

Agenda

Cabinet

Date: **Thursday 29 February 2024**

Time: **2.30 pm**

Place: **Herefordshire Council Offices, Plough Lane, Hereford,
HR4 0LE**

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

For any further information please contact:

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Agenda for the meeting of Cabinet

Membership

Chairperson Councillor Jonathan Lester, Leader of the Council
Vice-Chairperson Councillor Elissa Swinglehurst, Deputy Leader of the Council

Councillor Graham Biggs
Councillor Harry Bramer
Councillor Barry Durkin
Councillor Carole Gandy
Councillor Ivan Powell
Councillor Philip Price
Councillor Pete Stoddart

Agenda

		Pages
1.	APOLOGIES FOR ABSENCE To receive any apologies for absence.	
2.	DECLARATIONS OF INTEREST To receive declarations of interests in respect of Table A, Table B or Other Interests from members of the committee in respect of items on the agenda.	
3.	MINUTES To approve and sign the minutes of the meeting held on 25 January 2024.	11 - 22
HOW TO SUBMIT QUESTIONS		
<i>The deadline for submission of questions for this meeting is:</i>		
<i>5pm on Friday 23 February 2024.</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>		
4.	QUESTIONS FROM MEMBERS OF THE PUBLIC To receive questions from members of the public.	
5.	QUESTIONS FROM COUNCILLORS To receive questions from councillors.	
6.	REPORTS FROM SCRUTINY COMMITTEES To receive reports from the Council's scrutiny committees on any recommendations to the Cabinet arising from recent scrutiny committee meetings. Two reports from scrutiny committees: (1) Environment and Sustainability Scrutiny Committee – nutrient management board (2) Health, Care and Wellbeing board – community based support services	
6.1	RECOMMENDATIONS OF THE ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE: NUTRIENT MANAGEMENT BOARD	23 - 32
6.2	COMMUNITY-BASED SUPPORT SERVICES – RECOMMENDATIONS FROM HEALTH, CARE AND WELLBEING SCRUTINY COMMITTEE	33 - 40

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| 7. ADOPTION OF THE HEREFORDSHIRE MINERALS & WASTE LOCAL PLAN | 41 - 144 |
| To recommend to Council that the Herefordshire Minerals and Waste Local Plan (MWLP) - a development plan document - is adopted. | |
| 8. Q3 BUDGET REPORT | 145 - 178 |
| To report the forecast position for 2023/24, including explanation and analysis of the drivers for the material budget variances, and outline current and planned recovery activity to reduce the forecast overspend. | |
| To provide assurance that progress has been made towards delivery of the agreed revenue budget and service delivery targets, and that the reasons for major variances or potential under-performance are understood and are being addressed to the cabinet's satisfaction. The forecast 2023/24 outturn shows a net overspend of £10.7 million at Quarter 3. | |
| 9. Q3 PERFORMANCE REPORT | |
| Report to follow. | |
| 10. BLOCK CONTRACTED BEDS IN CARE HOMES | 179 - 204 |
| To approve the tender to commence and contract award for a block contract of care home beds which will commence from April 2024 | |
| 11. PHOSPHATE MITIGATION STRATEGY | 205 - 220 |
| To provide an update on the progress of the Cabinet Commission and set out the Council's future Phosphate Mitigation Strategy to enable housing development in the Lugg catchment and to provide a progress update on the work of the Cabinet Commission. | |

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- 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.
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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:

Cllr Jonathan Lester (Leader)	Corporate Strategy and Budget
Cllr Elissa Swinglehurst (Deputy Leader)	Environment
Cllr Ivan Powell	Children and Young People
Cllr Harry Bramer	Community Services and Assets
Cllr Pete Stoddart	Finance and Corporate Services
Cllr Carole Gandy	Adults, Health and Wellbeing
Cllr Graham Biggs	Economy and Growth
Cllr Barry Durkin	Roads and Regulatory Services
Cllr Philip Price	Transport and Infrastructure

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?

- 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
- Chairpersons 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.

**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 and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Herefordshire Council

Minutes of the meeting of Cabinet held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Thursday 25 January 2024 at 2.30 pm

Cabinet Members Physically Present and voting: Councillor Jonathan Lester, Leader of the Council (Chairperson)
Councillor Elissa Swinglehurst, Deputy Leader of the Council (Vice-Chairperson)

Councillors Harry Bramer, Barry Durkin, Carol Gandy, Ivan Powell, Philip Price and Pete Stoddart

Cabinet Members in remote attendance None

Cabinet members attending the meeting remotely, e.g. through video conferencing facilities, may not vote on any decisions taken.

Cabinet support members in attendance Councillors Dan Hurcomb

Group leaders / representatives in attendance Councillors Liz Harvey, Ellie Chowns and Bob Matthews

Scrutiny chairpersons in attendance Councillors Toni Fagan and Louis Stark

Other councillors in attendance:

Officers in attendance: Chief Executive, Director of Resources and Assurance, Corporate Director, Children and Young People, Corporate Director - Economy and Environment, Director of Governance and Law and Corporate Director Community Wellbeing

76. APOLOGIES FOR ABSENCE

There were no apologies from members of the cabinet.

Apologies were received from Councillors James.

77. DECLARATIONS OF INTEREST

None.

78. MINUTES

Resolved: That the minutes of the meeting held on 14 and 21 December 2023 be approved as a correct record and signed by the Chairperson.

79. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 9 - 12)

Questions received and responses given are attached as appendix 1 to the minutes.

80. QUESTIONS FROM COUNCILLORS (Pages 13 - 14)

Questions received and responses given are attached as appendix 2 to the minutes.

81. REPORTS FROM SCRUTINY COMMITTEES

2024-25 Budget Recommendations from Scrutiny Management Board

The chairperson for the Scrutiny Management Board (SMB) confirmed the meeting on 10 and 16 January 2024 was to consider the scrutiny of the 2024/25 Budget. The principle points were presented by the chair of the SMB regarding the reality of the balance of the Council's budget. Three recommendations were made in respect of savings, firstly that it was not reasonable to rely on Children's directorate to deliver £2.5m of savings without evidence of savings or an alternative source of savings being identified. Secondly, detail was requested regarding how £450k of savings can be achieved from Balfour Beatty Living Places. Thirdly, performance monitoring should take place for areas affected by MERS. Two recommendations were made in respect of income, firstly that detail of income was provided for all directorates. Secondly, provide evidence that the income targets for planning services were realistic. The SMB also made two further recommendations; that a forecast was provided of which ear marked reserves will fund the £13.8m overspend in Children's and Young People Directorate. Also, that investment to provide targeted support for hard up households is made clearer in the budget papers for Council.

The Leader thanked the committee for their work in forming the recommendations, it was noted that Cabinet will give them due consideration and provide information requested for full council.

Children and Young People directorate budget task and finish group

The chairperson of the Children and Young People Scrutiny Committee (CYPSC) confirmed the meeting took place on 23 January 2024 regarding the budget task and finish group. The committee noted numerous factors within the report were driving the overspend in Children's and Young People Directorate. The recommendation proposed that the £2.5m savings within Children and Young people directorate should be assured from elsewhere within the budget.

The Leader thanked the committee for their work in forming the recommendations.

82. 2024/25 BUDGET, MEDIUM TERM FINANCIAL AND TREASURY MANAGEMENT STRATEGY - REVENUE

Opening remark by the Leader

Regarding the Budget and the local settlement, clarification was only received on 24 January in respect of the additional funding received and this will be discussed today along with the amendment to the recommendation.

The Cabinet member for finance and corporate services introduced the report. It highlighted that the revised budget for 2024/25 was now £210m. It was confirmed that; the central government settlement was better than expected at £2.5m; the Rural Services Delivery Grant was increased to £945,000 and the Social Care Grant for adults and children was increased to £1.835m. The additional funds will be used to cancel the planned car parking increase; provide funding towards strategic housing activities; provide funding towards the Leominster heritage action zone; to remove the planned reduction in Library opening hours; to support Economy and Environment directorate by resourcing a funding officer; to provide funding for the community and volunteer sector; to allocate funding to Parish Councils for the lengthsmen scheme; to provide funding towards Herefordshire footpaths; to provide funding to address drainage works across the road network; add money to the financial resilience reserve and the new social care resilience reserve.

It was noted that each directorate has its own pressures and savings plan to deliver the directorate savings of £11.6m.

The Medium Term Financial Strategy sets out the Council's budget for 24/25 and the financial plan until 27/28. Noted there was only a £1.9m funding gap over the medium term financial period.

Cabinet members discussed the report and it was noted to be a positive opportunity to allocate money to be used locally for the right of way footpaths, lengthsman scheme and drainage. Also, that the investment in the Children's directorate will result in improved outcomes for children and families.

Group leaders gave the views of their groups. The additional funding announced was welcomed. Concern was expressed regarding underfunding of public services and when progress will be made with improving the A49 and transport links to the motorway. It was noted that there should be close monitoring over the use of contractors at the Council and caution taken with MERS. The cancellation of car parking charges was welcomed. It was queried what percentage of people fund their own care and what the impact will be due to the asylum seekers moving from the Three Counties Hotel and from the Talbot hotel. It was asked that high school transport costs for families transporting children from Credenhill to Weobley are addressed. Clarification was sought as to where funding monies have been allocated in the Budget report regarding targeted support for hard up households.

In response to the queries it was noted that local government funding is tight and extra monies are welcomed. Regarding the A49 the Cabinet member advised the bypass will come to Cabinet in February. It was confirmed that monitoring of Council spending will be closely monitored with Cabinet portfolio holders conducting a monthly review of all expenditure and the £500 moratorium will continue next year. The request for MERS to be managed sensitively is acknowledged and it is noted that recommendation four from the SMB includes a request that monitoring of performance in respect of MERS is undertaken. Confirmed 65-70% of people are self-funders for their care and there are others who pay towards their care. In respect of asylum seekers the Council are required to accommodate 0.1% of the local child population under the National Transfer Scheme which is equivalent to 36 children. The Home Office accommodate families at the Talbot Hotel in Leominster and includes children but they are not unaccompanied asylum children. Confirmed they will be collectively relocated by the Home Office when the Talbot Hotel closes at the end of February 2024. The Home Office also commission the Three Counties Hotel for single male adults but occasionally one will come forward who will say they are under the age of 18, the Council then have a duty to accommodate them as unaccompanied asylum seeking children. The Council have 38 unaccompanied asylum seeking children and 71 unaccompanied seeking children who have now reached the age of 18 and the Council continue to support them as care leavers. Confirmed that the Cabinet member is aware of the school transport issue concerning Credenhill and acknowledged the seriousness of the issue.

It was unanimously resolved that:

That Cabinet recommend to Council for approval:

- a) the council tax base of 71,999.97 Band D equivalents in 2024/25;**
- b) an increase in core council tax for 2024/25 of 2.99%;**
- c) an additional precept in respect of adult social care costs of 2% applied to council tax in 2024/25 resulting in a total council tax increase of 4.99%, increasing the band D charge from £1,786.61 to £1,875.76 for Herefordshire Council in 2024/25;**

- d) the balanced 2024/25 revenue budget proposal totalling £207.7 million, subject to any amendments approved at the meeting, specifically the net spending limits for each directorate as at appendix C;
- e) delegates to the section 151 officer the power to make necessary changes to the budget arising from any variations in central government funding allocations via general reserves;
- f) *amended to:*
the allocation of additional funding of £2.5 million announced in the Local Government Settlement in December 2023 to support strategic housing (£1.0 million), to reverse planned parking charge increases (£400k), an allocation of £300k to the Leominster Heritage Action Zone, removal of proposed savings in Community Wellbeing to reduce library hours (£55k), £56k to provide funding officer resource to identify external funding opportunities, £200k of funding to support the community and voluntary sector across Herefordshire and a £500k transfer to the Financial Resilience Reserve.
- g) the Medium Term Financial Strategy (MTFS) 2024/25 to 2027/28 at appendix A be approved;
- h) the Treasury Management Strategy at appendix D be approved; and
- i) the responses to scrutiny committee recommendations to follow in a supplementary paper to be approved.
- New recommendation added:*
- j) following the announcement by Government on 24 January of additional measures for local authorities, the allocation of £1,835k additional Social Care Grant to a Social Care Resilience Reserve and £945k increase in Rural Services Grant to provide additional funding for the lengthsman scheme (£250k), additional funding for drainage works across the county (£445k) and improvements to Public Rights of Way (£250k).

83. 2024/25 CAPITAL INVESTMENT BUDGET AND CAPITAL STRATEGY UPDATE

The Cabinet member for finance and corporate services introduced the report. It highlighted there was one further addition from the Department of Transport of a grant for £3.36m over a two year period to address pot holes. It was confirmed that inclusion of a project in the capital programme is not approval to proceed, each project will be subject to its own governance, a full business case will be presented for approval where required and in full compliance with the Council's contract procedure rules. The additional projects and further detail were set out for Community and Economy. Confirmed that the Capital Strategy will be updated in line with the County Plan 2024-2028 and the Delivery Plan with the aim to benefit the community, with a community impact assessment to be included in the decision report for any new capital scheme commencing.

There were no comments from Cabinet members.

Group leaders gave the views of their groups. Concern was expressed regarding borrowing for capital projects when interest rates are high and the impact on council tax payers in the future; ensuring that sensible value for money policies are implemented to nurture growth for local businesses; the governance regarding the road programs being reinserted into the Capital programme and ensuring that they are part of the Council's policy framework.

In response to the queries it was noted that the Council has lower levels of borrowing than other authorities and to achieve goals, which cannot be achieved solely from the revenue budget, financial mechanisms are in place to enable this. It was confirmed that any help was welcomed to ensure the Council achieves best value for money and it is obligatory on all Councillors to do so. In regard to allocation of capital for the Southern Link Road it was confirmed that on 8 December (2023) there was a resolution to allocate monies to the project.

It was unanimously resolved that:

That Cabinet recommends the following to Council

- I. To approve the revised capital programme for 2024/25 attached at appendix C; and**
- II. Approve the capital strategy at appendix D.**

84. 2024/25 COUNCIL TAX REDUCTION SCHEME

The Cabinet member for finance and corporate services introduced the report. It was highlighted that charges can be reduced if certain requirements are met for working age individuals and pensioners. It was confirmed that the pensioner council tax reduction scheme is set nationally but the working age council tax reduction scheme is set locally by Hereford Council.

Cabinet members had no comments.

Group leaders gave the views of their groups. The continuation of the council tax reduction scheme was welcomed by all but clarification was sought regarding when change of circumstances are notified to the Council.

In response to the queries it was noted that the majority of households do inform the Council of their change in circumstances.

It was unanimously resolved that;

- a) The Council Tax Reduction Scheme for 2024/25, with the same parameters as the existing scheme, be recommended to Council for approval.**

85. PROCUREMENT OF NEW WASTE COLLECTION SERVICE - UPDATE

The Cabinet member for community services and assets introduced the report and highlighted that on completion of the procurement process a new contract will be awarded. Confirmed the new contract includes options and flexibility for the Council to phase the introduction of the new collection model and each element will be subject to a business case and a subsequent decision. It was noted that the new contract will commence on 1 September 2024 with an initial term of 8 years with the option to extend by a further 12 years. It will commence on the current collection model, meaning there will be no immediate changes for residents or businesses. In respect of the optional chargeable garden waste service the public consultation responses will be reviewed to support the business case for a subsequent decision. Noted that further information is awaited from the Government's waste reforms regarding the introduction of the food waste service.

There were no comments from Cabinet members.

Group leaders gave the views of their groups. There was support for the new waste collection service but concern was expressed regarding Herefordshire's low recycling rates and if fly tipping will increase if the contract is too rigid. More information should be

provided to businesses and residents regarding what is recyclable in the interim. Clarification was sought regarding the Council's current recycling rate and how it is going to be improved, what is the time frame for implementing the enhanced service and what protection does the Council have when new legal obligations are set when the Council is already committed to a contract.

In response to the queries it was noted fly tipping will be monitored and despite how the waste contract is handled, the Council will try and remove fly tipping from the County. It was acknowledged that the Council will encourage households to recycle and has the ambition to increase the information provided. It was confirmed that the current recycling rate is 39.5% as of November 2023 and it was noted that not all Councils are the same, for example Herefordshire Council's food waste goes to energy from waste not landfill but not all Councils do this at this point. Clarified that enhanced elements of the waste contract cannot be brought forward as the Council is awaiting confirmation of the new obligations from Government. Confirmed that anticipated future changes are built into the contract and are benchmarked to avoid unfair price increases by the provider.

It was unanimously resolved that;

- a) Authority is delegated to the Corporate Director for Economy and Environment in consultation with the Cabinet Member Community Services and Assets, Cabinet Member for Environment and the Director of Resources and Assurance to award the contract to the preferred bidder for the new waste collection service under the existing collection model, within the proposed 2024/25 annual revenue budget, for an initial term of 8 years, including options to extend by up to a further 12 years (following budget approval and conclusion of the procurement process);**
- b) Authority is delegated to the Corporate Director for Economy and Environment in consultation with the Cabinet Member Community Services and Assets, Cabinet Member for Environment and the Director of Resources and Assurance to authorise expenditure for the essential depot improvements, service enhancement and new receptacles essential for the standard service, within the approved £5.8m capital budget for the standard collection service within the new contract;**
- c) To delegate authority to the Corporate Director for Economy and Environment to place the order with the preferred bidder for the new vehicle fleet prior to the contract award with the preferred bidder in order to meet the vehicle lead in times and ensure the new vehicles are available for the new Contract Commencement Date;**
- d) To authorise the expenditure up to the value of £250,000 from the Waste Revenue Reserve to fund mobilisation;**
- e) Cabinet approves the extension of the existing Waste Collection contract with FCC Environment from 2 June 2024 to 31 August 2024 to ensure alignment with the start of the new waste collection contract on 1 September 2024; and**
- f) Delegate all operational decisions in order to implement the above recommendations to the Corporate Director for Economy and Environment.**

The meeting ended at 4.25 pm

Chairperson

PUBLIC QUESTIONS TO CABINET – 25 January 2024

Question 1**Herefordshire Construction Industry Group, Hereford****To: Councillor Swinglehurst, cabinet member for environment**

Herefordshire Council recently stated that new homes are responsible for around 0.023% of the phosphorous load in the Wye.

It is estimated (by HC) that local housing providers will need access to around 800kg of phosphorus mitigation, in order to meet the councils next decade of housing obligations.

Welsh Water will have removed more than 14,000 kg of phosphorus per annum by 2025, part of the 23,000kg they will have removed across the wider Wye Catchment.

Does the cabinet think that it is sensible or fair to maintain a housing moratorium in the Lugg - or to expect expensive and elusive mitigation - from a sector whose nutrient contribution is negligible, and more than covered by the water company?

Response

The Council acknowledges that point source pollution from development is only a small percentage of the overall source of pollution. However the **Habitats Regulations** require the Council, by law, to undertake an assessment to demonstrate with scientific certainty that no plan or project will add further nutrient pollution to the river.

The Council has both sought legal advice on this requirement and lobbied in central government. As this legislative requirement still stands we have developed strategic mitigation in the form of the wetlands, Luston is already operating, in order to be able to trade Phosphate credits to mitigate the nutrient load of development. Our intention is to continue with developing further sites and to introduce Package Treatment Plants at a number of locations that will further help to mitigate phosphate pollution.

Supplementary question

Thank you. Unfortunately this doesn't answer the question.

Credits remain elusive and glacial.

We worry that Herefordshire Council controls all aspects of mitigation – what is done, who gets credits, when and how much they cost.

Powys and Monmouthshire CC plan to use Welsh Water's upgrades as mitigation. Following amendment NC77 to the Levelling Up and Regeneration Act 2023 all other English counties will do the same.

As an English county with a Welsh operator Herefordshire is excluded – so is significantly disadvantaged, despite new housing needing so little mitigation.

Could HC seek legal and Govt. advice regarding Welsh Water mitigation capacity?

Would HC meet with HCILG to discuss the situation in more detail so we can better understand and help one another?

We desperately need urgent support and presumably the council needs the money, homes and jobs HCILG generate?

Supplementary response

Thank you for the question. I am really sorry that they feel the credit allocation process is glacial. The planning team are working hard to deliver mitigation for schemes that have been on hold for the longest on a first in first out basis. Close to 600 houses have been released so far. As soon as we're able to commence the project planning for the additional mitigation measures outlined in our original response then I'm assured we will have sufficient mitigation in place for development beyond 2030. With respect to the approach adopted by our neighbours in Wales. Our understanding is that funding has been secured by Monmouthshire Council in addition to the requirements of AMP 8 to upgrade wastewater treatment works at two sites in Monmouth and Llanfoist and this enabled further development linked to these works to be permitted. In Herefordshire we've launched the environment advice service which allows developers to propose their own private mitigation scheme and this would then be included as part of the development agreements which means that council is not going to be the sole provider of credit allocations going forward. Herefordshire Council recognises that the Levelling-up and Regeneration Act (2023) seeks to address the issue of growth through applying further funding to upgrade wastewater treatment works across the country but Herefordshire is at a particular disadvantage in this respect. We drew this to the attention of Therese Coffey the former Environment Minister during her visit to the county and an action plan specific to the River Wye was proposed. In light of the change of Minister the Council will be making further representations to government to once again highlight this issue. I am of course more than happy to meet with Ms Albright and the Construction Industry Lobby Group to further discuss this issue.

Question 2

Mr David Stephenson, Ledbury

To: Councillor Stoddart, cabinet member for finance and corporate services

How can Herefordshire Council justify the proposition of yet another 4.99% Council Tax increase, at a time when many hard working families are already struggling. While at the same time approving large pay rises and bonuses for it's top bosses?

At what point will Herefordshire Council realise and understand that continuously passing it's shortfalls in funding, via maximum Council tax increases to it's residents, is callous, unfair, and most importantly unsustainable to the residents of Herefordshire?

While I appreciate that Councils have encountered wide spread cuts from central Government. The answer simply cannot be year upon year, to effectively pass these cuts onto the residents of Herefordshire, that you are supposedly elected to represent. This knee jerk reaction is quite frankly laziness or down right incompetence by those managing finance within the Council.

Response

Despite significant financial challenges, linked to rising inflation and unprecedented increases in demand for adult and children's social care, the Council has achieved a balanced budget position for 2024/25.

The £207.7 million budget for 2024/25 includes demand and cost pressures of £43.3 million. The proposed increase in council tax is one of the measures, along with delivery of £19.5 million in savings and efficiencies across council services, to balance the budget and secure the delivery of key services in the future.

The Council relies on income from Council Tax, alongside other funding sources from Government, to deliver services across the county. The Council recognises the challenging financial climate and its impact on individuals and we continue to provide support to households

in hardship. In addition, the Council Tax Reduction Scheme continues to provide support to those most in need with more than 11,000 households expected to receive 100% discount on their council tax through this scheme – paying no council tax at all. The scheme provides support to eligible households regardless of their council tax banding. The 2024/25 budget includes additional sources of income generation and transformation activity to further limit the pressure on local tax raising and to manage our financial challenges internally as much as possible

Question 3

Hannah Currie, Hereford

To: Councillor Powell, cabinet member for children and young people

The 2024/25 Budget, Medium Term Financial and Treasury Management Strategy – Revenue report (Agenda No. 7) mentions the Herefordshire Children's Services Improvement Plan.

It is concerning that the Improvement Plan on the council's website is dated 19th December 2022 when a newer version (dated 7th June 2023) was presented six months ago to the Children and Young People Scrutiny Committee meeting on 18th July 2023.

Given two Nolan Principles are Openness and Accountability. Can the cabinet please confirm what is the date of the most recent version of the Herefordshire Children's Services Improvement Plan and will it be linked to the webpage:

<https://www.herefordshire.gov.uk/social-care-support/childrens-services-improvements>

by 31st January 2024?

Response

Thank you for your question. You quite rightly point out that the improvement plan was signed off and published in December 2022 which was the date that it was submitted to Ofsted, following the inspection in July 2022.

The Improvement Board receives regular updates, rather than substantive changes to the Improvement Plan (which has not changed significantly in the past 12 months).

In response to your question though we will publish the most recent version of the document that was presented to the Improvement Board (November 2023), incorporating the progress update on our website before 31st January.

You might also like to know that we plan to refresh the Improvement Plan in the Spring this year.

Question 4

Christina Price, Hereford

To: Councillor Durkin, cabinet member for roads and regulatory services

In view of the obvious dangers of potholes with poor road stability for road users why does the Council continue to throw multiples of money at LED and 5G installations which the people of Herefordshire have neither requested nor been made aware of unresearched dangers ?

Why are our roads disregarded when it applies to our safety?

Response

In answer to the question, we would advise Ms Price that the Council completed a county wide scheme to introduce LED street lighting across the county prior to 2020, so has not been investing in this area recently, other than where maintenance is required. With regard to 5G installations, this is not something that the Council has delivered nor does it form a part of our investment strategy at this time.

In terms of Ms Price's comments about road defects, we would always encourage her to report any issues online via our My Herefordshire portal so that we can arrange for them to be looked at. Our network is managed in line with the Council's Highways Maintenance Plan, this provides the Council with clear guidance as to how defects on the network are categorised and repairs instructed. The Plan also sets out the minimum standards for our highways safety inspections, these are used to satisfy our statutory obligations contained with the Highways Act 1980.

On an annual basis, we would note that considerable investment is made into Herefordshire's highway network. By the end of the 2023/24 financial year, £25.7 million will have been invested across the county's public realm in terms of maintenance and improvement work, from filling potholes and resurfacing roads, to sweeping our streets and cutting grass, through to keeping our network moving in extreme weather conditions by sending out our fleet of gritters. Supplementing additional central government funding, more local investment is being made by the Council in 2024/25 and which will see total additional spend of £16.8 million on our highway network should the budget be approved in February. It is anticipated that at least £11m of investment will be made in carriageway works, ranging from surface dressing to full resurfacing.

COUNCILLOR QUESTIONS TO CABINET – 25 January 2024

No questions from Councillors were submitted.



Title of Report: Recommendations of the Environment and Sustainability Scrutiny Committee: Nutrient Management Board

Meeting: Cabinet

Meeting date: 29th February 2024

Report by: The Statutory Scrutiny Officer

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose:

The purpose of this report is to notify the Cabinet of the recommendations from the Environment and Sustainability Scrutiny Committee, made at its meeting on 22 January 2024, and to request a response from the executive.

Recommendations

- a) That the recommendations regarding the Nutrient Management Board (NMB), made by the Environment and Sustainability Scrutiny Committee at its meeting on the 22 January 2024 be noted; and
- b) That an executive response to the scrutiny recommendations be prepared for consideration by the Cabinet within two months.

Alternative options

None proposed; it is a statutory requirement for the Cabinet to be notified and consider reports and recommendations made by a scrutiny committee.

Key considerations

1. Scrutiny committees have statutory powers to make recommendations to the executive, and the executive (Cabinet) has a statutory duty to respond. They may also make reports and recommendations to external decision making bodies.
2. Scrutiny recommendations are addressed to the Cabinet, or the appropriate Cabinet Member, as the main executive decision making body of the council (or, where appropriate, an external agency).
3. Cabinet is being asked to note the scrutiny report / recommendations and that an executive response to the scrutiny recommendations be prepared for consideration by the Cabinet within two months.
4. The minutes of the meeting of the scrutiny committee provide the record of the scrutiny committee's consideration of the issue and the scrutiny recommendations made during the meeting.
5. The scrutiny committee will be notified of the executive response made in respect to the scrutiny recommendations and may track the implementation of the Cabinet decisions and any actions agreed. This enables the scrutiny committee to track whether their recommendations have been agreed, what actually was agreed (if different) and review any outcomes arising.

Nutrient Management Board

6. The Nutrient Management Board (NMB) was established in 2014 following a Review of Consents (RoC) of Waste Water Treatment Works (WWTW) under the Habitats Regulations carried out by the Environment Agency in 2010. It revealed the River Lugg section of the River Wye Special Area of Conservation (SAC) was exceeding its phosphate target (0.05mg/l phosphate) and that despite measures undertaken to address point source pollution via the consents on WWTW, the levels continued to exceed conservation targets. A need was identified for a Nutrient Management Plan to set out how the reduction in concentrations could be delivered from all sources of pollution. The report highlighted that future growth must not compromise the achievement of conservation targets.
7. It instigated the development of a Nutrient Management Plan setting out an Evidence Base; incorporating source apportionment modelling, with Options Appraisal and Action Plan agreed by the board, which would set out a trajectory to bring the watercourse back into favourable condition with respect to phosphate levels.
8. During its meeting on 22 January 2024 the Environment and Sustainability Committee received information and updates regarding the NMB from the Cabinet Member for the Environment (current chair of the NMB), expert witnesses from the Wye and Usk Foundation and the Campaign for the Protection of Rural Wales, and council officers. The committee discussed and scrutinised a number of areas relating to the NMB including; the role of the board, its aims and objectives, terms of reference, governance arrangements and agreed targets and key performance indicators.

Scrutiny Recommendations

9. At the end of its consideration of this issue, the committee made eight recommendations to the Cabinet, as set out at Appendix 1 to this report.

Procedure for Recommendations from Scrutiny Committees

10. Where scrutiny committees make reports or recommendations to the Cabinet, as soon as this has been confirmed, these will be referred to the Cabinet requesting an executive response. This will instigate the preparation of a report to Cabinet and the necessary consideration of the response, the technical feasibility, financial implications, legal implications and equalities implications etc. The executive response must be within 2 months of receipt of the report.
11. Once the executive response has been agreed, the scrutiny committee shall receive a report and the committee may review implementation of the executive's decisions after such a period as these may reasonably be implemented (review date).

Community Impact

12. In accordance with the adopted code of corporate governance, the council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review. Topics selected for scrutiny should have regard to what matters to residents.

Environmental Impact

13. There are no direct environmental impacts connected with this report or the outcomes it seeks to deliver.

Equality Duty

14. There are no specific equalities impacts.
15. 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 –

- 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.

Resource Implications

16. There are no resource implications arising from this report, however, fulfilling the recommendations and considerations outlined in the report may require investment from the council and wider partners.

17. Resource implications should be considered as part of the requested report to Cabinet on the Executive Response to the scrutiny recommendations.

Legal Implications

18. Section 9F (2) (b) of the Local Government Act 2000 provides that a scrutiny committee can make reports and recommendation to the executive with respect to the discharge of any functions which are the responsibility of the executive. This is reflected in part 4.5.41 to 4.5.51 of the Constitution.
19. Section 9F (2) (e) of the Local Government Act 2000 provides that a scrutiny committee can make reports or recommendations to the executive on matters which affect the authority's area or the inhabitants of that area.
20. The scrutiny report provides the scrutiny recommendations of the committee to be made to the executive (Cabinet).
21. The Cabinet is requested to consider the recommendations and provide a response within two months. The Cabinet is not bound to action or adopt the recommendations but must provide a response to scrutiny.
22. If Cabinet considers that recommendations are contrary or not in accordance with the budget or policy framework, then Cabinet may report the matter to Council (para 4.5.45).
23. Currently, the recommendations are (in part) at too early a formative stage to give a full assessment of legal implications.

Risk management

Risk / opportunity	Mitigation
There is a reputational risk to the council if the scrutiny function does not operate effectively.	The arrangements for the notification of recommendations from the scrutiny committees and agreement of an Executive Response should help mitigate this risk.

24. Cabinet is requested to provide an executive response within two months, at which stage, in considering its response, a full assessment of risk implications should be undertaken.
25. The executive will then need to assess the risks arising from any executive decisions made in respect of the scrutiny committee's recommendations.

Consultees

The Chair of the Environment and Sustainability Scrutiny Committee

Appendices

Appendix 1: Recommendations of the Environment and Sustainability Scrutiny Committee: Nutrient Management Board

Background papers

[Nutrient Management Board, report to the Health, Environment and Sustainability Scrutiny Committee, 22 January 2024](#)

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	John Coleman	Date 08/02/2024
Finance	Karen Morris	Date 12/02/2024
Legal	Sean O'Connor	Date 08/02/2024
Communications	Click or tap here to enter text.	Date Click or tap to enter a date.
Equality Duty	Reviewer Group	Date 06/02/2024
Procurement	Reviewer Group	Date 09/02/2024
Risk	Kevin Lloyd	Date 08/02/2024
Approved by	Mark Averill	Date 13/02/2024

Please include a glossary of terms, abbreviations and acronyms used in this report.

NMB - Nutrient Management Board
RoC - Review of Consents
WWTW - Waste Water Treatment Works
SAC Special Area of Conservation

Summary of recommendations to the executive and executive responses
Environment and Sustainability Scrutiny Committee
22 January 2024

Recommendation 1	After almost 10 years of operation, plus a change in Governance, the executive should consider rescinding the chair and secretariat to another partner, in accordance with the original nutrient management plan that the Nutrient Management Board chair should be rotated among partner members.			
Executive Response				
Action –	Owner	By When	Target/Success Criteria	Progress

Recommendation 2	To achieve value for money from the Nutrient Management Board, the executive should set business objectives with key performance objectives for what is expected from our Nutrient Management Board membership.			
Executive Response				
Action	Owner	By When	Target/Success Criteria	Progress

Recommendation 3	Complementary to the Nutrient Management Board, the executive should pursue an informal alliance with Herefordshire sectors responsible for diffuse pollution, including agriculture and livestock representatives, to sharpen the focus on reducing it through voluntary arrangements.			
Response				
Action	Owner	By When	Target/Success Criteria	Progress

Recommendation 4	The executive to look at the resources available for the new environmental advice service to ensure that it is properly resourced, to react in a prompt way to any private mitigation initiatives, and that statutory partners respond at pace to such initiatives.			
Executive Response				
Action	Owner	By When	Target/Success Criteria	Progress

Recommendation 5	The executive to approach the cabinet commission and statutory officers group to shape future planning to delineate between actions requiring reasonable scientific certainty and other actions for the general benefit of the river.			
Executive Response				
Action	Owner	By When	Target/Success Criteria	Progress

Recommendation 6	The executive should set key performance indicators to reflect the recommended delineation between actions requiring reasonable scientific certainty and other actions for the general benefit of the river.			
Executive Response				
Action	Owner	By When	Target/Success Criteria	Progress

Recommendation 7	The executive to contact Welsh Water to ask for data from the redacted Water Industry National Environment Programme in order to identify collaboration opportunities with Herefordshire Council.			
Executive Response				
Action	Owner	By When	Target/Success Criteria	Progress

Recommendation 8	The executive should seek clarification from the statutory officers group on its plans for a timetable of action on nutrient recovery towards a possible end result of introducing a water protection zone, the so called glide path.			
Executive Response				
Action	Owner	By When	Target/Success Criteria	Progress



Title of Report: Recommendations of the Health, Care and Wellbeing Scrutiny Committee: Community-based support services

Meeting: Cabinet

Meeting date: 29 February 2024

Report by: The Statutory Scrutiny Officer

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose:

The purpose of this report is to notify the Cabinet of the recommendations from the Health, Care and Wellbeing Scrutiny Committee, made at its meeting on 29 January 2024 and to request a response from the executive.

Recommendations

- a) That the recommendations on community-based support services, made by the Health, Care and Wellbeing Scrutiny Committee at its meeting on 29 January 2024 be noted; and
- b) That an executive response to the scrutiny recommendations be prepared for consideration by the Cabinet within two months.

Alternative options

None proposed; it is a statutory requirement for the Cabinet to be notified and consider reports and recommendations made by a scrutiny committee.

Key considerations

1. Scrutiny committees have statutory powers to make recommendations to the executive, and the executive (Cabinet) has a statutory duty to respond. They may also make reports and recommendations to external decision making bodies.
2. Scrutiny recommendations are addressed to the Cabinet, as the main executive decision making body of the council (or, where appropriate, an external agency).
3. Cabinet is being asked to note the scrutiny report / recommendations and that an executive response to the scrutiny recommendations be prepared for consideration by the Cabinet within two months.
4. The minutes of the meeting of the scrutiny committee provide the record of the scrutiny committee's consideration of the issue and the scrutiny recommendations made during the meeting.
5. The scrutiny committee will be notified of the executive response made in respect to the scrutiny recommendations and may track the implementation of the Cabinet decisions and any actions agreed. This enables the scrutiny committee to track whether their recommendations have been agreed, what actually was agreed (if different) and review any outcomes arising.

