

# Herefordshire Minerals & Waste Local Plan: Representations in respondent order

Commenter ID	C01	Reference number	1001	Organisation	Aymestrey Parish Council
Name	Mrs M Brown			Client	
Policy	M4	Paragraph			
Positively Prepared		Justified	Effective	Consistent with National Policy	No

## Soundness Reasons

Does not comply or make reference to the NPPF requirement that planning authorities consider the extent to which alternative, secondary and recycled materials can be used before a commitment is made to any mineral extraction. (NPPF Paragraphs 203 and 204) Nor do the policies deliver any real measures to substitute secondary or recycled material for primary minerals. Having failed to do this, MWLP potentially allows for the quarrying of more material than necessary from Leinthall and Perton quarries. The same applies to the policies for extraction of other primary materials.

## Changes Necessary

The supporting text to Policy M4 says at 6.2.17 “In order to reduce the potential for adverse impacts, it is intended that mineral would be transported off-site for processing”. This needs to be written into the policy to have any effect

Commenter ID	C01	Reference number	1002	Organisation	Aymestrey Parish Council
Name	Mrs M Brown			Client	
Policy	SP1	Paragraph			
Positively Prepared		Justified	Effective	No	Consistent with National Policy

## Soundness Reasons

Policy SP1, which apparently seeks to address paragraph NPPF 203: it is directed at climate change rather than the reduction of the requirement for primary mineral and while the ambition to promote a “circular economy” is stated, the policy does not provide any means of delivering it.

## Changes Necessary

All policy requirements to be incorporated into the policies themselves, rather than drafted into the supporting text, where they will have no effect. This is particularly critical for policy SP1, which is intended to deliver the circular economy and reduce the demand for primary materials

Commenter ID	C01	Reference number	1003	Organisation	Aymestrey Parish Council
Name	Mrs M Brown			Client	
Policy	SP2	Paragraph	5.5.15, 5.5.17, 5.5.18		
Positively Prepared		Justified	Effective	No	Consistent with National Policy

#### Soundness Reasons

Refers to the requirement for a “Resource Audit” but does not say when such an audit will be required or what developers are expected to deliver through such an audit. The supporting text to a policy is intended to justify that policy and explain how it should be interpreted: it cannot be used to introduce additional policy requirements. The draft MWLP, has repeatedly sought to write policy requirements into the reasoned justification and is consequently not compliant with the relevant legislation.

#### Changes Necessary

To have any force, these requirements must be written into the policy. Refer to PPG12: (although withdrawn, remains relevant) who refer to Regulations 8 and 9 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (Paragraph: 002 Reference ID: 61-002-20190315). The supporting text to a policy is intended to justify that policy and explain how it should be interpreted: it cannot be used to introduce additional policy requirements. The draft MWLP, has repeatedly sought to write policy requirements into the reasoned justification and is consequently not compliant with the relevant legislation.

Commenter ID	C01	Reference number	1004	Organisation	Aymestrey Parish Council
Name	Mrs M Brown			Client	
Policy	M1	Paragraph	5.5.17		
Positively Prepared		Justified	Effective	No	Consistent with National Policy
					No

#### Soundness Reasons

These policies do not explicitly set out how the use of raw materials will be minimised and nor do they include any policy requirements to achieve this. Fails to explain whose task it is to identify sources of alternative materials or how this aim fits into the planning decision-making process.

#### Changes Necessary

Rather than creating a mere expectation, the policies should facilitate a reduction in demand for primary minerals to comply with the NPPF requirement to ensure best use of and secure the long term conservation of this finite resource.

Commenter ID C01 Reference number 1005 Organisation Aymestrey Parish Council

Name Mrs M Brown Client

Policy SP1 Paragraph

Positively Prepared Justified Effective Consistent with National Policy No

Soundness Reasons

Neither Policy SP1 nor the supporting text contain any objectives or targets, there is no requirement to use any recycled material - applicants need only provide a description of materials used - and the policy does not indicate that the decision maker will require compliance with the resource audit

Changes Necessary

The draft MWLP consequently fails to meet the NPPF paragraph 204 requirement for an account of what role recycled/substitute materials will play in reducing the requirement for continued quarrying. If it is not practicable to provide such an account, the MWLP should explain and justify this.

Commenter ID C01 Reference number 1006 Organisation Aymestrey Parish Council

Name Mrs M Brown Client

Policy W2 Paragraph

Positively Prepared Justified Effective No Consistent with National Policy

Soundness Reasons

Policies W2 and W3 provide unconditional support for various waste developments, livestock units and anaerobic digesters, all of which pose significant risks to the environment.

Changes Necessary

Commenter ID C01 Reference number 1007 Organisation Aymestrey Parish Council  
Name Mrs M Brown Client  
Policy W3 Paragraph

Positively Prepared Justified Effective No Consistent with National Policy

Soundness Reasons

Changes Necessary

Policies W2 and W3 provide unconditional support for various waste developments, livestock units and anaerobic digesters, all of which pose significant risks to the environment.

Commenter ID C01 Reference number 1008 Organisation Aymestrey Parish Council  
Name Mrs M Brown Client  
Policy W2 Paragraph

Positively Prepared Justified Effective No Consistent with National Policy

Soundness Reasons

Changes Necessary

Policy W2 supports a series of “Solid Waste Management” developments with no qualification whatsoever. The supporting text refers to development that is “well designed, appropriately situated and demonstrated to deliver a sustainable outcome.”

This must be incorporated into the policy itself to have any effect.

Commenter ID C01 Reference number 1009 Organisation Aymestrey Parish Council  
Name Mrs M Brown Client  
Policy W3 Paragraph  
Positively Prepared Justified Effective No Consistent with National Policy

#### Soundness Reasons

Policy W3 offers support for livestock units and anaerobic digesters provided they demonstrate nutrient neutrality within the catchment of the River Wye Special Area of Conservation. While this is important, there are several other impacts, including on landscape, air quality, residential amenity and traffic impacts, that should be addressed in the policy, if only by stating that support for these developments is subject to compliance with Core Strategy policies

#### Changes Necessary

Other impacts, including on landscape, air quality, residential amenity and traffic impacts, that should be addressed in the policy, if only by stating that support for these developments is subject to compliance with Core Strategy policies.

Commenter ID C01 Reference number 1010 Organisation Aymestrey Parish Council  
Name Mrs M Brown Client  
Policy W2 Paragraph  
Positively Prepared Justified Effective No Consistent with National Policy

#### Soundness Reasons

The MWLP apparently seeks to overcome the unconditional support offered by these policies by stating that decisions should be taken in conformity with the development plan as a whole. The problem is that these are the ONLY policies in the whole development plan governing these specific forms of development. Due to the unequivocal wording of the policies, compliance with the relevant MWLP policy could reasonably be viewed as compliance with the development plan as a whole. In offering unqualified support for specific forms of development, the policies are in conflict with those in the adopted Core Strategy seeking to protect the environment, the landscape, residential amenity and so on from inappropriate development. This is a potential breach of Reg. 8 (3) of Town and Country Planning (Local Planning) (England) Regulations 2011

#### Changes Necessary

When considering whether a planning application is in accordance with the development plan as a whole, the decision-maker must make a planning judgement about the weight to be accorded to policies that may pull in different directions. The way that the policies in the MWLP are drafted does not allow for this balancing exercise because they create an unqualified presumption in favour of development

Commenter ID	C01	Reference number	1011	Organisation	Aymestrey Parish Council
Name	Mrs M Brown			Client	
Policy	W3	Paragraph			
Positively Prepared		Justified	Effective	No	Consistent with National Policy

## Soundness Reasons

The MWLP apparently seeks to overcome the unconditional support offered by these policies by stating that decisions should be taken in conformity with the development plan as a whole. The problem is that these are the ONLY policies in the whole development plan governing these specific forms of development. Due to the unequivocal wording of the policies, compliance with the relevant MWLP policy could reasonably be viewed as compliance with the development plan as a whole. In offering unqualified support for specific forms of development, the policies are in conflict with those in the adopted Core Strategy seeking to protect the environment, the landscape, residential amenity and so on from inappropriate development. This is a potential breach of Reg. 8 (3) of Town and Country Planning (Local Planning) (England) Regulations 2012.

## Changes Necessary

When considering whether a planning application is in accordance with the development plan as a whole, the decision-maker must make a planning judgement about the weight to be accorded to policies that may pull in different directions. The way that the policies in the MWLP are drafted does not allow for this balancing exercise because they create an unqualified presumption in favour of development.

Commenter ID	C01	Reference number	1012	Organisation	Aymestrey Parish Council
Name	Mrs M Brown			Client	
Policy		Paragraph	Annex A		
Positively Prepared		Justified	Effective	No	Consistent with National Policy

## Soundness Reasons

Policies should create a presumption that all new development proposals use recycled materials except where there is convincing justification for the use of any primary minerals/materials.

## Changes Necessary

We would commend Policy SR01 of the South Gloucestershire Minerals Local Plan copied at Annex 1.

Commenter ID C01 Reference number 1013 Organisation Aymestrey Parish Council

Name Mrs M Brown Client

Policy W1 Paragraph

Positively Prepared Justified Effective No Consistent with National Policy

Soundness Reasons

Policies should not create an unqualified presumption in favour of any development that has the potential for significant environmental impacts. This is especially applicable to draft policies W1 and W2.

Changes Necessary

Policies should state clearly that all relevant local plan policies are applicable.

Commenter ID C01 Reference number 1014 Organisation Aymestrey Parish Council

Name Mrs M Brown Client

Policy W2 Paragraph

Positively Prepared Justified Effective No Consistent with National Policy

Soundness Reasons

Policies should not create an unqualified presumption in favour of any development that has the potential for significant environmental impacts. This is especially applicable to draft policies W1 and W2.

Changes Necessary

Policies should state clearly that all relevant local plan policies are applicable.

Commenter ID C01 Reference number 1015 Organisation Aymestrey Parish Council

Name Mrs M Brown Client

Policy M4 Paragraph

Positively Prepared Justified Effective Consistent with National Policy

Soundness Reasons

Paragraph 2 of Policy M4 states that the two sites for extraction are listed in order of preference and then in brackets, in alphabetical order.

Changes Necessary

Which is it? Order of preference or alphabetical order?

Commenter ID	C02	Reference number	1016	Organisation	Coal Authority
Name	Ms M Lindsley			Client	
Policy		Paragraph	Whole Plan		
Positively Prepared		Justified	Effective	Consistent with National Policy	

Soundness Reasons

It is noted that you refer in the Minerals and Waste Local Plan to the data that provide authorities in respect of surface coal resource. Although in the past we have encouraged the protection of coal reserves, including consideration of prior extraction, our formal remit in this respect lies in providing data to MPAs to assist local decision making, but nothing more.

Changes Necessary

With national policy for a low-carbon future in mind, in January 2021 it was agreed corporately that although we will continue to provide the GIS surface coal data to authorities, all decision making regarding the safeguarding of surface coal will lie with the responsible authority. We will therefore no longer be requiring those authorities with responsibilities for minerals to specifically include surface coal resource within Mineral Safeguarding Areas. We will leave this decision to the relevant authority in recognition of their superior knowledge and understanding of local circumstances and responsibility for local environments and communities.

Commenter ID	C03	Reference number	1035	Organisation	Environment Agency
Name	Mr M Davies			Client	
Policy		Paragraph	3.1.18		
Positively Prepared		Justified	No	Effective	No
				Consistent with National Policy	No

Soundness Reasons

does not indicate how much waste may be handled more than once through transfer stations, nor indicates how much waste is imported from outside Herefordshire. Waste transfer and treatment facilities mean that you need more infrastructure “capacity” than the total arisings, due to double-handling. This could become more important with a Circular Economy model, as recovered waste may pass through several different processes to be converted back into resources and new products. The boundary between “Waste” and “Non-Waste” industrial processes could start to become increasingly blurred.

Changes Necessary



Commenter ID C03 Reference number 1036 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 3.1.24, 3.1.25, 3.1.26

Positively Prepared Justified No Effective No Consistent with National Policy No

#### Soundness Reasons

A Circular Economy can also help reduce the burdens to Public and Private Sectors from Landfill or similar tax costs, so supporting efficiency of services, and could also help tackle waste crime and the societal costs of activities such as fly tipping and illegal waste dumping and uncontrolled burning.

#### Changes Necessary

The term “Market Needs” may increasingly involve materials sourced from wastes to support a Circular Economy, rather than looking for traditional “Waste Management” Contracts for disposal?

Commenter ID C03 Reference number 1037 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 3.3.10

Positively Prepared Justified No Effective No Consistent with National Policy No

#### Soundness Reasons

#### Changes Necessary

Presumably Section 3.3.10 will need review, alongside the implications for how to decarbonise within the required timescale, and possibly how to best adapt the Plan to targets that might change again, within the Plan period.

Commenter ID C03 Reference number 1038 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 3.1.14

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

Figure 5. We welcome the visualisation in Figure 5, the aim is to minimise the amounts of new raw materials required, and to minimise carbon emissions as far as possible. It would be useful to start developing some Herefordshire-specific quantity information to add to the graphic.

Commenter ID C03 Reference number 1039 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 3.3.18

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

Incineration with or without energy recovery still releases carbon into the air and then removes scope to add value from combustible material streams such as paper/card, wood, plastics and textiles. Additionally it would be preferable to restrict landfill to inert, inactive wastes.

Commenter ID C03 Reference number 1040 Organisation Environment Agency  
Name Mr M Davies Client  
Policy Paragraph 3.3.19, 3.3.20  
Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

We welcome Sections 3.3.19 and 3.3.20 regarding the Circular Economy and the potential challenges.

Changes Necessary

You may want to consider developing a Circular Economy Strategy/Pathway as part of wider decarbonisation plans, to bring all the necessary interventions into one place?

Commenter ID C03 Reference number 1041 Organisation Environment Agency  
Name Mr M Davies Client  
Policy Paragraph 3.2.22  
Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Section 3.2.22 says “There is nothing in legislation or policy that says accepting waste from another authority or region is a bad thing and, indeed, in many cases it may be the best economic and environmental solution.” Indeed, there may be no specific requirements, and waste will cross boundaries particularly from production sites located close to borders of Authorities or along main roads and motorway arteries. However moving waste in bulk comes with costs and emissions from transport, which make up a significant part of our emissions mix, causes road congestion and impacts air quality, especially from fine particles. The Agency also notes that wastes seem to be travelling further distances.

Changes Necessary

Whilst it may be that a suitable facility is in an adjacent Authority, and may be environmentally better (such as more modern and efficient,) - moving waste still comes with environmental and social impacts, plus the economic costs of haulage.

Commenter ID C03 Reference number 1042 Organisation Environment Agency  
 Name Mr M Davies Client  
 Policy Paragraph 3.3.26 - 3.3.38  
 Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

In Sections 3.3.26 to 3.3.38, it will be necessary to ensure that these multiple strategies are harmonised and avoid causing conflict, along with the need to deliver housing, and as mentioned will need to adapt to changes in any one of them.

Changes Necessary

Is there any available overview resource, and if not how is this being managed to ensure oversight?

Commenter ID C03 Reference number 1043 Organisation Environment Agency  
 Name Mr M Davies Client  
 Policy Paragraph 3.4  
 Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Regarding Section 3.4, the issues relating to ensuring a Minerals supply and managing waste, come together regarding production of “Construction and Demolition” waste, including streams from maintenance, refurbishment and “house-extension” or property conversion activities, which often involve the use of skips to remove waste. This can often include plasterboard waste which is potentially recoverable and recyclable, but when included into a residual waste stream for landfill, can generate Hydrogen sulphide which is highly odourous, toxic, flammable, and also very polluting of water if released. It should be disposed of in a dry, dedicated moncell, not with other degradable wastes.

Changes Necessary

A more circular approach to this specific problem would be very welcome to allow recycling of plaster wastes into useful building products, to support the construction sector. A requirement for retaining whole-life Building Records at all developments would help with understanding how buildings were constructed, maintained, refurbished and can then be more intelligently dismantled to recover all useful or hazardous materials. This is partly covered later in Section 5.1.15, but only covers major developments, which is unfortunate.

Commenter ID C03 Reference number 1044 Organisation Environment Agency  
 Name Mr M Davies Client  
 Policy Paragraph 3.4  
 Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Under “General” in Section 3.4, the statement that “waste development contributes to and supports economic growth”, is valid when facilitating easy access to waste facilities, however “disposal costs” represent an economic drain wherever useful materials could be recovered or retained in economic use. Waste is material that has “fallen out of the chain of utility”, so now has a largely negative value in that it typically costs time and money to dispose of. Normally you pay to have more of a product or service, waste is peculiar in that you usually have to pay to have less of it. Every Council Tax Bill includes a waste management element, so everybody usually pays, -if indirectly for waste services. If waste was not generated and all materials were retained in economic use, a circular approach to managing resources would retain and create even more value than the traditional “disposal” industry.

Changes Necessary

Commenter ID C03 Reference number 1045 Organisation Environment Agency  
 Name Mr M Davies Client  
 Policy Paragraph 4  
 Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

In the Vision set out in Section 4, is it possible to review the statements to give more focus on delivering a Circular Economy, and less on “Waste Management”? The more progress is made on a Circular Economy, the less will be required for residual waste management.

Commenter ID C03 Reference number 1046 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 4.2.2

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

MWLP Objectives 1, 5 and 10: It may be useful to refer to the provision of Safeguarding and Agent of Change here, to mutually protect communities from the impacts of minerals and waste development, but to also secure such facilities from encroaching development and subsequent complaints from nearby expanding communities? You could refer to Biodiversity Net Gain in Objective 10? In Objective 11, it may be implied but there is no specific reference to decarbonising?

Commenter ID C03 Reference number 1047 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 4.3.3

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

Regarding Sand and Gravel reserves in Section 4.3.3, alluvial sands and gravels will often be associated with river valleys, with potential loss of groundwater storage, which can increase risk of flooding and recharge to the river. We note you cover this issue later.

However appropriate restoration in connection with groundwater could create beneficial wetland areas.

Commenter ID C03 Reference number 1048 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 5.1.5

Positively Prepared Justified No Effective No Consistent with National Policy No

#### Soundness Reasons

In Section 5.1.5, permitting only considers the impacts on existing receptors, -where encroaching development subsequently takes place, the Agents of Change mechanism comes into play, requiring the developer to now provide appropriate mitigation, rather than the existing operator. In some cases this may not be practical.

