

Minerals and Waste Local Plan

Response to Historic England

Main Matter 1 - Legal Compliance Question 5

Main Matter 4 - Provision for Aggregates Supply Questions 55 and 73

1. Introduction

- 1.1 This document is prepared by Herefordshire Council (HC) to provide written response to the Statements submitted by Historic England (Examination Library refs. [D4.23](#), [D4.24](#), [D4.25](#) & [D4.26](#)) to the Inspectors' Matters, Issues and Questions (Examination Library ref. [D4.3](#)).
- 1.2 It is set out in the following order:
- Section 2 - Main Matter 1, question 5
 - Section 3 - Main Matter 4, questions 55 and 73
- 1.3 The Statement of Common Ground agreed between HC and Historic England is attached at Appendix A1.
- 1.4 There are no outstanding matters between HC and Historic England.

2. Main Matter 1 – Legal Compliance

Question 5

- 2.1 HC is pleased to note that Historic England has no objection in principle to the allocation of Leinthall Quarry.
- 2.2 Discussions have been ongoing with Historic England in regard to the wording to be used in the key development criteria for heritage assets. The phrasing agreed is: *'Need to demonstrate that the proposed development will appropriately minimise and mitigate impacts on heritage assets and/or their setting.'*
- 2.3 This wording is proposed as main modification to the MWLP, and will update those previously proposed, as set out Table HE1 below.

3. Main Matter 4 – Provision for Aggregate Supply

Question 55

- 3.1 HC is pleased to note that Historic England has no objection in principle to the allocation of the proposed sites.
- 3.2 As confirmed at paragraph 2.2 above, the wording to be used in the key development criteria for heritage assets has been agreed with Historic England.

Question 73

- 3.3 HC is pleased to note that Historic England has no objection in principle to the allocation of Leinthall Quarry.
- 3.4 As confirmed at paragraph 2.2 above, the wording to be used in the key development criteria for heritage assets has been agreed with Historic England.

Table HE1 Modifications to the heritage assets criterion as agreed with Historic England

The modification reference follows those set out at Table 2 of the Schedule of Main Modifications and Minor Changes Proposed Pre-Examination (Examination Library ref. [3.75](#))

Note:

All changed text is shown in bold font [example]

Single strike through of text [example] or underlining [example] indicates the original modification, presented in Table 2

Double strike through of text [example] or dashed underlining [example] indicates the revised modification, as agreed with Historic England

Table HE1 Modifications to the heritage assets criterion as agreed with Historic England

Mod. Ref.	Site Name and Policy	Key Development Criteria (heritage assets only)
MM9.d.5	Hereford Enterprise Zone (Rotherwas Industrial Estate) Policy W5(2)	Heritage assets: Need to demonstrate the level of effect less than substantial harm that the proposed development will appropriately minimise and mitigate impacts on heritage asset(s) and their setting(s), particularly listed buildings and the scheduled monuments Rotherwas House and Rotherwas Chapel.
MM9.d.8	Land between Little Marcle Road and Ross Road Policy W5(2)	Heritage assets: Need to demonstrate the level of effect less than substantial harm that the proposed development will appropriately minimise and mitigate impacts on heritage asset(s) and their setting(s), particularly listed buildings in the vicinity of the site.
MM9.d.9	Leinthall Quarry Policy M4(2,a)	Heritage assets: Need to demonstrate the level of effect less than substantial harm that the proposed development will appropriately minimise and mitigate impacts on heritage assets and their settings, particularly of Croft Ambrey Hill Fort and Croft Castle Park.
MM9.d.10	Leominster Enterprise Park Policy W5(2)	Heritage assets: Need to demonstrate the level of effect less than substantial harm that the proposed development will appropriately minimise and mitigate impacts on heritage asset(s) and their setting(s), particularly listed buildings in the vicinity of the site.
MM9.d.24	Leominster Household Waste Site and Household Waste Recovery Centre	Heritage assets: Need to demonstrate the level of effect less than substantial harm that the proposed development will appropriately minimise and mitigate impacts on heritage asset(s) and their setting(s).

