

Telford & Wrekin Local Plan
Examination in Public
Matter 7: Environmental Resources
EiP Ref K24 -33a

1. The Inspector has asked the Council to review the Statement of Common Ground with the Minerals Products Association on the strategic approach to minerals planning in policies ER3 and ER4.
2. The Council has reviewed its approach in the light of the oral evidence given and statement made at the Examination in Public and the oral evidence which its officers and fellow officers from Shropshire Council provided¹.
3. The Council has submitted modifications to policies ER3 and ER4 (see modifications table).
4. The Council has contacted Shropshire Council. They concur with the Council's approach bearing some further modifications (See Appendix 1). The Council has added these to the modifications schedule.
5. The Council has also contacted the Minerals Products Association for their view on this. They do not concur with the Council's approach (See Appendix 2).
6. However, the Council believes it has covered the issues raised at the Examination in Public and now by the MPA (see modifications schedule). The Council will not duplicate the responses already made² but to clarify, just because there is no longer a Joint Minerals Local Plan, does not mean that there is not joint working on minerals. This has been the case since the Council became a unitary authority in 1998 and the Joint Landbank for the sub region of Shropshire and Telford & Wrekin is accepted best working practice by both unitary councils and by the Aggregates Working Party.

¹ J8/TWC

² J8/TWC

Rayet, Harjot

From: Adrian Cooper [adrian.cooper@shropshire.gov.uk]
Sent: 06 March 2017 13:56
To: Rayet, Harjot
Cc: Maher, Vincent
Subject: RE: Modification to ER3 and ER4
Attachments: Modification to ER3 and ER4 ac tracked.docx

Hi Harj,

I've attached a few tracked changes to help reinforce our joint position on this issue. I'm happy to confirm that Shropshire Council's agreement of the position expressed in the modifications proposed.

Kind Regards

Adrian Cooper MA (Hons) MSc MSc MRTPI
Planning Policy & Strategy Manager, Shropshire Council
Chair, West Midlands Resource Technical Advisory Body <http://www.westmidlandsiep.gov.uk/rtab>
Chair, West Midlands Aggregates Working Party
(01743) 254601

From: Rayet, Harjot [<mailto:Harjot.Rayet@telford.gov.uk>]
Sent: 23 February 2017 16:59
To: Adrian Cooper
Cc: Maher, Vincent
Subject: Modification to ER3 and ER4

Dear Mr Cooper

Please see attached track changes to policies ER3 and ER4 and their supporting text of the Telford and Wrekin Local Plan.

Due to the strategic nature of clarifications and the reference to joint apportionment with Shropshire, please could you clarify in writing that you are happy with these clarifications.

I look forward to hearing from you.

Kind regards

Harjot Rayet
Senior Policy Officer

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Appendix 3:

H_ Modification to text 10.2.2.1 to 10.2.3.4

10.2.2 Maintaining Aggregate Supplies ~~supplies of crushed rock~~

10.2.2.1 Mineral Planning Authorities (MPAs) such as Telford & Wrekin Council are required to plan and make provision for a steady and adequate supply of aggregates **(both crushed rock and sand and gravel)**. The NPPF requires **councils to prepare Local Aggregates Assessments (LAAs)** LAAs to gauge provision based on average annual sales over the previous ten years, rolling forward seven years supply for sand and gravel and ten years supply for crushed rock. **It is accepted practice for authorities to plan jointly for aggregates supply and** Telford & Wrekin Council and Shropshire Council have co-operated as a single sub-region for the **this** purpose **for a considerable period**, of aggregates supply **an approach approved by the West Midlands Regional Aggregates Working Party.**

10.2.2.2 The latest available LAA data indicates that the land bank of permissions for crushed rock working has remained consistently above the minimum target levels for 10 years. In 2015 the permitted land bank of permissions was equivalent to 44 about years production.