#### Changes Necessary

We would suggest you ensure that Agents of Change is considered in all planning applications, if any protective mechanisms are necessary and realistic and if they cannot sufficiently reduce any impacts, to refuse the application. Where measures are installed it should also be identified who is responsible for maintaining them.

Commenter ID C03 Reference number 1049 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 5.1.6

Positively Prepared Justified No Effective No Consistent with National Policy No

#### Soundness Reasons

#### Changes Necessary

In Section 5.1.6, dewatering or any other discharges may also require consent from the Agency and/or Water Company.

Commenter ID C03 Reference number 1050 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 5.2.6

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Section 5.2.6 refers to “Consultation” by developers. This is not very specific, and more active community engagement would be preferable, before, during and after an application and during the operational life of any facility.

Changes Necessary

We appreciate this can sometimes be difficult, but we would expect the operator of a permitted facility to take the lead in managing relations with their local community and in responding to any concerns.

Commenter ID C03 Reference number 1051 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 5.4.5

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

Section 5.4.5 should also refer to the Agent of Change requirement on developers.



Commenter ID C03 Reference number 1052 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 5.4.8

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

Section 5.4.8 could also look at opportunities for new or restored ecological connectivity.

Commenter ID C03 Reference number 1053 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 5.4.12

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

In Section 5.4.12, healthy soils can also provide carbon storage and sequestration, and can also allow for the addition of appropriate organic sludges and digestates for agriculture, so provide a natural “circular” reception and treatment capacity for suitable biowastes.

Commenter ID C03 Reference number 1054 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 5.5.9, 5.5.13

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

In Sections 5.5.9 and 5.5.13, ensuring products are repairable and identifying reuse or “second life” opportunities are also possible to prevent waste being produced whilst reducing demand for new resources. In this respect outlets such as charity shops, repair cafes, composting support groups, and platforms such as Freecycle or community furniture or wood recycling groups, all offer “infrastructure” to help prevent waste being produced. These can also help with wellbeing, life skills and social cohesion. How far is it possible when specifying services for the council that any products or items provided via the service sector, are repairable or “zero residual waste”? An example would be avoiding the need for pre-filled coffee pods in drinks machines, or other excessively packaged items? In Section 5.5.13, how would it be possible to make “return/reuse” behaviour more socially normal, rather than disposal as the default option?

Commenter ID C03 Reference number 1055 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 5.5.17

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

In Section 5.5.17, what sort of “commentary” would be expected regarding waste prevention and waste management, to ensure these are not simply dismissed as impractical, apart from some nominal provision for the standard recycling containers? What would either a “Good”, “Acceptable” or “Unacceptable” commentary look like? Are any examples available? There appears to have been a recent relevant case regarding consideration of climate change in planning decisions, -are you able to sustain and enforce this requirement?

Commenter ID C03 Reference number 1056 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 5.5.18

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

In Section 5.5.18, is it possible to also require provision of training in appropriate management of waste and recycling at source to prevent cross-contamination and other problems such as overloaded bins. Vulnerable and minority groups may be anxious to “do the right thing” but may not be aware what that involves, including if bulky collections are available to low-income residents. “Bin Anxiety” can be a problem which usually results in people using the residual waste bin. Rollout of nationally consistent recycling collections may also be a consideration. Why is “May be required...” used in the last sentence here? Clearly for very small facilities such as kiosks, additional waste segregation facilities could be impractical, but not necessarily so.

Commenter ID C03 Reference number 1057 Organisation Environment Agency

Name Mr M Davies Client

Policy SP1 Paragraph

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

We would broadly support the principles set out in Policy SP1 in setting the overall environmental ambition and expectation, although the earlier qualification relating to only major developments requiring resource Audits is a concern. Presumably smaller developments would require less effort to develop such an audit, and for say similar houses, duplication of much information could be possible. There is also the risk of developments being sized deliberately to avoid such requirements? Point 2.f. should also specify waste segregation as the use of “skips” to take all materials makes subsequent processing very challenging, for example materials covered in set paint, plaster, or concrete or adhesives or contaminated by leaking containers.

Commenter ID C03 Reference number 1058 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 5.6.3

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

Section 5.6.3 could also include measures to prevent/deter fly tipping or more organised waste dumping, which can degrade their community asset value and can result in problems such as Japanese Knotweed becoming established.

Commenter ID C03 Reference number 1059 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 5.7.14 - 5.7.18

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

Sections 5.7.14 to 5.7.18 could also refer to the Agents of Change requirement.

Commenter ID C03 Reference number 1060 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 5.11.4

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

Section 5.11.4 discusses the changing nature of waste management, however we also see the development of above-ground-level tipping based on a range of business cases, such as reclaiming “boggy” grazing land, or platforms on hillsides for agricultural buildings, irrigation reservoirs, sight, noise or even flood bunds or golf course landscaping developments. Proposals for any tipping of this type should always be reasonable in scale and monitored so that excessive tipping does not take place, with subsequent retrospective planning applications to allow it to stay there.

Commenter ID C03 Reference number 1061 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 7.1.3

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

In Section 7.1.3, is it possible to replace the phrase “if new waste management infrastructure is not developed”, with reference to developing a more “Circular Economy model”, as this would also create jobs and wealth from retaining resources locally in economic use, rather than simply having a traditional “disposal economy”. Indeed it may be possible to identify “added value” waste streams where import of materials could create benefits? For example specialist and precious metals such as catalysts and batteries, redundant computer equipment, farm, crop or food processing machinery, etc. Some of these materials could be useful in anaerobic digestion plant. Recycling plasterboard from builders waste has been mentioned previously.

Commenter ID C03 Reference number 1062 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 7.1.5 - 7.1.6

Positively Prepared Justified No Effective No Consistent with National Policy No

#### Soundness Reasons

Sections 7.1.5 and 7.16 suggest that a specific Phosphorous (or Nutrient) Management Strategy may be helpful to bring thinking together on how to retain Phosphorous as a resource, especially in a County with a highly agricultural economy. It would be positive to reduce emissions to the water environment due to the fertilizing/polluting effect from sewage discharges, farm runoff and other inputs. Whilst recovering Phosphorous from incinerated waste products is a form of Circular Economy, burning waste still uses up other useful resources and emits Carbon.

#### Changes Necessary

A "Stack Free" Waste to energy facility where all emissions can be recovered and utilized would be preferable, if one is required to manage residual waste, for example where cleaned carbon dioxide and warm water is directed to large Greenhouses to boost food crop production? Digestates can be a phosphate source which is partly why it is spread on farmland, however runoff can then release it back into the environment, along with other pollution problems. Nitrates are another issue and can be released to air, land and water during both combustion and digestate spreading, so use of these materials in agriculture needs to be managed properly and is a seasonal activity.



Commenter ID C03 Reference number 1063 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 7.1.7

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

In Section 7.1.7, there should still be efforts to prevent non-hazardous (non-inert) waste production at source, (for example through education and appropriate design of waste storage and sorting areas,) as exporting waste comes with increased transport and carbon impacts, especially if fewer landfill sites become available so more waste will have to go to fewer Regionally or Nationally “strategic” facilities, including Wales, -as is discussed. However subsequent international export of wastes (such as plastics and RDF) may become increasingly problematic due to changes in what materials overseas states are prepared to accept.

Commenter ID C03 Reference number 1064 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 7.1.8

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

Section 7.1.8 could suggest that an alternative to residual waste landfill would be supported if other Hierarchy interventions still cannot manage the amounts being generated. Typically this means some form of waste-to-energy conversion process. As with Phosphorous, a “Circular” approach here, rather than a traditional Linear model would be preferable. As mentioned some option of “stackless technology” to minimise carbon dioxide and other emissions and maximize heat and resource recovery would be preferable, possibly involving biochar production which could sequester carbon, hold water and improve soil quality, especially at mineral and other restoration sites? Whilst there can be technical challenges to managing this at large scale, it would be more “Future-Proofed” than standard Waste-to-Energy, as it could presumably be operating into the second half of this century. Such a facility could also help address issues with streams such as clinical waste, of course increased disposable PPE production in the Community and in Healthcare has been a challenge since 2020 and this should be a future consideration. Understandably there has to be a threshold volume of waste anticipated to make a facility of this type a viable investment.

Commenter ID C03 Reference number 1065 Organisation Environment Agency

Name Mr M Davies Client

Policy W7 Paragraph 7.4.2

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

Additionally in Section 7.4.2, and regarding Policy W7, is it possible to look for some emerging low Carbon technology that can generate both Energy, heat and useful resources, whilst minimizing emissions to air? You may need to be aware of probable regulatory changes to waste and recycling such as food waste collections, Deposit Recovery schemes and Enhanced Producer Responsibility that may start to reduce plastic and the calorific value in residual waste?

Commenter ID C03 Reference number 1017 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 9.2

Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

#### Soundness Reasons

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

#### Changes Necessary

The current Plan recognises the HIA process but not specifically abstractions (private and public) and so we would reiterate this for your consideration. Naturally, HIA will consider such water features so it should be covered in that an assessment will have to take place assessing impacts, but it would be worthwhile in just highlighting this, especially as Herefordshire does have hundreds of private water supplies. We suggest a line could be included under each site and the policies for each e.g. where you say under Key Development Criteria for Groundwater and you already state ‘Need to demonstrate the potential risks to the water environment’ – suggest add “including abstractions (both private and public water supplies), wells and springs”. Whilst water environment may be all encompassing, the uniqueness of Herefordshire is it’s more rural landscape and that a lot of drinking water supplies come from private boreholes, wells and springs from the local rocks so protection is vital from any potential impacts of quarrying i.e. dewatering drawdown effects or even removal of aquifer rock/ deposits supporting the same source of groundwater to these water features. Notwithstanding the above suggestion, our previous responses to date on the various iterations of the plan have covered all the other aspects from a groundwater protection point of view we wanted to cover and we support the inclusion of those.

Commenter ID C03 Reference number 1018 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 9.2

Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons

Changes Necessary

Regarding site specific quarry allocation considerations and issues, we have already provided comprehensive comments on each site in turn from a groundwater protection perspective at the previous stage. We wouldn't propose to make any further detailed comments on each site as we have been clear to you previously on the relevant issues and requirements. Section 9.2 Key Development Criteria on page 85 onwards of the plan for each site includes Policies relevant for each quarry development site and a section on groundwater/ surface water and the key development criteria which needs to be followed for planning permission purposes. Each quarry site (where relevant) appears to acknowledge the aquifer and rock type and the need to demonstrate the potential risks to the water environment from the quarry under consideration. Also where there is a river in potential connectivity this is acknowledged and a comment made on demonstrating the level of effect on water quality and hydrology of the river environment from quarrying which is good for our point of view. It also refers to effects of quarrying on SSSI and SAC designation status, which is linked to hydro-geological connectivity and wider water environment assessment.

Commenter ID C03 Reference number 1019 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph Allocated Sites Appendix

Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons

Changes Necessary

Allocated Sites Appendix – Jan 2021 goes through each quarry site in further detail to the plan and the policies which would apply. These appear to pick up our previous comments. We would address the individual Hydrogeological Impact Assessment (HIA)'s for the allocated land parcels for expansion in the future and encourage pre-application (we have a cost recovery service).

Commenter ID C03 Reference number 1020 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 5.9

Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons

Changes Necessary

page 47 of the plan in section '5.9 Sustainable water management and water resources – Core Strategy policy SD3' considers the water environment and some of our wording has been used from our various previous correspondence. Source Protection Zones are acknowledged and what they mean for quarrying which is good/welcomed. Also acknowledged that dewatering activities are likely to require an abstraction licence from the Environment Agency. The requirements for baseline monitoring are also detailed which is what we would want to see in this strategic plan. Hydrogeological Impact Assessment (HIA) is explicitly detailed and the process which needs to be undertaken. This is welcomed and makes a clear reference to our guidance with download links so it should be apparent when planning permission is sought this is the process we would like to see followed etc.

Commenter ID C03 Reference number 1021 Organisation Environment Agency  
 Name Mr M Davies Client  
 Policy W3 Paragraph  
 Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

The plan is not 'Justified' with reference to the most appropriate strategy and when considered against the reasonable alternatives, based on and linked to a proportionate evidence (base). It is not 'Effective' – the plan including sites and policies should be deliverable over its period. It is not 'Consistent with national policy' in that the plan should be deliverable and enable sustainable development. We have indicated some relevant NPPG where necessary. There is a level of uncertainty and deliverability in the absence of any specified or agreed measures around the issue of nutrient neutrality.

Changes Necessary

We acknowledge your references to nutrient neutrality and management, your aim to cover a variety of aspects including agricultural, point source water quality and waste related elements. Requiring assessment of and delivering some deliverable options would help with water protection, and effective waste management should reduce the amount of nutrients and pollutants released to waterbodies.

Commenter ID C03 Reference number 1022 Organisation Environment Agency  
 Name Mr M Davies Client  
 Policy W4 Paragraph  
 Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

The plan is not 'Justified' with reference to the most appropriate strategy and when considered against the reasonable alternatives, based on and linked to a proportionate evidence (base). It is not 'Effective' – the plan including sites and policies should be deliverable over its period. It is not 'Consistent with national policy' in that the plan should be deliverable and enable sustainable development. We have indicated some relevant NPPG where necessary. There is a level of uncertainty and deliverability in the absence of any specified or agreed measures around the issue of nutrient neutrality.

Changes Necessary

We acknowledge your references to nutrient neutrality and management, your aim to cover a variety of aspects including agricultural, point source water quality and waste related elements. Requiring assessment of and delivering some deliverable options would help with water protection, and effective waste management should reduce the amount of nutrients and pollutants released to waterbodies.

Commenter ID C03 Reference number 1023 Organisation Environment Agency

Name Mr M Davies Client

Policy W3 (a and b) Paragraph

Positively Prepared Justified No Effective No Consistent with National Policy No

#### Soundness Reasons

The plan is recommending that manure management plans (MMPs) should be submitted with all applications. We would support your suggestion for a MMP (or assessment) to be included at the planning stage to cover this issue and ensure the land use/proposal is acceptable. Part 'a' and 'b' of Policy W3: The terms "natural" and "non-natural" waste, are not terms that are widely used by us in our waste regulation and definition of waste. The policy is also not prescriptive about how these natural and non-natural wastes will be "appropriately managed". Some explanation and detail could be provided to make the policy more robust and effective.

#### Changes Necessary

We note that you refer to "Natural wastes appropriate for anaerobic digestion (or other biological technologies) will be organic and likely to comprise: manures; poultry litter; spoilt crops; dirty water; and used bedding. Non-natural wastes are likely to comprise plastics, fencing materials, cleaning products and medicines that are likely to require treatment and/or disposal off-farm". We acknowledge that your policy would seek to require a waste management method statement to be submitted with all applications for livestock unit(s) on agricultural holdings. This could include intensive poultry and pig sites (some of which are subject to our regulation under EPR based on nature and an intensity stocking threshold). For information, as part of our intensive pig and poultry permit applications we don't require assessment or Manure Management Plans as part of the permit determination – but they are required for Environmental Permit holders after. For sites we regulate the 'control' of such management may come as part of the permit and/or other legislation such as the farming rules for water as you pick up in this section of the plan. We would question how the policy (part 'a' and 'b') would be implemented and what would be accepted as "appropriately managed". How would you check that wastes produced (if this includes manures which are not technically classed as a 'waste') are spread appropriately? Assuming within your definition of 'natural waste' you include manure and poultry litter, we appreciate you would be seeking to manage and control these elements. Whether some clarity could be added to the text or you could consider a reference to and use of a supplementary guide to outline ways in which the method statement would operate with potential management options/wider solutions that could be explored. We understand section 106 legal agreements may be being utilised for manure management control, relating to poultry, elsewhere.



Commenter ID C03 Reference number 1024 Organisation Environment Agency  
Name Mr M Davies Client  
Policy W3 part 2 Paragraph

Positively Prepared Justified No Effective No Consistent with National Policy No

#### Soundness Reasons

#### Changes Necessary

Part 2 of Policy W3: Anaerobic digestion will be supported where its use is to manage only natural wastes generated primarily on the agricultural unit within which it is located. This policy also uses the term 'natural' waste. We would highlight that there are lots of AD which take waste from elsewhere. This policy would not apply to a number of existing AD sites (unless an extension to perhaps of that nature) in the County. For information - our revised 'regulatory statement' for anaerobic digestion, helps define non waste feedstock. It states that 'If you use only energy crops or other non-waste materials as feedstock\* for your anaerobic digestion plant, we will not require an EP for the activity'. Any associated combustion plant will be regulated by us if it exceeds the 50mw threshold. Our T24 Exemption allows farmers to anaerobically digest manure, slurry and vegetation on their farms to produce digestate that can be used as a fertiliser or soil conditioner, subject to restrictions at: <https://www.gov.uk/waste-exemption-t24-anaerobic-digestion-at-premises-used-for-agriculture-and-burning-resulting-biogas> Our Briefing Note on 'Crop Residues used as feedstock\*...' (September 2014) confirms that Operators do not require an environmental permit or exemption either for the operation of the plant or for the beneficial use of the digestate produced, provided that they only take the following feedstocks: - purpose-grown crops, or - crop residues that meet the above criteria, or - a mixture of the above. Examples of crop residues are:- Misshapen, bruised or undersized fruit and vegetables separated out, on the farm or in a pack-house, as being unsuitable for sale as food for consumption - Parts of fruit and vegetables such as leaves, roots and toppings that are removed as part of the processing for sale. This may be in a pack-house or at a farm. New AD sites or extensions to existing (to increase capacity) AD could impact upon diffuse water pollution through the production of maize and its potential contribution to Phosphorus or Nitrogen losses to the catchment.

