

## **Minerals and Waste Local Plan**

### **Main Issues Statement**

### **Main Matter 7 – Strategy for Waste**

#### **Part B: Questions 107 to 130**

**Issue:** Whether the strategy for waste management is appropriate, soundly based and meets needs for waste facilities.

#### **Policy W4: Wastewater management**

**Question 107:** Should the policy state the need for Appropriate Assessment (AA) of development proposals under the Habitats Regulations?

#### **Response**

107.1 Policy W4 has been updated through MM7.k and recognises the potential effects of wastewater discharges to the phosphate levels in the River Wye SAC by requiring that any wastewater infrastructure extensions, upgrades or new provision should '*demonstrate nutrient neutrality within the River Wye SAC*'. This requirement for AA is a legislative requirement that would apply as relevant to the proposed development. It is therefore not appropriate or necessary to state the requirement for AA in the policy.

**Question 108:** In the submitted Plan, would the policy requirement that works should contribute to achieving nutrient neutrality be effective?

#### **Response**

108.1 Yes, this text in policy W4 is considered to be effective.

108.2 As discussed in *Preparing the Publication Draft Plan* (Examination Library ref. D3.46, at section 3.3) there is a broad regulatory framework for waste water management. The Plan is just one element of this and seeks to play its role within the planning sphere, without affecting other regimes.

**Question 109:** How would the requirement to demonstrate at least nutrient neutrality within the River Wye SAC (from proposed modification MM7.k) be achieved?

#### **Response**

109.1 Through analysis that the applicant would undertake and provide with the submitted application. Herefordshire Council would consult with NE and take advice accordingly.

#### **Policy W5: Preferred locations for solid waste treatment facilities**

**Question 110:** Should the term 'industrial estates' be defined in the Plan? (This also applies to Policy W6)

#### **Response**

110.1 It is not considered necessary to define the term 'industrial estates' within the Plan. The term has an ordinary meaning that is well established.

110.2 There are numerous industrial estates throughout the county; these have not previously been identified or defined in local plan policy, recognising that it would be very difficult to do so and that they might change over time.

**Question 111:** How would the policy support for small-scale facilities at any industrial estate fit with the Plan's spatial strategy?

### Response

111.1 The Plan has sought to provide a policy framework within which a range of different facilities can be brought forward. Small scale development can be brought forward outwith the spatial strategy where that development is demonstrated to satisfy a particular need (which may be location, waste or treatment specific).

111.2 The Plan seeks to present a positive framework for appropriate new development; it cannot present a process chart for every situation.

**Question 112:** Should the policy refer to the strategic employment areas identified in the Allocated Sites Appendix? (This also applies to Policy W6)

### Response

112.1 *Core Strategy* (Examination Library ref: [D2.9](#)) policy E1 lists the strategic employment areas within Herefordshire; a practice that is expected to continue in any future local plan.

112.2 Clarity could be brought on this point through the following modifications:

112.3 To paragraph 7.3.2:  
*'Herefordshire has a number of well-established industrial estates and extensive strategic employment areas **(see policy E1 of the Core Strategy)** distributed within the market towns that lie within the spatial strategy. ...'*

112.4 To paragraph 7.3.7:  
*'The CD&E waste recovery facility operating at Former Lugg Bridge Quarry has the potential for a substantial increase capacity; this is the preferred location for additional CD&E waste recovery capacity. CD&E waste recovery facilities are often appropriately located on industrial estates and strategic employment areas **(see policy E1 of the Core Strategy)**, where they may be close to substantial demolition and refurbishment projects. In addition, they can be located at minerals workings, where the same processing equipment can be shared.'*

**Question 113:** How would proposals for extension or expansion of small-scale facilities in preferred locations be considered?

### Response

113.1 Policy W5 does not restrict the development that is supported to new facilities. The policy would apply also to proposals for extension or expansion.

**Question 114:** Should the policy state the approach to be taken to extension or expansion of facilities that are not in preferred locations?