Mod. Ref.	Site Name and Policy	Key Development Criteria (heritage assets only)
	Policy W5(3)	
MM9.d.12	Model Farm Policy W5(2)	Heritage assets: Need to demonstrate the level of effect less than substantial harm that the proposed development will appropriately minimise and mitigate impacts on heritage asset(s) and their setting(s), particularly listed buildings in the vicinity of the site.
MM9.d.13	Moreton Business Park Policy W5(2)	Heritage assets: Need to demonstrate the level of effect less than substantial harm that the proposed development will appropriately minimise and mitigate impacts on heritage asset(s) and their setting(s), particularly listed buildings and Sutton Walls Hillfort, St Mary's Church and the historic core of Marden and other listed buildings.
MM9.d.15	Perton Quarry Policy M4(2,a)	Heritage assets: Need to demonstrate less than substantial harm that the proposed development will appropriately minimise and mitigate impacts on Registered Park and Garden Stoke Edith.
MM9.d.17	Southern Avenue Policy W5(2)	Heritage assets: Need to demonstrate the level of effect less than substantial harm that the proposed development will appropriately minimise and mitigate impacts on heritage asset(s) and their setting(s), particularly listed buildings in the vicinity of the site.
MM9.d.19	Three Elms Trading Estate Policy W5(2)	Heritage assets: Need to demonstrate the level of effect less than substantial harm that the proposed development will appropriately minimise and mitigate impacts on heritage asset(s) and their setting(s), particularly listed buildings in the vicinity of the site.
MM9.d.21	Wellington Quarry Policy M3(2,a) Policy W6(2)	Heritage assets: Need to demonstrate the level of effect less than substantial harm that the proposed development will appropriately minimise and mitigate impacts on heritage asset(s) and their setting(s), particularly listed buildings and Sutton Walls Hillfort, St Mary's Church and the historic core of Marden and other listed buildings and Sutton Walls Fort.
MM9.d.22	Westfields Trading Estate Policy W5(2)	Heritage assets: Need to demonstrate the level of effect less than substantial harm that the proposed development will appropriately minimise and mitigate impacts on heritage asset(s) and their setting(s), particularly listed buildings in the vicinity of the site.
MM9.d.23	Westonhill Wood Delves Policy M5(1,a&b)	Heritage assets: Need to demonstrate the level of effect less than substantial harm that the proposed development will appropriately minimise and mitigate impacts on heritage asset(s) and their setting(s).

Appendix A1

Statement of Common Ground between Historic England and Herefordshire Council (October 2022)

(See below)

**Herefordshire Minerals & Waste Local Plan
Examination – November 2022**

Statement of Common Ground

Between

**Historic England and
Herefordshire Council**

Date: 28 October 2022

1. *Introduction*

- 1.1 The geographical extent to which this document relates is the administrative area of Herefordshire Council (HC).
- 1.2 This Statement of Common Ground relates to the Herefordshire Council's Minerals and Waste Local Plan ('MWLP' or 'the Plan') and representations made by Historic England (HE) following correspondence and discussions between representatives of the two organisations between August and October 2022.

2. *Collaborative working with Historic England*

- 2.1 Officers from HC and a representative from HE held an online meeting on 6 September 2022 to discuss outstanding issues in relation to the MWLP, its proposed main modifications (Examination Library ref. [D3.75](#)) and the evidence base reports relating to heritage issues (Examination Library refs. [D3.71](#), [D3.72](#), [D3.73](#) & [D3.74](#)).
- 2.2 Subsequently, two letters were received by HC from HE, dated 15 September 2022 (see Appendix A) and 3 October 2022 (see Appendix B), setting out:
- HE's position on the proposed main modifications to the Plan; and
 - HE's comments on the Heritage Impact Assessment (HIA) reports.
- 2.3 The correspondence clarified that there remained only one unresolved issue: the wording of the key development criteria (as proposed through modifications) for site allocations in relation to heritage assets. The details of this concern and how it was resolved are set out in section 3 below.
- 2.4 HE welcomed the HIA work and concluded that there are no outstanding concerns or objections, in principle, to the allocation of sites in the MWLP.

3. *Wording of Key Development Criteria for Site Allocations*

- 3.1 Concern was raised by HE over the wording used for heritage assets in the key development criteria (KDC) (as proposed through modifications) for the site allocations: **'Need to demonstrate less than substantial harm on heritage asset(s) and their setting(s)...**'
HE emphasised that, in respect of a site allocation, a local plan should be able to demonstrate that the site is developable and deliverable in relation to the historic environment.
- 3.2 In HE's hearing statement responding to the Inspectors matters, issues and questions (Main Matter 1 Legal Compliance: Duty to Co-operate, Q5), alternative words (or those to similar effect) were recommended for the KDC text relating to site allocations and heritage assets:
'Any planning application and accompanying site working scheme should include a satisfactory site layout (including screening and stand-offs where necessary) and management scheme that clearly demonstrates it can adequately minimise and mitigate the impacts of the proposed development on heritage assets and/or their setting.'

- 3.3 HC agreed with the aims of HE's proposed alternative wording, however the phrase was considered to be a little too long. The KDC have purposefully been written to be succinct, therefore HC suggested the following alternative wording to HE, during a telephone conversation on 14 October 2022 (later confirmed via email):
'Need to demonstrate that the proposed development will appropriately minimise and mitigate impacts on heritage assets and/or their setting.'
- 3.4 HE agreed with the new proposed wording from HC and confirmed that this would be compatible with both the Council's own policies for the protection of the historic environment and with the requirements set out in the National Planning Policy Framework.