Commenter ID C03 Reference number 1025 Organisation Environment Agency

Name Mr M Davies Client

Policy W3 part 3 Paragraph

Positively Prepared Justified No Effective No Consistent with National Policy No

#### Soundness Reasons

This statement could impact upon development where it cannot connect to mains foul sewer and demonstrate nutrient neutrality. With agricultural developments it might be difficult/impossible to be nutrient neutral. It may be that wider options could be provided locally or in the catchment and/or planning contributions (linked to what is being potentially progressed) could be sought to assist delivery of nutrient neutrality or betterment measures linked to the Nutrient Management Plan (NMP) e.g. environmental projects, improvements. What about minerals restoration to agriculture or other? We note that through this policy, there could be cases where you could refuse planning permission where development (associated works) do not contribute to achieving nutrient neutrality. This may lead to stalled applications and uncertainty around what and when development could come forward.

#### Changes Necessary

Linked to this, where sites are proposed, including those 'waste sites' (policy W6) within this strategic plan, to connect to the mains foul sewer (preference) you should seek certainty that there is sufficient capacity and options to achieve nutrient neutrality are clearly evidenced and are deliverable. This is linked to a Water Cycle Study or similar evidence base to help confirm. Note: Government Guidance notes that adequate water and wastewater infrastructure is needed to support sustainable development. It states that sufficient detail should be provided to give clarity to all parties on if/when infrastructure upgrades will be provided, looking at the needs and costs (what and how much). The NPPG refers to "ensuring viability and deliverability – pursuing sustainable development requires careful attention to viability and costs in plan making and decision making". Plans should be "deliverable". In addition, we note that your 'development criteria' acknowledges, for all relevant site allocations (both minerals and waste), that "development should demonstrate nutrient neutrality or betterment". Leaving or deferring such matters to the planning application stage may not be appropriate, given the above. NPPG advises that you should ensure a reasonable prospect of delivery as part of effective plan making. You should justify and be confident/satisfied that your approach is reasonable and effective. We understand Integrated Wetlands are in the process of being implemented to help free up some growth in the Wye and Lugg catchment, as strategic mitigation for Phosphate reduction. This is linked to the NMP and a development contribution scheme. However, it is not clear what this will cover and what additional mitigation work is necessary to achieve the desired outcome, linked to growth in this local plan, options for agricultural management, and any update to the NMP. We understand the NMP is under review, the purpose of this is to provide an increased level of certainty around Phosphate reduction and timescales.

The local plan is not clear on potential options/solutions relating to wastewater infrastructure for areas where there is a capacity issue of sorts, linked to Nutrient Neutrality, and not an identified solution perhaps. You should ensure mitigation is a viable and identified, deliverable action. In the absence of such there are potential concerns relating to the need for an effective, robust evidence base focussing on 'deliverability'. We would recommend that you ensure you have reasonable certainty, in consideration of what the current NMP has been able to deliver, to take forward the sites in this plan.

Commenter ID C03 Reference number 1026 Organisation Environment Agency  
 Name Mr M Davies Client

Policy W4 Paragraph

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Linked to the above Policy W4: Wastewater management states that - Planning permission will be granted to the statutory water and sewerage undertaker to extend, upgrade, or make provision for new infrastructure necessary to ensure the statutory undertaker can continue to undertake its duty to supply potable water and treat foul flows. Works undertaken should contribute to achieving nutrient neutrality, or betterment, within the River Wye SAC. Wherever practical and economical, biogas should be recovered for use as an energy source and phosphorus should be recovered for beneficial uses. It is good to see that this recognises the effects of waste water discharges and seeks to ensure new, extended or upgraded wastewater works would need to contribute to achieving Nutrient Neutrality or betterment. It is just unclear what, when and how such measures would be necessary to inform any sites within this plan etc. We have commented on phosphorus recovery elsewhere in our 'waste' representations.

Changes Necessary

Commenter ID C03 Reference number 1027 Organisation Environment Agency  
Name Mr M Davies Client  
Policy Paragraph 5.5

Positively Prepared Justified No Effective No Consistent with National Policy No

#### Soundness Reasons

The draft Plan dated January 2021 predates changed government climate targets.

#### Changes Necessary

How will any changed requirements to decarbonise emissions, (such as reducing waste to landfill and incineration,) meet tougher targets? How does this plan interface with the Councils Climate Emergency planning, especially regarding waste? The Council Website does show various interventions are planned or in train, and these should be broadly synergistic but it is not clear how these link to the MWLP? If you can confirm the mechanism to ensure a consistent approach to these plans?

Commenter ID C03 Reference number 1028 Organisation Environment Agency  
Name Mr M Davies Client  
Policy Paragraph 2.1.3

Positively Prepared Justified No Effective No Consistent with National Policy No

#### Soundness Reasons

The plan is not 'Justified' with reference to the most appropriate strategy and when considered against the reasonable alternatives, based on and linked to a proportionate evidence (base). It is not 'Effective' – the plan including sites and policies should be deliverable over its period. It is not 'Consistent with national policy' in that the plan should be deliverable and enable sustainable development. We have indicated some relevant NPPG where necessary. There is a level of uncertainty and deliverability in the absence of any specified or agreed measures around the issue of nutrient neutrality.

#### Changes Necessary

Similarly Figure 1 does not seem to show how the MWLP and Housing Plans will be reconciled, appreciate Housing is in the Core Strategy. In particular it is increasingly necessary to ensure appropriate Safeguarding of the areas around existing key facilities, and prevent inappropriate encroachment of residential or other development close to or even immediately adjacent to existing waste management facilities, with consequent amenity complaints from residents. It is not possible to absolutely prevent all emissions and amenity impacts, regardless of the "Agent of Change" duty on developers, so the typical "Buffer Zone" around an operating waste site should not be seen as an automatic development opportunity. How can the MWLP ensure inappropriate encroachment will not take place?

Commenter ID C03 Reference number 1029 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 2.3.1

Positively Prepared Justified No Effective No Consistent with National Policy No

#### Soundness Reasons

The wording used suggests a “Business as usual” approach to a traditional linear economic model based on resource depletion and emissions to air, water and land?

#### Changes Necessary

Is it possible to review the wording used? Past failure to sufficiently act early means that we now need to decarbonise increasingly quickly. Recycling available waste minerals would also retain reserves of new raw materials in the ground for as long as possible. We referred to the Circular Economy in our letter of 1 March 2019 and appreciate that a Circular Economy is referenced later in the report.

Commenter ID C03 Reference number 1030 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 2.3.3

Positively Prepared Justified No Effective No Consistent with National Policy No

#### Soundness Reasons

#### Changes Necessary

It may be just an example, but the phrase “hydrocarbons are used to make energy” implies “business as usual” thinking towards fossil fuel and an energy model that we need to move away from?

Commenter ID C03 Reference number 1031 Organisation Environment Agency  
Name Mr M Davies Client  
Policy Paragraph 2.3.5, 2.3.6

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

The order of how the arguments and concepts are presented could be changed and reworded, to say that we need to transform from a traditional Linear Economic model to a much more Circular approach to retaining the value of materials for as long as possible, and this would help address a number of environmental and social issues (such as fly tipping,) and create new opportunities, including decarbonisation. However we need a “Circular Infrastructure” to achieve and sustain this, rather than a waste management model that is still focussed on “disposal”. There is also the prospect of waste to energy becoming problematic unless it includes carbon-capture.

Commenter ID C03 Reference number 1032 Organisation Environment Agency  
Name Mr M Davies Client  
Policy Paragraph 2.3.7

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

Similarly, Section 2.3.7 could also include the HWRC network providing “Reuse” services, where unwanted useful items can be left to be repaired, refurbished or sold, rather than just recycled or disposed of, -some Councils operate this system. HWRCs need to be located close to communities, with consideration of a future with reducing car dependency, and therefore need more sensitive design to manage any amenity impacts, so they are regarded as a valuable community asset, not a liability.

Commenter ID C03 Reference number 1033 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 2.5.2

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

Presumably Section 2.5.2 allows sufficient flexibility around evolving Climate Change and Decarbonisation drivers, although these issues are not mentioned. Regarding demand for minerals, it is being reported that there may be shortages of construction materials due to major infrastructure projects such as HS2. You may want to consider the likely implications.

Commenter ID C03 Reference number 1034 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 3.1.16

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

“Waste is generated from a wide range of domestic, commercial and industrial activities.” Traditionally in a linear economic model it is virtually impossible to identify any human activity that does not produce some amount of waste, -even if this is trivial when taken in isolation. The problem is that everyone is doing it, and the amounts tend to go up over time. In a Circular economy, activities may only generate waste that can be converted back into useful products. The only genuine exclusions would be households, organisations or businesses that have successfully gone “zero waste”, so in future excluding more activities from responsibility for producing waste could become more normal, especially in response to the Climate Emergency.

Changes Necessary

You may want to look at how to expand take-up of “Zero Waste” techniques.

Commenter ID C03 Reference number 1066 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 7.1.11

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

In Section 7.1.11, it is good to recognise how much waste capacity is being provided by sustainable “Plan-Compliant” facilities, and how far waste management is dependent on any existing “Non-Plan-Compliant” capacity or facilities to allow a managed transfer over time.

Commenter ID C03 Reference number 1067 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 7.2.6

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

Regarding CD&E wastes in Section 7.2.6, please refer to the earlier observations about “skip” waste and increased recovery of materials containing plaster/gypsum.



Commenter ID C03 Reference number 1068 Organisation Environment Agency  
Name Mr M Davies Client  
Policy W7 Paragraph

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

In Policy W7 it is not clear what a “Material Level” of Benefit may mean? Would a relatively marginal level of benefit still be deemed acceptable or would it have to be a significant benefit? How would any benefit be assessed, in particular regarding Carbon emissions?

Commenter ID C03 Reference number 1069 Organisation Environment Agency  
Name Mr M Davies Client  
Policy Paragraph 8.3.5

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

Section 8.3.5 is potentially slightly misleading, the Environment Agency does not actively “Collect” waste data, through surveys, etc., - it is more collated through operator returns, verified and published in the Interrogators as discussed. In future this may change which could aid monitoring going forward.

Commenter ID C03 Reference number 1070 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 8.3.6

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

In Section 8.3.6, some waste facilities may have closed temporarily or permanently as a result of Covid-19, it may be appropriate to review the operational status of the facilities identified in the Plan.

Commenter ID C03 Reference number 1071 Organisation Environment Agency

Name Mr M Davies Client

Policy Paragraph 10

Positively Prepared Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

The Glossary does not define the terms Waste Management or “Agent of Change”. The definition of Circular Economy that is used seems somewhat “economical”, in that it does not indicate that this should be a more environmentally sustainable model in preference to a Linear Economy, and should also help with de-carbonising, whilst creating jobs, and reducing the burdens of traditional “waste disposal”. Would it be possible to set out the other benefits from transforming to a Circular Economy?

Commenter ID C04 Reference number 1198 Organisation Forest of Dean Council  
Name Mr N Gibbons Client  
Policy Paragraph Whole Plan  
Positively Prepared Justified Effective Consistent with National Policy

Soundness Reasons

Changes Necessary

Thank you for your reminder and associated consultation. I have no comments to make at this stage on the documents referred to.

Commenter ID C05 Reference number 1199 Organisation Gloucestershire County Council  
Name Ms L Burford Client  
Policy Paragraph Whole Plan  
Positively Prepared Justified Effective Consistent with National Policy

Soundness Reasons

Changes Necessary

On this occasion we have no comments to make.

Commenter ID C06 Reference number 1200 Organisation Hereford and Worcester Earth Heritage Trust  
Name Ms K Hughes Client  
Policy Paragraph Whole Plan  
Positively Prepared Justified Effective Consistent with National Policy

Soundness Reasons

Changes Necessary

I have taken a look at the plan on behalf of the Trust and I am pleased to see that it has taken full account of the recommendations we made on the previous draft and consider that it supports the NPPF requirements regarding geodiversity in a balanced and appropriate manner We are content that the plan be submitted in its current form.

Commenter ID	C07	Reference number	1157	Organisation	Heaton
Name	Ms J Conway	Client			Tarmac
Policy		Paragraph	6.2		
Positively Prepared	Justified	Effective	Consistent with National Policy	No	

#### Soundness Reasons

Sand and Gravel: Whilst there are 3 sites which contain permitted mineral reserve and the landbank appears high, there is only one active operation – Wellington Quarry (LAA 2019). The annual sales data is reflective of the production/output from one quarry and should not be construed as a reflection of reduced/subdued sand and gravel demand. The three years sales average exceeds the 10 year average (0.158mtpa and 0.115mtpa respectively) and the 2018 sales increases again to 0.192mtpa indicating a rise in demand. Herefordshire is a net importer of sand and gravel with up to 50% reliance on imports to meet demand (LAA 2019). Planning Authorities are under a duty to cooperate with each other on strategic matters that cross administrative boundaries (NPPF paragraph 24). ‘Joint working should help to determine whether development needs that cannot be met wholly within a particular Plan area could be met elsewhere’ (NPPF paragraph 26).

#### Changes Necessary

In order to comply with this duty to cooperate it is essential that the MPA is clear with neighbouring Authorities what the anticipated demand for sand and gravel is likely to be. The ability for the West Midlands Region to maintain current sand and gravel exports to adjacent Counties has the potential to be heavily influenced by aggregate demand required to meet delivery of HS2. This will require further discussion with other Authorities within the WMAWP area.

Commenter ID C07 Reference number 1158 Organisation Heaton  
 Name Ms J Conway Client Tarmac  
 Policy Paragraph 6.2  
 Positively Prepared Justified Effective No Consistent with National Policy

Soundness Reasons

Landbank: The Planning Practice Guidance states that, ‘Landbanks of aggregate mineral reserves, or aggregate landbanks, are principally a monitoring tool to provide a mineral planning authority with early warning of possible disruption to the provision of an adequate and steady supply of land-won aggregates in their particular area (Paragraph: 080 Reference ID: 27-080-20140306). Whilst land banks are a useful monitoring tool, they should be treated with caution in circumstances where there are few active operations. Wellington Quarry only has planning permission to operate until 2027. Inactive sites cannot be restarted quickly and there is a cost and time implication for operators to reinstate the working.

Changes Necessary

As such, there should be greater emphasis or support on continual working from active operations in advance of new greenfield sites. There should also be recognition that there could be a potential time lag in being able to contribute resource to meet any increase/upturn in demand which would also affect the ability of an area to provide for a steady and adequate supply.

Commenter ID C07 Reference number 1159 Organisation Heaton  
 Name Ms J Conway Client Tarmac  
 Policy Paragraph 6.2  
 Positively Prepared Justified No Effective Consistent with National Policy

Soundness Reasons

Crushed Rock: Herefordshire remains heavily reliant on import of crushed rock to meet its own demand. Crushed rock is imported to Herefordshire, primarily from Powys to the rail head at Moreton-on-Lugg. A significant proportion of this crushed rock supply is transferred onwards to serve markets in the south east of England.

Changes Necessary

The LAA and the MWLP need to make clear the indigenous supply and the percentages exported again from the County. As per comments on sand and gravel, if there is to be a reliance from outside the County it needs to be clear where this supply is coming from and ensure that it is being planned for accordingly. In addition, the significance of bulk transfer infrastructure should be given elevated status. Although Herefordshire does not have significant indigenous crushed rock resource, it is a vital interchange in the overall network for the onward transfer of aggregate which is essential in the supply chain.

Commenter ID	C07	Reference number	1160	Organisation	Heaton
Name	Ms J Conway	Client			Tarmac
Policy		Paragraph	6.2		
Positively Prepared	Justified	Effective	No	Consistent with National Policy	

#### Soundness Reasons

The forecasts for sand and gravel demand assume a continuation of the current level of import. This reliance cannot be assumed and should be closely monitored as there is potential for significant supply constraints imposed by the construction of HS2 (particularly from the West Midlands). This will affect the Birmingham and Staffordshire areas primarily/directly, but this may limit their abilities to ensure continued supply to other Counties. Whilst the available landbank indicates that there may be sufficient permitted reserves to theoretically meet the 'adequate' supply of aggregate, the one active operation will cease operating during the Plan period even with the proposed allocated areas. This limit to productive capacity, combined with a potential issue over the security of imports, affect the Counties ability to provide a 'steady' and adequate supply of aggregate as per the requirements of the NPPF at paragraph 207(a).

#### Changes Necessary

Paragraph 207(a) of the NPPF introduced the requirement for MPA's to plan for a steady and adequate supply of aggregates by, 'preparing an annual LAA, to forecast future demand, based on a rolling average of sales data and other relevant local information and an assessment of all supply options'. Basing the MWLP requirements on increased sales is supported. However, it is considered that other supply options including the significance of bulk transfer infrastructure should be given elevated status.

Commenter ID	C07	Reference number	1161	Organisation	Heaton
Name	Ms J Conway			Client	Tarmac
Policy		Paragraph	1		
Positively Prepared	Justified	Effective		Consistent with National Policy	

#### Soundness Reasons

Format of plan: The MWLP is to be read alongside the adopted Herefordshire Core Strategy as the Development Plan for the County. Whilst the MWLP outlines policy on mineral supply (amount to be planned for and location), general development management policy criteria (i.e. that relating to heritage, amenity or biodiversity) is to be contained within the main Core Strategy (currently subject to initial phases/evidence gathering for an agreed Review). Policy and guidance for residents and developers contained within a Local Plan should be clear and not a 'paper chase' exercise. Whilst we do not object to the approach taken by the Mineral Planning Authority, there is some concern that reviews into two separate documents (albeit they form the one comprehensive Development Plan) on different Review schedules and informed by separate evidence base documents will result in a Plan that is unable to respond quickly to changes in circumstances.

#### Changes Necessary

Commenter ID	C07	Reference number	1162	Organisation	Heaton
Name	Ms J Conway			Client	Tarmac
Policy		Paragraph	3.1.14		
Positively Prepared	Justified	Effective	No	Consistent with National Policy	

#### Soundness Reasons

The Plan identifies key 'ancillary' infrastructure including the Moreton-on-Lugg railhead. The significance of the railhead and its essentiality to mineral supply of national importance is underplayed within the Plan and should be given elevated status. It operates with an independent consent from the active Wellington Quarry mineral working and is therefore not tied explicitly to the quarrying operations. Currently the railhead facilitates primarily the export of crushed rock to the south east of England. However, there are opportunities for long term continued contribution to mineral supply outside of the County in addition to the inward supply of aggregate to assist in meeting demand requirements. As identified in the MWLP (para 3.1.12), Herefordshire only provides 20%-30% of its own indigenous crushed rock demand and 40%-50% of its own indigenous sand and gravel demand and use of this infrastructure longer term could assist in securing the sustainable transfer of aggregate into and out of the County.