**Response**

114.1 Facilities that are not in the preferred locations would not be preferred for extension or expansion. Consequently it is not appropriate to have policy relevant to that development type. It will be for the applicant to demonstrate why such development would be appropriate even though it may conflict with some policy of the development plan.

**Question 115:** In Table 3.2 of the Spatial Context and Sites Report (SCSR), site W11 is noted as being located on an industrial estate but not in a preferred location. How does this assessment fit with the policy?

**Response**

115.1 The *Spatial Context and Sites Report* (Examination Library ref. D3.24) was prepared prior to finalising the policy of the Plan. The assessment presented is not subject to the Plan policy.

115.2 Reference to the Waste Need Assessment 2021 (Examination Library ref. D3.80, Table 3.3) shows that site W11 is constantly operating as a small scale facility. Consequently it would align with the policy approach set out in the Plan.

**Question 116:** In the SCSR, site W18 is dismissed from further consideration and is stated to not be a preferred location, but it is within an industrial estate. Please clarify this position.

**Response**

116.1 As explained at paragraph 3.3.5 (first bullet) site W18 is not preferred primarily because it has poor access. Notwithstanding the decision not to promote this as a Specific Site, it is recognised that the site could be brought forward as it is located on an industrial estate situated within the spatial strategy.

**Question 117:** Should proposals at any of the allocated sites demonstrate nutrient neutrality in the River Wye SAC?

**Response**

117.1 The key development criteria identify where this is a priority at relevant locations. Policy W5 supports the delivery of sustainable waste treatment facilities through a combination of small and large-scale facilities in industrial estates, strategic employment areas and at the following sites: Former City Spares Site; Kington Household Waste Recovery Centre; Ledbury Household Waste Recovery Centre; and Leominster HWS and HWRC. The requirement for developments to achieve nutrient neutrality in relation to the River Wye SAC has been included in the Key Development Criteria for all three sand and gravel allocations in Policy M3; Perton Quarry in Policy M4; Callow Delve and Westonhill Wood Delves in Policy M5; all but one of the waste allocations in Policy W5 (Land between Little Marcle Road and Ross Road); all but one of the waste allocations in Policy W5 (Ledbury Household Waste Recycling Centre); and all of the allocations in Policy W6.

**Question 118:** Is there a requirement for Appropriate Assessment in respect of any of the allocated sites?

**Response**

118.1 There are 15 sites allocated for waste management development at which Appropriate Assessment may be required for the proposed project. These 15 sites are: Former City Spares, Former Lugg Bridge Quarry, Hereford Enterprise Zone, Holmer Road, Kington Household Waste and Recycling Centre, Leominster Enterprise Park, Leominster Household Waste Site and Household Waste Recovery Centre, Model Farm, Moreton Business Park, Shobdon Quarry, Southern Avenue, Three Elms Trading Estate, Upper Lyde Quarry, Wellington Quarry, and Westfields Trading Estate.

118.2 These sites have been considered in the Habitats Regulation Assessments and concluded to be appropriate for allocation with the addition of the key development criteria.

**Question 119:** Should the Key Development Criteria for the Holmer Road strategic employment area include a requirement to provide a Heritage Statement?

**Response**

119.1 Improved clarity within the Plan can be achieved through the following modification to the key development criteria for Holmer Road:

**'Heritage assets: Need to demonstrate the degree of effect on heritage asset(s) and their setting(s), particularly listed buildings in the vicinity of the site.'**

119.2 The wording of the heritage assets criterion is intended to be discussed with Historic England at the meeting of 21 October 2022.

**Policy W6: Preferred locations for construction, demolition and excavation waste management facilities**

**Question 120:** How does the order of preference in the policy fit with the Plan's spatial strategy?

**Response**

120.1 The site Former Lugg Bridge Quarry is an operational facility, located within the sphere of the spatial strategy being close to Hereford and is concluded to be an appropriate site for development. The site was demonstrated through the site assessment process to have the ability to increase operational capacity. There are recognised advantages to increasing the capacity of existing sites (where they are appropriate) over developing new locations; such as the efficient use of land and reducing the potential for impacts elsewhere). Consequently, the Plan promotes this site as the preferred location for additional CD&E waste recovery.