4. Conclusion

- 4.1 HC recommends to the Inspectors the alternative text agreed between HE and HC (as set out in paragraph 3.3 above) for heritage assets in the *Schedule of Main Modifications and Minor Changes proposed Pre-Examination* (Examination Library ref. [D3.75](#)):
- MM9.d.5 Hereford Enterprise Zone (Rotherwas Industrial Estate) Policy W5(2);
 - MM9.d.8 Land between Little Marcle Road and Ross Road Policy W5(2);
 - MM9.d.9 Leinthall Quarry Policy M4(2a);
 - MM9.d.10 Leominster Enterprise Park Policy W5(2);
 - MM9.d.24 Leominster Household Waste Site and Household Waste Recovery Centre Policy W5(3);
 - MM9.d.12 Model Farm Policy W5(2);
 - MM9.2.13 Moreton Business Park Policy W5(2);
 - MM9.d.15 Perton Quarry Policy M4(2a);
 - MM9.d.17 Southern Avenue Policy W5(2);
 - MM9.d.19 Three Elms Trading Estate Policy W5(2);
 - MM9.d.21 Wellington Quarry Policy M3(2a) and Policy W6(2);
 - MM9.d.22 Westfields Trading Estate Policy W5(2); and,
 - MM9.d.23 Westonhill Wood Delves Policy M5(1a and b)
- 4.2 The inclusion of the agreed wording in the Plan would mean that there would be no outstanding issues of concern from HE's perspective.

5. Signatures



Tracey Coleman, Interim Service Director Planning and Regulatory Services, Herefordshire Council

Date: 27 October 2022



Rosamund Worrall, Team Leader (Development Advice) (South) Midlands Region, Historic
England

Date: 25 October 2022

Appendix A

Letter from Historic England to Herefordshire Council dated 15 September 2022

(See below)



Historic England

Victoria Eaton
Herefordshire Council
PO Box 4
Hereford
Herefordshire
HR4 0XH

Direct Dial: 0121 625 6893

Our ref: PL00536983

15 September 2022

Dear Vicky

HEREFORDSHIRE MINERALS AND WASTE PLAN INFORMAL CONSULTATION ON HERITAGE IMPACT ASSESSMENTS AND PRE-EXAMINATION MAIN MODIFICATIONS AND MINOR CHANGES

Thank you for the information received on 25 August 2022 in my colleague's absence. I refer also to the virtual meeting on 6 September 2022 between Kevin Singleton, yourself and me where we discussed the information at a general level and clarified what was being sought at this stage. We agreed that I would respond by 16 September 2022 highlighting areas of agreement/disagreement.

I can confirm that the information we are looking at are Pre-Examination MWLP Documents:

- D3.71 - Heritage Impact Assessment (HIA) Leinthall;
- D3.72 - HIA Shobdon;
- D3.73 - HIA Upper Lyde;
- D3.74 - HIA Wellington; and,
- D3.75 - Schedule of Main modifications and minor changes proposed Pre-Examination.

In terms of the HIA's we will need further time to consider these but would be able to respond with clarity in the next few weeks and certainly ahead of the hearing statement deadline of 7 October 2022.

In respect of the main modifications, some proposals are in line with advice we have provided at the earlier consultation stages but we continue to have concern about the wording used for heritage assets in the site criteria sections: 'Need to demonstrate less than substantial harm on heritage asset(s) and their setting(s)...'. In terms of impact on heritage assets and settings, in respect of a site allocation in a Plan, the Plan should be able to demonstrate that a site is developable and deliverable in relation to the historic environment.

At present, the wording suggests that the Plan cannot demonstrate that the site it is putting



Historic England

forward for possible development is compatible with the Council's own policies for the protection of the historic environment or the requirements set out in the NPPF.

In terms of the historic environment work that has been undertaken in respect of the Plan we expect this could be discussed in the next few weeks with a view to setting any alternative option for wording out in a Statement of Common Ground if that was agreeable to the Council.

We would also be happy to include any site allocation matters through a Statement of Common Ground if that would be an agreeable approach to yourselves.

For your information, we intend on advising the Programme Officer that we wish to attend the EIP at this stage but would be happy to continue conversations as set out above and clarify matters further through any hearing statement that we submit and at any relevant hearing session in due course.

I will be on leave 23-30 September 2022 but we will be working as a team in Kezia's absence to continue the conversations outlined above so there will be other HE colleagues who will be supporting on this Plan for that week I am not around.

I will be around next Tuesday onwards if you have any immediate queries.