#### Changes Necessary

The significance of the railhead and its essentiality to mineral supply of national importance is underplayed within the Plan and should be given elevated status.



Commenter ID	C07	Reference number	1163	Organisation	Heaton
Name	Ms J Conway			Client	Tarmac
Policy		Paragraph	3.2.8		
Positively Prepared	Justified	Effective	No	Consistent with National Policy	

Soundness Reasons

Paragraph 3.2.8 states that, Herefordshire has sought to provide a ‘positive policy framework to bring forward deliverable development to meet its own needs and to provide for those identified through these meetings’ (reference to the Technical Advisory Body and Aggregate Working Party).

Changes Necessary

In regard to comments above regarding the reliance of import, the MWLP should state it, ‘aims to provide for a contribution towards the County minerals needs’. There is a heavy reliance on importation of aggregate to meet demand and indigenous supply is met by only one currently active operation. Policy within the County needs to be flexible enough to support mineral supply indigenously including elevation of infrastructure for the sustainable and bulk transfer of mineral.

Commenter ID	C07	Reference number	1164	Organisation	Heaton
Name	Ms J Conway			Client	Tarmac
Policy		Paragraph	3.3.7		
Positively Prepared	Justified	Effective		Consistent with National Policy	No

Soundness Reasons

As worded, the MWLP is requiring landbanks to be provided outside of National Parks, AONB’s etc. The NPPF (paragraph 205a) is not categoric on this issue and states, “as far as practicable” to avoid these areas. ‘The NPPF seeks to conserve important landscape and heritage assets by requiring that as far as practical to provide for the maintenance of landbanks of non-energy minerals from outside National Parks, Areas of Outstanding Natural Beauty, Scheduled Monuments and World Heritage Sites’.

Changes Necessary

Paragraph 3.3.7 is unsound and should be re-worded to reflect NPPF.

Commenter ID	C07	Reference number	1165	Organisation	Heaton
Name	Ms J Conway	Client			Tarmac
Policy		Paragraph	3.4		
Positively Prepared		Justified	Effective	Consistent with National Policy	No

Soundness Reasons

All of the constraints identified have different status/significance which may not in all circumstances warrant 'protection and enhancement', particularly if there are exception tests identified in the NPPF. As drafted this is unsound and contrary to the NPPF paragraphs 193-196.

Changes Necessary

Minerals: It is suggested that the first bullet could be reworded to include reference to the need to provide for a 'steady and adequate supply of minerals' to better reflect the NPPF (para 207). General: The second bullet should include reference to 'appropriate and proportionate' to reflect that the significance of an asset is critical to determining the significance of impact from development. The fifth bullet should recognise the constraints and opportunities (as opposed to constraints on opportunities) for the movements of mineral and waste. The seventh bullet point is strongly supported. The MWLP is setting a framework for 20 years and therefore flexibility and adaptive management is critical to ensuring that a Plan is relevant and can respond rapidly to change.

Commenter ID	C07	Reference number	1166	Organisation	Heaton
Name	Ms J Conway	Client			Tarmac
Policy		Paragraph	4.1.4		
Positively Prepared		Justified	Effective	No	Consistent with National Policy

Soundness Reasons

Changes Necessary

It is considered that the key policy principles (paragraph 4.1.4) should include reference to 'steady and adequate supply' in addition to the required maintenance of landbanks.

Commenter ID C07 Reference number 1167 Organisation Heaton  
 Name Ms J Conway Client Tarmac  
 Policy Paragraph 4.1  
 Positively Prepared Justified Effective No Consistent with National Policy

Soundness Reasons

Changes Necessary

The term 'sustainable provision' should be clarified/defined in the glossary to make effective. It may be better drafted as 'steady and adequate supply' to reflect the primary aims of mineral policy within the NPPF.

Commenter ID C07 Reference number 1168 Organisation Heaton  
 Name Ms J Conway Client Tarmac  
 Policy Paragraph 4.2  
 Positively Prepared Justified Effective Consistent with National Policy No

Soundness Reasons

Changes Necessary

There does not appear to be a strategic objective 3. In the previous draft this related to safeguarding which we consider to be an important element of policy that the MWLP should seek address. We would welcome this being reinstated. Objective six should provide for a 'steady and adequate supply' of minerals to reflect the aim of the NPPF.

Commenter ID	C07	Reference number	1169	Organisation	Heaton
Name	Ms J Conway	Client			Tarmac
Policy		Paragraph	4.3.2		
Positively Prepared		Justified	No	Effective	No
					Consistent with National Policy

#### Soundness Reasons

Whilst a spatial strategy for waste development is appropriate and development for management should be linked to where the demand will arise, minerals can only be worked where they are found. A strict locational strategy which limits opportunities for new working is not an effective strategy and is unsound particularly given the historic lack of operational units in the County. Whilst areas of search may be preferred locations of working, the drafting of paragraph 4.3.2 advocates that any other areas are 'constraint areas' and therefore inappropriate for mineral extraction. As identified above, even landscape constraints such as National Parks are not a blanket restriction to mineral development.

#### Changes Necessary

As such the following amendments are suggested, (new text in bold) 'The review of the underlying geology and natural and built environment of Herefordshire has identified both key areas of search for minerals development and those that areas that should be constrained from future development as far as practical. Not surprisingly, these areas generally follow the approach to development set out in both the NPPF and the Core Strategy, such as giving great weight to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.' Reference within paragraphs 4.3.3 to 4.3.5 should be to mineral resource (as opposed to reserves) until they have obtained necessary consents for working.

Commenter ID	C07	Reference number	1170	Organisation	Heaton
Name	Ms J Conway	Client			Tarmac
Policy		Paragraph	4.3.4		
Positively Prepared		Justified	No	Effective	No
					Consistent with National Policy

#### Soundness Reasons

The County has one currently active sand and gravel operation. It seems unlikely that there will be a proliferation of minerals development across the County and as stated above, minerals can only be worked where it is found. In the interests of maintaining supply to contribute to need as advocated by the MWLP objectives it is considered that a limiting locational strategy is not effective or justified and is unsound.

#### Changes Necessary

Commenter ID	C07	Reference number	1171	Organisation	Heaton
Name	Ms J Conway	Client			Tarmac
Policy		Paragraph	5.3		
Positively Prepared		Justified	Effective	Consistent with National Policy	

Soundness Reasons

Changes Necessary

Reference to the importance of the Moreton-on-Lugg railhead is underplayed within the MWLP and should be given elevated status. Herefordshire's role in overall sustainable mineral supply due to infrastructure links such as the railhead should be referenced. There is no mention of its importance in policy nor to the significance of opportunities for long term mineral supply into and out of the County.

Commenter ID	C07	Reference number	1172	Organisation	Heaton
Name	Ms J Conway	Client			Tarmac
Policy		Paragraph	5.4.18		
Positively Prepared		Justified	No Effective	Consistent with National Policy	

Soundness Reasons

Changes Necessary

Paragraph 5.4.18 states that site reclamation, 'will be expected to contribute, at a landscape scale, to achieving nationally identified habitats or principal importance, taking account of the attributes of the site and of nearby areas, supporting coherent and resilient networks of habitats that link the site with relevant ecological features in the wider landscape'. Whilst the aim of this is supported it may not be appropriate in all circumstances (balanced with the aspirations of landowners) to achieve all of these objectives. Overly prescriptive principles are not justified and should be caveated with 'where appropriate or practicable or opportunities for these should be maximized' in place of be expected to.

Commenter ID C07 Reference number 1173 Organisation Heaton  
 Name Ms J Conway Client Tarmac  
 Policy Paragraph 5.4.19  
 Positively Prepared Justified No Effective Consistent with National Policy

Soundness Reasons

Opportunities for geodiversity study are made possible by mineral development. Whilst study, sampling and recording may be feasible during extraction, the requirements to retain faces post development along with the long term liability would need agreement with the landowner and should not be essential in all circumstances.

Changes Necessary

As above, the requirements should be caveated. As advocated by paragraphs 5.4.20 – 5.4.22, the different mineral types warrant different approaches and paragraph 5.4.19 should be amended to reflect the individual circumstances. Hard rock faces are more likely to withstand weather and their long term retention more appropriate than a sand and gravel exposure.

Commenter ID C07 Reference number 1174 Organisation Heaton  
 Name Ms J Conway Client Tarmac  
 Policy Paragraph 5.4.26  
 Positively Prepared Justified No Effective Consistent with National Policy No

Soundness Reasons

Paragraph 5.4.26 states that mineral and waste developments would need to include, ‘a clear strategy for enhancing the historic environment character’. In addition, ‘wet working of mineral sites may not be a viable option where there are potential archaeological assets, as this can significantly restrict the delivery of appropriate mitigation measures’.

Changes Necessary

Both sentences should be deleted as they are not justified nor in accordance with the NPPF. The NPPF is clear that there is hierarchy of significance to assets of historic importance and the approach to the consideration and judgement of impact is different (paragraphs 193-196). In addition, the current wording of paragraph 5.4.26 predetermines the significance of impact without any assessment having been undertaken.

Commenter ID	C07	Reference number	1175	Organisation	Heaton
Name	Ms J Conway	Client			Tarmac
Policy		Paragraph	5.5.14		
Positively Prepared		Justified	Effective	Consistent with National Policy	

Soundness Reasons

Paragraph 5.5.14 advocates the use of resource audits for new development. This is supported. Whilst it is accepted that the use of recycled and secondary aggregates should be encouraged it should be recognised that these contribute to the overall resource that will be required but will not substitute primary aggregate in their entirety (NPPF paragraph 204b).

Changes Necessary

The paragraph should be amended to include the requirement for primary resource to reflect the approach taken in paragraph 5.5.16. (new text underlined) 'New development requires significant volumes of construction materials, and the facilities provided on site can affect how it performs through its operational lifetime. The planning system has a role to play encouraging the use of and contribution secondary or recycled construction materials can make in addition to primary aggregate requirements and preventing waste generated in construction and redevelopment projects'.

Commenter ID	C07	Reference number	1176	Organisation	Heaton
Name	Ms J Conway	Client			Tarmac
Policy	SP1	Paragraph			
Positively Prepared		Justified	Effective	Consistent with National Policy	

Soundness Reasons

Changes Necessary

The theory of Policy SP1 is supported. The links with the Core Strategy (under Review) which will provide the detail on the development requirements for the County needs to be clear. This is one of the issues of multiple documents making up the Development Plan for the County and the need to ensure that all policies are coherent and can be read as a whole.

Commenter ID	C07	Reference number	1177	Organisation	Heaton
Name	Ms J Conway	Client			Tarmac
Policy	SP4	Paragraph			
Positively Prepared		Justified	No	Effective	No
					Consistent with National Policy

#### Soundness Reasons

Policy SP4 is not considered to be effective in its current form nor is it justified. It requires site reclamation schemes to include “(b) proposals that deliver landscape scale benefits and/or integrated green infrastructure appropriate to its location”. At present, bullet point (b) requires proposals to deliver ‘landscape-scale benefits’ which is not considered to be an effective basis for such a policy as it may not be practical for all sites to delivery benefits on such a significant scale.

#### Changes Necessary

We suggest the following re-wording to make the Policy application of the Policy effective:“(b) proposals that deliver landscape scale benefits and/or integrated green infrastructure when and where practical and appropriate to its location.”

Commenter ID	C07	Reference number	1178	Organisation	Heaton
Name	Ms J Conway	Client			Tarmac
Policy		Paragraph	6.1.8		
Positively Prepared		Justified		Effective	
					Consistent with National Policy

#### Soundness Reasons

Paragraph 6.1.8 identifies that, ‘because mineral resources may be substantial, it is possible for more than one quarry to operate within a single reserve area, either through extensions or new quarries opening up in the vicinity of an existing site. This is generally seen to be advantageous, as it enables the resource to be worked efficiently and for infrastructure (conveyors, processing plant etc.) to be shared. Consequently, the policy priority will be to achieve efficient use of land, extracting the most mineral with the least adverse impact and avoiding a proliferation of built development’. The principle of this is supported and the extraction of the maximum mineral resource from an area already in operation is the most sustainable form of operation. We would support clarification on the working or shared use of an existing site/plant operation in advance of a new site working to avoid cumulative effects of simultaneous working.

#### Changes Necessary

It is considered that the national importance of the Moreton-on-Lugg railhead facility should be given some recognition in regard to the overall mineral supply policy. Whilst it is included as part of the safeguarding policy which protects it from alternative non compatible uses, it should also provide reference to securing the long term retention of the facility for outgoing mineral supply to areas without indigenous resource and its potential for future importation to meet the long term needs of Herefordshire should be recognised.



Commenter ID C07 Reference number 1179 Organisation Heaton  
 Name Ms J Conway Client Tarmac  
 Policy M2 Paragraph  
 Positively Prepared No Justified Effective Consistent with National Policy

Soundness Reasons

We welcome inclusion of associated infrastructure into this Policy. However, except for the title the policy does not go far enough to safeguard the asset/infrastructure from non-mineral development.

Changes Necessary

There should be some explanatory text and we would advocate the use of Mineral Consultation Areas to ensure non compatible uses are not in such proximity to be affected by operations. In our view, the agent of change principle is also relevant to the effective working of existing businesses including railheads, ancillary minerals development and this should be set out in the Plan to guide development on proximity to it. The interactive map illustrates the mineral resource but it does not identify ancillary infrastructure sites. As a minimum the railhead at Moreton-on-Lugg should be identified due to its importance for aggregate supply.

Commenter ID C07 Reference number 1180 Organisation Heaton  
 Name Ms J Conway Client Tarmac  
 Policy M3 Paragraph  
 Positively Prepared No Justified Effective Consistent with National Policy No

Soundness Reasons

In order to ensure flexibility in the Plan, it should not set a maximum provision figure. As advocated under comments on aggregate supply, there is concern that the Mineral Planning Authority will be unable to meet anticipated demand without the reliance on imports from adjoining Counties. In addition, the current 'forecast' of need contained within the LAA is based on historic sales from a single active working with planning permission to work until 2027.

Changes Necessary

The Policy should be re-worded positively to ensure the Plan provides 'at least' 5 million tonnes of sand and gravel over the Plan period. This removes the requirement for 'additional provision' and a 'mid-term review'. The LAA will be the evidence base document, reviewed annually, which indicates whether there is likely to be an increase in demand over the Plan period in accordance with paragraph 207a of the NPPF and policy needs to be flexible enough to respond to change.

Commenter ID	C07	Reference number	1181	Organisation	Heaton
Name	Ms J Conway	Client			Tarmac
Policy	M4	Paragraph			
Positively Prepared	No	Justified	Effective	Consistent with National Policy	No

Soundness Reasons

To ensure flexibility in the Plan, it should not set a maximum provision figure over the plan period. There is concern that the MPA will be unable to meet anticipated demand over the Plan period. British Geological Survey data for 2014 indicates that Herefordshire is only 20% to 30% self-sufficient in crushed rock provision.

Changes Necessary

Given the concerns surrounding provision of a steady and adequate supply over the Plan period as required by NPPF, Policy M4 should be re-worded positively to ensure the Plan provides 'at least' 9 million tonnes of crushed rock over the Plan period. This removes the requirement for 'additional provision' and a 'mid-term review'.

Commenter ID	C07	Reference number	1182	Organisation	Heaton
Name	Ms J Conway	Client			Tarmac
Policy		Paragraph	8.1.3		
Positively Prepared		Justified	Effective	Consistent with National Policy	No

Soundness Reasons

Changes Necessary

It should be made clear in paragraph 8.1.3 that the use of planning obligations will, 'only be used where it is not possible to address unacceptable impacts through a planning condition' as required by paragraph 54 of the NPPF.

Commenter ID	C07	Reference number	1183	Organisation	Heaton
Name	Ms J Conway	Client			Tarmac
Policy		Paragraph	8		
Positively Prepared		Justified	Effective	Consistent with National Policy	No

Soundness Reasons

Changes Necessary

Policies for the working of minerals should refer to the Local Aggregate Assessment as an indicator used to monitor the effectiveness of the Plan strategy, particularly in regard to the growth forecast for the County, the contribution to the Managed Aggregate Supply System and the maintenance of landbanks all of which are required by the NPPF.

Commenter ID	C07	Reference number	1184	Organisation	Heaton
Name	Ms J Conway	Client			Tarmac
Policy		Paragraph	9.2		
Positively Prepared		Justified	Effective	Consistent with National Policy	

Soundness Reasons

Wellington Quarry We support the approach to phased working and the need to secure the optimum phasing of the allocated areas including how existing infrastructure will be used. There are areas proposed as allocated sites that Tarmac has secured options to work as a continuation of operations at Wellington Quarry. Other areas to the north and east are promoted independently from Tarmac. The phases under the control of Tarmac should be worked in advance of alternatives to allow maximum use of existing infrastructure and site access without giving rise to cumulative effective of simultaneous workings.

Changes Necessary

Reference is made to a proliferation of ancillary infrastructure not being permitted. This requires clarification. As above, it is agreed that simultaneous Quarry workings may not be appropriate due to the potential for adverse effect on the local highway network and residential receptors. However, ancillary mineral and waste activities such as concrete plants, aggregate recovery/recycling operations are appropriate on existing mineral sites.

Commenter ID C08 Reference number 1079 Organisation Historic England  
Name E Boden Client  
Policy M3 (2a) Paragraph

Positively Prepared No Justified No Effective No Consistent with National Policy No

#### Soundness Reasons

Shobdon Quarry: Concerns in relation to non-designated assets as we note that the area is rich in prehistoric subsurface archaeology (barrows, settlement enclosures and possible Mesolithic remains).

#### Changes Necessary

Whist HE welcomes the inclusion in the Key Development Criteria for DBA/field evaluation as appropriate and the requirement for mitigation, we advise that a Heritage Impact Assessment is undertaken prior to the allocation of the extension to this site within the Minerals & Waste Local Plan. This assessment should review the potential archaeological and palaeo-environmental value of the site based on existing knowledge and prediction. Also suggest that the criteria for mitigation should include appropriate methods for managing lithic scatters, as well as structural features.

