

## TELFORD AND WREKIN LOCAL PLAN 2011-2031 EXAMINATION

**Joint Statement by Malcolm Ratcliff BSc Hons, BSc Hons, MA,  
MBA, MRICS, MRTPI, on behalf of:**

**Mick George Ltd**

**ID: 929199**

**Herbert Mitchell Ltd**

**ID: 929216**

### **Matter 7 – Environmental Resources**

#### **Introduction**

1. Herbert Mitchell Ltd is the mineral owner of the Pave Lane site. Mick George Ltd has the option for a mineral lease on the Pave Lane mineral site, and has prepared and submitted a planning application for the development of the mineral resources which is before the Council for determination.

**7.4 Has adequate provision been made for the supply of mineral resources in accordance with relevant national policies? *[Inspector's note: the Council's response to the comments of representors on this matter, including in respect of site allocations, are particularly requested.]***

#### **Objectors' Statement**

##### **Mineral Need**

1. The objectors do not consider that adequate sand and gravel resources have been made in the Plan, and an allocation is required to make the plan sound. Shropshire's SAMDeV plan allocates sites which are undeliverable, the LAA (on which the plan is based) does not take into account planned future growth in Telford or Shropshire, and insufficient attention has been given to Telford meeting its own need.
2. The Local Plan strategy is a hangover from the joint minerals plan between Shropshire and Telford & Wrekin 2006 and insufficient consideration has been given to providing resources for Telford from its own administrative area and too much reliance has been placed on Shropshire.
3. Minerals is one of the strategic priorities for duty to co-operate (NPPF paras 156 & 178). NPPF para 179 indicates that the objective of joint working is to meet development requirements which cannot be wholly met in the area where they arise. One of the reasons advanced for joint working is a lack of capacity or because significant environmental interests would be compromised. None of this applies to Telford in that the Plan admits it has at least some sand and gravel resources which are not constrained by major designations.

4. Shropshire and Telford & Wrekin have a history of a joint apportionment for aggregates. Joint apportionments (now termed 'local provision figure') have been a part of aggregates planning for decades and represent the fact that the smaller mpas cannot report sales and reserves separately for confidentiality reasons and are amalgamated with larger mpas for statistical convenience. This is not necessarily a reflection of market necessity or lack of resources. Where such arrangements apply elsewhere in the country, it is common for all constituent mpas to commit to providing a contribution to the common provision if resources allow. This is confirmed by NPPF paragraph 156 which advises that local plans should contain strategic policies for among other things, minerals. **Appendix MGL 1** contains a number of examples to illustrate the point.
5. It appears that the Council assumed Shropshire would continue to supply Telford's needs. I can find no reference to any alternative strategies tested in the SA and no alternative strategies were consulted on in previous stages. The Council are willing to consider Pave Lane under certain circumstances, and I shall return to this later in this statement. The approach of the plan is unsound because the plan has not been shown to be justified and that it is the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
6. In terms of the existing supply to Telford, the LAA notes that the AM2009 survey recorded 166,000 tonnes of sand and gravel imports to 'Shropshire' from Staffordshire, to serve Telford (G11, text box page 57). It is likely that a significant proportion of Shropshire's own sand and gravel production also serves the Telford market. Therefore, Telford is entirely reliant on imports of sand and gravel to supply its own needs.
7. The respected consultancy BDS Marketing Research Ltd has produced a Map on behalf of the objectors showing all sites within an economic travelling distance of Telford and an estimate of the current market in **Appendix MGL 2**. This shows that Telford is served by a number of sand and gravel operations in Shropshire and South Staffordshire. Pave Lane would be one of the nearest sources of supply to Telford.
8. Although the two sites in Staffordshire have sufficient reserves the County Council's emerging policy is that because they are both located in the Cannock Chase AONB neither will be extended beyond its current boundaries. As such, their importance will diminish over time.
9. Demand for sand and gravel nationally received a significant uplift in 2015 as a recent press release from the Mineral Products Association makes clear (**Appendix MGL 3**). This has flattened out with Brexit 'wobbles' in 2016 but remains above recessionary levels. The MPA is advising its members, who represent over 90% of UK aggregates production, that by 2019 sales are forecast to be 16% above 2015 levels.
10. Demand for sand and gravel in the Telford area remained strong even through the recession as evidenced by the higher rates of housing completions. The 9 year average housing completion rate up to 2015 was 617 dpa (Table 5.3 SHMA). In 2009 the completions were 483. The Local Plan seeks an ambitious level of growth in housing and employment in the borough of 15,555 housing units (778 dpa), about three quarters of which are already committed (SHMA paras 6.22 – 6.24, Table 5.3 and Exec Summary

