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GAP ANALYSIS
HEREFORDSHIRE MINERALS AND WASTE LOCAL PLAN

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1. Herefordshire Minerals and Waste Policy Gap Analysis

1.1 Overview

- 1.1.1 Following a change in the strategy for policy preparation in 2015, Herefordshire Council is preparing a minerals and waste specific local plan. Hendeca Ltd was requested to undertake a gap analysis for Herefordshire Council, reviewing existing documents and information to outline key next steps in regard to the evidence base for that policy.
- 1.1.2 This document reports that review, identifies matters to be considered further and presents proposals for the next steps to be taken.

1.2 The considered documents and key conclusions

- 1.2.1 The following documents have been reviewed:
- a. Herefordshire Council, Monitoring Report, 2013-2014, December 2014 (the AMR);
 - b. Duty to Co-Operate Report, September 2014;
 - c. Herefordshire Minerals and Waste Planning Assessment, Entec, May 2009;
 - d. Herefordshire Local Plan Core Strategy 2011-2031 Minerals and Waste Preliminary Note, January 2015 (the Minerals and Waste Preliminary Note);
 - e. Herefordshire and Worcestershire Joint Waste Management Strategy and Review of Residual Options Appraisal 2012;
 - f. Herefordshire Core Strategy, adopted October 2015;
 - g. Herefordshire County Employment Land Study 2012; and
 - h. informal update on Local Authority Collected Municipal Waste, March 2016.
- 1.2.2 Two key conclusions are drawn following the review:
1. The evidence held for minerals sales appears to date from various dates 2009 to 2012; in addition, there is real paucity of information held on the minerals resource within Herefordshire. Proposed next steps are set out in Section 2.
 2. The waste evidence base is out of date (all from 2009, except municipal waste) and a new need assessment should be prepared. Proposed next steps are set out in Section 3.
- 1.2.3 Sections 2 and 3 address the basic, technical evidence base and assessment methods that can be used to gain an understanding of current waste and mineral capacity and potential future demands. This information will need to be considered alongside further evidence, including environmental and infrastructure constraints and opportunities and other corporate policy objectives, in order to prepare comprehensive, compelling and long lasting minerals and waste policy.
- 1.2.4 Any emerging policy would also need to be subjected to: Strategic Environmental Assessment/Sustainability Appraisal; Flood Risk Assessment; Habitats Regulation Assessment; and Consultation. It is understood that other resources are available to assist with these tasks.

2. Minerals

- 2.1.1 The level of understanding of minerals resource in Herefordshire is a very real constraint on developing proactive policy that would encourage new applications for mineral operations. It is also a constraint on understanding whether the forecast quantity and range of minerals can be won from within Herefordshire, other whether alternative solutions need to be sought through policy. Ideally, additional resource mapping/survey data would be gained from the British Geological Survey (BGS) to include conventional and unconventional hydrocarbons as well as construction minerals.
- 2.1.2 Sales data is not comprehensive, and the identified land banks have a degree of reliance placed on the regional apportionment (that expires this calendar year) and on data used to develop that apportionment. There is an ongoing working relationship with Worcestershire County Council (WCC) although this has not been formalised.
- 2.1.3 New sales data should continue to be sought from operators, and combined with data from WCC as and when necessary. It is recognised that the two authorities are at different stages of policy preparation, but continued close working is likely to be advantageous to both going forward.
- 2.1.4 The Annual Minerals Raised Inquiry will provide a consistent and credible evidence source for key data: mineral type; sales quantities; and mineral uses. Compared with historical sales information presented in the AMR, these data sources should provide a reasonable evidence base for the 10 year rolling average.
- 2.1.5 The quinquennial Aggregates Mineral Survey is due to be released this year; this would provide a useful evidence document, particularly helping to reflect on: inter-regional flows; transportation; consumption; and permitted reserves of primary aggregates. However, reporting by DCLG and the BGS following the 2009 Aggregates Minerals Survey could also be useful, principally the document titled 'Collation of the results of the 2009 aggregate minerals survey for England and Wales, DCLG and BGS, October 2011'. In the very least this document should provide some historical context to inform current understanding and forecasting of future requirements.
- 2.1.6 The minerals surveys identified above will be useful to understanding supply matters, as would information that can be gained from the Mineral Products Association (MPA) website. The MPA has a range of annual reporting that uses recognised data to identify trends nationally and regionally.
- 2.1.7 The National Planning Policy Framework (NPPF) also requires 'other relevant local information' to be considered in preparing minerals policy - essentially this is a matter of considering whether or not the historical 10 year rolling average can be relied upon as a guide to future levels of provision, or whether this needs to be modified in order to reflect other factors which may influence either the supply and/or the demand for aggregates.
- 2.1.8 Local factors with respect to supply relate primarily to:
- a. the continued availability of primary, land-based resources and permitted reserves within Herefordshire, and the extent to which these are constrained by planning or environmental factors - evidence gained from the BGS, planning records held within Herefordshire, and constraints mapping;

