

Shaping Our Place 2026

Local Development Framework

Core Strategy

Policy Direction Paper
Minerals

January 2010

CORE STRATEGY POLICY DEVELOPMENT

Theme (Policy): Minerals

Preferred Policy Direction

The results of the Developing Options consultation 2008 and the evidence base have provided an emerging preferred direction for minerals policy. The preferred approach of the Core Strategy would appear to amalgamate elements of Options 2 and 3. The preferred policy would:

1. Identify/define Mineral Safeguarding Areas (MSAs) to ensure minerals resources are safeguarded and not sterilised by other development;
2. Provide a set of generic criteria, by which to judge planning applications for new or extended minerals extraction proposals, which will include restoration, after-use and creation of wildlife habitat;
3. Provide a criteria based policy for the extraction of non-aggregate building stone or clay (similar to policy M4 in the UDP);
4. Provide a secondary and recycled aggregate policy to link with waste management site location policies;
5. Allow for a specific minerals Development Plan Document if changes in circumstances justify one during the Core Strategy plan period; and
6. Take account of any regionally or nationally set annual apportionment figures for the provision of aggregate.

1.0 Introduction

- 1.1 This section provides background information and evidence to support the policies directions that will form part of the Core Strategy Place Shaping Paper. The full policy wording will form part of the pre-submission Core Strategy.
- 1.2 The Core Strategy will set out the vision and objectives for the Herefordshire Local Development Framework (LDF), together with the Place Shaping Policies at a strategic level, explaining how the county as a whole is expected to develop up to 2026.

1.3 This report seeks to address the following questions:

What is the current situation (issues)?

What is the national, regional and local policy framework?

What is the available evidence base indicating?

What can the Core Strategy do?

What were the results, indications from the Developing Options Consultation?

What further consultation has taken place?

What conclusions can be drawn?

What happens next?

2.0 The Need for the Policy

2.1 The need for a minerals policy in the LDF is justified with the national, regional and local requirement to ensure a steady and adequate supply of minerals to meet the needs of society and the economy.

3.0 The Policy Framework

3.1 Minerals policy is structured by the fact minerals can only be extracted where they are found. National and regional policies and guidance have spatial implications for the provision of minerals; notably Minerals Planning Statement 1, and draft revised national and regional guidelines for aggregates provision in England. The Entec Report May 2009¹ provides full details on the policy framework from the national to the local plan level.

3.2 The Community Strategy sets out the county's aspirations up until 2020. Its vision is that:

*"Herefordshire will be a place where, organisations and businesses working together within an outstanding natural environment will bring about sustainable prosperity and well being for all."*²

¹ Herefordshire Minerals and Waste Planning Assessment, Final Report May 2009 Entec UK Limited

² The Community Strategy for Herefordshire "A Sustainable Future for the County" The Herefordshire Partnership, 2006

- 3.3 The key issues identified in partnership with local people relevant to minerals are a safe and pleasant environment to live and work in, business diversification and enterprise, improved public transport and less traffic congestion and protecting the environment.
- 3.4 Five guiding principles aim to work towards the county becoming a sustainable county and address the key issues. These principles are to:
- Realise the potential of Herefordshire, its people and communities
 - Integrate sustainability into all our actions
 - Ensure an equal inclusive society
 - Build on the achievement of partnership working and ensure continual improvement
 - Protect and improve Herefordshire's distinctive environment
- 3.5 The Community Strategy has themes although none are specific to mineral working.
- 3.6 The Local Area Agreement (LAA)³ is prepared through partnership working and aims to demonstrate how the county's priorities will be addressed to aid a better life. It has the same themes as the Community Strategy with an additional theme on the environment following the decision to split safer and stronger communities. Although the Community Strategy is not specific to minerals the priorities in the LAA have a broad relevance for minerals. These are: to increase the economic potential of the county with particular regard to higher skilled and better paid jobs; to improve the availability of sustainable services and facilities and access to them; and to minimise domestic and commercial waste and increase recycling.
- 3.7 In order to avoid a situation of having no policies to guide development between the end of the current plan and the adoption of the new Local Development Framework, the council has submitted proposals to save appropriate UDP policies. The saved policies will provide a basis for determining planning applications prior to the adoption of the local

³ The Herefordshire Partnership Herefordshire Story of Place Local Area Agreement 2008-2011

development framework. All the minerals policies contained in the UDP are being proposed to be “saved” by Herefordshire Council.