Commenter ID C08 Reference number 1080 Organisation Historic England  
Name E Boden Client  
Policy M3 (2a) Paragraph

Positively Prepared No Justified No Effective No Consistent with National Policy No

#### Soundness Reasons

Upper Lyde Quarry: with regard to non-designated heritage assets we raise concerns and consider that a robust assessment of the archaeological potential should be carried out to confirm that the allocation is deliverable, in accordance with the NPPF.

#### Changes Necessary

We welcome that the Key Development Criteria covers archaeological assessment and mitigation of non-designated heritage assets, given the potential for Roman and prehistoric remains in this area. However, to ensure that the allocation is deliverable in accordance with the NPPF we advise that a Heritage Impact Assessment is undertaken prior to the allocation of the extension to this site, which should review the potential archaeological and palaeo-environmental value of these sites based on existing knowledge and prediction.

Commenter ID C08 Reference number 1081 Organisation Historic England  
Name E Boden Client  
Policy M3 (2a) Paragraph

Positively Prepared No Justified No Effective No Consistent with National Policy No

#### Soundness Reasons

Wellington Quarry: There is a wealth of designated heritage assets in this area and HE raises significant concerns regarding the potential for impacts on: - the setting of Grade I church of St Mary, Marden (1302203) on east side of the River Lugg - Grade II\* Leystone Bridge (1348952) over the Lugg (may be impacted by increased flood risk) - Wellington is rich in listed buildings, including the Grade I Church and Grade II\* Church House • the setting of Sutton Walls hillfort. There is also a wealth of non-designated prehistoric, Romano-British and Saxon archaeology in the area and there may be non-designated water sensitive heritage assets that could also be impacted.

#### Changes Necessary

HE welcomes the inclusion in the Key Development Criteria of the need to demonstrate the level of effect on heritage assets and their settings, particularly listed buildings and Sutton Walls Fort. Nevertheless, given the extent of designated heritage assets of national significance and the potential for important non-designated archaeological remains, we strongly advise that a Heritage Impact Assessment is undertaken prior to the allocation of the extension to this site, to ensure that it is deliverable in accordance with the NPPF.

Commenter ID C08 Reference number 1082 Organisation Historic England  
Name E Boden Client  
Policy M4 (2a) Paragraph

Positively Prepared No Justified No Effective No Consistent with National Policy No

#### Soundness Reasons

Leinthall Quarry: HE raises objection with regard to this proposed allocation to extend the quarry, as there is considerable potential to impact on heritage assets: - the setting of Gatley Park (1000882), a Grade II Registered Park and Garden (RPG), which is a designed landscape and provides a setting for the Grade II\* house of Gatley Park (1082116) - the Grade II\* church of St Andrew (1082117), which is also located at entrance to quarry and close to the Park boundary - the setting of the RPG of Croft Castle - the setting of Croft Ambrey Camp (Iron Age hillfort), as the view from hillfort northwards looks directly at the quarry. The impact of the proposed extension to the quarry affecting the experience from Croft Ambrey Camp scheduled monument, in terms of the Iron Age use and designated landscape use, has not be adequately assessed.

#### Changes Necessary

HE strongly advises that a Heritage Impact Assessment is undertaken prior to the allocation of the extension to this site within the Minerals & Waste Local Plan, particularly with regard to the impact on the setting of Croft Ambrey Camp. In absence of a settings assessment HE raises objection to this proposed allocation, as the risk of harm has not been adequately assessed. The evidence base is deficient in this regard and the Plan does not therefore demonstrate a positive approach to the historic environment as required by the NPPF, therefore we consider the plan to be unsound.

Commenter ID C08 Reference number 1083 Organisation Historic England  
Name E Boden Client  
Policy M4 (2a) Paragraph

Positively Prepared No Justified No Effective No Consistent with National Policy No

#### Soundness Reasons

Perton Quarry: HE notes that the site is just SW of the Grade II RPG Stoke Edith - an early landscape designed by London in the late C17 and remodelled by Repton and then Nesfield. Evaluation would be needed to see whether the historic landscape extends further than the designated area and if the site impacts on this and the setting of the park.

#### Changes Necessary

HE therefore advises that a Heritage Statement should accompany any planning application and that this should be a requirement of the Key Development Criteria in relation to this proposed allocation.

Commenter ID C08 Reference number 1084 Organisation Historic England  
Name E Boden Client  
Policy W5 (2) Paragraph

Positively Prepared No Justified No Effective No Consistent with National Policy No

#### Soundness Reasons

Rotherwas Industrial Estate: Concerns as there is considerable potential to impact on setting of Grade II\* Rotherwas Chapel (1180032) and associated scheduled remains of the demolished Rotherwas House and garden (1014880). Dependent on scale, the allocation also has the potential to impact on the setting of Dinedor Camp (Scheduled Monument), located to the south. In addition, the site was formerly a WWI munitions site which has some features safeguarded.

#### Changes Necessary

HE welcomes the inclusion in the Key Development Criteria of the need to demonstrate the level of effect on heritage assets and their settings, particularly listed buildings and Rotherwas Chapel and Rotherwas House. HE advises that a Heritage Statement should accompany any planning application and that this should be a requirement of the Key Development Criteria in relation to this proposed allocation.

Commenter ID C08 Reference number 1085 Organisation Historic England  
Name E Boden Client  
Policy W5 (2) Paragraph

Positively Prepared No Justified No Effective No Consistent with National Policy No

Soundness Reasons

Westfields Trading Estate: The proposed allocation wraps around the Widemarsh Common Conservation Area.

Changes Necessary

HE advises that a Heritage Statement will be necessary to fully appraise any impacts on the setting of the Conservation Area and suggests that this requirement is encompassed in the Key Development Criteria for this allocation, as well as any suggestions for maximising enhancement and mitigating harm. We also suggest that the criteria for archaeological mitigation should include appropriate methods for managing lithic scatters, as well as structural features, as there is the potential for remains of Mesolithic activity in this area.

Commenter ID C08 Reference number 1086 Organisation Historic England  
Name E Boden Client  
Policy W5 (2) Paragraph

Positively Prepared No Justified No Effective No Consistent with National Policy No

Soundness Reasons

Holmer Road: The proposed allocation borders the Widemarsh Common Conservation Area.

Changes Necessary

HE advises that a Heritage Statement will be necessary to fully appraise any impacts on the setting of the Conservation Area and suggests that this requirement is encompassed in the Key Development Criteria for this allocation, as well as any suggestions for maximising enhancement and mitigating harm.

Commenter ID C08 Reference number 1087 Organisation Historic England  
Name E Boden Client  
Policy W5 (2) Paragraph

Positively Prepared No Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

Leominster Enterprise Park: HE notes that there may be water sensitive heritage assets (designated and non-designated) that could be impacted.

Commenter ID C08 Reference number 1088 Organisation Historic England  
Name E Boden Client  
Policy W5 (2) Paragraph

Positively Prepared No Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

Southern Avenue: HE notes that there may be water sensitive heritage assets (designated and non-designated) that could be impacted.



Commenter ID C08 Reference number 1089 Organisation Historic England  
Name E Boden Client  
Policy W5 (2) Paragraph

Positively Prepared No Justified No Effective No Consistent with National Policy No

#### Soundness Reasons

Moreton Business Park: HE welcomes the inclusion in the Key Development Criteria of the need to demonstrate the level of effect on heritage assets and their settings, particularly listed buildings and Sutton Walls Fort. However, at this stage we recognise that the extent and nature of the waste management facilities is not defined.

#### Changes Necessary

Therefore HE recommends that the Key Development Criteria should include a requirement for a Heritage Statement, as this would assist in addressing any concerns that HE may have with regard to this allocation. In addition, HE notes the requirement in the Key Development Criteria for archaeological assessment (DB and/or field evaluation as appropriate). This is particularly important in light of evaluation carried out in 2012 which concludes that the Roman settlement and paleochannel are vulnerable to development and that, should any development proceed, a programme of archaeological works should be implemented to preserve these features by record. It is also important that the "Supplementary Sites Report – Annex A" refers to this most current information about the site.

Commenter ID C08 Reference number 1090 Organisation Historic England  
Name E Boden Client  
Policy W5 (3) Paragraph

Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

#### Soundness Reasons

Former City Spares Site: No change in extent over consented area. HE has no concerns. However, HE is aware of an important historic feature known as the Rotherwas Ribbon in close proximity to the site. We therefore recommend close working with Herefordshire Council's archaeology team to assess potential impacts of the proposed allocation on this feature.

#### Changes Necessary

Commenter ID C08 Reference number 1091 Organisation Historic England  
Name E Boden Client  
Policy W6 (1a) Paragraph  
Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons

Former Lugg Bridge Quarry: No change in extent over consented area. HE notes that there is excellent potential for water meadows and waterlogged deposits with palaeoenviro potential and welcomes that the Key Development Criteria include DB assessment/field evaluation as appropriate and mitigation to record, protect and recover any assets.

Changes Necessary

Commenter ID C08 Reference number 1092 Organisation Historic England  
Name E Boden Client  
Policy W6 (2) Paragraph  
Positively Prepared No Justified No Effective No Consistent with National Policy No

Soundness Reasons

Wellington Quarry: Given the wealth of heritage in this area HE welcomes the inclusion in the Key Development Criteria of the need to demonstrate the level of effect on heritage assets and their settings, particularly listed buildings and Sutton Walls Fort. However, at this stage we recognise that the extent and nature of these facilities is not defined.

Changes Necessary

Therefore HE recommends that the Key Development Criteria should include a requirement for a Heritage Statement, as this may assist in addressing any concerns that HE may have with regard to this allocation.

Commenter ID C08 Reference number 1093 Organisation Historic England  
Name E Boden Client  
Policy Paragraph Section 6

Positively Prepared No Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

HE is concerned that the potential for Palaeolithic archaeology is not appropriately addressed in the Plan and accompanying evidence base documents, with regard to mineral workings. For example, in the description of Callow Delve in the 'Supplementary Report to the Spatial Context and Sites Report Annex', Upper Palaeolithic artefacts are mentioned only under the Ecology topic, and not under the Heritage Topic.

Commenter ID C08 Reference number 1098 Organisation Historic England  
Name E Boden Client  
Policy Paragraph Section 2.4

Positively Prepared No Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

Although the Supplementary Report to the Spatial Context and Sites Report contains a list of heritage data sets and reports used to inform the analysis of sites undertaken, we suggest that section 2.4 of the Plan is broadened to mention the evidence in relation to the historic environment, that has been used to inform the site selection process. Notwithstanding the above, Historic England considers that with respect to certain proposed allocations further assessment with regard to the historic environment should be undertaken, to address soundness issues with the Plan.

Commenter ID C08 Reference number 1099 Organisation Historic England  
Name E Boden Client  
Policy Paragraph 3.3.7

Positively Prepared No Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

Reference to the NPPF paragraph 205 a) is welcomed at paragraph 3.3.7 of the Plan, but we suggest that this should also refer to Conservation Areas, to better reflect the wording of the NPPF. We also consider that the NPPF paragraph 205 b) should be referenced, particularly with regard to the cumulative effect on the historic environment from a number of sites in a locality. This may be particularly pertinent to proposed allocations to extend workings for sand and gravel to the north of Herford (the Upper Lyde and Wellington quarries).

Commenter ID C08 Reference number 1100 Organisation Historic England  
Name E Boden Client  
Policy Paragraph 3.4.1

Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons

Changes Necessary

Minerals HE welcomes the reference at bullet point 4 to continuing to provide a supply of building stone for the repair and maintenance of Herefordshire's traditional buildings. Whilst we welcome the identification at bullet point 7 of ensuring that sufficient safeguards are in place to minimise the impacts of minerals extraction on 'the environment and other important assets', we consider that this should specifically refer to the historic environment and to designated and non-designated heritage assets.

Commenter ID	C08	Reference number	1101	Organisation	Historic England
Name	E	Boden		Client	
Policy		Paragraph	3.4.1		
Positively Prepared	Yes	Justified	Yes	Effective	Yes
				Consistent with National Policy	Yes

Soundness Reasons

Changes Necessary

Waste: HE is supportive of the development of an appropriate locational strategy for new waste management facilities, as set out in bullet point 3, but considers that this should also reference the need to provide for them outside of scheduled monuments and conservation areas [NPPF para.205 a)]. Whilst we welcome the identification at bullet point 6 of ensuring that sufficient safeguards are in place to minimise the impacts of waste management on ‘the environment and other important assets’, we consider that this should specifically refer to the historic environment and to designated and non-designated heritage assets.

Commenter ID	C08	Reference number	1102	Organisation	Historic England
Name	E	Boden		Client	
Policy		Paragraph	3.4.1		
Positively Prepared	Yes	Justified	Yes	Effective	Yes
				Consistent with National Policy	Yes

Soundness Reasons

Changes Necessary

General: HE welcomes the development of an approach to the protection of the plan area’s heritage assets but recommends that the list of these assets should also include scheduled monuments and Registered Parks and Gardens.

Commenter ID	C08	Reference number	1103	Organisation	Historic England
Name	E	Boden		Client	
Policy		Paragraph	4.1		
Positively Prepared	Yes	Justified	Yes	Effective	Yes
				Consistent with National Policy	Yes

Soundness Reasons

Changes Necessary

Section 4.1 Vision: HE welcomes the inclusion of the aspiration that the County's heritage and cultural assets will be protected and enhanced (p.27) but suggests that the word 'protected' is amended to 'conserved'.

Commenter ID	C08	Reference number	1104	Organisation	Historic England
Name	E	Boden		Client	
Policy		Paragraph	4.2		
Positively Prepared	No	Justified	No	Effective	No
				Consistent with National Policy	No

Soundness Reasons

Changes Necessary

Objective 12Refernces several environmental considerations, including heritage. Whilst, HE welcomes the aims of this objective in relation to the historic environment, we are concerned that it includes a variety of environmental considerations, which can often have competing, rather than complementary objectives, and would therefore suggest the inclusion of a single objective which relates to the historic environment.

Commenter ID C08 Reference number 1105 Organisation Historic England  
Name E Boden Client  
Policy Paragraph 4.3

Positively Prepared No Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

HE notes that minerals working for sand and gravel and limestone and crushed rock will be focused primarily at extensions to existing quarries and on the allocation of already consented areas. However, we have significant concerns with regard to certain of these proposed extensions; particularly Leinthall, where we raise objection; and also, Wellington; Upper Lyde and Shobdon. (details in Appendix A)

Commenter ID C08 Reference number 1106 Organisation Historic England  
Name E Boden Client  
Policy M5 Paragraph

Positively Prepared No Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

With regard to sandstone workings, the proposed allocations are all important sites for winning of local building stone that can supply conservation works. These quarries are small in scale and Historic England considers that there will be no immediate impact on designated heritage assets.

Commenter ID C08 Reference number 1107 Organisation Historic England  
Name E Boden Client  
Policy W5 Paragraph

Positively Prepared No Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

HE notes that some of the proposed allocations relating to waste disposal are urban focused; with many being new facilities in existing industrial locations, or existing household waste sites and are therefore unlikely to have a high degree of impact on the historic environment. However, this is with the exception of the Hereford Enterprise Zone (Rotherwas Industrial Estate) which is a very large allocation and has considerable potential to impact on the setting of several heritage assets. (Further details in Appendix A)

Commenter ID C08 Reference number 1108 Organisation Historic England  
Name E Boden Client  
Policy W6 Paragraph

Positively Prepared No Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

In relation to proposed allocations for construction, demolition and excavation waste processing, these are located within existing quarry locations and potential harm is limited to the scale of development or storage of materials for processing.



Commenter ID C08 Reference number 1109 Organisation Historic England

Name E Boden Client

Policy Paragraph 4.6

Positively Prepared No Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

Figure 6 Key Diagram: HE considers that designated heritage assets (Listed Buildings, Conservation Areas, Scheduled Monuments, Registered Parks and Gardens) should be included, so that these can be easily identified relative to the 'Areas of Search' shown.

Commenter ID C08 Reference number 1110 Organisation Historic England

Name E Boden Client

Policy Paragraph 5.3.3

Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons

Changes Necessary

HE welcomes the advice in para.5.3.3. that site access arrangements, or routes of conveyors or pipelines, should be designed/laid out to avoid damage to heritage assets.

Commenter ID C08 Reference number 1111 Organisation Historic England  
Name E Boden Client  
Policy Paragraph 5.4

Positively Prepared No Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

HE previously raised concerns at the Regulation 18 Draft consultation Stage that Core Strategy Policy LD4: Historic Environment and Heritage Assets was intended to be utilised as a relevant development management policy for the MWP, augmented by additional text which we considered relatively weak and that it's not clear how HE publications and guidance had been utilised within the document and that there was an overall lack of evidence with regard to the historic environment and considered Draft not sufficient.

Commenter ID C08 Reference number 1112 Organisation Historic England  
Name E Boden Client  
Policy Paragraph 5.4.26 to 5.4.29

Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons

Changes Necessary

Paragraph 5.4.26-5.4.29: However, with regard to the Publication Draft, HE notes that the additional text referred to above has been amended and strengthened to better reflect the guidance of the NPPF (paras. 5.4.26 – 5.4.29 inclusive), which we welcome.

Commenter ID C08 Reference number 1113 Organisation Historic England  
Name E Boden Client  
Policy Paragraph 5.4.28  
Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons

Changes Necessary

HE also welcomes the reference in para. 5.4.28 to “The Herefordshire County Archaeology and Minerals Resource Assessment” (2014) which we understand has been utilised to inform the Publication Draft MWLP.

Commenter ID C08 Reference number 1114 Organisation Historic England  
Name E Boden Client  
Policy Paragraph 5.4.29  
Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons

Changes Necessary

Whilst we are pleased to see reference to publications from Historic England, this should be updated to reference Historic England’s latest advice note “Minerals Extraction and Archaeology”, published in January 2020:

Commenter ID C08 Reference number 1115 Organisation Historic England  
Name E Boden Client  
Policy SP2 Paragraph  
Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons

Changes Necessary

HE welcomes this policy, which aims to optimise opportunities to improve public access to open spaces and integrate historic context where appropriate.