Community-based support services – Talk Community

6. On 23 September 2022 the Health, Care and Wellbeing Scrutiny Committee considered an ongoing review of Talk Community, the council's community-based support services in Herefordshire, with evidence from the portfolio holder for adults, health and wellbeing, the corporate director for community wellbeing and other officers of Herefordshire Council.
7. Talk Community has been operating since 2020 with the aim of building more connected communities where everyone can thrive. The work contributes to prevention and reducing demand on statutory services by supporting individuals and communities with their health and well-being. Talk Community respond to community need and work closely with partner agencies delivering health and social care and the Voluntary, Community and Social Enterprises (VCSE).
8. Demand on statutory services continues to increase and as the landscape is changing a review of Talk Community is being undertaken to understand the impact of Talk Community, to make its services and activities visible and inform the future direction of the service. The outcome will be a long term strategy for Talk Community that maximises the council's contribution to reducing demand and improving health inequalities. The review was started in November 2023 and will be completed at end of March 2024.

Scrutiny Recommendations

9. At the end of its consideration of this issue, the committee made five recommendations to the Cabinet, as set out at Appendix 1 to this report.

Procedure for Recommendations from Scrutiny Committees

10. Where scrutiny committees make reports or recommendations to the Cabinet, as soon as this has been confirmed, these will be referred to the Cabinet requesting an executive response.

This will instigate the preparation of a report to Cabinet and the necessary consideration of the response, the technical feasibility, financial implications, legal implications and equalities implications etc.

11. Where scrutiny committees make reports or recommendations to full Council (e.g. in the case of policy and budgetary decisions), the same process will be followed, with a report to Cabinet to agree its executive response, and thereafter, a report will be prepared for Council for consideration of the scrutiny report and recommendations along with the Cabinet's response.
12. Where scrutiny committees have powers under their terms of reference to make reports or recommendations to external decision makers (e.g. NHS bodies), where they do this, the relevant external decision maker shall be notified in writing, providing them with a copy of the committee's report and recommendations, and requesting a response.
13. Once the executive response has been agreed, the scrutiny committee shall receive a report to receive the response and the committee may review implementation of the executive's decisions after such a period as these may reasonably be implemented (review date).

Community Impact

14. In accordance with the adopted code of corporate governance, the council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review. Topics selected for scrutiny should have regard to what matters to residents.

Environmental Impact

15. There are no direct environmental impacts connected with this report or the outcomes it seeks to deliver.

Equality Duty

16. There are no specific equalities impacts.
17. 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 –

- 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.
18. 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.

Resource Implications

19. There are no resource implications arising from this report, however, fulfilling the recommendations and considerations outlined in the report may require investment from the council and wider partners.
20. Resource implications should be considered as part of the requested report to Cabinet on the Executive Response to the scrutiny recommendations.

Legal Implications

21. The council is required to deliver a scrutiny function.
22. There are no specific legal implications arising from this report.

Risk management

Risk / opportunity	Mitigation
There is a reputational risk to the council if the scrutiny function does not operate effectively.	The arrangements for the notification of recommendations from the scrutiny committees and agreement of an Executive Response should help mitigate this risk.

Consultees

The Chair of the Health, Care and Wellbeing Scrutiny Committee

Appendices

Appendix 1: Recommendations of the Health, Care and Wellbeing Scrutiny Committee: Community-based support services

Background papers

[Community-based support services, report to the Health, Care and Wellbeing Scrutiny Committee, 29 January 2024](#)

[Strategic review of Talk Community \(Appendix to the main report to the Health, Care and Wellbeing Scrutiny Committee\), 29 January 2024](#)

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published

Governance	Click or tap here to enter text.	Date Click or tap to enter a date.
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Finance	Click or tap here to enter text.	Date Click or tap to enter a date.
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Legal	Click or tap here to enter text.	Date Click or tap to enter a date.
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Communications	Click or tap here to enter text.	Date Click or tap to enter a date.
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Equality Duty	Click or tap here to enter text.	Date Click or tap to enter a date.
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Procurement	Click or tap here to enter text.	Date Click or tap to enter a date.
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Risk	Click or tap here to enter text.	Date Click or tap to enter a date.
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Approved by	Click or tap here to enter text.	Date Click or tap to enter a date.
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Summary of recommendations to the executive and executive responses
Health Care and Wellbeing Scrutiny Committee
29 January 2024

Recommendation 1	Herefordshire Council works with partners to identify funding for community-based services			
Executive Response				
Action –	Owner	By When	Target/Success Criteria	Progress

Recommendation 2	The service further develops its management information concerning the activity and outputs of Talk Community hubs.			
Executive Response				
Action	Owner	By When	Target/Success Criteria	Progress

Recommendation 3	Talk Community develops a communications strategy to provide a clear understanding of the service’s purpose			
Response				
Action	Owner	By When	Target/Success Criteria	Progress

Recommendation 4	Health Care and Wellbeing Scrutiny Committee reviews the forthcoming draft strategy			
Executive Response				
Action	Owner	By When	Target/Success Criteria	Progress

Recommendation 5	The draft strategy explicitly takes into account the extent to which Talk Community underpins other strategies			
Executive Response				
Action	Owner	By When	Target/Success Criteria	Progress



Title of report: Adoption of the Herefordshire Minerals & Waste Local Plan

Meeting: Cabinet

Meeting date: Thursday 29 February 2024

Cabinet member: Councillor Swinglehurst, Environment

Report by: Corporate Director, Economy and Environment

Report Author: Senior Planning Officer, Economy and Environment

Classification

Open

Decision type

Budget and policy framework

Wards affected

All wards

Purpose

To recommend to Council that the Herefordshire Minerals and Waste Local Plan (MWLP) - a development plan document - is adopted.

Recommendation(s)

That:

- a) The Herefordshire Minerals and Waste Local Plan Inspectors' Report¹ (at appendix 1) be noted;

¹ <https://www.herefordshire.gov.uk/downloads/file/25957/inspectors-report-october-2023>

- b) The [Herefordshire Minerals and Waste Local Plan](#)², incorporating the main modifications³ (at appendix 2), be recommended to Council for adoption; and
- c) It be recommended to Council that delegated authority be given to the Head of Planning and Building Control to make any minor technical changes (e.g. typographical) to ensure that this development plan document is up to date at the time of adoption.

Alternative options

1. There is an alternative option; not to recommend that Council adopt the MWLP. However, there would be little, if any, merit in doing so given that the Inspectors concluded that the Plan is sound. Such a decision would leave the council with considerably out of date saved minerals and waste policies from the Herefordshire Unitary Development Plan, which was adopted a number of years ago in 2007. In addition, this would be contrary to the Core Strategy, which includes a commitment that the council will produce a MWLP.
2. To reiterate what is set out in government advice⁴: whilst a local planning authority is not required to adopt a local plan following examination, it will have been through a significant and lengthy process locally to engage communities and other interests in discussions about the future of the area and it is therefore expected that the authority will proceed quickly with adopting a local plan that has been found sound.
3. If the council were to decide to make changes to the MWLP, there would be considerable delay in progressing a revised plan, given the statutory requirements for further consultation and examination, which would need to be met in order to progress any amended development plan document. There would also be additional financial costs associated with this. As stated above, there would be little merit in doing so, given that the Inspectors have concluded that the MWLP, with modifications, is sound.
4. Cabinet could decide to defer this decision or recommend to Council that the decision is deferred, but this is not recommended for the reasons set out above.
5. There is no option to adopt the MWLP with only some of the proposed main modifications that came out of the examination process. By definition, the MWLP is now considered to be sound on the basis of its full content. If some (or all) of the main modifications were not included in the MWLP, it would not be sound and therefore it could not be recommended for adoption.
6. Minor changes (appendix 3) are considered to be necessary by officers to: correct typographical errors; ensure clarity of meaning; and to ensure that the MWLP is up to date. These will not affect the soundness of the MWLP or materially affect its policies or proposals and, as such, an alternative option could be to recommend adoption without such minor changes. However, as these are important in creating a clear, unambiguous policy document, this option is not recommended.

Key considerations

7. Preparation of the MWLP

² a) <https://www.herefordshire.gov.uk/downloads/file/22074/1-publication-draft-herefordshire-minerals-and-waste-local-plan-jan-2021->

b) <https://www.herefordshire.gov.uk/downloads/file/22076/3-herefordshire-minerals-and-waste-local-plan-publication-draft-allocated-sites-appendix-jan-2021->

c) <https://www.herefordshire.gov.uk/downloads/file/22075/2-herefordshire-minerals-and-waste-local-plan-publication-draft-annex-a-jan-2021->

³ <https://www.herefordshire.gov.uk/downloads/file/25956/appendix-of-main-modifications-october-2023>

⁴ <https://www.gov.uk/guidance/plan-making#plan-examinations>

The adopted Herefordshire Core Strategy includes a commitment for the council to produce a Minerals and Waste Local Plan (MWLP or 'the Plan'). The MWLP has been prepared in accordance with the Core Strategy and government guidance.

8. The MWLP has been in preparation since 2017. It has been developed in accordance with National Planning Policy Guidance, including undergoing three stages of stakeholder and public consultation. Following approval by Council in December 2021, it was submitted to the Secretary of State for examination in March 2022 and publicly open hearing sessions were held by two independently appointed Planning Inspectors in November 2022.
9. Following the examination hearing sessions, the Inspectors wrote to the council with reference to a small number of outstanding points. Questions posed were answered to the satisfaction of the Inspectors, who consequently determined that no further hearing sessions would be required.
10. The next regulatory step was to undertake an eight-week period of public consultation on the proposed main modifications, which commenced in June 2023. This provided consultees with the opportunity to make representations on whether the main modifications adequately addressed issues of soundness and legal compliance. Comments received were sent directly to the Inspectors, as part of the examination, for their consideration ahead of the preparation of their report.
11. The Inspectors Report was received on 31 October 2023. It concluded that the MWLP provides an appropriate basis for the planning of minerals and waste developments in Herefordshire up to 2041 and, with the main modifications (appendix 2), it satisfies statutory requirements of section 20(5) of the Planning and Compulsory Purchase Act 2004, and meets the criteria for soundness as set out in the National Planning Policy Framework. It is therefore capable of adoption.
12. **Content and purpose of the MWLP**

The MWLP sets out the council's preferred strategy for meeting Herefordshire's minerals and waste needs up to 2041. It establishes targets and planning policies relating to minerals and waste activities and associated development in Herefordshire. It has been produced taking account of the National Planning Policy Framework (2021)⁵, up to date evidence base studies, collaborative working with statutory undertakers and ensuring close cooperation with neighbouring local authorities on cross-boundary issues. Regard has also been given to other plans and strategies produced by the council and other organisations (particularly the Core Strategy, including its emerging replacement, and the Integrated Waste Management Strategy). When adopted, the MWLP will be another element of the Herefordshire Local Plan, which also includes the adopted Core Strategy, that sets out the overall strategic planning framework for the county.
13. A key role for the MWLP is to set out planning policies that promote appropriate development that meets the recognised market needs for both minerals and waste, whilst ensuring that detrimental impacts are minimized and opportunities for betterment are optimised.
14. Being a landlocked county, Herefordshire does not exist in isolation from its neighbours. Both minerals and waste are materials driven by market demand that, consequently, readily cross administrative boundaries. The MWLP takes account of these movements and the wider challenges, issues and opportunities presented by them. Herefordshire Council has sought to provide a positive policy framework to bring forward deliverable development to meet its own

⁵ Page 9, paragraph 22, National Planning Policy Framework, July 2021

needs and to provide for those needs identified through collaborative working with regional working groups and other minerals and waste planning authorities.

15. Inspectors' Report and main modifications

Receipt of the Inspectors' Report on 31 October 2023 marked the end of the examination. It is attached at appendix 1 and is also published on the council's website⁶, as required. The Inspectors' Report concludes that, with the inclusion of a series of proposed main modifications⁷, the MWLP meets the tests of soundness. None of the main modifications are considered to go to the heart of the MWLP's strategy or its policies and proposals. Many have been proposed to provide clarity or to move text between policy wording and its explanatory text. Below is a list of some of the alterations proposed.

Main modification	Comments
Ensuring the policy on transport of minerals and waste within sites is justified and effective.	Clarification of policy text in relation to methods used to minimise adverse impacts, including in relation to greenhouse gas emissions (e.g. use of conveyors, pipelines and electric powered vehicles). No change to overall policy approach.
Amendments to the strategic policy on site reclamation to ensure that it is effective.	e.g. reclamation proposals to take account of any significant permitted or proposed development and development plan policies; (as opposed to 'any' development). e.g. reclamation proposals that deliver landscape scale benefits to take into account the local context and integration of green infrastructure appropriate to its location (as opposed to previous wording which referred to proposals 'integrating historic context').
Amendments to ensure that the position with respect to achieving nutrient neutrality is up to date, that the requirements in respect of minerals and waste development are clear, and to provide glossary definitions of 'nutrient' and 'nutrient neutrality'.	Supporting text added: <i>"Whilst minerals development is not recognised as a key contributor of additional nutrient load, policy requires nutrient neutrality to be demonstrated for development proposals located within the Rivers Wye or Clun Special Areas of Conservation catchments. This may be demonstrated through the absence of a pathway or through the use of mitigation techniques such as: best practice soil stripping and storage; sediment storage; the use of riparian buffer habitats; and/or coppice plantations."</i>
Extension of the Mineral Safeguarding Area to cover all known mineral resources of local and national importance within Herefordshire, including across urban areas and without applying any viability, environmental or amenity screening criteria. Clarification of exempt development types in relation to minerals safeguarding areas.	Mineral Safeguarding Areas amended to include 250m buffers to provide effective safeguarding for the resource and associated infrastructure and the two railheads (Moreton and Wellington Quarry). Policy includes exemptions for household development, alterations and extensions to existing buildings and changes of use (unless intensification), applications for advertisement consent, works to trees and prior notifications and any other development specified in the Local Plan as exempt from safeguarding.

⁶ <https://www.herefordshire.gov.uk/downloads/file/25957/inspectors-report-october-2023>

⁷ <https://www.herefordshire.gov.uk/downloads/file/25956/appendix-of-main-modifications-october-2023>

Main modification	Comments
A statement that mineral working should not take place within the Wye Valley Area of Outstanding Natural Beauty (AONB) other than in exceptional circumstances.	For clarity. Note: recent renaming of AONBs as National Landscapes will be updated through minor changes.
Identification of the permitted sandstone extraction sites where extensions of time would be permitted, and deletion of the requirement for workings to be small scale.	Deletion of the requirement for sandstone workings to be small scale was discussed at the hearings. Sandstone resources are found predominantly in the rural and sensitive landscapes of the south west of the county, far from major roads. However, Inspectors concluded that it would be contrary to national policy to limit such developments in terms of their scale. Other policies of the MWLP will apply, which address landscape and highways matters.
Clarifying the requirement for waste management method statements for agricultural waste facilities including livestock units, and requirements in respect of achieving nutrient neutrality.	No alteration in thrust of policy i.e. all development proposals (which require planning permission) on agricultural holdings within the River Wye or Clun Special Areas of Conservation will be required to demonstrate at least nutrient neutrality.
Clarification of requirements for wastewater developments, including that nutrient neutrality applies to the proposed development only, rather than to the discharge from the infrastructure.	For clarity on approach. Revised wording: <i>“Policy W4: Wastewater management Planning permission will be 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 will be required to demonstrate at least nutrient neutrality within the River Wye and Clun SACs. Wherever practical and economical, biogas should be recovered for use as an energy source and phosphorus should be recovered for beneficial uses.”</i>

16. Minor changes

In addition to the main modifications, a series of proposed minor changes are listed in appendix 3. These clarify aspects of the MWLP, correct typographical errors and provide updates, but they do not change the MWLP’s strategic approach or its policies and proposals. These minor alterations were proposed by the council during the examination process and delegated powers have been sought for officers to make any further minor changes ahead of the Plan’s adoption. For example, the recent change of name of Areas of Outstanding Natural Beauty to National Landscapes⁸ will need to be addressed as a minor change. This proposed delegation provides the most efficient way of producing a clear and correct development plan document.

⁸ <https://www.national-landscapes.org.uk/>

Community impact

17. Minerals and waste management infrastructure is essential to support a modern economy.
18. As previously mentioned in paragraph 11 above, the MWLP has been prepared having regard to all relevant local plans and strategies, including the priorities of the County Plan, with particular reference to protecting and enhancing the environment, and supporting the local economy by building on the county's strengths and resources.
19. Minerals are important as they provide many of the raw materials necessary for construction, energy and industry. They are therefore essential in helping to sustain economic growth. For these reasons, government attaches importance to planning for their supply, whilst at the same time requiring that the impacts of extracting them are kept within acceptable limits. Mineral extraction can also provide good opportunities for geological and archaeological research and net benefits following reclamation.
20. 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. Many items discarded as waste have the potential to be re-used, recycled or used as a resource. Managing waste in these ways has benefits in reducing the amount of natural resources that are consumed. For example, re-using or recycling materials generated during demolition activity can reduce the need for extraction of new minerals. At the same time, this can reduce the need for landfilling of waste. Treating waste as a resource can also lead to new opportunities for the economy, with the outputs of modern waste management processes acting as inputs to businesses that can use them. The circular economy encapsulates this approach, seeking to keep materials at their highest value for the longest period of time.
21. The MWLP seeks to ensure that sites and locations are identified for mineral and waste development, according to forecasted demand, until 2041. It also provides a modern policy framework detailing the strategic direction and development management policies necessary to enable sustainable mineral and waste development in Herefordshire. This is 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 county's market towns.

Environmental impact

22. 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.
23. The MWLP has had due regard to the council's environmental policy commitments. Many of them underpin its policies and proposals:
 - a. *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 (to 2041) 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.
 - b. *Minimise waste.* The MWLP seeks to deliver the circular economy and promotes the concepts of waste hierarchy. The MWLP's sustainable waste strategy will deliver a reduction in the

amount of waste re-used, recycled or used to recover energy and a decrease in the amount of waste disposed to landfill.

- i. 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.
- c. *Reduce greenhouse gas emissions.* The built form of waste management facilities may more obviously align with the expectations of this policy commitment, but minerals working can also make a significant impact. Minerals are to be extracted efficiently and proposals should ensure that a high quality of reclamation and after use can be achieved.
 - i. 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 waste source heating and cooling systems).
 - ii. The MWLP will expect increased resource efficiency measures in plant, buildings and operation in order to achieve climate change priorities.
- d. *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; through the reclamation of sites, which provides opportunities to assist ecological networks in becoming 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 habitats that also provides flood storage to alleviate flood risks elsewhere.
- e. *Prevent and reduce pollution.* The waste strategy set out in the MWLP seeks to deliver sustainable management of waste in the county. Both the Plan's minerals and waste policies will prevent and reduce pollution from developments, to assist in the minimisation of nutrient levels in the River's Wye and Clun Special Areas of Conservation.
- f. *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.
 - i. All minerals and waste development will be expected to incorporate robust measures to ensure that 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.
- g. *Promote links between environmental sustainability and economic growth and well-being.* Minerals provide many of the raw materials necessary for construction, energy and industry and they are essential in helping to sustain economic growth. Therefore the MWLP plans for their supply, whilst also requiring that the impacts of extracting them are kept within acceptable limits.

- i. 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.

Equality duty

24. 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 –

- 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.
25. Herefordshire Council undertook an Equality Impact Assessment⁹ of the MWLP. This concluded that the Plan and its policies are unlikely to have any specific impacts on any of the nine protected characteristics, to any lesser or greater extent than the general population.
 26. In their report the Inspectors stated: "We find no reason to question these conclusions, having discovered no aspect of the Plan that would affect any person who shared any of the nine protected characteristics any more than a person who does not share them."
 27. In addition, at paragraph 13 of the Inspectors' Report, it is stated that due regard has been had by the Inspectors in relation to the aims expressed in s149(1) of the Equality Duty Act 2010 regarding eliminating discrimination, advancing equality of opportunity and fostering good relations with respect to the nine characteristics protected by the Equality Act.

Resource implications

24. The production of the MWLP and its examination has been funded through the local plan budget and reserves.
25. There will be a need to fund the production of a final Strategic Environmental Assessment Adoption Statement report by consultants LUC, which is a statutory requirement¹⁰, to be made available to the public on adoption of the MWLP. The estimated cost will be £1,500, to be funded from local plan budget and reserves. No further need is anticipated for input on this project from the consultants Hendeca (minerals and waste planning specialists), who produced the MWLP, and much of its evidence base. Therefore no further additional external consultancy fees or other costs are expected to be incurred prior to the adoption of the MWLP.

Legal implications

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<https://councillors.herefordshire.gov.uk/documents/s50094552/Appendix%20B%20Equality%20Impact%20Assessment%20-%20Submission%20MWLP%20September%202021.pdf>

¹⁰ <https://www.legislation.gov.uk/uksi/2004/1633/regulation/16/made>

26. Once adopted, the MWLP will form part of the statutory development plan for the area and be used as such for the purpose of determining minerals and waste applications in the county. Its preparation has involved ensuring compliance with statutory procedural requirements including: duty to cooperate, sustainability appraisal and habitats regulations assessments being undertaken at key stages during the preparation of the Plan, and consultation statements summarising how the council has engaged with communities and other stakeholders during the process.
27. The options open to the council at this stage in the process are set out in the Planning and Compulsory Purchase Act 2004 (notably sections 23 and 27) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Namely, where the Inspectors recommend that a local plan is adopted, as here, with modifications (“the main modifications”), the council may adopt the documents (a) with the main modifications, or (b) with the main modifications and additional modifications (minor changes) if, taken together, they do not materially affect the policies as recommended by the Inspectors.
28. If the council rejects one or more of the Inspectors’ recommended modifications, it cannot then proceed to adopt the MWLP. If the recommendation in this report is approved, the MWLP must be formally adopted, by resolution of Council, in accordance with the provisions of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Subsequently an ‘adoption statement’ would need to be published on the council’s website, giving notice that Herefordshire Council has adopted the MWLP in accordance with all relevant regulations, and advertising the availability of the adopted Plan, as well as the final sustainability appraisal report.
29. Adoption of the MWLP by the council will trigger a six-week period from its adoption, within which any person aggrieved by the Plan may make an application to the High Court to challenge the MWLP, under section 113 of the said 2004 Act on limited grounds, namely that either: (a) the document is not within the appropriate power; or (b) a procedural requirement has not been complied with. Therefore, the adoption of the MWLP can only be challenged on the above basis and not simply because of a lack of agreement with the Inspectors’ recommendations.
30. Through the public examination process, the Inspectors’ Report confirms that the MWLP has met the legal compliance and soundness requirements. If a legal challenge is made, the council would robustly defend the Plan and its validity. Officers consider that the risk of a successful legal challenge is low.

Risk management

Risk	Mitigation
<p>Risk (procedural, financial and reputational): not adopting the MWLP with main modifications and minor changes.</p> <p>Not to adopt 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</p>	<p>Adopt the MWLP, together with its main modifications and minor changes, as soon as practicable.</p>

<p>examination, who stated that a MWLP was to be produced.</p> <p>The council would also risk criticism given the lengthy and costly process, including extensive community and stakeholder engagement, that has been undertaken to reach this point of having a sound development plan document which is capable of adoption.</p>	
<p>Risk (reputational): to adopt the MWLP with only main modifications and not include minor changes.</p> <p>Not to include minor alterations which will correct typographical errors, aid clarity and keep references up to date would result in a poor quality document. This would leave the council open to public criticism over the length of time that this planning policy document will be in use (potentially several years).</p>	<p>Adopt the MWLP with main modifications and minor changes.</p>
<p>Risk (reputational and procedural): delay in adopting the MWLP.</p> <p>A local plan is expected to be adopted without delay once it has been through a public examination and found to be sound by Planning Inspectors . Not to do so would only delay a modern and sustainable planning policy framework being put in place.</p>	<p>Adopt the MWLP with main modifications and minor changes.</p>
<p>Risk: allocated minerals sites not coming forward or waste management facilities not being delivered in accordance with strategy.</p>	<p>A robust approach is set out in the MWLP to ensure that delivery of policies and proposals is achievable.</p> <p>A comprehensive assessment of the allocated minerals and waste sites and their associated strategies was carried out during the MWLP's preparation and their deliverability was considered by the Inspectors as part of the examination process.</p> <p>The delivery of aggregate production and waste management requirements will be monitored on a regular basis as part of the council's standard monitoring processes. If sites do not come forward, then this will be identified and addressed through 5-yearly (or earlier) Plan reviews.</p>

Consultees

31. All public consultations undertaken as part of the process of producing the MWLP have been pursuant to the Town and Country Planning (Local Development) (England) Regulations 2012 and following the approach set out in the council's Statement of Community Involvement 2017¹¹, as updated in 2022¹².
32. Public consultations took place during standard stages of the MWLP's production in 2017, 2019 and 2021 and Consultation Statements were produced in relation to each, the latest being the 2022 Consultation Statement¹³. These documents detail how consultations took place, which bodies and persons were invited to comment and a summary of the main issues raised and how those issues were addressed in the MWLP.
33. In addition, a public consultation took place more recently, in the summer of 2023, on the proposed main modifications to the MWLP. This was part of the examination process and representations received were sent directly to the Planning Inspectors for their consideration ahead of preparing the Inspectors' Report; with the council simply acting as host for this final consultation.
34. Officers met with the Chair of the Environment and Sustainability Scrutiny Committee on 11 January 2024. An update provided on the MWLP Inspectors' Report and main modifications, as well as regarding the next steps towards adoption, was welcomed. The Chair sought clarification and confirmation on a number of points and subsequently confirmed that the Scrutiny Committee would not be calling in the MWLP adoption item for further consideration.

Appendices

- Appendix 1: Inspectors' Report on the Herefordshire Minerals and Waste Local Plan
Appendix 2: Main Modifications to the MWLP (the appendix to the Inspectors' Report)
Appendix 3: Schedule of Minor Changes to the MWLP

Background papers

None identified.

Glossary

Agricultural waste	Includes a variety of substances such as pesticides containers, oil and silage wrap, as well as slurry which result from activities including horticulture, fruit growing, dairy farming, livestock breeding, seed growing, grazing and nurseries.
Biodiversity	The variety of plants and animal life on earth, encompassing the diversity of habitats, species and genetic variation. Biodiversity provides our life support system as well as having social and economic value.

¹¹ <https://www.herefordshire.gov.uk/downloads/file/23505/statement-of-community-involvement-2017>

¹² <https://www.herefordshire.gov.uk/downloads/file/1566/statement-of-community-involvement-january-2022>

¹³ <https://www.herefordshire.gov.uk/downloads/file/23512/mwlp-consultation-statement-january-2022>

Circular Economy	An approach to resource management, seeking to keep materials at their highest value for the longest period of time.
Evidence base	The information and data gathered by local authorities to justify the 'soundness' of the policy approach set out in development plan documents, including physical, economic and social aspects of the area.
Green infrastructure	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.
Habitats Regulation Assessment	A Habitats Regulations Assessment is the assessment of the impacts of implementing a plan or policy on a National Network Site. Its purpose is to consider the impacts of a land use plan against conservation objectives of the site and to ascertain whether it would adversely affect the integrity of the site. Where significant negative effects are identified, alternative options should be examined to avoid any potential damaging effects.
Heritage asset	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated assets and assets identified by the local planning authority. 10
Historic environment	All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.
Infrastructure	A collective term for services such as roads, electricity, sewerage, water, social services, health facilities and recycling and refuse facilities. For minerals development this also includes the plant necessary to work the mineral before it leaves the site.
Landscape	An area, as perceived by people, the character of which is the result of the action and interaction of natural and/or human factors.
Mineral safeguarding areas (MSA)	Areas defined by mineral planning authorities to protect potentially economic resources of minerals from other forms of development which may prevent future extraction of the mineral.
Mitigation	Measures taken to reduce adverse impacts; for example, changing the way development is carried out to minimise adverse effects through appropriate methods or timing.
Monitoring	Process where outcomes of policies and proposals are checked on a continuous or periodic basis, in order to assess their effectiveness and impact.
National Planning Policy Framework	This sets out the Government's planning policies for England and is the framework within which Herefordshire Council has produced the Local Plan – Core Strategy.
Nutrient	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.
Nutrient neutrality	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). Advice regarding nutrient neutrality is likely to change throughout the plan period. Up to date guidance available on Herefordshire Council's website should be consulted in understanding the current approach to nutrient neutrality.
Reclamation	Restoring land that was once used for mineral extraction or as a landfill, in order to return it to a condition suitable for some other beneficial use.

Renewable energy	Power derived from a source that is continually replenished, such as wind, wave, solar, hydroelectric and energy from plant material, but not fossil fuels or nuclear energy. The biogenic content of waste is important in terms of considering energy from waste as renewable. Energy from residual waste is therefore a partially renewable energy source, sometimes referred to as a low carbon energy. In a typical household waste bag, somewhere between one half and two thirds will contain biogenic materials.
Residual waste	Waste which cannot be recycled or otherwise dealt with further up the waste hierarchy.
Special Area of Conservation (SAC)	A Special Area of Conservation (SAC) is one given greater protection under Conservation of Habitats and Species Regulations 2017 (as amended). They have been designated because of a possible threat to the special habitats or species which they contain and to provide increased protection to a variety of animals, plants and habitats of importance to biodiversity both on a national and international scale.
Safeguarding	Protection of specific resource or site from being adversely impacted by alternative or encroaching development.
Sustainable development	In broad terms, this means development that meets the needs of the present without compromising the ability of future generations to meet their own needs.
Waste hierarchy	A guiding theme for waste policy at all levels. Seeks the sustainable management of waste by giving preference to waste management methods towards the top of the hierarchy (such as prevention, re-use and recycling) over methods lower down the hierarchy (such as recovery and disposal).
Waste management facilities	These include facilities for waste treatment and disposal.
Wastewater	Water that is disposed of at domestic properties or through commercial and industrial activities.

Report reviewers used for appraising this report:

Governance	John Coleman	Date 20/12/2023
Finance	Karen Morris, Wendy Pickering, Judith Tranmer	Date 30/12/2023
Legal	Sean O'Connor	Date 28/12/2023
Communications	Luenne Featherstone	Date 19/12/2023
Equality Duty	Harriet Yellin	Date 02/01/2024
Procurement	Lee Robertson	Date 20/12/2023
Risk	Kevin Lloyd	Date 29/12/2023
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Report to Herefordshire Council

by Nick Palmer BA (Hons) BPI MRTPI and Rachael A Bust BSc (Hons), MA, MSc, LL.M, PhD, MoL, MCMI, MIEEnvSci, MRTPI

Inspectors appointed by the Secretary of State

31 October 2023

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Herefordshire Minerals & Waste Local Plan

The Plan was submitted for examination on 22 March 2022

The examination hearing was held between 8-10 November and 15 November 2022

File Ref: PINS/W1850/429/6

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Abbreviations used in this report

AMR	Annual Monitoring Report
AONB	Area of Outstanding Natural Beauty
C, D & E	Construction, Demolition and Excavation
EA	Environment Agency
ha	Hectare
HE	Historic England
HRA	Habitats Regulations Assessment
LAA	Local Aggregate Assessment
LDS	Local Development Scheme
MM	Main Modification
MNA	Minerals Need Assessment
MSA	Minerals Safeguarding Area
Mt	Million tonnes
NE	Natural England
NFU	National Farmers' Union
NH	National Highways
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SoCG	Statement of Common Ground
SPA	Special Protection Area
SPD	Supplementary Planning Document
WMRTAB	West Midlands Resource Technical Advisory Body

Non-Technical Summary

This report concludes that the Herefordshire Minerals and Waste Local Plan (the Plan) provides an appropriate basis for the planning of minerals and waste development in Herefordshire, provided that a number of main modifications [MMs] are made to it. The Council has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Following the hearing, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal (SA) and habitats regulations assessment (HRA) of them. The MMs were subject to public consultation over an eight-week period. We have recommended their inclusion in the Plan after considering the SA and HRA and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Amendments to ensure the correct terminology is used for mineral resources.
- Clarification that the key development criteria form part of minerals and waste policies.
- Amendments to the strategic policy on resource management and its supporting text, including the requirements for submission of resource audits and moving the statement of actions to be taken by the Council from the policy to the supporting text.
- Ensuring that requirements in respect of rights of way are distinguished from those relating to open space in strategic policy.
- Ensuring the policy on transport of minerals and waste within sites is justified and effective.
- Detailed amendments to the strategic policy on site reclamation to ensure that it is effective.
- Amendments to ensure that the position with respect to achieving nutrient neutrality is up to date, that the requirements in respect of minerals and waste development are clear, and to provide glossary definitions of 'nutrient' and 'nutrient neutrality'.
- Deletion of the requirement for future hydrocarbon developments to assess the downstream environmental effects of the use of hydrocarbons.
- Extension of the Mineral Safeguarding Area to cover all known mineral resources of local and national importance within Herefordshire including across urban areas and without applying any viability, environmental or amenity screening criteria.
- Introduction of criteria for exemption from the safeguarding requirements, including the need to safeguard infrastructure for transport of minerals.
- Clarification of the amounts of mineral available for the allocated sites and reference to the latest Minerals Need Assessment.
- A statement that mineral working should not take place within the Wye Valley Area of Outstanding Natural Beauty (AONB) other than in exceptional circumstances.
- Identification of the permitted sandstone extraction sites where extensions of time would be permitted, and deletion of the requirement for workings to be small scale.
- Clarification of use of the term 'recovery' with respect to construction, demolition and excavation wastes.
- Making the requirement for waste management method statements for agricultural waste facilities including livestock units clearer, and clarification of requirements in respect of achieving nutrient neutrality.

- Clarification of requirements for wastewater development, including that the requirement for nutrient neutrality applies to the development rather than the discharge from the infrastructure.
- Explanation of the terms 'strategic employment area' and 'industrial estate' in locating facilities for solid waste treatment.
- Deletion of the order of preference stated in the policy for construction, demolition and excavation waste management facilities.
- Explanation of how energy recovery can be demonstrated.
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains our assessment of the Herefordshire Minerals and Waste Plan (the Plan) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the preparation of the Plan has complied with the Duty to Co-operate. It then considers whether it is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2023 (NPPF), at paragraph 35, makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the Council has submitted what it considers to be a sound and legally compliant plan. The Herefordshire Minerals and Waste Plan, submitted in March 2022 (D3.37) is the basis for our examination. It is the same document as was published for consultation in April 2021.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that we should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound or not legally compliant and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
4. An initial Schedule of Main Modifications and Minor Changes document was produced pre-examination in February 2022. Some of these arose from the Council's consideration of the responses received to the Regulation 19 Submission consultation stage. They subsequently formed part of the Council's Hearing Position Statements and were the starting point for the proposed MMs to be discussed within the relevant hearing sessions.
5. Following the examination hearing, the Council prepared a schedule of proposed MMs and, where necessary, carried out SA and HRA of them. The MM schedule, SA and HRA were subject to public consultation for eight weeks from 26 June 2023 to 21 August 2023. We have taken account of the consultation responses in coming to our conclusions in this report. We have made some amendments to the MMs. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA/HRA that has been undertaken. Where necessary we have highlighted these amendments in the report.

Policies Map

6. The Council must maintain an adopted Policies Map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission Policies

Map showing the changes to the adopted Policies Map that would result from the proposals in the submitted Local Plan. In this case, the submission policies map comprises the plans contained in the Herefordshire Minerals and Waste Local Plan Publication Draft Annex A (January 2021) (document reference D3.39) and the plans contained in the Herefordshire Minerals and Waste Local Plan Publication Draft Allocated Sites Appendix (January 2021) (document reference D3.38). An interactive map is also accessed via the Council's website.

