

11. MINERALS

11.1 INTRODUCTION - PARAGRAPHS 11.1.1 TO 11.1.6

Objection

P350/649 RMC Western

Summary of Objection / Issue

- The status of the Minerals Background Paper referred to in Paragraph 11.1.6 should be clarified. (350)

Inspector's Reasoning and Conclusion

Status of background document - 350

11.1.1 The Council made changes to Paragraph 11.1.6 in the Revised Deposit Draft to clarify the status of the background paper and its relationship with the Plan policies. I consider that this satisfies the objection.

RECOMMENDATION

11.1/1 Do not make any modification in response to the objection.

11.2 PREFERRED AREAS FOR AGGREGATE EXTRACTION - POLICY M1 AND PARAGRAPH 11.4.1

Objections

W283/961	Gloucestershire County Council
W283/11079	Gloucestershire County Council
P350/647	RMC Western
P357/731	English Heritage (Conditionally Withdrawn)
P357/883	English Heritage (Conditionally Withdrawn)
P745/1820	Alliance Environment & Planning Ltd

Summary of Objections / Issues

- Whether additional preferred areas or areas of search should be identified. (283, 350, 745)
- Whether Policy M1 should be deleted. (283)
- The Moreton-on-Lugg site, referred to in Policy M1, should be the subject of rigorous evaluation. (357)
- Objection is raised to the extension of Leinthall Earls quarry (Policy M1). (357)

Inspector's Reasoning and Conclusions

Additional preferred areas / areas of search – 283, 350, 745

11.2.1 Based on the evidence presented in the Council's statement (C11/03/M1), it is clear to me that the quantity of sand and gravel that could be extracted under current planning permissions is more than sufficient to meet the sub-regional apportionment. However, it is argued that this is a theoretical position and that the reality could be very different.

11.2.2 In this regard, I appreciate that a substantial proportion of the reserves lies in two sites, Portway and Moreton Camp, where production has yet to commence. At Portway, and at the rate of annual production assumed to date, the volume of extraction anticipated in both the plan and the landbank periods would not be achieved. The assumed contribution from Moreton Camp could also be questioned if the operators, Tarmac, chose to concentrate on the Wellington site. Be that as it may, I am satisfied that there is clear capability of supply. I would expect market forces to ensure continuity of production irrespective of any lack of competition.

11.2.3 In any event, should permitted reserves prove insufficient to meet the sub-regional apportionment, new workings could be approved under Policy M3. In all the circumstances, I see no need to identify additional preferred areas or areas of search. In this context, I do not consider that there is any overriding justification on sustainability grounds for extraction at Lugg Valley.

Deletion of Policy M1 - 283

11.2.4 Given that the sub-regional apportionment can be met through extant planning permissions, I see no need for Policy M1 which identifies preferred areas for aggregate extraction.

Moreton-on-Lugg and Leinthall Earls - 357

11.2.5 The Moreton-on-Lugg and Leinthall Earls sites are identified in Policy M1. In the Revised Deposit Draft, this policy has been omitted. The objections have been conditionally withdrawn and no further action is necessary.

RECOMMENDATION

11.2/1 Do not make any modification in response to the objections.

11.3 PREFERRED AREAS FOR AGGREGATE EXTRACTION – POLICY M1 - ADDITIONAL AREA - EARDISLAND - LAND AT ARROW GREEN

Objection

P372/795

Mr and Mrs Owens

Summary of Objection / Issue

- Land at Arrow Green has a sand and gravel reserve of at least 550,000 tonnes. It should be included in the Plan to ensure continuity of supply and avoid

overdependence on two major sites. The site is not subject to any primary constraint and is only affected by one secondary constraint, ie landscape. (372)

Inspector's Reasoning and Conclusions

Need for additional site at Arrow Green – 372

11.3.1 I conclude at Paragraphs 11.2.1 to 11.2.4 above that the quantity of sand and gravel that could be extracted under current planning permissions is more than sufficient to meet the sub-regional apportionment. Accordingly there is no need for Policy M1 which identified additional preferred areas. I am satisfied that there is a clear capability of supply. In the event that permitted reserves prove insufficient to meet the regional apportionment, new workings could be approved under Policy M3.

