

Minerals and Waste Local Plan

Main Issues Statement

Main Matter 4 – Provision for Aggregate Supply

Part B: Questions 45 to 63

Issue: 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 M3: Winning and working of sand and gravel

Requirement

Question 45: How does the policy provide for increased self-sufficiency in sand and gravel over the Plan period while making a reasonable contribution to the Managed Aggregate Supply System?

Response

- 45.1 Policy M3 identifies that the strategy for sustainable winning and working of sand and gravel will be achieved through the provision of 5 million tonnes over the plan period, with additional provision made if subsequent reviews identify that a sufficient land bank would not be available at the end of the plan period. The policy subsequently identifies the Specific Sites allocated to provide that sand and gravel, supplemented by the Preferred Areas of Search.
- 45.2 Policy M3 presents a positive statement about the amount of sand and gravel to be made available throughout the plan period and how it will be delivered. That level of provision has been calculated as set out in the Minerals Need Assessments, most recently the *Minerals Need Assessment 2021* (Examination Library ref. [D3.77](#)) which demonstrates (at section 4.3) that increased self-sufficiency and a reasonable contribution to the MASS can be achieved through the allocations set out in this policy.
- 45.3 *Minerals Need Assessment 2021* (Examination Library ref. [D3.77](#)), consistent with previous assessments, has forecast sand and gravel demand assuming 100% self-sufficiency. In this outcome, only the population growth scenario would be met and exceeded.
- 45.4 The *Minerals Need Assessment Sensitivity Paper* (Examination Library ref. [D3.79](#)) was prepared to provide a check against the Need Assessments as some of the assumptions formerly used had been found to have changed. The sensitivity analysis, using the updated set of assumptions, significantly reduces the forecast demand for both sand and gravel, and crushed rock.
- 45.5 As with all forecasting, the future prospects are subject to a number of variables and the actual outcome cannot be precisely predicted. It is reasonably likely that the future demand will lie somewhere between the forecast scenarios considered. The *Preparing the Publication Draft Plan Report* (Examination Library ref. [D3.46](#)) concludes (at paragraph 4.2.8) policies M3 and M4 have been drafted 'to provide a balance between providing for Herefordshire's forecast level of demand and an ability to contribute to the MASS, and not promoting excessive mineral working such that reserves are not worked efficiently.'

Question 46: How does the planned provision relate to the highest levels of forecast growth and is there sufficient flexibility to increase provision if this is found to be necessary through a review of the Plan?

Response

- 46.1 *Minerals Need Assessment 2021* (Examination Library ref. [D3.77](#)) consistent with previous assessments, has forecast sand and gravel demand using a number of different growth scenarios. The conclusions are presented at section 4.3.
- 46.2 Table 4.7 provides a summary of forecast demand assuming the current level of import. The highest growth forecast is that based on GVA growth, which indicates a tonnage of 4,944,000 tonnes throughout the Plan period to leave a 7 year landbank at 2041. This scenario is provided for within policy M3.
- 46.3 Policy M3 incorporates a commitment to five-year reviews, including the opportunity to review the annual rate of provision. If these indicate that additional reserve is required, further work can be undertaken as appropriate at that time, for example allocating new Specific Sites.
- 46.4 As demonstrated in the *Minerals Need Assessment Sensitivity Paper* (Examination Library ref. [D3.79](#)) applying an updated set of assumptions significantly reduces the forecast demand for sand and gravel. This indicates that the Minerals Need Assessments have potentially over estimated future demand, with the subsequent effect of building in greater flexibility to the Plan.

Question 47: How do the growth scenarios considered take into account the need for aggregates for development other than housing?

Response

- 47.1 Section 4 of the *Minerals Need Assessment 2021* (Examination Library ref. [D3.77](#)) considers future demand for aggregates, outlining four different growth forecasts (at paragraph 4.1.2). Only one of these forecasts is dependent upon housing numbers:
- Gross Value Added ('GVA') forecasts;
 - population projections;
 - household or housing projections; and/or
 - Core Strategy infrastructure requirements.
- 47.2 As explained at section 4.2, consideration of GVA incorporated numerous different growth forecasts, including one specific to Herefordshire and Worcestershire that had been commissioned from Experian and updated for the 2021 assessment.
- 47.3 The forecasts focussed on housing incorporated assumptions in relation the amount of aggregate necessary both for the housing but also associated infrastructure. This approach incorporates the need for aggregates for development other than housing.

Question 48: Has further discussion with HS2 enabled a better understanding of the likely aggregate requirements of that project for west midlands authorities?

