and other interested parties. Member organisations are listed in Appendix 1.

1.2 Under the Planning and Compulsory Purchase Act 2008, WPAs are required to prepare Local Plans which set out how and where waste can be managed in their areas over a 15 year period.

1.3 Waste arising in one WPA area will frequently be managed in another. For example, in order to achieve economies of scale, waste management facilities will often have a catchment which extends beyond the boundary of the planning area within which it is situated. Planning to ensure that sufficient capacity is available to meet future requirements for the management of waste therefore constitutes a 'strategic matter' and falls under the 'Duty to Cooperate' (DtC). The DtC requires local planning authorities to engage 'constructively, actively and on an ongoing basis' when addressing strategic waste planning matters in their Waste Local Plans.

2.0 Aims

2.1 The overarching aim of WMRTAB is to support co-operation between WPAs and others, by providing objective and authoritative technical advice concerning the sustainable management of material resources and strategic waste management data, issues, and development policies and proposals. In particular, WMRTAB will help WPAs meet their requirements under the DtC.

3.0 Specific areas of activity

3.1 In order to meet the above aims, WMRTAB will:

- Bring together a wide range of expertise in what is a very specialist area of planning through a wide membership including waste planning and management officers of the Waste Planning Authorities (WPAs) in the West Midlands, the Environment

Agency, representatives of industry including the waste management industry, and representatives of environmental organisations;

- Monitor the management of waste arising within the West Midlands in order to identify strategic issues affecting its sustainable management e.g. waste hierarchy, proximity principle and self-sufficiency;
- Undertake and/or commission technical work where there are identified benefits from work being undertaken at larger than local scale;
- Prepare guidance and best practice to be followed by Member WPAs;
- Formally respond, as a body, to the technical evidence base and policy documents of member authorities and other strategic and national consultations¹. Responses will be based on any guidance/best practice notes prepared by WMRTAB;
- Notwithstanding the above, provide comments on member WPA compliance with the Duty to Cooperate when its waste planning policy is published for representations;
- Raise awareness of waste management as an integral part of the circular economy/climate change agenda and contribute to the waste/resource management planning agenda on a national level and within the WMRTAB geographic area;
- Raise awareness of the role of WMRTAB generally e.g. by attendance at relevant meetings and events and also through the preparation of articles for relevant publications.
- Where invited, provide WMRTAB representation on groups and at workshops where strategic waste planning matters are discussed e.g. Local Enterprise Partnerships, West Midlands Combined Authority, National Waste TAB Chairs;
- Take part in online discussion/information sharing groups to help build skills and knowledge with the WMRTAB membership;
- Provide and/or commission training and support for Member organisations related to waste planning;

3.2 To assist with the effective running of the group WMRTAB shall:

- Publish evidence documents, guidance, meeting minutes, agendas etc online for member authorities to access and use at public examination as required;
- Prepare and monitor an annual business plan that identifies specific activities to take place with a 12 month period under the above categories;
- Meet twice a year;
- Contribute to the preparation of meeting agendas to ensure discussion of relevant strategic matters (Minutes will be prepared by a designated minute-taker on a rotating basis);
- Review and update (as necessary) these Terms of Reference on an annual basis.

¹ This will not fetter the ability of Member authorities to make their own representations as appropriate.

3.3 Member WPAs will make a financial contribution to the organisation and running of the group. This will include the costs of employing an independent Chair.

4.0 Member agreement

4.1 All organisations listed in Appendix 1 agree to membership of the group on the basis of the terms set out in this document.

Appendix 1 WMRTAB Member Organisations

N.B. This list is subject to change but was correct at 8 December 2020

Waste Planning Authorities:

- Birmingham City Council;
- Coventry City Council;
- Dudley Metropolitan Borough Council;
- Herefordshire Council;
- Sandwell Metropolitan Borough Council;
- Solihull Metropolitan Borough Council;
- Shropshire Council;
- Staffordshire County Council;
- Stoke on Trent City Council;
- Telford & Wrekin Council;
- Warwickshire County Council;
- Walsall Metropolitan Borough Council;
- Wolverhampton City Council; and,
- Worcestershire County Council

Waste Disposal Authorities:

- TBC

Waste Management Industry:

- Biffa and Veolia (nominated by the Environmental Services Association),
- MVV
- Robert Hopkins Ltd and NISP/ International Synergies

Other Interested Parties:

- Environment Agency
- Friends of the Earth on behalf of Sustainability West Midlands
- Representatives from other (R)TAB groups
- Adjoining Waste Planning Authorities