

Duty to Co-operate Statement

Herefordshire Minerals and Waste Local Plan

January 2022

CONTENTS

1.0	Introduction and Background	page 3
1.1	Purpose of this Paper	page 3
1.2	The Duty to Cooperate	page 3
2.0	Preparation of the MWLP	page 4
2.1	Policy Context	page 4
2.2	Content of the MWLP	page 4
2.3	MWLP Consultations	page 4
3.0	Herefordshire's Strategic Context	page 4
3.1	Location	page 4
3.2	Environmental Quality	page 4
3.3	Historic Heritage Assets	page 5
4.0	Working Cooperatively	page 5
4.1	Engagement with Other Organisations	page 5
4.2	Wider Cooperation	page 7
5.0	Cooperation on Strategic Minerals and Waste Issues	page 7
5.1	Cross-boundary Minerals and Waste Movements	page 7
5.1.1	Local Context	page 7
5.1.2	Cooperation	page 8
5.1.3	Regional Focus	page 8
5.1.4	West Midlands Aggregates Working Party	page 8
5.1.4	West Midlands Resource Advisory Party	page 9
5.1.6	Working with Adjacent Minerals and Waste Planning Authorities	page 9
5.1.7	Outcomes	page 11
5.2	River Wye SAC and Nutrient Neutrality	page 12
5.2.1	MWLP's Approach	page 12
5.2.2	Working with Natural England	page 13
5.2.3	Consultation Responses and Subsequent Engagement	page 13
5.2.4	Outcomes	page 14
6.0	Historic Heritage Issues	page 14
6.1	Working with Historic England	page 14
6.1.1	Consultation Responses and Subsequent Engagement	page 15
6.1.2	Outcomes	page 15
Annex A - Informal comments from Historic England to the emerging Publication Draft MWLP		page 17
Annex B - West Mids Aggregates Working Party: Minutes of Meeting on 9 Nov 2017		page 21
Annex C - West Mids Resource Technical Advisory Body: Minutes of Meeting on 9 Nov 2017		page 26
Annex D - Memorandum of Understanding: Hfds Council, Worcs CC & Glos CC, June 2019		page 31
Annex E - Powys County Council & Herefordshire Council: Minutes of Meeting on 15 Aug 2018		page 39
Annex F - Memorandum of Understanding: Powys CC & Herefordshire Council, Jan 2021		page 44
Annex G - Statement of Common Ground: Shropshire Council and Hfds Council, April 2021		page 49
Annex H - Note to Natural England: HC's approach to Nutrient Neutrality in MWLP, July 2021		page 66
Annex I - Comments from Historic England: on emerging Publication Draft MWLP, Aug 2020		page 71
Annex J - Historic England and Herefordshire Council: Minutes of Meeting on 1 Sept 2020		page 75

1.0 Introduction and Background

1.1 Purpose of this Paper

This statement outlines the way that Herefordshire Council has cooperated with neighbouring local minerals and waste planning authorities and other key partners to plan for strategic and cross-boundary matters during the preparation of the Herefordshire Minerals and Waste Local Plan ('MWLP' or 'the Plan').

Proper planning for many matters requires cross-boundary working. It is not the purpose of this paper to document every discussion and all the joint working that has taken place to produce the MWLP. Rather, it focuses on the key strategic matters where strategic cooperation has been and remains crucial to facilitating sustainable development. For Herefordshire, these are considered to be:

- strategic cross-boundary movements of minerals and waste; and
- River Wye Special Area of Conservation (SAC) and nutrient neutrality.

In addition, the preparation of the MWLP has highlighted other site-based issues, which have required cooperative working, most notably relating to:

- historic heritage assets.

1.2 The 'Duty to Cooperate'

The Duty to Cooperate was introduced by section 33A of the Planning and Compulsory Purchase Act 2004¹. Section 110 of the Localism Act 2011² places a legal duty on local planning authorities to work together with other local planning authorities, county councils and other prescribed public bodies when preparing development plan documents, in order to address strategic, cross-boundary planning issues relevant to their areas.

The preparation of development plans is governed by the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended). Regulation 4³ sets out the list of prescribed bodies to which the Duty to Cooperate applies.

Relevant planning policy issues to be considered under the Duty to Cooperate are explained in the National Planning Policy Framework 2021 (NPPF)⁴ under the 'Maintaining Effective Cooperation' section, in paragraphs 24 to 27.

The Duty to Cooperate is tested at examination whenever an authority prepares or reviews a development plan document (DPD) as part of its local plan. Two of the four test of soundness of local plan (NPPF, paragraph 35) are directly related to the Duty to Cooperate. Plans must be:

Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.

Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with, rather than deferred.

¹ Planning and Compulsory Purchase Act 2004: www.legislation.gov.uk/ukpga/2004/5/section/33A

² Localism Act 2011: <https://www.legislation.gov.uk/ukpga/2011/20/section/110>

³ <https://www.legislation.gov.uk/uksi/2012/767/regulation/4>

⁴ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Paragraph 20(b) of the NPPF identifies waste management and the provision of minerals as strategic priorities to which the Duty to Cooperate applies, where they cross administrative boundaries.

This statement shows how work undertaken by the council in the preparation of the MWLP meets the Duty to Cooperate requirements, particularly in relation to key strategic cross-boundary matters.

2.0 Preparation of the MWLP

2.1 Policy Context

Minerals and waste policy is currently contained in the Unitary Development Plan (UDP). The UDP has been replaced by the Core Strategy, with just the minerals and waste policies being saved. These saved policies will be replaced by the MWLP, once adopted.

2.2 Content of the MWLP

The MWLP will cover the period to 2041, setting out new and comprehensive policies to guide minerals and waste development in Herefordshire. It also proposes the allocation of sites, the identification of preferred areas of search for mineral developments and locations for waste facilities, in order to meet the council's needs over the plan period; based on evidence collected, site assessment work and the outcomes of consultations and engagement.

2.3 MWLP Consultations

Preparation of the MWLP commenced in 2016 and several stages of public engagement have subsequently taken place; giving members of the public and stakeholders the opportunity to have their say in the plan-making process and to guide the direction of the MWLP, ensuring that it covers minerals and waste issues specifically relevant to Herefordshire:

- two 'Call for Sites' exercises in 2016 and 2017
- Issues and Options consultation 2017
- Draft MWLP consultation 2019
- Publication Draft MWLP consultation 2021

3.0 Herefordshire's Strategic Context

3.1 Location

Herefordshire is a sparsely populated, rural, landlocked unitary authority located in the south west corner of the West Midlands region of England, bordering Wales. Herefordshire shares boundaries with five English local authorities and three Welsh local authorities. The English authorities are: the two-tier strategic planning authorities of Worcestershire and Gloucestershire County Councils, both of which are responsible for minerals and waste planning and Shropshire Council, which is a unitary authority. The three neighbouring Welsh authorities are Monmouthshire County Council, Powys County Council and the Brecon Beacons National Park Authority.

3.2 Environmental Quality

Herefordshire's countryside is rich and varied, ranging from the high hills of the Welsh border areas and the dramatic, steep-sloping Wye Gorge, to the gentle, rolling slopes of the Golden and Teme

Valleys and the low lying river meadows of central Herefordshire. Large tracts of this landscape are of high quality, with the Wye Valley and Malvern Hills having national Area of Outstanding Natural Beauty designations, whilst the area along the western boundary with the Brecon Beacons National Park is also of the highest quality, it lacks any national designation.

The richness of biodiversity within Herefordshire is reflected in the number of statutory (e.g. SACs, SSSIs & NNRs) and non-statutory sites (e.g. LWS) designated for nature conservation, which cover 9% of the county.

The water quality of Herefordshire's main rivers and their tributaries is a matter of strategic importance. Both the rivers Wye and Lugg are designated as Sites of Special Scientific Interest. In addition, the River Wye, and the lower stretches of the River Lugg, are designated as the River Wye Special Area of Conservation (SAC), recognised as being of international importance for their unique character and wildlife, requiring the highest level of protection, management, enhancement and, where appropriate, restoration.

At the time of preparing the MWLP, nutrient levels within the River Wye SAC were known to be exceeding the conservation objectives set by Natural England for this designated site, and the situation persists (as at January 2022). This is caused by water pollution from both point sources, particularly sewage outlets, and diffuse sources, principally run-off from agricultural land. The key pollutants are phosphates, but also ammonia.

3.3 Historic heritage assets

Herefordshire has a rich historic environment, reflected in numerous designated heritage assets encompassing many listed buildings, registered parks and gardens, scheduled ancient monuments and conservation areas. These are part of the special built quality and environmental character of many areas of the county.

The county's archaeological heritage is a valuable, but fragile, part of our historic environment. However, its extent is not well surveyed or even assessed. Opportunities associated with minerals and waste developments will continue to be secured to gain a better understanding of Herefordshire's archaeological heritage.

The MWLP seeks to set out an appropriate approach to the assessment, protection and enhancement of the area's important heritage assets.

4.0 Working Cooperatively

4.1 Engagement with other organisations

Under the Duty to Cooperate, Herefordshire Council has worked with other local minerals and waste planning authorities, both through regional level groups such as the West Midlands Resource Technical Advisory Body (WMRTAB) and the West Midlands Aggregates Working Party (WMAWP), and individually. Details are provided below, in relation to the key strategic issues for minerals and waste planning in Herefordshire.

In addition to local planning authorities, there are a number of other prescribed public bodies subject to the Duty to Cooperate and others who have been identified as organisations that should also be engaged in the Plan's preparation process. Table 1 below presents the prescribed bodies, along with how they have been engaged in the preparation of the MWLP. Amongst other bodies that were consulted are: Natural Resources Wales, the National Farmers Union, the National Trust Herefordshire Wildlife Trust and the Campaign for the Protection of Rural England (CPRE). The

Consultation Statement provides more details on those that were consulted at the three key Plan production stages and their responses.

Table 1: Prescribed public bodies that were consulted on the emerging MWLP and their engagement in the preparation process

Public Body	Responded			Other engagement
	Issues & Options	Draft MWLP	Publication Draft MWLP	
Environment Agency	Yes	Yes	Yes	<ul style="list-style-type: none"> • WMRTAB • WMAWP • Meetings on 14.03.18, 04.03.19, 18.09.19 & 24.05.21 • Email/phone correspondence during Plan production
Historic England	Yes	Yes	Yes	<ul style="list-style-type: none"> • Meetings on 25.06.19 & 01.09.20 • Email/phone correspondence during Plan's production, including without prejudice informal comments on the emerging Publication Draft MWLP (see Annex A)
Natural England	Yes	Yes	Yes	<ul style="list-style-type: none"> • Meeting on 08.07.21 • Email/phone correspondence during MWLP production • Letters from NE dated 22.07.19 & 05.08.19 • In November 2020, NE provided without prejudice comments via email, which resulted in some changes to the Preparing the Publication Draft MWLP report
Civil Aviation Authority	No	No	No	
Homes and Communities Agency	No	No	No	
Mayor of London	No	No	No	Not required
Wye Valley NHS Trust and Herefordshire Primary Care Trust	No	No	No	
Care Quality Commission	No	No	No	
Office of Rail Regulation	No	No	No	
Transport for London	No	No	No	Not required
Department for Transport, Rail for Herefordshire, Network Rail & Aviva Trains	No	No	No	
Highways England	No	Yes	No	
Marine Management Organisation	No	No	No	
Marches Local Enterprise Partnership	Not consulted	No	No	

4.2 Wider cooperation

Wider, active engagement also took place as the Draft MWLP was prepared and the details of this are set out in section 6.3 of the Preparing the Draft Plan Report (November 2018). This included discussions with:

- International Synergies Ltd (Ian Humphreys, UK Operations Manager, 21 February 2018);
- Biffa plc (Jeff Rhodes, Head of Environment and External Affairs, 26 January 2018);
- Skylon Park (Mark Pearce, Managing Director, 16 March 2018); and
- Wye Valley Group (Gavin Pettigrew and Andrew Howell, November 2017)

In addition, various site visits were undertaken during November 2017 and, at some minerals operations, the opportunity was taken to discuss the minerals market, how the quarries operate and what might be the future challenges that the MWLP should seek to address.

In 2018, email discussions were held with both Welsh Water and Severn Trent Water in order to ensure the inclusion of an appropriate strategy for waste water treatment infrastructure. Details and outcomes of these is set out in section 5.4 and Annex C of the Preparing the Draft Plan Report (November 2018).

Also prior to the Draft MWLP being produced, email discussions were held with the Oil and Gas Authority to confirm the position regarding PEDL block S)51a. The outcome of the discussions are outlined at section 4.4 and the email chain can be seen in Annex C of the Preparing the Draft Plan Report (November 2018).

5.0 Cooperation on Strategic Minerals and Waste Issues

5.1 Cross-boundary Minerals and Waste Movements

5.1.1 Local Context

Herefordshire is a landlocked county that does not exist in isolation from its neighbours. Both minerals and waste are materials driven by market demand that, consequently, readily cross administrative boundaries.

An important consideration in planning for minerals is that they can only be worked where they occur in sufficient quantity and quality, and this fundamental constraint will always be a key influence on minerals planning.

Evidence (as set out in the MWLP) indicates that Herefordshire provides around 50% of its own sand and gravel demand, but only around 25% of its crushed rock demand. This may be due to the particular quality of the limestone, which is quite soft and not suitable for road building.

The most significant import of sand and gravel is from Staffordshire (30% to 40%) and of crushed rock is from Powys (40% to 50%).

Sandstone occurs extensively throughout much of Herefordshire and several operational quarries exist in the north, west and south of the county. It is important for heritage restoration and in creating authentic character for new-build properties.

There are no known viable resources within Herefordshire for silica sand, clay or any other mineral.

Like minerals, the management of waste is also not constrained by local authority boundaries. Herefordshire Council has a joint contract with Worcestershire County Council to manage LACW. Evidence suggests that there are both imports and exports of waste across the West Midlands

region, as well as imports of waste from authorities in Wales. Whilst some of these movements may be part of well-established patterns of waste management, other movements may take place in a more ad hoc way, depending on shorter term commercial and market considerations. 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.

5.1.2 Cooperation

Cross-boundary working has taken place through ongoing liaison with neighbouring authorities, discussions at the West Midlands regional level and through the review of proposals within adjoining local plans and other development plan documents.

5.1.3 Regional Focus Groups

Active engagement at the West Midlands Aggregate Working Party (WMAWP) and the West Midlands Resource Technical Advisory Body (WMRTAB) meetings has continued on an ongoing basis during the MWLP's preparation. This has ensured that Herefordshire Council is working effectively with adjacent authorities and the Environment Agency in discussing cross-boundary matters, particularly on the movements of minerals and waste. The meetings form an important part of delivering the Duty to Cooperate and are also used to discuss the overall development of the MWLP, as well as that of the local plans of other member authorities.

Table 2 provides a summary of the regional meetings held and attended by Herefordshire Council from the inception of the MWLP to its submission.

5.1.4 West Midlands Aggregates Working Party (WMAWP)

Herefordshire is an active member of the WMAWP, comprising authorities of the former West Midlands Region and other interested parties, including representatives from the Environment Agency and minerals industries.

Table 2: West Midlands Aggregate Working Party (WMAWP) Meetings

DATE OF WMAWP MEETING	ATTENDED BY HEREFORDSHIRE COUNCIL	DATE OF WMRTAB MEETING	ATTENDED BY HEREFORDSHIRE COUNCIL
23 May 2016	✓	21 March 2017	✓
17 July 2017	✓	30 October 2017	✓
9 November 2017	✓	11 May 2018	✓
13 July 2018	✓	10 September 2019	✓
9 July 2019	✓	5 March 2020	✗
8 October 2019	✓	8 December 2020	✓
23 April 2020	✓	10 June 2021	✓
16 April 2021	✓	9 December 2021	✓
8 October 2021	✓		

In its early stages of production, the emerging Herefordshire MWLP was discussed in detail at the WMAWP. On 9 November 2017, a presentation was given on the work undertaken in preparing the Draft MWLP's evidence base and also included detail on the expected policy approaches. There followed discussion amongst those present, principally regarding relevant cross-boundary movements and the availability and credibility of evidence available to all the planning authorities preparing local plans. The minutes of this meeting are provided at Annex B.