Response

- 48.1 HS2 has undertaken consultation with the west midlands authorities that it believes are most likely to be the source of construction material for that project; this did not include Herefordshire Council.
- 48.2 As explained at paragraph 8.2.3 and 8.2.4 of the *Responses from Herefordshire Council to Inspectors' initial questions* (Examination Library ref. D4.2) discrete infrastructure projects, including HS2, have not been considered in isolation within the Minerals Need Assessments. This approach was used for a number of reasons:
- the evidence did not suggest that, within Herefordshire, there would be a significant change in the demand for aggregates from infrastructure;
 - there is no control over the associated aggregate demand from infrastructure projects located outside of Herefordshire; and
 - large infrastructure projects, such as HS2, would be a factor in the generation of GVA forecasts.

Question 49: Does the increase in sales of sand and gravel in 2019 and consequent increase in the 10 year average sales affect the calculated requirement for sand and gravel over the Plan period?

Response

- 49.1 The *Minerals Need Assessment 2021* (Examination Library ref. D3.77) presents the 2019 and 2020 sales data of sand and gravel at Table 3.4 (which is erroneously titled 2009 to 2018, it should be 2011 to 2020) and consequently incorporates this information into the assessment.
- 49.2 It can be seen that the increase in sales of sand and gravel in 2019 was short lived, with sales decreasing, back to former levels, in 2020.
- 49.3 Table 4.3 shows that the GVA forecast is reduced by the new data, whilst the population growth and ONS household projects indicate an increase in demand.

Supply

Question 50: Is the Plan sufficiently clear about existing levels of aggregates supply and the level of mineral resource available and deliverable in the Plan period for the specific sites listed in the policy?

Response

- 50.1 The Plan presents an overview of minerals within the Plan area at section 3.1, listing all the existing, consented sites at paragraph 3.1.9. Specific detail about existing levels of aggregate supply and the level of mineral resource available is not stated, because this can be expected to change throughout the lifetime of the Plan and quickly become redundant.
- 50.2 Current detail about the amount of mineral expected to be won at each of the sites can be found in the evidence base, principally the *Sites Reports* (Examination Library refs. D3.54 and D3.58). Updates to permitted levels of reserve and supply will be most appropriately reported through the Aggregate Monitoring Survey reports and/or Annual Monitoring Reports.

- 50.3 Demonstration that the sites are deliverable and will deliver the amount of reserve sought through the minerals policy is set out in the *Preparing the Plan Reports* (Examination Library refs. D3.20 and D3.48).
- 50.4 The Plan and the associated evidence base presents the information that is available. This is reliant on the site owners/operators providing robust data, which is not always available and is constrained by commercial confidentiality in the case of crushed rock.

Question 51: Explain how the provision of 5 million tonnes has been arrived at. What assumptions have been made regarding the available reserve at Shobdon?

Response

- 51.1 *Preparing the Draft Plan Report* (Examination Library ref. D3.20) addresses this point from paragraph 4.4.4. It explains that a forecast provision of 5 million tonnes is selected to enable Herefordshire *'to be self-sufficient and to make a reasonable contribution to the MASS, it is appropriate to consider planning for the greatest forecast demand, recognising that this may be an over-estimate.'*
- 51.2 Paragraph 4.4.7 confirms that, from the information provided, the proposed allocations would *'provide a minimum of nearly 3 million tonnes of sand and gravel resource, with further reserve provided across the other allocations.'* Paragraph 4.4.8 confirms that additional potential resource lies within the preferred areas of search.
- 51.3 Shobdon Quarry is identified as 'inactive' within the Minerals Needs Assessments, with the remaining reserve of 900,000 tonnes being included in the landbank.

Question 52: How does the non-inclusion of site M3c (Upper Lyde Quarry) affect the supply of sand and gravel from that location?

Response

- 52.1 A breakdown of the mineral expected to be won from each area of Upper Lyde Quarry was not provided in the information submitted to the Call for Sites, and is not otherwise available.
- 52.2 A report titled *'Evaluation of the Upper Lyde Gravel Deposit'* (dated April 1990) was submitted in the Call for Sites and presents data taken from 10 trenches in the area. The total tonnage expected to be won from the area is given as a cumulative total - the c.700,000 tonnes reported in the evidence base to the Plan. However, only 6 of those trenches are relevant to the areas promoted through the Call for Sites, and only two of the trenches are located within site M3c (one of which reported shallow sand deposit).
- 52.3 Consequently, it is concluded that the non-inclusion of site M3c has little effect on the supply of sand and gravel in that location, but it is not possible to be definitive on the matter.
- 52.4 Paragraph 2.4.4 of the *Supplementary Report to the Spatial Context and Sites Report* (Examination Library ref. D3.58) concludes that *'The site lies within the preferred area of*

search and adjacent to an allocated site; a developer may be able to demonstrate that a suitable scheme can be implemented at this location.'

Question 53: How does the non-inclusion of site M5f (Wellington Quarry) affect the supply of sand and gravel from that location?

