

Minerals and Waste Local Plan

Main Issues Statement

Main Matter 7 – Strategy for Waste

Part A: Questions 91 to 106

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

Policy W1: Waste Strategy

Question 91: Part 6 of the policy requires safeguarding of existing waste management facilities in locations that are consistent with the spatial strategy and paragraph 7.1.1 also refers to this. The spatial strategy in paragraph 4.3.1 states that waste development will be focussed at Hereford and the market towns but recognises that some waste management development, such as agricultural or construction and demolition waste will be more dispersed. Given that there is policy support for the latter and that these facilities are necessary to deliver the waste hierarchy, please explain further how part 6 would be applied and the justification for this.

Response

- 91.1 Policy W3 provides a specific policy context for facilities managing agricultural waste; not least recognising that these will be more dispersed. Such locations are unlikely to experience the encroachment of incompatible uses as they will be more closely aligned to the site at which they are located. Safeguarding this, relatively limited, resource is not considered appropriate when it would have a dilatory effect on the spatial strategy.
- 91.2 Policy W6 provides a specific policy context of facilities managing construction, demolition and excavation (CD&E) wastes. The preferred location for additional recovery of these wastes are at the Former Lugg Bridge Quarry, strategic employment areas and industrial estates. The former locations are situated within the spatial strategy, as will be many of the industrial estates located around the county.
- 91.3 Facilities for CD&E waste recovery located on former mineral workings are unlikely to experience the encroachment of incompatible uses and are likely to be time limited as appropriate to the site. Safeguarding this, relatively limited, resource is not considered appropriate when it would have a deleterious effect on the spatial strategy.

Question 92: What is the justification for excluding any other facilities that are not in accordance with the spatial strategy in part 6, but which sustainably manage waste in accordance with the waste hierarchy?

Response

- 92.1 Part 6 would be applied as set out; those facilities that do not readily align with the spatial strategy would not benefit from level of safeguarding afforded by this policy. All of the existing waste management sites identified in the *Waste Need Assessment* (February 2017) (Examination Library ref: [D3.7](#)) were visited and so a high level, qualitative understanding of all of these sites was gained at an early point in Plan preparation.
- 92.2 Those sites that lie beyond the spatial strategy can be characterised as dispersed throughout the county and small-scale, often with an unclear planning history. These locations do not come under the same level of competition as waste facilities located within the spatial strategy and their development is likely to be more closely aligned to the site at which they are located. Safeguarding this, relatively limited, resource is not considered appropriate when it would have a deleterious effect on the spatial strategy.

- 92.3 Extending the principle across all existing waste management facilities would incorporate those that are not well located. The opportunity would remain with the developer to demonstrate why development of the type proposed at any location should be permitted, even though there would be some conflict with development plan policy.

Question 93: How would any Plan user know which existing waste management facilities are being safeguarded?

Response

- 93.1 The existing waste sites, and those proposed to be allocated are shown on mapping included with the Plan, which provides a current baseline of information. The Plan advises the extent of the spatial strategy and the Plan user will be able to refer to this with their understanding of the location of the facility.
- 93.2 In addition to policy W1, there remains the agent of change principle within the NPPF, to which all developers would have to consider in preparing their development proposal(s).

Policy W2: Solid waste management requirements

Question 94: Explain how the policy provides for the capacity needs identified in the Waste Need Assessment 2021 and in Table 2 in the Plan. In particular how would the provision for 50,000 tonnes recycling capacity be sufficient to manage the tonnages identified in the table?

Response

- 94.1 The *Waste Need Assessment 2021* (Examination Library ref: [D3.80](#)) considers the future recycling demand separately for local authority collected waste (LACW) and commercial and industrial (C&I) waste. Paragraph 6.2.15 concludes (second point under bullet titled Sufficient MRF capacity) that, potentially, an additional 22,500 to 30,000 tonnes of LACW recycling capacity may be required. Paragraph 6.3.10 identifies that, potentially, an additional 44,000 to 66,500 tonnes of recycling/composting capacity may be required for the C&I waste stream. However, paragraph 6.3.11 identifies that there may be sufficient, currently unused, capacity already available within Herefordshire.
- 94.2 Table 2 is provided for information, and presents the *maximum* forecast capacity demand for each waste stream. Policy W2,2 presents the *minimum* amount of additional recycling capacity sought, referring to '*at least*' 50,000 tonnes. A number of location options are presented within the Plan at which to bring forward this type of capacity.