page 11). The OAN assesses need as 497 dpa (Alternative Trend). It is an issue at these hearings whether the higher Local Plan figure is justified, and I will point out some of the knock-on implications of the housing debate for raw materials supply and inert waste disposal. For Shropshire, the AMR 2014-15 (G11 Table 15) lists the housing targets for each year of the plan clearly showing steep increases up to 2026.

11. If housing completions are used as a rough guide to levels of construction activity, then the level of activity recorded in 2009 (for which we have data on some imports) is broadly compatible with the OAN figure going forward. Demand for sand and gravel in the area will be at least that experienced in the recent past and the existing demand and supply pattern will probably involve a continuation of about 150,000 – 170,000 tonnes of imports from Staffordshire each year. However, the increased supply of housing implicit in the Local Plan (if proved sound) together with increased infrastructure and supporting employment construction, would involve a significant increase in demand for sand and gravel over current levels. The Council's growth aspirations also need to be reflected in the provision of additional raw materials to serve growth; this has to come from somewhere, and for sustainability reasons it is best sourced locally.
12. Staffordshire who is by far, the leading sand and gravel provider to the West Midlands, is seeking to cap its provision of sand and gravel to 5 Mtpa, and there are developing resource problems in other parts of the West Midlands such as Worcestershire and Warwickshire. These are well known and were ably analysed in a 2011 CLG research project, *An evidence based approach to predicting the future supply of aggregate resources in England* (Lusty P. A. et al) (**Appendix MGL 4 pages 100-102**). These concerns have led the industry to look to others places to serve the market such as Shropshire and Telford & Wrekin. In addition, HS1 and 2 would have a significant effect on Staffordshire's aggregates demand which could have knock-on effects in other areas like Telford and Shropshire.
13. The LAA is not entirely clear about what is permitted and what isn't. There is question about whether the site commitments of Woodcote Wood and Barnsley Lane are included in the figures for the landbank (12.27 Mt in 2014), which if true, would be contrary to PPG27-083. Even if they are excluded from these figures the landbank is skewed by the presence of a very large and remote reserve of sand and gravel at Sleaf, which we conservatively estimate is about 7-8 Million tonnes, or 65% of the landbank. Some of this material is likely to be worked within the Shropshire SAMDeV plan period (to 2026) but the majority of it will not be available. The SAMDeV stated that operational sites (including what could realistically be worked in the plan period, which we assume was only a part of Sleaf) was 4.36 Mt. The mineral in the 'committed' sites of Woodcote Wood and Barnsley Lane was 4.60 Mt and in view of the requirement for 11.48 Mt of provision Shropshire decided to supplement the level of provision with additional allocations of 4.10 Mt in order to maintain productive capacity while the committed sites came on stream. There was no restriction on when these two commitments should be developed but it was assumed that it would not be before 2026. I have asked for clarification from the Council about the published figures in the LAA and quoted in the Local Plan, but so far without response.