7. The Policies Map is not defined in statute as a development plan document and so we do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require corresponding changes to be made to the Policies Map.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted Policies Map to include all the changes proposed in the submission Policies Map and any other minor changes published alongside the MMs.

Context of the Plan

9. As the Plan itself explains, it deals only with the two matters of minerals planning and waste planning for the entire administrative area of Herefordshire Council for the period to 2041. It will form part of the development plan together with the Herefordshire Local Plan Core Strategy (2015) (the Core Strategy). It replaces the only remaining saved policies of the Unitary Development Plan (2007).
10. Herefordshire is a large, predominately rural, landlocked county situated in the southwestern corner of the West Midlands region and on the eastern border of Wales. Hereford is a small city and there are a further 5 market towns.
11. The known mineral resources in Herefordshire are primarily aggregates, comprising sand and gravel; crushed rock (limestone) and a small amount of building stone (sandstone). Secondary or recycled materials are also gained from quarry and waste operations. Mineral aggregates are both imported to, and exported from, Herefordshire, including by rail. There is a limited amount of energy mineral resources present in Herefordshire.
12. Herefordshire produces and manages waste of most types, both exporting wastes, predominantly for materials and energy recovery and also importing waste from Wales, the West Midlands and Gloucestershire. The rural and agricultural nature of Herefordshire has generated a dispersed pattern of anaerobic digestion and biological treatment facilities.

Public Sector Equality Duty

13. We have had due regard to the aims expressed in S149(1) of the Equality Act 2010 regarding eliminating discrimination, advancing equality of opportunity and fostering good relations with respect to the nine characteristics protected by the Equality Act.
14. Herefordshire Council undertook an Equality Impact Assessment (D3.68) of the Plan. This concluded that the Plan and its policies are unlikely to have any specific impacts on any of the nine protected characteristics, to any lesser or greater extent than the general population.
15. We find no reason to question these conclusions, having discovered no aspect of the Plan that would affect any person who shared any of the nine protected characteristics any more than a person who does not share them.

Assessment of Duty to Co-operate

16. Section 20(5)(c) of the 2004 Act requires that we consider whether the Authority complied with any duty imposed on it by section 33A in respect of the Plan's preparation. Section 33A imposes a duty to co-operate with other local planning authorities and prescribed bodies in maximising the effectiveness of plan preparation in relation to strategic matters. Minerals and waste developments are strategic matters for the purposes of the statutory duty.
17. The Duty to Co-operate Statement indicates that there has been engagement with the bodies prescribed in section 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Environment Agency (EA), National Highways (NH), Historic England (HE) and Natural England (NE) have been actively engaged in the consultation processes on the Plan and comments made by those bodies have been addressed. NH commented on the draft Plan and raised no objection. Detailed comments made by NE and HE have been subject to ongoing collaboration between the Council and those bodies.
18. There has been full engagement with NE, the EA and other bodies including Natural Resources Wales and Dwr Cymru/Welsh Water regarding nutrient neutrality. This has been through meetings, correspondence and participation in groups such as the Wye Nutrient Management Board. While NE was broadly supportive of the approach taken to nutrient neutrality, it did have some detailed concerns. Those concerns have largely been resolved through discussion of MMs. A Statement of Common Ground (SoCG) between the Council and NE has been produced (D3.94).
19. There is agreement between the Council and NE on the need to reduce nutrient levels within the River Wye Special Area of Conservation (SAC). Although full agreement with NE could not be reached regarding the detailed approach of the Plan on this

matter, the outstanding issues of soundness are addressed later in this report and through the recommended MMs.

20. Detailed discussions have taken place between the Council and HE. A SoCG has been produced (D3.95) and HE has no outstanding concerns.
21. The Council has engaged with neighbouring authorities, the EA and representatives of the minerals industry in planning for minerals through the West Midlands Aggregates Working Party.
22. The Council also participates in meetings of the West Midlands Resource Technical Advisory Body (WMRTAB) in planning for waste. This group comprises neighbouring authorities, the EA and representatives of the waste industry.
23. The discussions with neighbouring authorities, industry and the EA have informed preparation of the Plan and enabled consideration of minerals and waste planning across the region, taking into account cross-boundary movements. There are SoCGs with Shropshire Council (D2.27) and with Worcestershire and Gloucestershire County Councils (D2.30) and there is a Memorandum of Understanding with Powys Council (D2.18).
24. A draft SoCG between the Council and WMRTAB has been prepared (D2.32). Although this had not been signed at the time of the hearing, this indicates co-operation between neighbouring authorities and other bodies in planning for waste and that this took place prior to submission of the Plan.
25. We are satisfied overall that, where necessary, the Council has engaged constructively, actively and on an on-going basis with the prescribed bodies and that the Duty to Co-operate has therefore been met in the preparation of the Plan.

Assessment of Other Aspects of Legal Compliance

Local Development Scheme

26. The Plan has been prepared in accordance with the Council's Local Development Scheme (LDS) produced in February 2022. Although the LDS anticipated that the Plan would be adopted before the end of 2022, its adoption after this time does not raise any implications for legal compliance.

Statement of Community Involvement

27. Prior to the submission of the Plan, consultation was carried out in compliance with the adopted Statement of Community Involvement (SCI) 2017. During the covid-19

pandemic the Government imposed restrictions therefore consultation methods were on-line together with telephone support. A new SCI was produced in January 2022 and the MM consultation was carried out in accordance with the new SCI.

Sustainability Appraisal and Habitats Regulations Assessment

28. The Council carried out a SA of the Plan, prepared a report of the findings of the appraisal, and published the report along with the Plan and other submission documents under Regulation 19. The MMs have been assessed in the SA Addendum Report (June 2023). This was published for consultation together with the schedule of MMs.
29. A HRA for the Publication Draft Plan was carried out in December 2020. The HRA screening exercise found potential for likely significant effects on the River Wye SAC and the Wye Valley and Forest of Dean Bat Sites SAC. An Appropriate Assessment of the effects of the Plan on those sites has been carried out and the HRA makes recommendations regarding mitigation measures. The HRA concludes that subject to the mitigation measures in the Plan and those recommended, it will not give rise to adverse effects on the integrity of European sites, either alone or in combination with other plans or projects. The mitigation measures recommended in the HRA have been included in the Plan. A further assessment has been made of the MMs, in June 2023, which was published for consultation together with the schedule of MMs and it concludes that these do not alter the conclusions of the 2020 HRA or those of subsequent addenda.
30. We are content that both the SA and HRA are in line with the legal requirements.

Other Requirements

31. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.
32. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the Herefordshire Minerals and Waste Plan area.
33. The strategic policies in the Plan provide for sustainable resource management, sustainable transport and reclamation of sites. The minerals strategy provides for the sustainable winning and working of mineral resources. The waste strategy provides for sustainable management of waste. The Plan supports delivery of the waste hierarchy and achieving the circular economy in Herefordshire. These policies are designed to ensure that development mitigates against and adapts to climate change.

34. The Development Plan as a whole includes policies which are designed to secure that the development and use of land in the Plan area contribute to the mitigation of, and adaptation to, climate change. The Core Strategy includes Policy SS7 which requires development proposals to include measures which will mitigate their impact on climate change. The Core Strategy also includes Policies SD1, SD2 and SD3 which require sustainable design and energy efficiency, provide support to renewable and low carbon energy generation, subject to criteria, and require sustainable water management.

Assessment of Soundness

Main Issues

35. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearing, we have identified 7 main issues upon which the soundness of this Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Whether the Vision, Strategic Plan Objectives and Spatial Strategy are appropriate, positively prepared and are soundly based and provide an appropriate basis for meeting the future demand for minerals and managing waste sustainably

36. Chapter 3 of the Plan sets out the context of the Plan, including local policies and strategies. These include reference to high levels of phosphates in Herefordshire's rivers and the initiatives that have been taken by the Council, EA, NE and Dwr Cymru/Welsh Water. The Plan's vision includes protection and enhancement of environmental assets and objectives 9 to 12 deal with environmental quality. The position has been updated by the Council's Position Statement on development in the River Lugg Catchment Area (April 2021). This information needs to be added to the context chapter to ensure that the Plan is sound. **MM4, MM5 and MM6** add further text accordingly.
37. The stated vision of the Plan includes the protection and enhancement of environmental, heritage and cultural assets. The Plan area includes two Areas of Outstanding Natural Beauty (AONB): the Malvern Hills and the Wye Valley. National policy requires conservation of landscape and scenic beauty in AONBs. National policy also requires conservation of heritage assets and priority habitats and ecological networks. Accordingly, the vision should include the word 'conserving' and **MM7** is necessary to make this change.
38. Throughout the Plan the term 'mineral reserves' has been used to refer to mineral resources which do not have planning permission for extraction. The use of the correct terminology within minerals planning has a fundamental influence on the interpretation of a policy and is a matter of soundness. It is important to make the

distinction between these terms to provide clarity and for effectiveness. A number of modifications (**MM1, MM8, MM12, MM13, MM14, MM26, MM32, MM33, MM35, MM36, MM40, MM44, MM46** and **MM49**) are necessary for these reasons.

39. In the submitted Plan, objective 3 is missing from Table 1. The Council stated that the objective which should have been included is to safeguard mineral and waste resources and associated transport infrastructure. **MM9** inserts this objective and is necessary for consistency with national policy and for effectiveness.
40. The NPPF states that minerals planning authorities should plan for a steady and adequate supply of aggregates. Objective 6 does not include reference to planning for an adequate supply. **MM10** is necessary to ensure consistency with national policy.
41. Policy SS7 of the Core Strategy requires development to be designed to reduce carbon emissions and promotes the use of low carbon energy. The NPPF states that, the environmental objective of sustainable development includes moving to a low carbon economy. Objective 11 of the Plan is to address the causes and impacts of climate change. In order for this objective to be effective and consistent with national policy, it should include decarbonisation. **MM11** makes this change.
42. Under the heading "Spatial Strategy" paragraph 4.3.6 refers to preferred areas of search for minerals. The Planning Practice Guidance (PPG) states that a priority order should be followed when planning for minerals in that specific sites should be designated as a first priority, followed by preferred areas, and then areas of search. In order to ensure consistency with national policy the areas identified in the Plan for consideration after designated sites should be identified as preferred areas. A number of modifications (**MM3, MM15, MM18, MM34, MM40, MM41, MM44, MM46, MM49** and **MM85**) are necessary for this reason.
43. The general explanation of the minerals strategy in paragraph 3.3.8 is not entirely consistent with paragraph 213 of the Framework. It does not indicate that there needs to be an adequate supply of aggregates as well as a steady supply. Furthermore, it does not refer to the need for specific sites and preferred areas for mineral working. **MM3** modifies the text in paragraph 3.3.8 to provide the necessary consistency with the NPPF.

Conclusion

44. Subject to the MMs identified above the Plan's Vision, Strategic Plan Objectives and Spatial Strategy are appropriate, positively prepared and soundly based and provide an appropriate basis for meeting the future demand for minerals and managing waste sustainably.

Issue 2 – Whether the general Strategic Policies adequately address the Plan's Spatial Strategy, and whether they are sound

General Matters

45. The site allocations are each accompanied by key development criteria, which are set out in the Site Allocation appendix and in the Plan at section 9. This should be explained at the outset in order to ensure the Plan is clear and therefore effective. **MM16** inserts a new paragraph which explains this.
46. There are two railheads within the Plan area, one of which is operational. These provide opportunities for sustainable transport but are not referred to under section 5.3: Movement and transportation. In order to make the Plan effective in this respect, **MM17** is necessary.

Policy SP1 - Resource Management

47. Policy SP1 applies to all types of development and requires sustainable use of materials in the design and construction of development and sustainable waste management during its operation. It consists of two parts, the first part setting out actions that will be taken by the Council and the second part requiring submission of a Resource Audit with development proposals.
48. Although the supporting text provides some explanation of the policy, it would not be effective in terms of positively supporting development that is designed to both use materials and manage waste in accordance with the waste hierarchy. The actions to be taken by the Council need not be included within the policy but could usefully be included in the supporting text. The purpose of the policy should be clearly set out in order for it to be effective, and the requirements in terms of submission of Resource Audits should be clear. **MM23** makes these changes to the policy and **MM20** moves the statement of measures that will be taken by the Council from the policy to the supporting text. These amendments are necessary for effectiveness.
49. A number of changes to the supporting text are also necessary to ensure the effectiveness of the policy. **MM19** amends the text to provide clarity regarding waste generation and management options. **MM21** and **MM22** provide further explanation of the requirements for Resource Audits including clarification of the requirements of development other than major development.

Policy SP2 – Access to open space and recreation from minerals and waste development

50. The policy, as worded would apply only to mineral development, whereas it is clear from the supporting text and policy heading that the policy is intended to apply also to

waste development. Part (2) of the policy refers to effect on a right of way or existing open space, but the criteria refer to diversion and closure, which would only affect rights of way. It is necessary to make clear that the policy relates to waste as well as mineral developments and for it to set out requirements for development that affects open space.

51. The wording “taking account of the local context” would be clearer and more generally applicable than “integrating historic context”. The policy should state that permission will be supported in order for it to be effective. **MM25** makes all the necessary changes to the policy to ensure its effectiveness.
52. Associated modifications are necessary to the supporting text and **MM24** makes these changes. The policy includes a requirement to integrate green infrastructure and this term should be defined. **MM80** adds this definition in the Glossary. These amendments are necessary for effectiveness.

Policy SP3 - Transport within sites

53. Policy SP3 requires demonstration that transport arrangements within sites minimise greenhouse gas emissions. It includes a requirement for the use of conveyors and/or pipelines where they would be appropriate to the circumstances of the site and the nature of the material to be moved. Site-specific circumstances will vary considerably and in this context the requirement for conveyors or pipelines has not been adequately justified. However, these measures could be appropriate. In order to ensure that the policy is justified and effective, it should refer to these measures, together with electric vehicles as examples of measures that could be used. The policy should state that permission will be supported. **MM28** makes the necessary changes to the policy.
54. In considering appropriate transport measures, impacts on nearby receptors will need to be considered and minimised. **MM27** makes the necessary change to the supporting text to ensure effectiveness.

Policy SP4 - Site Reclamation

55. Policy SP4 requires that satisfactory reclamation schemes are submitted with applications and sets out the requirements of such schemes. Criterion (a) is vague in that it requires “development” to be taken into account. In (b), consideration of local context would be clearer than historic context and the policy should make clear that green infrastructure would be integrated. **MM31** clarifies that significant permitted or proposed development is taken into account and makes the other necessary changes to the policy. **MM30** makes the necessary changes to the supporting text. **MM80** is necessary to provide a definition of ‘green infrastructure’ in the Glossary. These modifications are necessary for effectiveness.

56. It is also necessary to explain what is meant by “landscape scale benefits” referred to within the policy. **MM29** provides this explanation in the supporting text and is necessary to ensure effectiveness.

Conclusion

57. Subject to the MMs identified above, the general strategic policies adequately address the Plan's spatial strategy and are sound.

Issue 3 – Whether the Plan's policies for the future supply of aggregate minerals would deliver a steady and adequate supply and whether they are sound

Policy M1 - Minerals Strategy

58. The strategy set out in Policy M1 is to ensure the sustainable delivery of minerals. The use of alternative materials and recycled aggregates are encouraged. The policy also provides for safeguarding of mineral resources. There are no known viable resources within Herefordshire for silica sand, clay or any other mineral. These are not considered further.
59. Part (c) of the policy states that preferred areas and sites are allocated for construction minerals. This is not fully consistent with national policy which requires allocation of specific sites followed by preferred areas. **MM34** changes this accordingly. **MM18** also makes the necessary change in section 5 of the Plan (Strategic Policy and General Principles). **MM78** and **MM85** make the necessary changes to the Glossary.
60. There are hydrocarbon resources in Herefordshire, although there is currently no realistic prospect of those minerals being extracted. However, in the event that this may become viable at a future date, part (d) of Policy M1 provides for their extraction. This part of the policy requires consideration of the impacts from greenhouse gas emissions associated with the use of the hydrocarbons extracted. While this may be capable of forming a material consideration in determining a planning application, the inclusion of this requirement in the policy goes further than national policy and is not justified. **MM34** is necessary to delete that part of the policy.
61. Paragraph 6.1.9 explains the approach regarding safeguarding. Further clarification is necessary regarding the interactive mapping and **MM33** makes the necessary changes.

Policy M3 - Winning and working of sand and gravel

62. The Minerals Need Assessment (MNA) (2021) considered Gross Value-Added forecasts, population projections and household or housing projections, together with

Core Strategy infrastructure requirements. These different data sources result in differing calculated amounts for the need for sand and gravel over the Plan period. The Council based its assessment of need on the highest level of growth, that is the one based on Gross Value-Added forecasts, which identifies a need of 4.03 million tonnes (Mt) in order to maintain a 7-year landbank at the end of the Plan period.

63. This assessment assumes that imports of aggregates would continue at their current level over the Plan period. The Council also assessed need on the basis of full self-sufficiency in aggregates production. This resulted in a wide range of forecasted need of between 4Mt and 13Mt.
64. These assessments assume that construction accounts for only 15% of aggregate consumption, on the basis of industry information. However, the information on which that assumption was based appears to have subsequently been withdrawn. The Council's sensitivity assessment is based on the tonnage of aggregates necessary to build a new home using figures provided by the Mineral Products Association and the European Aggregates Association. The figures take account of aggregates needed for refurbishment as well as new construction. The sensitivity assessment assumes that construction accounts for 100% of aggregates use and therefore results in a much lower projected need of 466,000 tonnes.
65. There are two operational quarries at Wellington and Upper Lyde and a closed quarry at Shobdon. The MNA notes that although Shobdon Quarry is inactive it still contains a sand and gravel reserve of just under 1Mt. The Local Aggregates Assessment (2021) (LAA) reports that there were nearly 2.7Mt of permitted reserves of sand and gravel in the county. The ten-year average annual sales figure of 139,000 tonnes gives a landbank of 19.3 years. The existing permissions for Wellington and Upper Lyde require cessation of working by the end of 2026 and September 2029. Although new permissions will be required from 2027 onwards, it is clear that there is a significant level of reserve at existing quarries and new quarries will not be required until later in the Plan period.
66. Policy M3 makes provision for 5Mt of sand and gravel over the Plan period. The policy states that additional provision will be made through regular reviews of the Plan and that a landbank of 7 years will be maintained at the end of the Plan period. This provision is significantly higher than the need figure identified in the MNA. Taking into account the revised industry assumptions about the proportion of aggregates used in construction, this provision would be robust. It allows for a greater degree of self-sufficiency than there is at present, if not full self-sufficiency. The position will be monitored throughout the Plan period.
67. Policy M3 identifies specific sites for sand and gravel extraction at Shobdon Quarry, Upper Lyde Quarry and Wellington Quarry. Upper Lyde and Wellington Quarries will produce about 2.95Mt. Shobdon Quarry has a reserve of just under 1Mt in addition to this. Although there is some uncertainty as to the precise amounts of mineral that will

be available from the specific sites, there is a reasonable prospect that these will provide for the identified need of just over 4Mt. Preferred Areas are identified in order to make provision in case sufficient minerals cannot be obtained from the specific sites. In order to provide clarity, and thereby effectiveness, the quantities of mineral to be provided from the specific sites should be stated, where this information is available. **MM44** adds this information.

68. A number of amendments to the supporting text to Policy M3 are necessary to update the explanation in these respects and to ensure effectiveness. **MM39** therefore updates paragraphs 6.2.2 to 6.2.6 to refer to the latest MNA and to explain the approach taken.
69. The policy allows flexibility in terms of windfall development outside the specific sites and preferred areas, where this is necessary to maintain an adequate landbank or there is a shortfall in production capacity. Paragraph 6.2.8 does not fully explain the expectation that such working would be limited in its extent, and that mineral would be transported off-site for processing, in order to reduce the potential for adverse impacts. Further explanation is necessary to provide clarity and effectiveness in this regard. **MM40** adds this explanation.
70. The policy is supportive of development both at specific sites and within preferred areas. It states an order of preference with specific sites being preferred over development in preferred areas. The Planning Practice Guidance (PPG) states that authorities should adopt this order in planning for minerals. There is a reasonable level of certainty that the identified need can be provided at the specific sites. The Plan allocates extensions to the existing permitted quarries, and it was explained at the hearing that planning applications were being prepared for those sites. The order of preference in the policy is justified on the basis of the level of certainty provided by the specific sites.
71. At the hearing clarification was sought as to the order of preference within Policy M3. **MM43** as published for consultation inserted wording to state that specific sites would be worked prior to the preferred areas and that permission would not be supported for proposals that do not respect the order of preference. The latter sentence of the modification could potentially preclude development that would be necessary to meet the requirement of the Plan. For the reasons given above, and having given this further consideration, this sentence has been deleted from the modification.
72. It should be made clear that the key development criteria set out in Table 9 form part of Policy M3(2) and they do not replace development management policy. **MM74** and **MM75** make these changes. **MM41** makes an amendment to paragraph 6.2.9 to make clear that the key development criteria form part of the policy framework rather than being additional to it. These changes are necessary for effectiveness.

73. **MM76** makes detailed changes to the key development criteria (in Table 9) which are necessary for effectiveness, having been recommended by the EA, HE and NE. These include alterations to the ground water, phased working and appropriate assessment requirements for all of the allocated sites the flood risk and heritage asset requirements for Wellington Quarry.

Policy M4 - Winning and working of crushed rock (limestone)

74. The MNA (2021) assessed two forecasts for population and housing growth which resulted in a range of forecasted need for crushed rock of between 4 million and 7.9 million tonnes on the basis of the current level of imports, or between 9.5 million and 19 million tonnes assuming self-sufficiency. Policy M4 provides for 9 million tonnes of crushed rock production over the Plan period. This would more than provide for the requirements identified in the MNA based on current imports and would allow for a move towards self-sufficiency.
75. For the same reasons as those given above for sand and gravel, the sensitivity assessment gives a much lower range of 2.3 million to 4.7 million tonnes assuming self-sufficiency. The provision made in Policy M4 would be robust in relation to the levels of need identified in the sensitivity assessment. The policy is positively prepared and justified for these reasons.
76. It is likely that the identified requirement would be met from the two allocated specific sites. The identification of Preferred Areas would add to the robustness of crushed rock supply. It is necessary to state the amount of material that will be provided by the specific sites as far as this information is available. **MM49** makes these changes to the policy and is necessary for effectiveness.
77. It is also necessary to update the supporting text to explain the approach taken in the assessment of need. **MM45** makes the necessary changes to paragraphs 6.2.11 to 6.2.15 for effectiveness.
78. Area of Search D as submitted includes land within an AONB. The NPPF states that planning policies should, as far as practical, provide for the maintenance of landbanks outside AONB. In considering planning applications, the NPPF states that permission should be refused for major development in AONBs other than in exceptional circumstances and where it can be demonstrated to be in the public interest. To be consistent with national policy, the supporting text should make it clear that mineral working should not take place within the AONB other than in exceptional circumstances. **MM46** is necessary to ensure the policy is consistent with national policy. We have added the wording "other than in exceptional circumstances" to ensure consistency with national policy.
79. Herefordshire contains more than one AONB but as Areas of Search only include part of the Wye Valley AONB it is only necessary to explicitly refer to the one AONB as

national policy would apply in any event. **MM46** makes the necessary changes to paragraphs 6.2.16 and 6.2.17. This also explains the expectation that mineral extracted from any working outside the specific sites and preferred areas would be transported off-site for processing.

80. The order of preference within Policy M4 was discussed at the hearing. **MM48** as published for consultation inserted wording to state that specific sites would be worked prior to the preferred areas and that permission would not be supported for proposals that do not respect the order of preference. The latter sentence of the modification could potentially preclude development that would be necessary to meet the requirement of the Plan. For the reasons given above, and having given this further consideration, the latter sentence has been deleted from this modification.
81. As with Policy M3, the key development criteria set out in Table 9 form part of Policy M4(2). **MM74** and **MM75** make these changes.
82. **MM76** makes detailed changes to the key development criteria which are necessary for effectiveness, having been recommended by the EA, HE and NE. These include alterations to the ground water, phased working and heritage asset requirements for the allocated sites and the appropriate assessment requirements of Perton Quarry.

Nutrient Neutrality

83. Within the River Wye SAC, the River Lugg is failing its conservation objectives because of nutrient loading. The River Clun SAC is also in unfavourable condition, being well above its targets for phosphates, nitrates and suspended solids. The River Wye, above its confluence with the River Lugg, is not currently failing its conservation objectives, but the Council has concerns that there is potential for this to happen on the basis of nutrient discharge. The condition of these designated sites and the potential for further harm to occur justifies the approach taken in the key development criteria for some of the allocated mineral sites which require that proposals demonstrate at least nutrient neutrality.
84. Natural England's advice is that where there is only a limited pool of measures available for addressing targets, these should be used to bring the designated site into favourable condition rather than enabling growth. This advice is directed primarily at housing development rather than minerals development.
85. The Council issued its Position Statement on development in the River Lugg catchment area in April 2021. This provides advice with regard to achieving nutrient neutrality and actions that are being taken to provide further guidance. It is important that this information is included in the Plan to inform developers and to ensure that its policies are effective. **MM4**, **MM5** and **MM6** add text to the Context section of the Plan to provide this information.

86. The key development criteria for allocated sites require demonstration of at least nutrient neutrality. It is unlikely that minerals development would contribute significantly to additional nutrient load, but nonetheless mitigation measures will be necessary. In order to ensure the effectiveness of this policy requirement, it is necessary to explain the position to mineral developers and to provide examples of mitigation measures. **MM42, MM47** and **MM51** add paragraphs to the text supporting Policies M3, M4 and M5 which provide this further explanation.
87. The terms “nutrient” and “nutrient neutrality” are used throughout the Plan but are not defined. **MM83** and **MM84** insert definitions in the Glossary and are necessary for the Plan to be effective. Other relevant terms also require definition in order for the Plan to be effective. **MM77, MM79, MM81, MM82, MM86** and **MM87** provide the necessary definitions in respect of Appropriate Assessment, the Habitats Regulations, National Network sites and the designations SAC and SPA.

Conclusion

88. Subject to the MMs identified, the Plan's policies make adequate provision for the future supply of aggregate minerals and would deliver a steady and adequate supply and are sound.

Issue 4 – Whether the Plan makes adequate provision for sandstone and whether Policy M5 is sound

89. The supporting text to Policy M5 requires amendment to make clear the position with regard to achieving nutrient neutrality. **MM51** makes this change and is necessary for effectiveness.
90. Within Herefordshire, sandstone is worked in small quarries called delves, generally by hand with just one or two workers. The evidence suggests that there has been a consistent level of demand for around 2,000 tonnes per year. Policy M5 does not identify the permitted sandstone sites or provide any link to give weight to and enable the key development requirements to be implemented. The policy as submitted is therefore not effective. **MM53** identifies the 6 permitted delves in the policy and **MM52** makes it clear that the key development criteria for allocated sites as set out in section 9 form part of the policy and are necessary to ensure Policy M5 is effective.
91. Whilst traditionally the delves are small in scale, there is no requirement within national policy for any restriction in principle on their scale. Other development management policies within the Development Plan can be used to assess other planning matters associated with future proposals. **MM54** removes the criterion in the policy for sandstone workings to be small scale and **MM50** amends the supporting text. Both MMs are necessary for consistency with national policy.

92. **MM74** and **MM75** make the changes necessary to make clear that the key development criteria form part of Policy M5(1).
93. **MM76** makes detailed changes to the key development criteria which are necessary for effectiveness, having been recommended by the EA, HE and NE. These include groundwater and heritage asset requirements and appropriate assessment requirements.

Conclusion

94. Subject to the MMs set out above, the Plan makes adequate provision for sandstone and Policy M5 is sound.

Issue 5 – Whether the Plan is effective in safeguarding mineral resources, infrastructure and facilities and whether Policy M2 is sound.

95. National policy requires Minerals Safeguarding Areas (MSA) to be defined in order that known locations of specific mineral resources of local and national importance are not needlessly sterilised by non-mineral development. Within Herefordshire the mineral resources to be safeguarded comprise superficial sand and gravel, crushed rock (limestone including dolomite), sandstone (building stone) and brick clay together with coal. All are included within the MSA and illustrated on Figure 7. **MM33** is necessary for effectiveness to amend paragraph 6.1.9 to cross reference and enable the illustrative effect to Policies M1 and M2.
96. The publication version of the Plan presents an MSA which excludes urban areas. This approach is not positively prepared, effective and justified in relation to national policy and established good practice advice¹. **MM35** modifies paragraph 6.1.12 to extend the MSA to cover all known minerals of local and national importance within Herefordshire without applying any viability, environmental or amenity screening criteria. It also includes a 250m buffer to the resource to protect it from the potential effects of proximal development which might otherwise affect the ability to work the mineral and operate the infrastructure. The sandstone delves are not shown within the safeguarded sandstone resource in the MSA due to limitations in geological mapping. It is necessary to explain and justify this anomaly.
97. A MSA is a significant and strategic spatial policy. Defining a MSA is the first stage of a two-stage process. As a starting point the MSA is based upon the geographical extent of the mineral resource. The second stage of policy implementation is where the planning judgement is undertaken in relation to whether the presence of mineral resources should outweigh development proposed or not. Policy M2 requires information to be submitted with the planning application to demonstrate the proposed

¹ Mineral safeguarding in England: good practice advice, CE Wrighton, FM McEvoy and R Bust, British Geological Survey and The Coal Authority, 2011

development would not sterilise or prejudice future extraction of the mineral resource (criterion 1a) which is a policy principle. The NPPF does not explicitly refer to exemptions but instead refers to adopting appropriate policies. Exemptions can be used to ensure that the MSA policy strikes an acceptable balance between ensuring resource protection and a proportionate approach to the nature and scale of non-mineral development proposals within Herefordshire. The publication plan does not provide any substantive evidence to demonstrate that Policy M2 was positively prepared, justified and effective.

98. Consequently, the Council undertook some analysis of a sample of past planning applications and found that the MSA would affect around half of all planning applications submitted in Herefordshire. The analysis enabled some locally appropriate exemptions to be established in relation to the information requirement. **MM38** inserts a new policy criterion to enable the use of locally appropriate exemptions and **MM37** modifies the supporting text to explain the analysis and the exemptions. These modifications accord with established good practice in relation to the terminology used and consequently are appropriate and necessary for the policy to be positively prepared, justified and effective.
99. National policy also requires planning policies to safeguard associated minerals infrastructure. In Herefordshire these include the Moreton-on-Lugg railhead used to transport mineral from Wellington Quarry to the southeast of England, predominantly London and the currently disused railhead at Moreton Business Park. Other infrastructure includes concrete batching plant, concrete block making plant and coating plant operating on working quarries and industrial estates around Herefordshire. **MM37** adds a new paragraph 6.1.14 to be consistent with national policy. This is also confirmed by the modification to Policy M2, criteria 1f and 2 as part of **MM38**.
100. Any mineral extraction requires an assessment of economic viability. The submitted Policy M2 does not adequately recognise this. In criterion 1d if the development is strategic, it has already been established that there is a need for the development. As such **MM38** rectifies these issues to ensure that the policy is effective.

Conclusion

101. Subject to the above MMs, the Plan is effective in safeguarding mineral resources, infrastructure and facilities and Policy M2 is sound.

Issue 6 – Whether the strategy for waste management is appropriate, soundly based and meets the needs for waste facilities

102. The Plan sets out the ambition for self-sufficiency in relation to the management of waste. A flexible approach to the provision of waste management infrastructure is set out within the Plan. There is uncertainty around forecasting future wastes and infrastructure demand, and there is recognition that the provision of waste

management infrastructure is market led and unlikely to result in the provision of too much capacity.

103. The Waste Needs Assessment (2021) assesses the future demand for waste management capacity for each waste stream. Table 2 sets out the tonnages required and forms the basis of the requirements for management of solid waste.
104. The strategy for waste is based on the circular economy principle. It seeks to reduce the amount of waste generated and to increase the amount of waste which is reused and recycled. It also promotes recovery of energy and phosphorous. The strategy is to decrease the amount of waste disposed to landfill.
105. The Council's Position Statement on development in the River Lugg catchment area (April 2021) is an important source of advice to developers with regard to achieving nutrient neutrality. **MM4**, **MM5** and **MM6** add text to the Context section of the Plan to provide this information.

Policy W1 - Waste Strategy

106. Policy W1 sets out the strategy for sustainable waste management, including sufficient provision to enable equivalent self-sufficiency with development focussed within Hereford and the market towns. Part 6 of the policy safeguards waste management facilities that are in locations consistent with the spatial strategy. This approach has been justified and is sound.

Policy W2 – Solid waste management requirements

107. Policy W2 sets out the requirements for each waste stream and is supportive of development that makes that provision. The capacities required are expressed as minima. Whereas Table 2 sets out the forecast waste management requirements, there is a lack of clarity as to how these figures relate to the capacity figures in Policy W2. **MM55** provides explanation of this within the supporting text to ensure that Policy W2 is effective.
108. The capacities in Policy W2 are not expressed in terms of the rates at which waste would be processed and consequently the policy is not effective. **MM57** addresses this and inserts 'per annum' into each of the priorities.
109. In paragraph 7.2.6 the term 'recovery' is used in relation to construction, demolition and excavation (C, D & E) wastes. The Council explained that they used the term 'recovery of CD&E wastes' to refer collectively to re-use, recycling and other recovery operations. However, these terms have specific definitions as set out in Article 3 of the EU retained law Waste Framework Directive (2008/98/EC). To illustrate, 're-use' Art. 3 (13) means materials are re-used for the same purpose; 'recovery' Art. 3 (15) is the

operational process which enables the waste to be used or prepared to replace other materials; and 'recycling' Art. 3 (17) is where re-processing is undertaken for the waste to be used for products, materials or substances, whether for the original or other purposes. Consequently, **MM56** is necessary to explain the use of the term for effectiveness.

Policy W3 – Agricultural waste management

110. The Council has advised that it is producing a new Herefordshire Local Plan, which will replace the Core Strategy when it is adopted. The Council will need to signpost this policy in that Local Plan and in advice to developers of livestock units as its location within the Minerals and Waste Plan will not be immediately apparent to promoters of such development. Policy W3 requires amendment to clearly state the requirement for waste management method statements.
111. NE's advice is that where there is only a limited pool of measures available for addressing targets, these should be used to bring the designated site into favourable condition rather than enabling growth. This advice is directed primarily at housing development rather than waste development.
112. There would be a need for HRA of proposals affecting European designated sites and site-specific mitigation measures could be employed to demonstrate no adverse effect. The extent to which site restoration measures could be relied upon would vary according to individual circumstances, and the provision of site-specific measures would not necessarily undermine the restoration of sites.
113. Because agricultural related waste is a significant contributor to nutrient discharges it is necessary to include a requirement in Policy W3 for each proposal, but not the entire agricultural holding, to demonstrate nutrient neutrality. The policy needs to be clear as to this requirement. **MM64** provides all the necessary modifications to the policy which are required for effectiveness. The deletion of the word "betterment" and its replacement with "at least nutrient neutrality" has been agreed between the Council and NE. A requirement for all proposals to demonstrate betterment has not been justified. This does not mean that individual proposals cannot aim to achieve betterment or that this would not be taken into account as a material consideration in planning applications.
114. The Council has progressed a draft supplementary planning document (SPD) on agricultural development. **MM63** refers to the forthcoming SPD in the context of it providing additional guidance on planning policy issues. Subsequent to the consultation on Main Modifications, the Council has advised that this guidance will now be included in its next Local Plan rather than being adopted as a supplementary document. This modification to the text is not essential to make Policy W3 sound. Given the change in circumstances we do not recommend the inclusion of **MM63** and this has been deleted from the schedule.