Question 95: Explain how the policy provides for equivalent self-sufficiency. Given the joint arrangement with Worcestershire County Council for managing Local Authority Collected Waste how has this been considered in planning for equivalent self-sufficiency?

Response

- 95.1 The Plan has sought to provide a good range of locations at which to bring forward new waste management capacity such that Herefordshire can achieve equivalent self-sufficiency. As advised above, delivery of that capacity is supplemented by the other waste policies that identify appropriate locations for such development, and by strategic

policy such as SP1 Resource Management, which presents a framework to encourage new provision to be brought forward.

- 95.2 The shared capacity located in Worcestershire has not been considered discretely; it is simply recognised as part of the existing capacity that is in operation for LACW. It is a shared resource owned jointly by the two authorities.
- 95.3 The principles of self-sufficiency and proximity are set out in Article 16 of the Waste Framework Directive (Directive (EU) 2018/851 amending Directive 2008/98/EC on waste¹). Article 16 requires (in summary):
1. Member States, in cooperation with other Member States, to establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households
 2. The network to be designed to enable the Community as a whole to become self-sufficient in waste disposal as well as in the recovery of waste referred to in paragraph 1, and to enable Member States to move towards that aim individually, taking into account geographical circumstances or the need for specialised installations for certain types of waste.
 3. The network to enable waste to be disposed of or waste referred to in paragraph 1 to be recovered in one of the nearest appropriate installations.
- 95.4 Part 4 of Article 16 states that the '*principles of proximity and self-sufficiency shall not mean that each Member State has to possess the full range of final recovery facilities within that Member State.*'
- 95.5 As confirmed in *Planning Practice Guidance on Waste*² (Paragraph: 007 Reference ID: 28-007-20141016) whilst the aim is for each waste planning authority to manage its own waste, there is no expectation that each local planning authority should deal solely with its own waste to meet the requirements of the self-sufficiency and proximity principles. The guidance notes that the ability to source waste from a range of locations/organisations helps ensure economies of scale can be gained and that existing capacity is used effectively and efficiently. Importantly, this helps maintain local flexibility to increase recycling without resulting in local overcapacity.
- 95.6 Herefordshire has taken positive steps to ensure its own waste is being managed in accordance with European and national legislative requirements. That this waste is managed in facilities located in the adjacent administrative area is not a matter for the Plan to seek to address.

Question 96: How would the policy drive waste management up the waste hierarchy?

Response

- 96.1 Policy W2 is simply setting out the framework for delivery over the plan period, making clear the extent of new capacity desired, not least for monitoring purposes. Delivery of that capacity is supplemented by the other waste policies that identify appropriate locations for such development and by policy such as SP1, which presents a framework to encourage new provision to be brought forward.

¹ <https://www.legislation.gov.uk/eudr/2018/851/contents> [24.09.2022 @ 15.24]

² <https://www.gov.uk/guidance/waste> [24.09.2022 @ 15.25]

Question 97: What is the existing capacity for food and garden waste in the Plan area?

Response

- 97.1 Table 3.2 of the *Waste Need Assessment 2021* (Examination Library ref. [D3.80](#)) shows that, in 2020, there was 65,998 tonnes of biological treatment capacity. This would be the most appropriate type of facility to accept food waste. In 2020, there was no operational open windrow or in vessel composting capacity operating within Herefordshire.
- 97.2 Currently in Herefordshire there is no separate food waste collection service, and an informal garden waste collection service is provided, collecting around 2,000 tonnes per annum (tpa). Householders can present garden waste for collection with their residual waste, on a fortnightly basis. This waste is sent either to EnviRecover, the energy from waste facility at Hartlebury, or to landfill (also in Worcestershire). In addition, around 4,000 tpa is deposited at the household recycling centres in Herefordshire. This garden waste is taken to be composted at three facilities; one in Gloucestershire, one in Monmouthshire and one in Worcestershire.
- 97.3 The Government has set out its intention for local authorities to separately collect food and garden waste in *Our Waste, Our Resources: A Strategy for England* (the 'Resources and Waste Strategy', Examination Library ref. [D1.28](#)) and in the *Environment Act 2021* (Examination Library ref. [D1.8](#)). Many local authorities are still awaiting further information regarding funding to invest in the collection of these waste streams, but Herefordshire Council has included this within its current plans for a change in collection services from 2023/24.
- 97.4 These future capacity demands are incorporated in the policies W1 and W2, and the consequent site identification policies.

