

Minerals and Waste Local Plan

Main Issues Statement

Main Matter 4 – Provision for Aggregate Supply

Part C: Questions 64 to 77

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 M4: winning and working of crushed rock (limestone)

Requirement

Question 64: Taking into account the quality of the crushed rock resource available in Herefordshire and its applications, explain how the policy would enable a move towards self-sufficiency for crushed rock.

Response

- 64.1 It is not possible to change the type or quality of the mineral present within the Plan area. The intention to move toward a self-sufficiency for crushed rock (and sand and gravel) is based on tonnage only, recognising that other materials (that are not present in Herefordshire) will continue to need to be imported.
- 64.2 Policy M4 identifies that the strategy for sustainable winning and working of limestone (for crushed rock) will be achieved through the provision of 9 million tonnes over the plan period, with additional provision made if subsequent reviews identify that a sufficient land bank would not be available at the end of the plan period. The policy subsequently identifies the Specific Sites allocated to provide that limestone, supplemented by the Preferred Areas of Search.
- 64.3 Policy M4 presents a positive statement about the amount of limestone to be made available throughout the plan period and how it will be delivered. That level of provision has been calculated as set out in the Minerals Need Assessments, most recently the *Minerals Need Assessment 2021* (Examination Library ref. [D3.77](#)) which demonstrates (at section 4.4) that increased self-sufficiency can be achieved through the allocations set out in this policy.
- 64.4 Minerals are a market driven commodity. The Plan can only direct land use in relation to the resources that are held within the Plan area.

Question 65: How would the policy provide for a reasonable contribution to the Managed Aggregate Supply System?

Response

- 65.1 *Minerals Need Assessment 2021* (Examination Library ref. [D3.77](#)) consistent with previous assessments, has forecast limestone demand assuming 100% self-sufficiency. In this outcome, only the population growth scenario would be met. If the importation of limestone continues at the current level, the proposed allocations would also be able to contribute to the MASS.
- 65.2 The *Minerals Need Assessment Sensitivity Paper* (Examination Library ref. [D3.79](#)) was prepared to provide a check against the Need Assessments as some of the assumptions formerly used had been found to have changed. The sensitivity analysis, using the updated set of assumptions, significantly reduces the forecast demand for both sand and gravel, and crushed rock.

- 65.3 As with all forecasting, the future prospects are subject to a number of variables and the actual outcome cannot be precisely predicted. It is reasonably likely that the future demand will lie somewhere between the forecast scenarios considered. As concluded in the *Preparing the Publication Draft Plan Report* (Examination Library ref. [D3.46](#)) concludes (at paragraph 4.2.8) policies M3 and M4 have been drafted 'to provide a balance between providing or Herefordshire's forecast level of demand and an ability to contribute to the MASS, and not promoting excessive mineral working such that reserves are not worked efficiently.'

Supply

Question 66: Please provide evidence to support the assumed quantities of crushed rock from the allocated sites. What level of certainty is there that these would provide 9mt?

Response

- 66.1 Paragraph 3.2.22 of the *Spatial Context and Sites Report* (Examination Library ref. [D3.24](#)) reports that 'Within the submissions made in response to the Call for Sites 2016, the reserve across Site M07b [Leinthall] is around 7 million tonnes. Information has not been provided to date on the reserve at Site M10b.[Perton]'
- 66.2 Whilst information had not been provided for the level of resource available at Perton, it is not an insignificant extension proposed within the Specific Site allocation and it is not unreasonable to expect it to yield at least 2 million tonnes of crushed rock.
- 66.3 There is a reasonable level of certainty that these sites will provide the 9 million tonnes.

Question 67: Explain the assumptions made to ensure a landbank of at least 10 years for crushed rock is maintained.

Response

- 67.1 The assumptions used to calculate the landbank of at least 10 years are set out in the Minerals Need Assessments and are all driven by the lack of detail in the available data. The key assumptions are in relation to identifying the crushed rock reserve within Herefordshire, not least because this information is aggregated.
- 67.2 The approach to this assumption is set out in the *Minerals Need Assessment 2021* (Examination Library ref. [D3.79](#)) from paragraph 3.3.7. First, the proportion of crushed rock contributed by Herefordshire is considered through a proportioned approach using 2013 data and a more arbitrary approach of assuming a consistent and assumed rate of working.
- 67.3 The assessment relies on the proportioned approach for the reasons set out at paragraph 3.3.15 of the Minerals Need Assessment 2021, which gives a landbank of 5.94 million tonnes.
- 67.4 Another key assumption used is that the proportion of imported crushed rock, relying upon data from 2014, remains the same as at that time.