14. The LAA could justifiably be termed backward looking in the language of PPG paragraph 27-064 because it relies on a bare 10 year average and does not look ahead to future demand. In fact, the 10 year average is still going down as more recessionary figures are included in the rolling average, which is counter-intuitive in a rising market and in the light of evidence of planned growth in both Shropshire and Telford & Wrekin. As such, it will undoubtedly understate the likely future demand for sand and gravel. Regular monitoring may not remedy this drawback.
15. Pave Lane is in more sustainable location for serving Telford than other sources. **Appendix MGL 5** is a comparative table showing carbon savings to Telford town centre from Pave Lane relative to other sources of supply.
16. In conclusion, the planned growth for the local area, the fact that there are resource problems in other parts of the region, and the disjointed approach to aggregates provision that relies on past trends, all lead to the conclusion that not only is there a need for the mineral in the Pave Lane site, but that this is likely to be in excess of what local plans have provided so far.

#### **Allocated Provision**

17. The allocated provision for sand and gravel lies entirely in Shropshire in the SAMDeV plan. Part of that provision comprises the three sites of Woodcote Wood, Barnsley Lane and Sleaf. Only Sleaf has a valid planning permission for extraction and is on our understanding due to follow on from cessation of the Hanson Condoover operation in about 2019. Only a fraction of this large reserve will be available in the plan period. Woodcote Wood and Barnsley Lane have resolutions to grant permission subject to legal agreements dating back from 2006. The Council is of the view that should any of these sites not be developed then it would be prepared to consider the development of Pave Lane.
18. The objectors believe that neither Woodcote Wood nor Barnsley Lane is deliverable. Taking Barnsley Lane first, the objectors have obtained a copy of a letter sent recently to Shropshire Council by the landowner stating categorically that he does not wish to see his site developed for mineral extraction (**Appendix MGL 6**). The landowners of Woodcote Wood have indicated that they are still seeking to develop their site. However, failure to sign a legal agreement following a resolution to grant planning permission, especially after a period of 10 years, usually indicates there is a serious problem with the development. Non completion of legal agreements cannot be ascribed to the recession since the resolutions predate the downturn. Having reviewed the existing documentation, it is clear that the original concept including the access and water supply cannot be delivered for substantive reasons. **Appendix MGL 7** sets out the problems the objectors have identified with the scheme and its deliverability. Correspondence from the landowners confirms that no operator has yet been appointed, which would be needed to secure the funds to progress a further planning application with provision for a new major access to the A41. Due to the passage of time any new scheme should be subject to full EIA and a new planning application.
19. It is clear that Barnsley Lane cannot be delivered and there are severe doubts about Woodcote Wood sufficient for it to be discounted until evidence in the form of a new

planning permission confirms it can be delivered. In any event, there is no submitted revised scheme for the objectors to comment on, or for this Examination to scrutinise, and we suggest that the landowner having talks with the mpa is not sufficient evidence of deliverability.

20. In addition, it is not clear how the Council would decide whether 'exceptional circumstances' caused by planned growth existed to justify the development of Pave Lane. Without this site any increase in demand locally would merely be met with increased imports, whose significance could easily be missed by under recording. The policy therefore lacks a mechanism for this judgment.

### **Waste Need**

21. Although this part of the Examination is not concerned with waste and the objectors raised no objection with respect to waste policy, it is appropriate to briefly mention waste because this has been raised as an objection to the current planning application and goes to deliverability. The planning application for Pave Lane is predicated on the basis of mineral need. The backfilling of the quarry with inert waste residues is necessary for restoration to near original ground levels to agriculture at original grades, and to accommodate the business model of the applicant.
22. Mick George Ltd is a market leader in the backhauling of fill material in the vehicles used to deliver aggregate. The majority of the aggregates industry is geared up to supply fixed outlets, whether they be concrete plants, bagging plants or concrete products and most sales are internal to the operator or sent to merchants. In these circumstances it is difficult to tie up backhauling opportunities and most fill operations run by competitors are run as open gate landfills, which is unreliable as a source of fill. Mick George offers a complete service to customers including delivery of aggregate and aggregate products plus the processing and removal of surplus material. This is processed to recover aggregates and only unrecoverable residuals are landfilled. This has proved to be a very successful business model.
23. The Telford & Wrekin Waste Evidence Base Report (C6b Section 3.3) makes few references to the CD&E waste stream. The Report mentions that Blockley's is the only dedicated inert landfill site in the borough but that the two non-hazardous landfills also take inert waste as cover and engineering material. Candles closed in 2015, leaving Granville as the sole non-hazardous site although this too has a limited life (to 2019 perhaps). Blockley's is also currently closed to inert waste so its value as a long term facility will be intermittent at best, and it is to be noted that the Base Report reports that landfill capacity is declining in Telford. **Appendix MGL 8** examines the Waste Interrogator data for inert waste landfilled in Telford & Wrekin and Shropshire for 2014 for a more up to date picture.
24. There is a declining and finite capacity for inert landfill in Telford (ED: C6b section 8.1), coupled with a longer term increase in arisings due to increased planned construction activity and a lack of alternative sites elsewhere. The Waste report does not analyse capacity for inert waste, and does not come to a conclusion about the adequacy of existing or remaining sites. Permission for backfilling of Pave Lane would not