Question 98: Should the policy provide for recycling as well as recovery of construction and demolition waste?

Response

- 98.1 The term 'recovery' means recycling when considering CD&E waste.

Question 99: Should the quantities in parts 1 to 4 be stated as 'tonnes per annum' and in part 5 as 'filling void spaces at a rate of 30,000 tonnes per annum'?

Response

- 99.1 Yes. Policy W2 would be clarified by the following modifications
Development for the following waste management priorities will be supported:
1. biological treatment of household waste of at least 10,000 tonnes **per annum**;
 2. recycling capacity of municipal, commercial and industrial and non-natural agricultural wastes of at least 50,000 tonnes **per annum**;
 3. recovery of materials and energy from municipal, commercial and industrial, non-natural agricultural and hazardous wastes of at least 110,000 tonnes **per annum**;

4. recovery of materials from construction and demolition waste of at least 250,000 tonnes **per annum**; and
5. disposal of inert wastes providing a cumulative void of 30,000 tonnes per **year annum**.

Question 100: Should the figure in part 5 be expressed as a maximum? How would this policy encourage movement of waste up the hierarchy?

Response

- 100.1 The figure in part 5 should not be expressed as a maximum because we do not have enough certainty in the data. In addition, the disposal of inert wastes can bring other benefits; e.g. the reclamation of land.
- 100.2 The Plan, including this policy, should be read as a whole. The stated tonnage is a relatively low figure for the management of inert wastes and recognises that there will likely remain a need for some disposal. Policy W2,4 presents a very much greater figure for this waste stream that is expected to be recovered.

Question 101: Is the review of the Joint Municipal Waste Strategy (2020/21) available?

Response

- 101.1 The Joint Municipal Waste Strategy for Herefordshire and Worcestershire is a joint plan between the two counties, drawn up to support the partnership arrangements for the management and disposal of waste (which is subject to a PFI contract). It was last reviewed in 2017. The review period is five years and is therefore due, however, this is currently on hold pending publication of DEFRA's results and guidance following its Consultation on Consistency in Household and Business Recycling in England (May – July 2021), pursuant to the Environment Bill 2021 (now the Environment Act 2021).
- 101.2 Herefordshire Council has moved forward with an independent *Herefordshire Integrated Waste Management Strategy* (Examination Library ref. D2.13), which was approved in July 2021. This outlines further-reaching ambitions to treat waste as a resource, reduce waste, increase re-use and increase recycling amongst its targets.
- 101.3 This latest iteration of the Waste Strategy is referenced at paragraph 3.2.4 of the Plan, which recognises that it is likely to continue to be updated throughout the Plan period.

Policy W3: Agricultural waste management

Question 102: What are the reasons for requiring assessment of wastes from the whole agricultural unit in the case of EIA development?

Response

- 102.1 The management of agricultural wastes, particularly those that contribute phosphates to the River Wye SAC catchment, is a key issue within Herefordshire.

- 102.2 The requirement to extend the waste management method statement across the whole agricultural unit in the case of EIA development is providing a clear and proportionate threshold for the scale of assessment required. If the proposed development at the agricultural unit is EIA development, then it is very likely to constitute major development and can be reasonably concluded to have a more significant impact. Consequently it is considered appropriate to extend the need for a waste management method statement across the whole unit and not just in relation to the proposed development.
- 102.3 In short, it provides a reasonable opportunity to have a greater impact bringing forward nutrient neutrality solutions from the agricultural sector.

Question 103: What are the reasons for the requirement for anaerobic digestion to manage only wastes generated primarily on the unit in which it is located, and how would the policy be applied?