The minerals industry representatives that attend the WMAWP meetings expressed concern about future aggregate minerals supply and that they saw the landbank requirements as a minimum. Further, that local plans should be prepared with the expectation that the landbanks would be in place at the end of the plan period; ensuring continuity of supply.

5.1.5 West Midlands Resource Technical Advisory Body (WMRTAB)

Herefordshire is an active member of the WMRTAB, comprising authorities of the former West Midlands Region and other interested parties, including representatives from the Environment Agency and waste management industries.

At a key WMRTAB meeting on 30 October 2017, a presentation was given on the work undertaken on the preparation of the Draft MWLP. This included a discussion of the key conclusions from the Waste Needs Assessment, including: the calculation of waste arisings, movements, facilities and management characteristics, the methodology used to forecast waste arisings; and the forecasted future need for additional waste management facilities for specific waste streams over the Plan period. The minutes of this meeting are provided at Annex C.

The WMRTAB members then had the opportunity to further discuss a number of points, including: the methodological approach; equivalent self-sufficiency; capacity for anaerobic digestion; and the implications for landfill capacity within and beyond Herefordshire's boundaries.

5.1.6 Working with adjacent local minerals and waste planning authorities

There has been engagement with the neighbouring local minerals and waste planning authorities of Worcestershire, Gloucestershire, Shropshire, Powys, Brecon Beacons and Monmouthshire, in addition to consultation with other nearby authorities (including districts), as the MWLP has been prepared. Tables 3 and 4 summarise this.

Note: there is no regulatory Duty to Cooperate with Welsh local authorities, however, this is undertaken as a matter of course by Herefordshire Council, in the interests of proper planning.

Worcestershire, Gloucestershire and Herefordshire

Duty to Cooperate meetings with Worcestershire and Gloucestershire County Councils have taken place at regular intervals since the MWLP's inception. At these meetings various minerals and waste planning matters are discussed, such as current positions in regard to plan preparation, any cross boundary issues, evidence base information gathering and future plans to continue discussions relating to the duty to cooperate. A memorandum of understanding was signed by the three authorities in June 2019 and meetings continue to take place each year. This can be seen at Annex D.

Worcestershire and Herefordshire

Herefordshire has been also been working closely with Worcestershire County Council for some years through the aforementioned joint waste management approach in relation to local authority collected waste (LACW). This collaboration has resulted in the production of a Joint Municipal Waste Management Strategy and a joint procurement of strategic waste management capacity (EnviroSort and EnviRecover). Both these facilities are located in Worcestershire. This arrangement means that long-term capacity is available to manage Herefordshire's LACW.

Powys and Herefordshire

At a meeting with Powys County Council in 2018, a number of matters across minerals and waste planning were discussed. This identified many similarities across the two authorities and recognised that the current export of high quality crushed rock from Powys into Herefordshire was likely to continue for the foreseeable future. Powys Council confirmed that a substantial landbank existed within the authority and raised no objection to this practice continuing. The minutes of that meeting are provided at Annex E. A memorandum of understanding was subsequently sign between Powys County Council and Herefordshire Council and is attached at Annex F. Future meetings with Powys will take place once the MWLP is adopted, to monitor, in particular, crushed rock issues between the two authorities.

Memoranda of Understanding/Statements of Common Ground

It has been considered whether it would be a useful addition to the MWLP to produce Statements of Common Ground to replace Memoranda of Understanding with Worcestershire, Gloucestershire

authorities. However, these have not been produced at the time of writing. Verbal agreement has been given to this approach, if it would prove useful, during discussions with both Worcestershire and Gloucestershire County Councils.

Staffordshire and Herefordshire

Staffordshire County Council and Warwickshire County Councils have also been specifically consulted at all three key consultation stages of the MWLP's preparation, despite also being members of the WMAWP and WMRTAB, where their comments are also sought on cross-boundary minerals and waste matters. Their representations can be seen in the Consultation Statement.

Table 3: Minerals and waste planning authorities - engagement during preparation of the MWLP
(Note: DtC = Duty to Cooperate, MoU = Memorandum of Understanding, SoCG = Statement of Common Ground)

Authority		Worcestershire County Council	Gloucestershire County Council	Shropshire Council	Powys County Council	Brecon Beacons National Park Authority	Monmouthshire County Council
Issues & Options Report	Consulted	Yes	Yes	Yes	Yes	Yes	Yes
	Responded	Yes	Yes	No	Yes	No	No
Draft MWLP	Consulted	Yes	Yes	Yes	Yes	Yes	Yes
	Responded	Yes	Yes	No	Yes	No	No
Publication Draft MWLP	Consulted	Yes	Yes	Yes	Yes	Yes	Yes
	Responded	Yes	Yes	No	No	No	No
Other Engagement		<ul style="list-style-type: none"> • WM AWP & RTAB • DtC meetings on 15.02.18, 04.11.19 & 17.06.21 • MoU 2019 	<ul style="list-style-type: none"> • DtC meetings on 15.02.18, 04.11.19 & 17.06.21 • MoU 2019 	<ul style="list-style-type: none"> • WM AWP & RTAB • email and telephone exchanges during production of Draft MWLP • DtC meetings on 20.01.17 & 15.01.20 • SoCG 2021 	<ul style="list-style-type: none"> • DtC meeting on 15.08.18 • MoU 2021 	None	None

Shropshire and Herefordshire

Regular meetings (in person and via electronic communication methods) are held with Shropshire Council to discuss strategic cross-boundary matters associated with Herefordshire's MWLP, Shropshire's Local Plan Review and the Herefordshire Local Plan update. A Statement of Common Ground was signed in 2021 and will be reviewed at appropriate stages, whilst regular meetings will continue to take place, see Annex G.

Neighbouring District Councils

Although not minerals or waste planning authorities in their own rights, South Worcestershire Councils (comprising: Malvern Hills District Council, Worcester City Council and Wychavon District Council) and the Forest of Dean District Council were consulted during the Plan's production. Their comments can be seen in the Consultation Statement and a Statement of Common Ground is in the process of being produced, which will include reference to any strategic cross-boundary minerals and waste matters.

Telford and Wrekin and Herefordshire

In addition, at more recent meetings with Telford and Wrekin Council in December 2020 and June 2021, which were primarily concerned with each authority's cross boundary issues such as housing and employment, minerals and waste planning matters were also discussed. This has ensured that, in addition to attendance at meetings of the WM AWP and RTAB (at which both authorities have representatives), officers of the two councils are kept up to date with minerals and waste planning matters, the production of associated policies and proposals and how they are developed alongside their respective local plans. It has been confirmed that no strategic matters have been identified between the authorities and that ongoing biannual meeting will continue to take place.

Table 4 sets out a summary of cross-boundary Duty to Cooperate engagement with other nearby local authorities.

Table 4: Cross-boundary engagement with other authorities

Authority	Engagement	Responded
South Worcestershire Councils	Consultation at 3 stages of MWLP's production.	I&O - Yes Draft - Yes Publication Draft - No
Forest of Dean District Council	Consultation at 3 stages of MWLP's production.	I&O - No Draft - No Publication Draft - Yes
Staffordshire County Council	WMAWP & WMRTAB. Consultation at 3 stages of MWLP's production.	I&O - Yes Draft - Yes Publication Draft - Yes
Warwickshire County Council	WMAWP and WMRTAB. Consultation at 3 stages of MWLP's production.	I&O - Yes Draft - No Publication Draft - Yes
Telford and Wrekin Council	WMAWP and RTAB. Meetings on 15.21.20 and 22.06.21	(Not applicable)

5.1.7 Outcomes

Minerals

It is recognised that minerals move freely in the market according to needs. However in order to become less reliant on imports of minerals from elsewhere, the MWLP seeks to deliver 'equivalent self-sufficiency'. The Plan's positive policy framework provides opportunities for mineral workings to address forecast demands within the plan period and also contributes to meeting some of the challenges faced by neighbouring authorities, as identified through the meetings outlined above and through consultation responses during the Plan's process.

Where representations were made during consultations, or brought up during discussions at the WMAWP, suggesting that the Plan continues reliance upon existing levels of imported mineral, this is not correct. Consequently, the suggested main modifications submitted with the MWLP, include proposed new text to state that policies M3 and M4 have been drafted on the assumption that reserve in Herefordshire supplies 100% of the forecast demand. Reserve is used deliberately in this suggested modification, as only resource that has permission to be worked can be included in the landbank.

Self-sufficiency is an important principle to seek to achieve, but it is recognised that it cannot always be delivered. For example, the minerals evidence base suggests that the county simply does not have all the types of minerals required to support all the development that is likely to occur over the plan period. This limitation can be counterbalanced by optimising those factors that can be influenced. For example, through encouraging innovative solutions to maximise recycled products to replace virgin materials.

The MWLP's policies and proposals are written so as to also allow for a contribution to be made to the mineral needs of areas further afield, as identified through Duty to Cooperate activities. This policy approach is followed by authorities in the West Midlands region and it aims to deliver the Managed Aggregates Supply System (MASS). This is a concept underpinned by the idea that mineral planning authorities that have adequate resources of aggregates make an appropriate contribution to national as well as local supply, while making due allowance for the need to reduce environmental damage to an acceptable level.

Waste

Herefordshire, along with authorities across the West Midlands, seeks to achieve 'equivalent self-sufficiency'. This means that the waste management capacity provided in Herefordshire would be adequate to treat waste that arises in the county, but allows for the inevitable cross-boundary movements that will also occur. For example; LACW is primarily managed through the jointly contracted residual waste management facilities located in Worcestershire, which will operate for the foreseeable future.

The Plan area is very rural and relatively remote. Excluding CD&E wastes, the amount of residual wastes remaining to be managed are calculated to be in the region of 200,000 tonnes. This tonnage is relatively low, is generated from a number of different sources and is consequently not particularly attractive to waste management companies that operate nationally.

The MWLP provides a positive framework within which to deliver additional waste management capacity (except for non-hazardous disposal, but making opportunities for residual waste facilities particularly attractive) through a combination of allocated sites and locations. Within an overarching aim to; reduce the amounts of waste generated, increase the amounts of wastes re-used, recycled or used to recover energy and a decrease in wastes disposed to landfill (the circular economy), the MWLP will enable equivalent self-sufficiency across all waste streams. Thus seeking to enable a sustainable waste management approach in the county, with opportunities to significantly reduce the reliance on the exports of waste.

5.2 River Wye SAC and Nutrient Neutrality

5.2.1 MWLP's approach

Herefordshire Council has a strong political focus to improve the environment across the county, which includes directly addressing phosphate levels in the River Wye SAC and during the MWLP's preparation, political support has been given to the Plan's approach to this issue.

It is intended that the policies and proposals of the MWLP should have no likely significant adverse effects on the River Wye SAC. It is also intended that the policy framework can assist in improving the condition of this designated site.

Collaborative working between Herefordshire Council and Powys County Council (through which the River Wye runs), Natural England, the Environment Agency and Natural Resources Wales has enabled the development of a Nutrient Management Plan (NMP) for the River Wye SAC. This collaborative approach has continued with the establishment of a Nutrient Management Board (chaired by Herefordshire Council), which also brings together a number of other organisations including: the Forest of Dean District Council, Monmouthshire County Council, the Brecon Beacons National Park Authority, the Wye and Usk Foundation, Dwr Cymru Welsh Water, Farm

Herefordshire, the NFU and the CLA, to help bring forward actions to implement the NMP. Implementing the NMP will ensure the River Wye maintains its favourable condition status and the River Lugg retains this status with a target date of 2027.

The MWLP's policies and proposals have been developed in the light of its Habitats Regulations Assessment, the River Wye SAC Nutrient Management Plan (NMP), see Section 3 of the Preparing the Publication Draft MWLP report (March 2020, updated August to December 2020) and Herefordshire Council Position Statements, in addition to advice from Natural England.

Policy W3 of the MWLP has been prepared to provide a land use policy framework for the management of agricultural waste that will contribute to enabling objectives of the Water Framework Directive to be met. The primary aim of policy W3 is materially to reduce phosphate release in the River Wye SAC from agricultural sources. This policy is the direct result of Herefordshire being a strongly agricultural county, and that this sector is identified in the River Wye SAC NMP as a key contributor to the high levels of phosphate found in the River Wye SAC.

Nutrient neutrality is required from development proposals within the River Wye SAC generally; not limited to the River Lugg catchment. The reasons for this are set out in the note to Natural England which was produced in July 2021, which can be seen in Annex H and which is discussed further below.

5.2.2 Working with Natural England

In respect of the MWLP, Natural England has responded to all three stages of public consultation and has engaged in discussions on various points, including on the issue of phosphate levels in the River Wye SAC.

5.2.3 Consultation responses and subsequent engagement

Draft MWLP stage 2019

Comments received by Natural England at this stage included those relating to:

- the list of general issues and challenges;
- the vision and objectives of the Plan;
- HRA conclusions;
- HRA consideration of caselaw;
- Sustainability Appraisal proposals for a monitoring programme.

Issues relating to levels of nutrient levels in the River Wye SAC and how the MWLP addresses these were highlighted following consultation on the Draft MWLP. Natural England, along with other organisations, has been at the forefront of tackling nutrient pollution in this designated site. The Preparing the Publication Draft MWLP report (March 2020, updated August to December 2020) sets out in detail how Natural England has advised Herefordshire Council on matters relating to development in the River Wye SAC area since 2019.

Publication Draft Plan stage 2021

In its representation to the Publication Draft MWLP, Natural England was broadly supportive, but sought clarity over the term 'betterment' used in policy W3: agricultural waste management. In addition issues were raised in relation to the Habitats Regulations Assessment.

However, the discussions also brought a new issue to the surface: whether the ability to require development proposals to demonstrate nutrient neutrality could be applied across all mineral and waste sites located in the catchment of the River Wye SAC, or whether it could only be limited to those sites located in the River Lugg catchment of the SAC, where conservation objectives are being failed.

Currently Natural England's advice is that nutrient neutrality or betterment can only be required where the conservation target is failing to be achieved. This advice is based on precedent set through caselaw. For the MWLP and the River Wye SAC in Herefordshire, this would therefore mean that only minerals and waste development proposals that would discharge to (or contribute to wastewater treatment works discharges to) the River Lugg catchment of the River Wye SAC should be required to achieve nutrient neutrality.

However, the catchment of the River Wye SAC covers a significant area of the county and a continuing programme of management and improvement is necessary to facilitate new development during the coming years. Therefore, Herefordshire Council is content that, within this administration, an approach that seeks nutrient neutrality for the whole River Wye catchment within Herefordshire is appropriate.

Following the meeting in July 2021, Herefordshire Council's preferred approach to nutrient neutrality was presented to Natural England for information and comment (see Annex H). However, no subsequent observations have been received.

5.2.4 Outcomes

Draft MWLP

The Preparing the Publication Draft MWLP report (March 2020, updated August to December 2020) sets out details of how representations received at the Draft Plan consultation stage were addressed through alterations to the MWLP's text, as considered appropriate.

Publication Draft MWLP

At the meeting with Natural England in July 2021, solutions were found and agreement was made on issues raised by Natural England in its representations to the Publication Draft MWLP and the Habitats Regulations Assessment. This included agreeing that the term 'betterment' would be proposed to be removed from the Plan and wording changed to seek 'at least nutrient neutrality', with the glossary updated to explain the terminology. These changes are set out in the Schedule of Proposed Main Modifications and Minor Changes, to be considered at the examination of the MWLP.

5.2.3 Other organisations

In representations made to the publication draft MWLP, both the Environment Agency and Natural Resources Wales commented on issues relating to high nutrient levels in the River Wye SAC. Since proposed updates to the Publication Draft MWLP have been suggested (in the Schedule of Main Modifications and Minor Changes) in light of the latest Herefordshire Council position statement and advice from Natural England, further discussions on this issues have not been considered to be necessary. However, consideration has been given to the usefulness of preparing a Statement of Common Ground.

It is of note, however, that there is ongoing action and dialogue between various organisations (including the Environment Agency, Natural England, Natural Resources Wales and Herefordshire Council) on nutrient pollution in the River Wye SAC, through the implementation and updates to the Nutrient Management Plan, at meetings of the Nutrient Management Board and through the development of an update to Herefordshire's Local Plan.

