

Minerals and Waste Local Plan

Main Issues Statement

Main Matter 6 – Safeguarding mineral resources, infrastructure and facilities

Questions 82 to 90

Issue: Whether the Plan is effective in safeguarding mineral resources, infrastructure and facilities.

Policy M2: Safeguarding of Minerals Resources and Associated Infrastructure from Sterilisation or Significant Adverse Effect

Question 82: Does the policy look to safeguard the known locations of all mineral resources of local and national importance in line with paragraph 210(c) of the NPPF?

Response

- 82.1 Yes. *NPPF* paragraph 210(c) requires (in summary) minerals resources to be safeguarded by defining Minerals Safeguarding Area and Mineral Consultation Areas and to adopt policy so that specific mineral resources are not sterilised by non-mineral development.
- 82.2 The Minerals Safeguarding Areas, defined on Figure 7, incorporate all the known resource as identified on BGS mapping with only urban areas and a small surrounding buffer excluded. Figure 7 is also available on the Herefordshire Council website so that any person using the Plan can readily understand the extent of the policy.
- 82.3 Policy M2 makes clear that non-mineral development will only be supported in those areas in specific circumstances, including that it would not sterilise the resource or prejudice its future extraction (except under specific circumstances).
- 82.4 A Minerals Consultation Area is not included in policy M2. This approach was first presented in the *Spatial Context and Sites Report* (Examination Library ref. [D3.24](#)) from paragraph 2.2.30 and again addressed in the *Preparing the Publication Draft Plan Report* (Examination Library ref: [D3.48](#)) from section 2.6. In short, as Herefordshire Council is a unitary authority, it is not considered necessary to incorporate this additional layer within the policy.
- 82.5 This approach has been corroborated by the most recent modifications to the *NPPF*, which included new footnote 70 recognising that Mineral Consultation Areas will primarily be used in two-tier authorities.

Question 83: Is the policy effective at safeguarding mineral resources together with the safeguarding of operational or permitted mineral extraction sites, along with the safeguarding of mineral infrastructure such as wharves? Would implementation be easier and effective if these matters were dealt with in two separate policies?

Response

- 83.1 Operational or permitted mineral extractions sites are located where the resource is; consequently they are located within the Minerals Safeguarding Areas. The principal mineral infrastructure is located within those mineral extraction sites, and so also fall within the Minerals Safeguarding Areas. The operational rail head at Wellington Quarry is located within the consented working area; the disused rail head at Moreton Business Park is located just south of Wellington Quarry, and both are situated within the Minerals Safeguarding Areas.

- 83.2 Paragraph 6.1.15 of the Plan confirms that policy M2 applies to infrastructure. Incorporating all of these assets into a single policy is considered to be an effective approach.
- 83.3 In splitting these elements into two separate policies, there is considered to be a risk that there would be a repetition of text with potentially slightly different inflections. This would not result in an effective policy framework.

Question 84: As the policy appears to be looking to safeguard existing and permitted mineral workings and potentially minerals infrastructure, how do plan users know which workings or infrastructure the policy applies to?

Response

- 84.1 Paragraph 6.1.12 of the Plan refers to Figure 7, which defines the Minerals Safeguarding Areas, and the supporting text identifies all of the relevant features on it. The Minerals Safeguarding Areas extend beyond the existing and permitted sites, new locations would also be covered by the policy as they gain planning permission.
- 84.2 The existing mineral sites, and those proposed to be allocated are shown on mapping included with the Plan, the rail heads are shown on Figure 7. All these details are shown, with the Minerals Safeguarding Areas on the interactive mapping. There are various resources available to enable plan users to understand the extent of the Minerals Safeguarding Areas.

Question 85: How does the policy specifically safeguard infrastructure such as the railheads?

Response

- 85.1 Paragraph 6.1.12 of the Plan refers to Figure 7, which defines the Minerals Safeguarding Areas, and the supporting text identifies all of the relevant features on it. Paragraph 6.1.15 confirms that the policy applies to infrastructure, including rail heads. The title of policy M2 refers both to minerals resources and associated infrastructure.
- 85.2 Part 1,c of policy M2 refers to operation of associated infrastructure.
- 85.3 Part 2 of policy M2 applies generally to mineral workings, applying the agent of change principle which places the responsibility for mitigating impacts from existing (noise-generating) activities or uses on the proposed new noise-sensitive development. This includes impact on associated infrastructure.

Question 86: Should the policy safeguard minerals infrastructure that is not located within Mineral Safeguarding Areas (MSAs) such as aggregates recycling and concrete manufacturing infrastructure?

Response

- 86.1 These facilities are considered in the Spatial Context and Sites Report (Examination Library ref: [D3.54](#)) which presents the approach used at paragraph 2.2.44:
'That such facilities operate on industrial estates across Herefordshire, and that they have

been developed recently, indicates that they are reasonably unconstrained in terms of where they are located and that further safeguarding may not be required within Herefordshire. Consequently, such facilities are not proposed to be separately safeguarded. Again, this matter is simplified by Herefordshire being a unitary authority, considering all development proposals in a single planning team.'

- 86.2 In addition, those that undertake recycling operations would likely be waste facilities and consequently addressed through policy W1.
- 86.3 Finally, the “agent of change” principle is endorsed at paragraph 187 of the *NPPF* (Examination Library ref: [D1.25](#)) and would be applicable in the determination of planning applications.

Question 87: Should the policy provide for buffer zones to be identified around specific sites or MSAs?

Response

- 87.1 The *Spatial Context and Sites Report* (Examination Library ref: [D3.54](#)) from paragraph 2.2.30 presents the approach used within the Plan and the decision not to incorporate buffer zones into the policy.
- 87.2 In short, there is no substantial evidence that confirms a buffer zone that would be relevant to all sites. A secondary consultation area is considered to be unnecessary in this unitary authority. Consequently, the policy is focussed on the Minerals Safeguarding Area only.

Question 88: What is the justification for excluding urban areas plus a 500m buffer from the MSA?

Response

- 88.1 These areas have been excluded because there is no reasonable prospect of them being worked. As concluded at paragraph 2.2.35 of the *Spatial Context and Sites Report* (Examination Library ref: [D3.54](#)):
'This approach safeguards a maximum amount of mineral in a realistic manner, recognising that some land will already have been developed and is not available for mineral extraction, but also that the economic growth for Herefordshire to come from urban development needs to be balanced with minerals development.'

Question 89: Should the word ‘resource’ be substituted for ‘reserve’ in paragraph 6.1.12 and Figure 7?

Response

- 89.1 Yes, these are identified in the *Schedule of Main Modifications and Minor Changes proposed Pre-Examination* (Examination Library ref: [D3.75](#)) at points MC6.c and MC6.d.

Question 90: What is meant in criterion 1(d) by “the need for the non-mineral development is strategic”?

Response

- 90.1 The text '*non-mineral development*' refers to the development that is being proposed within the MSA that is not related to the winning and working of mineral.
- 90.2 The reference to '*strategic*' is used in its standard planning sense; this might (for example) be demonstrated by reference to the development being allocated in Core Strategy policy.