

Agenda

Cabinet

Date: Thursday 23 September 2021

Time: 2.30 pm

**Place: Three Counties Hotel, Belmont Road, Belmont,
Hereford, HR2 7BP**

Notes: Please note the time, date and venue of the meeting.

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If you would like help to understand this document, or would like it in another format, please call Caroline Marshall on (01432) 260249 or e-mail caroline.marshall3@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of Cabinet

Membership

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|-------------------------|--|
| Chairperson | Councillor David Hitchiner, Leader of the Council |
| Vice-Chairperson | Councillor Liz Harvey, Deputy Leader of the Council |
| | Councillor Felicity Norman |
| | Councillor Ellie Chowns |
| | Councillor Gemma Davies |
| | Councillor John Harrington |
| | Councillor Diana Toynbee |
| | Councillor Ange Tyler |

Agenda

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| 1. APOLOGIES FOR ABSENCE | |
| To receive any apologies for absence. | |
| 2. DECLARATIONS OF INTEREST | |
| To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda. | |
| HOW TO SUBMIT QUESTIONS | |
| <i>The deadline for submission of questions for this meeting is:</i> | |
| <i>9:30am on Monday 20 September 2021.</i> | |
| <i>Questions must be submitted to councillorservices@herefordshire.gov.uk. Questions sent to any other address may not be accepted.</i> | |
| <i>Accepted questions and the response to them will be published as a supplement to the agenda papers prior to the meeting. Further information and guidance is available at https://www.herefordshire.gov.uk/getinvolved</i> | |
| 3. QUESTIONS FROM MEMBERS OF THE PUBLIC | |
| To receive questions from members of the public. | |
| 4. QUESTIONS FROM COUNCILLORS | |
| To receive questions from councillors. | |
| 5. APPROVAL FOR SUBMISSION OF MINERALS AND WASTE LOCAL PLAN (MWLP) | 11 - 60 |
| To consider the updated MWLP and recommend to full Council its submission to the secretary of state for independent examination. | |
| 6. LEOMINSTER HERITAGE ACTION ZONE | 61 - 74 |
| To approve expenditure and deliver activities as detailed in the Leominster Heritage Action Zone Delivery Plan. | |

The Public's Rights to Information and Attendance at Meetings

In view of the continued prevalence of covid-19, we have introduced changes to our usual procedures for accessing public meetings. These will help to keep our councillors, staff and members of the public safe.

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We will review and update this guidance in line with Government advice and restrictions. Thank you for your help in keeping Herefordshire Council meetings safe.

You have a right to:

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting. Agenda and reports (relating to items to be considered in public) are available at www.herefordshire.gov.uk/meetings
- Inspect minutes of the Council and all committees and sub-committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees. Information about councillors is available at www.herefordshire.gov.uk/councillors
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title. Information about councillors is available at www.herefordshire.gov.uk/councillors
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

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Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

The council may make a recording of this public meeting or stream it live to the council's website. Such recordings form part of the record of the meeting and are made available for members of the public via the council's web-site.

Public transport links

The three counties hotel is accessible by bus; bus stops in each direction are positioned on the Belmont Road at the front of the hotel.

Guide to Cabinet

The Executive or Cabinet of the Herefordshire Council consists of a Leader and Deputy Leader and seven other Cabinet Members each with their own individual programme area responsibilities. The current Cabinet membership is:

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| Cllr David Hitchiner (Leader) (Independents for Herefordshire) | Corporate Strategy and Budget |
| Cllr Liz Harvey (Deputy Leader) (Independents for Herefordshire) | Finance, Corporate Services and Planning |
| Cllr Diana Toynbee (The Green Party) | Children's Services, Safeguarding and Corporate Parenting |
| Cllr Gemma Davies (Independents for Herefordshire) | Commissioning, Procurement and assets |
| Cllr Ellie Chowns (The Green Party) | Environment, Economy and Skills |
| Cllr Pauline Crockett (Independents for Herefordshire) | Health and Adult Wellbeing |
| Cllr Ange Tyler (Independents for Herefordshire) | Housing, regulatory services, and community safety |
| Cllr John Harrington (Independents for Herefordshire) | Infrastructure and Transport |
| Cllr Felicity Norman (The Green Party) | Young People's Education and Attainment |

The Cabinet's roles are:

- To consider the overall management and direction of the Council. Directed by the Leader of the Council, it will work with senior managers to ensure the policies of Herefordshire are clear and carried through effectively;
- To propose to Council a strategic policy framework and individual strategic policies;
- To identify priorities and recommend them to Council;
- To propose to Council the Council's budget and levels of Council Tax;
- To give guidance in relation to: policy co-ordination; implementation of policy; management of the Council; senior employees in relation to day to day implementation issues;
- To receive reports from Cabinet Members on significant matters requiring consideration and proposals for new or amended policies and initiatives;
- To consider and determine policy issues within the policy framework covering more than one programme area and issues relating to the implementation of the outcomes of monitoring reviews.

Who attends cabinet meetings?

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| | Members of the cabinet, including the leader of the council and deputy leader – these are the decision makers, only members of the cabinet can vote on recommendations put to the meeting. |
| | Officers of the council – attend to present reports and give technical advice to cabinet members |
| | Chairmen of scrutiny committees – attend to present the views of their committee if it has considered the item under discussion |
| | Political group leaders attend to present the views of their political group on the item under discussion. Other councillors may also attend as observers but are not entitled to take part in the discussion. |
| | Cabinet support members may attend and speak at the discretion of the chairperson |

The Seven Principles of Public Life (Nolan Principles)

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



Submission of Minerals and Waste Local Plan (MWLP)

Meeting: Cabinet

Meeting date: Thursday 23 September 2021

Report by: Cabinet member finance, corporate services and planning

Classification

Open

Decision type

Budget and Policy Framework

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

All wards.

Purpose

- To consider and agree the schedule of suggested main modifications and minor changes (Appendix A) to the Herefordshire Minerals and Waste Local Plan (MWLP or 'the Plan') development plan document (DPD) (see background papers), which have been produced following the completion of the pre-submission publication period, consideration of duly made representations and subsequent discussions with statutory undertakers; and
- to refer the MWLP, together with the schedule of suggested main modifications and minor changes, to Council with a recommendation that these, along with the Plan's supporting documents (including updates as necessary), be submitted to the Secretary of State for independent examination, in accordance with section 20(1) of the Planning and Compulsory Purchase Act 2004 (as amended) and regulation 22 of the Town and County Planning (Local Planning) (England) Regulations 2012 (as amended); and
- to consider and agree the granting of delegated authority to officers of the council (and their appointed consultants) who will attend the examination to discuss and agree modifications to the MWLP with the Planning Inspector, so that there are no unnecessary

delays to the examination process and to recommend the approval of such delegated powers to Council.

Recommendation(s)

That:

- a) the draft MWLP development plan document (see background papers) and the schedule of suggested main modifications and minor changes (Appendix A) be recommended for approval by Council for submission to the Secretary of State for examination in public;**
- b) to agree that the Planning Inspector be invited to recommend any main modifications necessary to the MWLP in order to find it legally compliant and sound; and**
- c) delegated authority be given to the Assistant Director for Regulatory, Environment and Waste and to the Lead Development Manager to agree, with the Planning Inspector, any additional modifications to the MWLP, if it is appropriate and necessary to do so, in order to facilitate efficient progress of the Plan through the examination process. Subsequently, such modifications will be subject to public consultation.**

Alternative options

- 1. Not to progress the MWLP would leave the council in a position where the extant Unitary Development Plan policies are out of date. This would be contrary to the recommendation of the Core Strategy's Planning Inspector, who stated that a separate MWLP should be prepared in accordance with the local development scheme. When adopted, this will form part of the Herefordshire Local Plan.
- 2. Instead of submitting the MWLP, along with a schedule of suggested main and minor modifications to the Planning Inspector for consideration at the examination, another option would be to alter the text of the Plan and undertake a second regulation 19 (Town and County Planning (Local Planning) (England) Regulations 2012) consultation prior to submission. This option was discussed with the Planning Inspectorate at an Advisory Meeting on the 26 July 2021 and it was considered to be both acceptable and more expedient to continue to the submission stage with the schedule of modifications. (Details about how both the statutory and internal governance consultation requirements have been met during the Plan's development are provided in paragraphs 7-9 and 102-119 below).
- 3. To undertake a second pre-submission consultation would: significantly delay the progression of the Plan; risk the evidence base which underpins the Plan becoming out of date; mean continued reliance on the out of date saved minerals and waste policies in the Unitary Development Plan; and incur additional consultancy costs.
- 4. The MWLP and its associated documents are numerous and complex, consequently, minor corrections may come to light following the preparation of this report. Not to delegate authority to make and submit additional minor amendments, to be suggested for consideration at examination, is not recommended because it would be impractical to await a further meeting of Full Council to address small adjustments to the Plan's text.

5. The Planning Inspectorate (at the Advisory Meeting) suggested that approval be sought from Council to give authority to officers to discuss modifications with the Inspector during the forthcoming examination. This is to ensure that these issues can be dealt with expediently. Not to approve this delegation could significantly delay the examination process and would not be in accordance with the advice of the Planning Inspectorate.

Key considerations

6. The MWLP will provide guidance to developers, local communities and other interested parties on where and when minerals and waste development may be expected over the Plan period (up to 2041), as well as how it will be managed to both reduce adverse impacts and maximise benefits.
7. The MWLP's preparation process is summarised below:
 - 2016 first call for sites
 - 2017 second call for sites
 - 2017 issues and options public consultation
 - 2019 draft plan public consultation
 - 2021 publication draft consultation
 - *2021/2 submission and examination in public*
 - *2022 adoption*
8. During the MWLP's key stages of production, members of Herefordshire Council were involved and their views sought, this included the establishment of a scrutiny panel. In addition to the formal governance procedures which were adhered to, the following are of note:
 - 2017 members' seminar and first minerals and waste panel meeting
 - 2018 two minerals and waste panel meetings
 - 2019 members' presentation and Q&A session
 - 2020 General Scrutiny Committee
9. Regulation 19 consultation on the Publication Draft MWLP (dated January 2021), its associated reports and accompanying evidence base documents, took place over the period 12 April to 24 May 2021. In addition, interactive mapping of the Plan's proposals was made available on the council's website.
10. Due to Covid restrictions, no face to face consultation events were held. However, a video presentation was made available on the council's website, which provided an overview of the policies and proposals of the Publication Draft MWLP and how to get involved in the consultation.

11. In preparing for examination, the council has reviewed the regulation 19 representations received and considered whether any changes should be made to the MWLP prior to its adoption.

Key representations made to the Publication Draft MWLP (Reg. 19) Consultation

12. 81 representations were made as part of 26 submissions in response to the Publication Draft MWLP; each of which has been reviewed and carefully considered. This report does not address each one, but focusses on those that are considered to raise key matters in relation to the Plan i.e. those that the council considers would be appropriately addressed through main modifications to the MWLP.
13. The suggested main modifications (and minor changes) are proposed to be considered by a Planning Inspector through the examination process. The key matters that have been identified relate to:
- River Wye Special Area of Conservation (SAC) and River Lugg SAC catchment;
 - impacts on heritage assets;
 - Minerals Safeguarding Areas;
 - Mineral Consultation Areas;
 - minerals safeguarding;
 - level of mineral provision;
 - resource/reserve – terminology;
 - circular economy and resource management;
 - Policy W5
 - Policy W7; and
 - Key Development Criteria

River Wye SAC and the River Lugg SAC catchment

14. In its representation, Natural England (NE) was broadly supportive of the Publication Draft MWLP, however it did seek clarity over the term ‘betterment’ as used within the Plan.
15. NE also raised concerns in relation to the Habitats Regulations Assessment (HRA) of the Publication Draft MWLP. A meeting was held with NE on 8 July 2021, at which all of the comments raised in its representation were discussed.
16. It was agreed to propose that the term ‘betterment’ be removed from the MWLP, and the policy wording changed to achieve ‘at least nutrient neutrality’. In addition, the glossary of the MWLP has been updated to include ‘nutrient’ and ‘nutrient neutrality’.
17. There was some discussion with NE about the geographic area over which the test of achieving ‘at least nutrient neutrality’ could be extended. NE’s position is that this test can only be applied in projects that would link to a SAC catchment that was failing its water quality objectives. To this end, it was seeking only for the test to be applied to those projects located within the vicinity of the catchment of the River Lugg SAC.

18. The approach within the MWLP has been to require nutrient neutrality from development proposals within the River Wye SAC generally; it is not limited to the River Lugg catchment. Herefordshire Council has since prepared a note for NE on this matter to enable future discussion, with the current approach retained within the MWLP.
19. It was also agreed to ensure the strengthening of wording with regard to the HRA that is likely to be required for each planning application, for example within the key development criteria. This is set out in the suggested schedule of main modifications. Modifications are also proposed to section 3 of the MWLP, to update it in line with the latest guidance on this matter that is available on the Herefordshire Council website.
20. The Environment Agency has made extensive comment on nutrient neutrality and phosphorous recovery. Whilst it is generally supportive of policies W3 and W4, some of these comments look to address matters that fall beyond the remit of the MWLP or there appears to have been a misunderstanding of the context within which the text is provided.
21. The MWLP has been prepared to play a material role in terms of reducing nutrient release into the River Wye SAC (in its totality), including through: the provisions set out in policies W3 and W4; through its consideration of the potential for phosphate release from minerals and waste developments; and the inclusion of key development criteria to address the issues in conjunction with proposed development. No further edits to the text are considered necessary.