Commenter ID	C08	Reference number	1116	Organisation	Historic England
Name	E	Boden		Client	
Policy	SP4	Paragraph			
Positively Prepared	Yes	Justified	Yes	Effective	Yes
				Consistent with National Policy	Yes

Soundness Reasons

Changes Necessary

He welcomes this policy and supports the approach to secure the satisfactory restoration and after-care of sites, which we note includes the requirement for a Reclamation Plan and integration with the site's historic context, as also noted in the accompanying text at para. 5.11.7.

Commenter ID	C08	Reference number	1117	Organisation	Historic England
Name	E	Boden		Client	
Policy	M1	Paragraph			
Positively Prepared	No	Justified	No	Effective	No
				Consistent with National Policy	No

Soundness Reasons

Changes Necessary

Figure 7:HE notes that these areas are considerable in extent and that specific reference should be made to the need to fully consider the impacts on the historic environment.

Commenter ID C08 Reference number 1118 Organisation Historic England  
Name E Boden Client  
Policy Paragraph 8

Positively Prepared No Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

HE welcomes that Core Strategy Policy LD4: Historic Environment and Heritage Assets is included within the framework for delivery, implementation and monitoring of minerals and waste sites.

Commenter ID C08 Reference number 1119 Organisation Historic England  
Name E Boden Client  
Policy Paragraph 10

Positively Prepared No Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

HE advises that the definition of 'Heritage Assets' within the Glossary should also encompass non-designated heritage assets.

Commenter ID	C09	Reference number	1120	Organisation	Litchfields
Name	Ms H	Ashby-Rigway		Client	Bourne Leisure
Policy	M2	Paragraph	6.1.12		
Positively Prepared		Justified	Effective	Consistent with National Policy	No

#### Soundness Reasons

The Publication Draft MWLP is not sound in relation to the policy test relating to consistency with national policy, as the proposed Minerals Safeguarding Areas appear to include designated areas and urban areas where it is not necessary to do so. It is also not sound in relation to the “justified” policy test, as it does not take account of proportionate evidence in relation to the definition of mineral reserves and resources. Policy M2 sets out the draft policy requirements for development in the proposed Minerals Safeguarding Areas. The text at paragraph 6.1.12 accompanying this policy states that the proposed Minerals Safeguarding Areas for Herefordshire are presented at Figure 7 in the MWLP and that key policy details are provided in the interactive mapping on the Herefordshire Council website. There are clear differences between the identified Minerals Safeguarding Areas at Figure 7 and the “Mineral Reserves” in the Interactive map. The scale of the map at Figure 7 – both within the main MWLP document and at Annex A at A3 size – means that it is difficult to accurately identify the boundaries of the proposed Minerals Safeguarding Areas. However, it is clear that the two maps are not consistent with one another and it is not at all clear whether that is intentional or not. This is made more confusing as the Interactive Map is titled “Interactive Publication Draft MWLP Proposals” rather than it being a context or constraints map. Planning Practice Guidance (PPG) sets out that Minerals Safeguarding Areas should not generally be defined in areas already covered by existing development, where extraction would not be possible in any case, or in designated areas, such as designated heritage assets. This national guidance indicates that areas such as Holme Lacy House Hotel, which is already developed and is a designated heritage asset, should not be defined as a Minerals Safeguarding Area. The Interactive Map identifies “Mineral Reserves” rather than Minerals Safeguarding Areas, and it is not clear whether these terms are intended to be interchangeable. Safeguarded resources are therefore considered to be a subset of the total provision of mineral resources, as defined above. Based on this, it appears that the Interactive Map is identifying all mineral resources, rather than only those that are intended to be safeguarded (Mineral Safeguarding Areas) or those that are subject to a valid planning permission (mineral reserves).

#### Changes Necessary

If the areas labelled “Mineral Reserves” on the Interactive Map are intended to identify the presence of all mineral resources, and not only the areas to be safeguarded (Mineral Safeguarding Areas) or those that are subject to a valid planning permission (mineral reserves), this should be made clear and the map layer relabelled “Mineral Resources”. Minerals Safeguarding Areas should be illustrated separately on this map. The Council should also ensure there is appropriate alignment between the two maps, Figure 7 in the emerging MWLP and the Interactive Map, in relation to the proposed Minerals Safeguarding Areas. The Minerals Planning Authority should also either provide a larger scale version of Figure 7 in order to enable readers to identify and consider the implications of the boundaries of the Minerals Safeguarding Areas or provide for consultation a link to this information within the Interactive Map before the emerging plan is submitted for examination. The Minerals Safeguarding Areas should not include designated areas or urban areas unless there is a specific need to do so. Given that it is already developed and is a designated heritage asset, Holme Lacy House Hotel and its grounds should not be included within a Minerals Safeguarding Area.

Commenter ID	C09	Reference number	1121	Organisation	Litchfields
Name	Ms H	Ashby-Rigway		Client	Bourne Leisure
Policy	M2	Paragraph			
Positively Prepared		Justified	No	Effective	Consistent with National Policy

#### Soundness Reasons

Policy M2 is not sound in relation to the “justified” policy test, as it is not a reasonable strategy based on Policy S1 in the Core Strategy and does not take account of the fact that some individual sites may not be suitable for mineral extraction. Our first representation on Draft Policy M2 (above) states that Minerals Safeguarding Areas should not include areas where it would not be appropriate to extract mineral resources. However, there should also be a provision in policy to allow non-minerals development in circumstances where a site is included within a larger Minerals Safeguarding Area but where minerals extraction is not appropriate. For example, an individual site may be located in close proximity to existing sensitive uses, such as residential or holiday accommodation and so would not be suitable for mineral extraction. Based on the requirements of Policy SD1 in the Core Strategy, there will be circumstances where it is not appropriate to extract minerals. There will also be circumstances where mineral extraction would cause harm to a heritage asset and so would not be appropriate based on the policies in the NPPF under paragraphs 189 to 202. Policy M2 in the emerging MWLP should provide the flexibility to respond to individual circumstances such as these where mineral extraction would not be in accordance with national or local planning policy.

#### Changes Necessary

In order to meet the “justified” test of soundness, Bourne Leisure considers that Draft Policy M2 should be amended as follows: add e.the extraction of the mineral resource would not be appropriate in the context of national or local planning policy designations and/or impact upon neighbouring amenity.”

Commenter ID	C09	Reference number	1122	Organisation	Litchfields
Name	Ms H	Ashby-Rigway		Client	Bourne Leisure
Policy		Paragraph	4.2		
Positively Prepared		Justified	Effective	Consistent with National Policy	No

#### Soundness Reasons

Bourne Leisure considers that the emerging MWLP Objectives do not fulfil the fourth test of soundness (“Consistent with national policy”) in the NPPF, as they do not provide an adequate framework for the policies in the emerging plan. Furthermore, as drafted, the objectives would not provide an effective way of delivering the emerging Plan’s Vision, which includes strengthening the local economy. Bourne Leisure is concerned that Draft Objective 5 in the Publication Draft MWLP does not provide explicit protection for amenity in relation to sensitive receptors, such as residential and holiday accommodation. Should minerals and waste operations give rise to unacceptable adverse impacts there is a risk that tourists may be deterred from visiting or returning to the area, thereby impacting on the local economy. This risk to the local economy conflicts with the proposed Vision, which emphasises the need to strengthen it: “Over the period to 2041, Herefordshire will deliver sustainable provision of minerals supply and waste management, balancing development needs whilst supporting the county’s communities, protecting and enhancing environmental, heritage and cultural assets and strengthening the local economy.

Paragraphs 3.1.24 and 5.2.5 in the Publication Draft MWLP recognise, appropriately, that minerals and waste development can give rise to adverse impacts. However, Draft Objective 5 does not provide an effective way to deliver the proposed Vision and does not reflect the concerns set out in paragraphs 3.1.24 and 5.2.5. The NPPF states at paragraph 205b that minerals planning authorities should, in considering proposals for minerals extraction. In relation to waste development proposals, the PPG states that authorities should “properly” consider the potential impacts from noise, vibration, artificial light, dust and odour before granting planning permission (ID: 28-049-20141016). We also note that, in response to Bourne Leisure’s representations to the 2019 Draft MWLP, the Council’s Consultation Statement (January 2021) states that the “potential impact on tourism will continue to be considered in further developing the MWLP”. However, there is no explicit protection for tourists in the Publication Draft MWLP.

#### Changes Necessary

Bourne Leisure proposes that Draft Objective 5 is amended as follows in order to provide consistency with national policy: “To optimise the contribution that mineral working and waste management makes to Herefordshire’s economy as land-based industries, whilst ensuring that there are no unacceptable adverse impacts on people, places and businesses” (proposed amendments underlined)



Commenter ID	C09	Reference number	1123	Organisation	Litchfields
Name	Ms H	Ashby-Rigway		Client	Bourne Leisure
Policy		Paragraph	5.4.26		
Positively Prepared		Justified	Effective	Consistent with National Policy	No

#### Soundness Reasons

Bourne Leisure considers that the section on the historic environment and heritage assets in the draft MWLP does not comply with the fourth test of soundness in the NPPF (“Consistent with national policy”), as it does not set out a positive strategy for the conservation and enjoyment of the historic environment. The Publication Draft MWLP states at paragraph 5.4.26: “Minerals and waste development proposals should take account of the significance of heritage assets (whether above or below ground, designated or non-designated, and their setting) and include a clear strategy for enhancing the historic environment character.” Bourne Leisure considers that the proposed approach in paragraph 5.4.26 in the Publication Draft MWLP should go further to state that minerals and waste proposals should avoid or minimise any conflict between conservation of the heritage asset and any aspect of the proposal. The NPPF states at paragraph 185: “Plans should set out a positive strategy for the conservation and enjoyment of the historic environment. This strategy should take into account: a) the desirability of sustaining and enhancing the significance of heritage assets...” The NPPF also states at paragraph 190: “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

#### Changes Necessary

Bourne Leisure proposes that draft paragraph 5.4.26 is amended as follows in order to provide consistency with national policy: “Minerals and waste development proposals should take account of the significance of heritage assets (whether above or below ground, designated or non-designated, and their setting), avoid or minimise any conflict between conservation of the heritage asset and any aspect of the proposal and include a clear strategy for enhancing the historic environment character.” (proposed amendments underlined)

Commenter ID C10 Reference number 1124 Organisation Minerals Products Association  
 Name Mr M North Client  
 Policy Paragraph 3.3.7  
 Positively Prepared Justified Effective Consistent with National Policy No

Soundness Reasons

The first sentence of this paragraph does not properly reflect the NPPF and therefore is unsound. NPPF para 205 (a) requires that; **as far as practical** [emphasis added], provide for the maintenance of landbanks of non-energy minerals from outside National Parks...

Changes Necessary

It is suggested that the text of this paragraph is changed as follows; Proposed Changes (new text in **bold**). *The NPPF seeks to conserve important landscape and heritage assets by requiring **that as far as practical** that landbanks for non-energy minerals are provided outside National Parks, Areas of Outstanding Natural Beauty, Scheduled Monuments and World Heritage Sites.*

Commenter ID C10 Reference number 1125 Organisation Minerals Products Association  
 Name Mr M North Client  
 Policy Paragraph 3.4.1  
 Positively Prepared Justified Effective Consistent with National Policy No

Soundness Reasons

Our concern with the text under this bullet point is that there is no recognition of the hierarchy of importance for the various types of nature conservation assets, and heritage assets that must be taken into account when testing development proposals.

Changes Necessary

This is made clear as a requirement in NPPF para 171 and para 189. As such the text as drafted is unsound and should be redrafted to properly reflect the NPPF.

Commenter ID C10 Reference number 1126 Organisation Minerals Products Association

Name Mr M North Client

Policy Paragraph 4.2

Positively Prepared Justified Effective No Consistent with National Policy

#### Soundness Reasons

There appears to be a drafting error in that there is no objective 3 in Table 1. If the proposed objective 3 is meant to be a set out in the draft MWLP (Jan 2019) then the MPA support the principle of this objective but it does not go far enough in that it does not mention added value operations e.g. concrete batching plants, coated stone plants, block making plants, secondary aggregate recycling sites.

#### Changes Necessary

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

Commenter ID C10 Reference number 1127 Organisation Minerals Products Association

Name Mr M North Client

Policy Paragraph 4.2, Objective 6

Positively Prepared Justified Effective Consistent with National Policy No

#### Soundness Reasons

This objective while supported in principle does not reflect properly the NPPF. The NPPF at para 207 requires that; *Local planning authorities should plan for a steady **and adequate** [emphasis added] supply of aggregates...*

#### Changes Necessary

Proposed Changes (deletions in ~~striketrough~~; new text in **bold**). To plan for the steady and ~~sustainable~~ **adequate** supply of minerals present within Herefordshire, to contribute to the county's economic growth, development and local distinctiveness and to make **the required a** ~~reasonable~~ contribution to the MASS.

Commenter ID C10 Reference number 1128 Organisation Minerals Products Association  
Name Mr M North Client  
Policy Paragraph 4.3.3.and 4.3.4

Positively Prepared Justified Effective No Consistent with National Policy

Soundness Reasons

Changes Necessary

The word *reserves* in these two paragraphs should be changed to *resources* to properly reflect the planning and economic status of the minerals referred to.

Commenter ID C10 Reference number 1129 Organisation Minerals Products Association  
Name Mr M North Client  
Policy Paragraph 5.7.19 (utilities)

Positively Prepared No Justified Effective No Consistent with National Policy

Soundness Reasons

This paragraph deal with the topic of Utilities. While we accept such infrastructure should be identified it is often the case that such utilities are sterilising mineral which would then fall to Mining Code legislation to adjudicate. If a developer submitted plans that showed the projection of such infrastructure, then this could materially damage their position under the Mining code and value of landowner assets.

Changes Necessary

Proposed Changes (deletions in ~~striketrough~~; new text in **bold**). *Planning applications should identify all existing and proposed utility services that cross, abut, or are adjacent to the proposed development site. ~~The submitted details should demonstrate how such infrastructure would be protected, to ensure it remains operational and safe.~~*

Commenter ID C10 Reference number 1130 Organisation Minerals Products Association  
Name Mr M North Client  
Policy SD4 Paragraph

Positively Prepared Justified Effective No Consistent with National Policy

Soundness Reasons

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

Changes Necessary

Proposed Changes (deletions in ~~striketrough~~; new text in **bold**). *b) proposals that deliver landscape scale benefits and/or integrated green infrastructure **when and where practical and** appropriate to its location;* It will not always be in the developer's gift to provide landscape scale benefits as this comes down to the control of land outside of the development often. Hence to make the policy effective and therefore sound the above changes are required.

Commenter ID C10 Reference number 1131 Organisation Minerals Products Association  
Name Mr M North Client  
Policy Paragraph 6.1.12

Positively Prepared Justified Effective No Consistent with National Policy

Soundness Reasons

Changes Necessary

The word *reserve* in this paragraph should be changed to *resource* to properly reflect the status of the minerals referred to. It cannot be a reserve until it is able to be economically won with all necessary permission and permits.

Commenter ID	C10	Reference number	1132	Organisation	Minerals Products Association
Name	Mr M North			Client	
Policy	M2	Paragraph			
Positively Prepared	Justified	Effective	Consistent with National Policy	No	

#### Soundness Reasons

The MPA supports the principle of this policy however it is unsound in that is not considered effective nor does it fully accord with the NPPF. The PPG references the BGS document *Mineral Safeguarding in England: good practice advice* when guiding local authorities on what steps to take in respect of safeguarding mineral resources. It is identified as best practice to include buffers within MSAs to guard against proximal development potentially affecting the mineral resource. It is intended by the BGS guidance, and examples of best practice in that guidance that such buffers should be included in the MSA to ensure maximum protection (see Figure 2 and Case Study 3). When considered against NPPF paragraph 204 (c) which says planning policies should *safeguard mineral resources by defining Mineral Safeguarding areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral where this should be avoided...* the national protection accorded to minerals is intended to be within the designated area of an MSA and not outside of it or even adjacent to it. This is because the MSA should contain all minerals of potential economic value and any areas where development is likely to have adverse proximal effects upon it. The concern is that the approach adopted by the Council will dilute the protection given to minerals by allowing developers to argue that sites outside the MSA do not enjoy the same protection as sites within it even though they are adjacent to it. Accordingly, buffers need to be applied to the policy to make it effective and in accordance with national policy. Furthermore, in the event consent is granted for non-mineral development the *agent of change* principle needs to be applied as required by para 182 of the NPPF.

#### Changes Necessary

Proposed Changes (deletions in ~~striketrough~~; new text in **bold**). 1. *Within the minerals safeguarding areas **and within a buffer of 250m from the boundary of any mineral safeguarding areas, and within 250m from a permitted mineral operation** non-minerals development will only be permitted in the following circumstances: a. the development would not sterilise or prejudice the future extraction of the mineral resource because it can be demonstrated that the resource: is not of economic value; occurs at depth and can be extracted in an **economic** alternative way; does not exist or has been sufficiently depleted by previous extraction; or b. the mineral can be extracted satisfactorily prior to non-minerals development without materially affecting the timing and viability of the non-minerals development; or c. the non-minerals development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or d. the need for the non-mineral development is strategic and can be **clearly** demonstrated to outweigh the need for the mineral resource.* 2. *Where the operation of an existing mineral working could have a significant adverse effect on new development (including changes of use) in its vicinity, ~~the applicant shall be required to provide suitable mitigation before the new development is completed~~ **the agent of change principle will be applied to that development to ensure that future extraction of mineral reserves is not in anyway prejudiced.***

Commenter ID	C10	Reference number	1133	Organisation	Minerals Products Association
Name	Mr M North			Client	
Policy	M2	Paragraph			
Positively Prepared		Justified	Effective	No	Consistent with National Policy

#### Soundness Reasons

We do not believe that Policy M2 effectively addresses the issue of associated mineral infrastructure and its safeguarding and makes the policy unsound. Although the safeguarding of mineral infrastructure is mentioned in objective 3 of the draft plan there is no specific policy on the topic. It is felt that this makes the plan unsound as it is not in accordance with NPPF and is not effective. Furthermore, added value operations also need to be covered by such a policy. All such facilities need to be listed and identified on the policies map. NPPF at para 204 (e) is explicit when it states that; *Planning policies should: e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material*; Furthermore, the agent of change principle should be applied to any such policy as set out in para 182 of the NPPF.