Question 68: What mechanisms would be used to monitor maintenance of a 10 year landbank for crushed rock?

Response

68.1 The key mechanisms to monitor maintenance of a 10 year landbank would be the Local Aggregates Assessment and the Annual Monitoring Report. Improved information on permitted reserve would be made available through forthcoming planning applications.

Site and Area Selection

Question 69: How did the scoring matrix in the Spatial Context and Sites report influence site selection?

Response

69.1 It identified particular advantages of and constraints to development at each of the sites and those matters that should be addressed within the key development criteria.

69.2 As explained at paragraph 2.3.4 of the *Spatial Context and Sites Report* (Examination Library ref. D3.24) the analysis of each of the sites '*has been undertaken at a level appropriate to identify key constraints and opportunities at each location and to inform policy development, i.e. concluding whether, in principle, a site would be appropriate for further development and whether the combination of sites would be sufficient to enable key aims of the plan to be achieved.*'

69.3 The Sustainability Appraisal (SA) also helped inform the site selection process. The 2020 SA Report of the Publication Draft MWLP (Examination Library ref. D3.60) appraised 14 proposed mineral site allocations; four potential Areas of Search; four reasonable alternative mineral site options that were not allocated; eight proposed waste site allocations; and nine Strategic Employment Areas. Appendix D of the 2020 SA Report.

Question 70: How have the Preferred Areas of Search been identified?

Response

70.1 Paragraph 4.2.4 of the *Spatial Context and Sites Report* (Examination Library ref. D3.24) explains that the '*BGS data identifies reasonably extensive resources of sand and gravel and limestone, such that preferred areas of search are identified (Figure 2.4) having applied relevant criteria.*'

70.2 This essentially utilised an approach of excluding identified criteria, being:

- a. a 500m buffer around urban areas (defined from the Ordnance Survey Strategic 'Urban Regions' data layer);
- b. designated Natura 2000 sites;
- c. UK Ecological Designations (SSSI, National and Local Nature Reserves); and
- d. Source Protection Zones.

Question 71: Are these 'preferred areas' or 'areas of search' as referred to in the PPG 27-008-20140306? What level of uncertainty, if any, is there regarding the mineral resources in those areas?

Response

71.1 These are Preferred Areas of Search.

71.2 They are the areas within which the BGS data suggests there is mineral resource and which avoids built settlement and key environmental features. Planning permission might reasonably be anticipated if an acceptable development proposal is submitted and the Specific Sites are demonstrably leading to a potential shortfall in supply.

Question 72: How have constraints such as designated habitats and heritage assets been taken into account in defining the Preferred Areas of Search?

Response

72.1 A series of constraints were applied to the BGS resource mapping to exclude:
a. designated Natura 2000 sites;
b. UK Ecological Designations (SSSI, National and Local Nature Reserves); and
c. Source Protection Zones.

72.2 The Plan has been prepared to set out a positive strategy for the conservation and enjoyment of the historic environment, not least as described at section 2.9 of *Preparing the Publication Draft Plan* (January 2021) (Examination Library ref. [D3.46](#)). Preferred Area of Search D is proposed to be amended to ensure the AONB is not included and a text modification is proposed in response to question 74.

72.3 The statutory duties to have regard to the desirability of preserving or enhancing the historic character, interest or appearance etc. of heritage assets in exercising their functions under, for example, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would necessarily require consideration of the impact on specific heritage assets at the more appropriate application for planning permission stage.

Question 73: Has Historic England commented on the Heritage Impact Assessment for Leinthall Quarry?

Response

73.1 HE have provided a response to Herefordshire Council's consultation on all four HIAs (Examination Library ref. [D3.93](#)).

