

Minerals and Waste Local Plan

Main Issues Statement

Main Matter 3 – Strategic Policies

Questions 26 to 36

Issue: Whether the general Strategic Policies adequately address the Plan's Spatial Strategy, and whether they are sound.

Policy SP1: Resource Management

Question 26: As part 1 of the policy is a statement of actions that will be taken by the Council, what is the justification for including this in the policy? What is its relevance to land use planning?

Response

- 26.1 Modern planning policy should apply to more than just land use objectives, although these will remain the priority. Policy SP1 has a clear role to play in setting out Herefordshire Council's commitments to resource management, and leading by example. Improved resource management can result in reduce land use demand, whether that be through mineral extraction or built development.
- 26.2 As set out at paragraph 5.5.6 of the Plan:
'Spatial planning goes beyond traditional land use planning to bring together and integrate policies for the development and use of land with other policies and programmes which influence the nature of places and how they function. This will include policies that can impact on land use by influencing the demands on, or needs for, development, but which are not capable of being delivered solely or mainly through the granting or refusal of planning permission and which may be implemented by other means.'
- 26.3 That waste prevention has clear links to spatial planning policy is set out from paragraph 5.5.9 of the Plan.

Question 27: The supporting text in paragraph 5.5.15 states that a Resource Audit would be required for applications for major development. Should this be stated in the policy? Does the requirement to undertake a Resource Audit for major development have any impacts for the whole plan viability assessment, which is encompassed at present in the *Core Strategy Economic Viability Assessment 2014* (Examination Library ref [D2.34](#))?

Response

- 27.1 Part 2 of policy SP1 states that a Resource Audit will be required to be submitted. Clarification that this applies to major development is provided at paragraph 5.5.15, with an explanation of what is expected from smaller applications at paragraph 5.5.17 of the Plan. No further statement within the policy is considered to be necessary.
- 27.2 The requirement for a Resource Audit is unlikely to have any impact for the whole plan viability assessment and does not present a specific requirement of policy that would impact on the viability of a project i.e. it does not prompt a CIL payment or similar and does not set any specific standard to be met.

Question 28: Paragraph 5.5.17 refers to smaller applications including commentary on waste prevention and management measures, and all applications making reference to national and local zero-carbon plans. Are the policy requirements clear?

Response

- 28.1 The text is considered to be clear, and is deliberately not prescriptive. The precise matters to be covered and how they are addressed will be relevant to the submission being made; it is not appropriate for the Plan to seek to second guess all of these.

Question 29: How would the policy be effective in minimising waste and driving waste management up the waste hierarchy?

Response

- 29.1 Through policy SP1, Herefordshire Council makes a clear commitment of how it will encourage waste prevention; this is a positive statement against which the Council can be held to account. It will need to demonstrate how it has delivered these actions.
- 29.2 The actions set out at SP1,1 have been chosen as they are recognised to be effective in minimising waste generation.
- 29.3 Requiring a Resource Audit will ensure that all developers consider the materials that are used within the construction of the project, its operation and its end of life. It will provide a protocol against which the project can be held to account. The activities set out have been selected as those that will help reduce waste generation and move waste up the hierarchy, whilst also seeking to minimise the use of raw materials.

Policy SP2: Access to open space and recreation from minerals and waste development

Question 30: The supporting text refers to the possibility of providing open space on minerals and waste sites. Is part 1 of the policy sufficiently clear in terms of encouraging provision of new open space on restored parts of sites?

Response

- 30.1 The wording to '*optimise opportunities to improve public access to open spaces*' was intended to include the potential for new open spaces to be provided. This could be made clearer through the following modification (which also incorporates the modification proposed at the *Schedule of Main Modifications and Minor Changes Proposed Pre-Examination* (Examination Library ref. [D3.75](#)) (at reference MM5.f):
*'Planning permission will be **granted supported** for mineral development proposals that optimise opportunities to improve public access to open spaces, **including provision of new open spaces**, integrating historic context and green infrastructure as appropriate.'*
- 30.2 The Plan sets out the requirements for site restoration in Policy SP4. Specific restoration scheme details are not promoted within the Plan because it will be dependent on the site and priorities relevant at the time. However, the supplementary text makes clear that an optimal design solution is sought.

Question 31: Should part 2 set out how proposals that affect an existing open space would be considered?

Response

- 31.1 Yes. Part 2,c is also applicable to existing open spaces, and should be included. Paragraph 5.6.8 of the Plan confirms that this element of policy SP2 applies to open spaces as well as footpaths, with the final sentence stating:
'The council is clear that development should have the smallest impact as practicable and enhancement will be sought at every reasonable opportunity.'
- 31.2 Part 1 of policy SP2 requires proposals to optimise opportunities to improve access to open spaces; this might be through the provision of new space, or improvements to existing space, including footpaths.