11.3.2 I conclude that there is no need to identify an additional site at Arrow Green as proposed by the objectors.

RECOMMENDATION

11.3/1 Do not make any modification in response to the objection.

11.4 PREFERRED AREAS FOR AGGREGATE EXTRACTION – POLICY M1 - ADDITIONAL AREA - LUGG VALLEY / LUGG BRIDGE

Objection

P350/4722 RMC Western

Summary of Objection / Issue

- There should be Preferred Areas or Areas of Search at Lugg Valley and Lugg Bridge. (350)

Inspector's Reasoning and Conclusions

Lugg Valley / Lugg Bridge - 350

11.4.1 Policy M1 does not appear in the Revised Deposit Draft. As such, this objection has been overtaken by events. In any case, I have determined above (Paragraph 11.2.4) that no Preferred Areas or Areas of Search should be included in the Plan.

RECOMMENDATION

11.4/1 Do not make any modification in response to the objection.

11.5 PREFERRED AREAS FOR AGGREGATE EXTRACTION – POLICY M1 – ADDITIONAL AREA - UPPER LYDE

Objection

P891/2517 Hussar Minerals Ltd

Summary of Objection / Issue

- Land at Upper Lyde should be included in the Plan to ensure continuity of supply and avoid overdependence on two major sites. The whole site should be allocated to minimise the impact of working. (891)

Inspector's Reasoning and Conclusions

Upper Lyde - 891

11.5.1 Policy M1 does not appear in the Revised Deposit Draft. As such, this objection has been overtaken by events. In any case, I have determined above (Paragraph 11.2.4) that no Preferred Areas or Areas of Search should be included in the Plan.

RECOMMENDATION

11.5/1 Do not make any modification in response to the objection.

11.6 PREFERRED AREAS FOR AGGREGATE EXTRACTION - POLICY M1 – ADDITIONAL AREA – MORETON

Objection

P1036/3155 Tarmac Western Ltd

Summary of Objection / Issue

- The objection seeks the inclusion of a revised preferred area for extraction at Moreton to reallocate part of a site shown in the Hereford and Worcester Minerals Local Plan as a preferred area for minerals extraction. Inset Map 51 should be amended to reflect the Minerals Local Plan. (1036)

Inspector's Reasoning and Conclusion

Moreton - 1036

11.6.1 Policy M1 does not appear in the Revised Deposit Draft. As such, this objection has been overtaken by events. In any case, I have determined above (Paragraph 11.2.4) that no Preferred Areas or Areas of Search should be included

in the Plan. Sufficient sand and gravel reserves have planning permission and there is no need to amend Inset Map 51 as proposed by the objector.

RECOMMENDATION

11.6/1 Do not make any modification in response to the objection.

11.7 PREFERRED AREAS FOR AGGREGATE EXTRACTION - POLICY M1 – ADDITIONAL AREA - MORETON - SOUTH OF PREFERRED AREA

Objection

P1036/4652 Tarmac Western Ltd

Summary of Objection / Issue

- Land at Moreton – South of Preferred Area should be included in the Plan to ensure continuity of supply. The site would be a natural extension and would cause no detrimental environmental impact. (1036)

Inspector's Reasoning and Conclusions

Land at Moreton – South of Preferred Area - 1036

11.7.1 Policy M1 does not appear in the Revised Deposit Draft. As such, this objection has been overtaken by events. In any case, I have determined above (Paragraph 11.2.4) that no Preferred Areas or Areas of Search should be included in the Plan.

RECOMMENDATION

11.7/1 Do not make any modification in response to the objection.