4.0 Evidence Base

- 4.1 In assessing the evidence base the Entec Report drew conclusions for sales, connections with waste, mineral reserves and the associated apportionments.
- 4.2 As part of the evidence base Entec reviewed the latest Regional Aggregates Working Party Annual Report, January 2009 Report, which provides data for 2006. For Herefordshire, sand and gravel sales totalled 190,000 tonnes and crushed rock sales were 300,000 tonnes. Since 2001 there has been a trend of slightly declining sales in line with the rest of the region.
- 4.3 Secondary and recycled aggregates present difficulties in collating information. The Regional Aggregates Working Party did do some monitoring of construction and demolition wastes and Herefordshire recorded 4,196 tonnes from one site in 2006. The waste policy direction document has more information on this.
- 4.4 On aggregate supply, the Regional Spatial Strategy (RSS) sets a sub-regional apportionment for Herefordshire to provide 283,000 tonnes of sand and gravel and 424,000 tonnes of crushed rock per year between 2001 and 2021. However, the RSS phase 3 revision gives an apportionment of 308,000 tonnes and 398,000 tonnes respectively. This indicates a dynamic scenario which is subject to change and which needs to be taken into account.
- 4.5 Reserves as at the end of 2008 are estimated at 6.9million tonnes of sand and gravel and 23million tonnes for crushed rock. The landbank for each is at least 18 years for sand and gravel and 37.5 years for crushed rock which more than covers the national policy to maintain 7 years and 10 years respectively. Even with the draft revised sub regional apportionment changes the county has sufficient aggregate landbanks for both minerals. It will be important to ensure that the LDF safeguards existing sand and gravel and crushed rock reserves throughout the plan period. Entec recommend in their

report that all existing permitted aggregate sites are safeguarded to prevent their sterilisation through an appropriate policy in the emerging LDF.

- 4.6 Housing growth, infrastructure projects and impacts on the construction industry could all impact upon future requirements for minerals. Policies should be flexible enough to deal with the possibility of older minerals sites being reopened as technology improves and minerals become scarcer.
- 4.7 Beyond the plan period (2026 – 2036) it has been estimated, using draft refined sub-regional apportionment figures, that there will be a short fall of sand and gravel by 2.89 million tonnes and a surplus of 4.45 million tonnes of crushed rock. It will therefore be important that a balance is struck in safeguarding mineral resources and prevention of sterilisation whilst not acting as a potential constraint to development projects. Extraction will also need to be sensitivity carried out and reclamation and aftercare of the site undertaken to protect, and where possible enhance the environment.
- 4.8 More information is needed on other minerals, in particular building stone, in Herefordshire. Entec reported that sandstone quarries in the county are small scale and intermittent operators, based on need and the market. At present extraction is roughly between 1,000 and 3,000 tonnes a year. The permitted reserves are likely to last many years due to the rate of extraction. Therefore a safeguarding policy for sandstone and other small scale mineral extraction, locally distinctive to Herefordshire, is required to protect it for the plan period and beyond. A similar policy to M4 in the current UDP should be provided for the LDF.
- 4.9 Overall, and looking at the plan period up until 2026, there are sufficient reserves of sand and gravel and crushed rock, although this does not take into account any reserves which are sourced out to other areas in or outside of the region which may result in a short fall. Therefore the safeguarding of mineral reserves will be important in developing the LDF. In addition, a similar policy approach to M4 in the UDP should be provided to accommodate for small scale building stone and clay.