compromise existing facilities, it would not adversely affect the waste hierarchy and it would at worst merely replace lost capacity. It will inject some needed competition into the inert waste market as a letter to the Council in support of the Pave Lane application from a local contractor makes clear (**Appendix MGL 9**).

### **Pave Lane Constraints**

25. The Local Plan quotes a number of 'serious issues with the deliverability of the Pave Lane site within the plan period' in the supporting text (para 10.2.3.3.). These come from the 2010 Entec assessment of sand and gravel sites, which at the time categorised the Pave Lane sites as extensions to Woodcote Wood. The Plan says that these include the listed Woodcote Hall, which is a retirement and nursing home, landscape issues when viewing the site from nearby Staffordshire, and access onto the A41.
26. It is not clear which of the two Pave Lane sites this text is referring to, but it seems to be Pave Lane south, which is not the subject of the current planning application or being sought for allocation in the Plan. The only constraints listed in the Entec report for this site are site deliverability (linked to uncertainties even then about Woodcote Wood), land quality, biodiversity (potential effects on Ramsar site), groundwater (major aquifer), cultural assets (effects on listed buildings), and airfield safeguarding. However, the Entec study was a desk based exercise and had little site specific information to rely on.
27. The current application has been subject to full EIA and this has confirmed that there are no objections from statutory consultees or the Council's specialist advisers on land quality, biodiversity, groundwater, cultural assets or airfield safeguarding, public rights of way, or indeed on most other issues. The applicant has sought confirmation of the situation, and **Appendix MGL 10** is a letter from the applicant to the Council summarising the remaining issues and seeking confirmation that no further technical information is required by the mpa.
28. The only issue raised by Entec not covered above is site deliverability because Pave Lane was envisaged as an extension to Woodcote Wood. However, Pave Lane is now being promoted as a standalone operation. The reason advanced for this being an issue is the use of existing infrastructure including the site access, and when it would be worked. In terms of any effects on the environment and sustainability considerations, there is no difference between Pave Lane being an extension to Woodcote Wood, or vice versa. The proposed Pave Lane access has not raised any objection from the highway authority (**Appendix MGL 11**), no major junction improvements are required on the A41 (whereas Woodcote Wood requires a new major access onto an A classified road), and the applicant wants to work the site as soon as possible.
29. Consequently, changes are sought to the supporting text which reflects the current situation based on detailed evidence and assessment rather than an out of date desk top survey.

### **Cumulative Impact**

30. This is raised as an issue in the supporting text in para 10.2.3.4. However, it assumes that Woodcote Wood is still deliverable, and would be developed first. The objectors believe this is impossible to address in that there is no revised scheme for Woodcote Wood in the public domain with which to compare the Pave Lane proposals, no

indication when such a scheme might be available, and no reliable criteria for doing so. There is in short no reason for the potential for cumulative impact to be a soundness matter for the Local Plan.