120.2 The strategic employment areas and most industrial sites are located within the spatial strategy, with industrial estates located outwith this area having the potential to accommodate small scale facilities that may address a particular need.

120.3 Active mineral workings are, in principle, acceptable locations for this type of development. However, they may fall outside the spatial strategy and are likely to be time limited to ensure appropriate restoration. Consequently, they are third in the order.

**Question 121:** How would the policy operate in terms of securing development in accordance with the order of preference? How would extensions to existing facilities be considered?

**Response**

121.1 The Plan has been prepared as a framework within which the market brings forward its proposals and the market is directed toward a positive outcome by following policy.

121.2 Policy W6 does not restrict the development that is supported to new facilities. The policy would apply also to proposals for extension or expansion.

**Question 122:** Please provide further explanation of the reasons for the order of preference.

**Response**

122.1 In addition to site suitability, the order of preference is also driven by the following understanding. An expansion of capacity at the Former Lugg Bridge Quarry was being discussed at the time of preparing the Plan; it is a good opportunity to enable through this policy. Strategic employment areas and industrial estates would be appropriate in principle, and there is evidence of facilities operating at these locations, but they are not always considered by the sector to be cost effective locations. They will be brought forward by the sector as driven by market demand. There remains potential at the identified mineral sites, but this type of development would be consequent to mineral working, and so can be expected to come through later in the Plan period.

**Question 123:** Part 1(b) of the policy refers to the key development criteria set out at section 9, but these are not included. Are these to be included?

**Response**

123.1 Key development criteria for the strategic employment areas are included in section 9.

123.2 There are no key development criteria for the industrial estates and are not intended to be included; they are too numerous.

**Question 124:** Should the term 'active mineral workings' be defined?

**Response**

124.1 It is not considered appropriate to define 'active mineral working'.

124.2 It is a familiar term within mineral planning and is clear enough in a plain English sense. A definition would reduce flexibility and potentially thwart an otherwise acceptable development.

**Question 125:** How does this policy in combination with Policies W2 and W7 encourage the treatment of inert waste at the highest level within the waste hierarchy?

**Response**

125.1 The policies together identify preferred locations for the treatment of inert waste and set a positive policy framework within which to promote development (whether of a new facility or an extension to an existing facility).

125.2 Provision of additional capacity is the most effective way of providing an attractive route for waste generators and managers to deliver the waste hierarchy.

**Policy W7: Waste management operations**

**Question 126:** Should there be 'and' after 2(b)?

**Response**

126.1 Yes, the following modification is proposed:

*'b. that phosphorus in the fly ash will be separately recovered and put to beneficial use; **and***

**Question 127:** Is the policy and the supporting text specific enough in terms of defining the requirement to demonstrate that generation of energy amounts to recovery?

**Response**

127.1 The position could be clarified through a modification to paragraph 7.4.4 of the supplementary text, as follows:

*'7.4.4 In order to assist both the developer and the council to determine that a proposed facility is for energy recovery and not for waste disposal, policy W7 seeks information on the level of energy recovery expected to be achieved and the market(s) for that energy (e.g. identifying an electricity connection or heat/power recipient). **The application should demonstrate that the proposed development has secured/will secure an appropriate recovery classification in the Environmental Permit.***

**Question 128:** Is the policy effective in terms of securing heat and power?

**Response**

128.1 It is not considered appropriate for the policy to make heat and power a prerequisite of any planning permission for a recovery facility; not least because it is likely to make most development proposals unviable. In the UK, the heat and power network is not delivered by the waste management operator, but by a utility company and may involve multiple third-party landowners.

128.2 Whilst there is an increased expectation through the Resources and Waste Strategy for energy recovery facilities to recover heat and power, this is not yet a legal requirement, and there is no evidence to justify taking an alternative approach in Herefordshire. Arguably, the opposite position is true. There is no residual waste treatment capacity in

Herefordshire; it needs to be encouraged and not dissuaded by additional policy requirements that could make such development undeliverable.