5.0 What can the Core Strategy do?

- 5.1 To meet the tests of soundness the Core Strategy will be required to demonstrate sufficient flexibility and deliverability and as such the policies in the LDF will need to address the potential concentration of sand and gravel reserves at a single site.
- 5.2 Existing secondary and recycled aggregates facilities should be safeguarded as well as future provisions of such facilities be made. Criteria based policy could be developed to enable developments of such facilities to be co-located at existing minerals workings, where appropriate.
- 5.3 For non-aggregate mineral extraction, traditional stone working skills and intended destinations for local stone are key factors. Issues to be taken into consideration include local distinctiveness, local historic or architectural interest, listed and vernacular buildings and archaeological sites. Requirements could be met by, small scale proposals that could be limited to production for non-aggregate materials. The UDP policy M4 on the extraction of non-aggregate building stone or clay is recommended for the basis of, a criteria based policy in the LDF.
- 5.4 The Core Strategy, Developing the Vision and Objective Background Paper, July 2009 sets the vision for the county as seeking "...interdependence of...economic prosperity and environmental quality with the aim of increasing the county's self-reliance and resilience." Minerals policies should relate to this in order to address the key issues, also set out in the July 2009 paper, of "ensuring high quality, locally distinctive sustainable design and construction"; "providing for the needs of all generations"; protection and enhancement of environmental assets"; improving transport infrastructure, choices and movement"; and "better use of resources".
- 5.5 It is recognised that there are potential conflicts between the natural environment and mineral extraction. Minerals are often found in high quality landscape areas which are rich in geodiversity, biodiversity and archaeology. It will therefore be important to develop policy which recognises these important assets and provides an opportunity for habitat restoration or

creation. The Policy Background Paper on the Natural Environment should be referred to here.

6.0 Developing Options Consultation Results

6.1 The Developing Options consultation question 39⁴ on additional mineral reserves requirements asked:

How should Herefordshire address any additional mineral reserves requirements?

1. Identify the current and required land bank of permitted mineral reserves to meet the needs of Herefordshire up until 2026;
2. Identify preferred areas of mineral extraction, to enable greater flexibility and safeguard potential mineral reserves; or
3. Provide a set of generic criteria, which would be used to judge planning applications for new minerals extraction.

6.2 Q39 responses.

Option 1: Number of respondents 182

Yes – 92%

No – 8%

Number of no opinion / answer not provided – 215

Option 2: Number of respondents 186

Yes – 90%

No – 10%

Number of no opinion / answer not provided – 211

Option 3: Number of respondents 184

Yes – 92%

No – 8%

Number of no opinion / answer not provided – 213

⁴ Core Strategy Developing Options Results Report Survey Report July 2008, January 2009

The most desired options were Options 1 and 3, however all were supported.

6.3 There were 199 free write comments⁵ on the Sustainable Communities Section of the report that suggested improvements to the options. The comments that relate to minerals included:

- Maintain the distinctive character and diversity of Herefordshire
- Identify broad locations for waste and minerals using generic criteria
- Manage mineral extraction to minimise impact on groundwater quality
- Take into account English Heritage's guidance on mineral extraction
- Support small scale mineral extraction
- When considering regeneration ensure that ecological building materials can be used
- We should be looking at a decrease in mineral use not an increase
- The terms for mineral extraction do not accord with national policy.
The option should be split to address two separate points: a) identify "strategic sites – preferred areas and areas of search" to enable greater flexibility; and b) identify / define mineral safeguarding areas (MSAs) to ensure mineral resources are safeguarded and not sterilised
- The voids created by mineral workings can assist with flood management

6.4 The Sustainability Appraisal (SA) compatibility test⁶ showed that the relevant objective for minerals was compatible with each of the plan objectives or had no relationship with them. All the options were considered to be reasonable but highlighted the importance of utilising the Entec Report. The assessment of the options revealed that greater clarity was needed with regards to identifying sites under Option 1. Option 2 would require industry discussions to maximise production and feasibility and efficiency tests for alternatives to road freight. Option 3 has certainty issues for industry over the medium to

⁵ Core Strategy Developing Options Analysis Schedules March 2009

⁶ Core Strategy Developing Options Paper Sustainability Appraisal June 2008 (amended March 2009)

long term, which would need to be overcome and restoration plans identified with community involvement before the option could be considered.