- b. the ongoing availability of secondary and recycled materials within Herefordshire - evidence gained from knowledge within the Planning Team, discussions with operators, considering relevant matters in the waste needs assessment;
 - c. the effects of commercial decisions within aggregate producing companies which operate both within and outside Herefordshire - evidence gained from understanding of local market, discussions with operators and colleagues in adjacent authorities; and
 - d. overall trends in supply, compared with apportionment figures - evidence gained from refreshing the minerals needs assessment, discussions with colleagues in adjacent authorities, and considering relevant external reports eg those prepared by the MPA, BGS, Construction Products Association etc.
- 2.1.9 Demand will require thinking about significant construction projects likely to take place within Herefordshire, seeking to understand their mineral requirements and timeline. The recently adopted Core Strategy as well as Infrastructure and Implementation Plans will assist in identifying future minerals requirements. Other drivers are likely to include the rate of economic growth and the rate of local population growth within Herefordshire; however, recognising that the Core Strategy has been recently adopted, it should be reasonable to expect all these factors to be adequately addressed within the policy.
- 2.1.10 **Growth in the economy** - Overall growth in the economy can be measured through projected growth in Gross Value Added (GVA). Long term projections for GVA may not be readily available for Herefordshire, so discussions with the Marches Local Enterprise Partnership (LEP) should be used to provide a credible forecast. The growth rate promoted by the LEP may be usefully compared against national forecasts for the construction sector, produced by the Construction Products Association. However, long term forecasting of demand for aggregate based on GVA may not be particularly credible as there is no reliable long term basis for forecasting GVA itself.
- 2.1.11 **Population growth** - The publication 'Planning 4 Minerals: A Guide on Aggregates' (produced jointly by Quarry Products Association, British Marine Aggregates Producers Association, British Geological Survey and Entec) suggests that demand for aggregates in the UK is equivalent to a little under 4 tonnes per head per annum. Population data and projections can therefore be used to assess possible implications for future requirements for aggregate.
- 2.1.12 **Projected housing growth** - Planning 4 Minerals: A Guide on Aggregates indicates that 60 tonnes of aggregate is required to build a typical house, with around 400 tonnes in total being required when associated infrastructure is taken into account. Information on past housing completion rates, can be obtained internally for from DCLG, which can be compared with the projected housing requirements set out in the recently adopted Core Strategy.
- 2.1.13 Demand for aggregate generated by housing development and associated infrastructure only represents a proportion of total demand for aggregate (the MPA estimates it accounts for around 15% of total construction activity).
- 2.1.14 An alternative way of approaching this method could be to look at the proportionate increase in expected housing completions over the Plan period, compared with historic completions, to generate a percentage increment which could be applied to historic average sales. A 10 year period might be most appropriate in order to facilitate comparison with 10 year average aggregate sales data.