**Question 129:** How would proposals for landfill or landraising facilities demonstrate delivery of the waste hierarchy?

**Response**

129.1 They would demonstrate that the materials proposed to be disposed of in the proposed development would not be appropriate for treatment higher in the waste hierarchy. Where the waste hierarchy was not being delivered *per se*, for example through the use of inert wastes to reclaim land, part 4 of the policy can be used to demonstrate a material level of benefit is otherwise gained.

**Question 130:** How does the development plan address the range of locational criteria that reflects Appendix B of the National Planning Policy for Waste?

**Response**

130.1 Table 130 below demonstrates how the range of locational criteria presented at Appendix B of the National Planning Policy is reflected in the development plan.

**Table 130 NPPW criteria and how reflected in the development plan**

NPPW criteria	How reflected in the development plan
Protection of water quality and resources and flood risk management	MWLP: objective 12; section 5.9; within the Plan, for example paragraph 5.3.3; and in the key development criteria. Core Strategy policies: SD3, SD4 and LD3 SFRA completed (Examination Library ref: D3.41)
Land instability	MWLP: objectives 1 and 5; section 5.7 (from paragraph 5.7.9) Core Strategy policy: SD1
Landscape and visual impacts	MWLP: objectives 1 and 12; sections 5.4 and 5.7; within the Plan, for example paragraph 5.10.5; and in the key development criteria Core Strategy policies: SS6 and LD1
Nature conservation	MWLP: objective 12; section 5.4; within the Plan, for example paragraph 5.4.17; and in the key development criteria Core Strategy policies: SS6, LD2 and LD3
Conserving the historic environment	MWLP: objectives 1 and 12; section 5.4 of the Plan; within the Plan, for example paragraph 8.1.7; and in the key development criteria Core Strategy policies: SS6 and LD4
Traffic and access	MWLP: objective 8; section 5.3; within the Plan, for example paragraph 6.2.17; and in the key development criteria



<b>NPPW criteria</b>	<b>How reflected in the development plan</b>
	Core Strategy policies: SS4, SS7
Air emissions, including dust	MWLP: objectives 1 and 12; section 5.7; within the Plan, for example paragraph 8.1.7; and in the key development criteria Core Strategy policies: SS4, SS6, SD1
Odours	MWLP: objectives 1 and 12; section 5.7 Core Strategy policies: SS4, SS6, SD1 This is substantially an operational matter. Modern waste management facilities should not pose an unacceptable level of harm from odour.
Vermin and birds	MWLP: objectives 1 and 10; section 5.7 This is substantially an operational matter and the Plan does not promote non-inert disposal. Through the consideration of the proximity of sensitive receptors. Modern waste management facilities should not pose an unacceptable risk from vermin or birds.
Noise, light and vibration	MWLP: objectives 1, 10 and 12; section 5.7 of the Plan and within the Plan, for example paragraph 5.4.5; and in the key development criteria Core Strategy policy: SD1
Litter	MWLP: objective 1 Core Strategy policy: SD1 This is substantially an operational matter. Modern waste management facilities should not pose an unacceptable level of harm from odour.
Potential land use conflict	MWLP: objectives 5 and 9; and policy W1, supplemented by the policies and development management principles in the Plan that seek to direct well-designed development to appropriate locations. Core Strategy policy: SD1