Impact on Heritage Assets

22. In its representation, Historic England (HE) welcomed the additional site assessment work that has been undertaken and recommended that the method used for the assessment of heritage assets should be in line with that set out in HE's Advice Note 3. This, however, is the approach which was used when considering all of the sites in more detail and it has been set out in the Plan's accompanying reports.
23. HE also raised a number of concerns in relation to the proposed site allocations, including an objection to the extension at Leinthall Quarry and recommended that further assessment should be undertaken in the form of detailed Heritage Impact Assessments (HIA) for the mineral sites: Leinthall; Wellington; Upper Lyde and Shobdon. The National Trust also objected to the proposed extension to Leinthall Quarry.
24. An HIA of each of these sites is currently (July to September 2021) being undertaken by Herefordshire Archaeology (Herefordshire Council's county archaeological service). The conclusions of which will be incorporated into the schedule of suggested main modifications.
25. The HIA for the extension proposed at Leinthall Quarry has already been completed and made available to HE to provide comment. Its conclusion comments that:
26. *"There is no indication that any expansion of the quarry will directly affect any known archaeological heritage assets within the proposed expansion area."*

27. *“... However, from certain viewpoints the setting impact upon Croft Ambrey Hillfort is considered to be of moderate-high, (albeit already highly compromised by the presence of the existing quarry).”*
28. *“It may be possible to further limit or obscure some of the direct viewpoints from Croft Ambrey Hillfort by future vegetation management on the hillfort and by planting extra tree cover in the close environs to the proposed quarry site. However, due to the height of the hillfort above the proposed area and existing quarry it will not be possible to completely mitigate the visual impact.”*
29. *“It should be stressed that the existence of the present workings at Leinthall Quarry does already present a large setting issue for the same heritage assets that have been considered within this assessment and future setting issues from the proposed extension should be measured against the setting and visual impacts that have already existed for over seven decades.”*
30. It is concluded that the Leinthall Quarry extension remains an appropriate allocation, albeit that some amendment to the wording of the key development criteria will be proposed.
31. HE raises a number of concerns in relation to non-designated heritage assets, which it recognises *“...can make a positive contribution to the character of our settlements and enrich our sense of place”*. HE advises that *“...the views of your chosen specialist archaeological adviser are sought on these proposed allocations to confirm that the evidence base is sufficiently robust to ensure that any proposed allocation is deliverable in accordance with local and national planning policies.”*
32. The views of Herefordshire County’s Archaeologist and Building Conservation Officer were sought in the preparation of the Publication Draft MWLP, including advice on the wording that is included within the key development criteria. It is believed that the proposed allocations are deliverable and that few further edits to the text of the Plan are required.
33. HE also makes reference to Palaeolithic archaeology and the potential for effects on water sensitive heritage assets to be more overtly recognised within the key development criteria. Proposed modifications to the key development criteria to incorporate these comments will be considered with Herefordshire Archaeology and proposed in an update to the schedule of modifications at Annex A.
34. HE also makes representations in regard to the proposed waste allocations and the potential impact on heritage assets. These allocations make use of land that is already allocated for Strategic Employment Areas or has already hosted some form of built development. In regard to the Strategic Employment Areas, particularly the Rotherwas Industrial Estate (Hereford Enterprise Zone), a substantial amount of heritage assessment work was previously undertaken to enable that allocation to be adopted.
35. The approach within the MWLP has been that these sites provide appropriate locations for new waste treatment development, in principle. Each development proposal will need to demonstrate how it complies with all relevant policy, including that concerned with heritage. Consequently, the proposed allocations are appropriate and deliverable and do not pose an unacceptable risk of material harm to heritage assets. This matter

has been discussed (again) with Herefordshire Archaeology, who continues to support this approach.

36. Representations have been received that text of the MWLP does not recognise the hierarchy of importance for heritage assets, and other environmental designations. This point has been addressed before and the approach remains the same. Hierarchies for designations are set out in national policy and the addressed through policy of the Core Strategy. In short, it is not appropriate or necessary to repeat them within the MWLP; they will continue to apply to any development proposal submitted for determination.

Minerals Safeguarding Areas

37. Some respondents queried why the mapping in relation to mineral resource was different on the interactive mapping (provided on the council's website) to that provided in the MWLP consultation documents, principally Figure 7.
38. Figure 7 within the MWLP presents the Minerals Safeguarding Areas, including railheads. It is introduced by text at paragraph 6.1.12 of the Publication Draft MWLP: *"Figure 7 presents the Minerals Safeguarding Areas for Herefordshire, incorporating: areas of reserve indicated by the British Geological Survey data; surface coal resource areas from the Coal Authority; currently consented quarries and their associated infrastructure; the operating rail head at Moreton-on-Lugg; and the disused railhead at Moreton Business Park. Figure 7 is available in its original A3 format at Annex A, with key policy details included in the interactive mapping available on the Herefordshire Council website."*
39. Whilst the interactive mapping made available on the council's website did present mineral resource, allocated sites and preferred areas of search; it did not include the data layer for the safeguarding areas (including the railheads). This will be amended prior to the examination.

Mineral Consultation Areas

40. Some respondents (particularly from the minerals industry) objected to the absence of buffer zones around the minerals safeguarding areas and a minerals consultation area.
41. The approach to minerals safeguarding was comprehensively addressed in the preparation of the MWLP and it has been corroborated in revised national planning guidance (National Planning Policy Framework 2021, paragraph 210, bullet c), which confirms that the use of mineral consultation areas is primarily for two tier authorities.

Policy M2 Safeguarding etc

42. Some suggested edits were received in representations from the mineral industry to amend policy M2, to incorporate references to economic viability and infrastructure associated with mineral workings. These edits are proposed within the schedule of suggested modifications.

Level of mineral provision within MWLP

43. Representations were received suggesting that the MWLP relies upon the existing levels of imported mineral. This is incorrect.

44. New text is proposed within section 6 of the MWLP to state that policies M3 and M4 have been drafted on the assumption that reserve in Herefordshire supplies 100% of the forecast demand. The word 'reserve' is used deliberately in this proposed modification, as only resource that has permission to be worked can be included in the landbank (see paragraphs 46 and 47 below).
45. In addition, it is proposed that reference to the Local Aggregates Assessment be added to the monitoring schedule presented at Table 3 of the MWLP.

Reserve/Resource

46. Some respondents questioned whether the term 'reserve' had been used correctly throughout the Plan.
47. The MWLP has been checked throughout; it was found that the term 'reserve' has been used when 'resource' would be the correct option. It is proposed that appropriate changes are made to ensure correct term is used in all circumstances.

Reinforcing the Circular Economy and benefits of resource management

48. The Environment Agency, and other respondents sought greater clarity in regard to the circular economy and policy intent in terms of climate change. Some edits have been proposed throughout the Plan to address these comments.
49. Whilst policy SP1 was generally supported, representations sought greater clarity in the wording used, not least in regard to delivering the circular economy, rather than focussing on climate change. Representations also queried whether the MWLP went far enough to satisfy National Planning Policy Framework policy in regard to promoting the use of secondary and recycled aggregates.
50. The MWLP has been prepared to deliver the waste hierarchy and circular economy within Herefordshire, although these priorities also have to be balanced with enabling sustainable supply of mineral generally, which will continue to rely on raw mineral for the foreseeable future. The evidence base that underpins the minerals policies has considered the potential for secondary/recycled materials.
51. Policy SP1 is extending the remit of a development plan to look beyond just land use policy and setting out the actions that others can play in achieving the desired outcomes. This is explained in the supplementary text. The resource audit is also explained within the supplementary text, albeit the wording within the policy is proposed to be clarified.
52. New text is also proposed at the start of policy SP1, to make explicit reference to the potential for minimal use of primary materials.
53. The Environment Agency has made extensive comment on the circular economy and how it is addressed within the Plan. Many of these comments look to address matters that fall beyond the remit of the MWLP or misunderstand the context within which the text is provided. The MWLP has been prepared to enable the circular economy to be delivered within Herefordshire and further edits to the text are not considered necessary.

Policy W5

54. Representations commented that policy W5 provides operators with no ability to undertake improvements at existing waste facilities. This is a potential limitation of policy W7 (and policy W1) but it is also the spatial strategy of the MWLP. If the edit proposed in the representation were added to policy, then it would apply to all existing operations, including those that are not well sited or well operated.
55. It remains within the developer's gift to demonstrate why development of the type proposed should be permitted despite conflict with development plan policy.

Policy W7

56. Comment was received that policy W7 subsections 3 and 4 were not clear. It is proposed that these subsections be reformatted within the policy to clarify the intent.

Key Development Criteria

57. Some respondents questioned the purpose of the key development criteria, including whether they were intended to form part of policy or not.
58. The key development criteria have been referenced in the site allocations (and preferred areas of search) policies and have consequently been consistent elements of policy. Just prior to finalising the Publication Draft MWLP, regulations about making public documents accessible to a wide range of potential readers were enforced. At that point in time, the key development criteria were only provided in the Allocated Sites Appendix - a pdf document that did not satisfy the relevant legislation.
59. In order to make the key development criteria available in an accessible format, but without breaking the flow of the MWLP, the decision was made to include them within the Plan but in a separate section; Section 9.
60. In order to ensure they remain accessible, Section 9 has been retained, but text referencing within this section has been amended to make it clear that the key development criteria are an element of the policy within which they are stated.
61. The key development criteria themselves have been subject to some proposed modifications. These have been proposed in response to advice from statutory consultees and to ensure that each requirement set out in the key development criteria is clear.

Other issues raised in representation to the Publication Draft MWLP (Regulation 19) Consultation

62. Various other matters were raised in the representations received and are proposed to be addressed through the suggested modifications in Appendix A. These include issues such as:
- reflecting text of the National Planning Policy Framework;
 - missing MWLP objectives and need for a reference to carbon reduction;
 - Policy SP2 and others – amending working from ‘shall be permitted’ to ‘will be supported’; and
 - alignment of MWLP with Herefordshire Council’s Integrated Waste Management Strategy

Next Steps

63. The next step for the Publication Draft MWLP is for it to be submitted for independent examination by a Planning Inspector. The Publication Draft MWLP will be submitted in the same form as it was during the regulation 19 consultation.
64. Any changes that the council considers would be appropriate will be made available for discussion at the examination through the schedule of suggested main modifications and minor changes (Appendix A).
65. Approval will be sought from Council for the emerging MWLP, and its accompanying documents, to proceed to this next stage in the plan making process, as outlined above.
66. Once adopted, the MWLP will form part of the statutory development plan for Herefordshire and will be used as such for the purpose of determining planning applications on minerals and waste matters.

Community impact

67. The MWLP seeks to ensure that sites and locations are identified for mineral and waste development according to the forecasted demand until 2041. This is as relevant to the whole population of Herefordshire, and is as pertinent to those residing in the rural parishes, as it is to those in Hereford and the market towns.
68. This report provides Cabinet with the opportunity to comment on how representations to the regulation 19 consultation have been responded to and to recommend the MWLP's approval and progression to its formal submission and examination.
69. Members of Cabinet can help to ensure that representations relating to the key issues set out in this report, including the protection of the environment and historic heritage, have been sufficiently addressed in the proposed main modifications.

Environmental Impact

70. The MWLP has had due regard to the council's environmental policy commitments. Many of them underpin its policies and proposals:
71. *Natural resources are used efficiently.* The National Planning Policy Framework identifies the need to ensure that mineral resources should be used sustainably. The MWLP, in assessing future need, only identifies sites for future minerals extraction which are necessary over the Plan period and encourages the use of secondary and recycled materials in preference to the extraction of primary materials. It also safeguards mineral resources and infrastructure for future uses.
72. *Minimise waste.* The MWLP seeks to deliver the circular economy and promotes the concepts of waste hierarchy. The MWLP's sustainable waste strategy will promote waste prevention and the re-use, recycling or use of waste to recover energy, as well as deliver a decrease in the amount of waste disposed to landfill.

73. Waste management facilities are also an element of the circular economy, so long as the materials and/or energy recovered are put to beneficial uses.
74. *Reduce greenhouse gas emissions.* The built form of waste management facilities may, more obviously, align with the expectations of the MWLP's policy commitment, but mineral workings can also make a significant impact. Minerals are to be extracted efficiently and ensure that a high quality of reclamation and after use can be achieved.
75. The winning and working of minerals, and some waste processing operations, is resource intensive. Reduced energy usage can be achieved through good site design to reduce transport movements, for example. Buildings and plant can be designed to reduce resource requirements and consequent carbon emissions, for example, through the use of ultra-low emission vehicles and renewable energy supply (including solar panels, open-loop ground source or surface water source heating and cooling systems).
76. The MWLP will expect increased resource efficiency measures in plant, buildings and operations in order to achieve climate change priorities.
77. *Raise awareness of and mitigate against and adapt to climate change impacts.* The strategy of the MWLP is centred on sustainability: from its vision and objectives, through to its specific policies and proposals. An example of how it addresses climate change is; the reclamation of sites, which provides opportunities in assisting ecological networks to be more resilient and enabling the movement of wildlife as it adapts to a changing climate. The after-use of a site can also deliver objectives to address climate change, for example, creating new habitat that also provides flood storage to alleviate risks elsewhere.
78. *Prevent and reduce pollution.* The waste strategy set out in the MWLP seeks to deliver sustainable management of waste in the county. Its waste policies will prevent and reduce pollution from a variety of waste streams and a specific wastewater management is also included, in order to assist in the minimisation of phosphate levels in the River Wye SAC.
79. *Conserve the natural and historic environment of Herefordshire.* Good design requires full consideration of the surrounding environment, its constraints and the opportunities for enhancement, including change for the better. The MWLP sets out a comprehensive approach, addressing exploration, construction, operation, buildings and machinery and people and place across the lifetime of the site and through its aftercare. This will enable sustainable development to be realised.
80. All minerals and waste development will be expected to incorporate robust measures to ensure that the proposed development does not cause unacceptable adverse impacts on either the environment or local communities, many of which can be overcome by implementing standard measures, which are set out in the Plan. Protection of the landscape, townscape, biodiversity, geodiversity, historic environment and heritage assets (whether above or below ground) are all addressed through the MWLP's policies.
81. *Promote links between environmental sustainability and economic growth and well-being.* Minerals and waste management infrastructure is essential to support a modern economy. Minerals provide many of the raw materials necessary for construction,

energy and industry and they are therefore essential in helping to sustain economic growth. Therefore the MWLP plans for their supply, whilst at the same time requiring that the impacts of extracting them are kept within acceptable limits. Dealing with waste is a major challenge for society and needs to be addressed alongside other initiatives to improve the sustainability of our environment and economy.

- 82. The MWLP provides for a network of waste management facilities and appropriate infrastructure to maximise waste as a resource and to avoid significant adverse impacts on the environment and communities.
- 83. Herefordshire Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.

Equality duty

- 84. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows.
- 85. A public authority must, in the exercise of its functions, have due regard to the need to:
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 86. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have 'due regard' to the public sector equality duty when taking any decisions on service changes.
- 87. Where a decision is likely to result in detrimental impact on any group with a protected characteristic, it must be justified objectively. This means that attempts to mitigate the harm need to be explored. If the harm cannot be avoided, the decision maker must balance this detrimental impact against the strength of legitimate public need to pursue the service change.
- 88. It is not considered that the MWLP, or its content, has in impact on the council's Equality Duty. All stages of public consultation on the Plan have been made accessible to all (as far as possible) and were made in accordance with the regulatory requirements of the Town and Country Planning (Local Development) (England) Regulations 2012. An Equality Impact Assessment has been produced and is attached at Appendix B. This does not identify any negative impacts and will be kept under review as the MWLP progresses to adoption.