#### Changes Necessary

Suggested wording for such a policy is set out below; **Additional Policy: Minerals ancillary infrastructure sites identified on the Policies Map, with a 250m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the site for minerals ancillary infrastructure purposes such as: a) an existing, planned or potential rail head, wharf or associated storage, handling or processing facilities for the bulk transport by rail or sea of minerals, including recycled, secondary and marine-dredged materials, and/or; b) an existing, planned or potential site for concrete batching, the manufacture of coated materials, other concrete products or the handling, processing and distribution of substitute, recycled and secondary aggregate material; applicants will be required to demonstrate to the County Council that those sites no longer meet the needs of the minerals industry. Where this is not the case, satisfactory alternative handling facilities should be made available by the developer. Where development is proposed within an identified buffer zone the 'Agent of Change Principle' will be applied in that the responsibility, and cost for mitigating impacts from existing activities or uses will be placed on the proposed new non mineral development and any such measures will not add to the costs and administrative burdens on existing established business.**

Commenter ID C10 Reference number 1134 Organisation Minerals Products Association  
 Name Mr M North Client  
 Policy M3 Paragraph  
 Positively Prepared Justified Effective Consistent with National Policy No

Soundness Reasons

The forecasts for sand and gravel, and rock demand heavily rely on a continuation of significant imports from outside of the County. This is a dangerous assumption as it likely that for significant supply constraints as a result the construction of HS2 (particularly from the West Midlands). One operation within the County will cease during the Plan period which will reduce productive capacity. This in addition to a threat to imports, will challenge the ability to provide a 'steady and adequate' supply of aggregate as required by the NPPF at paragraph 207(a).

Changes Necessary

It is considered that more flexibility need putting into policy to cover the issues of reducing productive capacity, which will not be picked up by LAAs and the pressures on getting adequate imports to satisfy the fall in the authorities own indigenous mineral provision.

Commenter ID C10 Reference number 1135 Organisation Minerals Products Association  
 Name Mr M North Client  
 Policy M4 Paragraph  
 Positively Prepared Justified Effective Consistent with National Policy No

Soundness Reasons

The forecasts for sand and gravel, and rock demand heavily rely on a continuation of significant imports from outside of the County. This is a dangerous assumption as it likely that for significant supply constraints as a result the construction of HS2 (particularly from the West Midlands).One operation within the County will cease during the Plan period which will reduce productive capacity. This in addition to a threat to imports, will challenge the ability to provide a 'steady and adequate' supply of aggregate as required by the NPPF at paragraph 207(a).

Changes Necessary

It is considered that more flexibility need putting into policy to cover the issues of reducing productive capacity, which will not be picked up by LAAs and the pressures on getting adequate imports to satisfy the fall in the authorities own indigenous mineral provision.



Commenter ID	C10	Reference number	1136	Organisation	Minerals Products Association
Name	Mr M North			Client	
Policy	M5	Paragraph			
Positively Prepared	No	Justified	Effective	Consistent with National Policy	No

#### Soundness Reasons

The MPA are supportive of the working of building stone and support the policy in principle. However, as drafted the policy is unsound as it is not in accordance with national policy nor is it positively prepared in that it is overly restrictive and discriminatory. To future proof the MWLP the Plan should reflect the proposed changes to NPPF at paragraph 205(g) where the term *small-scale* is to be removed and this should be reflected in the approach taken by Worcs.CC regarding this. Notwithstanding our comments above the MPA believes that at drafted the policy has misinterpreted the current NPPF and is discriminatory. Any policies in respect of building stone should encourage building stone quarries, and plan positively for these and reflect the economic, social and environmental importance of supply of building stone. The NPPF (paragraph 205(g)) states '*recognise the small scale nature and impact of building and roofing stone quarries....*' in terms of determining applications, rather than setting policy. In doing so the NPPF requires that the '*small scale nature and impact*' of such quarries is taken into account. '*Small-scale*' is not defined, and so should reflect local circumstances, including the market for the material which may be wider than '*local*' and should not be restricted to a planning authority area which would make no sense in terms of commercial or planning considerations. Indeed, many small sites simply will not be commercially viable if they are only able to supply the '*local*' market that exists within the planning authority area, which is likely to be too small, and too infrequent. The demands for such products are just as likely to arise outside the planning authority area as within it. It is important that dimension stone extraction is not limited to local markets or the heritage sector. You should note that building stone is not only reserved for '*historic*' purposes (repairs and Conservation Areas) and operators should be free to develop new-build markets like any other entrepreneur. That being so, repairs may be a very small part of production. So, we should be pleased to see recognition that higher production will not be resisted if it contributes to economic development. However, it is important that the authority does not artificially seek to impose restrictions but allows any expansion of the operation (subject to environmental safeguards) without decreeing

maximum production levels or prohibitions on aggregates production or limits to reserves,

#### Changes Necessary

Proposed Changes (deletions in ~~striketrough~~; new text in **bold**) 1. ~~In order to maintain an adequate supply of sandstone to preserve local distinctiveness within Herefordshire,~~ **Proposals for sandstone extraction** will be permitted for :a. the extension of time for completion of extraction at permitted sandstone extraction sites; b. the lateral extension and/or deepening of workings at the following permitted sandstone extraction sites; ~~subject to the key development criteria set out at Annex A:~~ • Black Hill Delve; and/or • Llandraw Delve; and/or • Westonhill Wood Delves; c. the opening of new sites for sandstone extraction at appropriate locations, including micro-scale extraction on or adjacent to existing historic buildings or structures and new build developments., ~~where the extracted materials will only be used in connection with the identified project~~ 2. Such proposals will be permitted where **they are in accordance with other policies in the Local Plan** ~~a. the need for the material for the preservation of local distinctiveness, particularly features of local historic or architectural interest, listed and vernacular buildings or archaeological sites, outweighs any material harm extraction might cause to matters of acknowledged importance. b. the proposed workings are small scale; and c. the proposal is limited to the production of non-aggregate materials, with any overburden and spoils retained on-site and used for its reclamation.~~

for example. All these restrictions are commonly met by our members in their businesses on the mistaken assumption by local government that building stone operations must be small and confined in order to be acceptable.

An emphasis of policy on local markets or small-scale working is likely to discourage applications. Our members report problems because they are being limited to 'local markets' which reflects the historic circumstances of the industry and the emphasis on heritage end uses. A 'local market' means restricted outlets, low volumes and low turnover/operating profit. This scenario does not allow the operator to invest in the technology and training which is increasingly being required of him. This is a serious threat to continuity of security of supply. Conversely, serving wider markets makes it easier to guarantee that stone will also be available to serve the local market. Emphasising local markets and small-scale operations like this is merely descriptive of the traditional character of the industry. We should prefer policy to omit implications that dimension stone production needs to be controlled or curtailed, which we believe is against the spirit and purpose of the NPPF.

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

Commenter ID	C10	Reference number	1220	Organisation	Minerals Products Association
Name	Mr M North			Client	
Policy	SP1	Paragraph			

Positively Prepared	Justified	Effective	Consistent with National Policy
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Soundness Reasons

Changes Necessary

**SS8 (HC notes this should refer to policy SP1) Resource Management.** We support this policy and in particular the need for a resource audit identifying the amount and type on construction aggregates. This will help give visibility to future demand for the benefit of industry and the mineral planning authority.

Commenter ID C11 Reference number 1201 Organisation  
 Name Mr M Veriander Client  
 Policy Paragraph Whole Plan  
 Positively Prepared Justified Effective Consistent with National Policy

Soundness Reasons

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

Changes Necessary

Commenter ID C12 Reference number 1137 Organisation Natural England  
 Name Ms R Underdown Client  
 Policy Paragraph 7.2.27 and 7.2.27  
 Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons

Changes Necessary

We offer support to the references made here. This includes a waste management method statement to be submitted with all applications for livestock unit(s) on agricultural holdings, and the agricultural sector contributing to achieving at least nutrient neutrality. "It is important that the agricultural sector makes a real contribution to achieving at least nutrient neutrality, if not betterment, in the River Wye SAC." This reference is welcomed and encouraged.

Commenter ID C12 Reference number 1138 Organisation Natural England  
 Name Ms R Underdown Client  
 Policy W3 Paragraph  
 Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons

Changes Necessary

“Anaerobic digestion will be supported where its use is to manage only natural wastes generated primarily on the agricultural unit within which it is located.” Natural England generally supports this point. Proposals in the River Lugg catchment do need to demonstrate nutrient neutrality. Therefore any proposals for anaerobic digestors that fall within the River Lugg catchment will need to consider the following; If an application for a new or extension to an existing anaerobic digester plant is within the catchment of the River Lugg, your authority should consider the risk that the development will indirectly increase the amount of phosphates entering the designated site. If an increase in the catchment’s phosphate loads is considered likely then the implications of the proposals, along with any measures that may be implemented to alleviate that risk, should also be considered through an appropriate assessment.

Commenter ID C12 Reference number 1139 Organisation Natural England  
 Name Ms R Underdown Client  
 Policy W4 Paragraph  
 Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons

Changes Necessary

It is noted that this policy makes reference to nutrient neutrality. We would support and encourage proposals that contribute to nutrient neutrality as a form of mitigation. However, we do question the term ‘betterment’, and ask for further clarity on this statement.

Commenter ID C12 Reference number 1140 Organisation Natural England  
 Name Ms R Underdown Client  
 Policy W3 Paragraph  
 Positively Prepared No Justified No Effective No Consistent with National Policy No

Soundness Reasons

Changes Necessary

We are unable to agree with the following statement; 'All development proposals will be required to demonstrate delivery of a net reduction in nutrient discharges contributing to nutrient neutrality, or betterment, within the River Wye SAC.' Further clarity is required, to explain whether this statement includes proposals which fall within the Lugg catchment, a component of the River Wye SAC. We advise that betterment would not be adequate in the River Lugg part of the SAC and nutrient neutrality should be required.

Commenter ID C12 Reference number 1141 Organisation Natural England  
 Name Ms R Underdown Client  
 Policy Paragraph 5.20  
 Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons

Changes Necessary

The plan should clarify which parts of the River Wye SAC are failing. The River Lugg, which is part of the River Wye SAC, has not been mentioned. We agree with the statement that phosphate discharge into the river is important. The River Lugg is already exceeding its targets for phosphate. However other pollutants which may end up in the river also need mitigating against. We would still expect mitigation for example, against surface runoff.

Commenter ID C12 Reference number 1142 Organisation Natural England  
 Name Ms R Underdown Client  
 Policy Paragraph 5.21  
 Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons

Changes Necessary

Reference is made to the Nutrient Management Plan. Clarification is required on whether this is referring to the River Wye or River Lugg. The latest advice from Herefordshire Council is outlined within their April 2021 position statement.

Commenter ID C12 Reference number 1143 Organisation Natural England  
 Name Ms R Underdown Client  
 Policy Paragraph 5.22  
 Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons

Changes Necessary

Further explanation is required here. The conclusion states, "Therefore, while the above policies and site allocations could result in some discharges/run-off to the River Wye, these are unlikely to adversely affect the integrity of the SAC because any discharges or run-off will not be high in phosphates." We are unable to agree with reasoning of ruling out adverse effects on integrity. There is no mention of River Lugg SAC, which is already in unfavourable condition and failing its conservation objective for phosphate. Any increase of phosphate, however small, cannot be permitted, as it would result in a HRA conclusion of adverse effects on integrity. It is agreed that restoration to agriculture could result in phosphate discharge. However there does not appear to be any mention of any mitigation. We would recommend consideration of restoration to recreational use and/or green infrastructure.

Commenter ID C12 Reference number 1144 Organisation Natural England  
 Name Ms R Underdown Client  
 Policy Paragraph 5.26  
 Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons

Changes Necessary

The wording of this paragraph needs to be improved. Nutrient neutrality has been mentioned, but it is not clear whether this is in relation to the River Wye or Lugg. The term betterment implies that a phosphate increase could still be allowed. Following the Dutch Nitrogen Judgment, a plan or project that resulted in additional discharge of phosphate to the River Lugg part of the River Wye SAC would have an adverse effect on integrity.

Commenter ID C12 Reference number 1145 Organisation Natural England  
 Name Ms R Underdown Client  
 Policy Paragraph 5.29  
 Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons

Changes Necessary

Does this include both the River Wye SAC and River Lugg SAC?

Commenter ID C12 Reference number 1146 Organisation Natural England  
Name Ms R Underdown Client  
Policy Paragraph 5.3  
Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons

Changes Necessary

Allocations M05 and W45 are both located within the River Lugg catchment. Clarification is required on what mitigation has been proposed.

Commenter ID C12 Reference number 1147 Organisation Natural England  
Name Ms R Underdown Client  
Policy Paragraph 5.33  
Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons

Changes Necessary

In-combination - Multiple quarries and waste facility sites could be impacting on both the River Wye and River Lugg. Further explanation needed to explain how in-combination effects has been ruled out.



Commenter ID C12 Reference number 1148 Organisation Natural England  
Name Ms R Underdown Client  
Policy Paragraph 5.45 to 5.48  
Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons

Changes Necessary

Noise and light disturbance have been mentioned as potential impacts. However, it is not clear whether any mitigation has been proposed. Further thought and explanation is required here, as other impacts from proposed works could impact on bats and therefore further mitigation may need to be considered.

Commenter ID C12 Reference number 1149 Organisation Natural England  
Name Ms R Underdown Client  
Policy Paragraph 5.49  
Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons

Changes Necessary

Change wording from likely significant effect to adverse effect on integrity.

Commenter ID	C13	Reference number	1150	Organisation	National Resources Wales
Name	Mr B Pryce			Client	
Policy		Paragraph	Section 6		
Positively Prepared		Justified	Effective	Consistent with National Policy	

Soundness Reasons

On the 21st January 2021 we issued a planning position statement regarding the phosphate levels from development in the riverine SAC catchments in Wales. We consider that this evidence needs to be a key consideration in the production of the LDP policies. Phosphorous recovery and the requirement of proposals to demonstrate nutrient neutrality, or betterment within the River Wye SAC is set out in Policy W3 Agricultural Waste Management and W4 Wastewater Management. We note there does not seem to be the same requirement set out in policy for minerals development within the plan.

Changes Necessary

Commenter ID	C14	Reference number	1187	Organisation	RTAB
Name	Mr I Blake			Client	
Policy		Paragraph	4.1		
Positively Prepared		Justified	Effective	Consistent with National Policy	

Soundness Reasons

Changes Necessary

Text within the Vision suggests that a '*strategic approach*' will be taken to achieving a number of matters including '*optimising self-sufficiency*'. This might be taken to suggest that Herefordshire is concerned with managing its own waste which contradicts statements in earlier paragraphs mentioned above. In light of this, WMRTAB suggests that the term '*self sufficiency*' used in the Vision be qualified in some way to avoid any confusion.

Commenter ID	C14	Reference number	1189	Organisation	RTAB
Name	Mr I Blake			Client	
Policy		Paragraph	4.3		
Positively Prepared		Justified	Effective	Consistent with National Policy	

Soundness Reasons

WMRTAB supports the flexibility in the Spatial Strategy (set out in section 4.3) which is inherent in the following statements (with emphasis added): *'waste development will be **focused** at Hereford and the market towns'* and *'**some** waste management development will likely be **more dispersed**'* however it seems this may not be fully articulated in the policies of the Plan.

Changes Necessary

Commenter ID	C14	Reference number	1190	Organisation	RTAB
Name	Mr I Blake			Client	
Policy	W7	Paragraph			
Positively Prepared		Justified	Effective	Consistent with National Policy	

Soundness Reasons

WMRTAB notes that Policy W7 is apparently intended to ensure that waste is managed in accordance with the waste hierarchy, however it considers that the wording of clause 1 could lead to this aim being frustrated. Specifically, clause 1 states (with emphasis added): *"Facilities for the reuse, recycling or recovery of materials shall be supported where it is demonstrated that the proposed development will enable delivery of the waste hierarchy **and/or** make a positive contribution to achieving the circular economy in Herefordshire."*

Changes Necessary

This wording essentially allows for the development of a facility where it is demonstrated that it would *"make a positive contribution to achieving the circular economy in Herefordshire"*. Therefore, for example, the Policy could allow for waste development which doesn't manage waste in accordance with the waste hierarchy provided that it has been built using recycled/reused materials (thus making a positive contribution to the circular economy). To ensure the Policy is effective and consistent with national policy, WMRTAB suggest that clarification be provided.

Commenter ID	C14	Reference number	1191	Organisation	RTAB
Name	Mr I Blake			Client	
Policy	W5	Paragraph			
Positively Prepared	Justified	Effective		Consistent with National Policy	

#### Soundness Reasons

WMRTAB supports the approach set out in Policy W1 of protecting existing waste facilities from other development which may impact on its operation subject to those facilities being consistent with the spatial strategy. However, WMRTAB is concerned that Policies W5 and W6 do not clearly allow for improvement or redevelopment of existing waste facilities outside the areas specified (in W5 and W6) which is otherwise consistent with the HMWLP e.g. meets Policy W7 and allows for movement of waste up the waste hierarchy. Applying a strict reading would appear to mean that, where planning permission is required, existing waste facilities located outside of those specified areas cannot be redeveloped or enhanced under any circumstances. WMRTAB understands that it may not be appropriate to enhance or redevelop all existing sites, but current policy wording could lead to an undue reliance on the need to develop new sites to meet capacity requirements when additional capacity could be better provided for, where appropriate, at existing ones.

#### Changes Necessary

Commenter ID	C14	Reference number	1192	Organisation	RTAB
Name	Mr I Blake			Client	
Policy	W6	Paragraph			
Positively Prepared		Justified	Effective	Consistent with National Policy	

Soundness Reasons

WMRTAB supports the approach set out in Policy W1 of protecting existing waste facilities from other development which may impact on its operation subject to those facilities being consistent with the spatial strategy. However, WMRTAB is concerned that Policies W5 and W6 do not clearly allow for improvement or redevelopment of existing waste facilities outside the areas specified (in W5 and W6) which is otherwise consistent with the HMWLP e.g. meets Policy W7 and allows for movement of waste up the waste hierarchy. Applying a strict reading would appear to mean that, where planning permission is required, existing waste facilities located outside of those specified areas cannot be redeveloped or enhanced under any circumstances. WMRTAB understands that it may not be appropriate to enhance or redevelop all existing sites, but current policy wording could lead to an undue reliance on the need to develop new sites to meet capacity requirements when additional capacity could be better provided for, where appropriate, at existing ones.