6.0 Historic Heritage Issues

6.1 Working with Historic England

6.1.1 Consultation responses and subsequent engagement

Draft MWLP stage 2019

Historic England made comments on the Draft MWLP during the public consultation period in 2019 and the issues raised were further discussed at a meeting with Herefordshire Council on 25 June 2019.

In particular, greater detail was sought regarding the analysis undertaken in the site assessments, primarily focussing on how the resultant impacts on nearby heritage assets from development at proposed sites could be effectively mitigated.

In addition to comments on the site assessment evidence base, Historic England all commented on other aspects of the Draft Plan in 2019:

- the Plan does not demonstrate a positive approach to the historic environment, as required by the National Planning Policy Framework (paragraph 185);
- reliance upon Core Strategy policy with the proposed MWLP policies was not sufficient to ensure the historic environment can be sustained in line with NPPF requirements; and
- additional guidance documents prepared by Historic England should be referenced within the MWLP.

A meeting was held with Historic England on 1 September 21 to discuss the changes that were proposed to be included in the Publication Draft version of the Plan (having provided their informal comments on this, see Annex I). Whilst Historic England noted that many of their previous concerns had been satisfactorily addressed, there remained concern that heritage assets may not receive an appropriate level of consideration, amongst a number of other environmental factors.

Publication Draft MWLP stage 2021

Historic England provided comments on the Publication Draft MWLP during its consultation period in 2021. Whilst the additional site assessment work that had been undertaken was welcomed, it was recommended that the method used for the assessment of heritage assets should be in line with Historic England's Advice Note 3.

Concerns were also raised in relation to the mineral site allocations, including an objection to the extension at Leinthall Quarry and recommending Heritage Impact Assessments for Leinthall, Wellington, and Upper Lyde and Shobdon sites.

Historic England also made representations in regard to the proposed waste allocations and the potential impact on heritage assets.

6.1.2 Outcomes

As a result of both the meeting with Historic England in June 2019 and after reviewing all the consultation responses received to the Draft MWLP, it was decided that additional work should be undertaken to supplement the site assessment. This concentrated on collecting additional information which would be used to evidence the suitability of the proposed site allocations and to show that it was reasonable to assume that any constraints could be satisfactorily overcome. The results are detailed in the Supplementary Report Spatial Context and Sites Report (the 'Supplementary Sites Report').

The Supplementary Sites Report led to alterations being made to the boundaries of some allocated sites, but none were considered to be entirely unsuitable for development.

A review was also undertaken of all the Key Development Criteria and new considerations were incorporated into the MWLP, principally in relation to the protection of dark skies.

With reference to the other points that were raised by Historic England, it is considered that the MWLP, read alongside the Core Strategy, provides a positive strategy for the historic environment and that this approach is sufficient to ensure the historic environment can be sustained in line with NPPF requirements. Further, it is considered that the Plan's approach will enable both the historic environment and heritage assets within Herefordshire to be improved.

The Publication Draft MWLP was amended to supplement reference to Historic England's guidance.

Following a meeting with Historic England in September 2020 (see Annex J), the emerging Publication Draft MWLP was reviewed with specific reference to historic context added where appropriate, but without focussing on this topic to the detriment of other environmental considerations.

In the section of the Plan dealing with site reclamation, the Plan's text was amended to explicitly recognise that there may be conflict between priority areas, e.g. flood risk and historic landscape, in accordance with comments from Historic England.

In respect of comments made to the Publication Draft MWLP consultation on the site assessment methodology; as set out in the Supplementary Sites Report, the approach used is the one set out in Historic England's Advice Note, when the sites were considered in more detail.

As recommended following Historic England's comments on the Publication Draft MWLP, Heritage Impact Assessments on the named mineral site allocations have been carried out. It has been concluded that the proposed allocation of an extension at Leinthall Quarry remains appropriate, however some amendment to the wording of the key development criteria is proposed through the Schedule of Main Modifications and Minor Changes.

With regard to the other minerals site allocations, it is considered that they are deliverable and that the wording of the Plan's Key Development Criteria does not require any significant alteration, although some minor edits have been proposed for consideration at examination.

With regard to the Plan's proposed waste sites, these allocations make use of land that is already allocated for Strategic Employment Areas or has already hosted some form of built development and are considered appropriate for such development providing that proposals comply with all relevant policy, including historic heritage. Such allocations are therefore deliverable and do not pose an unacceptable risk of material harm to heritage assets.

Historic England has agreed it would be happy to be party to a Statement of Common Ground, which would set out points of agreement and areas where outstanding issues remain, if this is considered helpful. At the time of writing this remains to be drawn up.

Annex A

Informal comments from Historic England to the emerging Publication Draft MWLP

28 August 2020



Historic England

Midlands Team

Herefordshire Waste Plan informal consultation

Herefordshire Council

FAO Kirsten Berry

kezia.taylerson@historicengland.org.uk

Friday 28 August 2020

Dear Sir, Madam,

Re: Herefordshire Waste Plan informal consultation on the draft Publication Plan

Many thanks for consulting Historic England on the above consultation. We have the following informal comments to raise at this stage.

- The vision does reference the need to protect and enhance the historic environment – which we support p29.
- Objective 12 references a number of environmental considerations, including heritage. Seeks to prevent loss and damage and seeks to overturn negative past trends – p30 – we are concerned about an objective that includes a variety of environmental considerations in one and assumes that they have the same objectives and requirements when they are often competing and contrary.
- In order to achieve the objectives it relies on CS policies as well as SP2, 3 and 4 and specific development criteria – we remain concerned that the detail within the policies is very limited in respect of the historic environment and that the development criteria are too generic to mitigate the specific impacts/ harm to the historic environment.
- P32 5.2.4. states planning applications should consider cumulative impacts – we support this sentiment – more detail on how this could be implemented would be useful and an understanding of how the Plan has considered this issue through the choice of potential allocations.
- P36 5.4.6 what is the status of the core strategy policies that are being relied upon? Still in date? 5.4.8 sets out some detail of what the CS policy requires and the need to consider a landscape assessment from 2004. Is there any more recent evidence base for the Plan to rely upon?
- P40 Policy LD4 relates to a CS heritage policy – the text below sets out what considerations may be made as a result of minerals development and the historic environment. We have in the past been concerned about the lack of evidence base and consideration for the historic environment. We would

suggest that these paragraphs clearly relate to the significance of heritage assets, designated and non designated and their setting. Any available evidence should be referenced.

- There should be a clear remediation policy that sets out what considerations are appropriate for the historic environment and what considerations are not. Lack of current detail in 5.4 and what the Plan is doing and as such how can we be assured the remediation policies will be appropriately implemented for the historic environment. In its current format the Plan favours other environmental considerations for remediation which will not always be appropriate for heritage assets/ historic landscapes.
- P46 not clear on how SP2 is relevant to the historic environment.
- Section 5.7 could usefully reference the significance of heritage assets as it is issues such as these that can impact the significance of heritage issues through setting issues etc. Include a paragraph here on the impacts for the historic environment and how they can be overcome.
- PSP3 no reference to how transport within mining or waste sites will be minimised for its impact on the historic environment.
- Section 5.11 considers the need for reclamation and to be sensitive to environmental assets. The challenge here is in grouping all environmental issues together it assumes that the environmental considerations are the same – rather than recognising that within the environmental sector there are competing aims so what is useful for flood risk or air quality for example, may be inappropriate for the historic environment – how can this be overcome?
- 5.11.8 no specific reference to heritage assets and their specific considerations.
- Policy SP4 does reference generic reclamation considerations though nothing specific to heritage.
- Where specific sites are referenced for waste and minerals in the latter part of the Plan – what are the heritage considerations that have been considered? What are the specific mitigation and avoidance measures that have been identified and how can this be included within the Plan? Are there any enhancement opportunities or opportunities to reduce heritage at risk?
- We have not currently assessed any specific site considerations at this time but will formally respond during the Publication consultation.
- Development and monitoring objectives do not relate to heritage but rather focus on landscape and green infrastructure. We would recommend including an indicator for heritage.
- For example, Appendix A – key development criteria considerations - what evidence and assessment has been collated so far? It still references the need for desk assessment and field evaluation where necessary to be undertaken and cites that developers will need to demonstrate the level of effect on heritage assets. We need to have confidence that the appropriate level of assessment has been undertaken prior to allocation and that specific mitigation and avoidance measures that have been identified to overcome harm, are being included within text in the Plan.

We will raise formal comments when you formally consult on the Publication draft of the Herefordshire Waste and Minerals Plan in 2021. These comments do not preclude us from objecting at a later stage.

Please note we have not made comments on the proposed site allocations at this time but will await the formal consultation process.

Many thanks for the opportunity to comment at this stage and we hope these informal comments have been helpful. They are presented in a quick bullet point list, in an effort to meet the timeframe required by the Council.

Kind regards

Kezia Taylerson

Kezia Taylerson

Historic Environment Planning Adviser

Midlands (North Team)

ANNEX B

West Midlands Aggregate Working Party:
Minutes of Meeting on 9 November 2017

West Midlands Aggregate Working Party

Minutes of Meeting Thursday 9th November 2017

10 am – 1 pm Birmingham

Attendees:

Adrian Cooper	Shropshire (Chair)	AC
Brian Dore	Birmingham	BD
Shaun Denny	Cemex	SD
Jim Davies	EA	JD
Keith Bird	Hanson	KB
Mark Watkins	Sandwell	MW
Mike Halsall	Urban Vision (Secretariat)	MH
Phil Ward	Worcestershire	MW
Maurice Barlow	Solihull	MB
Matthew Griffin	Staffordshire	MG
Ranjit Sagoo	Warwickshire	RS
Dawn Sherwood	Walsall	DS
Victoria Eaton	Herefordshire	VE
Tony Lyons	Warwickshire	TL
Nick Atkins	Tarmac	NA

Apologies:

Vicky Engelke	CLG
Mark North	MPA
Jo Davies	Breedon Aggregates
Rob Haigh	Coventry
Tim Claxton	Aggregate
Peter Huxtable	BAA
Gavin Ashford	APT Group
Mark Watkins	Sandwell
Nick Horsley	MPA
Carolyn Williams	Urban Vision
Davis Piper	Dudley
Harjot Rayet	Telford
Joanne Mayne	Stoke
Marianne Joynes	Worcs
Mark Page	Hanson
Trefor Evans	BAA
Thomas Lewis	Stoke

Item 1 - Introduction and Apologies

- 1.1 Adrian Cooper (AC) welcomed everyone to the meeting and invited members to introduce themselves for record keeping.

Item 2 – Minutes of last meeting

- 2.1 The minutes were agreed.

Item 3 – NCG Update

- 3.2 AC went through minutes of the NCG meeting which had not yet been finalised and circulated. Comments were as follows:
- NCG had not met for 5 years and there was a good turnout
 - Communication amongst the regions has broken down somewhat
 - A standard template is required or forecast model is required for identifying future trends if a breakaway from the 10 year average method is to be adopted
 - If the NPPF review is going to reflect planned urban growth then the minerals section should also be revisited to reflect this
 - The lead-in times for the release of reserves to meet future development demand need to be taken into consideration
- 3.2 Brian Dore (BD) commented that depleting reserves will slow housing growth and construction costs will increase, resulting in further delays.
- 3.3 Nick Atkins (NA) commented that the market would react and sort the issue but it would mean more expensive minerals in the interim while reserves are released.
- 3.4 AC explained that funding for AWP is unclear going forward, as was whether a national survey would be undertaken.
- 3.5 Ranjit Sagoo (RS) queried whether there would be an AWP response to NPPF changes. AC replied that if any consultation on the minerals section occurs then yes we can collate responses.
- 3.6 Keith Bird (KB) mentioned that at the East Mids AMR they agreed to write a follow-up letter to the NCG expressing the importance of the AWP funding.

Action: AC to liaise with Lonek in relation to the East Midlands response

Item 4 – Annual Survey

- 4.1 Mike Halsall (MH) gave a brief overview of the report and explained there are some outstanding sections. Matthew Griffin (MG) queried one of the landbank figures and also suggested the LAA figure in Table 5 is removed.
- 4.2 KB explained what was discussed at the East Mids AWP meeting with regards to including both imports and exports within the region and identify local supply issues. This would come from the LAA data and the 2014 national survey. MH agreed to take same approach to West Mids as was agreed with East Mids.

Actions: MH to send an email to each authority for which further information is required and update AMR with LAA data and national survey figures. MG to email MH with details of landbank discrepancy.

Item 5 – LAAs

- 5.1 AC explained that LAAs had been received late and the consensus was that people had not had chance to review them yet. It was agreed that comments would be issued by end of November.

- 5.2 There was some discussion about the West Midlands conurbation LAA due to lack of resources and it was agreed between Dawn Sherwood (DS) and Maurice Barlow (MB) that they would try to produce something between them.
- 5.3 There was some discussion about what is the minimum level of detail to be included in an LAA and it was agreed that the POS guidance would be circulated.

Actions: All to make any comments on LAAs by end of November and any outstanding LAAs be distributed before the end of the year. MH to circulate

Item 6 – Progress on Development Plans

- 6.4 Sandwell – Undertaking a review of the Joint Core Strategy and site allocations document.
- 6.5 Worcestershire – Undertaking a 4th Call for Sites and there will be a full consultation in August 2018 with pre-submission programmed for Spring 2019 and adoption in 2020.
- 6.6 Herefordshire – Consultants provided a presentation. Issues and options has been produced. A draft plan is programmed for spring 2018 with adoption programmed for 2019.
- 6.7 Staffordshire – Minerals Plan Adopted February 2017 now looking at review of the waste plan which was adopted in 2012.
- 6.8 Warwickshire – Due to a large increase in permitted reserves, Cabinet resolved to go back to publication stage with fewer sites allocated (6.5Mt instead of 8Mt).
- 6.9 Birmingham – Plan adopted January 2017. UDP DM policies saved until replaced later this year with new DPD which includes minerals and waste policies.
- 6.10 Shropshire – Reviewing plan based on housing figures only and a Green Belt review. Will replace existing documents with one Local Plan. Do not envisage allocating minerals sites at present due to large reserves.
- 6.11 Solihull –Preferred Option consultation complete and currently working through responses.
- 6.12 Walsall – Had a short examination. Main mods will be consulted upon. Adoption is due early next year.
- 6.13 There was some discussion on whether there should be a 7/10 year landbank at the end of the plan period. It was agreed there should be until last day of plan being in force.

Item 7 – Update from Industry

- 7.1 KB explained there had been a second successive quarterly decline in sales against the previous year and other industry representatives agreed that the industry was slow at the moment but this did not necessarily match construction figures.

Item 8 – Date of next meeting

- 8.1 February, so to be prior to AWP contract ending in March.

Action: MH to send invitation request through liaison with Brian Dore.

Item 9 – AOB

- 9.1 Jim Davies (JD) requested that he be contacted with any issues EA related and was interested in restoration schemes requiring large volumes of waste material and water abstraction schemes.
- 9.2 AC noted that following a HS2 meeting, that HS2 representatives may want to contact the AWP in the future for advice on sourcing materials due to lack of expertise at local authorities.

ANNEX C

West Midlands Resource Technical Advisory Body:
Minutes of Meeting on 30 October 2017

Minutes of the meeting of the West Midlands Resource Technical Advisory Body,
Monday 30th October 2017
at Walsall Council House

1. Welcome, Introductions and Apologies

Attendance:

Adrian Cooper	Chair, Shropshire Council
Dawn Sherwood	Walsall MBC
Ian Humphreys	International Synergies
Julie Castree-Denton	Staffordshire CC
Mark Watkins	Sandwell MBC
Marianne Joynes	Worcestershire CC
Martin Everett	Environment Agency
Michelle Ross	Wolverhampton CCK
Phil Ward	Worcestershire CC
Thomas Lewis	Stoke on Trent CC
Tony Lyons	Warwickshire CC
Vicki Eaton	Herefordshire Council
Kirsten Berry	Hendeca, on behalf of Herefordshire Council
Peter Field	Technical Secretary

Apologies: David Piper, Harjot Rayet, Jeff Rhodes, Maurice Barlow, Peter Hopkins, Rob Haigh, Susan Juned.

The Chair welcomed everyone to the meeting, and thanked Dawn Sherwood and her colleagues at Walsall MBC for their hospitality.