Question 32: What is meant by “integrating historic context” in this policy and other subsequent policies which contain the same or similar wording?

Response

- 32.1 The words are meant to be read in their standard English meaning; that development proposals should incorporate elements of the local history context that would be relevant.
- 32.2 In terms of policy SP2; it most readily relates to the location and route of a footpath. For example; if historically the route was north/south between points A and B, then to reroute it on an east/west trajectory is unlikely to respect the historic context. Alternatively, there may be an opportunity to reinstate an historic route, even where that might result in a longer path than was in place before the proposed development.

Policy SP3: Transport within sites

Question 33: Should the requirement for use of conveyors and/or pipelines be subject to a requirement that there is no unacceptable adverse environmental impact? Alternatively, should the policy encourage, rather than require these methods of transport?

Response

- 33.1 For any development to receive planning permission it needs to be acceptable. Planning permission would not be granted if there was an unacceptable adverse impact, whether that was to the environment or other feature. Consequently it is not considered that this wording needs to be included in the policy. However, it is recognised that clarity of the standard to be met would be achieved through the following modification:
- 33.2 A new paragraph 5.10.7 which states:
'Policy SP3 seeks proposals that will minimise the potential for adverse effects. This test does not support an impact that is demonstrated to be minimised, but which remains unacceptable. The test is a proactive and positive one, seeking to deliver a level of effect that is acceptable and, where possible reduced further, such that the potential for adverse effects is minimised.'
- 33.3 The policy requires these methods of transport, *'where they would be appropriate to the circumstances of the site and the nature of the material to be moved'* to ensure they are delivered.

Question 34: What would electric powered vehicles be an alternative to?

Response

- 34.1 Principally, fossil fuel powered vehicles, but also in the event that conveyors or pipelines are not appropriate.
- 34.2 This could be made clearer through the following modification proposed in addition to MM5.g in the *Schedule of Main Modifications and Minor Changes Proposed Pre-Examination* (Examination Library ref. D3.75):
'Electric powered vehicles would be considered an appropriate alternative to fossil fuel powered vehicles, particularly where conveyors or pipelines are not appropriate.

Policy SP4: Site Reclamation

Question 35: Is criterion (a) sufficiently clear in terms of what is meant by the words “any development”?

Response

- 35.1 The policy is deliberately open on this point. The reason for taking account of other development in the location of the site reclamation is described at paragraph 5.11.6 of the Plan.

Question 36: Would the requirements of paragraph (b) be practical in all cases?

Response

- 36.1 Yes; though they may be delivered at different scales as appropriate to the site and its location.

Table MM3.1 Main modifications and minor changes in Hearing Statement Main Matter 3, Strategic Policies

The modification reference follows those set out at the Schedule of Main Modifications and Minor Changes Proposed Pre-Examination (Examination Library ref. 3.75)

Mod. Ref.	Paragraph/policy/ figure reference	Proposed Modification	Reason for Change
Section 5 Strategic Policy and General Principles			
MM5.f (amended)	Policy SP2,1	Planning permission will be granted supported for mineral development proposals that optimise opportunities to improve public access to open spaces, including provision of new open spaces , integrating historic context and green infrastructure as appropriate.	To make the policy text consistent throughout the MWLP and to clarify the role of new open spaces. (MIQ: 30)
MM5.j	New paragraph 5.10.7	<u>Policy SP3 seeks proposals that will minimise the potential for adverse effects. This test does not support an impact that is demonstrated to be minimised, but which remains unacceptable. The test is a proactive and positive one, seeking to deliver a level of effect that is acceptable and, where possible reduced further, such that the potential for adverse effects is minimised.</u>	To clarify the policy expectation. (MIQ: 33)
MM5.g (amended)	Policy SP3	Planning permission will be granted supported for minerals or waste development where it is demonstrated that the arrangements for the transport of mineral, waste or other materials within the site minimises the potential for adverse impacts, including greenhouse gas emissions, and optimises the opportunities for green infrastructure. The use of conveyors and/or pipelines is required where they would be appropriate to the circumstances of the site and the nature of the material to be moved. Electric powered vehicles would be considered an appropriate alternative to fossil fuel powered vehicles, particularly where conveyors or pipelines are not appropriate.	To make the policy text consistent throughout the MWLP and to clarify the role of electric powered vehicles. (MIQ: 34)