31. There is no evidence that the two sites could not co-exist quite happily if necessary. There is no intervisibility between them; there are no cumulative effects on soils, heritage, groundwater or ecology. The sites are far enough apart that effects from noise and dust would not be additive on communities. The only issue where there might be a cumulative effect is traffic, but again there is no evidence that the local highway network could not accommodate the traffic from two quarries at once.
32. The correct policy approach should be to pursue the grant of planning permission for Pave Lane which is both suitable and immediately available. Should a new planning application be made for Woodcote Wood, the issue whether these should be worked concurrently or consecutively should be examined at that time by comparison between the environmental impact of the applications, the volume of reserves which would be produced and the need for the market which may require material from both sites or only one

### **Proposed Changes**

33. The objectors ask for an allocation to be made in the plan for Pave Lane, on the grounds of the continued uncertainty of deliverability of Woodcote Wood and that Barnsley Lane will not be developed, the need for additional sand and gravel production to support the Council's growth agenda as set out in the Local Plan, and the lack of any serious constraints to development.
34. Accordingly, we suggest the following changes to Policy ER4 and the supporting text. (new text in **bold**; deletions in ~~strikethrough~~)

#### 10.2.3 Sand and gravel resources

10.2.3.1 Sand and gravel is used for ready mix concrete, precast concrete products and other construction material. The market area for sand and gravel aggregates produced in Shropshire is generally local and whilst some material is supplied into adjacent areas to the north and west. **Significant quantities of material are imported into Telford & Wrekin from the surrounding area.**

#### Policy ER 4

##### Sand and gravel resources

The Council will support proposals for new sand and gravel **extraction at Pave Lane sites** ~~if one or more of the following circumstances apply:~~

- ~~i. The need for the mineral outweighs the material planning objections (Policy ER6);~~
- ~~ii. Working would prevent the sterilisation of the resource; and/or~~
- ~~iii. Significant environmental benefits would be obtained.~~

~~Proposals for a new sand and gravel quarry~~ should demonstrate they are environmentally acceptable to work and be consistent with Policy ER 6 and other relevant plan polices.

This policy contributes towards achieving objectives 4 and 29.

10.2.3.2 In 2014 there were 11 permitted sites for sand and gravel working in Shropshire, 6 of which were operational. Recent data suggests that the land bank of permissions for sand and gravel working has remained consistently above the minimum target of 7 years, **it is affected by the presence of a large reserve only a fraction of which can be worked within the plan period. In addition, part of the existing allocations cannot be delivered.** ~~and there is no need for the plan to identify additional sites since Shropshire Council has indicated that supply can be met up to 2031. In recognition of a rising population and new inward investment for employment, and the NPPF's agenda for growth, there is a need for the plan to identify an additional site. should exceptional circumstances occur whereby additional reserves of sand and gravel are required, new sites will be considered provided the sites are environmentally acceptable to work.~~

10.2.3.3 The ENTEC report *Assessing Sand and Gravel Sites for Allocation in the Shropshire sub region: Site Assessment Report* (including Telford & Wrekin) jointly commissioned by Shropshire Council and Telford & Wrekin Council (March 2010) and later addendum (February 2011) considered appropriate sites for the sub region for sand and gravel resources. The only ~~other~~ site in Telford & Wrekin considered potentially suitable as an ~~future~~ allocation is Pave Lane.

~~However, this site was classed as 'least preferred' meaning that it should only be considered if one or more of the unworked site commitments (Sleap/Barnsley/Woodcote Wood) in Shropshire fail to come forward. There are serious issues with the deliverability of the Pave Lane site within the Local Plan period. Significant serious environmental constraints include Woodcote Hall, a retirement and nursing home, which lies between the site and the nearby Woodcote Wood site (in Shropshire), landscape issues when viewing the site from nearby Staffordshire, and access onto the A41(T) is constrained.~~

10.2.3.4 ~~In the event of a site in Shropshire being undeliverable then Pave Lane could be considered to come forward. If the site was to come forward as an extension to the Woodcote Wood site issues of cumulative impact would need to be considered. However, the Woodcote Wood site has not yet been developed.~~