



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 2021. 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	<u>Whilst the River Wye SAC NMP is being reviewed, the</u> ‘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.