2. Minutes of meeting on 21st March 2017

2.1 The minutes were agreed. It was also agreed to seek an alternative web site 'home' for RTAB's minutes and other documents, possibly with the West Midlands Combined Authority.

3. Duty to Co-operate

(a) The Duty to Co-operate Protocol

3.1 It was agreed that the Duty to Co-operate (DtC) Protocol, agreed in 2013, should be refreshed and commitments renewed.

3.2 The Chair suggested and it was agreed that RTAB might usefully respond to the Government consultation on 'Planning for the Right Homes...', urging that waste planning issues should be included in those matters to be subject to the proposed Statements of Common Ground.

(b) Herefordshire Minerals and Waste Local Plan Issues and Options

3.3 Vic Eaton outlined the programme for preparation of the Plan leading to adoption in 2019, and introduced Kirsten Berry of Hendeca, who had been commissioned to provide expert advice to the Council.

3.4 Kirsten summarised the approach taken to and the key conclusions from the Waste Needs Assessment, including: the calculation of waste arisings, movements, facilities and management characteristics at the base date (2015); the methodology adopted to forecast waste arisings; and the conclusions regarding the need for additional waste management facilities for specific waste streams over the plan period.

3.5 Overall, arisings are forecast to increase from about 600kt in 2015 to about 750kt in 2031. Taking into account the contractual commitment regarding the Hartlebury EfW facility, applying EU targets for municipal waste re-use/ recycling, and assuming 65% recycling of C&I waste and 70% recovery of CD&E waste by 2030, it is concluded that there may be a requirement for a household waste recycling centre, c.150kt C&I recycling facility(ies), and additional capacity for both recovering and disposing of CD&E waste.

3.6 Questions focused on issues regarding the methodological approach, equivalent self-sufficiency, capacity for AD, and implications for landfill capacity within and beyond Herefordshire's boundaries.

3.7 The group felt that the methodology adopted in the Needs Assessment was appropriate to the Herefordshire context, and was a good exemplar; the assessment of arisings and existing capacity used available data to best effect; and forecasts of future arisings were based on an appropriate range of assumptions, including household, economic and GVA projections, across the relevant waste streams.

3.8 Regarding equivalent self-sufficiency, the EnviRecover energy from waste plant in Hartlebury, Worcestershire provides contractually agreed capacity to meet Herefordshire needs for municipal waste up to 2031, and the position beyond 2031 can be assessed in future reviews. There was general agreement that adopting a quid-pro-quo approach by increasing provision for C&I waste in Herefordshire might be theoretically possible, but may also be an unlikely scenario in terms of market feasibility.

3.9 It was agreed that the rapid increase in AD facilities over recent years is unlikely to be sustained in the longer term as needs are met and subsidies decline.

3.10 The possibility of adopting more demanding targets for recycling and recovery in order to reduce the demands on landfill to an absolute minimum over the plan period was explored. Julie Castree-Denton argued that plans in general should adopt aspirational targets for landfill diversion and providing for new recycling and recovery infrastructure higher up the hierarchy, so that landfill sites are only used for specialist waste and non-recoverable and non-recyclable waste. Kirsten argued that the EU targets were more stringent than current national ones, and it would be a stretch to meet these, but agreed that the implications of adopting further increases in recycling could be explored.

3.11 The Group welcomed the opportunity to comment at this stage of the plan preparation process, supported the methodology and findings of the technical work carried out so far, and expressed the hope that the comments made would be taken into account as the plan moves forward to the next stage.

(c) Black Country Core Strategy Review – Issues and Options Report

3.11 Dawn Sherwood explained that the Core Strategy Review is at an early stage, and that the Waste Study has not yet been updated. The Review looks forward to 2036 and has to deal with challenging requirements for new dwellings in particular. Adoption is expected in 2021.

3.12 Dawn summarised progress in implementing the Plan's waste policies from 2010 to 2017: a significant net increase of over 1mt in treatment and transfer capacity, with new capacity built almost entirely in appropriate locations, on allocated sites or at established waste facilities; strategic waste sites have been successfully safeguarded; and most of the major projects have been implemented.

3.13 Key challenges will include the need to plan for additional waste capacity in the face of the uncertain pace and location of housing growth, and how to manage the uncertainties accompanying Brexit and the apparent weakening in the market for additional waste infrastructure. Deficiencies in waste data add to the challenge.

3.14 Responding to RTAB's submission to the Issues and Options consultation, Dawn welcomed RTAB's support for the general approach, and confirmed that she would bring further presentations to the group at the relevant stages in plan preparation. The Black Country Boroughs will also be engaging with the established DtC Group on Metropolitan area cross boundary issues, as well as with other relevant WPAs on an individual basis as necessary. The equivalent self-sufficiency principle will be maintained as an aspiration and used in forecasts of future needs. Scoping for the Waste Study is underway. It will be prepared in stages, probably jointly or in close consultation with South Staffordshire Council. Stage 2 of the EDNA will take into account waste infrastructure needs. Dawn sought clarification on the implications of the circular economy for planning policy.

3.15 The group welcomed and supported the Black Country Borough's approach to the Review and preparation of the Waste Study, and will look forward to receiving further presentations in the future. Dawn agreed to explore the possibility of inviting RTAB members or a representative to the DtC event planned for 13th December.

4. Waste Data Issues

4.1 The group confirmed that some guidance on methodology for assessing arisings and capacity, as well as projecting future needs, would be desirable. It was felt that this guidance should reinforce the general message that spurious accuracy should be avoided, and that the adopted approach should make the best use of available data, whilst acknowledging the weaknesses of that data. The group might usefully point towards exemplars, such as the Herefordshire work. Assessments should take the principle of equivalent self sufficiency as the starting point; and, consistent with the concept of the circular economy, the provision of waste management infrastructure should be regarded as a key economic opportunity and ambitious targets should be adopted. The guidance might also include an underlining of the importance of safeguarding key waste management sites from alternative development.

4.2 The Chair asked the group whether the 'West Midlands Trends' monitoring document should be updated. Some members felt that a West Midlands-wide context was valuable both for plan preparation and also as a backcloth for considering DtC matters. It was agreed that group members should advise the secretary on what if anything they would like to see included in future updates of the monitoring document, by the end of November.

5. Environment Agency update

5.1 Martin Everett confirmed that the 2016 waste data interrogators are now available. Other data sets, for example about permits, are available.

5.2 Martin explained that the Agency is becoming increasingly aware of the problems associated with illegal dumping, with criminals now travelling longer distances as a result of efforts to counter the practice.

5.3 Martin asked for RTAB's assistance in providing a picture of plan preparation intentions over the next 1-2 years, to help the Agency with its workload planning. It was agreed to circulate all members with the request.

7. Progress on Plans and Developments

Warwickshire – publication stage comments on the Minerals Plan to be reported to Cabinet will include options regarding aggregates supply.

Worcestershire – Waste Plan review in 2020; AMR has been updated.

Staffordshire – Waste Plan review, jointly with Stoke, planned for 2018; therefore will begin with data work in the near future.

Stoke – local plan options to be published in January 2018

Shropshire – local plan review (housing matters) aiming for publication by the end of 2018; currently consulting on preferred options. No waste matters involved.

Industrial Synergies - Ian Humphreys gave details about two significant projects under development:

(a) The Birmingham and Solihull Industrial Symbiosis Project (BASIS), which aims to create a diverse network of businesses across the local enterprise partnership (LEP), supporting their transition to become more resource efficient and cost effective businesses. The project is led by Birmingham City Council, funded through the ESIF, and Industrial Synergies is the primary deliverer. The aim is to connect industry in such a way that one company's wasted resource becomes another's valuable process input. In addition, free advice will be available to SMEs located in the Birmingham and Solihull area, along with the transition regions of Lichfield, Tamworth, Burton on Trent, Uttoxeter, Cannock, Bromsgrove, Reddich and Wyre Forest on a range of issues including environmental permitting/ licensing, compliance, and environmental management.

(b) A project in the formulation phase which looks to draw money down from Birmingham City Council's SUDS fund (Sustainable Urban Development Strategy – EU derived). The project will be construction-focused and centred around HS2. It will look for opportunities to share material resources and lessen the burden on virgin aggregates.

Ian added that resource efficiency work is more likely to bear fruit in the densely developed urban areas where there are sizeable industry clusters than in rural areas. He also commented that the Herefordshire approach to projecting future arisings, using existing data sets and GVA projections, was the most practical way forward.

8. Future Meetings

To be confirmed.

PF 10/1/18

ANNEX D

Memorandum of Understanding:

Herefordshire Council, Worcestershire County Council
and Gloucestershire County Council

June 2019

MEMORANDUM OF UNDERSTANDING (MoU)

1 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

1. Purpose and scope of the MoU

- 1.1. The purpose of this MoU is to establish an initial overarching framework setting out the roles and responsibilities that will aid collaborative working and, where necessary, the establishment of future statements of common ground or other such agreements on strategic matters relevant to the local Minerals and Waste Planning Authorities (M&WPAs) of Gloucestershire County Council (GCC), Herefordshire Council (HC) and Worcestershire County Council (WCC). The MoU will help to demonstrate how statutory obligations under the Duty-to-Cooperate (DtC) are being met¹ specifically in respect of facilitating the steady and adequate supply of land won sand and gravel and crushed rock aggregates and industrial minerals; the delivery of sustainable waste management throughout the geographical areas that make up the three Mineral and Waste Planning Authorities (M&WPAs).
- 1.2. The MoU will promote the adoption of good practice partnership working aimed at establishing a clear, mutually beneficial and consistent approach to evidence gathering and data interpretation on aggregate minerals and waste management matters across the three M&WPA areas. The information collected will primarily support local plan-making functions carried out by signatories but may also contribute towards decision making with individual planning applications. Furthermore, published outputs maybe of use at a strategic level. They may help to inform future aggregate supply or waste management policy development undertaken sub-nationally or nationally by Aggregate Working Parties (AWPs)² and / or the National Aggregate Coordinating Group (NaCG) and / or groupings of WPAs brought together through joint working commitments such as those set out in MoUs, Statements of Common Ground (SoCG) , or revised terms of reference of those Waste Technical Advisory Bodies (TABs), which still remain active following the replacement of national Planning Policy Statement 10 (PPS10): Planning for Sustainable Waste Management³.
- 1.3. The MoU is centred on ensuring consistent, coordinated and effective collection, analysis and dissemination of information relating to: -

¹ Clause 110 of the Localism Act (2011) introduces an amendment to Part 2 of the Planning & Compulsory Purchase Act (2004), which imposes a duty to co-operate in relation to planning of sustainable development for local authorities and other prescribed bodies.

²The AWP's most likely to be affected / influenced by aggregate mineral information facilitated by the MoU include: - the South West Aggregate Working Party (SW-AWP) and the West Midlands Aggregate Working Party (WM-AWP);

³The NaCG is specifically referred to within the National Planning Policy Framework (NPPF) as an advisory body in the planning for the steady and adequate supply of aggregates by signatories (see NPPF paragraph 145). Further information on the role and function of the NaCG is set out within national Planning Practice Guidance (nPPG), which explains it has a monitoring function related to the overall provision of aggregates across England as delivered through the Managed Aggregate Supply System (MASS). (See nPPG minerals section, paragraph: 060, reference id: 27-060-20140306). The National Planning Policy for Waste (NPPW) contains policy relating to working jointly and collaboratively with other planning authorities.

- the annual supply of aggregates sourced from across the MoU area;
- the annual movements of waste across the MoU area;
- the evolution of aggregate supply trends over time (divided between indigenous sources, imports and exports) for each M&WPA;
- the amount of land-based permitted aggregate reserves contained across the MoU area;
- the amount of permitted waste capacity across the WPA area;
- the anticipated impact that remaining land-based permitted aggregate reserves or waste capacity may have on evolving supply trends; and
- the implementation of land-use planning tools aimed at the effective management of mineral resources and waste infrastructure throughout the MPA areas (i.e. the safeguarding of minerals and waste infrastructure⁴ and the avoidance of needless mineral sterilisation⁵).

2. Status of the MoU

- 2.1. The signatories acknowledge that this MoU is not a legally binding contract but, is a statement of intent, which creates a foundation for on-going co-operation between the signatories.
- 2.2. For the avoidance of doubt, this MoU supports the preparation of local plans but is not itself a policy document. Any policy-related matters contained in this MoU should not be taken as setting the planning policy for any particularly part of the MoU area. Policy making is a matter for each of the M&WPA to decide through their local plans.

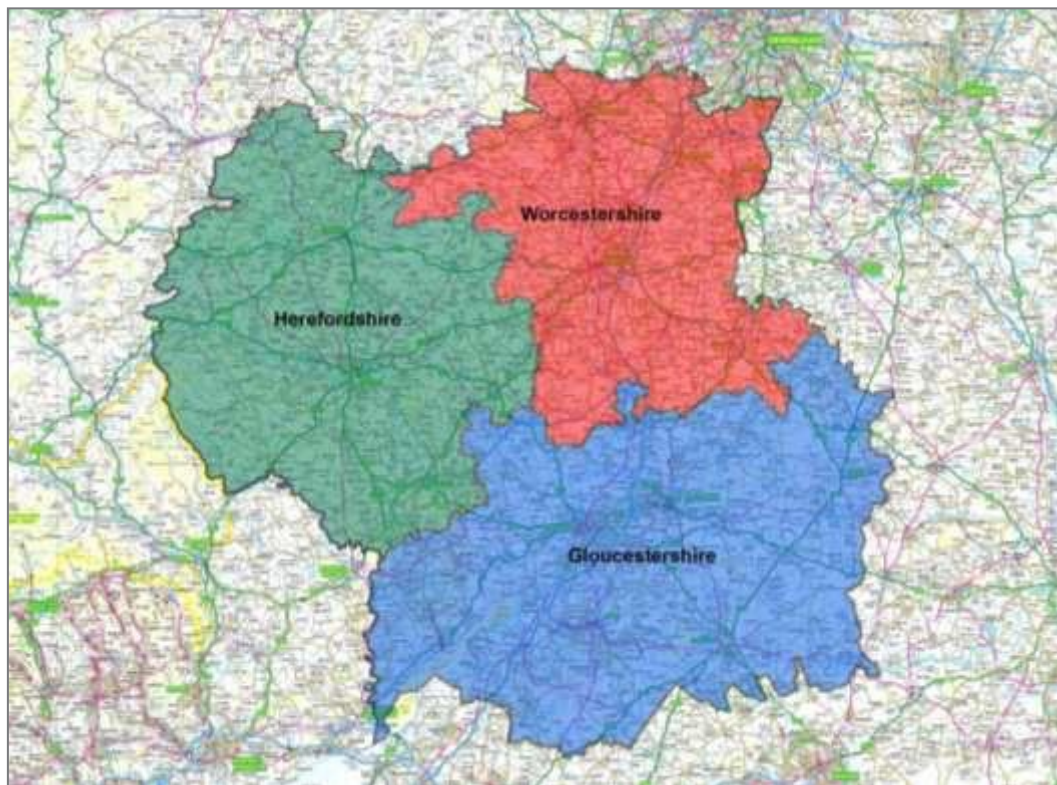
3. The geographic coverage of the MoU

- 3.1. Figure 1 displays the geographic coverage of the MoU boundary, applicable to the MoU ('the MoU area'). It is made up of roughly 650,000 hectares covering the administrative boundaries of the three mineral and waste planning authorities.
- 3.2. The MoU area will be reviewed periodically to ensure it continues to remain appropriate and fit for the purpose.




⁴National Planning Policy Framework (NPPF) paragraph 143 sets out the types of mineral infrastructure that should be subject to safeguarding arrangements. Paragraph 8 of the NPPW sets out the requirements for waste safeguarding.

⁵ National policy and guidance on the implementation of mineral resource safeguarding through the avoidance of needless sterilisation is established under National Planning Policy Framework (NPPF) paragraph 143 and National Planning Practice Guidance (NPPG) Minerals section, paragraphs 002 – 005, reference id: 27-002-20140306.