Response

- 53.1 The non-inclusion of site M5f does not affect the supply of sand and gravel from that location.
- 53.2 Resource data was not provided with the response to the call for sites and has not been included in any consideration in preparing the Plan. The site has consistently not been considered a preferred location to allocate as a Specific Site (see *Spatial Context and Sites Report* (Examination Library ref. D3.24) paragraph 3.2.17).

Question 54: What level of certainty is there that the remaining reserves at Shobdon Quarry will be worked and that the allocated extension is deliverable?

Response

- 54.1 Shobdon Quarry is identified as 'inactive' within the Minerals Needs Assessments. A maximum of 2,000 tonnes has been extracted in recent years by Tarmac, with none worked since 2020 when that operator ended its lease on the site.
- 54.2 A new leaseholder has recently (September 2022) held pre-application discussions with the Minerals and Waste Development Management Team at Herefordshire Council to discuss both winning and working the remaining reserve and the proposed extension.
- 54.3 Shobdon Quarry remains considered an appropriate Specific Site to allocate, with a reasonable expectation of its delivery.

Site Selection

Question 55: How did the scoring matrix in the Spatial Context and Sites report and the Supplementary report influence site selection?

Response

- 55.1 It identified particular advantages of and constraints to development at each of the sites and those matters that should be addressed within the key development criteria.
- 55.2 As explained at paragraph 2.3.4 of the *Spatial Context and Sites Report* (Examination Library ref. D3.24) the analysis of each of the sites '*has been undertaken at a level appropriate to identify key constraints and opportunities at each location and to inform policy development, i.e. concluding whether, in principle, a site would be appropriate for further development and whether the combination of sites would be sufficient to enable key aims of the plan to be achieved.*'

55.3 The Sustainability Appraisal also helped inform the site selection process. The 2020 SA Report of the Publication Draft MWLP (Examination Library ref. [D3.60](#)) appraised 14 proposed mineral site allocations; four potential Areas of Search; four reasonable alternative mineral site options that were not allocated; eight proposed waste site allocations; and nine Strategic Employment Areas. Appendix D of the 2020 SA Report (Examination Library ref. [D3.61](#)) presents an audit trail of the site options that were assessed and explains the Council's reasons for selecting or rejecting each one for inclusion in the Publication Draft MWLP.

Question 56: Has Historic England (HE) commented on the Heritage Impact Assessments (HIAs)?

Response

56.1 HE have provided a response to Herefordshire Council's consultation on the HIAs (Examination Library ref. [D3.93](#)), as summarised below:

- Shobdon and Upper Lyde allocations: the reports provide a valuable evidence base for the proposed allocations and address HE's earlier concerns. The proposed criteria (key development criteria – KDC) for both sites should assist in meeting the NPPF's requirements at para 194 at planning application stage.
- Leinthall allocation: the HIA identifies HE's concern that there will be a moderate to high impact on the setting of Croft Ambrey. Revised policy KDC wording is recommended to ensure that an appropriate mitigation strategy, which manages cumulative visual harm, is embedded into any planning permission for the site.
- Leinthall and Policy M4: HE is happy to work collaboratively with Herefordshire Council to find revised wording for the KDC of policy M4, which demonstrates that the allocation site would be deliverable and developable in respect of historic environment matters.
- Wellington allocation: HIA report provides appropriate evidence base for the MWLP. Advice is provided by HE in relation to the mitigation of effects on settings of heritage features, which would be appropriate at planning application stage.
- Wellington and Policy M3: as with Leinthall and previous correspondence, the current wording in relation to heritage assets in the KDC for M3 should be revised so that the Plan can demonstrate deliverability and developability in respect of historic environment matters.

56.2 Herefordshire Council will continue to seek to work with HE to resolve any outstanding matters and a meeting has been arranged for 21 October 2022. It is intended to seek to agree a Statement of Common Ground with HE.

Question 57: How have the Preferred Areas of Search been identified?

Response

57.1 Paragraph 4.2.4 of the *Spatial Context and Sites Report* (Examination Library ref. [D3.24](#)) explains that the '*BGS data identifies reasonably extensive resources of sand and gravel and limestone, such that preferred areas of search are identified (Figure 2.4) having applied relevant criteria.*'

- 57.2 This essentially utilised an approach of excluding sites and areas of search which breach identified criteria, being:
- a. a 500m buffer around urban areas (defined from the Ordnance Survey Strategic 'Urban Regions' data layer);
 - b. designated Natura 2000 sites;
 - c. UK Ecological Designations (SSSI, National and Local Nature Reserves); and
 - d. Source Protection Zones.

Question 58: Are these 'preferred areas' or 'areas of search' as referred to in the Planning Practice Guidance 27-008-20140306? What level of uncertainty, if any, is there regarding the mineral resources in those areas?