- 2.1.15 **Impact of supply constraints elsewhere** - Identifying the movement of minerals, into and out of Herefordshire, will inform an understanding of the influence of minerals workings beyond the administrative boundary. The Aggregates Mineral Surveys should assist in this regards. Understanding the constraints and opportunities in other relevant authorities (eg through meetings of the WMAWP, through review of other policy documents, and other discussions) will indicate whether it is reasonable to make some allowance for increased demand from other areas.
- 2.1.16 **Major infrastructure projects** - The Core Strategy includes a range of individual infrastructure projects that may generate a significant requirement for aggregate. Linking these directly with requirements for aggregate from a particular area can be problematic as it may be possible for them to be supplied by mineral from a variety of sources. It should be possible to identify a proxy to use in considering this potential demand.
- 2.1.17 All the methods considered have some disadvantages. These mainly arise out of the lack of a wholly reliable, direct and quantifiable link between the factor and demand for aggregate. In seeking to identify a method, it is also important to bear in mind the potential for 'double counting' of growth factors. For example any demand projected from growth in population would overlap with growth in demand projected from increased housing completions and the latter, together with other infrastructure projects, with GVA growth in the construction sector.
- 2.1.18 The NPPF requires that account should be taken of 10 year historic sales and other relevant local information. Using any/all of these methods alongside consideration of rolling averages would provide an approach that sought to identify the scale of demand over the Plan period; it is not necessary to understand future demand down to the last tonne, but to understand the overall level of need such that appropriate provision can be promoted through policy. It may therefore be most appropriate to take a balanced view based on a range of information, including 10 year historic sales, in identifying the level of mineral resource to be planned for.

3. Waste

- 3.1.1 A completely fresh waste needs assessment should be undertaken, based on relevant and most recent information for: all waste streams; all known capacity; and waste management policy objectives.
- 3.1.2 As waste management practices evolve, increasingly recognising waste as a valuable resource, waste management systems become more complex. This change is occurring in a period when waste management monitoring is not widely undertaken, with the exception of Local Authority Collected Municipal Waste. There is a need to use a range of data sets, to understand their limitations and most appropriate uses, and to interpret the data into meaningful and accessible information, which can then be used to develop policy. Different approaches are required for each waste sector.
- 3.1.3 **Local Authority Collected Municipal Waste (LACMW)** is well documented at both the national (Waste DataFlow, Defra) and local level (Herefordshire Council Waste Management Team). The information is readily available for analysis.
- 3.1.4 LACMW forecasts can be generated by considering a range of growth options: historical waste growth, locally and nationally; Waste Management Team analysis; economic growth; housing forecast; waste prevention and re-use activities.
- 3.1.5 **Commercial and industrial (C&I) waste** is well documented but through different databases held by the Environment Agency (EA); consequently it requires some manipulation to enable analysis. The key datasets include:
- EA, Waste Interrogator - permitted waste facilities and waste type by EWC code, SWC code, facility type and point of origin
 - EA, Waste Incineration - quantity of waste received at incineration facilities by EWC code
 - EA, Environmental Permit - exemption records
 - Waste Data Flow/Herefordshire Waste Management - to eliminate LACMW from the above data sets.
- 3.1.6 An appropriate method to estimating C&I waste generated was established by Defra, 'Methodology to Estimate Waste Generation by the Commercial and Industrial Sector in England, 2014'. This requires the following steps to be undertaken:
- calculate waste arisings sent to permitted facilities
 - calculate waste arisings received at incineration facilities
 - estimate waste arisings handled at exempt facilities
 - estimate waste arising imported to/exported from the relevant administrative area and managed via transfer stations
 - where possible map waste to the sector that generated it and validate
- 3.1.7 Similar growth rates as developed for LACMW are generally used to forecast future arisings of C&I waste, these may be supplemented where there is good reason to consider other variables.