115. Paragraphs 7.2.16 and 7.2.17 of the submitted Plan refer to the Council's 2019 Position Statement on development within the catchment of the River Lugg. There have been subsequent discussions between the Council and NE and the position has been updated and a revised Position Statement was published in April 2021. Amendments to the text are necessary to ensure clarity and effectiveness. **MM58** and **MM59** delete paragraphs 7.2.16 and 7.2.17. **MM61** and **MM62** add new paragraphs to explain the updated position.
116. The Agriculture and Horticulture Development Board provides advice to farmers and has prepared a Nutrient Management Guide. The text should make reference to this guidance in order to assist the effectiveness of Policy W3. **MM60** inserts a new paragraph to this effect. The National Farmers Union (NFU) has also suggested that further guidance for farmers on this matter will be available in the future between the NFU, NE and the EA. No reference in the Plan to this future guidance is necessary as the NFU have confirmed that it is still work in progress.

Policy W4 – Wastewater management

117. Policy W4 sets out the guiding principles for wastewater management infrastructure. The use of the words "granted to" in the policy is unequivocal and does not acknowledge that other material considerations will be considered. This wording is also inconsistent with other policies within the Plan and should be changed to "supported" to ensure effectiveness.
118. The policy requires works to contribute to achieving nutrient neutrality or betterment within the River Wye SAC. In order to be effective, the policy should require at least nutrient neutrality.
119. **MM66** amends the policy wording to address these points and to ensure that the policy is effective.
120. In order to ensure that the policy is effective, **MM65** is necessary to clarify that the requirement of Policy W4 applies to the development in terms of the new or extended/upgraded infrastructure and not to the discharges from wastewater treatment works which will be affected by other development.

Policy W5 – Preferred locations for solid waste treatment facilities

121. Policy W5 sets out the preferred locations for solid waste treatment facilities of both small-scale and large-scale. These terms are explained in the supporting text. Small-scale facilities are to be located at industrial estates or strategic employment areas, whereas large-scale facilities are to be located at strategic employment areas and named locations. Strategic employment areas are listed in the supporting text to Policy E1 of the Core Strategy.

122. In order to ensure Policy W5 is effective, there needs to be clarity as to what is meant by the terms 'strategic employment area' and 'industrial estate'. **MM67** refers to the list of strategic employment areas under Policy E1 of the Core Strategy, and **MM68** provides an explanation of what is meant by the term 'industrial estate'.
123. **MM74** and **MM75** make the changes necessary to make clear that the key development criteria in Table 9 form part of Policy W5(3) for effectiveness.
124. **MM76** makes detailed changes to the key development criteria which are necessary for effectiveness having been recommended by the EA, HE and NE. These include appropriate assessment and heritage asset requirements.

Policy W6 – Preferred locations for construction, demolition and excavation waste management facilities

125. Part (1) of Policy W6 sets out an order of preference for the location of C, D & E waste management facilities, namely the former Lugg Bridge Quarry, followed by strategic employment areas and industrial estates and then active mineral workings. That order of preference has not however been justified. **MM71** deletes reference to the order of preference for this reason.
126. It is necessary to clarify that the term 'recovery', used in connection with construction, demolition and excavation wastes encompasses re-use, recycling and other recovery. **MM69** adds text to explain this and is necessary for effectiveness.
127. Because the policy refers to strategic employment areas it is necessary to include a reference to these which are listed under Policy E1 of the Core Strategy. **MM70** provides this reference and is necessary for effectiveness.
128. **MM74** and **MM75** make the changes necessary to make clear that the key development criteria in Table 9 form part of Policy W6 for effectiveness.
129. **MM76** makes detailed changes to the key development criteria which are necessary for effectiveness having been recommended by the EA, HE and NE. These include requirements for appropriate assessment, ground water, phased working, flood risk and heritage assets.

Policy W7 – Waste management operations

130. Policy W7 sets out requirements for delivery of the waste hierarchy, including specific requirements for energy recovery and landfill or landraising. The policy uses the term 'shall be' which is inconsistent with other policies in the Plan. Part 2 does not indicate whether all parts are required to be satisfied in order for an energy recovery proposal to be supported. Part 4 refers to planning permission being granted rather than

supported. The policy is not effective for these reasons. **MM73** modifies the wording of Policy W7 to address these points.

131. The supporting text describes the benefits from recovery of energy and materials from waste treatment. The policy supports the use of heat and power, and paragraph 7.4.4 explains that provision of information on the level of energy to be generated and the market for that energy would assist in determining whether a proposal is for recovery or disposal. It is critical that this question is determined by the appropriate recovery classification which is used in the Environmental Permitting regime. **MM72** adds text to explain this, and this change is necessary for effectiveness.

Conclusion

132. Subject to the above MMs the strategy and policies for waste are justified, effective and consistent with national policy. The strategy for waste management is appropriate, soundly based and meets the needs for waste facilities.

Issue 7 – Whether the delivery, implementation and monitoring arrangements will be effective

133. Section 8 of the Plan sets out the delivery, implementation and monitoring for the Plan. Table 3 sets out the key indicators to monitor the effectiveness of each Policy cross referenced with the Core Strategy policies.

134. The Council explained that the monitoring regime will involve data from the development management team being used in an Annual Monitoring Report (AMR) and an intermediate and more comprehensive review of the Plan will be undertaken at least every five years.

135. The AMR includes the Herefordshire Local Aggregates Assessment which sets out demand and supply indicators which are agreed by the West Midlands Aggregate Working Party. These can show whether a review of minerals policies is necessary.

136. The waste data to be collected will help to demonstrate whether the waste strategy is effective, including in terms of the circular economy, principally through an assessment of new waste management facilities by type and capacity. It is expected that this will be underpinned by the data to assess whether there has been a reduction in the amount of waste generated, an increase in the amount of waste re-used and recycled or used to recover energy and therefore a decrease in the amount of waste disposed to landfill. Resource audits and information on economic development will help to monitor the effectiveness of the waste strategy and its contribution to the circular economy.

137. A new Integrated Waste Management Strategy 2021-2035 was adopted by Herefordshire Council in July 2021 which set out 6 targets for the management of waste across Herefordshire. **MM2** provides details and is therefore necessary to state the targets which will be monitored, thereby aligning with the Waste Management Strategy and providing a consistent policy framework. This change is necessary for effectiveness.

Conclusion

138. Subject to the MMs above, the delivery, implementation and monitoring arrangements will be effective.

Overall Conclusion and Recommendation

139. The Herefordshire Minerals and Waste Local Plan has a number of deficiencies in respect of soundness for the reasons set out above. Accordingly, in terms of Section 20(7A) of the 2004 Act, we recommend non-adoption of it as submitted.

140. The Council has requested that we recommend MMs to make the Plan sound and capable of adoption. We conclude that the Duty to Cooperate has been met and that with the recommended Main Modifications set out in the Appendix to this Report, the Herefordshire Minerals and Waste Local Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Nick Palmer and Rachael A Bust

Inspectors

This report is accompanied by an Appendix containing the Main Modifications.

Appendix - Main Modifications to the Herefordshire Minerals and Waste Local Plan

Table 1 presents the schedule of Main Modifications (MM) proposed to the MWLP.

The modifications are expressed in the conventional form of ~~striketrough~~ for deletions and underlining for additions of text.

Table 2 presents the schedule of Main Modifications to the Key Development Criteria. These Main Modifications are presented in a separate table for clarity only as they are integral part of the policies of the MWLP.

Table 1 – Schedule of Main Modifications

Mod. Ref.	Paragraph/policy/ figure reference	Modification
Section 2. Introduction and Background		
MM1	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.
Section 3. Context		
MM2	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 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> <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>

		<p><u>3. Achieve national municipal reuse and recycling rate targets of 55% by 2025, 60% by 2030 and 65% by 2035;</u></p> <p><u>4. To meet the requirements of the Environment Bill;</u></p> <p><u>5. No more than 1% of municipal waste to be sent to landfill from 2025 and zero waste to landfill by 2035;</u></p> <p><u>6. Improve reuse and recycling at all HWRC sites to achieve a reuse and recycling target of 85% by 2035.</u></p> <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>
MM3	3.3.8	The MWLP can enable a steady, <u>adequate</u> and sustainable supply of construction minerals to be delivered through a positive policy approach, identifying <u>specific sites for quarry working</u> and preferred areas of <u>search for mineral working</u> .
MM4	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 Update²⁷ (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 around phosphate reduction and timescales. The River Lugg Catchment Position Statement (April 2021) reports on the Interim Phosphate Delivery Plan that is being developed in consultation with Natural England and provides a revised position in relation to discharges to drainage fields.</u>
MM5	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>
MM6	3.3.40 (new)	<u>It is clear that the details around phosphate reduction and the protection of the River Wye SAC will change</u>

		<u>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>
Section 4. Vision, Objectives and Spatial Strategy		
MM7	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, <u>conserving</u> and enhancing environmental, heritage and cultural assets and strengthening the local economy.
MM8	Objective 2	To prioritise the long-term conservation of primary minerals through enabling provision of sustainable alternatives, effective use of mineral reserves <u>resources</u> , and promoting efficient use of minerals in new development.
MM9	Objective 3 (new)	<u>To safeguard appropriate mineral and waste resources, and associated transport infrastructure, within Herefordshire.</u>
MM10	Objective 6	To plan for the steady, <u>adequate</u> and sustainable supply of minerals present within Herefordshire, to contribute to the county's economic growth, development and local distinctiveness and to make a reasonable contribution to the MASS.
MM11	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 <u>decarbonise, to</u> mitigate and adapt to climate change and to leave a positive legacy.
MM12	4.3.3	Sand and gravel working is to be focussed within the large expanse of reserve <u>resource</u> that wraps around the northern and eastern sides of Hereford and at Shobdon, to the north-west of Hereford. These reserves <u>resources</u> are well located to supply aggregate for the growth proposed in Hereford and having two areas brings resilience to supply.
MM13	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.
MM14	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.
MM15	4.3.6	No preferred areas of search are identified for sandstone, clay, coal or gas. Sandstone is worked as low-key development in small delves; the potential for harm is limited. There is little evidence to suggest that clay, coal or gas will be exploited over the plan period.
Section 5. Strategic Policy and General Principles		
MM16	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>
MM17	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>
MM18	5.4.23	As recognised in the Core Strategy, green infrastructure is a practical way to consider sustainable development. The preferred areas of search for minerals development and the spatial strategy for waste development reflect the priority areas of the green infrastructure concept map (Green Infrastructure Strategy, Figure 4-3 ¹). This overlap means that minerals and waste development have a good reference and potential to deliver integrated benefits on site and at a landscape scale.
MM19	5.5.14	New development requires significant volumes of construction materials; and the facilities provided on site can affect how it performs <u>how it is designed will affect waste generation and management options</u> through its operational lifetime. The planning system has a role to play encouraging the use of secondary

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https://www.herefordshire.gov.uk/download/downloads/id/2063/herfordshire_green_infrastructure_strategy.pdf

		or recycled construction materials, and preventing <u>reducing waste generated in construction and redevelopment projects and in ensuring appropriate waste management solutions are provided.</u>
MM20	5.5.15 (new)	<p>Herefordshire Council will encourage waste prevention by:</p> <ul style="list-style-type: none"> a. <u>promoting a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest value for as long as possible;</u> b. <u>maintaining engagement with businesses, community groups, and the general public to raise levels of awareness and understanding of waste issues; and</u> c. <u>working in partnership with other public bodies to ensure that waste prevention and the circular economy is addressed in all contracts for works and services; and</u> d. <u>leading by example in its activities.</u>
MM21	5.5.15	<p>Any application for major development, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as may be amended) <u>that includes built development,</u> will be required to be accompanied by a <u>comprehensive Resource Audit addressing all the matters set out in policy SP1. A proportionate approach will be applied to all other development proposals that include built development, which should at least provide commentary on waste prevention and management measures to be implemented. All submitted applications should make reference to the national and local zero-carbon plans in place at the time in order to inform best practice measures that can be incorporated into the proposed development.</u></p>
MM22	5.5.17	<p>Such documents are expected to have an increasing role demonstrating how new development is delivered and managed in a sustainable manner, explicitly setting out: how the use of raw materials will be minimised; how waste created can be reused, with priority given to the reuse of materials on site; how the development will contribute to achieving local and national carbon reduction targets; and how</p>

		<p>the long term management of the development will contribute to delivering the circular economy. Smaller applications, accompanied by Design and Access Statements, should include commentary on waste prevention and management measures. All submitted applications should make reference to the national and local zero-carbon plans in place at the time in order to inform best practice measures that can be incorporated into the proposed development.</p>
MM23	Policy SP1	<p><u>1. Development proposals will be supported that contribute positively to addressing climate change and delivering the circular economy where they adopt through adopting sustainable design principles, construction methods and procurement policies. This includes using the minimal amount minimum quantity 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. The level of contribution made will be demonstrated through submission of a</u></p> <p>The use of minerals and waste resources will be directed to contribute positively to addressing climate change through:</p> <p>1. Herefordshire Council encouraging waste prevention by:</p> <ul style="list-style-type: none"> e. promoting a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest value for as long as possible; f. maintaining engagement with businesses, community groups, and the general public to raise levels of awareness and understanding of waste issues; g. working in partnership with other public bodies to ensure that waste prevention and the circular economy is addressed in all contracts for works and services; and leading by example in its activities.

		<p>2. requiring submission of a Resource Audit, that identifies:</p> <ul style="list-style-type: none"> ▪ 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; <u>and The Resource Audit will set out</u> ▪ how waste will be minimised and how it will be managed, both during the construction phase and once it is in use, in order to meet the strategic objective of driving waste management up the waste hierarchy. <p>Information appropriate to the planning application shall be provided on the following matters:</p> <p>2. <u>The Resource Audit, to be submitted with the planning application, should address the following matters using an approach proportionate to the development proposed:</u></p> <ul style="list-style-type: none"> a. the amount and type of construction aggregates required and their likely source; b. the steps to be taken to minimise the use of raw materials (including hazardous materials) in the construction phase, through sustainable design and the use of recycled or reprocessed materials; c. the steps to be taken to reduce, re-use and recycle waste (including hazardous wastes) that is produced through the construction phase; d. the type and volume of waste that the development will generate (both through the construction and operational phases);
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		<ul style="list-style-type: none"> e. on-site waste recycling facilities to be provided (both through the construction and operational phases); f. the steps to be taken to ensure the maximum diversion of waste from landfill (through recycling, composting and recovery) once the development is operational; g. end of life considerations for the materials used in the development; and h. embodied carbon and lifecycle carbon costs for the materials used in the development.
MM24	5.6.7 and 5.6.8	<p>Paragraph 5.6.7</p> <p>Footpaths are rooted in <u>their local context</u> an historical and landscape context. A permanent diversion may sever important cultural links, but also brings the opportunity to improve a route that has been adversely affected, for example by flooding or a changed view. Permanent diversions should be well designed, reflecting the local cultural, historic and landscape context, to result in an enhancement to the rights of way network within Herefordshire. Enhancement can be achieved through improvements to the view from, surface of and/or route of the right of way, including making provision for disabled people. <u>Improving access to open spaces includes the enhancement to existing facilities and provision of new routes and open spaces.</u></p> <p>Paragraph 5.6.8</p> <p>Any closure of <u>permanent impact on</u> the right of way network, or existing open space, should be avoided. Where it is necessary, the council will expect compensatory provision to be made proportionate to the scale of the closure <u>level of impact</u>. This can include the provision of new or improved access or recreation facilities located off site. The council is clear that development should have the smallest</p>

		impact as practicable and enhancement will be sought at every reasonable opportunity.
MM25	Policy SP2	<p>1. <u>Planning permission will be granted supported for mineral and waste development proposals that optimise opportunities to improve public access to open spaces, integrating historic context taking account of the local context and integrating green infrastructure as appropriate.</u></p> <p>2. Development that affects a right of way or existing open space will only be supported where it is demonstrated that:</p> <p>a. any temporary diversion is designed to be for as short a distance and duration as practicable; <u>and</u></p> <p>b. any permanent diversion is designed to achieve an enhanced route over that which was previously available.; <u>and</u></p> <p>c. any closure occurs only in exceptional circumstances and compensatory provision is made.</p> <p><u>3. Development that affects an area of open space will only be supported where it is demonstrated that:</u></p> <p>a. <u>any temporary impact is over the smallest area and for the shortest duration as practicable; and</u></p> <p>b. <u>any permanent impact occurs only in exceptional circumstances and compensatory provision is made.</u></p>
MM26	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.
MM27	5.10.6	Each site will have different spatial influences on transport design, requirements for the material to be moved, and receptors. An assessment should be undertaken to demonstrate that all relevant factors have been considered, with the level of detail within that assessment proportionate to the scale of development proposed. Development proposals should consider which transport mode (i.e. vehicular, conveyor, or pipeline) and route is most appropriate,

		<u>minimising adverse impacts and finding the balance between practicability, energy and carbon efficiency, reduced impacts, integrated design and safety.</u>
MM28	Policy SP3	Planning permission will be granted supported for minerals or waste development where it is demonstrated that the arrangements for the transport of mineral, waste or other materials within the site minimises the potential for adverse impacts, including greenhouse gas emissions, and optimises the opportunities for green infrastructure, for example the use of conveyors, and/or pipelines and/or is required where they would be appropriate to the circumstances of the site and the nature of the material to be moved. electric powered vehicles. would be considered an appropriate alternative to fossil fuel powered vehicles.
MM29	5.11.5	All new mineral workings are only likely to receive planning permission where they provide for the restoration and aftercare of the site to a beneficial use, in a phased manner. The Town and Country Planning Act (as amended) gives the council, as the mineral planning authority, the ability to apply a restoration condition requiring such steps to be taken as may be necessary to bring the land to the required standard for use for agriculture, forestry or amenity. However, reclamation provides the opportunity for delivering a range of benefits to the environment and/or amenity and the council will welcome well-considered schemes that will deliver green infrastructure priorities on a landscape scale. <u>The term 'landscape scale benefits' in policy SP4 is not focussed on the size of the benefits to be derived from the proposed reclamation scheme, but to the extent of the impact to be gained; i.e. that the proposals will incorporate the local cultural, historic and landscape features, re-integrating the site into the wider landscape, to deliver benefits beyond the site area.</u> A number of examples have been provided throughout the MWLP.
MM30	5.11.10	In all cases a high standard of reclamation will be expected, that <u>integrates historic context reflects the local cultural, historic and landscape context and integrates green infrastructure, and leaves leaving a positive legacy.</u> Defra's Guidance for Successful

		Reclamation of Mineral and Waste Sites ²³ is a useful reference document for designing reclamation schemes. Long-term management beyond the statutory five-year aftercare period will be required where appropriate, for example to establish a new habitat or to bring community benefit. Commitment for such provision will be gained through a planning obligation, as set out in Core Strategy policy ID1.
MM31	Policy SP4,a&b	<p>a. proposals that take account of the geography of the site, its surroundings, and any <u>significant permitted or proposed development and development plan policies relevant to the area</u></p> <p>b. proposals that deliver landscape scale benefits and/or integrated historic context <u>taking account of the local context and integrating</u> green infrastructure appropriate to its location;</p>
SECTION 6. Minerals		
MM32	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.
MM33	6.1.9	Figure 7 sets out <u>(at Annex A, with key policy details included in the interactive mapping available on the Herefordshire Council website) presents</u> the mineral reserve <u>resource</u> and key elements of infrastructure safeguarded by policy <u>policies</u> M1 <u>and</u> M2. Policy M2 provides further detail.
MM34	Policy M1,c and M1,d	<p><u>c. allocating preferred areas and sites allocation of the Specific Sites and Preferred Areas that are considered appropriate in principle for construction minerals development;</u></p> <p>d. restricting the extraction of hydrocarbons to within either the Surface Coal Resource areas or PEDL block SO51a (as appropriate to the mineral) and requiring compelling reasons to demonstrate that the use of any hydrocarbon is necessary, acceptable and provides national, local or community benefits which clearly outweigh the likely impacts, including to protected areas and local communities and the greenhouse gas</p>

		emissions associated with both the extraction and use of hydrocarbons ;
MM35	6.1.12 FN45 (new)	<p>Figure 7 presents the Minerals Safeguarding Areas for Herefordshire, incorporating: areas of reserve resource indicated by the British Geological Survey data; surface coal resource areas from the Coal Authority; currently consented <u>permitted</u> quarries and their associated infrastructure; the operating rail head <u>railhead</u> 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. <u>Limited sandstone resource is shown on Figure 7, although this is not where any of the delves are located. The Minerals Safeguarding Areas include 250m buffers, to provide effective safeguarding for the resource and associated infrastructure. Policy M2 applies across the totality of the Minerals Safeguarding Areas as shown. Detailed information about the geology in Herefordshire can be gained from Geology Viewer, hosted by the British Geological Survey⁴⁵.</u></p> <p>https://geologyviewer.bgs.ac.uk/</p>
MM36	Figure 7	<u>Mineral Reserves Resources</u>
MM37	6.1.14 to 6.1.16 (new)	<p>Paragraph 6.1.14 <u>The National Planning Policy Framework makes clear that local policy should also safeguard sites for infrastructure associated with mineral working. Within Herefordshire, these facilities are substantially located within operational mineral workings, and this is an approach that is expected to continue at appropriate sites. The two railheads are identified and safeguarded by policy M2 as they provide existing and potential alternatives to road movements.</u></p> <p>Paragraph 6.1.15 <u>Strategic development (policy M2(1,d)) is that which is either allocated in the local development plan or would constitute major development as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as may be amended). Exempt developments (policy M2(1,e) are:</u></p> <p>a. <u>applications for householder development;</u></p>

		<ul style="list-style-type: none"> b. <u>applications for alterations and extensions to existing buildings and for change of use of existing development, unless intensifying activity on site;</u> c. <u>applications for advertisement consent, for works to trees and for prior notifications (telecoms, forestry, agriculture, demolition);</u> d. <u>any other development specified in the local development plan as exempt from the need for consideration on safeguarding grounds.</u> <p>Paragraph 6.1.16 <u>During the period 2020-2022 around half of all planning applications received in Herefordshire would have fallen within the Mineral Safeguarding Area. When applying the above criteria, around a quarter of all applications would have had to demonstrate how they would have protected the mineral resource and complied with Policy M2.</u></p> <p>Paragraphs 6.1.14 to 6.1.16 would be renumbered accordingly.</p>
MM38	Policy M2	<p>1. Within the minerals safeguarding areas, non-minerals development will only be supported in the following circumstances:</p> <ul style="list-style-type: none"> a. 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 b. the mineral can be extracted satisfactorily prior to non–minerals development without materially affecting the timing and viability of the non-minerals development; or c. the non-minerals development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction or operation of the associated infrastructure

		<p>within the timescale that the mineral is likely to be needed; or</p> <p>d. the need for the non-mineral development is strategic and can be demonstrated to outweigh the need for the mineral resource and associated infrastructure; <u>or</u></p> <p>e. <u>it constitutes exempt development (see paragraph 6.1.15); and</u></p> <p>f. <u>the development would not prejudice the operation of associated infrastructure, principally the identified railheads.</u></p> <p>2. <u>Where the operation of an existing mineral working, including associated infrastructure, 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.</u></p>
MM39	6.2.2 to 6.2.6	<p>6.2.2 The MNA 2019 2021 forecasts a range of future sand and gravel demand, indicating that the landbank at 2041 could be less than 7 years, particularly if a level of self-sufficiency is to be achieved. Data released by the British Geological Survey for year 2014, indicates that Herefordshire was 40% to 50% self-sufficient in sand and gravel provision. This data is not verified, but provides the most comprehensive indication of mineral movements currently available. In addition, at the time of preparing the MWLP, the two operational quarries Wellington and Upper Lyde are subject to planning conditions requiring that the winning and working of minerals must cease by 31 December 2026 and 30 September 2029 respectively.</p> <p>6.2.3 <u>Data released by the British Geological Survey for year 2014, indicates that Herefordshire was 40% to 50% self-sufficient in sand and gravel provision. This data is not verified, but provides the most comprehensive</u></p>

		<p><u>indication of mineral movements currently available.</u> It would be advantageous for Herefordshire to increase its level of self-sufficiency (not least to reduce the environmental burdens from transport) and to make a reasonable contribution to the Managed Aggregate Supply System ('MASS').</p> <p>6.2.4 In addition, at the time of preparing the MWLP, the two operational quarries Wellington and Upper Lyde are subject to planning conditions requiring that the winning and working of minerals must cease by 31 December 2026 and 30 September 2029 respectively. 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.</p> <p><u>6.2.4 The MNA 2021 considered a range of forecasts, addressing economic, population and housing growth and infrastructure demands, which resulted in a very wide range of future demand of 4 to 13 million tonnes when assuming 100% self-sufficiency. These forecasts were further tested through the MNA Sensitivity Paper, which resulted in very much less future demand. The provision of 5 million tonnes, as sought through policy M3, is considered to reflect a higher level of forecast that will increase self-sufficiency and enable Herefordshire to make a reasonable contribution to the MASS.</u></p> <p>6.2.5 To ensure that an adequate supply (i.e. to maintain a landbank of at least 7 years) is available at the end of 2041 additional resource may be needed, depending on the actual scale of demand that arises. Recognising the level of uncertainty in forecasts, it can be reasonably expected that the demand forecast for sand and gravel may change over the plan period. Therefore, it is not considered appropriate to specify the precise level of further provision that may be needed in order to maintain a minimum</p>
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		<p>7-year landbank at 31 December 2041. This is a matter that is effectively and appropriately addressed by monitoring the MWLP, through annual reviews of the Local Aggregates Assessment and the five-year MWLP reviews, at which time the level of additional provision can be considered, with additional site allocations brought forward if necessary.</p> <p>6.2.6 Recognising the advantages of working an area efficiently, specific sites for future sand and gravel extraction are allocated adjacent or near to existing sites with planning permission to be worked. Sand and gravel reserves at Upper Lyde (<u>c.700,000 tonnes</u>), Shobdon and Wellington (<u>2.25 million tonnes</u>) are allocated in the MWLP. The MWLP evidence base indicates that these allocations would provide a minimum of nearly 3 million tonnes of sand and gravel resource.</p>
MM40	6.2.7 and 6.2.8	<p>6.2.7 In addition, policy M3 identifies preferred areas for sand and gravel working; new operations in these areas of search would add to the robustness of sand and gravel supply within Herefordshire. Sand and gravel working is to be focussed within the large expanse of reserve <u>resource</u> that wraps around the northern and eastern sides of Hereford and at Shobdon, to the north-west of Hereford.</p> <p>6.2.8 Only where the preferred locations <u>Specific Sites or Preferred Areas</u> cannot be demonstrated to fulfil a reasonable level of demand, will proposals for sand and gravel extraction outside of these areas be permitted. Policy M3/2 is deliberately worded to refer only to extraction. <u>Mineral working outside Specific Sites and Preferred Areas is intended to be limited in its operation and consequently, in order to reduce the potential for adverse impacts, it is intended that mineral would <u>will be expected to be</u> transported off-site for processing.</u></p>
MM41	6.2.9	<p>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</p>

		development proposal. There is no key development criteria for the preferred areas of search; they are too extensive. However, this does not mean that development proposals within these areas will not be subject to the same level of scrutiny.
MM42	6.2.10 (new)	<u>Whilst minerals development is not recognised as a key contributor of additional nutrient load, policy requires nutrient neutrality to be demonstrated for development proposals located within the River Wye SAC or River Clun SAC catchments. This may be demonstrated through the absence of a pathway or through the use of mitigation techniques such as: best practice soil stripping and storage; sediment storage; the use of riparian buffer habitats; and/or coppice plantations.</u>
MM43	6.2.10	The order of preference set out at policy M3/2 <u>M3(2,a&b)</u> is for the Specific Sites to be preferred over <u>worked prior</u> to the Preferred Areas; there is no order of preference within the locations identified under each of those categories.
MM44	Policy M3,2 and M3,3	<p>2. In order of preference, sand and gravel extraction shall be supported at the following locations:</p> <p>a. Specific Sites (presented in alphabetical order) subject to the key development criteria set out at section 9:</p> <ul style="list-style-type: none"> ▪ Shobdon Quarry; ▪ Upper Lyde Quarry (<u>c.700,000 tonnes</u>); ▪ Wellington Quarry (<u>2.25 million tonnes</u>). <p>b. Preferred Areas of Search:</p> <ul style="list-style-type: none"> ▪ Area B of the Key Diagram; ▪ Area C of the Key Diagram. <p>3. c. 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 <u>resource</u>.</p>

MM45	6.2.11 to 6.2.15	<p>6.2.11 The MNA 2019 2021 makes two forecasts of future crushed rock demand, indicating that the landbank at 2041 could be less than 10 years, particularly if a level of self-sufficiency is to be achieved. Data released by the British Geological Survey for year 2014, indicates that Herefordshire was 20% to 30% self-sufficient in crushed rock provision. This data is not verified, but provides the most comprehensive indication of mineral movements currently available. In addition, at the time of preparing the MWLP, there were <u>are</u> two active <u>operational</u> crushed rock quarries in Herefordshire, with the planning conditions for Leinthall Quarry requiring that the winning and working of minerals at that site must cease by 31 August 2027.</p> <p>6.2.12 <u>Data released by the British Geological Survey for year 2014, indicates that Herefordshire was 20% to 30% self-sufficient in crushed rock provision. This data is not verified, but provides the most comprehensive indication of mineral movements currently available.</u> It would be advantageous for Herefordshire to increase its level of self-sufficiency (not least to reduce the environmental burdens from transport) and to make a reasonable contribution to the <u>Managed Aggregate Supply System MASS.</u></p> <p>6.2.13 In addition, at the time of preparing the MWLP, there were two active crushed rock quarries in Herefordshire, with the planning conditions for Leinthall Quarry requiring that the winning and working of minerals at that site must cease by 31 August 2027. There may remain a need for additional reserves of crushed rock to be consented to meet demand from 2027 onwards.</p> <p>6.2.13 <u>The MNA 2021 considered two forecasts, addressing population and housing growth, which resulted in a very wide range of future demand of 9.5 to 19 million tonnes when assuming 100% self-sufficiency. These forecasts were further tested through the MNA</u></p>
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MM46	6.2.16 and 6.2.17	<p>6.2.16 In addition, policy M4 identifies preferred areas for limestone working, new operations in these areas of search would add to the robustness of crushed rock supply within Herefordshire. Limestone working will be preferred within the reserve <u>resource</u> located to the north of the county and to the east of Hereford. <u>Mineral working should not take</u></p>

		<p><u>place within the Wye Valley Area of Outstanding Natural Beauty other than in exceptional circumstances.</u></p> <p>6.2.17 Only where the preferred locations <u>Specific Sites or Preferred Areas</u> cannot be demonstrated to fulfil a reasonable level of demand, will proposals for limestone extraction outside of these areas be permitted. Policy M4/2 is deliberately worded to refer only to extraction. <u>Mineral working outside Specific Sites and Preferred Area is intended to be limited in its operation and consequently, in order to reduce the potential for adverse impacts, it is intended that mineral would <u>will</u> be expected to be transported off-site for processing.</u></p>
MM47	6.2.20 (new)	<p><u>Whilst minerals development is not recognised as a key contributor of additional nutrient load, policy requires nutrient neutrality to be demonstrated for development proposals located within the River Wye SAC or River Clun SAC catchments. This may be demonstrated through the absence of a pathway or through the use of mitigation techniques such as: best practice soil stripping and storage; sediment storage; the use of riparian buffer habitats; and/or coppice plantations.</u></p>
MM48	6.2.19	<p>The order of preference set out at policy <u>M4/2 M4(2,a&b)</u> is for the Specific Sites to be preferred over <u>worked prior to</u> the Preferred Areas; there is no order of preference within the locations identified under each of those categories.</p>
MM49	Policy M4,2 and M4,3	<p>2. In order of preference, crushed rock extraction shall be supported at the following locations:</p> <p>a. Specific Sites (presented in alphabetical order) subject to the key development criteria set out at section 9:</p> <ul style="list-style-type: none"> • Leinthall Quarry (<u>7 million tonnes</u>); • Perton Quarry; <p>b. Preferred Areas of Search:</p>

		<ul style="list-style-type: none"> • Area A of the Key Diagram; • Area D of the Key Diagram. <p>3. <u>c.</u> 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 limestone extraction will be supported in any other area of reserve <u>resource.</u></p>
MM50	6.3.5	New sites might <u>may</u> be appropriate where the building stone is important to ensure the preservation of local distinctiveness, the <u>proposed</u> workings are small-scale (reflecting the historic pattern of sandstone extraction in Herefordshire) and the proposal is limited to the production of non-aggregate materials (principally building stone, dimension stone and roof tiles. Any overburden (the soil and rock layers overlying the sandstone) and spoil (the offcuts and residues remaining from working the building stone) shall be retained on site and used for its reclamation.
MM51	6.3.6 (new)	<u>Whilst minerals development is not recognised as a key contributor of additional nutrient load, policy requires nutrient neutrality to be demonstrated for development proposals located within the River Wye SAC or River Clun SAC catchments. This may be demonstrated through the absence of a pathway or through the use of mitigation techniques such as: best practice soil stripping and storage; sediment storage; the use of riparian buffer habitats; and/or coppice plantations.</u>
MM52	6.3.7	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.
MM53	Policy M5(1,a&b)	a. the extension of time for completion of extraction at consented <u>the following permitted sandstone extraction sites, subject to the key development criteria set out at section 9:</u> <u>Black Hill Delve;</u>

		<p><u>Callow Delve;</u> <u>Llandraw Delve;</u> <u>Pennsylvania Delves;</u> <u>Sunnybank Delve; and</u> <u>Westonhill Wood Delves.</u></p> <p>b. the lateral extension and/or deepening of workings at the following consented <u>permitted</u> sandstone extraction sites, subject to the key development criteria set out at section 9:</p>
MM54	Policy M5,2	<p>2. The working of sandstone at the above locations will be supported where:</p> <p>a. the need for the material for the preservation of local distinctiveness, particularly features of local historic or architectural interest, listed and vernacular buildings or archaeological sites, outweighs any material harm extraction might cause to matters of acknowledged importance; <u>and</u></p> <p>b. the proposed workings are small scale; and</p> <p>c. b. <u>b.</u> the proposal is limited to the production of non-aggregate materials, with any overburden and spoils retained on-site and used for its reclamation.</p>
SECTION 7. Waste		
MM55	7.2.3	<p>A flexible approach to the provision of waste management infrastructure is set out within the MWLP. This is deliberate, recognising both the lack of certainty that exists around forecasting future wastes and infrastructure demand, and that the provision of waste management infrastructure is market led and unlikely to result in the provision of too much capacity. Table 2 presents the maximum forecast capacity demand for each waste stream (<u>as calculated in the WNA 2021</u>). <u>If food waste collection is provided across Herefordshire, this is considered likely to require additional capacity of some 10,000 tonnes. There does appear to be available capacity</u></p>

		<p><u>at recycling facilities particularly for LACW, consequently an additional 50,000 tonnes of capacity (as a minimum) is sought through policy W2, focussing on moving C&I wastes up the hierarchy. The largest need for new capacity is in the recovery of residual wastes (c.110,000 tonnes) and CD&E wastes (c.250,000 tonnes). This number is referenced in policy W4 (generally rounded up) to provide Policy W4 presents a framework for delivery over the plan period; for all management routes except disposal; this is a one-off requirement. A waste treatment facility providing 25,000tpa of capacity will be able to do this year on year, under standard operating procedures. However, a landfill void will be filled up every time a deposit is made, consequently an annual, or cumulative, tonnage is required.</u></p>
MM56	7.2.6	<p>For CD&E wastes it has been assumed that a recovery rate of 90% will be achieved, which exceeds current policy expectations and would deliver management that aligns to the best practice currently found across England. Whilst higher rates of recovery are to be welcomed, it is also important to make provision for a reasonable level of disposal capacity, recognising that some wastes may not be recoverable and former mineral workings can be beneficially reclaimed. <u>Recovery of CD&E wastes is used to refer collectively to re-use, recycling and other recovery operations.</u></p>
MM57	Policy W2	<p>Development for the following waste management priorities will be supported:</p> <ol style="list-style-type: none"> 1. biological treatment of household waste of at least 10,000 tonnes <u>per annum</u>; 2. recycling capacity of municipal, commercial and industrial and non-natural agricultural wastes of at least 50,000 tonnes <u>per annum</u>; 3. recovery of materials and energy from municipal, commercial and industrial, non-natural agricultural and hazardous wastes of at least 110,000 tonnes <u>per annum</u>;