**Table MM7.1 Main modifications and minor changes in Hearing Statement Main Matter 7, Strategy for Waste**

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
<b>Section 7 Waste</b>			
MM7.v	Policy W2	<p>Development for the following waste management priorities will be supported:</p> <ol style="list-style-type: none"> <li>1. biological treatment of household waste of at least 10,000 tonnes <b><u>per annum</u></b>;</li> <li>2. recycling capacity of municipal, commercial and industrial and non-natural agricultural wastes of at least 50,000 tonnes <b><u>per annum</u></b>;</li> <li>3. recovery of materials and energy from municipal, commercial and industrial, non-natural agricultural and hazardous wastes of at least 110,000 tonnes <b><u>per annum</u></b>;</li> <li>4. recovery of materials from construction and demolition waste of at least 250,000 tonnes <b><u>per annum</u></b>; and</li> <li>5. disposal of inert wastes providing a cumulative void of 30,000 tonnes per <b><u>year annum</u></b>.</li> </ol>	For clarification. (MIQ: 99)
MM7.j (amended)	Policy W3,3	All development proposals <b><u>on agricultural holdings</u></b> will be required to demonstrate <b><u>delivery of a net reduction in nutrient discharges contributing to at least</u></b> nutrient neutrality, <del>or betterment</del> , within the River Wye SAC.	For clarification. (MIQ: 104)
MM7.w	Paragraph 7.3.2	Herefordshire has a number of well-established industrial estates and extensive strategic employment areas ( <b><u>see policy E1 of the</u></b>	For clarification. (MIQ: 112)

Mod. Ref.	Paragraph/policy/ figure reference	Proposed Modification	Reason for Change
		<b>Core Strategy</b> ) distributed within the market towns that lie within the spatial strategy. ...	
MM7.x	Paragraph 7.3.7	The CD&E waste recovery facility operating at Former Lugg Bridge Quarry has the potential for a substantial increase capacity; this is the preferred location for additional CD&E waste recovery capacity. CD&E waste recovery facilities are often appropriately located on industrial estates and strategic employment areas ( <b>see policy E1 of the Core Strategy</b> ), where they may be close to substantial demolition and refurbishment projects. In addition, they can be located at minerals workings, where the same processing equipment can be shared.	For clarification. (MIQ: 112)
MM7.s (amended)	Policy W7,2	Facilities for the recovery of energy <b>shall will</b> only be supported where it is demonstrated: <ul style="list-style-type: none"> <li>a. that the proposed development will enable delivery of the waste hierarchy and/or make a positive contribution to achieving the circular economy in Herefordshire; and</li> <li>b. that phosphorus in the fly ash will be separately recovered and put to beneficial use; <b>and</b></li> <li>c. that both the resultant heat and power will be utilised where viable.</li> </ul>	For clarification. (MIQ: 126)
MM7.y	Paragraph 7.4.4	In order to assist both the developer and the council to determine that a proposed facility is for energy recovery and not for waste disposal, policy W7 seeks information on the level of energy recovery expected to be achieved and the market(s) for that energy (e.g. identifying an electricity connection or heat/power recipient). <b><u>The application should demonstrate that the proposed development has secured/will secure an appropriate recovery classification in the Environmental Permit.</u></b>	For clarification. (MIQ: 127)

Mod. Ref.	Paragraph/policy/ figure reference	Proposed Modification	Reason for Change
<b>Key Development Criteria</b>			
MM9.d.6 (amended)	<b>Holmer Road</b> Policy W5(2)	<p><b>Flood Risk:</b> Need to demonstrate that: the site will be safe in the event of a flood; risk is not increased on site or elsewhere; and where possible, flood risk is decreased.</p> <p><b>Hereford AQMA:</b> Need to demonstrate the level of effect on air quality, particularly within the Hereford AQMA.</p> <p><b><u>Heritage assets: Need to demonstrate the degree of effect on heritage asset(s) and their setting(s), particularly listed buildings in the vicinity of the site.</u></b></p> <p><b>Landscaping:</b> Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p><b>River Wye SAC:</b> An Appropriate Assessment is required to demonstrate <del>no</del> likely significant effect(s) on the SAC. Development <del>should</del> <b><u>will be required to</u></b> demonstrate <b><u>at least</u></b> nutrient neutrality <del>or betterment</del>.</p> <p><b>Road network:</b> Need to demonstrate the level of effect on the local road network in the vicinity of the site.</p> <p><b>Sensitive properties:</b> Need to demonstrate the level of effect on the amenity, health &amp; safety and environment of nearby sensitive properties (housing and schools).</p>	