- 3.1.8 **Construction, demolition and excavation (CD&E) waste** is one of the hardest sectors to acquire accurate data; it is often handled on-site or through mobile plant and is subject to reduced reporting requirements. It is possible to estimate current arisings through use of the following datasets:
- Defra, Digest of Waste and Resources Statistics, 2016
 - EA, Waste Interrogator
 - EA, Environmental Permit - exemption records
 - Historic CD&E survey data
 - ONS, Output in the Construction Industry
- 3.1.9 Construction output and activity data, with reference to infrastructure and housing growth set out in the Core Strategy, are likely to be the key variables in considering future CD&E waste growth.
- 3.1.10 **Hazardous (including clinical) waste** is reasonably well recorded through the EA held datasets: Waste Interrogator; and Hazardous Waste Interrogator. Again this would need to be manipulated to gain a relevant data set for Herefordshire, with care taken in considering waste managed via treatment plants/transfer stations (principally not to double count these arisings).
- 3.1.11 Hazardous waste forecasts are likely to focus on historic trends in arisings, but also take into account relevant factors, principally the potential growth or decline in a sector that generates a particular hazardous waste type.
- 3.1.12 **Agricultural Waste** was excluded from much of the waste management regulations until 2006, which means arisings data has historically been estimated through surveys, and is of poor quality. Agricultural waste can be either natural or non-natural and they should be considered separately as they have quite different management routes.
- 3.1.13 Data sources for non-natural agricultural waste would include:
- EA, Waste Interrogator permitted waste facilities and waste type by EWC code, SWC code, facility type and point of origin
 - EA, Environmental Permit - exemption records
 - EA, Hazardous Waste Interrogator
- 3.1.14 If natural waste arisings are required, the sector profile in Herefordshire would need to be assessed against the national profile and nationally available tonnage proportioned accordingly. Data sources would include any information held by Herefordshire Council and reference to national statistics, principally Agriculture in the United Kingdom, 2014.
- 3.1.15 Using economic forecasts for the agricultural sector is likely to be the key factor in calculating forecasts of agricultural waste production.
- 3.1.16 Having established the waste arising currently generated and forecast, it is necessary to understand existing capacity and management targets such that future needs can be identified.

- 3.1.17 Data on existing facilities can be gained from:
- Herefordshire Council - both Waste Management and Planning records
 - EA, Waste Interrogator - location and type of facility, permitted capacity and actual throughput
 - EA, Environmental Permit - exemption records to identify location and type of facility. However, capacity would need to be estimated as exempt facilities are not required to provide tonnage returns. Assumption on potential throughput can appropriately be made based on the approach developed by Defra in 2014.
- 3.1.18 Ideally, information on the type and location of facilities would be mapped.
- 3.1.19 Targets for waste management by waste type should be taken from European and national legislative and policy expectations. The treatment of LACMW will also be informed by the Municipal Waste Management Strategy and any updates to that. Locally specific matters should be considered to identify whether the emerging Minerals and Waste Local Plan should seek to exceed target requirements.
- 3.1.20 The current and forecast waste management requirements are considered against existing capacity and this reveals the likely future waste management needs for Herefordshire.
- 3.1.21 As with the minerals evidence base, there are some limitations in assessing future waste management requirements, again influenced by incomplete data and the inability to make a wholly reliable, direct and quantifiable link between the growth factor and demand. It is again important to bear in mind the potential for 'double counting' of growth factors and waste arisings, not least as waste types may show up in different sectors.
- 3.1.22 A consistent message from DCLG is that spurious precision should be avoided; instead policy should be developed from a robust evidence base that makes the most of the information available to present a positive and proactive policy framework.

4. Joint Matters

4.1 Purpose and period of the Plan

- 4.1.1 The Minerals and Waste Preliminary Note identifies that it was originally the Authority's intention to produce a Natural Resources Development Plan Document (DPD) although the note is not clear on its purpose. A key, early, task will be to determine the purpose of the policy document to be prepared.
- 4.1.2 The Core Strategy refers to preparation of a Minerals and Waste Local Plan. It does not contain any specific minerals and waste policy, but many of the strategic policies in the Core Strategy would be applicable to minerals and waste development.
- 4.1.3 The Spatial Strategy policies do not directly address minerals and waste, and due to their fixed location, minerals may not always conform to the spatial strategy set out; however, these high level policies are not irrelevant to minerals and waste development. The topic specific policies are clearly not relevant (with the exceptions of policies RA6, MT1 and E1) but many of the development management policies are. Policies LD1 to LD 4, SD1 to SD4 and ID1 would all be applicable to minerals and waste.
- 4.1.4 Consequently, it is suggested that the Minerals and Waste Local Plan should present both: strategic objectives, i.e. targets for production/provision of capacity; and identify locations for development. Ideally, the locations for development would be to a site specific level, but this will be dependent upon the evidence base available and the quantity, type and timescale of future mineral resource/waste management capacity requirements.
- 4.1.5 From the information available to date, it does not appear that development management policies would be necessary to include in the Minerals and Waste Plan, as these are present in the Core Strategy. However, this conclusion will need to be reviewed through plan preparation.
- 4.1.6 The Core Strategy plan period is to 2031, also intended to be applied to the Minerals and Waste Local Plan. It is recommended that this plan period is reviewed, to ensure an appropriate timeline is applied. It is likely to be more than a year before the Minerals and Waste Local Plan would be adopted and a slightly staggered plan period might relieve policy preparation at the time. However, it is recognised that the plan period may only be staggered by a couple of years, and, considering we can have little certainty of events in 15 years' time, this may not be seen a significant advantage.