		<p>4. recovery of materials from construction and demolition waste of at least 250,000 tonnes per annum; and</p> <p>5. disposal of inert wastes providing a cumulative void <u>inert waste disposal capacity in the order of 30,000 tonnes per year annum.</u></p>
MM58	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:
MM59	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.'
MM60	7.2.26 (new) FN50 (new) 7.2.27 (new) FN51 (new)	<p><u>The Agriculture and Horticulture Development Board (AHDB) purpose is 'to inspire our farmers, growers and industry to succeed in a rapidly changing world. We equip the industry with easy to use, practical know-how, which they can apply straight away to make better decisions and improve their performance.'</u> It is operated as a statutory levy board and is funded by farmers, growers and others in the supply chain.</p> <p>https://ahdb.org.uk/</p> <p><u>The AHDB provides a wide range of advice to farmers and has prepared a Nutrient Management Guide (RB209) to explain the value of nutrients, soil and why good nutrient management is about more than just fertiliser application. Updates are also available on the website. This advice (as may be amended over time) should be referenced in any development proposal.</u></p> <p>https://ahdb.org.uk/RB209</p>
MM61	7.2.28 (new)	<u>The River Wye SAC NMP River Lugg Catchment Position Statement (April 2021) provides advice on</u>

	FN 52 (new)	<p><u>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></p> <p><u>Advice regarding nutrient neutrality is likely to change throughout the plan period. Up to date guidance available on Herefordshire Council's website should be consulted in understanding the current approach to nutrient neutrality.</u></p>
MM62	7.2.29 (new)	<p><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></p>
MM63	(deleted)	
MM64	Policy W3	<p><u>Policy W3: Agricultural waste management including for livestock units</u></p> <p>1. <u>Waste management method statements will be required for proposals</u> Planning permission for livestock unit(s) on agricultural holdings will be supported where it is demonstrated through a waste management method statement that:</p> <p>a. for non-EIA development, <u>demonstrates that both natural and non-natural wastes generated by the proposed development will be appropriately managed both on and off-site; or</u></p> <p>b. for EIA development, <u>demonstrates that both natural and non-natural wastes generated by the whole agricultural unit will be appropriately managed both on and off-site.</u></p> <p>2. Anaerobic digestion will be supported where its use is to manage only natural wastes generated primarily on the agricultural unit within which it is located.</p>

		<p>3. <u>All development proposals for livestock unit(s) and anaerobic digestion and any other waste management proposals on agricultural holdings within the River Wye SAC or the River Clun SAC 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.</u></p>
MM65	7.2.32	<p>Dwr Cymru/Welsh Water and Severn Trent Water provide wastewater treatment services within Herefordshire, with both companies operating wastewater treatment works. These facilities and the associated pipelines need to be upgraded and extended periodically in order to meet improved standards, cope with increased flows from new developments in their catchment area and to replace out of date equipment. <u>The requirement within policy W4, to achieve at least nutrient neutrality, is applicable to the proposed development.</u></p>
MM66	Policy W4	<p><u>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.</u></p> <p><u>Works undertaken should contribute to achieving will be required to demonstrate at least nutrient neutrality, or betterment, within the River Wye SAC.</u></p>
MM67	7.3.2	<p>Herefordshire has a number of well-established industrial estates and extensive strategic employment areas (<u>see policy E1 of the Core Strategy</u>) distributed within the market towns that lie within the spatial strategy. ...</p>
MM68	7.3.4	<p>Whilst it would not be appropriate to set an absolute threshold, as the development of land is site specific, the following guidelines are intended to apply:</p> <ul style="list-style-type: none"> ▪ Small-scale facility is one of around or less than 50,000 tonnes per annum throughput and would be focussed on delivering a more local service, for example a household waste recycling centre,

		<p>open windrow composting, or construction and demolition waste recycling facility.</p> <ul style="list-style-type: none"> ▪ Large-scale facility is one providing more than 50,000 tonnes per annum throughput and would be focussed on providing a more strategic service, for example a materials recycling facility or energy recovery facility (either biological or incineration) accepting waste from across Herefordshire and potentially beyond. <p><u>An industrial estate is a site with local plan allocation or planning permission for use under planning use classes, B2 general industrial and B8 storage and distribution.</u></p>
MM69	7.3.6	<p>There is an identified need for new waste management (recovery and disposal) capacity for CD&E wastes. <u>Recovery of CD&E wastes is used to refer collectively to re-use, recycling and other recovery operations.</u></p>
MM70	7.3.7	<p>The CD&E waste recovery facility operating at Former Lugg Bridge Quarry has the potential for a substantial increase in capacity; this is the preferred location for additional CD&E waste recovery capacity. CD&E waste recovery facilities are often appropriately located on industrial estates and strategic employment areas (<u>see policy E1 of the Core Strategy</u>), where they may be close to substantial demolition and refurbishment projects. In addition, they can be located at minerals workings, where the same processing equipment can be shared.</p>
MM71	Policy W6,1	<p>1. <u>In order of preference, sustainable Sustainable recovery of construction, demolition and excavation wastes will be delivered at the following locations:</u></p> <ul style="list-style-type: none"> a. Former Lugg Bridge Quarry, subject to the key development criteria set out at section 9; b. strategic employment areas and industrial estates, subject to the key development criteria set out at section 9; c. active mineral workings, recognising that the lifetime of the waste treatment

		facility may be limited to the lifetime of the quarry;
MM72	7.4.4	In order to assist both the developer and the council to determine that a proposed facility is for energy recovery and not for waste disposal, policy W7 seeks information on the level of energy recovery expected to be achieved and the market(s) for that energy (e.g. identifying an electricity connection or heat/power recipient). <u>The application should demonstrate that the proposed development has secured/will secure an appropriate recovery classification in the Environmental Permit.</u>
MM73	Policy W7	<ol style="list-style-type: none"> 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. 2. Facilities for the recovery of energy shall <u>will</u> only be supported where it is demonstrated: <ol style="list-style-type: none"> a. that the proposed development will enable delivery of the waste hierarchy and/or make a positive contribution to achieving the circular economy in Herefordshire; and b. that phosphorus in the fly ash will be separately recovered and put to beneficial use; <u>and</u> c. that both the resultant heat and power will be utilised where viable. 3. Proposals for new landfill or landraising facilities or extensions to existing facilities shall <u>will</u> be supported where it is demonstrated that: <ol style="list-style-type: none"> a. <u>the proposed development will enable delivery of the waste hierarchy; and</u> b. <u>the proposal proposed development</u> incorporates measures for safe working and satisfactory reclamation, particularly in accordance with policy SP4. 4. Planning permission may be granted <u>supported</u> 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.
Section 9. Key Development Criteria		
MM74	9.1.1	Each allocated site is subject to a number of key development criteria, <u>which form part of the policy</u> . 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.
MM75	9.1.2	The key development criteria do not replace development management policy; they are <u>a part of the policy within which they are referenced and are</u> additive to the requirements of all other policies within the development plan relevant to the project being proposed.
MM76	Table 9 Key Development Criteria	These changes are shown in Table 2
Section 10. Glossary		
MM77	Appropriate assessment	Process for assessing impacts on European sites <u>National Network Sites</u> , habitats or species. It is a decision making tool.
MM78	Area of Search	Area of Search An area identified as having minerals resources potentially suitable for extraction and where working may be acceptable subject to more detailed assessment at project stage.
MM79	<u>Conservation of Habitats and Species Regulations 2017 (as amended).</u>	The abbreviated term used for the <u>Conservation of Habitats and Species Regulations (England and Wales) 2017; as amended by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018; and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.</u>

MM80	Green Infrastructure	<p>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.</p> <p><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></p>
MM81	Habitats Regulation Assessment	A Habitats Regulations Assessment is the assessment of the impacts of implementing a plan or policy on a Natura 2000 <u>National Network Site</u> .
MM82	<u>National Network Site(s)</u>	<u>The group terminology given to SAC, SPA and Ramsar Sites under the Conservation of Habitats and Species Regulations 2017 (as amended).</u>
MM83	<u>Nutrient</u>	<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>
MM84	<u>Nutrient neutrality</u>	<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> <p><u>Advice regarding nutrient neutrality is likely to change throughout the plan period. Up to date guidance available on Herefordshire Council's website should be consulted in understanding the current approach to nutrient neutrality.</u></p>
MM85	Preferred area of search	<p>Preferred area of search <u>Area</u></p> <p>An area identified as having policy support for development, but where it is not practicable to define a specific development boundary.</p>
MM86	SAC	<u>A Special Area of Conservation (SAC) is one given greater protection under Conservation of Habitats and Species Regulations 2017 (as amended). They have been designated because of a possible threat to the special habitats or species which they contain</u>

		<p><u>and to provide increased protection to a variety of animals, plants and habitats of importance to biodiversity both on a national and international scale.</u> is defined in the European Union's Habitat Directive (92/43/EEC), also known as the Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora.</p>
MM87	SPA	<p><u>A Special Protection Area (SPA) is designated under Conservation of Habitats and Species Regulations 2017 (as amended). Post transition the UK is still required to identify internationally important areas for breeding, over-wintering and migrating birds and designate them as SPA.</u> is a designation under the European Union Directive on the Conservation of Wild Birds. Under the Directive, Member States of the European Union (EU) have a duty to safeguard the habitats of migratory birds and certain particularly threatened birds.</p>

Table 2 - Schedule of Main Modifications to the Key Development Criteria

Mod. Ref	Site Name and Policy	Key Development Criteria
MM88	<p>Black Hill Delve Policy M5(1,a&b)</p>	<p>Archaeology and geodiversity: Need to demonstrate the potential for archaeological remains or geological features to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p>Ancient Woodland: Need to demonstrate the level of effect on the ancient woodland, leaving a buffer adequate to protect the designation.</p> <p>Black Mountains SSSI: Need to demonstrate the level of effect on the key features of this designation.</p> <p>Dark Skies: Need to demonstrate that lighting will be kept to the minimum required to ensure safe working conditions on site.</p> <p>Green infrastructure: Operation and reclamation phases should deliver priorities of the Herefordshire Green Infrastructure Strategy, in particular those associated with District Strategy Corridor 8. Site design should deliver a net gain in biodiversity, linking priority habitats, and incorporate key features of the landscape character.</p> <p>Ground water: Located in the St. Maughans sandstone bedrock formation, classified a secondary aquifer. Need to demonstrate the potential risks for<u>to</u> the water environment, <u>including abstractions (public and private supply) wells and springs.</u></p> <p>MOD Low Fly Zone: Need to demonstrate the level of effect on the current and likely future operations within the MOD Low Fly Zone.</p> <p>River Monnow: Need to demonstrate the level of effect on water quality and hydrology of the River Monnow.</p> <p>Site Access: Need to demonstrate that vehicles can continue to access and leave the site, to and from the public highway, safely.</p>
MM89	<p>Callow Delve</p>	<p>Ancient Woodland: Need to demonstrate the level of effect on the ancient woodland, leaving a buffer adequate to protect the designation.</p>

	<p>Policy M5(1,a)</p>	<p>Dark Skies: Need to demonstrate that lighting will be kept to the minimum required to ensure safe working conditions on site.</p> <p>Flood Risk: Need to demonstrate that: the site will be safe in the event of a flood; risk is not increased on site or elsewhere; and where possible, flood risk is decreased. Flood alleviation should be considered in designing site reclamation.</p> <p>Green infrastructure: Operation and reclamation phases should deliver priorities of the Herefordshire Green Infrastructure Strategy. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p>Ground water: Located within the Brownstones formation, classified a secondary aquifer and adjacent to a groundwater spring source protection zone for public drinking water supply. Need to demonstrate the potential risks to the water environment, including private drinking water supply <u>abstractions (public and private supply) wells and springs.</u></p> <p>River Wye SAC: An Appropriate Assessment is required to demonstrate no<u>the</u> likely significant effect(s) on the SAC. Development should<u>will be required to demonstrate at least</u> nutrient neutrality or betterment.</p> <p>Site Access: Need to demonstrate that vehicles can continue to access and leave the site, to and from the public highway, safely.</p> <p>Woodland at Welsh Newton & Callow Hill LWS: Need to demonstrate the likely effect on the key features of the designated site.</p> <p>Wye Valley Woodlands SAC and Wye Valley & Forest of Dean Bat Sites SAC: An Appropriate Assessment is required to demonstrate the <u>no</u> likely significant effect(s) on the SAC. Need to demonstrate how habitat severance for horseshoe bats will be prevented (which may require the periphery woodland to be retained) <u>and how noise and light impacts on this species will be avoided.</u></p>
MM90	<p>Former City Spares Site Policy W5(3)</p>	<p>Archaeology: Need to demonstrate the potential for archaeological remains to be present on the site, through desk-based assessment and/or field evaluation as</p>

		<p>appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p>Contaminated land: Recognising the site as a former car breakers' yard, there is a high potential for contaminated land. The site is located within a drinking water protected area. Need to demonstrate how any contamination on site will be identified and remediated, particularly with reference to protection of drinking water.</p> <p>Landscape: The site is set at a lower level than surrounding land but occupies a position on the southern boundary of Hereford. Need to demonstrate the level of effect on the surrounding landscape. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p>River Wye SAC: An Appropriate Assessment is required to demonstrate no the likely significant effect(s) on the SAC. Development should <u>will be required to demonstrate at least</u> nutrient neutrality or betterment.</p> <p>Veteran tree: Need to demonstrate level of effect on ancient black poplar located to the north of the site.</p>
MM91	<p>Former Lugg Bridge Quarry Policy W6(1,a)</p>	<p>Archaeology: Need to demonstrate the potential for archaeological remains to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p>Flood Risk: Need to demonstrate that: the site will be safe in the event of a flood; risk is not increased on site or elsewhere; and where possible, flood risk is decreased. Flood alleviation should be considered in designing site reclamation.</p> <p>Green infrastructure: Operation and reclamation phases should deliver priorities of the Herefordshire Green Infrastructure Strategy, in particular those associated with District Strategy Corridor 2, District Enhancement Zone 2 and Hereford Fringe Zone 1. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p>Little Lugg River: Need to demonstrate the level of effect on water quality and hydrology of the Little Lugg River.</p> <p>River Lugg SSSI: Need to demonstrate the level of effect on the key features of this designation.</p>

		<p>River Wye SAC: An Appropriate Assessment is required to demonstrate no the likely significant effect(s) on the SAC. Development should <u>will be required to demonstrate at least</u> nutrient neutrality or betterment.</p> <p>Site reclamation: Due to the site having a mineral working history and rural location it is required to be reclaimed at the earliest opportunity should current operations cease (as consented under references: 131870/N, dated 22.07.2013; 151184, dated 10.11.2015; and 162032, dated 02.12.2016).</p> <p>Utilities: Utility infrastructure (gas) that cross the site may require diversion or a non-working buffer to enable the site to be worked.</p>
MM92	<p>Hereford Enterprise Zone (Rotherwas Industrial Estate) Policy W5(2)</p>	<p>Ancient Woodland: Need to demonstrate the level of effect on the ancient woodland, leaving a buffer adequate to protect the designation.</p> <p>Archaeology: Need to demonstrate the potential for archaeological remains to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p>Contaminated land: Recognising the site as a former munitions factory, there is a high potential for contaminated land. The site is located within a drinking water protected area. Need to demonstrate how any contamination on site will be identified and remediated, particularly with reference to protection of drinking water.</p> <p>Flood Risk: Site-specific flood risk assessment required to demonstrate compliance with Local Development Order. Reference should be made to the Drainage and Flood Management Strategy (2009 and as amended).</p> <p>Hampton Grange medical facility: Need to demonstrate the level of effect on the amenity, health & safety and environment of this medical facility.</p> <p>Heritage assets: Need to demonstrate the level of effect that <u>the proposed development will appropriately minimise and mitigate impacts</u> on heritage asset(s) and their setting(s), particularly listed buildings and the scheduled monuments Rotherwas House and Rotherwas Chapel.</p> <p>Landscaping: Site design should deliver a net gain in biodiversity, linking priority habitat, and providing enhancement for priority habitats, and incorporate key features of the landscape character.</p>

		<p>Pool at Rotherwas LWS: Need to demonstrate the level of effect on the key features of this designation.</p> <p>River Wye: Need to demonstrate the level of effect on water quality and hydrology of the River Wye.</p> <p>River Wye SAC: An Appropriate Assessment is required to demonstrate nothe likely significant effect(s) on the SAC. Development should<u>will be required to demonstrate at least</u> nutrient neutrality or betterment.</p> <p>River Wye SSSI: Need to demonstrate the level of effect on the key features of this designation.</p> <p>Veteran tree: Need to demonstrate level of effect on ancient black poplars located within the site, with a priority given to avoidance.</p>
MM93	<p>Holmer Road Policy W5(2)</p>	<p>Flood Risk: Need to demonstrate that: the site will be safe in the event of a flood; risk is not increased on site or elsewhere; and where possible, flood risk is decreased.</p> <p>Hereford AQMA: Need to demonstrate the level of effect on air quality, particularly within the Hereford AQMA.</p> <p>Heritage assets: <u>Need to demonstrate that the proposed development will appropriately minimise and mitigate impacts on heritage asset(s) and their setting(s), particularly listed buildings in the vicinity of the site.</u></p> <p>Landscaping: Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p>River Wye SAC: An Appropriate Assessment is required to demonstrate nothe likely significant effect(s) on the SAC. Development should<u>will be required to demonstrate at least</u> nutrient neutrality or betterment.</p> <p>Road network: Need to demonstrate the level of effect on the local road network in the vicinity of the site.</p> <p>Sensitive properties: Need to demonstrate the level of effect on the amenity, health & safety and environment of nearby sensitive properties (housing and schools).</p>
MM94	<p>Kington Household Waste and Recycling Centre Policy W5(3)</p>	<p>Landscape: The site is set at a lower level than surrounding land but occupies a position on the southern boundary of Kington. Need to demonstrate the level of effect on the surrounding landscape. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p>

		<p>River Wye SAC: An Appropriate Assessment is required to demonstrate no the likely significant effect(s) on the SAC. Development should <u>will be required to demonstrate at least</u> nutrient neutrality or betterment.</p>
MM95	<p>Land between Little Marcle Road and Ross Road Policy W5(2)</p>	<p>Archaeology: Need to demonstrate the potential for archaeological remains to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p>Flood Risk: Need to demonstrate that: the site will be safe in the event of a flood; risk is not increased on site or elsewhere; and where possible, flood risk is decreased.</p> <p>Heritage assets: Need to demonstrate the level of effect that <u>the proposed development will appropriately minimise and mitigate impacts</u> on heritage asset(s) and their setting(s), particularly listed buildings in the vicinity of the site.</p> <p>Landscape: The site is set at a lower level than surrounding land but occupies a position on the south western boundary of Ledbury. Need to demonstrate the level of effect on the surrounding landscape. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p>River Leadon: Need to demonstrate the level of effect on water quality and hydrology of the River Leadon.</p> <p>Sensitive properties: Need to demonstrate the level of effect on the amenity, health & safety and environment of nearby sensitive properties (housing, hotel and picnic site).</p>
MM96	<p>Leinthall Quarry Policy M4(2,a)</p>	<p>Dark Skies: Need to demonstrate that lighting will be kept to the minimum required to ensure safe working conditions on site.</p> <p>Downton Gorge SAC: An Appropriate Assessment is required to demonstrate the likely significant effect(s) on the SAC.</p> <p>Geodiversity: Need to demonstrate the level of effect on geodiversity and incorporate mitigation measures as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p>Green infrastructure: Operation and reclamation phases should deliver priorities of the Herefordshire Green Infrastructure Strategy, in particular those associated with District Strategy Corridor 9. Site design should deliver a net</p>

		<p>gain in biodiversity, linking priority habitats, and incorporate key features of the landscape character.</p> <p>Ground water: Located within the hard rock of the Silurian Aymestry Limestone Formation, classified as a secondary aquifer. Need to demonstrate the potential risks to the water environment, <u>including abstractions (public and private supply) wells and springs.</u></p> <p>Heritage assets: Need to demonstrate <u>the level of effect that the proposed development will appropriately minimise and mitigate impacts</u> on heritage assets and their settings, particularly of Croft Ambrey Hill Fort and Croft Castle Park.</p> <p>Phased working: Need to demonstrate optimum phasing of the allocated area, including how existing infrastructure will be used (to include at least site access and processing equipment) and reclamation at the earliest opportunity. A proliferation of ancillary infrastructure will not be permitted. <u>A consolidated application should be made, providing the opportunity to review working practices and reclamation across the whole site.</u></p> <p>River Teme SSSI and River Lugg SSSI: Need to demonstrate the level of effect on the key features of these designations.</p> <p>Sensitive properties: Need to demonstrate the level of effect on the amenity, health & safety and environment of nearby sensitive properties (housing)</p> <p>Veteran tree: Need to demonstrate level of effect on ancient yew tree located to the south of the site.</p>
MM97	<p>Leominster Enterprise Park Policy W5(2)</p>	<p>Archaeology: Need to demonstrate the potential for archaeological remains to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p>Flood Risk: Need to demonstrate that: the site will be safe in the event of a flood; risk is not increased on site or elsewhere; and where possible, flood risk is decreased.</p> <p>Heritage assets: Need to demonstrate <u>the level of effect that the proposed development will appropriately minimise and mitigate impacts</u> on heritage asset(s) and their setting(s), particularly listed buildings in the vicinity of the site.</p> <p>Landscape: The site is set at a lower level than surrounding land but occupies a position on the southern boundary of Leominster. Need to demonstrate the level of effect on the surrounding landscape. Site design should deliver a net gain</p>

		<p>in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p>River Lugg: Need to demonstrate the level of effect on water quality and hydrology of the River Lugg.</p> <p>River Lugg SSSI: Need to demonstrate the level of effect on the key features of this designation.</p> <p>River Wye SAC: An Appropriate Assessment is required to demonstrate no the likely significant effect(s) on the SAC. Development should <u>will be required to demonstrate at least</u> nutrient neutrality or betterment.</p> <p>Sensitive properties: Need to demonstrate the level of effect on the amenity, health & safety and environment of nearby sensitive properties (schools, cemetery and associated place of worship).</p> <p>Source Protection Zone 3: Need to demonstrate how any pathways for contamination will be identified and avoided.</p>
MM98	<p>Leominster Household Waste Site and Household Waste Recovery Centre Policy W5(3)</p>	<p>Heritage assets: Need to demonstrate the level of effect that <u>the proposed development will appropriately minimise and mitigate impacts</u> on heritage asset(s) and their setting(s).</p> <p>Landscaping: Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p>River Lugg: Need to demonstrate the level of effect on water quality and hydrology of the River Lugg.</p> <p>River Lugg SSSI: Need to demonstrate the level of effect on the key features of this designation.</p> <p>River Wye SAC: An Appropriate Assessment is required to demonstrate no the likely significant effect(s) on the SAC. Development should <u>will be required to demonstrate at least</u> nutrient neutrality or betterment.</p>
MM99	<p>Llandraw Delve Policy M5(1,a&b)</p>	<p>Dark Skies: Need to demonstrate that lighting will be kept to the minimum required to ensure safe working conditions on site.</p> <p>Green infrastructure: Operation and reclamation phases should deliver deliver priorities of the Herefordshire Green Infrastructure Strategy, in particular those associated with District Strategy Corridor 8. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p>

		<p>Ground water: Located in the St. Maughans sandstone bedrock formation, classified a secondary aquifer and proximate to the side of the Black Mountains where many springs and watercourses issue off the slopes. Need to demonstrate the potential risks for<u>to</u> the water environment, <u>including abstractions (public and private supply) wells and springs.</u></p> <p>MOD Danger Area and Low Fly Zone: Need to demonstrate the level of effect on the current and likely future operations within the MOD Danger Area and Low Fly Zone.</p> <p>River Monnow: Need to demonstrate the level of effect on water quality and hydrology of the River Monnow.</p> <p>Site Access: Need to demonstrate that vehicles can continue to access and leave the site, to and from the public highway, safely.</p>
MM100	Model Farm Policy W5(2)	<p>Archaeology: Need to demonstrate the potential for archaeological remains to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p>Heritage assets: Need to demonstrate the level of effect that <u>the proposed development will appropriately minimise and mitigate impacts</u> on heritage asset(s) and their setting(s), particularly listed buildings in the vicinity of the site.</p> <p>Landscape: The site is set at a lower level than surrounding land but occupies a position on the eastern side of Ross-on-Wye. Need to demonstrate the level of effect on the surrounding landscape. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p>River Wye SAC: An Appropriate Assessment is required to demonstrate no<u>the</u> likely significant effect(s) on the SAC. Development should will be required to demonstrate <u>at least</u> nutrient neutrality or betterment.</p> <p>Wye Valley AONB: Need to demonstrate the level of effect on the AONB.</p> <p>Source Protection Zone 2: Need to demonstrate how any pathways for contamination will be identified and avoided.</p>
MM101	Moreton Business Park	<p>Archaeology: Need to demonstrate the potential for archaeological remains to be present on the site, through desk-based assessment and/or field evaluation as</p>

Policy W5(2)		<p>appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p>Ancient Woodland: Need to demonstrate the level of effect on the ancient woodland, leaving a buffer adequate to protect the designation.</p> <p>Flood Risk: Need to demonstrate that: the site will be safe in the event of a flood; risk is not increased on site or elsewhere; and where possible, flood risk is decreased.</p> <p>Heritage assets: Need to demonstrate <u>the level of effect that the proposed development will appropriately minimise and mitigate impacts</u> on heritage asset(s) and their setting(s); particularly <u>listed buildings and Sutton Walls Hillfort, St Mary's Church and the historic core of Marden and other listed buildings.</u></p> <p>Landscape: The site is set at a lower level than surrounding land but occupies a rural position. Need to demonstrate the level of effect on the surrounding landscape. Site design should deliver a net gain in biodiversity, providing enhancement for priority habitats, and incorporate key features of the landscape character.</p> <p>Rail: Need to demonstrate the potential to use the rail network for the transport of materials or that the proposal does not prevent future use of the rail infrastructure available within the site.</p> <p>River Wye SAC: An Appropriate Assessment is required to demonstrate <u>no</u>the likely significant effect(s) on the SAC. Development should will be required to demonstrate <u>at least</u> nutrient neutrality or betterment.</p> <p>Wellington Brook and Moreton Brook: Need to demonstrate the level of effect on water quality and hydrology of these watercourses.</p> <p>Wellington Marsh LWS: Need to demonstrate the level of effect on the key features of this designation.</p>
MM102	<p>Perton Quarry Policy M4(2,a)</p>	<p>Archaeology: Need to demonstrate the potential for archaeological remains to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p>Dark Skies: Need to demonstrate that lighting will be kept to the minimum required to ensure safe working conditions on site.</p>

		<p>Geodiversity, Perton Roadside Section and Quarry SSSI: Need to demonstrate the level of effect on geodiversity and incorporate mitigation measures as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p>Green infrastructure: Operation and reclamation phases should deliver priorities of the Herefordshire Green Infrastructure Strategy, in particular those associated with District Strategy Corridor 3. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p>Ground water: Located within the Silurian Limestones and shales of the Woolhope Dome structure, classified as a secondary aquifer. Need to demonstrate the potential risks to the water environment, <u>including abstractions (public and private supply) wells and springs.</u></p> <p>Heritage assets: <u>Need to demonstrate that the proposed development will appropriately minimise and mitigate impacts on Registered Park and Garden Stoke Edith</u></p> <p>Peregrine Falcons: This is a species protected under Schedule 1 of the Wildlife and Countryside Act 1981.</p> <p>Phased working: Need to demonstrate optimum phasing of the allocated area, including how existing infrastructure will be used (to include at least site access and processing equipment) and reclamation at the earliest opportunity. A proliferation of ancillary infrastructure will not be permitted. <u>A consolidated application should be made, providing the opportunity to review working practices and reclamation across the whole site.</u></p> <p>River Lugg SSSI: Need to demonstrate the level of effect on the key features of this designation.</p> <p>River Wye SAC: An Appropriate Assessment is required to demonstrate no likely significant effect(s) on the SAC. Development should will be required to demonstrate <u>at least</u> nutrient neutrality or betterment.</p> <p>Sensitive properties: Need to demonstrate the level of effect on the amenity, health & safety and environment of nearby sensitive properties (housing).</p>
MM103	Shobdon Quarry	<p>Archaeology: Need to demonstrate the potential for archaeological remains to be present on the site, through desk-based assessment and/or field evaluation as</p>

<p>Policy M3(2,a) Policy W6(2)</p>		<p>appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p>Flood Risk: Need to demonstrate that: the site will be safe in the event of a flood; risk is not increased on site or elsewhere; and where possible, flood risk is decreased. Flood alleviation should be considered in designing site reclamation.</p> <p>Geodiversity: Need to demonstrate the level of effect on geodiversity and incorporate mitigation measures as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p>Green infrastructure and reclamation: Operation and reclamation phases should deliver priorities of the Herefordshire Green Infrastructure Strategy, in particular those associated with District Enhancement Zone 2. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p>Ground water: Glaciofluvial sand and gravel deposits represent a secondary aquifer in hydraulic continuity with watercourses. Need to demonstrate the potential risks to the water environment, <u>including abstractions (public and private supply) wells and springs.</u></p> <p>Housing: Need to demonstrate the level of effect on residential amenity at nearby properties.</p> <p>Pinsley Brook: Need to demonstrate the level of effect on water quality and hydrology in Pinsley Brook.</p> <p>Phased working: Need to demonstrate optimum phasing of the allocated area, including how existing infrastructure will be used (to include at least site access and processing equipment) and reclamation at the earliest opportunity. A proliferation of ancillary infrastructure will not be permitted. <u>A consolidated application should be made, providing the opportunity to review working practices and reclamation across the whole site.</u></p> <p>River Wye SAC: An Appropriate Assessment is required to demonstrate no likely significant effect(s) on the SAC. Development should will be required to demonstrate <u>at least</u> nutrient neutrality or betterment.</p> <p>Shobdon Airfield: Need to demonstrate the level of effect on the current and likely future operations of Shobdon Airfield.</p>
MM104	Southern Avenue	<p>Archaeology: Need to demonstrate the potential for archaeological remains to be present on the site, through</p>

Policy W5(2)		<p>desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p>Flood Risk: Need to demonstrate that: the site will be safe in the event of a flood; risk is not increased on site or elsewhere; and where possible, flood risk is decreased.</p> <p>Heritage assets: Need to demonstrate the level of effect that <u>the proposed development will appropriately minimise and mitigate impacts</u> on heritage asset(s) and their setting(s), particularly listed buildings in the vicinity of the site.</p> <p>Landscape: The site is set at a lower level than surrounding land but occupies a position on the southern boundary of Leominster. Need to demonstrate the level of effect on the surrounding landscape. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p>River Lugg: Need to demonstrate the level of effect on water quality and hydrology of the River Lugg.</p> <p>River Lugg SSSI: Need to demonstrate the level of effect on the key features of this designation.</p> <p>River Wye SAC: An Appropriate Assessment is required to demonstrate no <u>the</u> likely significant effect(s) on the SAC. Development should will be required to demonstrate <u>at least</u> nutrient neutrality or betterment.</p> <p>Sensitive properties: Need to demonstrate the level of effect on the amenity, health & safety and environment of nearby sensitive properties (schools, cemetery and associated place of worship).</p> <p>Source Protection Zones 1 and 2: Need to demonstrate how any pathways for contamination will be identified and avoided.</p>
MM105	<p>Three Elms Trading Estate Policy W5(2)</p>	<p>Heritage assets: Need to demonstrate the level of effect that <u>the proposed development will appropriately minimise and mitigate impacts</u> on heritage asset(s) and their setting(s), particularly listed buildings in the vicinity of the site.</p> <p>Landscaping: Site design should deliver a net gain in biodiversity, providing enhancement for priority habitats, and incorporate key features of the landscape character.</p> <p>River Wye SAC: An Appropriate Assessment is required to demonstrate no <u>the</u> likely significant effect(s) on the</p>


		<p>SAC. Development should will be required to demonstrate <u>at least</u> nutrient neutrality or betterment.</p> <p>Sensitive properties: Need to demonstrate the level of effect on the amenity, health & safety and environment of nearby sensitive properties (housing and schools).</p> <p>Yazor Brook: Need to demonstrate the level of effect on water quality and hydrology of the Yazor Brook.</p>
MM106	<p>Upper Lyde Quarry Policy M3 (2,a) Policy W6(2)</p>	<p>Archaeology: Need to demonstrate the potential for archaeological remains to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p>Geodiversity: Need to demonstrate the level of effect on geodiversity and incorporate avoidance, mitigation and monitoring measures as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p>Green infrastructure and reclamation: Operation and reclamation phases should deliver priorities of the Herefordshire Green Infrastructure Strategy, in particular those associated with District Strategy Corridor 2 and Hereford Fringe Zone 4. Site design should deliver a net gain in biodiversity, providing enhancement for priority bird species, and incorporate key features of the landscape character.</p> <p>Ground water: Glaciofluvial sand and gravel deposits represent a secondary aquifer in hydraulic continuity with watercourses. Need to demonstrate the potential risks to the water environment, <u>including abstractions (public and private supply) wells and springs.</u></p> <p>Housing: Need to demonstrate the level of effect on residential amenity at nearby properties.</p> <p>Phased working: Need to demonstrate optimum phasing of the allocated area, including how existing infrastructure will be used (to include at least site access and processing equipment) and reclamation at the earliest opportunity. A proliferation of ancillary infrastructure will not be permitted. <u>A consolidated application should be made, providing the opportunity to review working practices and reclamation across the whole site.</u></p> <p>River Lugg: Need to demonstrate the level of effect on water quality and hydrology of these watercourses.</p>

		<p>River Lugg SSSI: Need to demonstrate the level of effect on the key features of this designation.</p> <p>River Wye SAC: An Appropriate Assessment is required to demonstrate no the likely significant effect(s) on the SAC. Development should will be required to demonstrate <u>at least</u> nutrient neutrality or betterment.</p> <p>Road network: Highways England identifies the site as located near to the strategic road network. Need to demonstrate the level of effect on the local road network in the vicinity of the site.</p>
MM107	<p>Wellington Quarry Policy M3(2,a) Policy W6(2)</p>	<p>Archaeology and geodiversity: Need to demonstrate the potential for archaeological remains or geological features to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p>Flood Risk: Need to demonstrate that: the site will be safe in the event of a flood; risk is not increased on site or elsewhere (<u>including Leystone Bridge</u>); and where possible, flood risk is decreased. Flood alleviation should be considered in designing site reclamation.</p> <p>Footpath: Wellington footpaths 23, 23A and 34 cross the site and may require diversion or a non-working buffer such that the amenity value and connectivity of the footpaths are maintained.</p> <p>Green infrastructure: Operation and reclamation phases should deliver priorities of the Herefordshire Green Infrastructure Strategy, in particular those associated with District Strategy Corridor 1 and District Enhancement Zone 3. Site design should deliver a net gain in biodiversity, providing enhancement for priority habitats, and incorporate key features of the landscape character.</p> <p>Ground water: Glaciofluvial sand and gravel deposits represent a secondary aquifer in hydraulic continuity with watercourses. Need to demonstrate the potential risks to the water environment, <u>including abstractions (public and private supply) wells and springs</u>.</p> <p>Heritage assets: Need to demonstrate the level of effect that <u>the proposed development will appropriately minimise and mitigate impacts on</u> heritage asset(s) and their setting(s) particularly <u>Sutton Walls Hillfort, St Mary's Church and the historic core of Marden and other</u> listed buildings and Sutton Walls Fort.</p>

		<p>Marches Line: A non-working buffer may be required such that railway safety is maintained.</p> <p>Otter: Detail protected species survey required to determine any site-specific mitigation and protection measures.</p> <p>Phased working: Need to demonstrate optimum phasing of the allocated area, including how existing infrastructure will be used (to include at least site access and processing equipment) and reclamation at the earliest opportunity. A proliferation of ancillary infrastructure will not be permitted. <u>A consolidated application should be made, providing the opportunity to review working practices and reclamation across the whole site.</u></p> <p>River Lugg and Wellington Brook: Need to demonstrate the level of effect on water quality and hydrology of these watercourses.</p> <p>River Lugg LWS and SSSI: Need to demonstrate the level of effect on the key features of this designation.</p> <p>River Wye SAC: An Appropriate Assessment is required to demonstrate no the likely significant effect(s) on the SAC. Development should will be required to demonstrate <u>at least</u> nutrient neutrality or betterment.</p> <p>Road network: Highways England identifies this site as located near to the strategic road network. Need to demonstrate the level of effect on the A49 and that vehicles can access and leave the site, to and from the public highway, safely.</p> <p>Sensitive properties: Need to demonstrate the level of effect on the amenity, health & safety and environment of nearby sensitive properties (school and housing).</p> <p>Utilities: Utility infrastructure (high pressure gas, water mains and foul sewer) that cross the site may require diversion or a non-working buffer to enable the site to be worked.</p>
MM108	<p>Westfields Trading Estate Policy W5(2)</p>	<p>Flood Risk: Need to demonstrate that: the site will be safe in the event of a flood; risk is not increased on site or elsewhere; and where possible, flood risk is decreased.</p> <p>Hereford AQMA: Need to demonstrate the level of effect on air quality, particularly within the Hereford AQMA.</p> <p>Heritage assets: Need to demonstrate the level of effect that <u>the proposed development will appropriately minimise and mitigate impacts</u> on heritage asset(s) and their setting(s), particularly listed buildings in the vicinity of the site.</p>

		<p>Landscaping: Site design should deliver a net gain in biodiversity, providing enhancement for priority habitats, and incorporate key features of the landscape character.</p> <p>Plough Lane LWS, Widemarsh Brook LWS and Yazor Brook LWS: Need to demonstrate the level of effect on the key features of these designations.</p> <p>Sensitive properties: Need to demonstrate the level of effect on the amenity, health & safety and environment of nearby sensitive properties (schools).</p> <p>River Wye SAC: An Appropriate Assessment is required to demonstrate no the likely significant effect(s) on the SAC. Development should will be required to demonstrate <u>at least</u> nutrient neutrality or betterment.</p> <p>Widemarsh Brook and Yazor Brook: Need to demonstrate the level of effect on water quality and hydrology of the Yazor Brook.</p>
MM109	<p>Westonhill Wood Delves Policy M5(1,a&b)</p>	<p>Airfield: Need to demonstrate the level of effect on the current and likely future operations of the nearby airfield.</p> <p>Ancient Woodland: Need to demonstrate the level of effect on the ancient woodland, leaving a buffer adequate to protect the designation.</p> <p>Archaeology and geodiversity: Need to demonstrate the potential for archaeological remains or geological features to be present on the site, through desk-based assessment and/or field evaluation as appropriate. Mitigation will include recording, protection or recovery of any assets.</p> <p>Dark Skies: Need to demonstrate that lighting will be kept to the minimum required to ensure safe working conditions on site.</p> <p>Green infrastructure: Operation and reclamation phases should deliver priorities of the Herefordshire Green Infrastructure Strategy, in particular those associated with District Strategy Corridor 7. Site design should deliver a net gain in biodiversity, providing enhancement for priority habitats, and incorporate key features of the landscape character.</p> <p>Ground water: Located on secondary aquifer of the Devonian. Need to demonstrate the potential risks to the water environment, <u>including abstractions (public and private supply) wells and springs including drinking water</u>.</p>

		<p>Housing: Need to demonstrate the level of effect on residential amenity at nearby properties.</p> <p>Heritage assets: Need to demonstrate the level of effect that <u>the proposed development will appropriately minimise and mitigate impacts</u> on heritage asset(s) and their setting(s).</p> <p>Merbach Hill LWS, Benfield Park LWS and Westonhill Wood LWS: Need to demonstrate the level of effect on the key features of these designations.</p> <p>River Wye SAC: An Appropriate Assessment is required to demonstrate no <u>likely significant effect(s)</u> on the SAC. Development should will be required to demonstrate <u>at least nutrient neutrality or betterment</u>.</p> <p>River Wye SSSI: Need to demonstrate the level of effect on the key features of this designation.</p> <p>Site Access: Need to demonstrate that vehicles can continue to access and leave the site, to and from the public highway, safely.</p>
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Herefordshire Minerals and Waste Local Plan

Schedule of Minor Changes

November 2023

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1. Introduction

1.1 Table 1 presents the schedule of proposed minor 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.
- 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.