10.2.2.3 For sand and gravel working the latest LAA data for the sub-region shows that in 2015 there were 10 permitted sites for sand and gravel working in Shropshire, 5 of which were operational. The LAA data indicates that, at 0.73mt, sand and gravel production in Shropshire and Telford & Wrekin in 2015 has significantly recovered from recent years and is now above both the 10 year rolling average for sand gravel sales (0.69mt) and the 3 year average (0.67mt). The LAA data also demonstrates that the landbank of permissions for sand and gravel working has remained consistently above the minimum level required by NPPF of 7 years. The permitted landbank of permissions was equivalent to about 15 years' production in 2015.

Crushed Rock resources

10.2.2.4 ~~10.2.2.2~~ Leaton Quarry contributes to the sub-regional supply of crushed rock requirements. The market area for crushed rock is predominantly local and it is used in ready mix and precast concrete and road construction and surfacing, rail track ballast ~~sea~~, and water and effluent filtration pipe bedding.

Policy ER 3

Maintaining supplies of crushed rock

The supply of crushed rock will be provided from existing permitted reserves at Leaton

Quarry. The Council will only support proposals for further crushed rock working if **the need for the mineral outweighs the material planning objections (Policy ER6) and** one or more of the following exceptional circumstances apply:

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

Proposals for new crushed rock extraction should demonstrate they are environmentally acceptable to work and be consistent with Policy ER 6 and other relevant plan policies.

This policy contributes towards achieving objective objectives 29.

~~10.2.2.3 The latest available data indicates that the land bank of permissions for crushed rock working has remained consistently above the minimum target levels for 10 years. In 2014 the permitted land bank of permissions was equivalent to about 46 years production therefore no new sites for extraction will be allocated.~~

~~10.2.2.4~~ **10.2.2.5** As a result of the extensive landbank for crushed rock no new sites for extraction will be allocated. In the event that increased production results in the site's permitted reserves becoming exhausted earlier, subject to environmental constraints, an extension to Leaton quarry would be considered to replenish reserves.

~~10.2.2.4~~ **10.2.2.6** The only other alternative crushed rock supplies within the borough that are not sterilised or exhausted are at the Ercall, near the Wrekin, the Wrekin itself and Lilleshall Hill. The Ercall is within the Shropshire Area of Outstanding Natural Beauty (AONB) and there is housing on and adjacent to Lilleshall Hill. The disused Ercall Hill and nearby Maddox Hill crushed rock quarries, both geological SSSI sites, were last worked for crushed rock in the mid-1980s, when they were permanently closed down to concentrate production at Leaton Quarry. It is therefore a sustainable continuation of planning policy for any future allocation of crushed rock resources to be an extension of Leaton Quarry, subject to it being environmentally acceptable.

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.

Policy ER 4

Sand and gravel resources

The Council will **only** support proposals for new sand and gravel sites if the need for the mineral outweighs the material planning objections (Policy ER6) and one or more of the following **exceptional** circumstances apply:

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

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, and **It is acknowledged that the NPPF promotes a growth and development agenda to which the Local Plan has responded accordingly however due to the ready availability of an adequate and steady supply of sand and gravel resources from existing proximate sites in other parts of the Shropshire sub-region recent increase in supply and the 15-year landbank for sand and gravel- it is considered** 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, should **Should** exceptional circumstances occur **where the need for** additional reserves **extraction** of sand and gravel **reserves can be demonstrated** are required, new sites will be considered provided the sites **they** 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 a future allocation is **was** Pave Lane **in the east of the borough close to an existing commitment for sand and gravel extraction at Woodcote Wood in Shropshire. However, Pave Lane** However this site was classed as 'least preferred' **in the report** 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. **In the case of two of these sites (Sleap and Woodcote Wood), the mineral operators and landowners concerned have confirmed that there is a clear intention to work these sites during the Plan Period; furthermore the latest LAA data demonstrates there is sufficient supply from existing operations, commitments and additional resources allocated at 3 sites in Shropshire Council's Local Plan, together with a very strong likelihood of additional allocations and windfall sites being identified in Shropshire as part of its current Local Plan review process. -These resources will be more than adequate to satisfy the identified need for sand and gravel in the sub-region.** 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 were 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. **Where the need for additional extraction of sand and gravel reserves can be demonstrated then consideration could be given to Pave Lane for sand and gravel extraction. However, if the site was to come forward in close proximity to the Woodcote Wood site then potentially significant issues of cumulative impact would need to be considered alongside other considerations in line with policy ER6.**