2 **Figure 1: MoU boundary – ‘the MoU area’**



3 **The administrative authorities (the mineral and waste planning authorities (signatories)) contained within the MoU boundary: -**

-  Herefordshire (Unitary) Council
-  Worcestershire County Council
-  Gloucestershire County Council

4. Current sales & reserves data, mineral resource & infrastructure safeguarding monitoring and waste data practices | as of November 2018

Aggregate sales & reserves data

4.1. There is an expectation that all MPAs across England will collect data on mineral sales and reserves in their area on an annual basis to inform their Local Aggregates Assessments (LAAs). LAAs may be incorporated within / or be published in addition to Authority Monitoring Reports (previously known as Annual Monitoring Reports) (AMRs). Collated aggregate datasets at the sub-national level are also regularly published within Aggregate Working Party (AWP) annual reports. These include the outputs from signatories within the relevant AWP area (SW AWP for Gloucestershire and WM AWP for Herefordshire and Worcestershire). In addition, there is a national four-yearly aggregate mineral (AM) survey. This is a commissioned study in England and Wales by central government and covers all signatories. It contains similar information on sales and reserves as collected annually by signatories and introduces data on the movement

of aggregates (i.e. imports and exports) throughout the country and beyond. The most recent AM survey took place in 2014⁶. At the sub-national level land-won aggregate data across the signatories contributes towards the relevant AWP collations.

4 Waste data

- 4.2. Waste data is collected nationally by the Environment Agency and published through the Waste Data Interrogator. Additional information on Local Authority Collected Waste is collected by the relevant Waste Disposal Authority (WDA). WPAs may publish relevant waste figures within their AMRs.
- 4.3. Sub-nationally Herefordshire and Worcestershire contribute towards the work of the West Midlands TAB and Gloucestershire contributes towards the South West TAB. There is no national policy requirement to participate within the TABs.

5 Minerals & Waste resource and infrastructure safeguarding and plan preparation.

- 4.4. National policy requires MPAs to prepare a local policy framework to ensure that the sterilisation of locally and nationally important mineral resources will be avoided and that mineral-related infrastructure will be safeguarded⁷. As a consequence all MPAs must undertake necessary preparations to this effect when developing their suite of local mineral policies for the future.
- 4.5. Herefordshire consulted on a draft Minerals and Waste Local Plan from January to March 2019. Worcestershire undertook a 4th call for minerals sites from September 2017 to January 2018, and consulted upon a revised draft MLP from December 2018 to February 2019, their Waste Core Strategy was adopted in 2012. Gloucestershire published its pre-submission / Publication MLP between May and July 2018 and submitted the MLP to the Secretary of State in December 2018. The Gloucestershire WCS was also adopted in 2012. All emerging plans will cover mineral safeguarding issues and the use of Mineral Safeguarding Areas (MSAs).
- 4.6. The implementation of mineral resource and infrastructure safeguarding is ultimately carried out through the development management process and is largely concerned with assessing policy accordance with non-minerals development proposals and attributing appropriate weight to the issue during the decision making process. For Herefordshire as a unitary authority (both the minerals & waste and local planning authority – M&WPA and LPA) this is a relatively simple exercise centred on the effective application of local policy. However, in the case of WCC and GCC, which both operate under the two-tier structure of local government, a degree of further collaboration is necessary with local districts acting as LPAs for non-minerals development proposals. The provision of and use of Mineral Consultation Areas (MCAs) as detailed in National Planning Practice Guidance is designed to assist with effective safeguarding in two-tier areas⁸. Defining MCAs and the approach to notification of potential mineral sterilisation issues are being brought forward by GCC and WCC in their emerging mineral plans.

⁶ The Aggregate Minerals Survey for England and Wales: 2014 can be obtained at: - <https://www.gov.uk/government/collections/minerals>

⁷The National Planning Policy Framework (NPPF) provides the detailed policy expectations concerning mineral sterilisation and infrastructure safeguarding

⁸National Planning Practice Guidance (NPPG) Minerals section, paragraph 005, reference id: 27-002-20140306

4.7. The statutory AMR regime is the monitoring vehicle for of all local policies – including those for mineral resource and infrastructure safeguarding⁹. National Planning Practice Guidance advises on the principal role and function of AMRs. They should be published annually, made publicly available and assist in deciding whether local policies or plans need to be reviewed¹⁰. All of the MPA signatories are subject to AMR requirements.

5. Collaborative working | the roles and responsibilities of the MoU

5.1. It is agreed by the signatories: -

- That MPA-level monitoring data on sales and reserves for sourced from within the MoU boundary will be collected and kept up-to-date as regularly as possible;
- That each of the MPAs will collect monitoring data on the destination of aggregate sales, sourced from within their administrative boundary for those years when a national AM survey is carried, and where possible will endeavour to collect similar data for the intervening years;
- To notify each other when undertaking public consultation on local development documents and other plans relevant to the carrying out of land-use planning functions, which could have an impact on aggregate and / or industrial minerals; and / or other non-energy mineral supplies sourced from within the MoU boundary and / or the delivery of sustainable waste management;
- To notify each other of planning proposals that fall within their administrative area for minerals, waste and non-minerals of development, which could have a significant impact on other M&WPA areas with respect to the safeguarding of existing minerals & waste infrastructure and / or the avoidance of needlessly sterilising mineral resources;
- When appropriate, to meet and discuss minerals and waste-related planning issues raised by one or more of the signatories, which could have an impact on mineral supplies or sustainable waste management from within the MoU boundary;
- To take account of accumulated monitoring data sourced from the MoU boundary when developing local plan policy that will influence provision for aggregates and / or industrial minerals; the availability of supplies of other non-energy minerals; and / or the management of waste including in the production of supporting evidence reports and formal consultation documents;
- To take account of the outcomes of any discussions held between the signatories on minerals or waste-related planning issues when developing local plan policy that will influence the provision of aggregates, and / or industrial minerals; or the availability of supplies of other non-energy minerals or the management of waste including in the production of supporting evidence reports and formal consultation documents;

⁹ Authority Monitoring Reports (AMRs) are statutorily required under section 113 of the Localism Act 2011

¹⁰ National Planning Practice Guidance (NPPG) Local Plans section, paragraphs 027, reference id: 12-027-20150326

- To meet from time-to-time to review all aspects of collaborative working including the roles and responsibilities set out in this MoU and which affect the defined MoU area (see section 3).

6. Review

6.1. All aspects of the MoU will be subject to periodic review by the M&WPAs and amended as appropriate.

6.2. The M&WPAs agree to monitor the application of the principles set out in this MoU and to develop more detailed arrangements between themselves as and when required. This might include Statements of Common Ground (SoCGs) covering, but not limited to, the following planning matters:

- Potential cross-border minerals (sand & gravel) development at Bow Farm / Redpool's Farm (GCC and WCC);
- Future potential for cross-border minerals (sand & gravel) development along or near to local authority administrative boundaries (GCC and HC)
- Cross-border management of waste (GCC, HC and WCC)
- Cross-border safeguarding of mineral resources (GCC, HC and WCC);
Cross-border safeguarding of mineral and / or waste infrastructure (GCC, HC and WCC);
- Facilitating continued steady and adequate supplies of sand and gravel aggregates (GCC and WCC);
- Facilitating continued steady and adequate supplies of crushed rock aggregates (GCC, HC and WCC)
- Facilitating continued steady and adequate supplies of industrial minerals (GCC, HC and WCC)

7. Limitations to the MoU

7.1. The signatory local authorities undertake to make every effort to secure the necessary cooperation on any identified strategic cross-boundary matters. By following the principles set out in the document and pursuing a collaborative approach wherever possible it is expected that disputes relating to the collection, accumulation and presentation of data and its interpretation will be avoided or at least kept to an absolute minimum. However, it is recognised that there may not always be full agreement and the duty to cooperate does not require an agreement to be reached. Where differences arise, signatory M&WPAs will take all reasonable steps to reach a mutually acceptable resolution.

7.2. For the avoidance of doubt, this MoU does not restrict the discretion of any of the local planning

authorities in the preparation of their development plans and associated documents, in their response to consultations or in the exercise of any of their statutory powers and duties. It is not a formally binding legal document and nothing in it shall serve to limit the discretion of an M&WPA or otherwise bind that M&WPA to a decision with which it does not agree.

8. Signatories

Signature redacted
.....

Lead Cabinet Member for Environment and Planning

Signed on behalf of Gloucestershire County Council

Dated: 18 / 03 / 2019

Signature redacted
.....

Programme Director Housing and Growth

Signed on behalf of Herefordshire

Council Dated: 25 / 04 / 2019

Signature redacted
.....

Director of Economy and Infrastructure

Signed on behalf of Worcestershire County

Council Dated: 04 / 06 / 2019

ANNEX E

Powys County Council and Herefordshire Council: Minutes of Meeting on 15 August 2018

Notes of Minerals & Waste Duty to Cooperate Meeting

Date: 15.08.18

Location: The Gwalia, Ithon Road, Llandrindod Wells

Attendees:

- Adrian Humpage: Senior Planning Officer - Planning Policy (Powys County Council)
- Kevin Singleton: Team Leader Strategic Planning (Herefordshire Council)
- Vic Eaton: Senior Planning Officer – Policy (Herefordshire Council)
- Kirsten Berry (Hendeca): consultant for Herefordshire Council

The following does not provide a verbatim record of the meeting, but is based on notes of the main points raised, combined with wording from the documents discussed.

1. AH gave an overview of Powys' minerals policies: following the conclusion of the Examination in Public of the Powys Local Development Plan (LDP) and the receipt of the Inspector's Report, the Council adopted the LDP on the 17th April 2018 and it became operative immediately. The policy framework provides an extended landbank necessary to ensure that throughout the plan period Powys can contribute to the regional supply of aggregates, in accordance with the level of apportionment set out in the SWRAWP, RTS. The Council, as Minerals Planning Authority (MPA), must maintain a minimum land- bank (permitted reserves) of 10 years for crushed rock aggregates throughout the Plan Period at the agreed rate of 2.51 million tonnes per annum for its contribution to the South Wales regional aggregate supply. The MPA has no requirement to contribute sand and gravel to the regional supply. (Most sand and gravel in Powys is from marine dredged sources in adjoining MPAs.)

Landbanks are healthy, with particularly high reserves of crushed rock, and therefore it is not considered necessary to allocate new sites for hard rock, sand and gravel or coal in the LDP. However, for aggregates areas of category 1 and 2 reserves are safeguarded as are primary and secondary coal reserves in accordance with national policy.

2. Herefordshire Council has employed Hendeca to carry out the production minerals and waste needs assessments and the Minerals and Waste Local Plan (MWLP).

KB first gave an overview of draft MWLP minerals planning approach. The Minerals Needs Assessment provides the evidence base for the Plan's development. The policies and strategic approach taken are based on generous productivity and economic growth rate assumptions.

The county presently has only one productive sand and gravel quarry and two active crushed rock quarries. The operators of all three have asked for site extensions to these to be considered for allocation in the emerging MWLP. There is still a need for additional new allocations however, and two rounds of call for sites have resulted in interest being shown in areas adjacent or near to existing sand and gravel workings. All but one of these are considered to be acceptable for allocation in the draft MWLP.

The review of the underlying geology and natural and built environment of Herefordshire has identified both key areas of search for minerals development (for crushed rock and

for sand and gravel) and those areas that should be constrained from future mineral workings. These areas complement the strategic approach to development set out in both the NPPF and the adopted Herefordshire Core Strategy.

The available data (BGS) shows that there are significant imports of crushed rock from Wales, so policies of the draft MWLP seek to provide for supply from within the county, both since this would be more sustainable and it would develop the county's contribution to the managed aggregate supply system in the West Midlands region.

AH: asked if the two crushed rock quarries are producing appropriate quality rock to enable a meaningful contribution towards self-sufficiency? KB: one quarry produces a mixed rock, which is generally of poorer quality, the other produces mainly construction stone and also stone which is subsequently powdered to make concrete. This means that there are still movements of high quality crushed rock coming into Herefordshire from Powys and these are likely to continue. Much of this goes to Wellington and is then loaded onto freight trains and transported to London and the south east by rail.

AH asked whether there is enough flexibility in the draft MWLP for increased self-sufficiency in crushed rock production? It would be useful to ensure that even at 2031, at the end of the plan period, there is still a 10+ year landbank. KB: yes, the draft plan has looked over the end of the plan period and there is enough flexibility with the allocations to ensure that there are sufficient provisions for supply of crushed rock.

AH: is there demand within Herefordshire for 'ghost' quarries for storage/stockpiling? KB: the Moreton/Wellington quarries have sufficient space for stockpiles of reserves and the areas of railway sidings adjoining them are also safeguarded.

AH: It may not be applicable in England, but to be in accord with TAN21, the need for "urban quarries" arose during the Powys LDP examination. These provide permanent facilities to enable the storage and processing of inert construction and demolition wastes for secondary aggregates use. An allocated employment site was identified in the supporting text to the waste policies of the LDP which may be suitable for such a use.

AH asked if there is any additional information that Herefordshire need from them at this time. KB: information on Powys' aggregate supplies and landbanks.

AH: the Dolyhir/Strinds and Gore crushed rock quarries both have end dates of 2042. Gore's planning permission was reviewed and consent confirmed in 2008 and Dolyhir/Strinds have extensions permitted. So strategic movement of rock, including HSA, over the border to Herefordshire will continue beyond the end of the plan period. This statement could be formally set out in an agreement/statement of common ground between the two authorities. This could also be done with Shropshire.

3. Herefordshire and emerging waste policies. KB outlined the draft MWLP waste policy approach. The overarching strategic spatial policy direction of the Herefordshire Core Strategy is relevant to the Draft MWLP and forms the backbone to its spatial approach. Consequently, waste development will be focussed at Hereford, Leominster and the market towns. However, the draft Plan recognises that some waste management development will likely be more dispersed; principally this is to deliver a locally identified demand, such as for agricultural or construction and demolition waste management. In line with the spatial strategy, such development will not be promoted in policy but may be acceptable on a specific site basis.

Herefordshire hosts a robust waste transfer, re-use and recycling network, but has very little residual waste treatment or disposal capacity, particularly for C&I and CD&E wastes. LACW is primarily managed through the jointly contracted residual waste management facilities located in Worcestershire, which will operate for the plan period and likely beyond.

Other residual wastes are generally exported for recovery at facilities located beyond Herefordshire's borders. This movement demonstrates the market forces at work within the waste sector. Generally there is not a significant quantity of waste arising within the county and the area is not generally accessible and therefore not attractive to companies in this sector. AH commented that the situation is similar in Powys and much of their waste is also transported out of county.

Evidence shows, however, that the local waste management industry in Herefordshire is fairly dynamic. New sites are being opened and previous waste management service businesses are being restructured. Within the Core Strategy, Herefordshire has adopted a number of strategic employment sites, which include the specific growth areas of the Rotherwas Enterprise Zone and Leominster Enterprise Park. These locations have good potential to deliver the Circular Economy which the draft MWLP seeks to promote, where engineering, creative industry, manufacturing, waste and research sectors can combine resources to enable wastes to be kept at their highest value for as long as possible. In its simplest form, this might be the development of an incineration facility, accepting waste from local businesses which cannot be recycled and which returns electricity and, ideally, heat. This energy supply would be decentralised, secure and low carbon, enabling national and local priorities on climate change to be realised. One existing operator in the sector has already expressed interest.

Landfill: Herefordshire has sufficient capacity for inert waste over the Plan period, however, none for non-inert waste. The draft MWLP assumes the highest level of arisings and promotes waste treatment opportunities in appropriate locations but has no site allocations.

AH: Powys has sufficient landfill capacity at Bryn Posteg near Llanidloes as residual arisings are relatively small. Within the SE Wales region, should there be a need for additional capacity, Bryn Pica and Trecatti landfill sites in South East Wales will meet Powys' needs for the foreseeable future. In the long term, however, recycling rates will need to improve and this is promoted through the LDP's policies.

Phosphates were highlighted as an issue in both counties in relation to the pollution of the River Wye and the Nutrient Management Plan and the workings of its technical group were discussed. KB highlighted the significant (natural) agricultural waste arisings in Herefordshire and the particular issue of waste from intensive poultry units, which is also a topic of concern to Powys. The Powys LDP does not contain a specific policy in relation to this form of development, however. In the Herefordshire draft MWLP, policy W3 deals with agricultural waste management and policy W4 sets out guidance in relation to waste water management, recognising the problems of detrimental levels of nutrients within the River Wye and its tributaries as a result of agricultural waste.

