

Minerals and Waste Local Plan

Main Issues Statement

Main Matter 4 – Provision for Aggregate Supply

Part A: Questions 37 to 44

Issue: Whether the Plan's policies for the future supply of aggregate minerals would deliver a steady and adequate supply and whether they are sound.

Policy M1: Minerals Strategy

Question 37: How has nutrient neutrality affected the development sector and the consequential demand for minerals, in particular aggregates, in the short term and longer term? Does this raise any consequences for the minerals strategy in terms of providing for a steady and adequate supply of minerals?

Response

- 37.1 The risk of minerals workings to contribute to increases in phosphate is relatively low. Indeed mineral working proposals would not normally be considered as a source of phosphate, as they do not generate wastewater from residential occupancy and there is no mining of phosphate rock in Herefordshire.
- 37.2 The main potential risk is around the loss of sediments and soils during construction and operation. This should be dealt with through a requirement for appropriate measures to avoid impacts, such as the best practice handling of soils to reduce losses.
- 37.3 The measures required are generally standard best practice construction operations and therefore, the potential for nutrient neutrality to have reduced activity within the development sector and consequent demand for minerals is low. Furthermore, Herefordshire Council retains a 5 year housing supply and during 2021 saw more housebuilding within the authority since 1998, so this is not a position readily reflected within Herefordshire.
- 37.4 The *Minerals Need Assessments* have considered the future demand for mineral consistently without including a reference to nutrient neutrality. Providing an enhanced provision of resource builds in flexibility to the Plan.
- 37.5 Herefordshire Council continues to work closely with Natural England (NE) and other organisations to improve the existing water quality of the rivers Wye, Frome, Lugg and Clun and to ensure that future development will not affect nutrient levels in these watercourses. All planning applications in the River Lugg SAC catchment and River Clun catchment must demonstrate nutrient neutrality. This is done through use of NE's nutrient budget calculator. Mitigation schemes have been introduced, including phosphate credits and an integrated wetlands scheme, amongst others. Consequently developments that have previously been held up are now being unlocked. The Council's website contains comprehensive [guidance for prospective developers](#).

Question 38: How does the policy reflect the requirement to provide a steady and adequate supply of minerals?

Response

- 38.1 A steady and adequate supply of minerals is considered to be just one element of sustainable development.

- 38.2 Policy M1 is focussed on enabling the sustainable delivery of mineral resources; the approach is wide ranging and is deliberately ordered to promote the use of alternatives to primary materials and the efficient use of resources prior to stating the commitment to allocate sites for the winning and working of construction minerals (part c). Part f of the policy states the commitment to safeguard mineral resources and infrastructure within the county. These commitments are then presented in specific policy within section 6 of the Plan. Together they deliver the requirement to provide a steady and adequate supply of minerals.
- 38.3 In addition, the policy seeks to ensure that mineral resources are used well, not least through the use of alternatives to primary minerals, through the efficient use of land and through safeguarding mineral resource.

Question 39: How would the Plan encourage the development of facilities to process alternative materials to primary minerals?

Response

- 39.1 Policy SP1 promotes the use of alternative materials through the Resource Audit. Developing a stronger local market for these materials will encourage new facilities to be developed. Policies W1, W2, W5 and W6 all allow for the development of facilities to process alternative materials to primary minerals.

Question 40: How would the Plan ensure that developments contribute to the efficient use of resources?

Response

- 40.1 The Plan as a whole has been prepared to drive the efficient use of resources. This can be most clearly seen in policies:
- SP1, incorporating the actions to be undertaken by Herefordshire Council and through the Resource Audit;
 - M1, through both the promotion of alternatives to primary materials and the use of recycled materials, and promotion of the efficient use of land; and
 - the waste policies that seek to implement the waste hierarchy, the circular economy and provide opportunities for these activities and to avoid disposal to landfill.

Question 41: Part (c) of the policy states that preferred areas are to be allocated. The terminology should be consistent with that in Policies M2 and M4.

Response

- 41.1 Policies M3 and M4 refer to Specific Sites and Preferred Areas of Search.
- 41.2 Policy M1,c could be clarified through the following modification:
*~~'allocating preferred areas and sites~~ **allocation of the Specific Sites and Preferred Areas of Search** that are considered appropriate in principle for construction minerals development;*

Question 42: Is the policy consistent with paragraph 215 of the National Planning Policy Framework (NPPF) in terms of encouraging the capture and use of methane from coal mines in active and abandoned coalfield areas?