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 e.g. MC2.a; MC2.b; etc.

2. Minor Modifications Proposed

Table 1 Schedule of Minor Changes to the Publication Draft MWLP

Mod. Ref.	Paragraph/policy/ figure reference	Proposed Change
Section 1. The Publication Draft Minerals and Waste Local Plan for Herefordshire		
MC1.a	Chapter 1	To be deleted in its entirety.
Section 2. Introduction and Background		
MC2.a	2.1.4 and associated FN2	Page 9, paragraph 22, National Planning Policy Framework, February 2019 <u>July 2021</u> .
MC2.b	2.1.6	Habitats Regulation Assessment, which has assessed any impacts on National Network Sites European sites ; and
MC2.c	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 reused , recycled or disposed of safely.
MC2.d	2.4.11	Both minerals and waste need assessments were undertaken again in late 2019 using the latest available information. These are reported in the: Minerals Need Assessment 2019 ('MNA 2019'); and Waste Need Assessment 2019 ('WNA 2019'). Additional assessments were published in May 2022, to consider data from years 2019 and 202. These are reported in the: Minerals Need Assessment 2021 ('MNA 2021'); the MNA Sensitivity Paper; and Waste Need Assessment 2021 ('WNA 2021').
MC2.e	2.4.14	The LAA was updated again in late 2019 and 2022 ('LAA 2021') .
MC2.f	2.4.18	Habitats Regulations Assessment (HRA) has been used to assess the emerging MWLP to assess whether there would be likely significant effects on sites of international importance for wildlife (European sites National Network Sites).
MC2.g	Section 2.6	To be deleted in its entirety.
Section 3. Context		
MC3.a	Figure 3	To be updated with refreshed background mapping data.

Mod. Ref.	Paragraph/policy/ figure reference	Proposed Change
MC3.b	3.1.22	The waste facilities consented in Herefordshire in 2019-2020 are all shown on Figure 4. Again, this Figure is available in its original A3 format at Annex A.
MC3.c	Figure 4	To be updated with refreshed background mapping and waste data.
MC3.d	3.3.1	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-.
MC3.e	3.3.4	The National Planning Policy Framework (the 'NPPF', February 2019 July 2021) contains the Government's overarching policies on minerals planning.
MC3.f	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'.
MC3.g	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.
MC.h	3.3.14	In December 2018, Defra published 'Our Waste, Our Resources: A Strategy for England' ¹⁵ (the 'Resources and Waste Strategy'). This was the first significant waste policy intervention by the Government in over a decade; delivery of the circular economy is a core focus of the document. Figure 5 is taken from the RWS Resources and Waste Strategy .

Mod. Ref.	Paragraph/policy/ figure reference	Proposed Change
MC3.i	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>
MC3.j	3.3.27	There are two Areas of Outstanding Natural Beauty (AONB) in Herefordshire: the Malvern Hills; and the Wye Valley. The Malvern Hills AONB Management Plan 2014-2019 ²⁰ 2019-2024 ²⁰ 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 2015-2020 ²¹ 2021-2026 ²¹ 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.
MC3.k	Footnote 20	http://www.malvernhillsaonb.org.uk/managing-the-aonb/management-plan/ http://www.malvernhillsaonb.org.uk/wp-content/uploads/2019/04/64217-Malvern-Hills-AONB-Management-Plan-2019-24-v06.pdf
MC3.l	Footnote 21	http://www.wyevalleyaonb.org.uk/index.php/about-us/management-and-guidance/management-plan-2015-2020/ https://www.wyevalleyaonb.org.uk/wp-content/uploads/dlm_uploads/Wye-Valley-AONB-Management-Plan-2021-26-finalised.pdf
MC3.m	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 MWLP, the most recent versions of these documents were published in March 2020 and titled:
MC3.n	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.

Section 4. Vision, Objectives and Spatial Strategy		
MC4.a	Table 1, MWLP Objectives	There are two objectives numbered 11. The second has been amended to number 12 and the objective formerly number 12 has been renumbered to 13.
MC4.b	Figure 6	To be updated with refreshed background mapping and to clarify policy.
Section 5. Strategic Policy and General Principles		
MC5.a	5.4.1 As modified: 5.4.5	To relocate this paragraph under the sub heading Landscape and Townscape – Core Strategy policy LD1.
MC5.b	5.4.10	The Ecological Mitigation Plan should specify working methods, timings and buffers within the development site to protect vulnerable features, including European sites National Network Sites . The size and shape of the buffer will be defined on a site-by-site basis dependent on the attributes of the feature.
MC5.c	5.4.21	The sand and gravel sites at Shobdon and Upper Lyde are Local Geological Sites designated for their glacial and glacial-fluvial features respectively, whilst sub-alluvial gravels have been extracted at Wellington that may hold clues to the changing drainage patterns in Herefordshire in glacial times.
MC5.d	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 each allocated sites and the Green Infrastructure Strategy already in place.
SECTION 6. Minerals		
MC6.a	6.1.3	The limestone is predominantly crushed for use as a primary aggregate and building stone offcuts from the sandstone delves are used are used in their restoration.
MC6.b	Figure 7 (within Plan and Figure)	To be updated with refreshed background mapping and to clarify policy. Title updated as shown: Figure 7 Minerals Safeguarding Areas including Rail Heads Figure Figure 7
MC6.c	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 .

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.
MC7.b	7.2.15	In November 2018, judgement was handed down from the Court of Justice of the European Union in the case of Cooperatie Mobilisatie (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.
MC7.c	7.2.18	The River Wye SAC Nutrient Management Plan NMP makes clear that the farming community plays a crucial role in the River Wye SAC catchment.
MC7.d	7.2.19	Whilst the River Wye SAC NMP is being reviewed, the ‘Top 5’ recommendations for agriculture directly addressing waste management practices, remain relevant including:
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 collating 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.
MC8.b	Table 3 (header row)	Draft MWLP Policy
Section 9 Key Development Criteria		
MC9.a	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.

3. Figures of the Plan and Interactive Mapping

3.1 Figures

3.1.1 In updating Figures 6 and 7, new and improved, base mapping was realised to be available.

3.1.2 The opportunity has been taken to also improve the base mapping for **Figures 3 and 4**, and consequently to revise them with updated information relevant to both mineral sites and waste facilities.

3.1.3 The modifications to **Figure 6** are proposed to:

- ensure Preferred Area of Search A remains within the plan area;
- exclude the Wye Valley Area of Outstanding Natural Beauty from Preferred Area of Search D;
- change the words 'General Search Areas' to 'Safeguarded Resource';
- identify Hereford and the market towns; and
- include the railheads that are safeguarded.

3.1.4 The modifications to **Figure 7** are proposed to:

- correct a spelling mistake;
- change 'reserves' to 'resources'; and
- provide greater clarity in relation to the safeguarded railheads.

3.1.5 Together, these revised figures create a proposed, modified Annex A to the Plan, dated November 2022.

3.2 Interactive mapping

3.2.1 The interactive mapping on the Herefordshire Council website is proposed to be updated to ensure the details are consistent with the Plan.



Title of report: Q3 Budget Report

Meeting: Cabinet

Meeting date: Thursday 29 February 2024

Cabinet Member: Cabinet member finance and corporate services

Report by: S151 Officer

Report Author: Head of Strategic Finance (Deputy S151)

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose

To report the forecast position for 2023/24, including explanation and analysis of the drivers for the material budget variances, and outline current and planned recovery activity to reduce the forecast overspend.

To provide assurance that progress has been made towards delivery of the agreed revenue budget and service delivery targets, and that the reasons for major variances or potential under-performance are understood and are being addressed to the cabinet's satisfaction. The forecast 2023/24 outturn shows a net overspend of £10.7 million at Quarter 3.

Recommendation(s)

That: Cabinet

- a) review the financial forecast for 2023/24, as set out in the appendices A-D, and identifies any additional actions to be considered to achieve future improvements;
- b) Note the forecast revenue outturn position at Quarter 3 2023/24 of a £10.7 million overspend, before management action, and the potential impact of this overspend on the council's reserves;
- c) Note the impact of the 2023/24 forecast outturn on the 2024/25 budget requirement and the future financial sustainability of the council;

- d) Request that Scrutiny Management Board reviews the budget monitoring position and that relevant Cabinet Members provide explanation for key variances and actions identified to address key pressures; and
- e) Agree the continuation and strengthening of management actions to reduce the forecast overspend as identified in this report.

Alternative options

1. Cabinet may choose to review financial, delivery and operational performance more or less frequently; or request alternative actions to address any identified areas of under-performance, including referral to the relevant scrutiny committee.

Key considerations

Revenue Forecast Outturn

2. This report presents the Quarter 3 revenue forecast outturn position for 2023/24 and highlights the continuing impact of increasing demand for adult and children’s social care and the challenging national and global economic environment. Detailed explanations for variances from budget are set out in Appendix A by Directorate and Service Area.
3. The council’s approved net revenue budget for 2023/24 is £193.3 million which includes planned savings of £20.0 million comprising £14.1 million of Directorate savings and £5.9 million of Central budget savings.
4. **The Quarter 3 revenue outturn forecast for 2023/24 shows an overspend of £10.7 million.** before management action, including £6.5m of Directorate savings and £0.9m of Central savings assessed as at risk at Quarter 3. This represents a variance of 5.5% against budget with the most significant forecast overspend in Children & Young People (£11.7 million).
5. The forecast revenue outturn position at Quarter 3 by Corporate Director portfolio is shown in Table 1 below. The £4.0 million All Ages Social Care budget has been applied to Directorate budgets in 2023/24 to meet additional demand and cost pressures in Community Wellbeing (£2.6 million) and the Children & Young People (£1.4 million).

Table 1: Quarter 3 Forecast revenue position 2023/24 before recovery action

2023/24 Forecast Revenue Outturn at Quarter 3 (December 2023)			
	Revenue Budget £m	Forecast Outturn £m	Forecast Variance £m
Community Wellbeing	70.7	71.0	0.3
Children & Young People	52.2	63.9	11.7
Economy & Environment	27.7	27.7	0.0
Corporate Services	26.0	26.7	0.7
All Ages Social Care			
Directorate Total	176.6	189.3	12.7
Central	16.7	14.7	(2.0)
Total	193.3	204.0	10.7

Further information on the subject of this report is available from Rachael Hart, Tel. 01432 383775, email Rachael.Hart@herefordshire.gov.uk

Management Activity and Further Recovery Actions

6. Initial management activity already underway is expected to reduce this forecast overspend to £9.4 million, as set out in Table 2 below, and each Directorate will continue to identify **further recovery action and options to mitigate at risk savings targets** to respond to the significant financial challenges the council is facing and ensure recurrent spending is sustainable within the resources available. Corporate Directors will continue to develop Directorate recovery plans to manage in year delivery of services within the approved budget.
7. Additional expenditure controls are in place to support recovery activity in 2023/24. Directorate panels will review expenditure on goods and services as well as changes in staffing arrangements to provide increased rigour and challenge over expenditure for the remainder of the financial year. These controls will continue, as part of Directorate financial management, as required in 2024/25.

Table 2: Updated forecast revenue position 2023/24

Updated 2023/24 Forecast Revenue Outturn at Quarter 3 (December 2023)					
	Revenue Budget £m	Forecast Outturn £m	Forecast Variance £m	Management Action £m	Revised Forecast £m
Community Wellbeing	70.7	71.0	0.3	(0.3)	0.0
Children & Young People	52.2	63.9	11.7	(0.2)	11.5
Economy & Environment	27.7	27.7	0.0	(0.1)	(0.1)
Corporate Services	26.0	26.7	0.7	(0.3)	0.4
Directorate Total	176.6	189.3	12.7	(0.9)	11.8
Central	16.7	14.7	(2.0)	(0.4)	(2.4)
Total	193.3	204.0	10.7	(1.3)	9.4

Savings

8. Council approved a total of £14.1 million Directorate Savings for 2023/24. A review of the delivery and status of the 2023/24 approved savings has been undertaken informed by planned and actual activity in the year to date to determine savings targets at risk of in-year delivery. This review **identifies £6.5 million of this target at risk of delivery** at Quarter 3.
9. The **delivery of savings in full and on time is critical** to ensure the 2023/24 revenue outturn position is balanced and to prevent further pressure on future years' budgets. Progress on delivery of savings and mitigations will continue to be monitored and reported in the next budget monitoring report to Cabinet.
10. A breakdown, by Directorate, of the savings at risk of delivery in 2023/24 is shown in Table 3 below. Explanations for under/non-delivery and planned mitigations, identified as part of Directorate recovery plans, are set out in Appendix D.

Further information on the subject of this report is available from
Rachael Hart, Tel. 01432 383775, email Rachael.Hart@herefordshire.gov.uk

Table 3: Assessment of Delivery of Savings at Quarter 3

	Target £m	At Risk £m	In Progress £m	On Target £m	Delivered £m
Community & Wellbeing	6.1	1.1	1.6	0.1	3.3
Children & Young People	4.5	4.2	-	0.3	-
Economy & Environment	2.2	0.9	-	0.1	1.2
Corporate Services	1.3	0.3	0.6	-	0.4
Total	14.1	6.5	2.2	0.5	4.9

Capital Budget

11. The revised 2023/24 capital budget of £147.8 million was approved by Council on 8 December 2023. Capital budgets had been reprofiled in line with expected delivery Appendix B Table c, this has reduced 2023/24 budget by £78.9m and this has been reallocated across the following three years. A summary breakdown is shown in Table 4 below. This was reported at the December Council meeting in appendix B forecast, but wasn't included in the proposed changes from cabinet on 5 October 2023 as they had not been agreed at that time.

Table 4: Revised Capital budget 2023/24 to 2026/27

	2023/24 Budget £'000	2024/25 Budget £'000	2025/26 Budget £'000	2026/27 Budget £'000	Total
December 2023 Council Approved Budget	147,821	105,417	23,788	10,570	287,596
Budget Reprofile	(78,948)	45,527	25,424	7,997	-
Revised Capital Budget	68,873	150,944	49,212	18,567	287,596

12. The forecast spend position is £53.2 million which represents an under spend of £15.7 million against a budget of £68.9 million. Full details for each project are in Appendix B, Table a. This underspend consists of £3.2 million projects that have delivered below the project budget, a further £1.0 million of budgets where the projects are on hold awaiting successful bids and £11.5 million in respect of project budgets to be rolled forward for delivery 2024/25. This forecast under spend position may change if any project delivery are further delayed. The full capital programme analysed by project for current and future years can be seen in detail by Appendix B Table b.

Community impact

13. In accordance with the accepted code of corporate governance, the council must ensure that it has an effective financial control framework to support delivery of services within the agreed budget. The council is accountable for how it uses the resources under its stewardship, including accountability for outputs and outcomes achieved. In addition the council has an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies.

Environmental Impact

14. The 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.
15. This report is to review the financial forecast at Quarter 3 of 2023/24 so will have minimal environmental impacts, however consideration has been made to minimise waste and resource use in line with the council's Environmental Policy.

Equality duty

16. 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 –

 - 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.
17. 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. Whilst this paper is not seeking any project specific decisions, in determining the council's budget allocation, the council is working towards its equality objectives: [Equality, diversity and inclusion – Herefordshire Council](#). In addition, projects identified within the delivery plan, where relevant, will be subject to an Equality Impact Assessment to ensure appropriate attention is given to our Equality Duty.
18. These recommendations have no direct financial implications, however cabinet may wish to consider how money is utilised in order to meet the council's objectives.

Legal implications

19. There are no direct legal implications arising from this report.

Risk management

20. The risks associated with the council's business are recorded on the relevant service risk register and escalated in accordance with the council's Performance Management Framework and Risk Management Plan. The highest risks, i.e. those scoring greater than 16 after controls, are escalated to the council's Corporate Risk Register.

Resource Implications

21. These recommendations have no direct financial implications, however cabinet may wish to consider how money is utilised in order to meet the council's objectives.

Consultees

22. None in relation to this report.

Appendices

Appendix A - Revenue forecast

Appendix B – Capital forecast

Appendix C - Treasury management forecast

Appendix D - Savings delivery

Background papers

None Identified

Appendix A: 2023/24 Revenue Outturn Quarter 3 (December 2023)

2023/24 Forecast Revenue Outturn at Quarter 3 (December 2023)			
	2023/24 Revenue Budget £m	Q3 Forecast Outturn £m	Q3 Forecast Variance £m
Community Wellbeing	70.7	71.0	0.3
Children & Young People	52.2	63.9	11.7
Economy & Environment	27.7	27.7	-
Corporate Services	26.0	26.7	0.7
All Ages Social Care			
Directorate Total	176.6	189.3	12.7
Central	16.7	14.7	(2.0)
Total	193.3	204.0	10.7

Community Wellbeing	2023/24 Approved Revenue Budget £'000	Q3 Forecast Outturn £'000	Q3 Forecast Variance £'000
Learning Disabilities	25,251	24,813	(438)
Memory & Cognition	2,402	2,596	194
Mental Health	3,918	3,553	(365)
Physical Support	35,909	34,271	(1,638)
Sensory Support	410	330	(80)
Client sub-total	67,890	65,563	(2,327)
All Ages Commissioning	2,713	2,921	208
Care Operations	6,815	7,187	372
Commissioned Services	5,527	6,697	1,170
Transformation and Improvement	1,083	922	(161)
Housing	1,137	1,514	377
Prevention and Support	1,774	1,327	(447)
Talk Community Programme	1,775	1,616	(159)
Director and Management	(20,599)	(19,298)	1,301
Public Health	100	100	0
Non-client sub-total	325	2,986	2,661
Adults, Health and Wellbeing Portfolio	68,215	68,549	334
Cultural Services	2,145	2,130	(15)
Community Services and Assets Portfolio	2,145	2,130	(15)
Strategic Housing	359	309	(50)
Economy and Growth Portfolio	359	309	(50)
Directorate Total	70,719	70,988	269

Key variances from budget (> £250k) at Q3:

£0.3m overspend (Learning Disability) due to a combination of cost pressures resulting from increased complexity in care needs as well as demand pressures within Residential Care.

£0.9m overspend (Physical Support) due to both cost and demand pressures in Residential care, cost pressures in Nursing care and demand pressures in Homecare.

£0.4m overspend (Care Operations and All Ages Commissioning) due to agency/interim cost pressures.

The client budget includes the allocation of £2.4m of the All Ages Social Care budget to manage demand and cost pressures in 2023/24.

Children & Young People	2023/24 Approved Revenue Budget £'000	Q3 Forecast Outturn £'000	Q3 Forecast Variance £'000
Children's Commissioning	461	488	27
Director's Office	620	966	346
Total Improvement	5,882	3,245	(2,637)
Total Youth Offending	198	190	(8)
Total Children's Directorate Costs	7,161	4,889	(2,272)
Additional Needs	6,049	8,579	2,530
Commissioning Management	873	740	(133)
Development and Sufficiency	516	388	(128)
Early Years	90	153	63
Education Improvement	471	499	28
Total Education and Commissioning	7,999	10,359	2,360
Total Children in Need	5,072	7,070	1,998
Total Early Help	2,022	2,334	312
Total Looked After Children	26,617	35,133	8,516
Total Safeguarding and Early Help	1,313	1,889	576
Total Safeguarding and Review	1,167	1,429	262
Total Safeguarding and Development	869	852	(17)
Total Safeguarding and Family Support	37,060	48,707	11,647
Directorate Total	52,220	63,955	11,735

Key variances from budget (> £250k) at Q3:

£0.2m total underspends across various Directorate budgets

£4.2m overspend representing Savings Targets 'At Risk'; £0.3m forecast on target for delivery at Q3

£2.6m cost pressures in respect of Agency Staff; a reduction of £0.4m since Q2

£2.1m overspend representing additional demand in SEN Transport

£0.7m overspend in Agency Fostering

£0.8m overspend due to additional demand in Complex Needs

£0.5m overspend re additional expenditure to support Practice Improvement

£0.5m overspend due to cost pressures in respect of In-House Fostering

£0.5m overspend to support UASC

Economy & Environment	2023/24 Approved Revenue Budget £'000	Q3 Forecast Outturn £'000	Q3 Forecast Variance £'000
Management	(218)	440	658
Economy and Growth	1,347	2,480	1,133
Environment, Highways and Waste	26,606	24,784	(1,822)
Directorate Total	27,735	27,704	(31)

Key variances from budget (> £250k) at Q3:

£0.7m underspend in Energy costs representing £1.0m of reduced Electricity costs offset by £0.3m increase in Gas costs

£0.5m net underspend in respect of Concessionary Travel

£0.7m net underspend in respect of Employees and Agency

£0.2m additional income for Trade Waste

£0.9m overspend representing Savings Targets 'At Risk'

£1.2m reduced income for Development Planning and Building Control

Corporate Services	2023/24 Approved Revenue Budget £'000	Q3 Forecast Outturn £'000	Q3 Forecast Variance £'000
Chief Executive's Office	1,069	1,476	407
Corporate Support Services	4,157	4,187	30
Governance and Legal Services	5,823	5,777	(46)
HR and Organisational Development	1,779	1,869	90
Strategic Assets	2,747	2,834	87
Strategic Finance	7,224	7,339	115
Transformation, PMO and Performance	3,141	3,261	120
Directorate Total	25,940	26,743	803

Key variances from budget (> £250k) at Q3:

£0.4m overspend (Public Relations Office) due to staffing and agency cost pressures

£0.4m underspend (Governance & Legal) representing staff vacancy savings - this is offset by various smaller overspends across the Directorate

£0.3m overspend (Strategic Assets) representing savings targets at risk – this is partially offset by increased rental income

£0.5m overspend (Programme Management Office) arising due to staffing cost pressures – this is partially offset by an underspend of £0.4m in the Special Projects budget.

Central	2023/24 Approved Revenue Budget £'000	Q3 Forecast Outturn £'000	Q3 Forecast Variance £'000
Total	16,697	14,576	(2,121)

Key variances from budget (> £250k) at Q3:

£0.9m overspend (Thrive) as a result of savings assessed as at risk in 2023/24; delivery expected in 2024/25.

£3.0m underspend (Treasury Management - Interest receivable) representing additional income in 2023/24.

Appendix B

**Table A - 2023/24 Capital Programme Forecast
Position December 2023**

					2023/24			
Adjustments include 22/23 carry forwards and additional grants allocations (Budget as agreed at Council in December)	2023/24 Revised Budgets £000s	Adjustments in Year £000s			Current Capital Budget £000s	Q3 Forecast £000s	Forecast Variance to Current Budget £000s	Reason for Forecast Variance to Current Capital Budget
		2022/23 C/Fwd	Reprofile Table C	Grant & Other changes Table B				
Disabled facilities grant	4,229				4,229	3,140	-1,089	Strategic Housing delays on DFG team doing assessments £274k, SHAP programme starting later than anticipated £800k
Community Capital Grants Scheme	200				200	0	-200	A small amount of the budget was placed in 23/24 for this new scheme in case any projects could progress quickly but until the decision to spend is agreed the forecast has been kept at nil.
Total Community Wellbeing Delivery Board	4,429	0	0	0	4,429	3,140	-1,289	
Hillside	121			0	121	121	0	
Empty Property Investment & Development	919			0	919	219	-700	£500k match will be required next year as properties are unlikely to be bought in this financial year - £200k delays in new schemes coming forward
Gypsy & Traveller Pitch development	1,096		-1,046	0	50	30	-20	
Single Homelessness Accommodation Programme (SHAP)	455				455	303	-152	Delayed announcement from government, therefore didn't get full sign off until end of Nov due to

								timeframe only anticipating to purchase 2 properties with no chain
Strategic Housing Development	80			0	80	52	-28	
Private sector housing improvements	111			0	111	111	0	
Total Housing & Accommodation Delivery Board	2,781	0	-1,046	0	1,736	836	-900	
Electronic Document Management Storage	12			0	12	0	-12	Project has completed under budget
Capital Development Fund	1,000			0	1,000	0	-1,000	No projects have been approved to use this funding.
Key Network Infrastructure (Core Data Centre Switches & Corporate Wi-Fi)	412			0	412	386	-26	
HARC SAN Lifecycle Replacement	372		-370	0	2	2	0	
Data Centre Equipment Lifecycle Replacement	329			0	329	199	-130	£107k underspend due to equipment cheaper than anticipated - £23k delayed due to repair work to the Fibre cables between Plough Lane & Harc est July24
Windows Server Upgrades	330			0	330	208	-122	Project extended to Sept24 as M365 project needs to be up and running before the servers can be upgraded
Backup Storage	82			0	82	37	-46	Project has completed under budget
Device and Ancillary kit replacement programme	365		-100	0	265	265	0	
M365 E5 Implementation	300			0	300	300	0	

Primary Data Storage Area Network (Plough Lane)	63			0	63	9	-55	Project has completed under budget
Total IT Services Partnership Board	3,265	0	-470	0	2,795	1,405	-1,390	
Flexible Futures	582			0	582	582	0	
My Account	7			0	7	5	-2	Phase 1 was completed under budget
Total Corporate Transformation Delivery Board	588	0	0	0	588	587	-2	
Schools Capital Maintenance Grant	5,693		-2,707	0	2,986	2,693	-293	Slippage due to delivering a group of projects in the Easter holidays which falls over the year end, because of procurement timeline and because need schools holiday - due to commit £293k works in this financial year but delivery will fall into next.
Peterchurch Area School Investment	7,446		-7,416	0	30	30	0	
Brookfield School Improvements	3,830		-3,080	0	750	100	-650	A programme for construction will be mid March due to DFE time to agree funding. Forecast reduced due to getting a CN £140k from Cadent Gas as diversion no longer required
High Needs Grant	1,300		-1,150	0	150	20	-130	Reduce following review of potential build option and consultants
Basic Needs Funding	7,674		-7,474	0	200	100	-100	Reduce 3 week delay with contract as signed later than expected
Preliminary works to inform key investment need throughout the county	303		-23	0	280	280	0	

School Accessibility Works	1,003		-672	0	331	166	-165	Slippage into 24/25 due to constraints on design stage, procurement and lack of resource to do tenders, ecology & asbestos surveys
Work to Shirehall Annex (Care Leavers Base)	100				100	0	-100	Awaiting the decision to spend to be agreed therefore forecast has been kept at nil.
Shirehall Improvement Works	0				0	0	0	
Estates Capital Programme 2019/22	2,322		-1,656	0	666	666	0	
Residual property works identified in the 2019 condition reports	1,351		-650	0	701	660	-41	
Estates Building Improvement Programme 22-25	2,569		-871	0	1,698	1,624	-74	
Estates Building Improvement Programme 2023-25	2,280		-1,500	0	780	994	214	Budgets had been reprofiled to next year but works have now progressed faster
Fly-Tipping Intervention Scheme	30			0	30	30	0	
Upgrade of Hereford CCTV Cameras	4			0	4	4	0	
Changing Places	287			0	287	287	0	
Hereford Library	200		-200	0	0	0	0	
Total Asset Management Delivery Board	36,392	0	-27,399	0	8,993	7,654	-1,339	
E & E's S106	4,558		-2,578	0	1,979	1,201	-779	Slippage due to working with stakeholders and public consultations £62k, delay in delivering Wetlands project £360k and due to legal issue

								affordable housing £342k has slipped into 24/25
C & F's S106	1,376		-516	0	860	860	0	
Total Planning Delivery Board	5,933	0	-3,094	0	2,839	2,061	-779	
Local Transport Plan (LTP)	15,466			0	15,466	15,466	0	
Priority Flood Repair Works	1,159			0	1,159	390	-769	Works will complete under budget and not use the contingency.
Extra Ordinary Highways Maintenance & Biodiversity Net Gain	408		-151	0	256	95	-161	Some areas will be delivered under budget but some budget will carry forward for delivery of equipment.
Public Realm Maintenance - Mitigating Risk on the Network	3,849		-193	0	3,656	2,919	-738	£80k S106 monies used and therefore budget not required, rest delays in delivering works on Public Realm
Highways Maintenance and pot hole repairing 2023/24	2,558			0	2,558	2,558	0	
Winter Resilience	677		-450	0	227	182	-45	
Highways Equipment	507			0	507	314	-194	£100k Underspend - Camera scheme not going ahead, £5k Kington Parking charges being reviewed and £89k Hereford on street parking will not be introduced
Resurfacing Herefordshire Highways	0				0	0	0	
Natural Flood Management	489		-269	0	220	187	-33	
Highways Infrastructure Investment	4,085		-2,750	0	1,335	500	-835	Structure £105k, Drainage £300k, Parish Safety schemes £70k, Streelighting £100k, PROW Structures £100k, Slippage due to weather,

								external consultant resource, sub-contractor availability, ecological constraints, TRO's and lead in time for materials
Public Realm Improvements for Ash Die Back	315			0	315	60	-255	Action being undertaken on known risks, unknown areas need confirmation on risk and action, further surveying work required. Funding also required for HC fte, post to go through recruitment.
Moving Traffic Enforcement Phase 2	144		-119	0	25	0	-25	
Total Highways Maintenance Delivery Board	29,657	0	-3,933	0	25,724	22,670	-3,055	
Integrated Wetlands	748		-339	0	410	232	-178	Schemes on hold/ awaiting cabinet decision - Delay due to regulatory uncertainty
Solar Photovoltaic Panels	1,272		-1,007	0	265	201	-64	
Wye Valley AONB	155			0	155	155	0	
SEPUBU Grant	344			0	344	17	-327	Not enough schemes have come forward to utilise the grant.
Waste	18,090		-18,090	0	0	0	0	
E-Cargo Bike Share	85			0	85	85	0	
Local Electric Vehicle Infrastructure Capital Fund (LEVI)	124			0	124	0	-124	Procurement is expected to take plate late 24/25 early 25/26
Green Homes Grant - Local Authority Delivery	293			0	293	260	-33	Not enough schemes have come forward to utilise all the grant.
Home Upgrade Grant	4,301			0	4,301	2,835	-1,466	Not enough schemes have come forward to utilise all the grant.

