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<b>Decision maker:</b>	<b>Director for economy, communities and corporate</b>
<b>Decision date:</b>	<b>1 August 2016</b>
<b>Title of report:</b>	<b>Commissioning of the British Geological Survey (BGS) to update the mineral resource map for Herefordshire</b>
<b>Report by:</b>	<b>Team leader strategic planning</b>

## **Classification**

Open

## **Key decision**

This is not a key decision.

## **Wards affected**

Countywide

## **Purpose**

To approve the appointment of BGS to undertake minerals mapping as required.

## **Recommendation**

**THAT:**

- a) the British Geological Survey be engaged at a cost of £10,937.83 to undertake an update of the minerals resources map for Herefordshire as part of the preparation of the Herefordshire minerals and waste local plan; and**
- b) by virtue of this decision report, an exemption to paragraph 4.6.13.2c of the council's contract procedure rules be granted for the reasons set out in paragraphs 2, 8 and 9 of the report below.**

## Alternative options

- 1 The preparation of the minerals and waste local plan could continue without the benefit of an update to the minerals resources map for Herefordshire. However, such an option is not recommended as this would result in a significant gap in the evidence base supporting the plan. An independent inspector has previously criticised the existing evidence which supports planning policy in the county and an update as suggested is recommended to help demonstrate the soundness of the emerging local plan.
- 2 Alternative providers of the survey work could be sought. However, in the case of the BGS, they have undertaken the update to the minerals resources map for the entire country with the exception of the western and northern parts of Herefordshire. Given the expertise of BGS, together with the need to ensure consistency across the county, it is recommended that in this instance exemption to paragraph 4.6.13.2c of the council's contract procedure rules be granted. In addition, the BGS have agreed to partially fund the survey work.

## Reasons for recommendations

- 3 The update to the minerals resources map will help to ensure a comprehensive evidence base is in place to help prepare the minerals and waste local plan. The BGS are best placed to undertake the update in a timely and comprehensive manner.

## Key considerations

- 4 During the examination of the core strategy the assistant inspector appointed to consider the mineral and waste section commented that the existing evidence base was not adequate to support the minerals and waste section of the core strategy, recommending that up-to-date evidence should be commissioned and suggested that the council should consider the preparation of a separate local plan for minerals and waste (see paragraphs 40 and 50).  
[https://www.herefordshire.gov.uk/media/7963451/inspectors\\_initial\\_note.pdf](https://www.herefordshire.gov.uk/media/7963451/inspectors_initial_note.pdf).
- 5 This suggestion was accepted by Herefordshire Council and formed a recommendation of the final inspector's report.  
[https://www.herefordshire.gov.uk/media/8060097/inspectors\\_report\\_sept\\_2015.pdf](https://www.herefordshire.gov.uk/media/8060097/inspectors_report_sept_2015.pdf)  
The Herefordshire minerals and waste local plan will form a key element of the county's planning policy framework. In preparing the local plan it is important, in demonstrating that the plan has a sound basis, to ensure that a comprehensive and up-to-date evidence base is in place.
- 6 A gap analysis of the evidence base has now been completed and this indicates that the level of understanding of minerals resource in Herefordshire is a real constraint to developing proactive policy and understanding whether the forecast quantity and range of minerals can be won from within Herefordshire. The analysis suggests that ideally, additional resource mapping/survey data would be gained from the British Geological Survey (BGS).
- 7 The BGS are a public sector organisation responsible for advising the UK government on all aspects of geoscience as well as providing impartial geological advice to industry, academia and the public. They have been responsible for providing minerals resource maps for the entire country however, there is part of Herefordshire for which there is no survey information.

- 8 To commission the BGS to undertake work to complete the minerals mapping of Herefordshire would mean that, not only would the resulting data be directly comparable to that known for the rest of the county, but also with that available from the BGS for the rest of the country. This would allow for a robust and sound analysis of cross-boundary mineral resources and an understanding of potential sources of aggregate minerals. This is essential for the effective planning, through the minerals and waste local plan for predicted future demand and for working closely with adjoining mineral planning authorities under the duty to cooperate.
- 9 The BGS supplied a quote for the minerals mapping required and sufficient budget is available for this work to be commissioned.

## **Community impact**

- 10 A robust evidence base to inform key strategies for the county supports the council in demonstrating compliance with its code of corporate governance by taking sound decisions based on good information.

## **Equality duty**

- 11 Not considered relevant in this instance.

## **Financial implications**

- 12 An initial quotation for the minerals mapping from the BGS of £15k was received. Following negotiations with the BGS, they have agreed to fund certain elements of the project themselves, reducing the overall cost to less than £11k. This will be funded from existing revenue budgets.

## **Legal implications**

- 13 The council has a statutory duty under the Planning and Compulsory Purchase Act 2004 to prepare a Local Plan which includes a minerals and waste plan.
- 14 To assist it to comply with the statutory duty described above, it is prudent for the minerals and waste plan to include a minerals resources map. As the council does not have the relevant knowledge or expertise to be able to undertake this work itself, it is necessary that an external third party provider is procured to undertake this work.
- 15 The procurement of this work is subject to the council's contract procedure rules (CPRs). Under paragraph 4.6.13.2(c) contracts with an anticipated lifetime value of between £10,001 and £50,000 requires at least three formal quotations to be obtained in accordance with the procedure set out in paragraphs 4.6.13.7 to 4.6.13.11 of the CPRs.
- 16 Paragraph 4.6.18 provides for exemptions from the CPRs in exceptional circumstances. As BGS has undertaken minerals mapping for the rest of the country it would seem sensible that it undertakes the work to complete the minerals mapping of Herefordshire which would mean that, not only would the resulting data be directly comparable to that known for the rest of the county, but also with that available from the BGS for the rest of the country. This would allow for a robust and sound analysis of cross-boundary mineral resources and an understanding of potential sources of aggregate minerals. This is essential for the effective planning, through the minerals

and waste local plan for predicted future demand and for working closely with adjoining mineral planning authorities under the duty to cooperate.

## **Risk management**

- 17 The minerals mapping is a key piece of evidence required for the production of the minerals and waste local plan. Without it the plan is likely to be found unsound at public examination.

## **Consultees**

- 18 None.

## **Appendices**

None.

## **Background papers**

Gap Analysis Report (Hendeca Ltd) March 2016 (see paragraph 2.1.1 of attached report)