89. In addition, a Consultation Statement (relating to the regulation 19 consultation) will be produced to assist the inspector at the forthcoming examination in public, when determining whether the MWLP has complied with the requirements for public participation and government guidance.
90. Public involvement at all stages of the Plan's production, bar the regulation 19 consultation, was carried out following the approach set out in Herefordshire's Statement of Community Involvement (SCI), adopted in 2017. Methods included: emails, letters, Facebook, Twitter, council website, cabinet members' newsletter, hard copies of MWLP made available at info points and/or libraries across the county, a presentation to stakeholders and exhibitions open to the public. Responses could be made via online surveys, via email or letter.
91. The country was in lockdown restrictions due to the Covid-19 pandemic during the regulation 19 MWLP consultation in the spring of 2021. This meant that face to face consultation events could not be held and that paper copies of the Plan documents could not be made available at public libraries or other public venues.
92. To assist those who wanted to comment on the publication draft MWLP, a video was produced and posted on the council's MWLP consultation web page. This provided viewers with a summary of the Plan's strategy, its policies and proposals, as well as information on how to get involved with the consultation.
93. It is acknowledged that those without access to a computer or a smart 'phone may have had difficulties in participating with the regulation 19 consultation, but that there were exceptional circumstances prevailing at the time. In other respects, the consultation was carried out in accordance with the SCI, as far as possible.
94. It is considered that the approach to public engagement throughout the plan-making process has been appropriate and that those with protected characteristics were able to fully engage with it.

Resource implications

95. The production of the MWLP has been funded through the local plan budget and reserves.
96. There will be a continuing need to fund: the production of suggested updates/modifications to the Sustainability Appraisal (SA) and the Habitats Regulation Assessment (HRA) reports by consultants LUC; the continued work on the MWLP's modifications and its progression through to submission and examination in public (expected in 2022) by Hendeca (specialist minerals and waste planning consultants). This additional funding will also be sourced from local plan reserves.
97. Costs are estimated to be:
- | | |
|----------------|---------|
| • SA/HRA (LUC) | £10,000 |
| • Hendeca | £30,000 |
| • Examination | £50,000 |

The costs of the examination will include: a Programme Officer; the Planning Inspector's time (at £1,000 per day); venue hire; legal advice/assistance; and technical

equipment such as microphones and requirements for optional remote attendance. Costs are based on the estimation that hearings will last for around one week and that the venue will include the main hearing room, plus additional smaller rooms for the Inspector and officers/consultants of the council.

Legal implications

98. The council is required to produce a MWLP (a DPD) as part of the Herefordshire Local Plan. This will form part of the council's policy framework, once adopted.
99. Under Part 3 Section 3 of the constitution, Cabinet are required to formulate or prepare the documents consisting of the budget and policy framework and shall make recommendations to Council on their implementation. The MWLP, as a DPD pursuant to Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended), is one of the documents within the budget and policy framework, on which Cabinet are required to make recommendations to Council, the adoption thereof being a Council function under Part 3 Section 1 of the constitution.
100. Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) requires the MWLP to be submitted to the Secretary of State for independent examination, once the council is satisfied it has complied with procedural requirements on preparation, publication and consultation (section 19 of the Planning and Compulsory Purchase Act 2004 and regulations 18-20) as laid out in the Town and Country Planning (Local Development) (England) Regulations 2012 (as amended). This report recommends that Cabinet determines whether any recommendations should be made to Full Council on the approach to submission, as outlined.
101. There are no legal problems in doing what is proposed.

Risk management

| Risk / opportunity | Mitigation |
|---|---|
| <ul style="list-style-type: none"> • Risk (procedural and financial): the MWLP is found to be unsound at examination. | <ul style="list-style-type: none"> • The risks of the MWLP being found unsound are low, as the appropriate mitigation measures have been employed to ensure that the Plan has been drawn up using specialist mineral and waste planning expertise. Consultants have assisted in collation of the evidence base (BGS, Hendeca and BBLP/WSP) which underpins the MWLP, developed the Plan's policies and proposals (Hendeca), produced the sustainability appraisal and habitats regulations assessments (LUC) and will continue to be engaged in the next stage of the Plan's production (Hendeca); the examination in public. This risk will be managed at service level. |
| <ul style="list-style-type: none"> • Risk (procedural and reputational): not to proceed to the submission and examination stage of the MWLP's production. | <ul style="list-style-type: none"> • This would leave the council without an up to date minerals and waste planning policy framework and would effectively create a policy vacuum. This would be contrary to the requirements set out by the assistant Planning Inspector during the Core Strategy examination, who stated that a MWLP was to be produced. It would also mean that the decision making process on minerals and waste planning developments would not stress the importance of taking into account climate change. This would be contrary to the aims of Herefordshire Council, as set out in its environmental policy. This risk will be managed at service level. |
| <ul style="list-style-type: none"> • Risk (procedural and financial): the introduction of regulatory changes to the planning system before the MWLP reaches examination in public, which may result in the need to follow a new plan production process. | <ul style="list-style-type: none"> • If the publication draft MWLP is reported to full council in October, as anticipated, and the recommendation approved to proceed to submission (regulation 22), then the plan can be submitted to the Secretary of State in the last quarter of 2021. It is therefore likely that the MWLP will fall into transitional arrangements, which will be set out by government for development plans that have reached this late stage in their production. This risk will be managed at service level. |
| <ul style="list-style-type: none"> • Risk (procedural): the targets for levels of aggregate production and waste management requirements set out in the MWLP may become increasingly out of date, both during the Plan production process and after the Plan is adopted. | <ul style="list-style-type: none"> • Resources have been identified to expedite the preparation of the MWLP and to ensure a robust approach has been adopted. Once adopted, the Plan will undergo a 5-yearly review to ensure that it is kept up to date. |

The above risks should be entered in the Strategic Planning Risk Register.

Consultees

102. Herefordshire Council undertook consultations in 2017 and 2019 to inform the draft MWLP, pursuant to the Town and Country Planning (Local Development) (England) Regulations 2012.
103. The first consultation was undertaken on Issues and Options during late summer 2017, over a 6-week period. The second consultation was carried out on the draft MWLP early in 2019, over a 6-week period. A total of 92 representations were received to these two consultation events.
104. Between April and May 2021 public consultation (regulation 19) on the Publication Draft MWLP took place, which provided the opportunity for representations to be made on legal compliance and soundness of the Plan. The tests of soundness are set out in the National Planning Policy Framework. A Plan should be:
 - positively prepared (i.e. does it meet objectively assessed need for minerals and waste?);
 - justified (i.e. is it based on robust evidence and is it the most appropriate strategy when considered against alternatives);
 - effective (i.e. deliverable, flexible and able to be monitored); and
 - consistent with national policy
105. 26 representations were received, with 81 individual points raised.
106. A Consultation Statement will be made available when the MWLP is submitted for examination. This will set out details of the regulation 19 consultation. It will also show: which bodies and persons were invited to make representations, how those bodies and persons were invited to make such representations; a summary of the main issues raised and the council's responses to them.
107. Public involvement in the MWLP's preparation process (up until regulation 19) was carried out following the approach set out in the council's Statement of Community Involvement (SCI) (2017). The SCI is currently being reviewed and updated and will be made available to the Inspector at the MWLP's examination.
108. The council has used a range of methods to engage with all potentially interested parties, in order to ensure they had the opportunity to make representations. Stakeholders and local community members were informed by email or letter about ways to get involved in the consultations. Methods of responding, both on and offline were given, in order to reach the broadest audience possible.
109. The following approaches to consultation were undertaken during the MWLP's preparation:
 - direct mail or email to contacts on the council's database

- information made available at libraries and information centres across Herefordshire (not at regulation 19)
 - Cabinet members' newsletter
 - Herefordshire Council website
 - Herefordshire Council social media
 - presentations and exhibitions (not face to face at regulation 19)
110. All relevant documentation was made available to download on a dedicated council webpage.
111. During the last round of public consultation at regulation 19, public restrictions due to Covid-19 meant that the usual face to face consultation events and the placing of paper copies of the MWLP and its accompanying documents in local public places could not take be undertaken. However, to assist in reaching as wide a range of consultees as possible, a video presentation was placed on the council's website which provided: an overview of the Plan; its strategy, policies and proposals; as well as information on how to get involved in the consultation.
112. The council has an extensive consultation database, containing over 3,000 contact names. The list includes individual residents, developers, businesses based across the county, parish councils, community and voluntary groups, infrastructure providers, neighbouring authorities, government agencies and elected members.
113. Notification was sent to: parish councils, specified consultees, all those who had registered an interest in Herefordshire planning, stakeholders, industry contacts, statutory bodies (such as Historic England), utility companies, neighbouring local planning authorities, agents and land owners. The correspondence included details of where to find further information and how to make representations.
114. In addition to the regulatory consultations, the issues and options, draft and publication draft MWLP stages of preparation were fully discussed with adjoining planning authorities as part of the statutory duty to cooperate. As a result memoranda of understanding or statements of common ground have been signed between Herefordshire, Gloucestershire, Worcestershire, Shropshire and Powys minerals and waste planning authorities. These will be revised prior to submission to ensure they contain the most up to date information.
115. It is also proposed that statement of common ground will be produced, prior to submission, with Natural England on matters relating to water quality in the River Wye SAC and the MWLP's policies and proposals.
116. Local members have also kept informed during the MWLP's preparation. In addition to mandatory governance processes prior to the two stages of statutory consultation on the Issues and Options report and the draft MWLP, a Waste Standing Panel was formed, which met three times during 2017 and 2018. The views raised at the meetings of the panel were fed into the draft MWLP's preparation.
117. On 28 September 2020 the publication draft MWLP was considered by General Scrutiny Committee and its recommendations were considered by Cabinet and

subsequently incorporated into the Plan's text prior to regulation 19 consultation earlier this year.

118. Consultation has been undertaken with the council's political groups from 13 - 26 August 2021. Four responses were received.
- Both Cllrs. Andrews and Matthews were happy with the proposed schedule of modifications;
 - Cllr Stark had no concerns since the Publication Draft MWLP has incorporated the alterations suggested by General Scrutiny Committee in September 2020
 - Cllr Watson made three points: a) questioning the use of the word "alleviate" in MM7.f; b) questioning the use of the word "granted" in MM7.s; and c) the need to remove the words "if not betterment" from MC3.p.
119. Cllr Watson's comments are accepted. In reference to the three points raised: a) "alleviate" has been altered to "address" as it is a more appropriate word to use; b) "granted" has been changed to "support" to build consistency throughout the Plan and to reduce the potential for it to be thought that "support" is a lesser level than "granted", which it is not; and c) it was an error for 'betterment' phraseology to have been used and this has therefore been removed.
120. The above comments will be reported to Cabinet.

Appendices

Appendix A: Draft Schedule of suggested Main Modifications and Minor Changes (August 2021)

Appendix B: Equality Impact Assessment – Submission MWLP (August 2021)

Background papers

- [Statement of Community Involvement \(2017\)](#)
- [Publication Draft MWLP \(January 2021\)](#)
- [Annex A to Publication Draft MWLP \(January 2021\)](#)
- [Allocated Sites Appendix to Publication Draft MWLP \(January 2021\)](#)

Glossary of Abbreviations

| | |
|------|----------------------------|
| DPD: | Development Plan Document |
| HE: | Historic England |
| HIA: | Historic Impact Assessment |

| | |
|-------|--|
| HRA: | Habitat Regulations Assessment |
| LUC: | Name of consultancy producing Sustainability Appraisal and Habitats Regulations reports on the MWLP (previously known as Land Use Consultants) |
| MWLP: | Minerals and Waste Local Plan |
| NE: | Natural England |
| SA: | Sustainability Appraisal |
| SAC: | Special Area of Conservation |
| SCI: | Statement of Community Involvement |

1. Main Modifications and Minor Changes proposed to the Publication Draft MWLP, Prior to Submission

1.1 DRAFT DOCUMENT at 09.09.2021

1.2 Introduction

- 1.2.1 The Herefordshire Minerals and Waste Local Plan, Publication Draft (Publication Draft MWLP, or the Plan) was finalised in January 2021 and made available for consultation during the period 12 April 2021 to 24 May 2021.
- 1.2.2 Responses were received from 26 organisations, some of which have led to proposed modifications to the Publication Draft MLWP.
- 1.2.3 In July 2021, the revised National Planning Policy Framework was published, which prompted the need for some modifications to the Publication Draft MLWP.
- 1.2.4 These are set out in this document.

1.3 Main Modifications and Proposed Changes

- 1.3.1 Suggested changes to policy text arising from the Regulation 19 responses and other updates that are unlikely to change fundamentally the aims or outcomes of the Plan can be proposed as either Main Modifications or Minor Changes and submitted with the consultation version of the Plan to the Planning Inspectorate for Examination.
- 1.3.2 Main Modifications go to soundness and are for consideration in the Examination. Minor Changes (such as typos, simple updates and corrections) are entirely for the clarity of the Plan and should be kept separate.
- 1.3.3 None of the edits proposed within this document are considered fundamentally to change the aims or objectives of the Plan overall; they are simply clarifications either to update the Plan and/or to ensure that the meaning of policy is clear to all using the Plan.
- 1.3.4 However, the council has taken an approach of erring in favour of defining a change as a Main Modification where there is any change to policy, such that it can be tested through the Examination.
- 1.3.5 Some formatting edits have been made to the Publication Draft MWLP, changes such as making text bold, or deleting unnecessary spaces between words or paragraphs. These are not noted as they make no effect on the Plan other than to tidy it up.
- 1.3.6 Tables 1 and 2 present the schedules of proposed edits to the Plan. The following approach has been used:
 - All policy references, paragraph numbers, figure numbers etc are taken from the Herefordshire Minerals and Waste Local Plan, Publication Draft, January 2021.
 - The edits are presented in the order they appear in this version of the Plan.
 - For each edit, information on the proposed change and the reason for that change is given.

- The amended text is shown in bold text, with new text underlined (**for example**) and deleted text crossed through (~~for example~~).
- The schedules provide only those whole sentences within which an edit has been made. There may be additional text either side of the sentence, but if it is not reported it has not been changed.