11.8 PREFERRED AREAS FOR AGGREGATE EXTRACTION - POLICY M1 AND PARAGRAPH 11.4.3 - MORETON-ON-LUGG

Objection

W316/602 Wellington Parish Council

Summary of Objection / Issue

- The increase in traffic would present a tremendous problem to the residents of Wellington Marsh. The development would preclude the construction of a dual-carriageway A49 bypass for Wellington Marsh. (316)

Inspector's Reasoning and Conclusions

Moreton-on-Lugg - 316

11.8.1 Planning permission has now been granted for the extraction of sand and gravel on the Moreton-on-Lugg site previously included as a preferred area for mineral extraction in Policy M1. Policy M1 does not appear in the Revised Deposit Draft. As such, this objection has been overtaken by events.

RECOMMENDATION

11.8/1 Do not make any modification in response to the objection.

11.9 BORROW PITS - POLICY M2 AND PARAGRAPHS 11.4.13 TO 11.4.14

Objections

W283/963	Gloucestershire County Council
W283/11080	Gloucestershire County Council
P677/1653	Brasenose College (Conditionally Withdrawn)
P745/1821	Alliance Environment & Planning Ltd
P891/10103	Hussar Minerals Ltd
P1090/3462	Network Rail Infrastructure Ltd
P350/653	RMC Western (Conditionally Withdrawn)
P350/659	RMC Western (Conditionally Withdrawn)
P350/10804	RMC Western (Conditionally Withdrawn)

Summary of Objection / Issue

- The scope of Policy M2 may require broadening in order to meet the potential shortfall in provision for sand and gravel and to avoid over-dependence on a small number of major operators. (283, 745)
- The policy should be amended to give preference to extensions of existing sites before allowing new sites. (891)
- Sites outside the preferred area should give preference to rail served sites over sites which are only served by road. (1090)
- A third criterion should be added to the policy to allow for sites which are significantly more acceptable than sites identified in the Plan on the basis of new geological advice, for example. (350)
- The second sentence of the revised Paragraph 11.4.13 should be deleted. The revised wording does not accord with MPG 6. (350)
- The phrase "particularly in areas outside known deposits" should be deleted from Paragraph 11.4.13 as it appears to give preference to sites adjoining preferred areas or known deposits. (350)

Inspector's Reasoning and Conclusions

Need for flexibility to meet potential shortfall – 283, 745

11.9.1 I conclude at Paragraphs 11.2.1 to 11.2.4 above that the quantity of sand and gravel that could be extracted under current planning permissions is more than sufficient to meet the sub-regional apportionment. The Revised Deposit Draft has now been amended so that Policy M2 refers solely to borrow pits, where there may be an environmental advantage in sourcing aggregates close to a construction project.

11.9.2 With regard to the overall requirement for sand and gravel, I am satisfied that there is a clear capability of supply. In the event that permitted reserves prove insufficient to meet the sub-regional apportionment, new workings could be approved under Policy M3. Given that the sub-regional apportionment can be met through extant planning permissions, I conclude that there is no need to include greater flexibility in Policy M2.

Preference to extensions of existing sites - 891

11.9.3 It is not always certain that extensions to existing sites offer clear environmental advantages over new sites. I agree with the Council that, in view of the extent of existing supply, it is unnecessary to state a clear preference for particular types of site over others. The criteria based approach set out in Policies M2 and M3 provides an appropriate policy context for the consideration of other sites should the necessity arise in response to changing circumstances.

Preference to sites served by rail - 1090

11.9.4 The Plan gives encouragement to the use of rail transport in Chapter 8. Whilst it is a factor to be taken into account, it would not necessarily outweigh other environmental considerations such as the effect on the landscape. I do not consider that availability of rail transport should be built into the policy as a main determinant of the location of minerals proposals.

Other objections – 350

11.9.5 The Council made significant changes to Paragraphs 11.4.13 and Policies M2 and M3 which meet the substance of these objections and have enabled them to be conditionally withdrawn.

RECOMMENDATION

11.9/1 Do not make any modification in response to the objections.