Response

- 103.1 The priority reason for anaerobic digestion in Herefordshire is to provide an effective and sustainable waste treatment capacity; facilities that will improve the management of natural agricultural wastes that are currently contributing to the failure of the River Wye SAC. This purpose is considered to be important and not to be diluted by the use of anaerobic digestion facilities fed on crops grown for that purpose (as set out at paragraph 7.2.11 of the Plan).
- 103.2 Restricting the use of the facilities to the unit on which it is located is promoted to reduce consequent effects, particularly on road transport, especially recognising that such facilities are likely to be dispersed beyond the spatial strategy.
- 103.3 Any development proposal would set out the scale of facility proposed and how this would utilise the natural wastes generated on that agricultural holding. If the proposal was acceptable, it would be approved on that basis and that would constitute the extent of the development permitted.

Question 104: Is part 3 intended to be restricted to agricultural waste management?

Response

- 104.1 Part 3 is intended to apply to all development proposals located on agricultural holdings. It can be clarified 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 MM7.j): *'All development proposals on agricultural holdings will be required to demonstrate ~~delivery of a net reduction in nutrient discharges contributing to~~ at least nutrient neutrality, ~~or betterment,~~ within the River Wye SAC.'*

Question 105: Part 3 as submitted requires demonstration of delivery of a net reduction in nutrient discharges contributing to nutrient neutrality, or betterment, within the River Wye SAC. Proposed modification MM7.j would amend this wording to "demonstrate at least nutrient neutrality within the River Wye SAC". Please explain the reasons for this suggested change and how policy compliance could be demonstrated.

Response

- 105.1 In reviewing the policy text, there was a concern that the original policy wording would infer that a reduction in nutrient discharge, leading to some level of benefit, would be sufficient to satisfy the policy, whether or not nutrient neutrality was achieved.
- 105.2 The modification is proposed to clarify that the policy test is to require the achievement of at least nutrient neutrality.

Question 106: Should the policy state the need for Appropriate Assessment (AA) of development proposals under the Habitats Regulations?

Response

- 106.1 Policy W3, as amended by MM7.j states: *'All development proposals will be required to demonstrate at least nutrient neutrality within the River Wye SAC'*. The requirement for AA is a legislative requirement that would apply as relevant to the proposed development. It is therefore not considered appropriate or necessary to state the requirement for AA in the policy.

[Note: for Matter 7 questions 107 to 130, see Part B]

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

Mod. Ref.	Paragraph/policy/ figure reference	Proposed Modification	Reason for Change
MM7.w	Paragraph 7.3.2	Herefordshire has a number of well-established industrial estates and extensive strategic employment areas (<u>see policy E1 of the Core Strategy</u>) distributed within the market towns that lie within the spatial strategy. ...	For clarification. (MIQ: 112)
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 (<u>see policy E1 of the Core Strategy</u>), 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 shall <u>will</u> only be supported where it is demonstrated: <ul style="list-style-type: none"> 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 b. that phosphorus in the fly ash will be separately recovered and put to beneficial use; <u>and</u> c. that both the resultant heat and power will be utilised where viable. 	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). <u>The application should demonstrate that the proposed development has secured/will secure an appropriate recovery classification in the Environmental Permit.</u>	For clarification. (MIQ: 127)

Mod. Ref.	Paragraph/policy/ figure reference	Proposed Modification	Reason for Change
Key Development Criteria			
MM9.d.6 (amended)	Holmer Road Policy W5(2)	<p>Flood Risk: 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>Hereford AQMA: Need to demonstrate the level of effect on air quality, particularly within the Hereford AQMA.</p> <p><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></p> <p>Landscaping: 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>River Wye SAC: An Appropriate Assessment is required to demonstrate nothe likely significant effect(s) on the SAC. Development shouldwill be required to demonstrate at least nutrient neutrality or betterment.</p> <p>Road network: Need to demonstrate the level of effect on the local road network in the vicinity of the site.</p> <p>Sensitive properties: Need to demonstrate the level of effect on the amenity, health & safety and environment of nearby sensitive properties (housing and schools).</p>	