2. Main Modifications proposed to the Publication Draft Herefordshire Minerals and Waste Local Plan, prior to submission

2.1.1 Table 1 presents the schedule of Main Modifications proposed to be considered through the MWLP Examination, prior to submission.

2.1.2 Each proposed edit is referenced MMnumber.letter (eg MM4.b) in which:

- MM stands for Main Modification;
- number is the section of the Plan that is being edited; and
- letter is used to identify the order of the Main Modifications within that section eg MM4.a; MM4.b; etc.
This letter may be updated at the end of the Examination, when all of the Main Modifications have been identified. A letter has been used in this schedule to aid referencing to the Main Modification throughout the Examination. Letters 'i', 'l', and 'o' have not been used as they could be confused for numerals.

Table 1 Schedule of Pre-Submission Main Modifications to the Publication Draft MWLP, January 2021

| Mod. Ref. | Paragraph/policy/ figure reference | Proposed Modification | Reason for Change |
|---|---------------------------------------|---|---|
| Section 4. Vision, Objectives and Spatial Strategy | | | |
| MM4.a | Vision | Over the period to 2041, Herefordshire will deliver sustainable provision of minerals supply and waste management, balancing development needs whilst supporting the county's communities, protecting conserving and enhancing environmental, heritage and cultural assets and strengthening the local economy. | To bring text up to date and provide a more forward looking approach. |
| Table 1 MWLP Objectives | | | |
| MM4.b | Objective 2 | To prioritise the long-term conservation of primary minerals through enabling provision of sustainable alternatives, effective use of mineral reserves resources , and promoting efficient use of minerals in new development. | To replace text with the correct terminology and to ensure the principle is applied more widely than just permitted reserves. |
| MM4.c | Objective 3 (new) | To safeguard appropriate mineral and waste resources, and associated transport infrastructure, within Herefordshire. | To replace the missing objective. |
| MM4.d | Objective 11 | To address the causes and impacts of climate change relating to minerals and waste development activity, including using opportunities arising from minerals and waste operations and reclamation activity to decarbonise, to mitigate and adapt to climate change and to leave a positive legacy. | To incorporate a request made in representation and to explicitly recognise the objective to achieve decarbonisation. |
| Section 5. Strategic Policy and General Principles | | | |
| MM5.a | 5.1.8 (new) | <u>Each of the site allocations made in policy of the MWLP is accompanied by key development criteria. To avoid repetition and for clarity in the MWLP, these criteria are provided in the Site Allocation appendix and set out at section 9 of the MWLP; however, they are referenced within and form a part of each policy within which they are referenced.</u> | To address comment raised in representation and to clarify the policy status of the key development criteria. |

| Mod. Ref. | Paragraph/policy/ figure reference | Proposed Modification | Reason for Change |
|-----------|--|--|--|
| MM5.b | 5.3.1 (new sentence) | <u>In addition, the railheads at Moreton-on-Lugg (operational) and at Moreton Business Park (not-operational) provide the opportunity to increase non-road based transport.</u> | To address comment raised in representation that railheads in Herefordshire were not appropriately recognised. |
| MM5.c | Policy SP1 (new text at start of policy) | <u>Development proposals will be supported where they adopt sustainable design principles, construction methods and procurement policies. This includes using the minimal amount of primary materials, reusing or facilitating the recycling of wastes and materials generated on site and using alternative construction materials sourced from secondary and recycled aggregates.</u> | To ensure the policy is explicit about the intended outcome. |
| MM5.d | Policy SP1/2 | requiring <u>all applicants to submit</u> submission of a Resource Audit that identifies the quantum required and approach to sourcing construction materials, the amount and type of waste that is expected to be produced by the development and end of life considerations for the development materials. | To ensure the policy is explicit about who is expected to submit the Resource Audit. |
| MM5.e | 5.5.14 | New development requires significant volumes of construction materials, and the facilities provided on site can affect how it performs <u>the sustainability of that development</u> through its operational lifetime. | To improve clarity in the text. |
| MM5.f | Policy SP2/1 | Planning permission will be granted <u>supported</u> for mineral development proposals that optimise opportunities to improve public access to open spaces, integrating historic context and green infrastructure as appropriate. | To make the policy text consistent throughout the MWLP. |
| MM5.g | Policy SP3 | Planning permission will be granted <u>supported</u> for minerals or waste development where it is demonstrated that the arrangements for the transport of mineral, waste or other materials ... | To make the policy text consistent throughout the MWLP. |
| MM5.h | 5.11.9 | As a starting point, developers should refer to the particular issues identified in the key development criteria (section 9) established for the <u>each</u> allocated sites and the Green Infrastructure Strategy already in place. | To ensure that the KDC are recognised as an element of policy under which each site is allocated. |

| Mod. Ref. | Paragraph/policy/ figure reference | Proposed Modification | Reason for Change |
|----------------------------|---------------------------------------|---|--|
| SECTION 6. Minerals | | | |
| MM6.a | Policy M2/1a | the development would not sterilise or prejudice the future extraction of the mineral resource because it can be demonstrated that the resource: is not of economic value; occurs at depth and can be extracted in an <u>economically viable</u> alternative way; does not exist; or has been sufficiently depleted by previous extraction; or | To reflect request made in representation and to explicitly recognise that mineral extraction needs to be economically viable, and to correct the grammar. |
| MM6.b | Policy M2/2 | Where the operation of an existing mineral working, <u>including associated infrastructure</u> , could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant shall be required to provide suitable mitigation before the new development is completed. | To ensure the policy is explicit that the agent of change principle applies to infrastructure as well as working. |
| MM6.c | 6.2.3 | <u>To this end, policy M3 has been drafted on the assumption that reserve in Herefordshire supplies 100% of the forecast sand and gravel demand.</u> | To clarify this position. |
| MM6.d | 6.2.9 | In addition to <u>As part of</u> this policy framework, the allocated sites are accompanied by key development criteria that present particular issues to be comprehensively addressed in association with any development proposal. | To ensure that the KDC are recognised as an element of policy under which each site is allocated. |
| MM6.e | Policy M3/2a | Specific Sites (presented in alphabetical order) subject to the key development criteria set out at section 9: | To ensure that the KDC are recognised as an element of policy under which each site is allocated. |
| MM6.f | Policy M3/3 | Only where it is demonstrated to be necessary to maintain an adequate landbank or there is a shortfall in production capacity available at the Specific Sites or Preferred Areas of Search, will sand and gravel extraction will be supported in any other area of reserve resource . | To replace text with the correct terminology. |
| MM6.g | 6.2.12 | <u>To this end, policy M4 has been drafted on the assumption that reserve in Herefordshire supplies 100% of the forecast crushed rock demand.</u> | To clarify this position. |

| Mod. Ref. | Paragraph/policy/ figure reference | Proposed Modification | Reason for Change |
|-------------------------|---------------------------------------|---|---|
| MM6.h | 6.2.18 | In addition to As part of this policy framework, the allocated sites are accompanied by key development criteria that present particular issues to be comprehensively addressed in association with any development proposal. | To ensure that the KDC are recognised as an element of policy under which each site is allocated. |
| MM6.j | Policy M4/2a | Specific Sites (presented in alphabetical order) subject to the key development criteria set out at section 9 : | To ensure that the KDC are recognised as an element of policy under which each site is allocated. |
| MM6.k | Policy M4/3 | Only where it is demonstrated to be necessary in order to maintain an adequate landbank or there is a shortfall in production capacity available at the Specific Sites or Preferred Areas of Search, will limestone extraction be supported in any other area of reserve resource . | To replace text with the correct terminology. |
| MM6.m | 6.3.6 | In addition to As part of this policy framework, the allocated sites are accompanied by key development criteria that present particular issues to be comprehensively addressed in association with any development proposal. | To ensure that the KDC are recognised as an element of policy under which each site is allocated. |
| MM6.n | Policy M5/1b | the lateral extension and/or deepening of workings at the following consented sandstone extraction sites, subject to the key development criteria set out at section 9 : | To ensure that the KDC are recognised as an element of policy under which each site is allocated. |
| SECTION 7. Waste | | | |
| MM7.a | 7.2.15 | In November 2018, judgement was handed down from the Court of Justice of the European Union in the case of Cooperatie Mobilisation (Joined Cases C-293/17 and C-294/17, the 'Dutch Case'). The Dutch Case concluded that where a site is failing in its water quality objectives, and is therefore classed as being in an unfavourable condition, there is limited scope for the approval of additional damaging effects and that the future benefit of mitigation measures cannot be relied upon at Appropriate Assessment, where those benefits are uncertain at the time of the assessment. | To delete text that repeats the content of paragraph 3.3.36. |

| Mod. Ref. | Paragraph/policy/ figure reference | Proposed Modification | Reason for Change |
|-----------|---------------------------------------|--|--|
| MM7.b | 7.2.16 | Herefordshire Council subsequently prepared a Position Statement titled 'Current Development in the River Lugg catchment Area' dated 15 October 2019 (the 'Herefordshire Council Position Statement'. The Herefordshire Council Position Statement advises (on page 2) that: | To update the text recognising that this was no longer the most recent document on the matter. |
| MM7.c | 7.2.17 | 'There remains potential for a positive Appropriate Assessment to enable development to proceed, on Natural England's advice, where it can be demonstrated that any impacts would be neutral (where avoidance / mitigation measures included in the plan or project, counterbalance any nutrient (phosphate) increase from the plan or project), or would lead to 'betterment.' | To update the text. |
| MM7.d | 7.2.25 As modified: 7.2.22 | The waste management practices available to the agricultural sector are wide-ranging and varied, and can be expected to change over the plan period, for example Defra is due to publish the Farm Emissions Reduction Plan in 2020, which will also provide a framework of actions. | To update the text. |
| MM7.e | 7.2.26 (new) | <u>The River Wye SAC NMP River Lugg Catchment Position Statement (April 2021) provides advice on new thresholds relevant to discharges made within the surface or groundwater catchment of a designated site. This advice (as may be amended over time) should be referenced in any development proposal.</u> | To update the text. |
| MM7.f | 7.2.27 (new) | <u>Any development proposal located within the catchment of the River Wye SAC can bring a risk of increased phosphate entering the designated site. It is likely that an appropriate assessment will be required to consider the likely significant effect of that project, along with any measures that may be implemented to address the risk.</u> | To reflect the latest advice from NE. |

| Mod. Ref. | Paragraph/policy/ figure reference | Proposed Modification | Reason for Change |
|-----------|---------------------------------------|--|---|
| MM7.g | Policy W3,3 | All development proposals will be required to demonstrate delivery of a net reduction in nutrient discharges contributing to at least nutrient neutrality, or betterment , within the River Wye SAC. | To address comment raised in representation and to clarify the policy. |
| MM7.h | Policy W4 | Planning permission will be granted to supported for the statutory water and sewerage undertaker to extend, upgrade, or make provision for new infrastructure necessary to ensure the statutory undertaker can continue to undertake its duty to supply potable water and treat foul flows. Works undertaken should contribute to achieving <u>will be required to demonstrate at least</u> nutrient neutrality, or betterment , within the River Wye SAC. | To make the policy text consistent throughout the MWLP. To address comment raised in representation and to clarify the policy. |
| MM7.j | Policy W5/3 | at the following locations (presented in alphabetical order) subject to the key development criteria set out at section 9: | To ensure that the KDC are recognised as an element of policy under which each site is allocated. |
| MM7.k | Policy W6/2a | Former Lugg Bridge Quarry, subject to the key development criteria set out at section 9; | To ensure that the KDC are recognised as an element of policy under which each site is allocated. |
| MM7.m | Policy W6/2b | strategic employment areas and industrial estates, subject to the key development criteria set out at section 9; | To ensure that the KDC are recognised as an element of policy under which each site is allocated. |
| MM7.n | Policy W6/3 | The sustainable disposal of inert wastes will be delivered at the following locations (presented in alphabetical order) subject to the key development criteria set out at section 9: | To ensure that the KDC are recognised as an element of policy under which each site is allocated. |
| MM7.p | Policy W7/1 | Facilities for the reuse, recycling or recovery of materials shall <u>will</u> be supported where it is demonstrated that the proposed development will enable delivery of the waste hierarchy and/or make a positive contribution to achieving the circular economy in Herefordshire. | To make the policy text consistent throughout the MWLP. |

| Mod. Ref. | Paragraph/policy/ figure reference | Proposed Modification | Reason for Change |
|--|---------------------------------------|---|---|
| MM7.q | Policy W7/2 | Facilities for the recovery of energy shall will only be supported where it is demonstrated: | To make the policy text consistent throughout the MWLP. |
| MM7.r | Policy W7/3 | Proposals for new landfill or landraising facilities or extensions to existing facilities shall will be supported where it is demonstrated that: a. the proposed development will enable delivery of the waste hierarchy; and b. the proposed development development incorporates measures for safe working and satisfactory reclamation, particularly in accordance with policy SP4. | To make the policy text consistent throughout the MWLP. Amended formatting and tidying up the terminology to clarify the text of the policy. |
| MM7.s | Policy W7/4 | 4. Planning permission may be granted supported if these expectations are demonstrated to be unachievable but that a material level of benefit is otherwise gained and no unacceptable adverse impact results from the proposed development. | Amended formatting to clarify the text of the policy. |
| Section 9. Key Development Criteria | | | |
| MM9.a | 9.1.1 | Each allocated site is subject to a number of key development criteria, which form part of the policy . These criteria simply identify the key matters that will be required to be carefully and comprehensively considered in preparing any development project at an allocated site. | |
| MM9.b | 9.1.2 | The key development criteria do not replace development management policy; they are a part of the policy within which they are referenced and are additive to the requirements of all other policies within the development plan relevant to the project being proposed. | |
| MM9.c | 9.1.4 | In addition, The key development criteria are also presented, along with site mapping, in the Allocated Sites Appendix. The Allocated Sites Appendix is unlikely to be suitable for users of assisted technology, whilst Table 9 has been prepared to be easier to read. | |
| MM9.d | | Edits to the KDC to reflect requests from: | |

| Mod. Ref. | Paragraph/policy/ figure reference | Proposed Modification | Reason for Change |
|-----------------------------|---------------------------------------|--|--|
| | | <p>EA re peak river flow update (see SFRA Repn)</p> <p>EA re abstractions (water resources/minearls Repn)</p> <p>NE re nutrient neutrality and Appropriate Assessment</p> <p>HE/National Trust/Herefordshire Archaeology re heritage impact assessments</p> | |
| Section 10. Glossary | | | |
| MM10.a | Green Infrastructure | A planned and delivered network of green spaces and other environmental features designed and managed as a multifunctional resource providing a range of environmental and quality of life benefits for local communities. Green infrastructure includes parks, open spaces, playing fields, woodlands, allotments and private gardens. | To update the Plan reflecting the new NPPF. |
| | | <u>A network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.</u> | |
| MM10.b | N (new) | <p><u>Nutrient</u></p> <p><u>The ecology of the River Wye SAC including the River Lugg and its catchment are sensitive to nitrate and phosphate concentration. Nitrate and phosphate are nutrients that promote algal growth, affecting the conservation objectives of the SAC.</u></p> | To address comment raised in representation and to clarify the text of the MWLP. |
| MM10.c | N (new) | <p><u>Nutrient neutrality</u></p> <p><u>The means of ensuring that development does not add to existing nutrient burdens and provides certainty that the whole of the scheme is deliverable in line with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).</u></p> | To address comment raised in representation and to clarify the text of the MWLP. |

| Mod. Ref. | Paragraph/policy/ figure reference | Proposed Modification | Reason for Change |
|------------------------------------|---------------------------------------|--|--|
| On-line interactive mapping | | | |
| | Webpage mapping | To include Minerals Safeguarded Areas including railheads | To correct an omission found in the on-line resource |

3. Minor Changes to the Publication Draft Herefordshire Minerals and Waste Local Plan, prior to submission

3.1.1 Table 2 presents the schedule of Minor Changes proposed for the MWLP, prior to its submission for Examination.

3.1.2 Each proposed edit is referenced MCnumber.letter (eg MC2.a) in which:

- MC stands for Minor Change;
- number is the section of the Plan that is being edited; and
- letter is used to identify the order of the Minor Changes within that section eg MC2.a; MC2.b; etc.
This letter may be updated at the end of the Examination, when all of the Minor Changes have been identified. A letter has been used in this schedule to aid referencing to the Minor Changes throughout the Examination. Letters 'i', 'l', and 'o' have not been used as they could be confused for numerals.