Therefore Option 1 was concluded to be the most sustainable with Option 2 second and Option 3 being the least sustainable of the three options.

6.5 In terms of Habitat Regulation Assessment⁷ (HRA) all the options identified likely local impacts on designated features including impacts upon water levels, water quality, clean gravel, sedimentation, disturbance, erosion, aggregate extraction, flood defence and dredging. Transport emissions were considered to be an issue for air quality over a wider area. In addition, Option 2 was considered to have the potential for early identification of impacts from aggregate extraction, thus enabling timely implementation of mitigation measures. Option 3 was also considered likely to address detrimental impacts on features by considering avoidance and mitigation within generic policies.

6.6 No clear alternatives from the SA or HRA assessment process were identified.

7.0 Place Shaping Paper, January 2010

7.1 All of the above have shaped the Minerals Policy Direction and a summary of this can be viewed on the first page. The Place Shaping Paper, January 2010, includes this wording and will be consulted upon.

8.0 Further Consultation Undertaken and Sustainability Appraisal

8.1 In addition to involving relevant council officers it is proposed to engage with appropriate external organisations to help with developing the policy wording, including Regional Aggregates Working Party for the West Midlands (RAWP), The British Aggregates Association, The Coal Authority and representatives of the minerals industry.

8.2 Also, SA and HRA assessments will be undertaken to assist in developing the policy wording prior to submission.

9.0 Conclusions

- 9.1 The preferred direction for the minerals policy has been developed based on the Entec Report which moved the subject on significantly from the Developing Options Paper.
- 9.2 The Entec Report has demonstrated that the county should have sufficient reserves to cover the regional apportionments covering the plan period. Therefore in respect of Option 1 there is unlikely to be a need to identify further land to meet mineral requirements up to 2026.
- 9.3 The SA demonstrated that Option 3 was the least sustainable of the options. However the evidence base and consultation responses have concluded that an amalgamation of Options 2 and 3 is a possible alternative. Such an approach would take on board the findings in the evidence base (a) to demonstrate that the safeguarding of mineral reserves is important, and (b) to ensure that flexibility and deliverability are addressed. The consultation response from the industry suggested that the option should be split to address two separate points. However, as we have sufficient supplies, their first suggestion to identify “strategic sites – preferred areas and areas of search” to enable greater flexibility is not required. The suggestion for identifying and defining Mineral Safeguarding Areas (MSAs) is accepted, in order to ensure mineral resources are safeguarded and not sterilised by development.
- 9.4 The majority of the free text responses did not provide a new or realistic alternative option, except the open dialogue outlined above, to the 3 options published in the Developing Options Consultation. The comments made tended either to suggest additions or deletions to the proposed options or made reference to detailed policy issues which will either be covered in the Core Strategy policies or within any subsequent DPDs (these comments are summarised in paragraph 6.3 above).

10.0 Way forward

⁷ Core Strategy Habitat Regulation Assessment June 2008 (amended March 2009)

- 10.1 Other studies such as the Green Infrastructure Strategy are needed to inform policy writing and information from future SA and HRA processes. Policy wording will be drafted for the submission document based on the evidence in the Entec Report, Place Shaping Consultation Responses and further work with consultees. It will then be assessed under the SA and HRA processes once more, prior to the formal consultation upon the submission document.

Appendix A - References

Herefordshire Minerals and Waste Planning Assessment Final Report 28th
May 2009 Entec UK Limited

15th May 2009 Planning Committee Report, Herefordshire UDP Saved Policies
Core Strategy Developing Options Results Report Survey Report July 2008, January 2009
Core Strategy Developing Options Analysis Schedules March 2009
Core Strategy Developing Options Paper Sustainability Appraisal June 2008 (amended March 2009)
Core Strategy Habitat Regulation Assessment June 2008 (amended March 2009)
Economic Regeneration Team Response to Developing Options
Herefordshire Environmental Partnership Responses to the Developing Options
Herefordshire Council Shaping Our Place Core Strategy: Developing the Vision and Objectives July 2009
