

Herefordshire Minerals and Waste Local Plan

OPENING STATEMENT ON BEHALF OF HEREFORDSHIRE COUNCIL

1. The NPPF envisages that the planning system should be genuinely plan-led with succinct and up-to-date plans providing a positive vision for the future of the area.
2. The Minerals and Waste Local Plan (“MWLP”) is intended to form the strategic policy framework for the extraction of minerals and the management of waste in Herefordshire. Once adopted it will join the lead document of the statutory development plan in Herefordshire, the Core Strategy, which was adopted in 2015. Together, these documents provide guidance and direction for both developers and local communities and sets out the principles against which applications will be managed by the Council, or on appeal, the Secretary of State.
3. As a matter of law, the starting point for the evaluation of any application for development that concerns minerals and/or waste will be assessed against those policies and principles in the Plan.
4. The “Examination in Public” is a key stage in the preparation of a Local Plan. The Examination takes place in public in front of independent expert Inspectors appointed by the Secretary of State who are required to reach a conclusion on a key single issue: whether the Plan is “sound”, and then to report back to the Council.
5. The legislative requirements for the Examination are contained in the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Practice guidance is provided by the Gov.UK website in the PPG which is to be found on the internet at <https://www.gov.uk/guidance/local-plans>.
6. The Legislation¹ allows for three possible outcomes to the examination:
 - (1) The Inspectors find that the plan is “sound” and legally compliant, as submitted.
In these circumstances the Inspector must recommend that the plan is adopted;
 - (2) The Inspectors find that the plan is unsound and/or legally non-compliant as submitted, but that it is possible to make it sound and legally compliant by making Main Modifications to it. In these circumstances the Inspectors must

¹ (PCPA sections 20(7),(7A),(7B),&(7C))

recommend the necessary “Main Modifications”, if requested to do so by the Council. The Main Modifications must relate directly to the reasons why the Inspector has found the plan unsound or legally non-compliant;

- (3) The Inspectors find the plan unsound as submitted, and that it is not possible to make it “sound” and legally compliant by making Main Modifications to it. In these circumstances the Inspectors must recommend non-adoption of the plan. In practice, the Council would be asked to consider withdrawing the plan before any such recommendation was made.
7. The Council has suggested a number of Main Modifications, so that if the plan, as submitted, is non-compliant, it can be modified to make it sound. Minor modifications are also suggested to make relatively modest improvements to clarify the substance and form of the policies and the explanatory text of the Plan.
 8. At the end of the Examination, the Inspectors will produce a report for the Council setting out recommendation(s) and the reasons for them. The report is not binding on the Council, but the Council cannot adopt an unsound plan (PCPA, section 23(4)).
 9. The Local Plan-making process takes place in accordance with two key democratic principles: firstly, open public consultation and participation of all interested parties, relevant organisations that form the statutory consultees and other “stakeholders” and, secondly, the public examination of the plan by independent, experienced and expert inspectors who probe and test the Plan and its evidence base, including the “Sustainability Assessment” which incorporates the strategic environmental impact assessment .
 10. The Council has a Duty to Co-operate with other adjoining Councils over the Plan and certain other statutory bodies under the Localism Act.
 11. There are no outstanding objections to the MWLP from any of the Government Agencies; Natural England, Historic England, Environment Agency, nor from any of the adjoining English or Welsh authorities.
 12. Statements of Common Ground have been prepared and agreed with the key agencies and authorities. The SoCGs do identify areas of disagreement with consultees, as well as areas of agreement.