11.10 CRITERIA FOR NEW AGGREGATE MINERAL WORKINGS - POLICY M3 AND PARAGRAPHS 11.5.1 TO 11.5.7

Objections

W198/11315	Hereford Civic Society
W283/960	Gloucestershire County Council
W283/11076	Gloucestershire County Council
P357/732	English Heritage (Conditionally Withdrawn)

P602/5456	Herefordshire Nature Trust
P602/5457	Herefordshire Nature Trust
P602/11212	Herefordshire Nature Trust
P890/2596	Government Office for the West Midlands
P890/2597	Government Office for the West Midlands
P1036/3158	Tarmac Western Ltd
P1071/3385	English Nature (Conditionally Withdrawn)
P1071/3386	English Nature (Conditionally Withdrawn)
P1071/3387	English Nature (Conditionally Withdrawn)
P350/654	RMC Western
P350/656	RMC Western
P350/10805	RMC Western

Objections to Proposed Change

W198/20127	Hereford Civic Society
W283/20123	Gloucestershire County Council
P635/20140	Campaign to Protect Rural England
P350/20120	RMC Western

Summary of Objections / Issues

- Further emphasis should be given to the importance of traffic. (198)
- Certain primary constraints and conditions should be reinstated. (198, 635)
- There should be further changes to Policy M3 and the supporting text. (283)
- Whether Policy M3 is unduly proscriptive. (350)
- Whether the primary constraints in Policy M3 are inappropriately extensive. (350)
- Whether appropriate account would be taken of absence of impact and mitigation. (350)
- The constraints regarding access and visual impact should be removed. (350)
- Nationally important historic sites should be primary constraints. (357)
- Primary constraints should include sites that contain UK BAP habitats and species. (602)
- Paragraph 11.5.3 should include, as an additional secondary constraint, habitats, species and features of biodiversity value. (602)
- Sites and species of local importance to nature conservation should be primary constraints. (602)
- There should be amended reference to agricultural land. (890, 1036)
- There should be amended reference to archaeological sites. (890)
- There should be reference to protected trees and hedgerows. (890)
- Protected species should be protected by both sets of criteria. (1071)
- Constraints should be listed in the text of the policy. (1071)
- Whether Proposed Change No 17 should be adopted. (None)

Inspector's Reasoning and Conclusions

Importance of traffic - 198

11.10.1 It does not appear to me that access to an "A" or "B" class road should be a primary constraint. The primary constraints relate to matters of international, national or regional significance. I would not place road access in this category. In any event, the latter part of the policy requires applicants to submit evidence on, for example, impact on people and local communities. Satisfactory mitigation is required. Other policies in the Plan are also material.

11.10.2 I appreciate that a rail connection may be a relevant consideration. However, road access would still be required and this is likely to be the most important factor. In all the circumstances, no modification of the policy is necessary.

Reinstatement of primary constraints and conditions – 198, 635

11.10.3 I do not consider that the Plan would be weakened in any important respect as a result of Proposed Change No 18. To my mind there is a more logical ordering of the constraints. For example, matters of international, national and regional importance are treated as primary constraints. The other constraints are secondary. This distinction is consistent with Government guidance. Appropriate protection is still available through the policy and through other provisions of the Plan. In particular, adverse visual impact on landscape character would be a specific secondary constraint.

Further changes to Policy M3 and the supporting text - 283

11.10.4 The wording of Policy M3 in the Revised Deposit Draft suggests that the Council may refuse to consider minerals planning applications. This implication is avoided in the wording in Proposed Change No 18.

11.10.5 I appreciate that the wording "many considerations need to be taken into account" could be preferred over the "many considerations will fall to be taken into account" (Proposed Change No 18). However, I do not consider that this is a matter that requires my intervention.

11.10.6 With regard to the expansion of existing sites, I am aware that there are circumstances where such an option would be preferable to working a new resource area. However, this will not necessarily be the case. Bearing in mind also that the sub-regional apportionment can be met from extant planning permissions, I do not consider that there is a need to refer to alternative extraction scenarios. Any proposal for the expansion of an existing facility could be considered on its merits in the light of the various provisions in the Plan.