Yours sincerely,

Rosamund Worrall

Rosamund Worrall
Team Leader (Development Advice)
Rosamund.Worrall@HistoricEngland.org.uk

Appendix B

Letter from Historic England to Herefordshire Council dated 3 October 2022

(See below)



Historic England

Ms Vicky Eaton
Herefordshire Council
PO Box 4
Hereford
Herefordshire
HR4 0XH

Direct Dial: 0121 625 6893

Our ref: PL00536983

3 October 2022

Dear Vicky

DRAFT HEREFORDSHIRE MINERALS AND WASTE PLAN - CONSULTATION ON HERITAGE IMPACT ASSESSMENTS (HIA)

Thank you for the information sent through to me on 25 August 2022 in relation to the above. We have had opportunity to assess the further HIA information for the four sites we previously raised issues about and our comments on the information are set out below. We refer also to previous correspondence on the draft Plan.

Shobdon and Upper Lyde allocations - The reports for both sites set out current knowledge on these important, non-designated archaeological landscapes known for the quality and preservation of their archaeological features. The reports provide a valuable evidence base for the draft Plan in respect of the historic environment issues for the proposed allocations and address earlier concerns in respect of these sites. The proposed policy criteria (archaeology) for both sites would assist with setting out the Council's aspirations for the site allocations in terms of meeting NPPF para 194 requirements at planning application stage.

Leinthall - The HIA is light on consideration of the values of the setting that contribute to the significance of Croft Ambrey, both as an IA hillfort and also as a feature and prospect in the designed landscape to Croft Castle, and also in respect of other assets. However, the report does identify our principle concern that there will be a moderate to high impact on Croft Ambrey through this proposal in its setting.

Our previous position was an objection to the soundness of the allocation due to the lack of early regard for the significance of heritage assets, ie Plan process, rather than an objection to the allocation in principle. We would recommend revised policy criteria wording to ensure that an appropriate mitigation strategy is embedded in the working of any quarry at the proposed extension site. In this case it will be managing the cumulative visual harm within the setting of heritage assets.



Historic England

This could include landscaping through tree planting, though as highlighted in the report tree planting would have minimal mitigation benefit. Another option could be seeking restoration to be delivered alongside extraction to ensure that the extent of working areas is restricted so that the cumulative visual harm is managed.

We do not agree with the current wording in relation to heritage assets in Policy M4 since the Plan should already be able to demonstrate that the allocation site would be deliverable and developable in respect of historic environment matters, including impact on heritage assets and/or their setting. We would be happy to discuss revised policy criteria wording ahead of the EIP.

Wellington - It is noted that the conclusion of the HIA for Wellington is that there is likely to be archaeology of similar quality and significance to that encountered in the existing extent of quarrying at Wellington, ie regional significance.

The HIA recognises that the Lugg is a demonstrated extensive and rich archaeological landscape, that previous work has identified a complicated multi-period site with extensive and unique archaeological remains and that there is strong indication that this archaeology would continue into the proposed quarry extension.

We note that Policy M3 includes a relevant policy criteria for archaeology which sets out that mitigation for direct impact will include recording, protection or recovery of any assets.

In terms of setting impacts, the HIA considers negative setting impacts to Sutton Walls Iron Age hillfort and to St Marys Church (GI), Marden. We note that the HIA considers potential for mitigation through bunding or planting. The relatively open and level landscape makes a positive contribution to the setting of Sutton Walls Iron Age hillfort preserving the topography of the floodplain environment that it overlooked. Based on archaeological evidence this was a landscape of settlements and individual farms during the Iron Age and the landscape would have been significantly farmed with a mix of arable and pasture fields, interspersed with pockets of woodland much as today.

Whilst sitting more with the decision making process for an application, rather than the draft Plan, we would wish to set out a marker that we would advise against bunding as this introduces an alien landform into the setting. In terms of tree planting, we suggest this could be designed to reflect local character and using small pockets of trees to diffuse keys views rather than block the site would be likely to work better with local



Historic England

character. We appreciate this level of detail would not be appropriate to include in the Plan as a criteria at present but wished to highlight based on the HIA information presented as part of the Plan evidence base.

As with the Leinthall site, and our previous correspondence, we do not agree with the current wording in relation to heritage assets in the Policy for the site since the Plan should already be able to demonstrate that the allocation site would be deliverable and developable in respect of historic environment matters, including impact on heritage assets and/or their setting. We would be happy to discuss revised policy criteria wording for 'heritage assets' ahead of the EIP.

I hope that this information is of use at this time. We look forward to discussing further in due course. Do not hesitate to contact me should you have any queries.

Yours sincerely,

Rosamund Worrall

Rosamund Worrall
Team Leader (Development Advice)
Rosamund.Worrall@HistoricEngland.org.uk