Table 2 Schedule of Pre-Submission Minor Changes to the Publication Draft MWLP, January 2021

| Mod. Ref. | Paragraph/policy/ figure reference | Proposed Change | Reason for Change |
|---|---------------------------------------|---|---|
| Section 1. The Publication Draft Minerals and Waste Local Plan for Herefordshire | | | |
| MC1.a | To be deleted in its entirety | | Text is not necessary in final Plan |
| Section 2. Introduction and Background | | | |
| MC2.a | 2.3.7 | For example, there is a network of household waste recycling centres across Herefordshire, which enables householders to deposit items no longer required at a location where they can be <u>reused</u> , recycled or disposed of safely. | To incorporate a request made in representation and expand the recognised benefits of HWRC. |
| MC2.b | 2.4.2 | British Geological Survey was commissioned to prepare comprehensive mapping of the geology and mineral reserves <u>resource</u> across Herefordshire. This information became available in early 2017 and has been used in the sites analysis. | To replace text with the correct terminology. |
| Section 3. Context | | | |
| MC3.a | 3.2.2 to 3.2.4 | <p>3.2.2 A detailed review and republication of the Waste Strategy was completed in 2011. This set a suite of principles, policies and targets for the management of municipal waste across both counties. As part of this work, and in line with Government guidance, the authorities committed to review the Strategy at least every 5 years.</p> <p>3.2.3 An Addendum to the Waste Strategy was prepared in September 2017, to provide a summary of the 2016 review of the Waste Strategy. The Addendum confirms that the authorities continue to invest in the existing processing and collection capabilities, with the example of EnviroSort, the material reclamation facility having been refurbished to include the provision of a glass breaker and improved fire protection system. However, the Addendum also makes clear the</p> | To update the Plan reflecting the new Integrated Waste Management Strategy. |

| Mod. Ref. | Paragraph/policy/ figure reference | Proposed Change | Reason for Change |
|-----------|---------------------------------------|---|---|
| | | <p>challenges that lie ahead in delivering the Strategy, recognising financial constraints and budget cuts.</p> <p>3.2.4 In 2020/21 the Waste Strategy was reviewed again, to incorporate current national municipal waste management targets. It is to be expected that the Waste Strategy will continue to be updated throughout the lifetime of the MWLP.</p> | |
| | 3.2.2 and 3.3.3 (new) | <p><u>3.2.2 In July 2021, Herefordshire Council adopted a new Integrated Waste Management Strategy, which identified 6 targets:</u></p> <ol style="list-style-type: none"> <u>1. Net zero carbon by 2030;</u> <u>2. Reduce residual household waste arisings to less than 330kg/household/year by 2035</u> <u>3. Achieve national municipal reuse and recycling rate targets of 55% by 2025, 60% by 2030 and 65% by 2035;</u> <u>4. To meet the requirements of the Environment Bill</u> <u>5. No more than 1% of municipal waste to be sent to landfill from 2025 and zero waste to landfill by 2035;</u> <u>6. Improve reuse and recycling at all HWRC sites to achieve a reuse and recycling target of 85% by 2035.</u> <p><u>3.2.3 The new Waste Strategy and the MWLP are aligned and policy of the MWLP will help to deliver these new strategic targets.</u></p> | |
| MC3.b | 3.3.1 | <p>At the time of finalising the MWLP, whilst the UK had exited the EU it remained time of writing (March 2020) the UK is in a transition period of negotiation with the EU, expected to last until the end of 2020. During this transition period, existing legislation remains in place and applicable across the UK.</p> | To update the text and to correct a spelling error. |

| Mod. Ref. | Paragraph/policy/ figure reference | Proposed Change | Reason for Change |
|-----------|---------------------------------------|---|---|
| MC3.c | 3.3.4 | The National Planning Policy Framework (the 'NPPF', February 2019 July 2021) contains the Government's overarching policies on minerals planning. | To update the Plan reflecting the new NPPF. |
| MC3.d | 3.3.7 | The NPPF seeks to conserve important landscape and heritage assets by requiring that, as far as is practicable , landbanks for non-energy minerals are provided outside National Parks, Areas of Outstanding Natural Beauty, Scheduled Monuments and World Heritage Sites. In National Parks and Areas of Outstanding Natural Beauty, many minerals and waste developments would be classed as 'major development' and should not be granted consent except in exceptional circumstances, as defined by a series of considerations known as the 'major development test'. | To clarify the text. |
| MC3.e | 3.3.9 | The NPPF was published (in February 2019) advising mineral planning authorities to recognise the benefits of on-shore oil and gas development, including for unconventional hydrocarbons (at paragraph 209a). Ministerial Written Statement made on 23 May 2019 confirms that 'paragraph 209(a) of the National Planning Policy Framework has been quashed.' In November 2019, the Government issued a moratorium on the hydraulic fracturing of hydrocarbons. | To update the Plan reflecting the new NPPF. |
| MC3.f | 3.3.24 (new) | <u>The National Model Design Code (NMDC, January 2021) presents a framework for creating healthy, greener, environmentally responsive, sustainable and distinctive places, with a consistent and high-quality standard of design. It is primarily focussed on built forms of development, but the underlying principles can be applied to minerals and waste projects.</u> | To update the Plan to incorporate the new NPPF and NMDC. |
| MC3.g | 3.3.37 | In response to this judgement, and discussion with Natural England, the council concluded that the measures set out in the River Wye SAC NMP could no longer be relied upon and in March 2020 issued three new documents relevant to development that could affect the River Wye SAC. At the time of writing the | To update the text recognising that these were no longer the most recent documents on the matter. |

| Mod. Ref. | Paragraph/policy/ figure reference | Proposed Change | Reason for Change |
|-----------|---|---|------------------------|
| | | MWLP, the most recent versions of these documents were published in March 2020 and titled: | |
| MC3.h | 3.3.27 As modified: 3.3.28 | There are two Areas of Outstanding Natural Beauty (AONB) in Herefordshire: the Malvern Hills; and the Wye Valley. The Malvern Hills AONB Management Plan 2014-2019²⁰2019-2024²⁰ recognises that the striking scenery in the AONB is ultimately dependent on the rocks that lie beneath the ground surface and has a consequent aim to preserve, promote and wisely use the geodiversity of the AONB. The Wye Valley AONB Management Plan 2015-2020²¹2021-2026²¹ recognises the variety of geological outcrops and rich wildlife habitats, not least as reflected in the presence of separate Special Areas of Conservation. Conserving and, where necessary, enhancing the natural beauty of this unique landscape is a primary theme. These will be revised throughout the lifetime of the MWLP. | To update the text. |
| MC3.j | Footnote 20 | http://www.malvernhillsaonb.org.uk/managing-the-aonb/management-plan/ <u>http://www.malvernhillsaonb.org.uk/wp-content/uploads/2019/04/64217-Malvern-Hills-AONB-Management-Plan-2019-24-v06.pdf</u> | To update the weblink. |
| MC3.k | Footnote 21 | http://www.wyevalleyaonb.org.uk/index.php/about-us/management-and-guidance/management-plan-2015-2020/ <u>https://www.wyevalleyaonb.org.uk/wp-content/uploads/dlm_uploads/Wye-Valley-AONB-Management-Plan-2021-26-finalised.pdf</u> | To update the weblink. |
| MC3.m | 3.3.38 (new) This edit also introduced a new footnote (27) | <u>In April 2021, the council issued 'Position Statement - Development in the River Lugg Catchment Area, April 2021 An Update'²⁷ (River Lugg Catchment Position Statement (April 2021)) that confirmed the River Wye SAC NMP is under review with the intention to provide an increased level of certainty</u> | To update the text. |

| Mod. Ref. | Paragraph/policy/ figure reference | Proposed Change | Reason for Change |
|---|---------------------------------------|--|---|
| | | <u>around phosphate reduction and timescales. The River Lugg Catchment Position Statement (April 2021) reports on the Interim Phosphate Delivery Plan that is being development in consultation with Natural England and provides a revised position in relation to discharges to drainage fields.</u> | |
| MC3.n | 3.3.39 (new) | <u>The River Lugg Catchment Position Statement (April 2021) (under title 'In the Interim') reiterates previous advice that:</u> <u>'On Natural England's advice, there remains potential for a positive appropriate assessment, where it can be demonstrated that development is nutrient neutral or would lead to betterment to enable development to proceed. Proposals will need to provide appropriate evidence of avoidance/mitigation measures. (Refer to Stage 2 of the Interim Plan for guidance).'</u> | To update the text. |
| MC3.p | 3.3.40 (new) | <u>It is clear that the details around phosphate reduction and the protection of the River Wye SAC will change over the plan period; however, the fundamental aim remains to be that any new development with a connection to the River Wye SAC will need to demonstrate at least nutrient neutrality in order to gain planning permission.</u> | To update the text. |
| MC3.q | 3.4.1 (first bullet under minerals) | Ensuring a continuity of minerals supply to meet the social and economic needs of the county to 2031 2041 , taking account of cross-boundary supply challenges. | To update the text. |
| Section 4. Vision, Objectives and Spatial Strategy | | | |
| MC4.a | 4.3.3 | Sand and gravel working is to be focussed within the large expanse of reserve resource that wraps around the northern and eastern sides of Hereford and at Shobdon, to the north-west of Hereford. These reserves-resources are well located to supply aggregate for the growth proposed in Hereford and having two areas brings resilience to supply. | To replace text with the correct terminology. |

| Mod. Ref. | Paragraph/policy/ figure reference | Proposed Change | Reason for Change |
|---|---------------------------------------|---|--|
| MC4.b | 4.3.4 | Focusing future sand and gravel workings within these areas provides the industry with access to a large area of reserves <u>resource</u> , but means that a proliferation of minerals development across the county can be avoided. Optimal extraction can be promoted at these areas before new reserves are opened. | To replace text with the correct terminology. |
| MC4.c | 4.3.5 | Limestone working will be preferred within the reserves <u>resources</u> located to the north of the county and to the east of Hereford. The two areas provide resilience to supply and provide more local supply potential to the main settlements of Herefordshire. | To replace text with the correct terminology. |
| Section 5. Strategic Policy and General Principles | | | |
| MC5.a | 5.4.1 As modified: 5.4.6 | To relocate this paragraph under the sub heading Landscape and Townscape – Core Strategy policy LD1. | To improve the flow of text in MWLP. |
| MC5.b | 5.7.13 | Coal has historically been worked in Herefordshire, in the far south of the county with the reserve <u>resource</u> largely contained within the Forest of Dean. | To replace text with the correct terminology. |
| SECTION 6. Minerals | | | |
| MC6.a | 6.1.8 | Because mineral resources may be substantial, it is possible for more than one quarry to operate within a single reserve area <u>of resource</u> , either through extensions or new quarries opening up in the vicinity of an existing site. | To replace text with the correct terminology. |
| MC6.b | 6.1.9 | Figure 7 sets out the mineral reserve <u>resource</u> and key elements of infrastructure safeguarded by policy M1. Policy M2 provides further detail. | To replace text with the correct terminology. |
| MC6.c | 6.1.12 | Figure 7 presents the Minerals Safeguarding Areas for Herefordshire, incorporating: areas of reserve <u>resource</u> indicated by the British Geological Survey data; surface coal resource areas from the Coal Authority; currently consented quarries and their associated infrastructure; the operating rail head <u>railhead</u> at Moreton-on-Lugg; and the disused railhead at Moreton Business | To replace text with the correct terminology. To ensure the term is presented consistently throughout the MWLP. |

| Mod. Ref. | Paragraph/policy/ figure reference | Proposed Change | Reason for Change |
|-------------------------|---------------------------------------|--|---|
| | | Park. Figure 7 is available in its original A3 format at Annex A, with key policy details included in the interactive mapping available on the Herefordshire Council website. | |
| MC6.d | Figure 7 (title) | Figure Figure 7 | To correct a spelling error. |
| MC6.e | 6.1.15 | Policy M2 applies to all minerals resources, regardless of whether they have gained the necessary planning permission to be worked. Identification of these areas does not imply that any application for the working of minerals within them will be granted planning permission. Policy M2 also applies to the infrastructure associated with the mineral resource, including rail heads railheads . | To ensure the term is presented consistently throughout the MWLP. |
| MC6.f | 6.2.4 | Therefore, regardless of which forecast most closely represents the real outcome for sand and gravel over the lifetime of the Draft MWLP, there will be a need for additional reserves of sand and gravel to be consented to meet demand from 2027 onwards. | To update the text. |
| MC6.g | 6.2.7 | Sand and gravel working is to be focussed within the large expanse of reserve resource that wraps around the northern and eastern sides of Hereford and at Shobdon, to the north-west of Hereford. | To replace text with the correct terminology. |
| MC6.h | 6.2.16 | Limestone working will be preferred within the reserve resource located to the north of the county and to the east of Hereford. | To replace text with the correct terminology. |
| SECTION 7. Waste | | | |
| MC7.a | 7.1.8 | Consequently, the policy priority is to provide a positive framework within which to deliver additional waste management capacity, addressing all levels of the waste hierarchy, except non-hazardous disposal, but making development opportunities for residual waste treatment facilities particularly attractive. | To add in a missing word. |