Total Environment & Sustainability Delivery Board	25,413	0	-19,436	0	5,977	3,785	-2,191	
Hereford Enterprise Zone	421			0	421	421	0	
Marches Business Investment Programme	544			0	544	486	-58	Not enough schemes have come forward to utilise all the grant.
Employment Land & Incubation Space in Market Towns	3,500		-3,400	0	100	10	-90	
Leominster Heritage Action Zone	2,009		-653	0	1,356	498	-858	Delays on public realm works due to retendering
Safer Streets / CCTV	43			0	43	4	-39	Work complete under budget.
Fastershire Broadband	1,216		3,024	0	4,240	4,240	0	
Total Economic Development Delivery Board	7,734	0	-1,029	0	6,705	5,660	-1,045	
Stronger Towns Fund - Hereford Museum & Art Gallery Redevelopment	10,665		-9,965	0	700	600	-100	
Stronger Towns Fund - Greening the City	323		-300	0	23	23	0	
UK Shared Prosperity Fund	290			0	290	191	-99	
Rural Prosperity Fund	850			0	850	530	-320	Some schemes only Launched in November and also looking at third party to deliver
Stronger Towns Library & Learning Centre relocation to Shirehall	395				395	0	-395	Forecast was left as nil until grant decision was approved and works can commence
Stronger Towns Fund - Maylord Orchard Redevelopment and Learning Resource Centre	3,066		-2,611	0	455	325	-130	Reduced forecast due to review

Total Major External Funded Delivery Board	15,589	0	-12,876	0	2,713	1,670	-1,043	
Hereford City Centre Transport Package	6,255		-4,755	0	1,500	1,126	-374	Spending all link road budget in 23/24 and split the Hub over the 2 years - slippage due to planning permission delayed and land negotiations
Hereford City Centre Improvements (HCCI)	2,500		-300	0	2,200	1,950	-250	The business grants delayed due to not being taken up by businesses and some of the other schemes slippage due to issue with procurement
Hereford ATMs and Super Cycle Highway	1,000		-650	0	350	10	-340	Delay in development in the minors works framework
Emergency Active travel Fund	119			0	119	60	-59	
Active Travel Fund 4	306		-150	0	156	125	-31	
Southern Link Road	800				800	0	-800	Awaiting the decision to spend to be agreed therefore forecast has been kept at nil.
LUF - Active Travel Measures (north of river)	1,025		-525	0	500	225	-275	Delay in development in the minors works framework
LUF - Active Travel Measures (south of river)	4,036		-3,286	0	750	225	-525	Delay in development in the minors works framework
Total Sustainable Transport & Place Making Delivery Board	16,041	0	-9,666	0	6,375	3,721	-2,654	

Total	147,821	0	-78,948	0	68,873	53,187	-15,686
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Projects likely to be delayed into 24/25, some with no decisions yet made on spend, others with delays in delivery.	-11,526
Projects are on hold awaiting successful grant bids or review before continuation	-1,000
Project to deliver under budget or not spend full grant allocation	-3,160

Table B – Overall Capital Programme position 2023/24

Project Name	Prior Years £000s	2023/24 budget £000s	2024/25 budget £000s	2025/26 budget £000s	2026/27 budget £000s	Total scheme budget £000s
Disabled facilities grant	0	4,229	2,000	0	0	6,229
Community Capital Grants Scheme	0	200	1,800	0	0	2,000
Total Community Wellbeing Delivery Board	0	4,429	3,800	0	0	8,229
Hillside	879	121	0	0	0	1,000
Empty Property Investment & Development	0	919	0	0	0	919
Gypsy & Traveller Pitch development	781	50	1,046	0	0	1,877
Single Homelessness Accommodation Programme (SHAP)	0	455	455	0	0	910
Strategic Housing Development	0	80	0	0	0	80
Private sector housing improvements	88	111	0	0	0	199
Total Housing & Accommodation Delivery Board	1,747	1,736	1,501	0	0	4,984
Electronic Document Management Storage	303	12	0	0	0	315
Capital Development Fund	0	1,000	0	0	0	1,000
Key Network Infrastructure (Core Data Centre Switches & Corporate Wi-Fi)	143	412	0	0	0	555
HARC SAN Lifecycle Replacement	0	2	370	0	0	372
Data Centre Equipment Lifecycle Replacement	0	329	0	0	0	329
Windows Server Upgrades	0	330	0	0	0	330
Backup Storage	0	82	0	0	0	82
Device and Ancillary kit replacement programme	0	265	365	415	548	1,593
M365 E5 Implementation	0	300	150	0	0	450
Primary Data Storage Area Network (Plough Lane)	272	63	0	0	0	335
Total IT Services Partnership Board	718	2,795	885	415	548	5,361
Flexible Futures	268	582	0	0	0	850
Wye Valley Trust - Education Centre Investment	0	0	6,000	0	0	6,000

HWGTA - Development of Vocational Work Based Skills Investment	0	0	2,000	0	0	2,000
My Account		7	0	0	0	7
Total Corporate Transformation Delivery Board	268	588	8,000	0	0	8,857
Schools Capital Maintenance Grant	0	2,986	3,902	0	0	6,888
Peterchurch Area School Investment	232	30	3,175	5,716	1,700	10,853
Brookfield School Improvements	375	750	3,875	0	0	5,000
High Needs Grant	77	150	3,328	500	0	4,055
Basic Needs Funding	0	200	5,000	5,000	6,084	16,284
Preliminary works to inform key investment need throughout the county	213	280	23	0	0	516
School Accessibility Works	0	331	672	0	0	1,003
Work to Shirehall Annex (Care Leavers Base)	0	100	0	0	0	100
Shirehall Improvement Works	0	0	3,000	0	0	3,000
Estates Capital Programme 2019/22	3,760	666	1,656	0	0	6,082
Residual property works identified in the 2019 condition reports	40	701	650	0	0	1,392
Estates Building Improvement Programme 22-25	174	1,698	1,135	0	0	3,007
Estates Building Improvement Programme 2023-25	0	780	2,747	0	0	3,527
Fly-Tipping Intervention Scheme	0	30	0	0	0	30
Upgrade of Hereford CCTV Cameras	38	4	0	0	0	42
Changing Places	0	287	0	0	0	287
Hereford Library	145	0	200	0	0	345
Total Asset Management Delivery Board	5,055	8,993	29,362	11,216	7,784	62,410
E & E's S106	0	1,979	4,045	1,548	0	7,572
C & F's S106	0	860	1,047	2,084	0	3,992
Total Planning Delivery Board	0	2,839	5,092	3,632	0	11,563
Local Transport Plan (LTP)	0	15,466	15,466	0	0	30,932
Priority Flood Repair Works	2,868	1,159	0	0	0	4,027
Extra Ordinary Highways Maintenance & Biodiversity Net Gain	1,891	256	151	0	0	2,299
Public Realm Maintenance - Mitigating Risk on the Network	1,101	3,656	193	0	0	4,950

Highways Maintenance and pot hole repairing 2023/24	0	2,558	0	0	0	2,558
Winter Resilience	0	227	740	435	0	1,402
Highways Equipment	41	507	0	0	0	548
Resurfacing Herefordshire Highways	0	0	5,000	5,000	0	10,000
Natural Flood Management	97	220	337	336	284	1,274
Highways Infrastructure Investment	0	1,335	6,835	3,985	3,885	16,040
Public Realm Improvements for Ash Die Back	0	315	367	367	367	1,416
Moving Traffic Enforcement Phase 2	0	25	119	0	0	144
Total Highways Maintenance Delivery Board	5,998	25,724	29,209	10,123	4,536	75,590
Integrated Wetlands	2,252	410	339	0	0	3,000
Solar Photovoltaic Panels	862	265	1,007	0	0	2,134
Wye Valley AONB	55	155	116	0	0	326
SEPUBU Grant	88	344	0	0	0	432
Waste	0	0	18,090	0	0	18,090
E-Cargo Bike Share	0	85	0	0	0	85
Local Electric Vehicle Infrastructure Capital Fund (LEVI)	0	124	300	300	400	1,124
Green Homes Grant - Local Authority Delivery	526	293	0	0	0	819
Home Upgrade Grant	522	4,301	4,646	0	0	9,469
Total Environment & Sustainability Delivery Board	4,304	5,977	24,498	300	400	35,479
Hereford Enterprise Zone	14,526	421	0	0	0	14,947
Marches Business Investment Programme	2,884	544	0	0	0	3,428
Employment Land & Incubation Space in Market Towns	341	100	10,000	10,260	0	20,701
Leominster Heritage Action Zone	1,095	1,356	653	0	0	3,104
Safer Streets / CCTV	340	43	0	0	0	383
Fastershire Broadband	26,990	4,240	2,508	0	0	33,738
Total Economic Development Delivery Board	46,176	6,705	13,161	10,260	0	76,301
Stronger Towns Fund - Hereford Museum & Art Gallery Redevelopment	1,535	700	7,000	8,765	0	18,000
Stronger Towns Fund - Greening the City	81	23	300	0	0	404

UK Shared Prosperity Fund	0	290	845	0	0	1,135
Rural Prosperity Fund	0	850	856	0	0	1,706
Stronger Towns Library & Learning Centre relocation to Shirehall	0	395	2,611	0	0	3,005
Stronger Towns Fund - Maylord Orchard Redevelopment and Learning Resource Centre	434	455	2,611	0	0	3,500
Total Major External Funded Delivery Board	2,050	2,713	14,222	8,765	0	27,750
Hereford City Centre Transport Package	37,224	1,500	5,755	2,500	0	46,979
Hereford City Centre Improvements (HCCI)	3500	2,200	300	0	0	6,000
Hereford ATMs and Super Cycle Highway	0	350	650	0	0	1,000
Emergency Active travel Fund	0	119	0	0	0	119
Active Travel Fund 4	0	156	150	0	0	306
Southern Link Road	0	800	2,200	2,000	5,300	10,300
LUF - Active Travel Measures (north of river)	251	500	3,715	0	0	4,466
LUF - Active Travel Measures (south of river)	2	750	8,445	0	0	9,197
Total Sustainable Transport & Place Making Delivery Board	40,976	6,375	21,215	4,500	5,300	78,366
Total	107,293	68,873	150,944	49,212	18,567	394,889

	2023/24 Budget £000s	2024/25 Budget £000s	2025/26 Budget £000s	2026/27 Budget £000s	Total
December 2023 Council Approved Budget	147,821	105,417	23,788	10,570	287,596
Reprofile Budget	-78,948	45,527	25,424	7,997	0
Other approved Movements	0	-	-	-	0
22/23 Carry Forwards	0	-	-	-	0
Additional Grants	0	-	-	-	0
Revised Capital Budget	68,873	150,944	49,212	18,567	287,596

Table C – Reprofiled budget details

Project Name	2023/24 Budgets Adj £000s	2024/25 Budgets Adj £000s	2025/26 Budgets Adj £000s	2026/27 Budgets Adj £000s	Reason
Schools Capital Maintenance Grant	-2,707	2,707	0	0	Phasing delays to some major projects as well as issues around ecology. Ring-fenced grant so has to be carried forward.
Peterchurch Area School Investment	-7,416	0	5,716	1,700	Procurement taking place later than anticipated, due to timeframe will slip into 24/25.
Brookfield School Improvements	-3,080	3,080	0	0	Delays due to agreement on the finance arrangements and transfer of the trust.
High Needs Grant	-1,150	650	500	0	Decision on which projects to progress was later than planned which delayed delivery.
Basic Needs Funding	-7,474	-3,610	5,000	6,084	Kingstone expansion has not progressed, therefore delayed while the decision to expand Aylestone was taken. Ring-fenced grant so has to be carried forward.
Preliminary works to inform key investment need	-23	23	0	0	
School Accessibility Works	-672	672	0	0	Due to some works requiring longer holidays these works will complete next financial year.
Estates Capital Programme 2019/22	-1,656	1,656	0	0	The under spend is mainly due to the Shirehall budget that has been held until a decision on the future use of the site was taken.
Residual property works identified in the 2019 condition reports	-650	650	0	0	Due to some none tender returns and delays to procurement, these works are expected to deliver later than originally planned.
Estates Building Improvement Programme 22-25	-871	871	0	0	
Estates Building Improvement Programme 2023-25	-1,500	1,500	0	0	
Hereford Library	-200	200	0	0	Project on hold until the works begin on the Broad St building.
Total Asset Management Delivery Board	-27,399	8,399	11,216	7,784	
HARC SAN Lifecycle Replacement	-370	370	0	0	Project is still being scoped and therefore delivery delayed.
Device and Ancillary kit replacement programme	-100	0	0	100	Equipment prices have been lower than expected.

Total IT Services Partnership Board	-470	370	0	100	
Gypsy & Traveller Pitch development	-1,046	1,046	0	0	Planning wasn't approved and therefore the project is delayed.
Total Housing & Accommodation Delivery Board	-1,046	1,046	0	0	
E & E's S106	-2,578	2,953	-374	0	Delay to the appointment of professional services.
C & F's S106	-516	696	-181	0	Some school led projects are expected to deliver later than originally anticipated.
Total Planning Delivery Board	-3,094	3,649	-555	0	
Hereford City Centre Transport Package	-4,755	2,255	2,500	0	Construction will be later than planned while waiting for land negotiations and planning.
Hereford City Centre Improvements (HCCI)	-300	300	0	0	Shop Front Grants have an extension from LEP due to slower take up by businesses.
Hereford ATMs and Super Cycle Highway	-650	650	0	0	Procurement of the design consultant for all LUF projects took longer than expected and therefore they are all delayed, including the match funding.
Active Travel Fund 4	-150	150	0	0	
LUF - Active Travel Measures (north of river)	-525	525	0	0	
LUF - Active Travel Measures (south of river)	-3,286	3,286	0	0	
Sustainable Transport & Place Making Delivery Board	-9,666	7,166	2,500	0	
Integrated Wetlands	-339	339	0	0	Development has been paused while awaiting government announcement on housing.
Solar Photovoltaic Panels	-1,007	1,007	0	0	Delays to planned works due to ecology issues and lack of suitable sites.
Waste	-18,090	18,090	0	0	Due to the delivery timescale, any new purchases of vehicles and equipment would arrive next financial year.
Total Environment & Sustainability Delivery Board	-19,436	19,436	0	0	
Employment Land & Incubation Space in Market Towns	-3,400	0	3,400	0	No decisions have yet been taken on how to utilise this budget.
Leominster Heritage Action Zone	-653	653	0	0	Public Realm works are starting later than planned so will complete the following year.

Fastershire Broadband	3,024	-3,024	0	0	Budget has been brought forward with the work planned to be delivered this year.
Total Economic Development Delivery Board	-1,029	-2,371	3,400	0	
Extra Ordinary Highways Maintenance & Biodiversity Net Gain	-151	151	0	0	Gritter to arrive next financial year
Public Realm Maintenance - Mitigating Risk on the Network	-193	193	0	0	Some work will be completed in the following year due to time needed to scope works.
Winter Resilience	-450	450	0	0	Gritter to arrive next financial year
Natural Flood Management	-269	59	97	113	Delay to the start of awarding grants.
Highways Infrastructure Investment	-2,750	2,750	0	0	Awaiting the decision to spend and due to time of year will not deliver this year.
Moving Traffic Enforcement Phase 2	-119	119	0	0	On hold while project reviewed which will delay delivery.
Total Highways Maintenance Delivery Board	-3,933	3,722	97	113	
Stronger Towns Fund - Hereford Museum & Art Gallery	-9,965	1,200	8,765	0	Commencement of construction is going to be later than planned.
Stronger Towns Fund - Greening the City	-300	300	0	0	Still awaiting the design before delivery can commence.
Stronger Towns Fund - Maylord Orchard Redevelopment and LRC	-2,611	2,611	0	0	Delayed while an alternative was reviewed.
Major External Funded Delivery Board	-12,876	4,111	8,765	0	
Total	-78,948	45,527	25,424	7,997	

Budgets are reprofiled in quarter 2 as recommended by External Audit to ensure finance reporting against a more deliverable capital programme. Explanations for reprofiling of the budget are given in the table above.



APPENDIX C TREASURY MANAGEMENT QUARTER 3 UPDATE

Introduction

- 1.1 Treasury Management is the management of the council's borrowing, investments and cash flows, including its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.
- 1.2 The CIPFA (Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management 2021 recommends that members be updated on treasury management activities at least quarterly. This report, therefore, ensures the council is implementing best practice in accordance with the Code.

Economic Context

- 2.1 The third quarter of 2023/24 saw:
 - A 0.3% month on month decline in real Gross Domestic Product (GDP) in October, potentially partly due to unseasonably wet weather, but also due to the ongoing drag from higher interest rates. Growth for the second quarter, ending 30 September, was revised downwards to -0.1% and growth on an annual basis was also revised downwards, to 0.3%;
 - A sharp fall in wage growth, with the headline rate declining from 8.0% in September to 7.2% in October, although the Office for National Statistics (ONS) "experimental" rate of unemployment has remained low at 4.2%;
 - CPI inflation continuing on its downward trajectory, from 8.7% in April to 4.6% in October, then again to 3.9% in November;
 - Core CPI inflation decreasing from April and May's 31 years' high of 7.1% to 5.1% in November, the lowest rate since January 2022;
 - The Bank of England holding rates at 5.25% in November and December;
 - A steady fall in 10-year gilt yields as investors revised their interest rate expectations lower.
- 2.2 On 2 November, the Bank of England's Monetary Policy Committee (MPC) voted to keep Bank Rate on hold at 5.25%, and on 14 December reiterated that view. Both decisions reflected a split vote, the latter by 6 votes to 3, with the minority grouping voting for an increase of 0.25% as concerns about "sticky" inflation remained in place.

Investments

3.1 At 31 December 2023 the council held investments as shown in table 1.

Table 1 Investment Portfolio

Treasury investments	Term	Maturity date	Interest rate	Amount invested £m
Instant Access Money Market Funds:				
Federated	N/A	N/A	5.38%	10.00
Aberdeen Standard	N/A	N/A	5.30%	10.00
Insight	N/A	N/A	5.25%	3.70
Morgan Stanley	N/A	N/A	5.29%	10.00
Invesco	N/A	N/A	5.35%	7.00
CCLA	N/A	N/A	5.29%	4.00
95 Day Notice Bank Accounts:				
Barclays (ESG green deposits)	N/A	N/A	5.30%	5.00
Fixed Term Deposits:				
Suffolk County Council	94 days	08/01/24	5.40%	5.00
Lloyds	183 days	09/02/24	5.77%	5.00
Standard Chartered (ESG green deposits)	183 days	04/04/24	5.52%	5.00
Goldman Sachs	182 days	10/05/24	5.51%	5.00
Total treasury investments			Average 5.38%	69.70

3.2 The council applies the credit worthiness service provided by Link Group. This service employs a modelling approach utilising credit ratings from three main credit rating agencies (Fitch, Moody's and Standard and Poor's). This modelling approach combines credit ratings, credit watches and credit outlooks in a weighted scoring system to which Link Group allocate a series of colour coded bands with suggested maximum durations for investments. These are detailed in the Treasury Management Strategy for 2023/24 as approved by Council in February 2023.

3.3 The council has earned interest on its investments as shown in table 2. This is not included in the revenue budget for 2023/24, and therefore represents an underspend position within the Central budget line.

Table 2: Interest earned

Month	Average amount invested £m	Average rate of interest earned	Amount of interest earned £m
Apr 23	71.8	4.15%	0.245
May 23	78.6	4.34%	0.290
Jun 23	76.2	4.51%	0.282
Jul 23	86.6	4.84%	0.356
Aug 23	85.6	5.10%	0.371
Sep 23	85.5	5.18%	0.381
Oct 23	83.0	5.30%	0.374
Nov 23	86.3	5.35%	0.379
Dec 23	78.8	5.37%	0.359
Jan 24			
Feb 24			
Mar 24			
Total			3.037

- 3.4 In addition to the investment income, the council earns interest on the provision of loan finance to the waste disposal PFI provider. This is expected to generate loan interest of £1.9 million in 2023/24 and will be credited to the waste reserve.

Borrowing

- 4.1 The council can only borrow up to its Authorised Borrowing Limit which represents the affordable limit determined in compliance with the Local Government Act 2003. It is the maximum amount of debt that the authority can legally owe. The authorised limit provides headroom over and above the operational boundary for unusual cash movements. The Authorised Borrowing Limit for external borrowing for 2023/24 is £350m which was approved in the Treasury Management Strategy.
- 4.2 At 31 December 2023 the council held long-term borrowing of £120.9m, no new long-term borrowing has been secured during the financial year. The council's Capital Financing Requirement at 1st April 2023 is £304.4m, which demonstrates that the Council has significant internal borrowing when compared to the actual long-term borrowing (excluding PFI liabilities) of £120.9m.
- 4.3 The current capital financing budget position is shown in table 3.

Table 3: Summary of borrowing budget

	Budget £m	Forecast £m	(Surplus)/deficit £m
Minimum Revenue Position (MRP)	9.9	8.7	(1.2)
Interest Payable on loans	5.6	4.8	(0.8)
Total	15.5	13.5	(2.0)

Compliance with Treasury and Prudential Limits

- 5.1 During the quarter ended 31 December 2023, the council has operated within the treasury and prudential indicators set out in the Treasury Management Strategy for 2023/24. Actual values for quarter 3 are shown in table 4.
- 5.2 Treasury indicators for quarter 3 are shown as actual values as at 31 December 2023, e.g. for PI4 (authorised limit for external debt), the actual value of external debt as at 31 December 2023 of £160.9 million is shown against a Treasury Indicator limit of £420.0 million as approved in the Treasury Management Strategy. This means that actual debt is lower than the approved limit and the council is operating within agreed boundaries.
- 5.3 Prudential indicators for quarter 3 are shown as updated forecasts for the financial year 2023/24, e.g. for PI1 (capital expenditure), the forecast of spend for the financial year 2023/24 of £68.9 million is shown against a Prudential indicator value approved in the Treasury Management Strategy of £141.7 million. This means that capital expenditure for 2023/24 is now forecast to be lower than was budgeted for at the start of the year.

Table 4: Prudential and Treasury indicators for 2023/24 as at 31 December 2023

Ref	Treasury indicators	Description	2023/24 Budget/Limit £000	Actual as at 31 December 2023 £000	Compliance result
PI4	Authorised limit for external debt	To set an authorised limit for its gross external debt for the forthcoming financial year (includes PFI liabilities)	420,000	160,900	Within limit
PI5	Operational boundary for external debt	To set an operational boundary for its gross external debt for the forthcoming financial year (includes PFI liabilities)	400,000	160,900	Within limit
PI8	Upper limit for principal sums invested over 364 days	To set an upper limit for total principal sums invested over 364	5,000	NIL	Within limit
PI7	Maturity structure upper and lower limits:	To set upper and lower limits for the maturity structure of its borrowing			
	Under 12 months		0-10%	2%	Within limit
	12 months to 2 years		0-10%	6%	Within limit
	2 to 5 years		0-25%	15%	Within limit
	5 to 10 years		0-35%	20%	Within limit
	10 years and above		0-80%	57%	Within limit
	Prudential indicators	Description	2023/24 Budget £000	Forecast for 2023/24 at 31 December 2023 £000	Compliance result
PI1	Capital expenditure	A reasonable estimate of the total capital expenditure that it plans to incur during the forthcoming financial year	141,661	68,873	Under budget
PI2	Capital financing requirement (CFR)	A reasonable estimate of the total capital financing requirement at the end of the forthcoming financial year	366,582	310,723	Under budget
PI3	Gross debt and CFR	To ensure that the total gross debt does not, except in the short term, exceed the total of capital financing requirement	N/A	39%	Below 100%, within limit
PI6	Ratio of financing costs to net revenue stream	To estimate the proportion of financing costs to net revenue stream for the forthcoming financial year	8.1%	7%	Under budget
PI9	Ratio of net commercial and service investments income to net revenue stream	To estimate the proportion of net income from commercial and service investments to net revenue stream for the forthcoming financial year	N/A	1%	Low reliance on this income

Appendix D: Progress against 2023/24 approved Savings as at 31 December 2023 (Quarter 3)

Directorate Savings of £14.1m for 2023/24 were approved by Council on 10 February 2023.

The status of the delivery of approved savings at 31 December 2023 (Quarter 3) is noted below:

Directorate	Approved Savings £'000	Delivered £'000	Forecast £'000	At Risk £'000
Community Wellbeing (S1 to S17)	6,105	3,301	1,735	1,069
Children & Young People (S18 to S19)	4,500	0	300	4,200
Economy & Environment (S20 to S28)	2,200	1,236	65	899
Corporate Services (S29 to S36)	1,330	350	680	300
Total Savings	14,135	4,887	2,780	6,468
		35%	20%	45%

At 31 December 2023 (Quarter 3), £4.9 million (35%) of the £14.1 million savings for 2023/24 have been delivered with a further £2.8 million forecast to be delivered in year.

The status of individual Directorate savings as per Appendix B of the Council Report approved on 10 February 2023, is shown in Annex 1 below.

Annex 1: Status of delivery of approved savings at 31 December 2023 (Quarter 3)

Directorate	Target £'000	At Risk £'000	In Progress £'000	On Target £'000	Delivered £'000
Community & Wellbeing					
S1 Stable Engaged Workforce	710		500		210
S2 Edge of Care and Prevention	300				300
S3 New Integrated Models of Care	550		550		
S4 Occupational Therapy Delivery Model	100				100
S5 Digital and Technology	500		255		245
S6 Respite Provision	300	300			
S7 Process Efficiency - Block Bed Contracts	300		230		70
S8 Telecare Charges	150			50	100
S9 Process Efficiency - Business Support	100			50	50
S10 Process Efficiency - Income Collection & Debt Management	600				600
S11 Process Efficiency - Repairs and Maintenance	100				100
S12 Process Efficiency - Brokerage	100	100			
S13 All Age Commissioning	600	300	100		200
S14 Social Care Delivery	750				750
S15 Public Health	326				326
S16 Supported Living	369	369			
S17 Care and Funding Pathway	250				250
Total Community & Wellbeing	6,105	1,069	1,635	100	3,301
Children & Young People					
S18 Place Management balance	466	466			
S18 (i) UASC Expenditure Offset by Increased Claims	108	108			
S18 (ii) Reduction In Proportion Of Residential Placements	624	324		300	
S18 (iii) Discharge of Placement with Parents Orders	50	50			
S18 (iv) Review of Staying-Put Payments and Allowances	TBC	TBC			
S18 (v) Edge of Care Re-unification	234	234			
S18 (vi) Targeted Cohort Step Downs Q1	768	768			
S18 (vii) Increased Contributions for Complex Needs	100	100			
S18 (viii) Reduced Costs of Parent & Baby Placements	150	150			
S18 (ix) School Transport Savings	0	0			
S19 Recruitment and Retention	2,000	2,000			
Total Children & Young People	4,500	4,200	-	300	-

Directorate	Target £'000	At Risk £'000	In Progress £'000	On Target £'000	Delivered £'000
Economy & Environment					
S20 BBLP Annual Plan Revision	350				350
S21 Waste Collections	80				80
S22 Parking Income	450				450
S23 Fees & Charges	300	79		65	156
S24 Fixed Penalty Notice Pilot	50	50			
S25 Transformation Planning & Regulatory Services	350	350			
S26 Economic Development: Vacancy Management	50				50
S27 Enterprise Zone Running Costs	150				150
S28 Directorate Transformation Programme:					
S28 (i) Demand Management	150	150			
S28 (ii) Partnership Opportunities	225	225			
S28 (iii) Commercial Opportunities	225	225			
Public Realm FOM Project costs	(180)	(180)			
Total Economy & Environment	2,200	899	-	65	1,236
Corporate Services					
S29 Exit From Inefficient Properties	300	300			
S30 Increase in Rental Income	170		170		
S31 Financial Payment Process Efficiencies	100			50	50
S32 Mobile Phones	20			20	
S33 Herefordshire Now	100				100
S34 Children's Services Legal Support	200				200
S35 Transformation of Legal Support	140		140		
S36 Transformation of Programme Management (PMO)	300		300		
Total Corporate Services	1,330	300	610	70	350
TOTAL DIRECTORATE SAVINGS	14,135	6,468	2,245	535	4,887

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RAG Rating – to show confidence in delivery of savings

Red	Delivery in 2023/24 at risk. Recovery action to identify mitigations required.
Amber	Activity to deliver savings in 2023/24 is in progress.
Green	Activity to deliver savings expected to be delivered in 2023/24 is on target.
Blue	Savings achieved in 2023/24.



Title of report: Block contracted beds in Care Homes.

Meeting: Cabinet

Meeting date: 29 February 2024

Cabinet member: Councillor Gandy, Adults, Health and Wellbeing

Report by: Corporate Director Community Wellbeing

Report author: Senior Commissioning Officer

Classification

Part Exempt

This report is open but an appendix is exempt by virtue of the following paragraph(s) of the Access to Information Procedure Rules set out in the constitution pursuant to Schedule 12A of the Local Government Act 1972, as amended. This report is open but an appendix is exempt by virtue of the following paragraph(s) of the Access to Information Procedure Rules set out in the constitution pursuant to Schedule 12A of the Local Government Act 1972, as amended.:

Decision type

Key Decision

Wards affected

(All Wards);

Purpose

To approve the tender to commence and contract award for a block contract of care home beds which will commence from April 2024

Recommendation(s)

That:

- a) **Approval is given to progress with option 2 in Appendix 3 of this report to commission thirty block purchased care home beds across Herefordshire for a period of up to 5 years with a maximum spend up to £6.82million.**
- b) **Delegated authority be given to the Corporate Director for Community Wellbeing to take all operational decisions required to implement the above recommendation including all contractual arrangement.**

Alternative options

- 1 Do nothing. This is not recommended as the fees for spot purchased care home beds are rising.
- 2 Commission a smaller number of block care home beds. This could address some of the challenges of finding care home placements but this is not recommended given the rising costs of spot fees and the impact of this on the Community Wellbeing directorate budget.
- 3 Go out to market and purchase more block care home beds. This may be an option in the longer term, but there are some risks attached to this proposal in the short term due to the high projected value of the contracts and the need to resource the monitoring of utilisation of these block contracts.

Key considerations

- 4 There are four appendices attached to this report. The benchmarking and performance data attached in **Appendices 1 and 2** highlights local and regional trends for fee rates. The analysis helps to inform and conclude potential block commissioned rates going forward if the recommendation set out in this report is approved.
- 5 This report seeks approval to undertake a procurement exercise and commission a number of block beds. The options are set out in **Appendix 3** of this report. The preferred recommendation is **Option 2** whereby the Council goes out to market for the procurement and purchasing of 30 block community beds within the existing care home market across Herefordshire. The Council will be looking to purchase 15 nursing care home beds and 15 residential care home beds in 2024. These will be brought on stream on a phased basis to meet projected demand and mitigate incurring a number of voids and associated costs from the outset.
- 6 Currently the Council is reliant on spot purchasing care at significant costs from multiple care homes run as commercial business with varying levels of quality and reliability. Fee rates have risen significantly following the COVID pandemic and the cost of living crisis. The cost of care home placements continues to increase at an unsustainable level and indicates there will be a shortage of affordable capacity for local residents if this pattern is to continue.
- 7 As a result of the changing picture over the last four years, the Community Wellbeing Directorate is taking a more proactive approach in working in partnership with the care market and Commissioners are seeking to achieve greater control of the costs of Council commissioned care and increase capacity by seeking to develop new approaches. This includes the block bed purchasing arrangements being proposed within this report. Further approaches will include reducing demand for residential care, continued market engagement and delivery of alternative models such as Extra Care and enabling individuals to remain in their own homes for longer.

Background

- 8 The ageing population and increasing costs of providing adult social care at a time of prolonged fiscal austerity presents challenges for Herefordshire Council. In addition, the increasing levels of dementia and a county that has 95% rural demographics presents challenges for the workforce and care delivery across the county.

- 9 With the number of nursing care homes decreasing nationally, and the cost of care placements rising, the Council has to ensure there are enough good-quality care settings available to meet the increased demands and needs of local communities across Herefordshire. The local Joint Strategic Needs Assessment (JSNA) report highlights that Herefordshire is seeing numbers in the older age groups growing at a disproportionately higher rate than other Councils, with those aged 85 and over rising even more rapidly and this increase is also set to continue.
- 10 According to ADASS latest regional data report in July 2023, Herefordshire pays above the regional average for residential care beds and slightly below the regional average for nursing care home beds. The statutory duty under section 18 of the Care Act requires the Council in developing and shaping the care market that meets the needs of local people now and in the future. A key factor in achieving sustainable local Council funded provision is to reduce the Councils reliance on high cost spot purchased care home placements. This will achieve efficiencies, increase capacity and reduce the risks of overpaying for spot purchased care. *Appendix 1* of this report highlights the comparator costs locally and regionally.
- 11 In order for the Council to have a clear picture of the capacity and cost of residential and nursing care for the next 5-10 years, it is recommended that the Council begins the commissioning exercise of a new block bed contract prior to a new contract and framework beginning in mid-2024. This will mitigate risks and developed with a refreshed Market Sustainability Plan, will give greater oversight of a sustainable market.
- 12 The Council has had success in a recent pilot for 12 block beds that were commissioned to support hospital discharges in accordance with the Discharge to Assess (D2A) model (January until June 2023). This enabled Herefordshire Council to meet the challenges of system pressures in a timely way and increase market greater oversight of the fees. This involved formal market engagement and expressions of interest from in county care home providers who are already on the Council's accredited list and unified contract.
- 13 The pilot secured beds and contributed to approximately £18k savings by block purchasing beds for the above period. The pilot evidenced:
 - a) The block beds were effectively utilised
 - b) Good throughput.
 - c) Increased capacity, flow and discharges.
 - d) Block usage was monitored
 - e) The system found the additional capacity a vital resource.
- 14 For the first four months the block purchase arrangement worked well and had occupancy between 90-99%. The last month showed some reduced occupancy at 85% as the short term arrangement was coming to an end.
- 15 The block D2A pilot has proven to commissioners and operational leads that a block bed arrangement is needed and can achieve cost efficiencies and improved capacity of care home beds. It fits into the wider commissioning plans to increase capacity, reduce inefficiencies and re-design where possible to meet future demands. The rationale is clear as set out below:

- a) The Council has a high ratio of spot purchased to block purchased care home beds provision and therefore a high exposure to non-controllable market forces
 - b) We are seeing a trend of those individuals on the existing Council's fees rates being replaced with higher rates which will present the Council with future cost pressures.
- 16 Recommissioning and establishing the local authority's block bed provision for the next 5 years will contribute to the reduction of high cost spot purchased beds as the first priority enabling the Council to maximise the benefits and minimise risks.
- 17 In order to have robust oversight of the block contracts, the role of the brokerage team is vital. The block beds arrangement is required to have effective oversight via a dedicated brokerage resource. Some funding for this has come via the Urgent and Emergency Funding 2023/24, the remaining amount will come from the savings achieved from the block beds and is highlighted in the resource section.
- 18 Work to quantify the Council's future affordable capacity needs is based on the most up to date intelligence gathered alongside the market engagement which shows the trends of people going into residential care. The data gives an overall view that the number of Residential and Nursing care entrants has remained fairly static, but the fee rates are rising exponentially. From analysing this data it highlights the number of beds required. See Appendix 1
- 19 This intelligence, alongside some market engagement and the recent pilot allows the Council to gain a clearer picture. The aims of the market engagement have been;
- a. To ensure suppliers have a shared vision and expectation of future block fees
 - b. To ensure the market is fully committed in ensuring all block beds are maximised effectively.
 - c. To ensure strong partnership and trust can be developed.
 - d. To assess current market conditions, the quality and sustainability of the market and explore the appetite of Suppliers to bid for a block contract with the Authority
 - e. To understand the budget envelope that provides value for money whilst reflecting market conditions.

Tender

- 20 Due to the proposed length of this block contract, the Council expects providers to submit fees that will not exceed the threshold parameters set out in Appendix 2 of the report. Those care fees should be between the existing Council fees and average fees paid.
- 21 The contracts will be awarded on a block basis to a number of suppliers to the most competitive tender submissions based on cost and quality submissions as well as geographical locations across the county.
- 22 An annual uplift in line with the Council's standard fee rates for care homes will apply to these block fees.

- 23 The procurement process will be undertaken in compliance with the Council's contract procedure rules. It is anticipated there will be a range of providers across the county who will be awarded contracts. The scope of the tender focuses on utilising a range of locations. Particular focus is given to the areas where the commissioning of beds is more challenging due to location.
- 24 It is anticipated that the tender will be awarded in the spring 2024.
- a) Informal market engagement late February and March 2024
 - b) Tender advertised March 2024
 - c) Tender evaluated end of March 2024
 - d) Award and Contract Start late April / May 2024
- 25 The price per bed per week will be paid until the expiry date of this contract. The utilisation of the block contract will be reviewed and monitored weekly by the brokerage team. The Provider and Council will continue to endeavour to ensure the block beds are fully utilised and managed. The Council reserves the right to withdraw from the block purchase arrangement with the provider should it not be utilised effectively.
- 26 The Council seeks to purchase block contracts from high quality services and the tender exercise will include a series of quality award questions for providers that will be evaluated and scored by a panel of officers including representatives from social care, commissioning, finance and commercial teams. It is the aim to contract with care homes rated as good or outstanding. There will be consideration given to any rated as "requires improvement" once Council officers are satisfied an improvement action plan is in place.