The group discussed the control set out under separate Environment Agency legislation and to what degree of the problems of high phosphate levels in the Wye are as a result of agricultural run-off and how much they are connected to a need for improvements to waste water treatment works. Powys have high level policies and seek not to repeat national policies or other legislation / NRW guidance covering this issue.

The promotion of combined heat/power plants close to industrial/urban areas was discussed. The infrastructure and set up costs of this form of development are high and this often makes it unviable in rural counties like Powys and Herefordshire, which do not produce large quantities of waste. The Welsh Government is pushing heat/power, but low densities of development across the rural areas make this approach difficult to achieve. In Powys, no settlement achieves the minimum heat density threshold of 3MW/km² for a viable heat network. As a result, in the Powys LDP there is no specific development management policy, but the aspiration to promote such development is set out. In Herefordshire, the drivers for energy from waste plants feeding electricity and/or heat/cooling to be distributed to adjoining employment developments do exist at the Rotherwas industrial estate and its local enterprise zone, but not really anywhere else in the county.

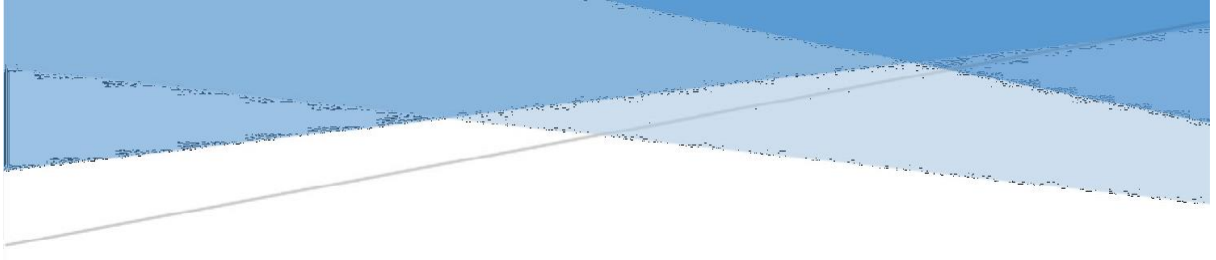
Viability may be an issue which is picked up in consultation responses and also by the Inspector at Examination. Might it be necessary to write a paper on viability and have discussions with the Rotherwas EZ Board prior to the pre-submission draft consultation? Keep this in mind and see whether it is an issue which comes to the fore during the draft MWLP consultation.

ANNEX F

Memorandum of Understanding:

Powys County Council and Herefordshire Council

January 2021



MEMORANDUM OF
UNDERSTANDING BETWEEN
HEREFORDSHIRE COUNCIL
AND POWYS COUNCIL ON
AGGREGATE MINERALS AND
WASTE PLANNING MATTERS

March 2020

Memorandum of Understanding between Powys County Council and Herefordshire Council regarding matters of aggregate minerals and waste planning

1.0 Introduction

- 1.1** Powys County Council is both the mineral planning authority and the waste planning authority for the County of Powys outside the area of the Brecon Beacons National Park.
- 1.2** The Powys Local Development Plan 2011-2026 (LDP) was adopted on 17 April 2018.
- 1.3** Herefordshire Council is both the mineral planning authority and waste planning authority for the County of Herefordshire.
- 1.4** The Herefordshire Minerals and Waste Local Plan (MWLP) is being prepared. The Draft document was consulted upon in Spring 2019. The emerging MWLP is at draft publication stage with a timetable for adoption by 2022.
- 1.5** This Memorandum of Understanding (MoU) has been prepared between the authorities regarding matters of aggregate minerals and waste. It is intended to enable effective communication between the authorities and to record areas of understanding and agreement. Ultimately the aim is to ensure that planning for minerals and waste across the two authorities is undertaken with an efficient, effective and evidence-based approach.

2.0 Minerals Powys

- 2.1** Aggregate minerals are safeguarded under LDP Policy DM8 in accordance with the Aggregates Safeguarding Maps of Wales (published in 2012 by the British Geological Survey under contract to Welsh Government) and LDP Policy DM9 protects existing mineral workings from incompatible development.
- 2.2** LDP Policy M1 permits extensions to existing Minerals sites where they would:
- i) in the case of crushed rock aggregate minerals help to maintain a steady and adequate supply; or
 - ii) in the case of non-energy minerals address a shortage of high specification material that is of limited availability nationally; or
 - iii) for all minerals - bring clear environmental, economic or social benefits.
- 2.3** There are at present 13 sites within Powys with active permissions for the extraction of hard rock mineral resources (five igneous: two of which are dormant; seven sandstone; and one limestone), supplying 2.94 million tonnes of crushed rock aggregates to the South Wales supply each year. Three sandstone extraction sites have permissions which come to an end within the LDP period, the remaining 10 sites having permissions which extend to 2042 and beyond.
- 2.4** As a result, the South Wales Regional Aggregates Working Party (SWRAWP) Annual Report for 2018 indicates that Powys has a landbank of crushed rock reserves in excess of 50 years. Although safeguarded, there is no requirement for Powys to contribute to the supply of sand and gravel.
- 2.5** New permissions will only be granted under LDP Policy M2 where the development proposal would:
- i) provide a supply of distinct building stone or dimension stone to fulfil a recognised

local need/requirement; or

- ii) for coal where it would remove a mining legacy or prepare land for future development of employment and economic benefit; or
- iii) allow a limited duration borrow pit to fulfil a specific need for a particular construction project.

2.6 Given the SWRAWP Regional Technical Statement requirements for crushed rock aggregates and the existing Powys landbank, it has not been considered necessary for the LDP to allocate new sites for mineral extraction within Powys.

2.7 It is anticipated that the current movements of crushed rock aggregate resources from Powys will be maintained throughout the current plan period and beyond.

Herefordshire

2.8 Aggregate minerals are to be safeguarded through the emerging Minerals and Waste Local Plan (MWLP), and resources protected from incompatible development in the draft MWLP under policies M1 and M2.

2.9 Policies M3 and M4 allow for new sand and gravel and crushed rock mineral workings respectively. There is currently: three consented sand and gravel workings, although only two are active; and two consented and active crushed rock quarries. The emerging MWLP promotes new development in order to replenish the aggregate landbank within Herefordshire.

2.10 It is anticipated that current movements of sand and gravel and crushed rock from Herefordshire will be maintained, however policy seeks to increase the supply available within Herefordshire to improve levels of self-sufficiency.

3.0 Waste

Powys

3.1 LDP Policy W1 directs new waste development to preferred locations within Powys, primarily employment sites identified in LDP policies E1 and E4. LDP Policy W2 sets out the criteria against which new proposals for waste management development will be considered.

Herefordshire

3.2 The draft MWLP proposes a number of policies regarding waste management in Herefordshire, policy: W2 identifies the solid waste management requirements; W3 specifically addresses the management of agricultural waste; W5 and W6 present the preferred locations for waste management facilities; and W7 presents the operational expectations of new waste development, for example seeking to recover both heat and energy.

4.0 Conclusions and Understanding

4.1 It is recognised and understood that both minerals and wastes cross the boundary between the two authorities, however the most strategic movement is crushed rock from Powys coming into Herefordshire. This movement is driven both by the quality of the rock in Wales but also that crushed rock is transported from Dolyhir/Strinds and Gore Quarries (Powys) to London and the south east by rail, from sidings located at the southern end of Wellington Quarry (Herefordshire). The Herefordshire MWLP is worded to ensure that the county's railheads are appropriately safeguarded and that the future extraction planned at Dolyhir/Strinds will not be impeded by any loss of railheads in use in Herefordshire.

4.2 Powys and Herefordshire are content that each authority has an appropriate evidence base and policy framework.

4.3 Officers from both authorities agree to continue communication, sharing of data as necessary and to review their respective policies and plans as appropriate.

5.0 Signatories

Signature redacted

5.1 Name.....Mr Marc Willimont, Acting Assistant Director for Regulatory Environment and Waste.....
Herefordshire Council

Date.....1 April 2020.....

Signature redacted

5.2 Name.....Mr Nigel Brinn, Director of Economy and Environment.....
Powys Council

Date... 27 January 2021.....

ANNEX G

Statement of Common Ground:

Shropshire Council and Herefordshire Council

April 2021

Statement of Common Ground between Shropshire Council and Herefordshire Council

April 2021

1. Introduction

- 1.1. The National Planning Policy Framework (2019) (NPPF), specifies that Local Planning Authorities are “*under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries*”⁵.
- 1.2. The NPPF also specifies that “*in order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance and be made publicly available throughout the plan-making process to provide transparency*”⁶.

2. Purpose

- 2.1. This Statement of Common Ground (SoCG) has been produced to support the Shropshire and Herefordshire Council Local Plan Reviews as well as the Herefordshire Minerals and Waste Local Plan. It sets out how Shropshire Council and Herefordshire Council have engaged in order to fulfil their Duty to Cooperate requirements.

⁵ MHCLG, (2019), NPPF – Paragraph 24

⁶ MHCLG, (2019), NPPF – Paragraph 26

3. Scope

3.1. The National Planning Practice Guidance (NPPG) provides details on the scope of a SoCG, which can be summarised as follows:

3.2.

- The plan-making authorities responsible for joint working detailed in the statement;
- A description and map of the administrative areas covered by the statement, and a brief justification for these area(s);
- The key strategic matters being addressed by the statement;
- Governance arrangements for the cooperation process;
- If applicable, the housing requirements (if known) within the area covered by the statement;
- Distribution of needs or the process for agreeing distribution of needs (including whether there is and the distribution of unmet needs);
- A record of where agreements have (or have not) been reached on key strategic matters, including the process for reaching agreements on these; and
- Any additional strategic matters to be addressed by the statement which have not already been addressed.

3.3. The NPPG also recognises that *“The level of cooperation detailed in the statement is expected to be proportionate to the matters being addressed. The statement is expected to be concise and is not intended to document every occasion that strategic policy-making authorities meet, consult with each other, or for example, contact prescribed bodies under the duty to cooperate. The statement is a means of detailing key information, providing clear signposting or links to available evidence on authorities’ websites”*⁷.

⁷ MHCLG, (2019), NPPG – Plan Making, Paragraph: 011 Reference ID: 61-011-20190315

4. Relevant Local Authorities and Geography

4.1. This SoCG has been prepared jointly by Shropshire Council and Herefordshire Council. The two Local Planning Authorities are neighbouring authorities and between them cover the entirety of the county areas of Shropshire and Herefordshire respectively.

4.2. Figure 1 illustrates the location of Shropshire and Herefordshire Councils:

Figure 1: Map of Shropshire Council and Herefordshire Council



- 4.3. As neighbouring Local Planning Authorities, it is important that effective duty to cooperate discussions are undertaken regarding strategic matters that cross administrative boundaries.
- 4.4. Given the different approaches and different timescales for the preparation of documents associated with the Local Authorities' Local Plan Reviews, this SoCG has concentrated on those issues known to be currently relevant, with a focus on the Shropshire Council Local Plan Review (2016-2038) and the Herefordshire Minerals and Waste Local Plan. A separate SoCG may be prepared regarding the issues relevant to the Herefordshire Council Local Plan Review at an appropriate time in its process. However, duty to cooperate discussions will continue as both Local Plan Reviews progress.

5. Duty to Cooperate

- **Shropshire Council Local Plan Review**

- 5.1. The Shropshire Local Plan currently comprises the Core Strategy (adopted 2011) and the Site Allocations and Management of Development (SAMDev) Plan (adopted 2015), together with the adopted Neighbourhood Plans. On completion of the review process, the Core Strategy and SAMDev documents will be replaced by a single Local Plan document (supported by any adopted Neighbourhood Plans) which will include all strategic and detailed policies, together with all site allocations for a Plan period 2016 to 2038.
- 5.2. Shropshire Council is at an advanced stage in the review of its Local Plan which has been through several stages of consultation as set out below. Timescales for submission to the Secretary of State for Examination have been subject to review in light of the Covid 19 emergency and changes to the timetable are reflected in an updated LDS.
- 5.3. There has been ongoing and active engagement between Shropshire Council and Herefordshire Council throughout the Shropshire Council Local Plan Review. Shropshire Council has consulted Herefordshire Council at every stage of plan making.
- 5.4. The Shropshire Local Plan Review consultation periods thus far are as follows:
 - Issues and Strategic Options Consultation – 23rd January 2017 to 20th March 2017.
 - Preferred Scale and Distribution of Development Consultation – 27th October 2017 to 22nd December 2017.
 - Preferred Sites Consultation – 29th November 2018 to 8th February 2019.

- Strategic Sites Consultation – 1st July 2019 to 9th September 2019.
- Regulation 18: Pre-Submission Draft of the Shropshire Local Plan – 3rd August 2020 – 30th September 2020.
- Herefordshire Council has been consulted as part of the ‘Regulation 19’ Consultation undertaken 18th December 2020 and 26th February 2021 to inform the Shropshire Local Plan Review.
- Duty to Cooperate discussions will continue at appropriate times as the Local Plan Review progresses.

- **Herefordshire Local Plan Review**

- 5.5. Herefordshire Council adopted the Core Strategy in 2015 and the Travellers Sites Development Plan in October 2019. In December 2020 a formal decision was made by the Cabinet Member for Transport and Infrastructure to update the Herefordshire Local Plan Core Strategy. It was also decided that work be stopped on the Hereford Area Plan, Rural Areas Site Allocations Plan and the Bromyard Development Plan as these matters will be incorporated into the Core Strategy update.
- 5.6. It was also agreed that progress be continued upon the emerging Minerals and Waste Local Plan (MWLP) as this is at an advanced stage of production. The Issues and Options consultation took place between August and October 2017, and consultation on the Draft MWLP January to March 2019. The next stage of consultation on Regulation 19 Plan is currently taking place (April to May 2021).
- 5.7. There are also a large number of Neighbourhood Development Plans (NDPs) which have been adopted or are under preparation by parish and town councils. These play an important role in delivering the rural and non-strategic housing requirement set out in the adopted Core Strategy. Town and parish councils consult their neighbouring parish councils and local authorities as part of their plan preparation process.
- 5.8. The timescale for the preparation of the Core Strategy update is subject to formal agreement. However, the first stage consultation regarding Issues and Options is likely to take place in early to mid 2022.
- 5.9 Duty to cooperate discussions have been ongoing throughout the preparation of the now adopted Core Strategy and Travellers Sites DPD, as well as the emerging Minerals and Waste Local Plan. At examination, the Inspectors for the two former plans concluded that Duty to Cooperate requirements had been met.

The Council intends to continue duty to cooperate discussions at appropriate times during the update of the Core Strategy. Herefordshire Council includes Shropshire Council in all plan making consultations.

6. Key Strategic Matters

These are level of housing need, and housing and employment requirements and strategy for distribution of future growth

- **Shropshire Council**

- 6.1. Using Government's standard methodology, in 2020, Shropshire Council calculated a Local Housing Need (LHN) which applies to both the Local Planning Authority area and the Shropshire Council housing market area of some 1,177 dwellings per annum (equating to 25,894 dwellings over the 22-year plan period from 2016-2038). The assessment of need will be kept under review. Shropshire Council is proposing to meet the entirety of its LHN.
- 6.2. The Shropshire Council area is considered to represent a self-contained housing market area (HMA).
- 6.3. Shropshire's proposed development strategy seeks to support a sustainable pattern of future growth across Shropshire over the Plan period. Key aspects of its strategy for growth are:- high housing growth of 30,800 dwellings (Between 2016-2038) with a balanced employment requirement of 300 ha; an urban focused distribution of development with the majority of development and infrastructure growth directed to Shrewsbury and the other Shropshire towns together with strategic sites, and more limited development to support the sustainability of rural communities. Shropshire Council has consulted on development options which would meet its own housing and employment needs within its own administrative area.
- 6.4. Shropshire and Herefordshire are linked by the transport corridor associated with the A49 and Manchester – Cardiff rail line. This is identified in the Draft Local Plan as part of the A49 strategic corridor which runs north-south through the county and supports road and rail links to other regions to the north and south-west, as well as South Wales. To the south of the county the corridor includes Ludlow as a Principal Centre; Craven Arms as a Key Centre and Church Stretton as a Key Centre within the Shropshire Hills AONB. The area adjoining Herefordshire is mainly rural with low levels of proposed development and is impacted by development constraints imposed by the River Clun SAC and related phosphate management issues.
- 6.5. The overall strategic approach of development in the Draft Local Plan seeks that the majority of development will be focused in identified existing urban areas and

strategic settlements. Relative to Herefordshire, Ludlow is the closest main location for growth in Shropshire with Craven Arms further to the north in the A49 corridor.