11.10.7 The objector indicates that, in considering primary and secondary constraints, a more balanced approach is required. In this regard, and as discussed below, I consider that "satisfactory mitigation" of secondary constraints would be a relevant consideration. With this in mind, I consider that an appropriate balance would be achieved. For example, even though both landscape and highway effects are likely to be relevant in a majority of case, it is the residual effect that would be relevant. In such terms, I do not consider that appropriate proposals would be unnecessarily precluded.

11.10.8 Proposed Change No 18 introduces an "exceptional circumstances" test. I see no objection to such a test. There is a clear expectation that the sub-regional apportionment would be met through existing planning permissions. In such

circumstances, the need to grant planning permission for new aggregate mineral working would indeed be exceptional.

Proscription in Policy M3 - 350

11.10.9 I appreciate that, under Policy M3, planning permission for aggregate extraction would only be granted in exceptional circumstances. However, I do not consider that the policy is unduly proscriptive. There is no absolute ban on extraction. Indeed, permission could be granted notably if permitted reserves prove insufficient to meet the sub-regional apportionment. No modification is necessary.

Extent of primary constraints - 350

11.10.10 Most of the objector's concerns would be met under Proposed Change No 18. One of the exceptions is sites of regional archaeological importance. To my mind, and consistent with Policy ARCH4, sites of truly regional importance should be regarded as primary constraints. Sites of lesser regional or local importance would be secondary constraints. I recommend Proposed Change No 18 with minor amendments.

Mitigation - 350

11.10.11 Proposed Change No 18 now includes specific reference to the mitigation of adverse effects. At the end of Policy M3, there is reference to "satisfactory" mitigation. To my mind this is the appropriate provision. To require adverse effects on secondary constraints to be wholly mitigated would be an unreasonable and potentially unnecessary requirement.

Access and visual impact - 350

11.10.12 In my opinion, the reference to access in Proposed Change No 18 is more precise and is to be preferred. With regard to visual impact, the emphasis in the revised wording on landscape character would be consistent with Policy LA2 and the guidance in PPS 7. No further modification is necessary.

Nationally important historic sites - 357

11.10.13 This objection has been addressed in the Revised Deposit Draft. The objection has been conditionally withdrawn and no further action is necessary.

BAP habitats and species - 602

11.10.14 In my opinion, UK BAP habitats and species are afforded adequate protection through the identification, as a secondary constraint, of sites and species of local importance to nature conservation and through other related policies in Chapter 9 of the Plan. No modification is necessary.

Habitats, species and features of biodiversity value - 602

11.10.15 In the Revised Deposit Draft, Paragraph 11.5.3 (and Policy M3) refers to sites and species of local importance to nature conservation. I consider that this reference, taken together with other provisions of the Plan, will ensure adequate protection of matters of importance to biodiversity.

Sites and species of local importance to nature conservation - 602

11.10.16 The primary constraints relate to matters of international, national or regional significance. Sites and species of local importance to nature conservation would not fall into this category. They are, however, identified as a secondary

constraint. Bearing in mind also provisions in Chapter 9 of the Plan, I am satisfied that related interests would be safeguarded.

Agricultural land – 890, 1036

11.10.17I note that Paragraph 11.5.13 requires proposals for reclamation to agriculture to specify reclamation to as high a quality of agricultural land classification as possible and to show how this is to be achieved. Bearing in mind also the identification of best and most versatile agricultural land as a secondary constraint, and other provisions of the Plan as proposed to be changed, I consider that the objections have been adequately addressed.

Archaeological sites - 890

11.10.18Policy M3 in the Revised Deposit Draft now distinguishes between archaeological sites of national and regional importance (primary constraints) and sites of lesser regional or local importance (secondary constraints). I consider that, through this distinction, the terms of the objection have been met.

Protected trees and hedgerows - 890

11.10.19Protected trees and hedgerows would be covered by the reference to natural assets in the latter part of Policy M3. Bearing in mind also that protected trees and hedgerows are no longer referred to in Policy W1, I do not consider that any more specific reference is necessary or appropriate.

Protected species - 1071

11.10.20I consider that the Revised Deposit Draft included adequate protection in respect of protected sites and species. The objections have been conditionally withdrawn and no further action is necessary.