| Mod. Ref. | Paragraph/policy/ figure reference | Proposed Change | Reason for Change |
|---|--|---|---|
| MC7.b | 7.2.18 As modified: 7.2.15 | The River Wye SAC Nutrient Management Plan NMP makes clear that the farming community plays a crucial role in the River Wye SAC catchment. | To keep the terminology consistent |
| MC7.c | 7.2.19 As modified: 7.2.16 | <u>Whilst the River Wye SAC NMP is being reviewed, the</u> 'Top 5' recommendations for agriculture directly addressing waste management practices, <u>remain relevant</u> including: | To update the text. |
| MC7.d | | Paragraphs formerly numbered 7.2.29 and 7.2.30 are changed to 7.2.28 and 7.2.29. | Formatting. |
| Section 8. Delivery, Implementation and Monitoring | | | |
| MC8.a | 8.3.5 | It should be remembered that not all the information will be readily available annually. For example, the Environment Agency is responsible for collecting <u>collating</u> information on C&I , CD&E and hazardous waste and recording this it within the Waste Data Interrogator, with an annual update being made available. | To address comment made in representation and clarify the role of the EA. |
| MC8.b | Table 3 (header row) | Draft MWLP Policy | To update the text. |
| MC8.c | Table 3 (indicator, policies M3 and M4) | Record of consented reserve worked annually and destination of mineral, the <u>Local Aggregate Assessment.</u> | To address comment raised in representation and to make clear the role of the LAA in monitoring the MWLP. |

Equality Impact Assessment (EIA) Form

1. Name of Service Area/Directorate

Name of Head of Service for area being assessed: Kevin Bishop (Lead Development Manager)

Directorate: Economy and Place

Individual(s) completing this assessment: Victoria Eaton (Senior Planning Officer)

Date assessment completed: 13 September 2021

2. What is being assessed

Activity being assessed

| |
|---|
| Preparation of the Minerals and Waste Local Plan (MWLP) – a policy and strategy document and its proposed submission to the Secretary of State for examination in public. |
|---|

What is the aim, purpose and/or intended outcomes of this activity?

The Minerals and Waste Local Plan (MWLP) will set out the council's preferred strategy for meeting Herefordshire's minerals and waste needs until 2041.

The vision of the Plan states that it will:

"...deliver sustainable provision of minerals supply and waste management, balancing development needs whilst supporting the county's communities, protecting and enhancing environmental, heritage and cultural assets and strengthening the local economy."

The MWLP's strategic objectives are:

A: Social Progress

1. To enable minerals and waste development to make an appropriate contribution to improve the health, well-being and quality of life of residents, through best practice operations, open space provision, educational and cultural information, green infrastructure and delivery of strategic, landscape scale site reclamation.
2. To prioritise the long-term conservation of primary minerals through enabling provision of sustainable alternatives, effective use of mineral reserves, and promoting efficient use of minerals in new development.
3. To safeguard appropriate mineral and waste resources within Herefordshire and the associated transport infrastructure for the future.
4. To enable the management of waste in accordance with the waste hierarchy and to deliver a circular economy within Herefordshire.

B: Economic Prosperity

5. To optimise the contribution that mineral working and waste management makes to Herefordshire's economy as land-based industries, balanced with effective protection of people, places and businesses from adverse impacts.
6. To plan for the steady and sustainable supply of minerals present within Herefordshire, to contribute to the county's economic growth, innovation development and energy demands.
7. To deliver new waste management infrastructure to enable Herefordshire to achieve equivalent self-sufficiency and to contribute to the county's economic growth, innovation development and energy demands.
8. To reduce the need to travel and lessen the harmful impacts from traffic growth, promoting the use of alternatives to road transport and ensuring that new development is served by suitable transport networks.

C. Environmental Quality

9. To identify suitable locations for minerals and waste development.
10. To achieve sustainable communities and protect the environment by delivering well-designed and well-operated minerals and waste developments that use land efficiently, reinforce local distinctiveness, and are supported by the necessary infrastructure, including green infrastructure.
11. To address the causes and impacts of climate change relating to minerals and waste development activity, including using opportunities arising from minerals and waste operation and reclamation activity to mitigate and adapt to climate change and to leave a positive legacy.
12. To conserve, promote, utilise and enjoy our natural, built, heritage and cultural assets for the fullest benefits to the whole community, by: safeguarding the county's current stock of valued heritage and significant environmental assets from loss and damage, and seeking

enhancement; reversing negative trends; ensuring good quality landscape design and condition; delivering site betterment; and appropriately managing future assets.

The outcome of the MWLP is to guide development of minerals and waste sites over the plan period to 2041.

Consultations and public engagement

Engagement with stakeholders (including local minerals and waste planning authorities, organisations such as Natural England, Historic England and the Environment Agency, businesses, parish councils and residents) is a key statutory component in the production of local plan documents. Many elements of how and when this engagement should be conducted are set out in relevant planning regulations and guidance, as well as in local documents such as the Statement of Community Involvement (SCI).

Submission of MWLP

The next step in the production of the MWLP is to submit it to the Secretary of State for examination in public. Once this stage has been completed, Herefordshire Council will be in a position to approve the MWLP for adoption as a final development plan document, guiding minerals and waste related development activities in the county.

Name of lead for activity

Victoria Eaton (Senior Planning Officer)

Who will be affected by the development and implementation of this activity?

- ☒ Service users
- ☐ Patients
- ☐ Carers
- ☐ Visitors
- ☐ Staff
- ☒ Communities
- ☐ Other:

Is this:

- ☐ Review of an existing activity/policy
- ☒ New activity/policy
- ☐ Planning to withdraw or reduce a service, activity or presence?

What information and evidence have you reviewed to help inform this assessment?

- Statement of Community Involvement (SCI) – to ensure that consultation events on the MWLP are meaningful, proportionate and effective;
- Equality Diversity Policy;
- Government minerals and waste planning guidance; and
- Statutory and regulatory requirements relating to the production of development plan documents

Summary of engagement or consultation undertaken

The Herefordshire Council is the local planning authority for mineral working and waste management developments in the county. In this role, it is responsible for determining planning applications and also for preparing planning policy for those types of development.

Without the right waste management facilities and adequate supplies of minerals, other sectors of the economy could not function properly. They are essential for the county's development, its low carbon agenda and for maintaining and improving the basic infrastructure of roads, buildings and other facilities. The minerals and waste industries also provide important direct local economic benefits, including jobs.

National policy and legislation on local plan production requires that all local planning authorities must ensure that local communities, stakeholders and interest groups are effectively engaged in consultation. The council, to guide this consultation and engagement, has adopted a Statement of Community Involvement. As well as consulting groups and organisations that are set out in the government guidance, the council keeps a consultation database. Those that have expressed an interest in minerals and waste planning in the county are added to this database and contact at the next consultation stage.

Consultation was undertaken at Issues and Options, Draft MWLP stages in accordance with the SCI.

The last stage of public consultation on the Publication Draft MWLP was undertaken during the period of public restrictions in place to help control the spread of Covid 19. The usual public exhibitions, face to face consultation events and depositing of paper copies of the Plan in local libraries (or other public locations) could not be undertaken. All consultation took place via a dedicated page on the council's website. In order to help explain the MWLP's policies and proposals to as wide an audience as possible, a presentation with voiceover was recorded and made available on the consultation web page and phone numbers of officers were made available if anyone needed additional assistance in taking part in the consultation.

The Publication Draft version of the MWLP and associated documents, which were produced after September 2020, were published in accessible layouts to enable screen readers to be successfully used. For older documents and/or maps or tables that could not be produced in an accessible format, assistance was offered from members of the Forward Planning Team and appropriate contact details were provided, as part of the consultation information.

The Duty to Co-operate was introduced by the Localism Act 2011. Local planning authorities are required to formally co-operate with other local planning authorities and bodies on strategic matters. Meeting the requirements of the Duty to Co-operate is a key part of the plan making process for the MWLP, and Herefordshire Council is working closely with other mineral and waste planning authorities that are critical for the delivery of an effective minerals and waste strategy in Herefordshire.

The next stage in the MWLP's production is for it to be approved by Council for submission to the Secretary of State for examination in public. Following the examination process, the Council can decide whether or not to adopt the MWLP as part of the suite of development plan documents which make up the Herefordshire Local Plan.

Summary of relevant findings

The MWLP has been prepared following consideration of responses received on the Draft MWLP (Regulation 18) and Publication Draft MWLP (Regulation 19), which took place in 2019 and 2021, respectively.

Reports on the outcomes of the Draft MWLP consultation are available on the council's website and those of the regulation 19 consultation held earlier this year, will be made available in the same way, when the Plan being submitted to the Secretary of State for examination in public (expected end 2021).

Information gathered through the duty to cooperate work has been recorded throughout the Plan process and has been used to refine the Plan. A full, detailed Duty to Cooperate Report will be prepared and made available on the council's website on submission of the MWLP to the Secretary of State for examination.

Were the Plan not to follow the statutory process of being submitted for examination, it could not subsequently be approved as formal part of the Herefordshire Local Plan. The consequence being that there would be no up to date policies guiding minerals and waste developments in the county. This would be contrary to the advice given by the Planning Inspectorate in 2015. To have such a policy void could result in a lack of minerals and/or waste management facilities, or their possible development in unsuitable locations. This could have undesirable implications on all parts of Herefordshire's population, e.g. insufficient supply of aggregates for building, or problems with managing waste produced by the county's inhabitants and businesses.

1. The impact of this activity

| Equality Group | Potential <u>positive</u> impact | Potential <u>neutral</u> impact | Potential <u>negative</u> impact | Please explain your reasons for any potential positive, neutral or negative impact identified |
|--|----------------------------------|---------------------------------|----------------------------------|--|
| Age, disability, gender re-assignment, marriage & civil partnerships, pregnancy & maternity, race, religion & belief, sex, sexual orientation, other vulnerable and disadvantaged groups, and health inequalities. | ✓ | ✓ | ✓ | <p>The Minerals and Waste Local Plan policies are unlikely to have a specific impacts on any of the protected groups, to any lesser or greater extent than the general population.</p> <p>The MWLP provides an overarching spatial framework for the whole county and hence does not discriminate against sections of the community.</p> <p>A wide selection of community groups live within the county, therefore, the allocation of minerals and waste management sites does not discriminate against any particular sections of the community. The site selection process takes into account the proximity of sensitive receptors (such as schools and hospitals), thereby helping to minimise the impact on vulnerable sections of the community.</p> <p>Throughout the preparation of the MWLP, the council has consulted a wide cross section of community groups and all consultation material has been deposited at accessible locations (where possible).</p> <p>From consultations undertaken on the MWLP, it has been noted that generally none of the equalities groups have responded. This suggests that minerals and waste planning is relatively secular and</p> |

| Equality Group | Potential <u>positive</u> impact | Potential <u>neutral</u> impact | Potential <u>negative</u> impact | Please explain your reasons for any potential positive, neutral or negative impact identified |
|----------------|----------------------------------|---------------------------------|----------------------------------|---|
| | | | | <p>therefore consultation activity for the MWLP has tended to be with mainstream consultation bodies.</p> <p>To submit the MWLP and continue its production to adoption would be positive for all of Herefordshire's population as there would be appropriate planning policies guiding minerals and waste developments.</p> <p>Not to submit the MWLP for examination would mean that its policies could not be formally adopted. Such a policy vacuum could have negative consequences for all of Herefordshire's population (see above).</p> |

What actions will you take to mitigate any potential negative impacts?

| Potential negative impact | Actions required to reduce/eliminate negative impact | Who will lead on action? | Timeframe |
|---|---|---|---|
| Not submitting the MWLP for examination (and thus halting its progress to adoption) | <p>Continuing to follow the advice given by the Planning Inspectorate in 2015, to produce a local plan document dealing with minerals and waste planning matters.</p> <p>Ensuring that the MWLP's production continues in accordance with the statutory framework and in accordance with Herefordshire Council's own formal procedures.</p> | Strategic Planning section of Herefordshire Council | <p>Submission – end 2021</p> <p>Examination and Adoption - 2022</p> |

Where an impact on any of the Equality Groups is realised after the implementation of the project/service/policy, the commissioners and/or providers of the project/service/policy will seek to minimise the impact and carry out a full review of this EIA.

2. Monitoring and review

How will you monitor these actions?

| |
|--|
| The Council will seek to ensure the MWLP's development will continue within the statutory framework set out for the production of development plan documents of this kind. |
| The Statement of Community Involvement is being updated and any future consultations required prior to the formal adoption of the MWLP will be carried out in accordance with this revised and updated version. |
| The MWLP contains an implementation and monitoring section, which sets indicators and targets to monitor the effectiveness of the policies. |
| The minerals and waste needs assessment which underpin the MWLP, will be updated regularly, as a systematic check on the Plan's progress. |
| The Local Aggregate Assessment, which also informs the Plan, on whether there is a steady and adequate supply of minerals, will be updated annually. |
| Should any development be proposed for minerals or waste development, the council is subject to a statutory requirement to conduct consultations on planning applications and these consultations will include all residents living in close proximity to the application site(s). |

When will you review this EIA?

| |
|--|
| <p>Since it is anticipated that the MWLP will be adopted in 2022, it is considered unnecessary to review this EIA before that time.</p> <p>However, a new EIA will be produced during the production of future development plan documents providing other (non-minerals and waste related) planning policy guidance across the county.</p> |
|--|

3. Equality Statement

- All public bodies have a statutory duty under the Equality Act 2010 to set out arrangements to assess and consult on how their policies and functions impact on the 9 protected characteristics.
- Herefordshire Council will challenge discrimination, promote equality, respect human rights, and design and implement services, policies and measures that meet the diverse needs of our service, and population, ensuring that none are placed at a disadvantage over others.
- All staff are expected to deliver services and provide services and care in a manner which respects the individuality of service users, patients, carers etc, and as such treat them and members of the workforce respectfully, paying due regard to the 9 protected characteristics.