Changes Necessary

Commenter ID	C14	Reference number	1193	Organisation	RTAB
Name	Mr I Blake			Client	
Policy		Paragraph	3.3.1- 3.3.3		
Positively Prepared		Justified	Effective	Consistent with National Policy	

Soundness Reasons

Paragraphs 3.3.1 to 3.3.3 require updating to reflect the UK's departure from the EU though this should not effect the content of the Plan's policies.

Changes Necessary

Commenter ID C14 Reference number 1221 Organisation RTAB

Name Mr I Blake Client

Policy Paragraph 3.3.22 and 3.3.23

Positively Prepared Justified Effective Consistent with National Policy

Soundness Reasons Changes Necessary

WMRTAB agrees with, and supports, the following statements in paragraphs 3.3.22 and 3.3.23: “there are both imports and exports of waste across the West Midland region, as well as imports of waste from authorities in Wales.” And “The approach followed by authorities across the West Midlands is to seek to achieve ‘equivalent self-sufficiency’, which means that the capacity provided in any authority would be adequate to treat waste that arises in that authority, but allows for the inevitable cross-boundary movements that occur.”

Commenter ID C14 Reference number 1222 Organisation RTAB

Name Mr I Blake Client

Policy W1 Paragraph

Positively Prepared Justified Effective Consistent with National Policy

Soundness Reasons Changes Necessary

WMRTAB further supports Policy W1 that sets out the Council’s strategy for waste development in Herefordshire. In particular WMRTAB supports the approach of allowing for the development of capacity within the county that will enable ‘equivalent self sufficiency across all waste streams’. WMRTAB supports the flexible approach in the HMWLP to achieving ‘equivalent self sufficiency’ which includes planning for the delivery of a quantum of residual waste treatment capacity that is equivalent to the maximum estimated to be required.

Commenter ID C14 Reference number 1223 Organisation RTAB

Name Mr I Blake Client

Policy W2 Paragraph

Positively Prepared Justified Effective Consistent with National Policy

#### Soundness Reasons

WMRTAB makes no comment on the accuracy of the values included in Policy W2 but supports the approach of identifying 'minimum' quantities of additional capacity needed which recognises that the quanta "are not presented as a limit on new waste management development that is well designed, appropriately situated and demonstrated to deliver a sustainable outcome."

#### Changes Necessary

WMRTAB notes that while the HMWLP anticipates significant reductions in non hazardous waste to landfill, the need for such non hazardous landfill capacity is not clearly quantified. WMRTAB appreciates that the quantum of available non hazardous waste landfill capacity is reducing generally and while there may be no obvious deliverable opportunities for such development in Herefordshire it considers that the HMWLP could more clearly state that this need will likely be met by continued export to non-hazardous landfills beyond its area. This will allow neighbouring WPAs to consider how such a requirement might be met in their areas.

Commenter ID C15 Reference number 1156 Organisation Staffordshire County Council

Name Mr A Christelow Client

Policy M3 Paragraph

Positively Prepared Yes Justified Yes Effective No Consistent with National Policy No

#### Soundness Reasons

Policy M3 (Winning and working of sand and gravel) appears to make a level of provision based on maintaining current capacity. Paragraph 3.1.12 acknowledges that this fulfils only 40% to 50% of the consumption of sand and gravel aggregates in Herefordshire, with the balance being imported - 30% to 40% coming from Staffordshire. The data for consumption and imports is old and needs to be updated, but the policy, as written, may not be capable of ensuring a steady and adequate level on sand and gravel production throughout the plan period, even with the promised regular reviews. There needs to be greater resilience in the supply strategy to cope with changes, especially in the light of major construction projects, such as HS2, competing for supplies in areas such as Staffordshire which have previously been relied upon to supplement production in Herefordshire.

#### Changes Necessary

The policy should make provision for the production of sufficient sand and gravel to meet the identified demand within Herefordshire, reducing reliance on imports.

Commenter ID C16 Reference number 1078 Organisation Veolia  
Name Mr D Bridgwood Client  
Policy W5 Paragraph  
Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

#### Soundness Reasons

My concern is that at the moment the way the policy is worded at W5 there is no ability to undertake improvements to existing waste facilities. Whilst for small facilities we are ok on industrial estates generally, for anything over 50,000 tonnes it is a no go. What that does is to discourage enhancement of existing waste facilities. A company with, say, an existing and well established transfer station couldn't add an additional sorting or treatment line to drive their operations up the hierarchy, which is the thrust of what the plan is intending to do, unless they were sited in one of the already acceptable locations or prepared to relocate their operations to a completely new site. Realistically that's not going to happen.

#### Changes Necessary

I'd suggest adding a fourth category to W5. I'd suggest: 4. improvement or redevelopment of existing waste facilities in accordance with Policy W7.



Commenter ID C17 Reference number 1185 Organisation Warwickshire County Council

Name Mr T Lyons Client

Policy M3 Paragraph

Positively Prepared Justified Effective No Consistent with National Policy

#### Soundness Reasons

Whilst the 10 year average appears to show that there is landbank of 21.5 years, the calculation is based on only one site which is currently in production and the rate is approximately 0.15mt per annum over 10 years. It is acknowledged that like many minerals authorities there are a few planning applications coming through the system. I haven't come across the evidence but does it include a call for new sites and was there a shortage of deliverable new sites? I would question that if the plan is reliant on new sites coming forward, as there are not enough reserves to meet the plan's demand requirement, then is the plan too restrictive in proposing only two areas of search as potential areas where the shortfall can be met locally?

#### Changes Necessary

Commenter ID C17 Reference number 1186 Organisation Warwickshire County Council

Name Mr T Lyons Client

Policy M3 Paragraph

Positively Prepared Justified No Effective Consistent with National Policy

#### Soundness Reasons

I would comment that there appears to be a reliance on, and an assumption, that a large proportion of the sand and gravel requirement (54%) for Herefordshire will be supplied from other minerals authorities (based on the percentage figures from the 2014 National aggregates survey).

#### Changes Necessary

There will need to be a Duty to Cooperate agreement with other counties in the WMAWP to agree that this can level be maintained and that they can pick up the shortfall. There may be an opportunity to discuss that at the upcoming meeting in respect of a new methodology for producing West Midlands MPA Local Aggregate Assessments.

Commenter ID C18 Reference number 1202 Organisation West Midlands AWP  
 Name Ms H Conlon Client  
 Policy Paragraph Whole Plan  
 Positively Prepared Justified Effective Consistent with National Policy

Soundness Reasons

The West Midlands Aggregate Working Party (WM AWP) does not have any specific comments to make on the contents of the draft plan however, the consultation has been circulated amongst AWP members who have been encouraged to submit their own separate representations.

Changes Necessary

Commenter ID C19 Reference number 1194 Organisation Worcestershire County Council  
 Name Client  
 Policy M3 Paragraph  
 Positively Prepared Justified Effective Consistent with National Policy

Soundness Reasons

In our response to the consultation on the Draft Plan in 2019, we had concerns with the proposed terminology of "preferred areas of search" and other search areas in policies M3 and M4, as the Planning Practice Guidance (Paragraph: 008 Reference ID: 27-008-20140306, Revision date: 06 03 2014) refers to three distinct types of area - including "preferred areas" and "areas of search" - each with its own specific definition. We felt that the use of alternative names, including one that amalgamates two of the PPG definitions, risked confusion.

Changes Necessary

We note that amendments have been made to these policies and, although the term "preferred areas of search" is still used, the removal of "other search areas" means this now has greater clarity. However, part 3 of these policies now reads: "Only where it is demonstrated to be necessary to maintain an adequate landbank or there is a shortfall in production capacity available at the Specific Sites or Preferred Areas of Search, will [sand and gravel (M3) / limestone (M4)] extraction will be supported in any other area of reserve." We query whether the term "reserve" is used correctly. Our understanding is that mineral reserves are those minerals with legal access and for which a valid planning permission for extraction also exists (see <https://www2.bgs.ac.uk/mineralsuk/mineralsYou/resourcesReserves.html>), and therefore for clarity in the application of this policy, we suggest that this should be changed to "resource".

Commenter ID C19 Reference number 1195 Organisation Worcestershire County Council  
Name Client

Policy M4 Paragraph

Positively Prepared Justified Effective Consistent with National Policy

#### Soundness Reasons

In our response to the consultation on the Draft Plan in 2019, we had concerns with the proposed terminology of "preferred areas of search" and other search areas in policies M3 and M4, as the Planning Practice Guidance (Paragraph: 008 Reference ID: 27-008-20140306, Revision date: 06 03 2014) refers to three distinct types of area - including "preferred areas" and "areas of search" - each with its own specific definition. We felt that the use of alternative names, including one that amalgamates two of the PPG definitions, risked confusion.

#### Changes Necessary

We note that amendments have been made to these policies and, although the term "preferred areas of search" is still used, the removal of "other search areas" means this now has greater clarity. However, part 3 of these policies now reads: "Only where it is demonstrated to be necessary to maintain an adequate landbank or there is a shortfall in production capacity available at the Specific Sites or Preferred Areas of Search, will [sand and gravel (M3) / limestone (M4)] extraction will be supported in any other area of reserve." We query whether the term "reserve" is used correctly. Our understanding is that mineral reserves are those minerals with legal access and for which a valid planning permission for extraction also exists (see <https://www2.bgs.ac.uk/mineralsuk/mineralsYou/resourcesReserves.html>), and therefore for clarity in the application of this policy, we suggest that this should be changed to "resource".

Commenter ID C19 Reference number 1196 Organisation Worcestershire County Council  
Name Client

Policy W1 Paragraph

Positively Prepared Justified Effective Consistent with National Policy

#### Soundness Reasons

We are pleased to note that policies W1 and W2 take an enabling approach to waste management development, setting minimum requirements for additional waste management capacity.

#### Changes Necessary

Commenter ID C19 Reference number 1197 Organisation Worcestershire County Council  
Name Client

Policy W2 Paragraph

Positively Prepared Justified Effective Consistent with National Policy

Soundness Reasons Changes Necessary

We are pleased to note that policies W1 and W2 take an enabling approach to waste management development, setting minimum requirements for additional waste management capacity.

Commenter ID C20 Reference number 1203 Organisation GP Planning Limited  
Name Mr C Smith Client Herefordshire Quarries Ltd

Policy M1 Paragraph

Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons Changes Necessary

Commenter ID C20 Reference number 1204 Organisation GP Planning Limited  
Name Mr C Smith Client Herefordshire Quarries Ltd

Policy M2 Paragraph

Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes

Soundness Reasons Changes Necessary

Commenter ID C20 Reference number 1205 Organisation GP Planning Limited  
Name Mr C Smith Client Herefordshire Quarries Ltd  
Policy M3 Paragraph  
Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes  
Soundness Reasons Changes Necessary

Commenter ID C20 Reference number 1206 Organisation GP Planning Limited  
Name Mr C Smith Client Herefordshire Quarries Ltd  
Policy W1 Paragraph  
Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes  
Soundness Reasons Changes Necessary

Commenter ID C20 Reference number 1207 Organisation GP Planning Limited  
Name Mr C Smith Client Herefordshire Quarries Ltd  
Policy W2 Paragraph  
Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes  
Soundness Reasons Changes Necessary

Commenter ID C20 Reference number 1208 Organisation GP Planning Limited  
Name Mr C Smith Client Herefordshire Quarries Ltd  
Policy W5 Paragraph  
Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes  
Soundness Reasons Changes Necessary

Commenter ID	C20	Reference number	1209	Organisation	GP Planning Limited
Name	Mr C Smith	Client		Herefordshire Quarries Ltd	
Policy	W6	Paragraph			
Positively Prepared	Yes	Justified	Yes	Effective	Yes
Soundness Reasons				Consistent with National Policy	Yes
					Changes Necessary

Commenter ID	C20	Reference number	1210	Organisation	GP Planning Limited
Name	Mr C Smith	Client		Herefordshire Quarries Ltd	
Policy	W7	Paragraph			
Positively Prepared	Yes	Justified	Yes	Effective	Yes
Soundness Reasons				Consistent with National Policy	Yes
					Changes Necessary

Commenter ID	C21	Reference number	1216	Organisation	Here for Hereford
Name	Mrs V Wegg-Prosser	Client			
Policy		Paragraph			
Positively Prepared		Justified	Effective	Consistent with National Policy	
Soundness Reasons					Changes Necessary

Commenter ID C23 Reference number 1219 Organisation Leominster Town Council  
 Name Mrs J Debbage Client  
 Policy M1 Paragraph  
 Positively Prepared Yes Justified Yes Effective Yes Consistent with National Policy Yes  
 Soundness Reasons Changes Necessary

Commenter ID C24 Reference number 1217 Organisation National Trust  
 Name Mr C Lambart Client  
 Policy M3 Paragraph  
 Positively Prepared Yes Justified No Effective Yes Consistent with National Policy No  
 Soundness Reasons Changes Necessary

Policy M4/2a of the publication draft plan identifies two preferred areas for limestone working. One of these, adjacent to Leinthall Quarry is close to nationally important heritage assets in the National Trust's care: Croft Ambrey and the park of Croft Castle. These are recognised to a degree in the development criteria however we are concerned that the sustainability appraisal of the Publication Draft appears not to have had regard to them and that the development criteria give insufficient regard to heritage as a planning consideration. Croft Ambrey is a scheduled monument (1001750) and the park and garden of Croft Castle is registered grade II\* (1000878). Scheduled monument and grade II\* registered parks and gardens are both identified as heritage assets of the highest significance in paragraph 194 of the National Planning Policy Framework (2019 edition). Paragraph 184 of the framework states that heritage assets are an irreplaceable resource and that they should be conserved in a manner appropriate to their significance. Paragraph 193 requires great weight to be given to the conservation of heritage assets and the more important the asset the greater that weight should be. Paragraph 194 requires clear and convincing justification for any harm, including harm arising from development within the setting of a heritage asset. Croft Ambrey has multi-period historic significance. The scheduling is for, "Small multivallate hillfort, Romano-Celtic temple and medieval warren." Multivallate hillforts are rare (about 100 recorded nationally) and of importance for understanding the nature of settlement and social organisation within the Iron Age

Further evidence in relation to the consideration of the impacts of the Leinthall Quarry allocation on the setting of the designated heritage assets and whether there would be sufficient justification for the harm arising from prolonging the lifetime of the quarry and extending its area. A more positive wording of the development criterion relating to heritage.

period. Romano-Celtic temples were built and used throughout the Roman period from the mid first century AD to the late fourth/early fifth century AD. They are rare nationally with only about 150 sites recorded in England and important for contributing to the complete picture of Roman religious practice, including its continuity from Iron Age practice. The tradition of warren construction and use dates from the 12th century, following the introduction of rabbits into England from the continent. Approximately 1,000 - 2,000 examples are known nationally. The register entry reports that the historic park is presumed to have been created c1500. It was landscaped in the picturesque style either side of 1800, probably by Somerset Davies and possibly with some input from Richard Payne Knight. and mentions a summerhouse on the Ambrey in the 19th century. Today the walk to the Ambrey remains popular with visitors to Croft. There are extensive views from the Ambrey and its character as a high place overlooking the surrounding area is presumed to be part of it being used as a location for a hill-fort and a temple, as well as for its later inclusion in the landscaped park, including as a site for a summer house. Leinthall Quarry is visible, and sometimes audible, from Croft Ambrey. The publication plan notes that permission runs until 2027. The proposed allocation would both increase the physical extent of the quarry and the time period over which extraction would continue. The extension area would also be visible and at times audible from the Ambrey. Sustainability Appraisal of the Publication Draft Jan 2021 addresses historic environment and cultural heritage at paragraphs 6.21-6.23. Paragraph 6.21 reports, "Uncertain minor negative effects are identified for all the mineral sites as adverse effects on buried archaeology in sandstone or sand and gravel deposits may be possible but are unknown in the absence of detailed site assessment work to draw from." No reference is made to the effects on the settings of the designated heritage assets which would be an additional impact specific to the extension of Leinthall Quarry. It is therefore not clear what regard has been had to the designated heritage assets in the proposed allocation at Leinthall Quarry and whether this is consistent with national policy. Paragraph 6.2.18 of the Publication Draft states, "the allocated sites are accompanied by key development criteria that present particular issues to be comprehensively addressed in association with any development proposal." It also notes that the plan is to be read as a whole and development proposals will be considered against all relevant policies. The National Trust welcomes the identification of impacts on heritage assets including Croft Ambrey and Croft Castle Park in the key development criteria for the Leinthall Quarry allocation. However, we consider the wording "need to demonstrate the level of effect" does not adequately reflect an approach of seeking to avoid, minimise and mitigate harm both during the operation of the quarry and in proposals for restoration and aftercare.



Commenter ID C25 Reference number 1211 Organisation  
Name Mr SP Glennie-Smith Client  
Policy Paragraph Other comment  
Positively Prepared Justified Effective Consistent with National Policy

Soundness Reasons

Changes Necessary

Commenter ID C26 Reference number 1212 Organisation  
Name Mr NJ Day Client  
Policy W1 Paragraph  
Positively Prepared No Justified No Effective No Consistent with National Policy

Soundness Reasons

Changes Necessary

Waste strategy has not been sufficiently integrated, allowing massive nutrient runoff to pollute our rivers - for there to be a future we must do better

Commenter ID C26 Reference number 1213 Organisation  
Name Mr NJ Day Client  
Policy W4 Paragraph  
Positively Prepared No Justified No Effective No Consistent with National Policy

Soundness Reasons

Changes Necessary

Wastewater has been too readily allowed to spill over into our watercourses further worsening the pollution issues with additional nutrients as well as noxious substances discharged. Must tighten regulations and there enforcement.

Commenter ID C26 Reference number 1214 Organisation

Name Mr NJ Day Client

Policy W7 Paragraph

Positively Prepared No Justified No Effective No Consistent with National Policy

Soundness Reasons

Changes Necessary

Wastewater has been too readily allowed to spill over into our watercourses further worsening the pollution issues with additional nutrients as well as noxious substances discharged. Must tighten regulations and there enforcement.