Listing constraints within the text of the policy - 1071

11.10.21This objection has been addressed under the Revised Deposit Draft.

Proposed Change No 17 - None

11.10.22Under Proposed Change No 17, Paragraph 11.4.13 would, in part, be amended to read: "In the event of exceptional circumstances, notably where the permitted reserves prove incapable of meeting the requirements of Herefordshire's regional apportionment, alternative sites will be considered." This proposed change has not attracted any objections. It would reflect the proposed changes to Policy M3 and is hereby recommended.

RECOMMENDATIONS

11.10/1 Modify the Plan in accordance with Proposed Change No 18 subject only to amending secondary constraint 4 in Policy M3 and Paragraph 11.5.3 to read "Archaeological sites of lesser regional or local importance" and substituting "satisfactorily mitigated" for "wholly mitigated" in the first paragraph of the policy.

11.10/2 Modify the Plan in accordance with Proposed Change No 17.

11.10/3 Do not make any other modification in response to the objections.

11.11 SAFEGUARDING MINERAL RESERVES - POLICY M5 AND PARAGRAPH 11.5.11

Objections

W414/853	Mr and Mrs J M Rodgman
P602/1342	Herefordshire Nature Trust
P602/1345	Herefordshire Nature Trust
P602/1346	Herefordshire Nature Trust
P602/1347	Herefordshire Nature Trust
P677/1652	Brasenose College
P677/4671	Brasenose College
P754/1851	Taylor Woodrow Developments Ltd
P866/2474	Church Commissioners for England
P1081/3331	H P Goodwin and Sons
W309/591	Mr T Hughes

Summary of Objections / Issues

- Land at Lower Bullingham should not be the subject of Policy M5 on safeguarding mineral reserves. (1081, 866)
- Land at Kings Acre Road should be excluded from the area safeguarding mineral reserves. (414)
- Specific attention should be given to the environmental impact of any mineral proposal within the area safeguarding mineral reserves along the River Lugg. (602)
- Objection is raised to mineral safeguarding that would affect part of the Eastnor Park SSSI. (602)
- Only those reserves specifically needed within the plan period should be identified. (677)
- Likely effects on landscape / nature conservation should be taken into account before safeguarding. (677)
- Land northeast of Bartestree should be excluded from the area safeguarding mineral reserves. (754)
- The area of safeguarded mineral reserves west and northwest of Hereford should be amended. (866)
- There should be a requirement to assess the building conservation impact of safeguarded sites. (309)

Inspector's Reasoning and Conclusions

Safeguarding reserves at Lower Bullingham – 1081, 866

11.11.1 It appears to me that the majority of the land in question is underlain by sand and gravel in four river terraces. The best deposits are in the first river terrace, only part of which extends to the objection site. In the Environmental Statement on the Rotherwas Access Road, the economics of extraction from this terrace are described as "not good". In addition, it is stated that "Planning

permission for sand and gravel extraction so close to the city was also considered unlikely and the very significant transport and environmental issues rendered any scheme remote."

11.11.2 The same document describes the deposits in the second terrace as "likely to be sparse, of poor quality and much more variable in composition than the first terrace." Although no commercial assessment had been made, "similar objections might be raised to mineral development". Of the third terrace, it is stated that "only thin remnants in the form of scattered hill pebbles, sandy and stony soil seem to exist." The deposits in the fourth terrace "generally comprise less than 2m of poorly sorted gravels" with both terraces three and four being described as "commercially unattractive".

11.11.3 An assessment by Tarmac Western Ltd indicates that it would be very difficult to justify investment. I appreciate that there could be opportunities for small scale extraction or for use of part of the land as a borrow pit. However, taking into account geological, environmental and economic considerations, I have concluded that the safeguarding of the objection site and contiguous land is not justified.