Signature of person completing EIA

| |
|----------------|
| Victoria Eaton |
|----------------|

Date signed

| |
|-------------------|
| 13 September 2021 |
|-------------------|



Title of report: Leominster Heritage Action Zone

Meeting: Cabinet

Meeting date: Thursday 23 September 2021

Report by: Cabinet member environment and economy;

Classification

Open

Decision type

Key

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

Leominster East;

Purpose

To approve expenditure and deliver activities as detailed in the Leominster Heritage Action Zone Delivery Plan.

Recommendation(s)

That:

- a) The Director for economy and place, following consultation with the Section 151 Officer, the Cabinet member for environment and economy and the Cabinet member for infrastructure and transport, be authorised to approve expenditure required to deliver the public realm projects which will be procured in line with the council's contracts procedures rules¹;**

¹ Herefordshire Council Constitution; Part 4 – Procedure Rules Updated: 26 January 2021

- b) The Director for economy and place, following consultation with Section 151 Officer, in consultation with the Cabinet member for environment and economy and Cabinet member for infrastructure and transport, be authorised take all operational decisions necessary to deliver the balance of the programme, including grant schemes and information and engagement projects within the total project budget of £3.6m; and**
- c) The Section 151 Officer be authorised to reduce the grant element of the overall budget to up to £1.8m from the £2m originally estimated and approved at Council so that the overall capital programme budget for this project is £3.6m.**

Alternative options

- 1. Do nothing – the council is not statutorily obliged to deliver this programme. Not delivering the programme would mean that the council would not have to incur up to £1.8m of capital expenditure to match fund the programme activities. This option has been discounted as the council would lose the grant funding and the ability to deliver the activities as detailed in Heritage Action Zone – Leominster decision taken on 23 July 2020.

Key considerations

- 2. There are currently more than 60 High Streets Heritage Action Zones (HAZ) schemes across England in the HAZ Programme². This is a £95m nationwide initiative designed to secure lasting improvements to historic high streets for communities who use them. The programme is funded with £40 million from the Department for Digital, Culture Media and Sport's Heritage High Street Fund, £52 million from the Ministry of Housing, Communities and Local Government's Future High Streets Fund, and a further £3 million from the National Lottery Heritage Fund.
- 3. The council worked closely with Leominster Town Council in the development and submission of the delivery plan which formed the basis of the HAZ for Leominster. On 23 July 2020 the council's Cabinet decided to "approve expenditure and deliver activities as detailed in the Leominster Heritage Action Zone"³. This allowed the council to enter into the funding agreement for the Leominster HAZ on 7 August 2020⁴. The final award to the Leominster HAZ from Historic England was £1.8m. This was matched by a commitment of £1.8m from the council giving a total budget of £3.6m.
- 4. The council is now putting in place the match funding, including funding for the public realm projects, and delegating operational decisions to the Director for Economy and Place. The match funding will allow the start of first stage of the public realm projects. This is the procurement of professional services support to carry out the consultation and design of the public realm schemes. This procurement will be carried out in consultation with the council's Commercial and Infrastructure teams and will follow the council's contracts procedures rules.
- 5. The originally planned start date for the programme was April 2020. However, the first Cabinet decision did not come into effect at the end of July as this was the earliest

² <https://historicengland.org.uk/services-skills/heritage-action-zones/regenerating-historic-high-streets/>

³ <https://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=7025>

⁴ High Streets Heritage Action Zone agreement for Leominster; 6 August 2020

possible date following a communications embargo which ended in June. The series of lockdowns in 2020 due to COVID-19, together with uncertainty in the economy, made the launch of the grant schemes difficult. Property owners were difficult to contact or were reluctant to make investment decisions. The disruption in 2020 also made it difficult to recruit a project officer to manage the programme. The Project Officer (PO) was finally in place in January 2021 but unfortunately has since gone on sick leave. Despite this, a steering group has been set up to allow stakeholders to guide the direction of the programme, the grant schemes have been launched and are being marketed, the conservation area appraisal has started, and the procurement of the Heritage Web App is in progress. The project milestones are included in Appendix 1 – Projects that will form part of the Leominster HAZ.

6. Since May, the project officer and project budget has moved to the Project Management Office (PMO). A full time project manager is assigned to the project which is being managed using the council's standard Verto project management approach.
7. The Programme has the goal of making the high street a more attractive, engaging and vibrant place for people to live, work and spend time. The HAZ will achieve this through three complementary strands: (a) undertaking physical works to buildings, including enhancement reinstating lost features, supporting the conversion of historic buildings for new uses and improvement of shared spaces (b) facilitating cultural activities and events celebrating the history of the high street and its importance to local communities over the generations and, crucially, (c) giving local communities a key role in deciding what improvements they would like to see on their high street and what sort of place they want it to be. The programme has specific criteria which will be used to assess grant applications; the success of the community engagement programme will be measured by, amongst other things, the volume of footfall; and the public realm works will be subject to consultation as part of the design process.
8. Whilst high streets were once the focus for local commerce and for local communities, where businesses congregated and thrived, they are now facing significant challenges due to out of town retail parks, online shopping and, most recently, complete closure due to Covid19. In response to these challenges, the Leominster HAZ is responding by using heritage as a catalyst for wider economic and social regeneration.
9. The aims and the HAZ programme align closely with the council's County Plan 2020-2024. The HAZ programme is at its very heart about working in partnership and engaging communities to have a say in shaping their local high streets. The County Plan places arts and culture at the centre of its plans for Herefordshire and recognises the value heritage and creativity bring through generating income. One of the three main strands of the HAZ programme is facilitating cultural activities and events, celebrating the history of the high street and its importance to local communities.
10. The County Plan 2020- 2024 notes that: "as a council, we continue to be successful in attracting grants to support the economic and community development of the county... the significant town centre enhancement programme for Leominster following Leominster Town Council's successful application for Heritage Action Zone funding (up to £2m) which is being matched with county funds."
11. The Leominster HAZ also complements Leominster Town Council's Corporate Plan 2019-2022, which states "Creating and underpinning a sense of place for the town, whilst improving signage and information, is fundamental to developing the tourism

economy. Encouraging people to visit and providing incentives for businesses to invest in Leominster to secure the town's economic future." The Leominster HAZ also supports the first priority identified in the Rural Herefordshire Destination Plan 2018-22: to put the structures in place that develop the assets and image of Herefordshire, strengthen the visitor experience and improve its branding position and market share.

12. Historic England has confirmed that, due to the delayed start to the programme, the year 1 funding could be combined into year 2 but that any funds not spent at the end of year 2 will be lost. The project team are working to identify priority projects that are capable of spending grant funds between 23 September 2021 and the end of the financial year. The revised funding is shown in the table below.

| | Year 1 2020/21 | Year 2 2021/22 | Year 3 2022/23 | Year 4 2023/24 | Total |
|---------------------------------------|-------------------|-------------------|-------------------|-------------------|-------|
| Leominster High Street HAZ | | | | | |
| Historic England Funding (£,000) | 10 | 661 | 780 | 349 | 1,800 |
| Herefordshire Council Funding (£,000) | | 338 | 1,437 | 25 | 1,800 |
| Total | 10 | 999 | 2,217 | 374 | 3,600 |

13. Historic England are currently reviewing funding across the HAZ programmes in order to maximise the overall use of grant funding. The council, Leominster Town Council and Historic England are developing a forecast of spend on the Leominster HAZ projects which will inform the review which will be completed towards the end of the year. It is currently forecast that £378k will be unclaimed at the end of year 2.
14. Appendix 1 outlines the projects that will form part of the Leominster HAZ. The scheme plan has been developed in close consultation with Leominster Town Council and Historic England. Partnership working is key to the successful delivery of the HAZ Programme.
15. The day to day administration of the Leominster HAZ Programme is led by a PMO Project Manager. A steering group is in place to guide the development of the programme, with representatives from a range of stakeholders including the council, Leominster Town Council and Historic England. A project board has been set up within the council to manage project delivery.
16. The first stage of the public realm schemes will involve consultation and design. It will also develop the documents needed to procure the construction partner. The council will run a formal procurement process for the public realm works that form part of the Leominster HAZ Programme in line with the council's Contracts Procedures Rules to ensure value for money.

Community impact

17. Delivery of the Leominster HAZ Programme is considered to be a collaborative effort with key stakeholders, local groups and organisations who will all work together to improve and celebrate Leominster's heritage.
18. The Leominster HAZ Delivery Plan includes a community engagement section listing the various individuals, groups and organisations who will be key to a successful programme. The Steering Group comprises the council, Leominster Town Council and

representatives from a number of key stakeholder groups such as youth, disability, heritage and business. This will ensure that the planning and implementation of the projects take into account the needs and views of all.

19. The programme's main aim is to improve access to Leominster's heritage, to include key historic buildings and make them more accessible to all. Some of the key outputs for the programme include the restoration of 50 heritage assets and key buildings, the removal of six assets from the local heritage at risk register, improved public access into three key buildings, more markets and events, 30 improved and restored shopfronts; public realm, road surfacing and pedestrian access improvements. In addition the Leominster HAZ Programme hopes to increase overnight stays, provide training opportunities, develop a heritage app, erect heritage plaques, list 34 additional entries into the National Heritage list for England, increase footfall and reduce shop vacancy rates as well as install Wi-Fi and footfall counters at key areas within the town.
20. The improvements to the public realm will include some road resurfacing, improvements to pedestrian areas and works to Corn Square which will take into account accessibility of the conservation area for pedestrians, wheelchair users, parents with buggies etc.
21. Visitors to the town centre will be better orientated with the help of the heritage app and heritage plaques.
22. The listing enhancement project will provide an opportunity to reassess the town's listed buildings and heritage assets and may highlight additional assets for inclusion in the national register. This work provides opportunities for volunteers to participate in heritage related activities.
23. The enhanced visual landscape and historic character of Leominster is expected to attract more visitors, including local people, especially post Covid19 when people will be wanting to visit towns for their historic character rather than just their retail offer.

Environmental Impact

24. Grant development will be overseen by the council's Built and Natural Environment Team which will approve all grants in cooperation with Historic England. They will ensure that all approved applications support the council's [environmental policy commitments](#) and aligns to the following success measures in the County Plan.
 - Increase flood resilience and reduce levels of phosphate pollution in the county's river
 - Reduce the council's carbon emissions
 - Work in partnership with others to reduce county carbon emissions
 - Improve the air quality within Herefordshire
 - Improve residents' access to green space in Herefordshire
 - Improve energy efficiency of homes and build standards for new housing

- Increase the number of short distance trips being done by sustainable modes of travel – walking, cycling, public transport

25. The environmental impact of this proposal will be addressed through grant conditions and the commissioning strategy of the public realm works, including the specification, and will include appropriate requirements on the contractor/delivery partner to minimise waste, reduce energy and carbon emissions and to consider opportunities to enhance biodiversity. This will be managed and reported through the ongoing contract management.

Equality duty

26. Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

27. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services. We do not believe that it will have a detrimental impact on our equality duty but will advance equality of opportunity as the project seeks to enhance the historic fabric of Leominster Town’s heritage assets, improving access to all. To improve the road surfaces and public realm to make them more accessible to wheelchair and pushchair users whilst maintaining its historic significance. Furthermore historic buildings will be restored and some will once again be accessible to visit. Interpretation plaques and a heritage app will be developed to enhance the visitor experience to the town centre.

28. Grants will be offered to secondary grant applicants on their compliance with the eligibility criteria set by The Historic Buildings and Monuments Commission for England. Grant recipients will need to ensure that they have in place all relevant policies in order to deliver their projects.

29. The public sector equality duty requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services. We believe that this project demonstrates that the council takes its Equality duty seriously and our providers will be made aware of their contractual requirements

in regards to equality legislation. 29. In addition to the Herefordshire Council and Leominster Town Council being members, the Steering Group will also include members of representative groups such as youth, disability, business and heritage.

Resource implications

30. The Leominster HAZ is included in the capital programme of the medium term financial strategy. The final offer from Historic England was £1.8m over the 4 years of the programme, from financial year 2020/21 to financial year 2023/24.
31. The funding profile agreed by Cabinet on 23 July 2020 and included in the funding agreement (7 August 2020) between the council and Historic England was:

| Leominster High Street HAZ | Year 1 2020/21 | Year 2 2021/22 | Year 3 2022/23 | Year 4 2023/24 | Total |
|----------------------------------|-------------------|-------------------|-------------------|-------------------|--------------|
| Historic England Funding (£,000) | 216 | 532 | 703 | 349 | 1,800 |
| Council Funding (£,000) | 79 | 309 | 1,412 | | 1,800 |
| Total | 295 | 841 | 2,115 | 349 | 3,600 |

32. The lockdown associated with the global pandemic caused the programme to be paused from April to June 2020. On 23 July 2020 Cabinet decided to “approve expenditure and deliver activities as detailed in the Leominster Heritage Action Zone”. This allowed the council to enter into the funding agreement with Historic England for the Leominster HAZ on 7 August 2020.
33. A number of issues have affected the start of High Street HAZ programmes across the country, including: the initial delay; difficulties in communicating and marketing the schemes during a pandemic that has included periodic lock downs; and caution amongst businesses in difficult economic environment. These factors have led to a risk that the year 1 and year 2, grant funding is underspent. The Ministry of Housing, Communities and Local Government has therefore allowed Historic England to transfer any unspent funds from year 1 into year 2.
34. The total Historic England (HE) funding for year 1 and year 2 is £661k. This comprises HE contribution to renovation grants of £486k; and contribution to other projects of £175k. At the end of year 2, any unspent funds from the 21/22 £661k grant allocation approved with HE will be lost and the unspent grant withdrawn for that year. The project is currently forecasting total spend of HE grant of £283k: £175k contribution to projects and £108k contribution to renovation grant funding. Therefore, the current estimate is that £378k out of the possible £661k will remain unclaimed, and will be lost. Budgets for the remaining years of the programme are not affected.
35. The revised budget for the Leominster HAZ is shown below:

| Leominster High Street HAZ | Year 1 2020/21 | Year 2 2021/22 | Year 3 2022/23 | Year 4 2023/24 | Total |
|---------------------------------------|-------------------|-------------------|-------------------|-------------------|--------------|
| Historic England Funding (£,000) | 10 | 661 | 780 | 349 | 1,800 |
| Herefordshire Council Funding (£,000) | | 338 | 1,437 | 25 | 1,800 |
| Total | 10 | 999 | 2,217 | 374 | 3,600 |

36. The Leominster HAZ team has been working to maximise grant spend in Leominster by allocating Historic England grant and council match funding that makes best use of

the grant funding. The Council, Leominster Town Council, and Historic England are working to maximise the number of grant applications received that are likely to lead to spend in the current financial year.