Response

- 58.1 These are Preferred Areas of Search.
- 58.2 They are the areas within which the BGS data suggests there is mineral resource and which avoids built settlement and key environmental features. Planning permission might reasonably be anticipated if an acceptable development proposal is submitted and the Specific Sites are demonstrably leading to a potential shortfall in supply.

Question 59: How have constraints such as designated habitats and heritage assets been taken into account in defining the Preferred Areas of Search?

Response

- 59.1 A series of constraints were applied to the BGS resource mapping to exclude:
- a. designated Natura 2000 sites;
 - b. UK Ecological Designations (SSSI, National and Local Nature Reserves); and
 - c. Source Protection Zones.
- 59.2 The Plan has been prepared to set out a positive strategy for the conservation and enjoyment of the historic environment, not least as described at section 2.9 of *Preparing the Publication Draft Plan* (January 2021) (Examination Library ref. [D3.46](#)).
- 59.3 The statutory duties to have regard to the desirability of preserving or enhancing the historic character, interest or appearance etc. of heritage assets in exercising their functions under, for example, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would necessarily require consideration of the impact on specific heritage assets at the more appropriate application for planning permission stage.

Policy requirements

Question 60: In terms of preference does the policy seek to prioritise specific sites ahead of preferred areas of search? In part 2 of the policy is there intended to be any other sub-application of preference between the specific sites or the two areas of search respectively?

Response

- 60.1 The Specific Sites are prioritised over the Preferred Areas of Search.

60.2 In part 2 of the policy, there is not intended to be any other sub-application or preference between the Specific Sites or Preferred Areas of Search.

Question 61: The policy supports sand and gravel extraction at specific sites and preferred areas of search. Paragraph 6.2.8 states an intention to transport mineral away from the preferred locations for processing. Please explain the reasons for this policy approach including details of existing processing facilities that would be used.

Response

61.1 The promotion of mineral processing away from the mineral extraction site applies only to those sites not located at Specific Sites or outside the Preferred Areas of Search. It does not apply to an allocated site or a location within the Preferred Areas of Search.

61.2 The approach is intended, as stated, to reduce the potential for adverse impacts in an area where mineral extraction has been permitted only because there is a demonstrated shortfall in supply from mineral sites located within the preferred locations.

61.3 Processing the mineral could take place in any consented processing facility; none are restricted in terms of the origin of minerals received for processing.

Question 62: Should the policy state the need for project level or site-specific Habitats Regulations Assessment and targeted ecological surveys for proposals within Area of Search C?

62.1 The supporting text for Policy M3, paragraph 6.2.9, states that although there is no key development criteria for the preferred areas of search, this does not mean that development proposals within these areas will not be subject to the same level of scrutiny. *'Not least the Habitats Regulations Assessment undertaken of this plan recommends that any development proposal located within Area C should be accompanied by project level Habitats Regulation Assessment and targeted ecological surveys.'*

62.2 Furthermore, paragraph 5.4.10 of the Plan outlines the requirements of Core Strategy policy LD2 (Examination Library ref. [D2.9](#)) which requires Ecological Mitigation Plans to be prepared that are appropriate to the development proposed to protect the integrity of vulnerable features, including National Network Sites.

Question 63: Should point 3 refer to 'resource' rather than 'reserve'?

Response

63.1 Yes, this has been addressed in the *Schedule of Main Modifications and Minor Changes proposed Pre-Examination* (Examination Library ref. [D3.75](#)) at point MM6.f.

[Note: for Matter 4 questions 37 to 44, see Part A. For Matter 4 questions 64 to 77, see Part C.]

Table MM4.1 Main modifications and minor changes in Hearing Statement Main Matter 4, Provision for aggregate supply
The modification reference follows those set out at the Schedule of Main Modifications and Minor Changes Proposed Pre-Examination
(Examination Library ref. [D3.75](#))

Mod. Ref.	Paragraph/policy/ figure reference	Proposed Modification	Reason for Change
Section 6 Minerals			
MM6.p	Policy M1,c	allocating preferred areas and sites <u>allocation of the Specific Sites and Preferred Areas of Search</u> that are considered appropriate in principle for construction minerals development;	For consistency. (MIQ: 41)
MC6.h	Paragraph 6.2.16	Limestone working will be preferred within the reserve <u>resource</u> located to the north of the county and to the east of Hereford. <u>Mineral working should not take place within the Wye Valley Area of Outstanding Natural Beauty.</u>	To replace text with the correct terminology and for clarity. (MIQ: 74)
MM9.d.15 (amended)	Leinthall Quarry Policy M4(2,a)	Heritage assets: Need to demonstrate the level <u>degree</u> of harm on heritage assets and their settings, particularly of Croft Ambrey Hill Fort and Croft Castle Park <u>and Registered Park and Garden Stoke Edith.</u>	To incorporate this matter into the KDC. (MIQ: 77) Note, the final wording of the Heritage Asset criterion to be discussed with HE.