- 6.6. Proposed growth of 1000 dwellings and around 11ha employment development is identified for Ludlow. Proposed allocations in the Draft Plan provide for around 100 dwellings and 5ha of employment land but it is expected that the majority of housing development will be delivered through saved allocations from the adopted SAMDev Plan and other existing commitments. Craven Arms as a key centre is expected to deliver around 500 dwellings and make available around 15 hectares of employment land but principally through existing commitments and saved allocations from the adopted SAMDev Plan. There are no new proposed allocations in Church Stretton. Additionally, there are a range of smaller settlements identified in the draft Plan which will be expected to accommodate more modest levels of development. Within Ludlow place plan area Burford has allocations for around 140 dwellings but adjoins the boundary with Worcestershire rather than Herefordshire. No significant cross boundary impacts are anticipated to arise from the scale of proposed additional growth identified.
- 6.7 There is inevitably some cross boundary movement between authority areas, with some commuting particularly to and from Ludlow, however the draft Shropshire Local Plan includes modest additional allocations to the south of County and aims to achieve 'balanced growth' which recognises the need to provide local employment to balance housing provision. Evidence also suggests that Shropshire is a self-contained functional economic market area and that each of the local authorities have separate housing market areas. However, it is acknowledged that the duty to cooperate is not restricted to just planning authorities within the same HMA. As such, both local authorities continue to liaise closely in accordance with the Duty to Cooperate.

- **Herefordshire Council**

- 6.8 Herefordshire is impacted by development constraints imposed by the River Wye and River Lugg SACs and related phosphate management issues. This has resulted in restrictions on development in approximately 40% of Herefordshire, including three of the market towns: Leominster, Kington and Bromyard. Herefordshire Council together with a range of partner organisations, including Environment Agency, Natural England, Dwr Cymru Welsh Water and Powys County Council, is urgently seeking to resolve the levels of phosphate in the River Wye SAC. Herefordshire Council has commissioned consultants to produce an Interim Phosphate Delivery Plan (Interim Plan). The purpose of the Interim Plan is to enable developers, and where appropriate the decision maker, to proactively seek to demonstrate nutrient neutrality of their development proposals via an

established methodology to provide sufficient certainty to enable Herefordshire Council as competent authority to determine no likely significant effect to the SAC, through appropriate assessment. The Interim Plan will comprise a phosphate calculator, a set of potential measures to offset the identified phosphate load of projects and plans, and an alternative potential methodology for costing the offsetting of phosphate via Section 106/ CIL contributions. It will form an annex to the Nutrient Management Plan. It is likely that this issue may need to be further addressed as part of the Core Strategy update.

- 6.9 Furthermore, the Core Strategy identifies options for future growth around Hereford, the county's principal urban centre, with the delivery of a transport strategy for the city which included a relief road to the west of Hereford as well as improvements to walking and cycling. However, this transport strategy has been reviewed and a decision was taken by the Cabinet on 21 January 2021 to stop the western bypass and southern link road schemes. Therefore, the full update of the Core Strategy will need to reconsider how to accommodate its housing growth requirement without this planned road infrastructure.

Green Belt

- **Shropshire Council**

- 6.10 In order to achieve a sustainable pattern of development, Shropshire Council is proposing to accommodate development in such a way that helps make more sustainable, balanced, vibrant, resilient and self-reliant places in which to live and work. Specifically, the Local Plan Review directs the majority of new development towards the larger settlements with the most extensive range of services, facilities and infrastructure to support it. However, it also allows for appropriate levels of development within rural areas, to support the longer-term sustainability of rural communities.
- 6.11 The eastern part of Shropshire is within the West Midlands Green Belt. To inform the ongoing Local Plan Review, Shropshire Council has undertaken a Green Belt review. Whilst most additional development is proposed in locations outside the Green Belt, the strategic economic importance of the eastern part of the County, particularly the M54 corridor, is a significant consideration. Impacts on longer term sustainability of Green Belt settlements due to constraints on their ability to meet their local development requirements have also been identified. As such, a level of Green Belt release is proposed within the ongoing Local Plan Review.

6.12 As required by NPPF, Shropshire Council have explored with Herefordshire Council their ability to accommodate Green Belt development requirements, particularly those relating to the sustainable growth requirements of specific settlements. This has been formalised in a written communication sent 27th February 2020 which asked whether Herefordshire could assist in meeting the identified development needs for: Bridgnorth; Albrighton; Shifnal; Alveley; and RAF Cosford. Herefordshire Council replied on 20 April 2020 to indicate that it is unable to meet the identified Green Belt development requirements. This response is attached to this SoCG

- **Herefordshire Council**

6.13 Herefordshire is outside the West Midlands Green Belt but is also geographically remote from those areas in Shropshire where Green Belt release is proposed. This is reflected in the functional relationships between Herefordshire and the identified locations and the practical ability to meet the identified strategic and sustainable growth requirements. It has also been established that Herefordshire is already facing challenges in accommodating the current housing needs set out in the adopted Core Strategy. These challenges are likely to continue as the Council carries out a full update of the Core Strategy.

7 Other Strategic Matters

Gypsies and Travellers

- **Shropshire Council**

7.1 Shropshire has finalised an updated Gypsy and Traveller accommodation assessment (GTAA 2019). The updated GTAA refines the previously published GTAA (2017) by updating site information and considering public site management data to better understand and evidence site capacity and pitch turnover. Unauthorised encampment activity is also considered.

7.2 The greatest concentration of and demand for Gypsy and traveller sites in Shropshire has been in the north of the County with relatively limited provision in the south west of the County. The A49 is the main transit route running from the north of Shropshire to Herefordshire and the South West/Wales. This inevitably creates cross-boundary movement. Shrewsbury however tends to be a particular focus for unauthorised encampment being located at an intersection for main transit routes through Shropshire, including the A49.

7.3 The evidence from the GTAA (2019) concludes that there is no current strategic requirement for allocation. However, the need to provide a permanent plot for Travelling Showpeople resident on a temporary site in Shropshire and potentially for public transit capacity to support private provision are identified. These requirements are being addressed by the Council, with planning permission granted for a travelling showpersons site and a public consultation on a location for a temporary Council transit site undertaken in late 2020. In addition to the intended direct provision, local plan policy will facilitate the ongoing delivery of sites to meet arising needs. Shropshire thus intends to address its own needs for gypsy and traveller provision.

- **Herefordshire Council**

7.4 Herefordshire has adopted a Travellers' sites DPD which includes five-year supply of sites and a temporary stopping place off the A49 at Leominster. Allocations have addressed identified requirements for PPTS pitch provision. The longer term need for pitches as well as the accommodation to meet the needs of travellers who do not meet the PPTS definition will be considered as part of the Core Strategy Update. A revised Gypsy and Traveller Accommodation Assessment has recently started as part of the Housing Market Area Needs Assessment but has been delayed as a result of the pandemic restrictions. The consultants will liaise with all the neighbouring authorities on this matter.

Minerals & Waste

7.5 Both Councils are active members of the West Midlands Regional Aggregate Working Party and the West Midlands Resource Technical Advisory Body. Both these groups have been in place for a number of years and meet biannually.

- **Shropshire Council**

7.6 Increasing rates of housing and employment development have strengthened the demand for construction aggregates within Shropshire and in the adjacent areas which it supplies. Despite increased demand, sufficient crushed rock aggregate resources are already available from permitted sites. The availability of sand and gravel resources remains well above the minimum guideline and the adopted Plan (SAMDev) included allocations which provide for additional capacity. No additional site allocations for either crushed rock or sand and gravel provision are therefore proposed as part of the Local Plan Review. However, development management policies will continue to provide for the consideration of 'windfall' sites or site extensions.

7.7 Shropshire has a waste transfer and energy recovery facility located in Shrewsbury. Shropshire Council supports the further development of a circular economy where the active recovery of material resources and energy from waste helps reduce environmental and financial costs and actively fosters opportunities for business growth. The county performs well against national waste management targets and has sufficient existing capacity, including the land resources to meet its future needs. No further specific provision is therefore planned for waste management infrastructure. To accommodate any future demands, land will be available as part of the employment land supply.

- **Herefordshire Council**

7.8 A Minerals and Waste Local Plan (MWLP) is being prepared. Following consultation on the draft plan in early 2019 the responses were reviewed and additional work undertaken, as required. The supplementary tasks included further analysis of those sites proposed to be allocated, assessment of a new site that was promoted through the representations, consideration of historic landfill sites within Herefordshire, and updating the minerals and waste need assessments.

7.9 The Publication Draft MWLP which has since been prepared also reflects changes to the National Planning Policy Framework (NPPF) and other relevant national policy documents, including the latest national waste strategy and incorporates the recommendations from a level 2 Strategic Flood Risk Assessment completed in 2020.

7.10 Further work on the MWLP was delayed in the first half of 2020 due to Covid 19 but recommenced in July 2020 and additional updates and reviews to the Publication Draft MWLP were added. The document was then considered by the Council's General Scrutiny Committee and Cabinet. Although no strategic matters were raised, several edits to policies and supporting text were introduced and subsequently incorporated into the MWLP.

7.11 Consultation (regulation 19) on the publication draft MWLP is underway (April to May 2021), prior to its subsequent formal submission and examination.

7.12 Herefordshire is 50% sufficient in sand and gravel and 20-30% self-sufficient in crushed rock, primarily because the county does not contain the appropriate specification of limestone for demands. Crushed rock needs are currently met by imports from Powys, and, to a lesser extent, from Somerset. The MWLP proposes the allocations of extensions to both crushed rock and sand and gravel quarries to build in resilience, increase self-sufficiency in minerals production and to help contribute to the managed aggregate supply system (MASS). None of these sites are located close to Shropshire's boundary, the closest being a limestone quarry near Leinthall Earls in the north of Herefordshire.

7.13 Waste strategy: The Council is concentrating on the delivery of sustainable waste management through: a reduction in the amount of waste generated, an increase in the amount of waste re-used, recycled or used to recover energy, and a decrease in the amount of waste disposed to landfill. The objective is to deliver a circular economy and to provide a positive framework within which to deliver additional waste management capacity to enable increased self-sufficiency. There are large quantities of agricultural waste in Herefordshire and raised levels of phosphates in local watercourses, therefore policies have been developed specifically relating to the management of agricultural wastes and wastewater.

Agreement between Shropshire and Herefordshire Councils for ongoing working arrangements.

7.14 Shropshire and Herefordshire Councils agree to continue to cooperate in the following way in relation to minerals and waste planning:

- That mineral planning authority level monitoring data on sales and reserves for sourced from within the SoCG boundary will be collected and kept up-to-date as regularly as possible;
- That each of the MPAs will collect monitoring data on the destination of aggregate sales, sourced from within their administrative boundary for those years when a national AM survey is carried, and where possible will endeavour to collect similar data for the intervening years;
- To notify each other when undertaking public consultation on local development documents and other plans relevant to the carrying out of land-use planning functions, which could have an impact on aggregate and / or industrial minerals; and / or other non-energy mineral supplies sourced from within the SoCG boundary and / or the delivery of sustainable waste management;
- To notify each other of planning proposals that fall within their administrative area for minerals, waste and non-minerals of development, which could have a significant impact on other minerals and waste planning authority areas with respect to the safeguarding of existing minerals & waste infrastructure and / or the avoidance of needlessly sterilising mineral resources;
- When appropriate, to meet and discuss minerals and waste-related planning issues raised by one or both of the signatories, which could have an impact

on mineral supplies or sustainable waste management from within the SoCG boundary;

- To take account of accumulated monitoring data sourced from the SoCG boundary when developing local plan policy that will influence provision for aggregates and / or industrial minerals; the availability of supplies of other non-energy minerals; and / or the management of waste including in the production of supporting evidence reports and formal consultation documents;
- To take account of accumulated monitoring data sourced from the SoCG boundary when developing local plan policy that will influence provision for aggregates and / or industrial minerals; the availability of supplies of other non-energy minerals; and / or the management of waste including in the production of supporting evidence reports and formal consultation documents;
- To take account of the outcomes of any discussions held between the signatories on minerals or waste-related planning issues when developing local plan policy that will influence the provision of aggregates, and / or industrial minerals; or the availability of supplies of other non-energy minerals or the management of waste including in the production of supporting evidence reports and formal consultation documents;

Neighbourhood Planning.

- **Shropshire Council**

7.15 There are currently no cross-boundary Neighbourhood Plans or Neighbourhood Plans within Shropshire that share a land boundary with Herefordshire. Where Plans emerge appropriate engagement and consultation will take place at relevant stages, as set out in the Neighbourhood Planning (General) Regulations 2012.

- ***Herefordshire Council***

7.16 Herefordshire Council have taken a positive approach to neighbourhood planning and provides support and advice to those communities interested in producing

plans to complement the Core Strategy and provide detailed policies and site allocated for parishes. Neighbourhood Plans were included within the Local Development Scheme in 2014.

- 7.17 There are currently 113 neighbourhood areas designed within Herefordshire, this equates to 92% of the settlements highlighted within the Core Strategy got proportionate growth and 88% of all parishes within the county.
- 7.18 Of the 113 neighbourhood areas within Herefordshire, 4 share a border with Shropshire; Border Group; Leintwardine Group; Brimfield and Little Hereford; and Orleton and Richards Castle. All of these plans have been made/adopted.
- 7.19 There are no cross-boundary Neighbourhood Plans. If these four adopted NDPs seek to review, appropriate engagement and consultation will take place at appropriate stages with Shropshire Council and the relevant adjoining parish councils, as set out in the Neighbourhood Planning (General) Regulations 2012.

8 Mechanisms of Agreement

- 8.1 Shropshire and Herefordshire have had ongoing communication, including formal consultation periods, as part of their Local Plan Review processes as outlined in section 5 above.
- 8.2 Meetings have taken place as necessary to discuss relevant matters, including strategic issues, and the most recent Duty to Cooperate meeting was held on 15th January 2020.
- 8.3 Shropshire sent a written communication on 27th February 2020 to all its neighbouring authorities, including Herefordshire, to ask whether they could assist in meeting the identified Green Belt development needs. This request was formally considered by Herefordshire Council's Cabinet Member for Infrastructure and Transport. A response was received on 21st April 2020.

9 Matters of Agreement

- 9.1 It is acknowledged by both parties, as set out in the statement above, that there are significant functional constraints which would impact on the ability of Herefordshire to address any development requirements resulting from cross boundary needs. Shropshire Council intends to meet their identified Local Housing Need (LHN) within their Local Authority area.

- 9.2 The formal decision made by Herefordshire Council in respect of Shropshire Council's request for Herefordshire to consider whether it is able to accommodate any of Shropshire's identified Green Belt development requirements is that it is unable to do so. This decision was made by the Cabinet Member for Transport and Infrastructure on 20th April 2020
- 9.3 Section 7 sets out how the both parties will continue to work together on minerals and waste planning issues to ensure effective cross boundary working on these matters.
- 9.4 All other strategic matters were agreed on.

10 Matters of Disagreement

- 10.1 There are no matters about which Shropshire Council and Herefordshire Council disagree.

11 Governance Arrangements

- 11.1 Governance arrangements are key to ensure that effective duty to cooperate discussions are undertaken and an appropriate SoCG prepared.
- 11.2 Updating of this SoCG will be linked to key milestones within the Local Plan processes for the Local Planning Authorities involved.

12 Conclusions

- 12.1 The parties agree that:
- i) Shropshire Council has fulfilled its Duty to Cooperate with Herefordshire Council.
 - ii) Herefordshire Council has fulfilled its Duty to Cooperate with Shropshire Council.
 - iii) The parties will continue to work positively together and where relevant with other prescribed bodies on strategic cross boundary issues.