37. The pipeline of grant applications is being monitored and projects likely to incur spend in FY21/22 are being prioritised. The project team are looking to add to projects on this list which currently includes 4 projects suitable for applications to the Premises Restoration Fund. The total value of these projects is £135k with £108k from grant funding and £27k external match funding from the applicant. If the current forecasts are correct that this will mean that £378k of potential grant funding from Historic England (maximum £487k) is unlikely to be claimed by the end of the financial year.
38. The current priority projects are:
 - a. Buttercross feasibility: £25k
 - b. Rankin Club: £25k
 - c. Old Priory feasibility: £50k
 - d. Shop front project: £35k
39. At the same time as maximising grant spending in FY 21/22, the project team will bring forward proposals for approval by Management Board, the Cabinet Member for Environment Economy and Skills, and Historic England to maximise the level of Historic England grant spending in the current financial year. Grant funding will only be spent on capital items and in line with council processes. These proposals may include:
 - a. Reallocating spend between Historic England and the council in order to maximise the use of available grant funding in year 2;
 - b. Increased grant funding contribution to the initial stage of the public realm projects in FY 2021/22;
 - c. Increasing grant funding for specific projects, for example the free town WiFi project, conservation area appraisal, and Heritage Web App.
40. Despite these mitigating activities, there is still a risk that the grant funding for FY 21/22 will be underspent. This risk is being monitored, reported, and managed via the project board and escalated as appropriate. The current forecast is that £378k of grant funding will not be claimed – if the currently identified priority projects complete in this financial year and none of the mitigating actions identified above are taken. This will lead to a reduction in the overall grant from Historic England and may mean that there is a reduced requirement for match funding by Herefordshire Council.
41. The revenue and capital costs of the project are shown below.

| Capital cost of project | 2020/21 | 2021/22 | 2022/23 | Future Years | Total |
|---|---------|---------|---------|--------------|-------|
| | £000 | £000 | £000 | £000 | £000 |
| | | | | | |
| <i>Renovation grant awards</i> | | 526 | 494 | 344 | 1,364 |
| <i>Infrastructure investment and project delivery</i> | | 375 | 1,703 | | 2,078 |
| Projects and project officer | 10 | 98 | 20 | 30 | 158 |
| TOTAL | 10 | 999 | 2,217 | 374 | 3,600 |

| Funding streams | 2020/21 | 2021/22 | 2022/23 | Future Years | In |
|-------------------------|---------|---------|---------|--------------|-------|
| | £000 | £000 | £000 | £000 | £000 |
| | | | | | |
| <i>External grant</i> | 10 | 661 | 780 | 349 | 1,800 |
| <i>Capital receipts</i> | - | 338 | 1,437 | 25 | 1,800 |
| | | | | | |
| TOTAL | 10 | 999 | 2,217 | 374 | 3,600 |

| Revenue budget implications | 2019/20 | 2020/21 | 2021/22 | Future Years | Total |
|---|---------|---------|---------|--------------|-------|
| | £000 | £000 | £000 | £000 | £000 |
| <i>Already allocated within the economic development budget</i> | | 10 | 10 | 20 | 40 |
| | | | | | |
| TOTAL | | 10 | 10 | 20 | 40 |

42. The revenue budget is included to cover project officer costs that cannot be capitalised.
43. The capital budget allocation was approved at council in February 2020 and provision for £2m had been made within the capital budget which now needs to be reduced to £1.8m in line with the funding agreement with Historic England that was signed on 7 August 2020.

Legal implications

- 44. The council is the accountable body for the grant scheme and signed a funding agreement with Historic Buildings and Monuments Commission for England “Historic England” on 7 August 2020 to administer the programme.
- 45. The grant scheme has been established in accordance with sections 57, 77, 79 and 80 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which empower local authorities and the Commission to provide grants and loans and Section 33 of The National Heritage Act 1983 which sets out the duties of the Commission to promote the preservation and enhancement of the character and appearance of conservation areas.
- 46. The funding agreement was reviewed by legal services before being signed.
- 47. Under the terms of the funding agreement Historic England reserves the right to withdraw the uncommitted balance of the council’s allocation for a given year if the council or Historic England are of the reasonable opinion that the council will have not offered the total of the agreed contribution by the end of that year of the Programme Design.
- 48. Grant offers made under the Programme design are made in a standard form which is set out in an Annex to the Supplement to the Delivery Guidance and subject to any other terms or conditions required by Historic England.

Risk management

- 49. Regular budget control meetings give assurance on the robustness of budget control and monitoring, highlight key risks and identify any mitigation to reduce the impact of pressures on the council’s overall position.
- 50. There are various categorises of risk, including financial, legal, and reputational. A list is provided as part of the council’s [Risk Management Framework](#).
- 51. A summary of the risks / opportunities and associated mitigations is shown in the table below.

| | |
|---|--|
| <p>Risk / opportunity</p> <p>Risk: that the delayed start to the scheme leads to a reduction in the overall investment in Leominster's heritage</p> <p>The currently forecast spend on grant scheme projects will lead to £378k of grant funding for FY2020/21 and FY 2021/22 being unclaimed and therefore lost.</p> | <p>Mitigation</p> <p>The grant scheme has been defined and policies and application forms are available. There has been a positive response to the scheme and the built environment team, and a separately commissioned conservation consultant, are working with property owners to assess and develop schemes</p> <p>Grant spending will be prioritised maximise spending on the programme</p> <p>Progress and risk will be monitored and reported</p> <p>Other mitigating actions have been proposed, including reducing the required level of match funding and changing the level of Historic England funding for some projects</p> |
| <p>Risk: that the uptake of restoration grants lower than expected</p> | <p>The resources allocated to the grant schemes is an estimate and the total spend will depend on the number of approved grant applications from property owners who are willing and able to provide match funding</p> <p>Grant spending will be prioritised maximise spending on the programme</p> <p>Progress and risk will be monitored and reported</p> |
| <p>Risk: that the delay to consultation on the public realm schemes causes a delay in delivery</p> | <p>Consultation on the public realm schemes will not be completed by the end of October. It is still expected that the procurement of the construction partner can start early in the next financial year.</p> |
| <p>Risk: Key staff leaving / unavailable - lack of continuity: Conservation Officer; Project Officer</p> | <p>The Project Officer has been unavailable since April. The project officer role has been undertaken by other members of the team and some additional work has been carried out by Town Council staff. Additional Conservation Officer support is being recruited to support applicants through the process.</p> <p>PMO are providing project support and project management for the programme.</p> |

| | |
|--|--|
| Risk: Nutrient management plan – Leominster is one of the areas affected by the moratorium on planning permissions which will prevent developments that increase the level of phosphates | It is expected that a scheme to allow schemes to contribute to the development of wetlands will be introduced by the end of calendar year 2021 – this will allow residential schemes to go forward |
|--|--|

52. Risks will be managed by the PMO team who will identify risk owners and escalate risks as appropriate to the directorate or corporate level ensuring that they are entered in the appropriate risk register.

Consultees

53. Leominster Town Council were closely involved in the development of the HAZ Delivery Plan that was submitted to Historic England and included in the Herefordshire Council Cabinet decision of 23 July 2020. Leominster Town Council's mayor chairs the Leominster HAZ Steering Group and the council is represented on the Cultural Consortium.
54. The Legal Team were consulted on the Funding Agreement that was signed with Historic England on 7 August 2020, have reviewed the grant guidance documentation, and have contributed to this report.
55. A political group consultation has taken place and a number of suggestions have been received and incorporated in the project: it was confirmed that the conservation area appraisal review will review current conservation area boundaries and make recommendations as appropriate; and the scope of the listing review will include all Leominster's historic buildings.
56. The portfolio holder for Environment and Economy was consulted with and views included in this report.
57. The portfolio holder for Infrastructure and Transport was also consulted, specifically on the approach to public realm projects.

Appendices

Appendix 1 – Projects that will form part of the Leominster HAZ

Background papers

None identified

Appendix 1

Projects that will form part of the Leominster HAZ

The HAZ scheme will be a key component to overcoming the challenges facing Leominster's high street and protecting it for generations to come. Planned projects include:

- Premises renovation fund - grants programme to restore key historic buildings and shopfronts
- Restoration of key buildings – grants programme to bring underutilised buildings back into economic and residential use
- Redesign of Corn Square – Improvements to the appearance and infrastructure of Corn Square
- Public realm – streetscape improvements in the Conservation Area
- Town WiFi and footfall counters –to enhance the visitor experience and provide services for local residents and businesses
- Heritage web based app – to make Leominster's history available to wider audiences
- Review of the Conservation Area Appraisal – to ensure that new developments are in keeping with Leominster's unique and historic backdrop
- Review of historic building records – to get a much deeper understanding of our built environment, including distinctive and historic features

| | | | FY 2021/22 - Year 2 | | | | | | | | | | | | FY 2022/23 - Year 3 | | | | | | | | | | | | FY 2023/24 - Year 4 | | | | | | | | | | | | |
|-------------------------------------|--|------------|---------------------|---|---|----|---|---|----|---|---|----|---|---|---------------------|---|---|----|---|---|----|---|---|----|---|---|---------------------|---|---|----|---|---|----|---|---|----|---|---|---|
| | | | Q2 | | | Q3 | | | Q4 | | | Q1 | | | Q2 | | | Q3 | | | Q4 | | | Q1 | | | Q2 | | | Q3 | | | Q4 | | | Q1 | | | |
| | | | J | A | S | O | N | D | J | F | M | A | M | J | J | A | S | O | N | D | J | F | M | A | M | J | J | A | S | O | N | D | J | F | M | A | M | J | |
| Grant Schemes | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Premises renovation grants | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | New grant applications | 01/10/2021 | 31/03/2023 | | | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| | Project Completion | 01/04/2023 | 31/12/2023 | | | | | | | | | | | | | | | | | | | | | | | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Restoration of key buildings grants | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | New grant applications | 01/10/2021 | 31/03/2023 | | | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| | Project Completion | 01/04/2023 | 31/12/2023 | | | | | | | | | | | | | | | | | | | | | | | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Public Realm schemes | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Professional Services Procurement / Consultation | 01/10/2021 | 31/01/2022 | | | | 1 | 1 | 1 | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Redesigning Corn Square | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Design | 01/02/2022 | 30/04/2022 | | | | | | | 1 | 1 | 1 | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Construction partner procurement | 01/05/2022 | 01/08/2022 | | | | | | | | | 1 | 1 | 1 | 1 | | | | | | | | | | | | | | | | | | | | | | | | |
| | Construction phase | 01/09/2022 | 31/03/2023 | | | | | | | | | | | | | | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | | | | | | | | | | | |
| Conservation Area Streetscape | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Design | 01/02/2022 | 30/04/2022 | | | | | | | 1 | 1 | 1 | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Construction partner procurement | 01/05/2022 | 01/08/2022 | | | | | | | | | 1 | 1 | 1 | 1 | | | | | | | | | | | | | | | | | | | | | | | | |
| | Construction phase | 01/09/2022 | 31/03/2023 | | | | | | | | | | | | | | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | | | | | | | | | | | |
| Information and Engagement Projects | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Conservation Area Appraisal | 22/06/2021 | 23/01/2022 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Town WiFi | 01/10/2021 | 31/03/2022 | | | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Heritage Web App | 01/10/2021 | 31/03/2022 | | | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Listing Enhancement Projects | 01/10/2021 | 31/03/2022 | | | | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | |

Figure 1 - Programme milestones

| Project | End date | F/Y 2020/21 | | F/Y 2021/22 | | F/Y 2022/23 | | F/Y 2023/24 | | HE funding | HC funding |
|--|------------|---------------|----------|----------------|----------------|----------------|------------------|----------------|---------------|------------------|------------------|
| Funding Source | | HE | HC | HE | HC | HE | HC | HE | HC | | |
| Premises Renovation Fund | 31/12/2023 | 0 | 0 | 251,500 | 40,000 | 243,750 | 35,000 | 168,750 | 25,000 | 664,000 | 100,000 |
| Restoration of key buildings | 31/12/2023 | 0 | 0 | 235,000 | 0 | 215,000 | 0 | 150,000 | 0 | 600,000 | 0 |
| Redesigning Corn Square | 30/03/2023 | 0 | 0 | 125,000 | 250,000 | 125,000 | 250,000 | 0 | 0 | 250,000 | 500,000 |
| Public Realm | 30/03/2023 | 0 | 0 | 0 | 0 | 176,300 | 1,151,700 | 0 | 0 | 176,300 | 1,151,700 |
| Town Wifi and footfall counters | 30/03/2022 | 0 | 0 | 0 | 40,000 | 0 | 0 | 0 | 0 | 0 | 40,000 |
| Heritage web based app | 30/03/2022 | 0 | 0 | 18,200 | 1,800 | 0 | 0 | 0 | 0 | 18,200 | 1,800 |
| Historic Area Assessment/Conservation Area Appraisal | 30/03/2022 | 0 | 0 | 5,000 | 5,000 | 0 | 0 | 0 | 0 | 5,000 | 5,000 |
| Listing Enhancement Project/Dating | 30/03/2022 | 0 | 0 | 1,500 | 1,500 | 0 | 0 | 0 | 0 | 1,500 | 1,500 |
| HAZ Project Officer HE Capital | 31/03/2024 | 10,406 | | 24,594 | 0 | 20,000 | | 30,000 | | 85,000 | 0 |
| Capital Totals | | 10,406 | 0 | 660,794 | 338,300 | 780,050 | 1,436,700 | 348,750 | 25,000 | 1,800,000 | 1,800,000 |
| HAZ Project Officer HC Revenue | 31/03/2024 | | 0 | | 10,000 | | 10,000 | | 20,000 | 0 | 40,000 |
| | | 10,406 | 0 | 660,794 | 348,300 | 780,050 | 1,446,700 | 348,750 | 45,000 | 1,800,000 | 1,840,000 |