13. Where substantive objections have been raised (for example the concerns of the Aymestrey Parish Council as to the allocation and extension of Leinthall Quarry) the Council has sought to modify strategic policy and key development criteria (“KDC”) where necessary to address those concerns.
14. The Council is grateful for the Inspectors’ questions and third party responses which have caused the officers and consultants to carefully examine the text and policies of the plan, which has led to a significant number of suggested modifications.
15. This should not be seen as a weakness in the process; indeed quite the opposite: the proposed modifications to be discussed at this Examination are evidence that the democratic process is working. Suggestions and questions from the Inspectors and the wide range of organisations and individuals have been taken very seriously by the Council which has responded in writing.
16. The Inspectors nevertheless have full control of the Examination process and procedure with the assistance of the Programme Officer.
17. The objective that is sought at the end of this process is a Plan that is “sound” . To be sound the plan must meet a number of tests of soundness set out in paragraph 35 of the NPPF; ie:
 - a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

18. At the heart of national and local planning policy lies the concept of sustainable development. This has three components to it: environmental, economic and social.
19. Herefordshire is a large rural landlocked county with nationally important heritage and a landscape which contains Areas of Outstanding Natural Beauty and internationally important ecological designations, including the River Wye Special Area of Conservation (SAC).
20. On the other hand, it also has substantial social and economic challenges, which are identified in the Core Strategy; not least deprivation which may not be immediately apparent in this green and pleasant County. The Core Strategy records that the population is expected to grow by 12% in 20 years. In terms of deprivation, a fifth of households (14,500) live in poverty, mostly in urban areas. In rural areas, access to services is poor: Close to two thirds of the County are amongst the 25% most deprived areas in England with respect to geographical barriers to services. These areas are predominantly rural. There is a demonstrable need for more homes. New housing and infrastructure requires building materials. Population growth creates additional need for waste recycling and management.
21. Minerals such as sand and gravel, aggregates and crushed rock (limestone) are essential to meeting the community's needs for economic growth and development and to support the need to build additional housing for its growing population.
22. It is now well established that Government, commerce, industry, communities and individuals all need to do more to ensure that the waste we produce can be dealt with in less harmful and more efficient ways. In particular, although waste is recognised as a problem, properly treated it can also be a resource, which can be reused, recycled, or from which other value can be recovered.
23. Previously used waste material can make an important contribution to availability of minerals for construction in the County and, in doing so, reduce the impact of mineral extraction and the deposit of waste on Herefordshire's environment.
24. The circular economy can be delivered in Herefordshire, not least through the recycling of waste materials to provide new building materials. The joint issues of waste management and mineral extraction are complementary activities.
25. They also have the potential to cause serious environmental harm, including pollution of the air and Herefordshire's rivers.

26. There is a particular difficulty with pollution from agricultural run-off and sewer discharges affecting the Rivers Wye and Lugg which are part of the River Wye SAC.
27. The Plan does not and cannot, in and of itself, provide the solution to these problems - many of which originate outside of the County; rather it seeks to create the policy framework both strategic and non-strategic that will assist the agencies and communities to protect the unique heritage, ecology and landscape assets and enhance quality of life in Herefordshire.
28. The Plan seeks to achieve “at least nutrient neutrality²” in agricultural development and in the extraction of minerals and waste management.
29. Herefordshire is rich in mineral resources and there is a long history of quarrying. The choice of sites often dates back to the mid 20th century – a time when control of mineral and waste sites was much less well regulated than today. In some areas the jobs and economic benefits of mineral extraction are an important part of local community life.
30. Ensuring the continued supply of the minerals which may be required and the availability of the facilities we need to manage waste effectively, can lead to pressure for new development, such as new or extended quarries and waste management sites. As well as bringing benefits, these forms of development can of course affect our environment, communities, quality of life and climate change, for example through lorry movements and impacts on the landscape and from noise and dust. The policies in the Plan seek to identify and allocate suitable sites to meet the County’s need for minerals, subject to strict control of how these sites are to be developed and operated.
31. The production of a Local Plan is a major exercise for the Council and its members, officers and consultants who have worked on the Plan commend it to you and look forward to detailed discussion of the policies and allocations in the MWLP and to being able to invite the Inspectors to make such modifications as are considered necessary and appropriate to enable them to report that the Plan is sound.

² Nutrient neutrality is defined as ‘a means of ensuring that development does not add to existing nutrient burdens [to the surrounding water environment] and this provides certainty that the whole of the scheme is deliverable in line with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017’.[Natural England]

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