73.2 With reference to the Leinthall allocation; HE's principal concern is that the wording of policy M4's key development criteria (KDC) cannot demonstrate that the site would be deliverable and developable in respect of historic environment matters. HE has suggested that a revised form of KDC wording would ensure that an appropriate mitigation strategy, which manages cumulative visual harm, is embedded in any planning permission for the site's development.

73.3 HE and Herefordshire Council are happy to work collaboratively to find appropriate wording and to resolve this and any other outstanding matters with respect to the historic environment. To that end, a meeting has been scheduled for 21 October 2022, with the aim of agreeing a Statement of Common Ground.

Question 74: With reference to Area of Search D, should text be added to make clear that mineral working and associated infrastructure should not take place within the Area of Outstanding Natural Beauty?

Response

74.1 The Plan should be clear that mineral working and associated infrastructure are not encouraged within the Wye Valley Area of Outstanding Natural Beauty. Text can be added to make this clear, however the Key Diagram (an on-line mapping) should be modified to avoid the AONB.

74.2 The final sentence of paragraph 6.2.16 of the Plan is already proposed to be modified in the *Schedule of Main Modifications and Minor Changes proposed Pre-Examination* (Examination Library ref. D3.75) at point MC6.h.

74.3 If it is considered appropriate in addition to modifying the Key Diagram, a further modification is proposed as set out below:
*'Limestone working will be preferred within the ~~reserveresource~~ located to the north of the county and to the east of Hereford. **Mineral working should not take place within the Wye Valley Area of Outstanding Natural Beauty.**'*

Policy Requirements

Question 75: In terms of preference does the policy seek to prioritise specific sites ahead of preferred areas of search? In part 2 of the policy is there intended to be any other sub-application of preference between the specific sites or the two areas of search respectively?

Response

75.1 The Specific Sites are prioritised over the Preferred Areas of Search.

75.2 In part 2 of the policy, there is not intended to be any other sub-application or preference between the Specific Sites or Preferred Areas of Search.

Question 76: The policy supports limestone extraction at specific sites and preferred areas of search. Paragraph 6.2.17 states an intention to transport mineral away from the preferred locations for processing. Please explain the reasons for this policy approach including details of existing processing facilities that would be used.

Response

76.1 The promotion of mineral processing away from the mineral extraction site applies only to those sites not located at Specific Sites or outside the Preferred Areas of Search. It does not apply to an allocated site or a location within the Preferred Areas of Search.

- 76.2 The approach is intended, as stated, to reduce the potential for adverse impacts in an area where mineral extraction has been permitted only because there is a demonstrated shortfall in supply from mineral sites located within the preferred locations.
- 76.3 Processing the mineral could take place in any of consented processing facility; none are currently restricted in terms of the origin of minerals received for processing.

Question 77: Should the Key Development Criteria for Perton Quarry include a requirement for a Heritage Statement to consider impact on Stoke Edith Registered Park and Garden?

Response

- 77.1 In its response to the Publication Draft Plan, Historic England advises that a Heritage Statement should accompany any planning application and that this should be a requirement of the Key Development Criteria.
- 77.2 Within the *Schedule of Main Modifications and Minor Changes proposed Pre-Examination* (Examination Library ref. D3.75) for example at point MM9.d.15, the wording for the heritage asset criterion is proposed to be modified to refer to a need to '*demonstrate less than substantial harm*'. In its letter of 15 September, Historic England advises that it has concerns within this terminology.
- 77.3 In response to Historic England's most recent comment, it is proposed that the heritage assets criterion is modified to the wording set out below, but that this is discussed further with Historic England at the meeting scheduled for 21 October 2022.
*'Heritage assets: Need to demonstrate the **level degree** of harm on heritage assets and their settings, particularly ~~of~~ Croft Ambrey Hill Fort and Croft Castle Park **and Registered Park and Garden Stoke Edith.**'*
- 77.4 The Plan has been prepared to set out a positive strategy for the conservation and enjoyment of the historic environment and provides a policy framework for development proposals to come forward and be determined against; this includes the impact on designated and undesignated heritage assets. All of the site proposed to be allocated are considered to be capable of development and deliverable in relation to the historic environment.

[Note: for Matter 4 questions 37 to 44, see Part A. For Matter 4 questions 45 to 63, see Part B.]

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.