13 Signatories

13.1 This SoCG has been agreed and signed by the following:

Figure 2: Signatories

Shropshire Council	Herefordshire Council
<p>Name: Edward West Position: Planning Policy and Strategy Manager Date agreed: 8th April 2021 Signed 8th April 2021:</p>	<p>Name: Marc Willimont Position: Assistant Director for Regulatory, Environment and Waste services Date agreed: 27th April 2021 Signed 27th April 2021</p>

ANNEX H

Note to Natural England: Herefordshire Council's Approach to Nutrient Neutrality in the MWLP

July 2021

1. Nutrient Neutrality in Herefordshire

1.1 Introduction

- 1.1.1 A meeting was held on 8 July 2021 between Natural England and Herefordshire Council and its consultants to discuss representations made by Natural England to the Publication Draft Minerals and Waste Local Plan (January 2021, the MWLP).
- 1.1.2 During the meeting, solutions were found and agreed to resolve the issues raised by Natural England in its representations, albeit that Natural England has yet to see the written content of either modifications to the MWLP or amendment to the Habitats Regulations Assessment (HRA) undertaken of it.
- 1.1.3 However, a new issue became apparent through the discussion: whether the ability to require development proposals to demonstrate nutrient neutrality could be applied across all mineral and waste sites located in the catchment of the River Wye SAC, or whether it could only be limited to those site located within the River Lugg catchment of the SAC.
- 1.1.4 This paper presents a short background to the issue, the current approach presented in the MWLP and the justification for that.
- 1.1.5 It was agreed that this would be discussed within Natural England due to the potential implications of this approach for Natural England's wider approach to nutrient neutrality in a number of affected catchments around England, and for the NE advisor to confirm whether or not they would support Herefordshire Council's approach.

1.2 Background

The River Wye SAC NMP and its updates

- 1.2.1 The River Wye and River Lugg are areas of special importance for nature conservation, with both rivers being designated as Sites of Specific Scientific Interest (SSSI) and the lower stretches of the River Lugg, along with the River Wye, are also a part of the River Wye Special Area of Conservation (SAC) designated under the European Habitats Directive.
- 1.2.2 The River Wye SAC Nutrient Management Plan (NMP) was published in May 2014 in order to reduce current phosphate concentrations in the river to comply with conservation objectives. Whilst led by the Environment Agency, its production was a joint initiative with Natural England and was also intended to support Herefordshire Council to develop a framework for determining planning applications that are constrained by the Habitats Assessment process and to inform preparation of the Core Strategy (which was adopted in October 2015).
- 1.2.3 Work to inform the River Wye SAC NMP divided the designation into three reaches, focussing on the upper River Wye and River Lugg catchments:
- the upper River Wye sub-catchment (the River Wye upstream of the confluence with the River Lugg);
 - the River Lugg sub-catchment (upstream of its confluence with the River Wye); and
 - the lower River Wye sub-catchment (downstream of the confluence with the River Lugg).

- 1.2.4 In November 2018, judgement was handed down from the Court of Justice of the European Union in the case of Cooperatie Mobilisation (Joined Cases C-293/17 and C-294/17, the Dutch Case).
- 1.2.5 The Dutch Case concluded that where a site is failing in its water quality objectives, and is therefore classed as being in an unfavourable condition, there is limited scope for the approval of additional damaging effects and that the future benefit of mitigation measures cannot be relied upon at Appropriate Assessment, where those benefits are uncertain at the time of the assessment.
- 1.2.6 In response to this judgement, and discussion with Natural England, the council concluded that the measures set out in the River Wye SAC NMP could no longer be relied upon and issued separate guidance, including the latest Position Statement (April 2021); all the documents have been made available on the council's website:
https://www.herefordshire.gov.uk/downloads/download/2039/development_in_the_river_lugg_catchment.
- 1.2.7 The River Wye SAC NMP is currently (July 2021) under review, with an update being drafted that all key stakeholders have fed into, outlining measures being developed independently to improve phosphate reduction. This is now being refined by the statutory bodies: Natural England (NE); Natural Resources Wales (NRW); and the Environment Agency (EA). The purpose of the review is to provide an increased level of certainty around Phosphate reduction and timescales.
- 1.2.8 Following the update on the River Wye published by NRW in December 2020⁸, the review of the NMP now takes into consideration the failing wider River Wye catchment in Wales only, as well as the River Lugg catchment area in Herefordshire.
- 1.2.9 Whilst the River Wye SAC NMP is under review, it is clear that the initial findings of the evidence base to that document remain largely unchanged:
- conservation targets in the River Lugg catchment are being failed; and
 - phosphate levels in the upper River Wye catchment are currently compliant but are near to the phosphate conservation target.
- 1.2.10 Natural England's current advice, as reported in the Position Statement (April 2021) is that 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.
- Herefordshire Minerals and Waste Local Plan**
- 1.2.11 The Herefordshire Minerals and Waste Local Plan (MWLP) commenced production in 2016. It is a strategic land use plan that is focussed on matters relevant to minerals and waste. It is one element of the Herefordshire development plan and must be read alongside the adopted Core Strategy (and any other development plans adopted by the council).
- 1.2.12 Preparation of the MWLP and its HRA has drawn upon the River Wye SAC NMP and later Herefordshire Council Position Statements, in addition to advice from Natural England, in order

⁸ Compliance Assessment of the River Wye SAC Against Phosphorus Targets, December 2020.
<https://naturalresources.wales/evidence-and-data/research-and-reports/water-reports/river-wye-compliance-report/?lang=en>

to address the potential for minerals and waste development to contribute to the issue of phosphates in the River Wye SAC.

- 1.2.13 Unusually for a land use plan, the MWLP includes policy relevant to the management of both natural and non-natural agricultural wastes. This policy direction is the direct result of Herefordshire being a strongly agricultural county, and that this sector is identified in the River Wye SAC NMP as a key contributor to the high levels of phosphate found in the River Wye SAC.

1.3 Approach to nutrient neutrality in the MWLP

- 1.3.1 The MWLP is a strategic planning document, drafted to promote the appropriate development of mineral working and waste management projects, but also to provide a policy framework for other sector developments that would impact on minerals and waste; for example promoting the use of secondary aggregates in major projects to minimise the use of primary mineral.
- 1.3.2 This approach has been (unusually for a MWLP) extended to the agricultural sector, to provide a policy framework for the sustainable management of natural and non-natural wastes that are produced on-farm.
- 1.3.3 Consequently, the MWLP is relevant to development across Herefordshire, including allocated sites that are located within the catchment of the River Wye SAC both within and beyond the River Lugg catchment.
- 1.3.4 The approach within the MWLP has been to require nutrient neutrality from development proposals within the River Wye SAC generally; it is not limited to the River Lugg catchment.
- 1.3.5 This approach has been followed for a number of reasons:
- recognition that the achievement (or not) of conservation targets can change over time and that the MWLP is intended to have a lifespan up to 2041;
 - recognition that the upper River Wye is already close to failing its conservation targets;
 - recognition that some agricultural units may be only partially located in the River Lugg catchment and there would be a lack of clarity about whether the policy would apply; and
 - seeking to apply best practice across the county, reducing the level of phosphates released into the environment generally.
- 1.3.6 Already there is a moratorium on new housing across the County unless improvements are made at the relevant waste water treatment works that will enable additional discharges to be made and the conservations targets remain to be met. There is an ongoing, careful, balancing act implemented to maintain the limited headroom available in the environment of the River Wye.
- 1.3.7 Herefordshire Council is monitoring housing completions for the upper Wye catchment area, which remain well below the anticipated completion rate as set out in appendix 5 of the Core Strategy. In addition, Dwr Cymru Welsh Water (DCWW) has confirmed that its AMP7 programme includes phosphate stripping at the Hereford WWTWs which will provide headroom to enable delivery of the current housing target.
- 1.3.8 Within Herefordshire Council there is a strong political focus to improve the environment across the authority, directly addressing phosphate levels within the River Wye SAC. There is political support for the approach currently set out in the MWLP.

1.4 Confirmation of the approach going forward

- 1.4.1 As discussed at the meeting on 8 July 2021, currently, Natural England's advice is that nutrient neutrality can *only* be required where the conservation target is being failed to be achieved. This advice is based on the Dutch Case judgement. With respect to the MWLP and the River Wye SAC in Herefordshire, this would therefore mean that only minerals and waste development proposals that would discharge to (or contribute to WWTW discharges to) the River Lugg catchment of the River Wye SAC should be required to achieve nutrient neutrality.
- 1.4.2 Herefordshire Council recognises the extent of the Dutch Case judgement, but is content that within this administration an approach that seeks nutrient neutrality for the whole River Wye catchment within Herefordshire is appropriate. Natural England is consequently asked to confirm whether their position is fixed, such that they would raise a new objection to the MWLP, or whether it concurs the approach set out in the MWLP is appropriate for Herefordshire.

ANNEX I

Comments from Historic England: informal
consultation on emerging Publication Draft MWLP

August 2020



Historic England

Midlands Team

Herefordshire Waste Plan informal consultation

Herefordshire Council

FAO Kirsten Berry

kezia.taylerson@historicengland.org.uk

Friday 28 August 2020

Dear Sir, Madam,

Re: Herefordshire Waste Plan informal consultation on the draft Publication Plan

Many thanks for consulting Historic England on the above consultation. We have the following informal comments to raise at this stage.

- The vision does reference the need to protect and enhance the historic environment – which we support p29.
- Objective 12 references a number of environmental considerations, including heritage. Seeks to prevent loss and damage and seeks to overturn negative past trends – p30 – we are concerned about an objective that includes a variety of environmental considerations in one and assumes that they have the same objectives and requirements when they are often competing and contrary.
- In order to achieve the objectives it relies on CS policies as well as SP2, 3 and 4 and specific development criteria – we remain concerned that the detail within the policies is very limited in respect of the historic environment and that the development criteria are too generic to mitigate the specific impacts/ harm to the historic environment.
- P32 5.2.4. states planning applications should consider cumulative impacts – we support this sentiment – more detail on how this could be implemented would be useful and an understanding of how the Plan has considered this issue through the choice of potential allocations.

- P36 5.4.6 what is the status of the core strategy policies that are being relied upon? Still in date? 5.4.8 sets out some detail of what the CS policy requires and the need to consider a landscape assessment from 2004. Is there any more recent evidence base for the Plan to rely upon?
- P40 Policy LD4 relates to a CS heritage policy – the text below sets out what considerations may be made as a result of minerals development and the historic environment. We have in the past been concerned about the lack of evidence base and consideration for the historic environment. We would suggest that these paragraphs clearly relate to the significance of heritage assets, designated and non designated and their setting. Any available evidence should be referenced.
- There should be a clear remediation policy that sets out what considerations are appropriate for the historic environment and what considerations are not. Lack of current detail in 5.4 and what the Plan is doing and as such how can we be assured the remediation policies will be appropriately implemented for the historic environment. In its current format the Plan favours other environmental considerations for remediation which will not always be appropriate for heritage assets/ historic landscapes.
- P46 not clear on how SP2 is relevant to the historic environment.
- Section 5.7 could usefully reference the significance of heritage assets as it is issues such as these that can impact the significance of heritage issues through setting issues etc. Include a paragraph here on the impacts for the historic environment and how they can be overcome.
- PSP3 no reference to how transport within mining or waste sites will be minimised for its impact on the historic environment.
- Section 5.11 considers the need for reclamation and to be sensitive to environmental assets. The challenge here is in grouping all environmental issues together it assumes that the environmental considerations are the same – rather than recognising that within the environmental sector there are competing aims so what is useful for flood risk or air quality for example, may be inappropriate for the historic environment – how can this be overcome?
- 5.11.8 no specific reference to heritage assets and their specific considerations.
- Policy SP4 does reference generic reclamation considerations though nothing specific to heritage.
- Where specific sites are referenced for waste and minerals in the latter part of the Plan – what are the heritage considerations that have been considered? What are the specific mitigation and avoidance measures that have been identified and how can this be included within the Plan? Are there any enhancement opportunities or opportunities to reduce heritage at risk?
- We have not currently assessed any specific site considerations at this time but will formally respond during the Publication consultation.
- Development and monitoring objectives do not relate to heritage but rather focus on landscape and green infrastructure. We would recommend including an indicator for heritage.
- For example, Appendix A – key development criteria considerations - what evidence and assessment has been collated so far? It still references the need for desk assessment and field evaluation where necessary to be undertaken and cites that developers will need to demonstrate the level of effect on heritage assets. We need to have confidence that the appropriate level of assessment has been undertaken prior to allocation and that specific mitigation and avoidance measures that have been identified to overcome harm, are being included within text in the Plan.

We will raise formal comments when you formally consult on the Publication draft of the Herefordshire Waste and Minerals Plan in 2021. These comments do not preclude us from objecting at a later stage.

Please note we have not made comments on the proposed site allocations at this time but will await the formal consultation process.

Many thanks for the opportunity to comment at this stage and we hope these informal comments have been helpful. They are presented in a quick bullet point list, in an effort to meet the timeframe required by the Council.

Kind regards

Kezia Taylerson

Kezia Taylerson

Historic Environment Planning Adviser

Midlands (North Team)

ANNEX J

Historic England and Herefordshire Council: Minutes
of Meeting on 1 September 2020

Meeting Notes

Date: 01.09.20

MWLP Teams Meeting with Kezia Taylerson (Historic England), Kirsten Berry (Hendeca) and Vic Eaton (Herefordshire Council)

- KT: Some additional feedback is awaited from HE archaeological expert.

- KT: Will send over notes and comments on the publication draft MWLP in the next two days (i.e. by 03.09.20)

- KT: General comments; it is not clear in the policies and text how references to historic heritage relate to the CS and how the MWLP's objectives in respect of heritage have been put together. There could be greater emphasis on heritage benefits and heritage objectives. Other environmental assets are mentioned, but issues relating to heritage are vague and have not been sufficiently addressed.
KB: The MWLP is not dealing with development management issues specifically, this is done through the CS, which sits alongside it. Both documents should be read together and this is stated early in the MWLP. The MWLP only deals with specific DM issues e.g. restoration. In such sections the Plan sets out expectations for development proposals, this includes heritage and other matters. The Plan has been written with the aim of keeping all issues proportionate, including heritage.

KT: HE considers that the MWLP is not proportionate in relation to historic heritage issues. The juxtaposition between different environmental considerations is not made obvious e.g. in restoration to restoration principles e.g. flood management -v- heritage landscape. For example, it may not be appropriate to restore to water, and maybe field would be more appropriate due to the setting of a heritage asset.

KB: The consideration of heritage is proportionate and relevant, see the Wellington site allocation in particular, where the site has been reduced in area.

- KT: The MWLP does not adequately consider the cumulative impact of mineral development areas.
KB: This has been considered during the Plan's preparation e.g. Leinthall Quarry and its site allocation. The extension was considered acceptable after full consideration of its impact on local heritage assets such as Croft Ambrey and the lie of the land and the site's containment in the landscape and in relation to existing features.

KT: It is difficult for cumulative impact to be properly assessed once the principle of development has been established through a plan allocation.

KB: Wellington allocation was reduced in size due to cumulative impact and impact on a listed building.

- KT: Appendix A, allocated sites with KDC – e.g. Shobdon. It is written as if archaeological assessment have not yet been done (possibly due to the tense), but they should have been. It reads as if it is known

that something is there, but the effects of development will be looked at only at application stage. We need to make more specific the work that has already been done and what will be expected of a planning application. HE would like to see the evidence behind establishing the principle of development and then setting out what a developer would need to do.

KB: See the Supplementary Sites Report and its Annex for details on each site. The 'outcome' column will set out what would need to be done at planning application stage. The KDC then picks up and sets out what is expected from a developer for Herefordshire Council and Historic England. A developer would still need to carry out an assessment. The principle of development and the allocation is in the Spatial Context and Sites Report and the detail of each site's development will come through at the planning application stage. The assessment will need to be proportionate to the development proposed.

KT: this aspect does not come through clearly in the publication draft MWLP.

KB: the KDC contains consistent wording across all sites, so as to avoid providing unequal levels of detail and causing expectations of developers to be falsely raised.

KT: HE disagree; there are different and specific issues to be addressed at each allocated site. The 'level of effect' terminology is not acceptable. It is possible that this is an issue which will have to be drawn out at examination and independently assessed by an inspector.

KB: happy to include some site specific tweaks where these are appropriate. It may be that further alterations to the text/policies are made after the Reg 19 consultation and prior to submission.

- VE: a Statement of Common Ground can be drawn up after the Reg 19 consultation which can set out areas of agreement and areas where there are still some outstanding issues. KT: agreed that this would be an appropriate way forward.
-