4.2 Policy preparation using the Core Strategy evidence base

- 4.2.1 There is a substantial evidence base to the Core Strategy, which should be utilised to the fullest extent possible in preparing the Minerals and Waste Plan; for example, the Employment Land Study 2012 would provide a suitable basis in looking for sites for waste management facilities.
- 4.2.2 Other potentially useful evidence base documents include:
- a. Sustainable Communities Strategy, 2010 - as the current strategy is more than halfway through the relevant plan period, any review of it should also be considered;

- b. Local Transport Plan - this is identified as being updated and ideally would provide very up to date evidence for emerging minerals and waste policy;
 - c. Economic Development Strategy, 2011 to 2016 - again, the evidence base should focus on any review of this strategy;
 - d. Green Infrastructure Strategy, 2010;
 - e. Local Investment Plan, 2011 to 2026;
 - f. Nutrient Management Plan; and
 - g. Climate Change Background Paper.
- 4.2.3 The assessments undertaken for the Core Strategy, eg the Sustainability Appraisal, should also be used as the starting point for any counterpart assessments undertaken for the Minerals and Waste Local Plan.

4.3 Duty to co-operate

- 4.3.1 The duty to co-operate is increasingly an element of plan making that the Planning Inspectorate focusses on, and it is a topic addressed in the Minerals and Waste Preliminary Note.
- 4.3.2 It is strongly recommended that an appropriate representative of Herefordshire Council consistently attends meetings of both the West Midland Resource Technical Advisory Body (WMRTAB) and West Midlands Aggregates Working Party (WMAWP). At these meetings, matters in relation to policy development should be raised, discussed and minuted. If meetings of these groups are not happening, Herefordshire could consider taking a lead in organising them, or find alternative ways to maintain discussions with relevant authorities.
- 4.3.3 Discussions outside of the WMRTAB and WMAWP should also be pursued as appropriate. Recognising the strong minerals and waste relationship with WCC, there should be ongoing dialogue with policy planners from that Authority, and again, these should be comprehensively audited. Any outstanding objections or concerns with other neighbouring authorities should also be resolved through the plan preparation period.
- 4.3.4 This review is unclear of the current relationship with Gloucestershire County Council. The Minerals and Waste Preliminary Note identifies an outstanding concern, yet the Authority's email of 16 May 2014 doesn't raise any objection.
- 4.3.5 Adjacent authorities include those in Wales, which are not part of the WMRTAB or WMAWP and might operate with slightly different national policy expectations (particularly in relation to waste policy and the AONB designation). If those authorities already hold sub-regional meetings, it could be appropriate for a representative of Herefordshire Council to attend these in order to discuss minerals and waste matters in an efficient and effective manner. In the very least, discussions should be held with each relevant authority.
- 4.3.6 Other key bodies for the duty to co-operate include the Environment Agency (although this body may already attend WMRTAB and WMAWP meetings), Natural England, English Heritage and Herefordshire Local Nature Partnership. The relationships established through developing the Core Strategy should be useful in this respect.

4.3.7 Having had the duty to co-operate identified previously as a concern for the Planning Inspectorate, it is recommended that actions in relation to the Minerals and Waste Local Plan exceed what might otherwise be considered reasonable.

4.4 Data collection and management

4.4.1 It would be advantageous to hold relevant information about mineral sales and reserves and waste management capacity on a single database for each topic, most likely Excel spreadsheet. This may already occur; the above conclusions have been based on the reviewed documents, the original evidence for those documents has not been seen.

4.4.2 Key facts would include:

- location;
- mineral/facility type;
- reserve/capacity in tonnes per annum;
- end date;
- mineral sites restoration requirements - this may affect need for CD&E wastes; and
- miscellaneous - any other limitations set out in the consent, active or dormant, enforcement notes;

4.4.3 Spreadsheets are easily updated, enabling records of consequent monitoring to be readily completed, with gaps filled over time.