All other objections

11.11.4 In respect of all the other objections, I consider that there is inadequate justification for any modification of the Plan. To my mind, it is important for credible sources of minerals for the long term, identified by reference to the best information available, to be safeguarded pending proper future examination. It may well be that, if there were no pressing need at the relevant time, sites including smaller sites or those in sensitive locations would not require assessment. However, this is a judgment that would have to be made, and justified, in the light of circumstances obtaining at the time.

11.11.5 It appears to me that the provisions of the Plan accord with the policies and guidance in MPG 1 (Document T 1), MPG 6 (Document T 6) and RPG 11 (Document F 3). In addition, I would expect other aspects of the UDP to apply, for example, in relation to designated areas, the landscape, other nature conservation interests and building conservation matters. No modification of the Plan is necessary.

RECOMMENDATIONS

11.11/1 Omit land at Lower Bullingham from the area safeguarding mineral reserves.

11.11/2 Do not make any other modification in response to the objections.

11.12 RECLAMATION OF MINERAL WORKINGS - POLICY M7 AND PARAGRAPH 11.5.13

Objections

P890/2598
P1036/3159

Government Office for the West Midlands
Tarmac Western Ltd (Conditionally Withdrawn)

P1071/3388	English Nature (Conditionally Withdrawn)
P1071/3389	English Nature (Conditionally Withdrawn)
P350/655	RMC Western
P350/657	RMC Western (Conditionally Withdrawn)

Summary of Objections / Issues

- Use of the term “landform” should be reviewed. Consideration should be given to both the land and the landform. The policy should refer to the need for schemes to meet the required standard for the proposed afteruse. (890)
- The policy should state that the period for aftercare is five years. (650)

Inspector's Reasoning and Conclusions

Use of the term “landform” – 890

11.12.1 Paragraph 11.5.13 of the Revised Deposit Draft has been amended to give greater detail as to what will be required in respect of reclamation schemes and include reference to the need for schemes to comply with MPG 7 (Document T 7). Policy M7 no longer refers to “landform”. The term “reclamation” has been substituted which to my mind allows for consideration of the land use as well as the landform. I consider the objection is satisfied by these changes.

Period of aftercare – 350

11.12.2 Whilst an operator cannot be compelled to undertake aftercare for longer than 5 years, MPG 7 (Document T 7) provides that aftercare “may be extended by mutual consent where this will enable reclamation objectives to be met.” Use of the term “appropriate period” allows for this circumstance, whilst not affecting what can legally be required of operators.

Other objections – 1036, 1071, 350

11.12.3 The Council has made changes to the Revised Deposit Draft which have allowed these objections to be conditionally withdrawn.

RECOMMENDATION

11.12/1 Do not make any modification in response to the objections.

11.13 MALVERN HILLS - POLICY M8 AND PARAGRAPH 11.5.14

Objections

W283/966	Gloucestershire County Council
P1071/3390	English Nature (Conditionally Withdrawn)

Summary of Objections / Issues

- To be consistent with Government guidance, the policy should consider whether provision for minerals is required in The Malverns and include reference to the tests for mineral working in AONBs. (283)

Inspector's Reasoning and Conclusions

Provision in The Malverns - 283

11.13.1 Policy M8 recognises the special circumstances which apply to the Malvern Hills, both as an AONB and the long standing policy resistance to new quarrying proposals. In view of the extensive landbanks of permitted reserves for crushed rock elsewhere in the county (40 years), I see no need to amend the policy as suggested by the objector.

Other objection - 1071

11.13.2 Changes have been made to the Revised Deposit Draft which have allowed English Nature's objection to be conditionally withdrawn.

RECOMMENDATION

11.13/1 Do not make any modification in response to the objection.

11.14 OIL AND GAS EXPLORATION AND DEVELOPMENT - POLICY M10

Objection

P1071/3392 English Nature (Conditionally Withdrawn)

Summary of Objection / Issue

- The policy should be strengthened. (1071)

Inspector's Reasoning and Conclusions

Strengthening the policy - 1071

11.14.1 Changes have been made to the Revised Deposit Draft which have allowed the objection to be conditionally withdrawn.

RECOMMENDATION

11.14/1 Do not make any modification in response to the objection.