

## **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

## Contents

Abbreviations used in this report .....	3
Non-Technical Summary .....	4
Introduction.....	6
Context of the Plan .....	7
Public Sector Equality Duty .....	8
Assessment of Duty to Co-operate.....	8
Assessment of Other Aspects of Legal Compliance.....	9
Assessment of Soundness Main Issues .....	11
Issue 1 – Vision, Strategic Plan Objectives and Spatial Strategy .....	11
Issue 2 – Strategic Policies.....	13
Issue 3 – Provision for Aggregate Supply.....	15
Issue 4 – Minerals other than Aggregates.....	20
Issue 5 – Safeguarding mineral resources, infrastructure and facilities.....	21
Issue 6 – Strategy for Waste .....	22
Issue 7 – Delivery, Implementation and Monitoring.....	27
Overall Conclusion and Recommendation.....	28
Schedule of Main Modifications .....	Appendix

## 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 advice<sup>1</sup>. **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

---

<sup>1</sup> 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.