Community impact

- 27 Herefordshire Council's corporate plan has four priorities, one of which is the improvement of the health and wellbeing of people in Herefordshire to 'enable residents to live safe, healthy and independent lives'. The Council will be proactive in helping and encouraging people to live healthier lifestyles and developing resources that offer more choice and control in remaining independent including when in receipt of longer term care. This proposal supports the Council's priorities by offering choice of services and support to an ageing population.
- 28 Care facilities can offer good local employment opportunities and enhanced community cohesion, particularly with shared local facilities.
- 29 The principles that underpin the service design will ensure that individuals' outcomes are improved through supporting the sustainability of the care homes and investing in initiatives that will enhance people's lives. It will align to the Council's health and wellbeing strategy, which underlines how Herefordshire aims to be a vibrant county where good health and wellbeing is matched with a strong and growing economy.
- 30 In line with the Council's commitment to social value outcomes, providers will be expected to deliver social, economic and environmental benefits beyond the direct delivery of the purchased service. These requirements will be included in the service

specification and the outcomes achieved will be monitored as part of contract management.

Environmental impact

- 31 The development of the contract has sought to minimise any adverse environmental impact associated with the delivery of commissioned block purchased care home beds and will actively seek opportunities to improve and enhance environmental performance.
- 32 The Council provides a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors, there is a shared strong commitment to improving the environmental sustainability and achieving carbon neutrality in Herefordshire.
- 33 A Care home provision can provide the following
- a) Improve residents access to green space in Herefordshire
 - b) Work in partnership with others to reduce county carbon emissions
 - c) Improve energy efficient care homes
 - d) Conserve and enhance the natural environment

Equality duty

- 34 The decision does not discontinue any service and has no detrimental impact to eligible service users under Section 149 of the Equality Act 2010.
- 35 The Council is committed to equality and diversity using the Public Sector Equality Duty (Equality Act 2010) to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. An Equality Impact Assessment is attached at Appendix 4 has been completed.
- 36 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. Our providers will be made aware of their contractual requirements in regards to equality legislation as part of the tender process.
- 37 This proposal will contribute to providing care and support to the County's most vulnerable adults, and some with protected characteristics.

Resource implications

- 38 This procurement exercise will contribute to efficiencies of the social care budget by purchasing beds at a reduced amount. The value associated with this tender is not an additional cost. It is replacing the existing spot purchase arrangements and is anticipated will reduce the care fee spend per bed.

- 39 The block beds will require dedicated brokerage resource to ensure maximum utilisation over the life of the contract. This resource will be funded by the savings achieved from the block purchased beds. See options appraisal
- 40 The new arrangements should contribute to a reduction in expenditure of :
- a. Approximately £174k reduction in spend per year based on 30 block purchased beds or
 - b. Approximately £104k reduction in spend per year based on 20 block purchased beds.
 - c. The proposal will contribute to anticipated savings over the length of the 5 year contract. (the breakdown is in appendix 3 Options Appraisal)
- 41 The Council's annual gross expenditure on commissioned care homes during the 2022-23 financial year was just over £38 million (short and long stay beds). The block bed arrangement will contribute to savings by securing beds at a reduced fee.

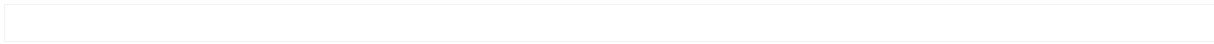
Legal implications

- 42 The Care Act 2014 places clear and on-going legal duties for meeting and providing care in line with eligible needs, as well as placing a duty on the Council to shape the local provider market and enable a sustainable and diverse range of care providers. This then helps promote the wellbeing of local people who need care and support.
- 43 The Council will undertake the procurement exercise in accordance with its contract procedure rules.

Risk management

- 44 If the Council is not able to secure ongoing block contract capacity costs will continue to increase.
- 45 This means the Council could fail to meet its statutory duties under the Care Act 2014 by commissioning a fair sustainable market
- 46 The introduction of the block purchased beds would enhance the customers experience by improving the access to available beds.
- 47 Providers may choose not to apply for this tender as the fees are more aligned to the Council's fees, however the pilot and discussions with the sector have concluded there will be sufficient interest in this.

Risk / opportunity	Mitigation
Ensuring there are sufficient resources to manage the blocked beds arrangement	Currently the operational teams commission the existing care beds and the brokerage have oversight of the blocked beds. There needs to be a process and dashboard of the block beds for greater oversight. It is the preferred option to have the brokerage team manage this process with additional resources. The block beds will be utilised before any spot purchased beds are funded.
Purchasing a number of block hours that aren't fully utilised.	The pilot highlighted that with regular monitoring by the brokerage team; the block hours were utilised effectively. Providers will be required to submit monthly occupation reports also. Senior Commissioners will have oversight of this also.
Purchasing the wrong level of block beds resulting in public monies being poorly utilised	Commissioners have carefully used existing and previous data to support the block hours required. They have worked in collaboration with finance, Intelligence and operational teams also to ensure clarity regarding demand.
Destabilising the market	Ongoing market engagement indicates good levels of interest in the opportunity from existing providers wishing to deliver commissioned block hours on behalf of the Council.
Lack of interest from current providers in the new arrangements	Providers may discontinue the delivery of commissioned care and focus their activity on self-funders. The Council only commissions 35% of care home beds delivered by approved providers. The remaining beds are funded by self funders and health. However, as stated in the previous mitigation there is currently no indication that there will be insufficient interest in this opportunity
Damage to the Council's reputation as a result of changes of service provision to customers as a result of the tender	The tender process will be compliant with legislation and Council processes.



Consultees

- Care Home Providers – Provider meetings in 2023 and 2024
- Member Briefing Session 11th January 2024
- Adult Social Care Operations Managers
- Political Groups Consultation 6th February 2024

Appendices

Appendix 1 Care home trends and overview of the market

Appendix 2 Financial analysis

Appendix 3 Options Appraisal

Appendix 4 Equality Impact Assessment

Background papers

ADASS – Association of Directors of Adult Social Services

Governance	John Coleman	Date 16/01/2024
Finance	Wendy Pickering	Date 17/01/2024
Legal	Emma Jane Brewerton	Date 10/01/2024
Communications	Luenne Featherstone	Date 26/01/2024
Equality Duty	Harriet Yellin	Date 19/01/2024
Procurement	Lee Robertson	Date 04/02/2024
Risk		Date

Approved by	Hilary Hall	Date 26/01/2024
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Please include a glossary of terms, abbreviations and acronyms used in this report.

Appendix 1

Overview of the market in costs and trends.

The total number of placements per month for residential and nursing care beds across Herefordshire remains fairly static despite a slight drop in 2023, yet the prices of these spot purchased beds has increased significantly over the past 4 years.

Table 1 below highlights the following;

- There are 472 residents in Residential care
- There are 290 Nursing beds

People entering and ceasing placements over 12 months period 2022-23

Residential care homes

- 40 people going into residential care over the year
- Average 3.5 new people going into residential care
- 68 people exited residential care over the year, which on average equates to 5.6 placements ceased per month

Nursing care homes

- 24 people entered nursing care
- Average 2 new people per month
- 48 people exited nursing care over the year, which on average equates to 4 ceased placements per month

It tells us that more people cease placements than enter into it.

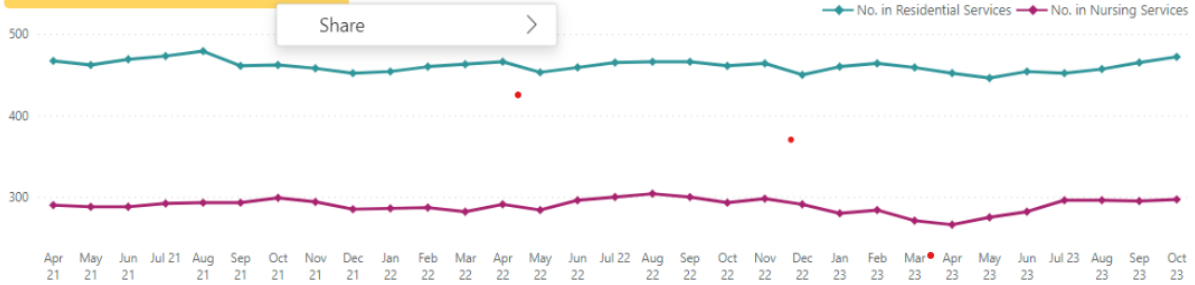
The Council will be looking to purchase 15 beds across residential beds and 15 nursing beds.

Whilst Council commissioners can accurately forecast the levels of care home beds required based on this data, it cannot control the existing costs due to spot purchase rates. By block purchasing beds the Council can drive through changes in order to have a sustainable capacity and fee rate.

RESIDENTIAL & NURSING COMMISSIONING DASHBOARD

TRENDS IN PLACEMENTS

Residential & Nursing Services; Number Over Time



Residential Services

Month	No.	No. Starts	No. Ceases
October 23	472	4	6
September 23	465	3	2
August 23	457	3	2
July 23	452	1	7
June 23	454	4	4
May 23	446	4	12
April 23	452	5	7
March 23	459	4	7
February 23	464	3	8

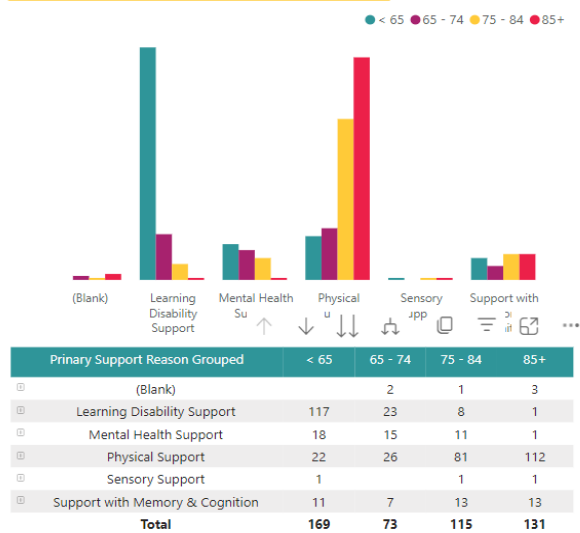
Nursing Services

Month	No.	No. Starts	No. Ceases
October 23	297	2	2
September 23	295	2	2
August 23	296	5	5
July 23	296	3	1
June 23	282	2	3
May 23	275	4	3
April 23	266	6	6
March 23	271	2	8
February 23	284	2	2

RESIDENTIAL & NURSING COMMISSIONING DASHBOARD

CURRENT SERVICE USERS - PRIMARY SUPPORT REASON

Current Residential Placements By Primary Support Reason



Current Nursing Placements By Primary Support Reason

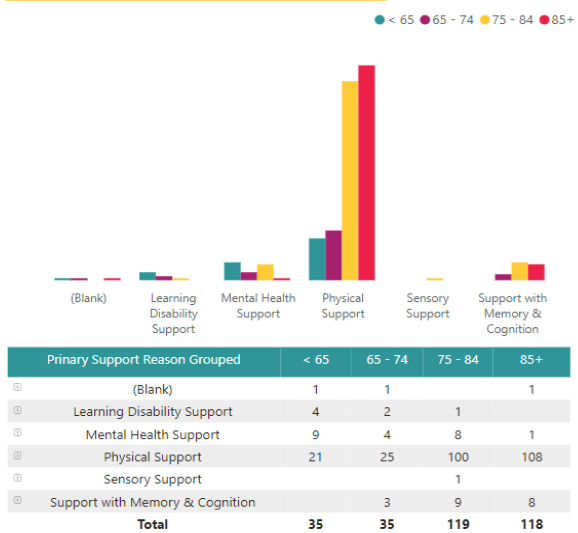
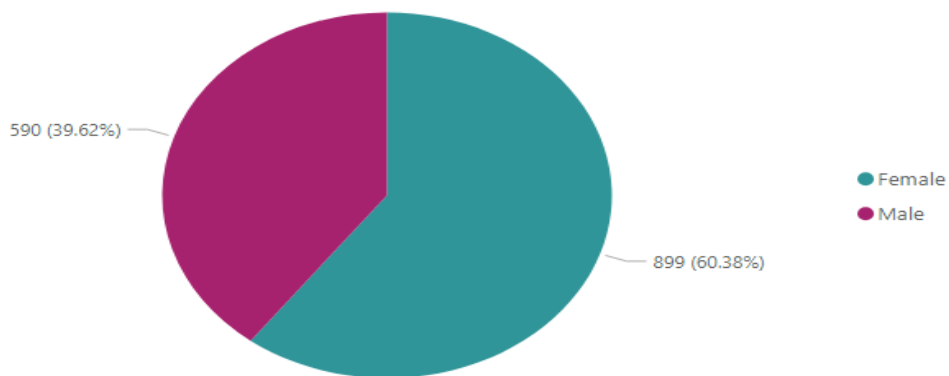


Table 2 above shows the primary group of clients based in residential and nursing care under the age of 65 is that of people with a diagnosis of a learning disability. The largest number of people being placed in care homes is with the over 75 years + group.

The diagram below highlights the residents by gender in the care home settings.



Document is Restricted

Appendix 3

Options appraisal for block beds

- 1 The 2023/24 approved savings proposals for Community Wellbeing are £6.105m
- 2 Included within the £6.105m savings is a 'block bed' savings proposal of £300k. This saving will need to be met non-recurrently in 2023/24 and then c/fwd to 2024/25 to be met recurrently from April 2024 in line with the commissioning of this block contract.
- 3 Option 2 is recommended so greater efficiencies can be achieved to meet the target over 5 years.

Option	Intention	5 year Value of contracts	Annual efficiency savings	5 year block bed savings	Total savings incl brokerage costs
Option 1	Commission up to 20 beds for an initial 3 years with an option to extend for 1+ 1 years	£4.55m	In the region of £104k per annum	Based upon the 5 year contract, the block bed savings will be circa £700k	The final savings anticipated is circa £521k once all brokerage costs have been factored in.
Option 2	Commission up to 30 beds for an initial 3 years with an option to extend for 1+ 1 years. This will be undertaken utilising a phased approach	£6.82m	In the region of £174k per annum	Based upon the 5 year contract, the block bed savings will be circa £1.049m	The final savings anticipated is circa £870k once all brokerage costs have been factored in.

- **Option One** - The total savings if 20 block beds are purchased for 5 years is approximately £700k. There are additional costs £178,750 required to fund an additional brokerage role for the 5 years. The anticipated savings less these costs are in the region of £521,250 for the length of the 5 year contract. This equates to circa £104k saving per year.
- **Option Two** – The anticipated savings of 30 block beds for 5 years is approximately £1,049m for the length of the 5 year contract. Less the £178,750 for the brokerage role and the anticipated saving is expected to be in the region of £870,250 for the length of the 5 year contract. This equates to circa £171k saving per year.
- The brokerage costs (based upon mid-point of £35,750 with on costs per annum)

Equality Impact Assessment (EIA) Form

Please read EIA guidelines when completing this form

1. Name of Service Area/Directorate

Name of Head of Service for area being assessed: Hilary Hall (Corporate Director)

Directorate: Community Wellbeing

Individual(s) completing this assessment: Donna Ryan

Date assessment completed 15 /11/23

2. What is being assessed

Activity being assessed (eg. policy, procedure, document, service redesign, strategy etc.)

To purchase block care home beds in order to meet assessed need for residential and nursing care home provision in county for adults.

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

To ensure that we meet our statutory duties and have available sufficient capacity and placement options to meet the assessed needs of vulnerable adults across Herefordshire.

To ensure there is sufficient and affordable care home placements in county.

Name of lead for activity

Donna Ryan

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? (name your sources, eg. demographic information for services/staff groups affected, complaints etc.)

The aim of the proposal is to purchase thirty block beds which means there will be affordable care placements across the County in various locations. It will also ensure we have a stable level of capacity in the market place. Whilst the contract and specification has already been in place since 2016, equality and access to these care placements is paramount.

There has been extensive analysis of financial, performance and commissioning data to support this decision. In addition the Council undertook a pilot of block purchasing of care home beds earlier in 2023. Market engagement was undertaken at local level during the pilot and allowed Commissioners to explore the appetite for procurement and to gain insight into challenges that providers faced.

Costs associated with purchasing block purchase beds versus expensive spot purchased beds demonstrates how savings can be achieved.

The demand for care home placements in Herefordshire has remained fairly static but the costs has increased exponentially. This presents a major challenge to the Community Wellbeing directorate and the Council with the budget savings that are needed.

Local and regional data was used to benchmark this work and to inform the options being proposed

Summary of engagement or consultation undertaken (eg. who and how have you engaged with, or why do you believe this is not required)

Engagement with the care market has been undertaken
 Engagement with finance, operational leads in ASC and the Quality Assurance Team has been carried out to ensure there is a wide range of view points
 Consultation with vulnerable adults is not required on this occasion due to the fact it's simply a change in the purchasing arrangement of a number of beds. *Consultation will form a key part when we are introducing a new care home contract later in the year.*

The Quality Assurance and Contracts team will be involved in the Questions within ITT of the tender.

Summary of relevant findings

The options appraisal indicated there would be a significant saving by block purchasing the beds and gaining some control over market forces whereby the prices are rising.

It is anticipated that the thirty block purchased care home beds will meet the level of need required across Herefordshire.

3. The impact of this activity

Please consider the potential impact of this activity (during development and implementation) on each of the equality groups outlined below. **Please tick one or more impact box below for each Equality Group and explain your rationale.**

Please note it is possible for the potential impact to be both positive and negative within the same equality group and this should be recorded. Remember to consider the impact on staff, public, patients, carers, partner organisations, etc. in these equality groups.

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	X			Older people will have increased availability of care beds available to them at an affordable fee rate.

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
Disability		X		The additional beds provide care for people with a range of impairments. However the care beds will not be specific for adults with a learning disability as there is sufficient supply in that market
Gender Reassignment		X		As such, this provision would be able to support individuals in this equality group.
Marriage & Civil Partnerships		X		As such, this provision would be able to support individuals in this equality group as all individuals being placed in the block beds will be recorded on our Mosaic systems. Diversity monitoring when the assessments are undertaken This is recorded on Mosaic and is part of diversity monitoring.
Pregnancy & Maternity		X		This service is for older people only (over 55). This will not apply to care homes.
Race (including Travelling Communities and people of other nationalities)		X		This proposal seeks to develop provisions for all individuals. This is recorded on Mosaic and monitored for diversity.
Religion & Belief		X		This proposal seeks to develop sufficient provision in area to meet the assessed needs of adults who are in need of care home. As such, this provision would enable Herefordshire to meet need and provide support more effectively through clear expectations, specification and monitoring. We will ensure that all documentation is developed appropriately and training is in place to reflect cultural and religious diversity. Provision will allow transition into, through and between services according to care plans.
Sex (including issues of safety and sexual violence)		X		This proposal has sufficient provision to meet the needs of older people in care.
Sexual Orientation		X		This proposal has sufficient provision in area to meet the assessed needs of vulnerable adults in care. Sexual orientation is recorded on Mosaic at the point of assessment and diversity monitoring is recorded
Other Vulnerable and Disadvantaged Groups (eg. carers, care leavers, homeless, social/ economic deprivation, etc)				NA
Health Inequalities (any preventable, unfair & unjust differences in health status)		X		This proposal seeks to buy affordable care for all particularly those with potential health inequalities. We know in parts across the county, particularly in some rural areas there are pockets

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
between groups, populations or individuals that arise from the unequal distribution of social, environmental & economic conditions within societies)				of deprivation, individuals with increased health needs and individuals on lower incomes with the inability to afford care. This purchasing arrangement can help to support those with health inequalities.

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
NA			

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.

4. Monitoring and review

How will you monitor these actions?

Ongoing monitoring of the service will be undertaken across Commissioning and Bed brokerage.

When will you review this EIA? (eg in a service redesign, this EIA should be revisited regularly throughout the design & implementation)

In line with any future procurement or contract extension.

5. 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 nine 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

Donna Ryan

Date signed

30 November 2023



Title of report: Phosphate Mitigation Strategy

Meeting: Cabinet

Meeting date: Thursday 29th February 2024

Cabinet Member: Councillor Swinglehurst, Environment

Report by: Corporate Director, Economy and Environment,

Report author: Delivery Director, Environmental Transformation

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.

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 provide an update on the progress of the Cabinet Commission and set out the Council's future Phosphate Mitigation Strategy to enable housing development in the Lugg catchment and to provide a progress update on the work of the Cabinet Commission.

Further information on the subject of this report is available from
 Ben Boswell, Elizabeth Duberley, Rachael Joy, Tel: 01432 261930, , Tel: 01432 383535, email:
 bboswell@herefordshire.gov.uk, Elizabeth.Duberley@herefordshire.gov.uk,
 Rachael.Joy@herefordshire.gov.ukl

Recommendation(s)

That:

- a) **To note the successful completion of Phase 1 of the Council's Nutrient Trading Phosphate mitigation scheme.**
- b) **To authorise the Section 151 Officer to accept the capital and revenue grants from the Department for Levelling up Homes and Communities outlined in this report.**
- c) **To authorise Phases 2 and 3 of the Council's Nutrient Trading Phosphate Mitigation scheme**
- d) **To delegate authorisation to proceed with Phases 2 and 3 of the Council's Nutrient Trading Phosphate Mitigation Scheme to the Corporate Director of Economy and Environment in consultation with the Cabinet members for Finance and Resources and the Cabinet member for Environment.**
- e) **To work with partner Council's to undertake a review of the future role of the Cabinet Commission**

Alternative options

1. Not to proceed with any further Council led mitigation schemes. This would lead to continued under delivery of new Housing in the Lugg Sub-Catchment. Proceeding to phase 2 and 3 of the scheme will see costs met by additional grant from central government or developer fees and will not cause any additional burden on local council taxpayers.
2. To not develop any further wetlands and invite the private sector to bring forward their own mitigation schemes. Herefordshire is the first Council to bring forward a Phosphate mitigation scheme. Whilst the Council welcomes proposals for private mitigation schemes and recognises they form a vital part of the solution, the private sector does not have the delivery capabilities to provide sufficient mitigation of the scale and speed required and this would result in considerable delays before the market brought forward credits. The Ecology service has set up an advisory service to support private mitigation schemes.

Key considerations

3. **Mitigation for New Development.** Since 2019, and in particular, as a result of the "Dutch Judgement," the levels of Phosphate in the Lugg sub catchment reached the point that nutrient neutrality measures needed to be introduced to ensure that new housing development fully offset their additional phosphate load so as not to increase levels further. In August 2020, the then Cabinet Member for infrastructure and development took a decision to commit £2m New Homes Bonus to commission the delivery on Constructed Integrated Wetlands with a further allocation of £1m subsequently being received from the LEP. Work had progressed sufficiently on this first phase that by July 2022, Cabinet were able to confirm that they were confident that Constructed Wetlands provided the required certainty of nutrient reduction to support the trading of Phosphate Credits. Luston is the first such site in the world and will enable around 1,112 homes to be built without any additional phosphate pollution entering the river.
4. **In order, to speed up the provision of credits to meet housing need a review of mitigation options took place.** The review ruled out a number of options such as rewilding or the taking of farms out of use. Discussions were held with Natural England, the Environment Agency and Dwr Cymru and their advice is to continue to focus on "end of pipe" solutions. This is because

other measures are more complex to deliver, less certain and would require more monitoring. So in addition to Constructed Integrated Wetlands, exploratory work has been undertaken with a number of schools which would see an end of life septic tank decommissioned and replaced with a modern Package Treatment Plant. This would reduce phosphate levels and as with the Wetland Programme, release phosphate credits.

5. **Local Nutrient Mitigation Funding.** In May 2023, the Council submitted a bid to the Department of Levelling up Homes and Communities (DLUHC) for funding under the first round of Local Nutrient Mitigation Funding. On 19th December 2023, DLUHC announced that Herefordshire Council had been awarded funding to deliver local mitigation as follows.
 - a) £1.76m capital project delivery funding for 2023/24 and 2024/25
 - b) £173k revenue funding this year to support mitigation work in the catchment (2023/24)

A Memorandum of Understanding will be entered into between Herefordshire Council and DLUHC to draw down the grant this Memorandum needs to be agreed by both parties by the 6th March 2024.

6. **Mitigation Need and Phased Delivery.** At present, the Local Plan identifies a housing need of circa 4,000 new homes in the Lugg sub-catchment and now proposes a three Phase Nutrient Mitigation Scheme to deliver nearly all of that need. Phasing of the scheme will ensure supply is released to match demand and the council's capacity to bring the new assets on stream is focussed and not over stretched.
7. Phase 1, comprised a strategic sites assessment, development of the Phosphate Calculator, the purchase of Titley and Tarrington sites, together with the purchase, design and delivery of Luston wetland which is already delivering credits for circa 1,112 of these homes.
8. Phase 2, comprises the purchase of a further Wetland site, the design, delivery and commissioning of the Tarrington wetland and the replacement of a septic tank at a school in the catchment with a new PTP, this will swiftly see the release of additional sufficient credits for circa 1,159 new homes. As with Phase 1, twenty percent of the phosphate reduction will be set aside for "river betterment" and will not be sold to developers for credits. Water companies and agriculture will still be expected to address their own pollution.
9. Phase 3, comprises the Design and Delivery of up to two further Wetland sites and the replacement of further schools Septic Tanks with package treatment plants. Credits for circa 1,200 homes will be delivered from this phase. It is proposed Phase 3 is authorised to come on stream at the point developers are able to take up the available credits.
10. The Council's Nutrient Trading Phosphate Mitigation Scheme will deliver a minimum of 3,471 homes. To ensure legal obligations to achieve scientific certainty beyond reasonable doubt have been secured it has been prudent to take a conservative view of the amount of phosphate mitigation that will be produced from each site. Once sites are established and being monitored it may become evident that they are performing above expectations. Should that be the case then there is a potential for a further credits enabling 416 homes which nearly closes the gap with the proposed development in the local plan.
11. A Financial Model has been developed which sets out the funding and expenditure flow through the Council's Nutrient Trading Phosphate Mitigation Scheme. Costs include the design, delivery and commissioning of mitigation assets together with full provision for maintaining the sites over 80 years, the standard set by Natural England for mitigation to be regarded as permanent. The model is detailed in the resource implications of this report.

12. The Council is unwilling and unable to make a profit or loss on the cost of phosphate mitigation credits. In May 2022, Cabinet approved the sale of credits at £14,000 per kg resulting in a typical additional cost to developers of around £2,380 per new home. A commitment was given to review the price of credits after three years in April 2025. At present, the financial model shows a small surplus of c£208k if all credits are sold (or less than 2.5% of the latest delivery estimate) but it is considered that inflation etc will reduce this sum. It is proposed to continue with the decision made by Cabinet on 22nd May 2022 to review the price of phosphate credits in March 2026 based on actual final build and three years actual operating costs.
13. **The Cabinet Commission.** In March 2023, Cabinet Considered a report on initial findings of the Cabinet Commission created with Powys, Monmouthshire and Forest of Dean. The report recommended two things, the development of a business case for a more ambitious river recovery plan and a review of NMB governance. Our agency partners indicated that they would prefer to undertake the governance review first so that a newly refreshed Nutrient Management Board could oversee the development of the plan.
14. The Governance review was completed in September 2023; this led to the expansion of the Nutrient Management Board to include the Council for the Protection of Rural England, the Council for the Protection of Rural Wales, the Friends of the Upper and Lower Wye and Save the Wye Groups. A role has also been created for an independent “River Guardian” who will speak for the river rather than particular interests and the January meeting of NMB agreed to take this forward.
15. The Statutory Officers Group have taken over the ownership of the Nutrient Management Plan and is now considering the Commissions second recommendation, how to develop the Nutrient Management *Plan*. At the time, Cabinet considered the Cabinet Commission report, it was explicitly made clear, that developing the plan, as envisaged in the Cabinet Commission report depended upon partner support. Our partners from the national agencies have indicated that they would like to see progress made through the Statutory Officers Group. The Cabinet Commission have continued to meet informally to monitor progress and will meet again in February 2023 to consider what next for the Commission.

Community impact

16. The development of integrated wetlands and the trading of credits will positively contribute to the following ambitions within the County Plan 2020-2024.
 - a. Seek strong stewardship of the county’s natural resources.
 - b. Protect and enhance the county’s biodiversity, value nature and uphold environmental standards through “River Betterment.”
17. The removal of the current development moratorium in the River Lugg catchment area will enable future economic development in a significant proportion of North Herefordshire.

Environmental Impact

18. 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.
19. The Integrated Wetlands project has been designed to enable Nutrient Neutral Development in the River Lugg SAC by enabling nutrient neutral development and to provide a net river

betterment. The net improvement to the river quality will be delivered through the reservation of 20% of the phosphate credits for the river betterment.

20. In addition to improving water quality in the River Lugg, the wetlands will also support the Council's commitment to address the climate and ecological emergency as the wetlands will also become excellent wildlife habitats and will help to sequester local carbon emissions. 21. The site surrounding some wetlands in partnership with other council biodiversity projects will be planted with local native species to increase biodiversity and the local habitat. Opportunities to secure biodiversity net gain and educational access to Wetlands sites will also be explored.

Equality duty

21. 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:
 - 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.
22. 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. As this is a decision on back office functions, we do not believe that it will have an impact on our equality duty.
23. The certification of the phosphate credits from the Integrated Wetland sites will enable the Council to support sustainable housing growth in the north of the county which will benefit all sections of the community. This will include affordable housing in line with the Herefordshire's Planning Policy.

Resource implications

24. The following Financial Model sets out the funding and expenditure flow through of the Council's Nutrient Trading Phosphate Mitigation Scheme. Costs include the design, delivery and commissioning of mitigation assets together with full provision for maintaining the sites over 80 years, the standard set by Natural England for mitigation to be regarded as permanent. This is summarised below for phase 1 & 2:

Capital (C) and Revenue (R) cost of project	Spend in previous years	2024/25	2025/26	Future Years	Total
Phase 1:	£	£	£	£	£
Capital works delivered (C)	2,432,914	25,423	0	0	2,458,337
Future maintenance cost (R)	0	0	0	874,800	874,800
Staff costs to support delivery (R)	130,000	0	0	0	130,000
Phase 1 Total:	2,562,914	25,423	0	874,800	3,463,137
Phase 2:					
Project-wide development & project management costs (C)	0	159,264	85,072	0	244,336
Acquisition of further wetland site (C)	0	333,566	11,134	0	344,700
Design and build of Tarrington site (C)	0	376,466	974,334	0	1,350,800
Replacement of school PTP (C)	0	263,250	0	0	263,250
Staff costs to support delivery (R)	0	27,950	15,050	0	43,000
Future maintenance cost (R)	0	0	0	1,840,800	1,840,800
Phase 2 Total:	0	1,160,496	1,085,590	1,840,800	4,086,886
Phase 1 & 2 TOTAL	2,562,914	1,185,919	1,085,590	2,715,600	7,550,023
Funding streams (indicate whether base budget / external / grant / capital borrowing)	Previous Years	2024/25	2025/26	Future Years	Total
Phase 1:	£	£	£	£	£
New Homes Bonus (G)	1,432,914	0	0	0	1,432,914
LEP Grant (G)	1,000,000	0	0	0	1,000,000
Part phase 1 phosphate credit income (external)			0	290,137	290,137
DLUHC revenue grant 23/24 (grant)	130,000	0	0	0	130,000
Phase 2:					
New Homes Bonus (G)		0	468,509	98,577	567,086
DLUHC capital grant	0	1,157,969	602,031	0	1,760,000
DLUHC revenue grant (grant)	0	27,950	15,050	0	43,000
Part phase 2 phosphate credit income (external)	0	0	0	2,326,886	2,326,886
Phase 1 & 2 TOTAL	2,562,914	1,185,919	1,085,590	2,715,600	7,550,023

25. Delivery Tranche - Phase 1 (status: Complete)

Comprises

- All strategic assessments to identify appropriate Wetland Sites
- The Purchase of sites at Luston, Titley and Tarrington
- The Design, Build and Commissioning of our Luston Wetland

Capital Delivery Cost	£2,458,337
Staff Costs to support delivery of nutrient mitigation in the catchment	£130,000
Ongoing Revenue Maintenance for 80 years	£874,800
Total cost of Phase 1	£3,463,137

Credits already released for purchase by developers (181 kg/P)	1,112 homes
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26. **Delivery Tranche - Phase 2 (status: Current January 2024 – October 2025)**

Comprises

- The purchase of a further Wetland Site
- The Design Build and Commissioning of our Tarrington Wetland
- The Replacement of a Septic Tank for PTP at a School

Capital Delivery Cost	£2,203,086
Staff Costs to support delivery of nutrient mitigation in the catchment	£43,000
Ongoing Revenue Maintenance for 80 years	£1,840,800
Total cost of Phase 2	£4,086,886

Credits to be released during 2024/25 (194 kg/P)	1,159 homes
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Project Income for Phase 1 & 2	
Herefordshire Council New Homes Bonus (previously approved)	£2,000,000
Local Enterprise Partnership Grant (DLUCH) – Getting Britain Building	£1,000,000
Credit Income- Developers via upfront S106 payment- Phase 1	£2,534,000
Credit Income- Developers via upfront S106 Phase 2	£2,758,000
DLUHC Capital Grant 2024/25	£1,760,000
DLUHC Revenue Grant in 2023/24	£173,000
Total Nutrient Trading Scheme Income Phases 1 and 2	£10,225,000

27. **Delivery Tranche - Phase 3 (status: Gateway review planned upon completion of Phase 2)**

Comprises

- Design and build of two wetland sites- purchased in previous phases
- Delivery of further schools Septic tank replacements with PTPs

Indicative Capital Cost	£3,403,500
Indicative Revenue Maintenance	£1,919,800
Total cost	£5,323,300

Credits to be released – date(s) tbc (204 kg/P)	1,200 homes
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Income

Surplus from Nutrient Trading Scheme Phase 1&2	£2,674,977
Credit Income from Phase 3 sale of credits	£2,856,000
Total phase 3 income	£5,530,977

Provisional trading position upon completion of phase 3	£207,677
Total credits for homes released across all three phases	3,471 homes

Legal implications

28. This is an Executive function under the Council's Constitution Part 3 Section 3 as it is a key decision.
29. This mitigation strategy will be facilitated through the Council's planning functions where relevant development will be required to mitigate development by entering a section 106 agreement with the Council for the payment of phosphate credits.
30. Where the Council (through the use of public funds) contributes to the mitigation (whether through a paying for a particular scheme or by contribution to the costs – for example by applying a grant) where the beneficiary is private individual or organisation, then this could amount to subsidy. This requires the Council to consider its duties under the Subsidy Control Act 2022.

Risk management

Key risks and mitigation are summarised below.33.

Risk / opportunity	Mitigation
Achieving the required phosphate reduction	A robust and externally verified assessment of nutrient certainty has been undertaken and peer reviewed as set out in the May 2022 Cabinet report – Nutrient Certainty.
Maintaining the wetland sites in perpetuity	An 80yr management plan has been developed which will be resourced through the propos
Securing effective project management and control	The project will be managed by a team service representatives and the PMO. This is overseen by a Monthly Project Board who review, progress, cost and risk through a structured set of processes.

Consultees

31. This report encompasses a further phase of the Council's phosphate mitigation scheme which was subject to consultation leading up to May 2022.

Appendices

- Appendix 1 – Project Delivery Timeline
- Appendix 2 – Spend profile

Background papers

- [Herefordshire Cabinet Meeting 26th May 2022, Nutrient Certainty](#)
- [Herefordshire Cabinet - 22nd May - Phosphate Credit Pricing](#)

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	John Coleman	Date 21/02/2024
Finance	Karen Morris	Date 30/01/2024
Legal	Sean O'Connor	Date 26/01/2024
Communications	Luenne Featherstone	Date 29/01/2024
Equality Duty	Harriet Yellin	Date 29/01/2024
Procurement	Lee Robertson	Date 30/01/2024
Risk	Kevin Lloyd	Date 29/01/2024
Approved by	Ross Cook	Date 21/2/204

Please include a glossary of terms, abbreviations and acronyms used in this report.

Timeline for Integrated Wetlands – Phase 2

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