Response

- 42.1 The report *Herefordshire County Archaeology and Minerals Resource Assessment (2014)* (Examination Library ref. D2.8) states:
'A small outlier of the Forest of Dean Coalfield extends into the south of the County at Howle Hill. It was worked as a small-scale opencast site between 1972-1977, but mining has long ceased and the resource is understood to be substantially worked out.'
Also:
'The hydrocarbon potential of the area is low. Wells drilled to test the oil and gas potential of the Lower Palaeozoic rocks in the Woolhope inlier failed to discover hydrocarbons.'
And:
'There is minimal potential for the extraction of shale gas in the county.'
- 42.2 The report *Mineral Resource Information for Development Plans – Herefordshire and Worcestershire Resources and Constraints* (BGS and DETR 1999) (Examination Library ref. D2.20) states:
'Herefordshire and Worcestershire is not prospective for coalbed methane. The exposed coalfields of the Wyre Forest and South Staffordshire are considered to have low methane potential. No information is available on the methane potential of the concealed coal measures which lie between these two coalfields.'
Also:
'The Forest of Dean has no significant coalbed methane potential.'
- 42.3 The former coal mines in Herefordshire are long-abandoned and restored; there is no documentation on them and nothing to suggest that there is any methane to capture. It would not be appropriate to encourage this practice at these long-abandoned sites, and no evidence to suggest that this would be deliverable.

Question 43: Is the policy consistent with paragraph 217 of the NPPF regarding extraction of coal?

Response

- 43.1 Yes, the wording of policy M1,d is considered to be consistent with paragraph 217 of the *NPPF* (Examination Library ref. D1.25).
- 43.2 The bulk of policy M1,d repeats the text of *NPPF* paragraph 217 with minor changes made to reflect local priorities. These changes are considered neither to conflict with the *NPPF* nor to be inconsistent with the *NPPF* and consequently do not present a different test for developers.

Question 44: How does the development plan address general matters such as the natural and historic environment, human health and cumulative effects as set out in paragraphs 210 and 211 of the NPPF?

Response

- 44.1 As is made clear in section 5 of the Plan, the adopted development plan must be read as a whole, such that '*proposals for minerals or waste development must be assessed not just in relation to the MWLP, but also against all parts of the development plan.*' (paragraph 5.1 of the *Publication Draft MWLP* (Examination Library ref. D3.37).
- 44.2 The adopted development plan includes the *Core Strategy* (Examination Library ref. D2.9) and other documents that comprise the Herefordshire Local Plan, as relevant to the development proposed.
- 44.3 Section 5 provides additional guidance to developers on how policy of the *Core Strategy* would be relevant to minerals and waste development proposals. In addition, section 5 of the Plan also provides new policy of a strategic nature that has been specifically prepared to be relevant to minerals and waste development. The supplementary text of this section deliberately sets out a number of examples of how the policies can be implemented within a development scheme.
- 44.4 Consequently, section 5 of the Plan provides a focus on those general development management matters that are set out at *NPPF* paragraphs 210 and 211. This point is reiterated throughout the Plan, for example at paragraph 6.2.9, to make clear the need for all development proposals to be considered against all relevant policies.
- 44.5 In addition, the Plan incorporates key development criteria for each of the allocated Specific Sites. These are focussed on key matters to be addressed at each site. This provides a further point at which matters raised in the *NPPF* (Examination Library ref. D1.25) paragraphs 210 and 211, as relevant to each site, are addressed.
- 44.6 The Council is currently in the early stages of producing a new Local Plan that, once adopted, will replace the *Core Strategy*. In order to ensure alignment between the MWLP and the new Local Plan, the MWLP will be reviewed and updated every five years, or when the Local Plan is adopted, whichever is the sooner. This will ensure that policies of both plans reflect each other seamlessly.

[Note: for Matter 4 questions 45 to 63, see Part B. For Matter 4 questions 64 to 77, see Part C.]

Table MM4.1 Main modifications and minor changes in Hearing Statement Main Matter 4, Provision for aggregate supply

The modification reference follows those set out at the Schedule of Main Modifications and Minor Changes Proposed Pre-Examination (Examination Library ref. D3.75)

Mod. Ref.	Paragraph/policy/ figure reference	Proposed Modification	Reason for Change
Section 6 Minerals			
MM6.p	Policy M1,c	allocating preferred areas and sites <u>allocation of the Specific Sites and Preferred Areas of Search</u> that are considered appropriate in principle for construction minerals development;	For consistency. (MIQ: 41)
MC6.h	Paragraph 6.2.16	Limestone working will be preferred within the reserve <u>resource</u> located to the north of the county and to the east of Hereford. <u>Mineral working should not take place within the Wye Valley Area of Outstanding Natural Beauty.</u>	To replace text with the correct terminology and for clarity. (MIQ: 74)
MM9.d.15 (amended)	Leinthall Quarry Policy M4(2,a)	Heritage assets: Need to demonstrate the level <u>degree</u> of harm on heritage assets and their settings, particularly of Croft Ambrey Hill Fort and Croft Castle Park <u>and Registered Park and Garden Stoke Edith.</u>	To incorporate this matter into the KDC. (MIQ: 77) Note, the final wording of the Heritage Asset criterion to be discussed with HE.