Telford and Wrekin Modifications to Text 10.2.2.1 to 10.2.3.4 plus Policies ER3 & ER4

Objections of the Mineral Products Association, March 2017

The proposed changes do not reflect the substance of the discussions in the Examination hearing and the MPA cannot agree to them.

Our objections are as follows,

1. Para 10.2.2.1 and Policies ER3 & ER4. The point was made in the hearings that the Council should specifically commit in a policy statement to contributing towards the local provision figure, and to the maintenance of minimum landbanks. This is in effect a commitment to the MASS in local policy. This is a point of principle for the MPA which seeks to ensure that national policy is reflected in local plans. NPPF confirms (para 156) that lpas must include strategic priorities in their local plans including minerals. The policies even as amended are development control policies and do not have any strategic content and so cannot be accepted by the MPA. The way to address this is to either have a separate policy covering all aggregates to this effect, or to add a strategic statement to each of the policies ER3 & ER4. We made a suggestion for such an addition in our representations to the submission version of the Local Plan which is repeated here,

“The Council will make provision for a steady and adequate supply of aggregates and maintain minimum landbanks of permitted reserves for aggregates consistent with the requirements of national policy guidance. The Council will provide for an appropriate contribution to the sub-regional apportionments for sand and gravel and crushed rock in accordance with agreed levels of production. The Council will encourage greater resource efficiency by supporting the development and retention of waste recycling facilities which will improve the availability and quality of secondary and recycled aggregates in appropriate locations.”

2. Para 10.2.2.1. You make the statement that it is accepted practice to plan jointly for aggregates supply and that this practice has been approved by the West Midlands AWP. However, as pointed out at the hearing, there is no longer any joint plan for the two authorities and in the case of separate plans there must be policies for the allowance of separate contributions to joint provision. In every case in which mpas share local provision figures that the MPA knows of, where there are available aggregates resources there must be at least a willingness to accept to contribute to that joint figure. Exceptions may only be entertained (in effect to opt out of the MASS) where there is an absence of resources so that mpas cannot make a contribution. Joint planning for aggregates provision is not actually that common but does occur occasionally. However, it does need to be justified. It is more common for mpas to share a joint local provision but to have separate plans as is the case here.

As to the approval of the AWP, we doubt whether there is an explicit approval of the practice and to this end, we would like to see evidence of such approval if we are expected to agree to the statement. However, the assertion was made at the hearing that ‘joint planning’ was

justified because Shropshire and Telford and Wrekin are an integrated sand and gravel market. This was challenged on the basis that there was more evidence of a heavy reliance of Telford and Wrekin on sand and gravel from Staffordshire and little if any reliance on material currently extracted in Shropshire. We do not accept the justification for joint planning and the Council must provide robust evidence for its approach rather than relying on the status quo or on traditional arrangements.

3. Para 10.2.2.2. There appears to be a typo in the first sentence and we think 'for' should be 'of'. The second sentence appears to not make sense; it would appear *44* and *about* have been transposed.
4. Para 10.2.2.3. Although this paragraph is correct as far as it goes, it seriously misleads as to the true state of the landbank for sand and gravel, particularly in the last two sentences. Although the landbank is above the 7 year minimum, it has been consistently falling for the last 10 years to half its 2004 level (LAA ref: para Figure 11), which indicates significant diminution in security of supply. More importantly, at its current level of 15 years, two thirds or 10 years' supply is bound up in one site which has been unworked for 25 years. In other words, this leaves just five years' supply in five sites. This fact is a significant qualifier that needs to be mentioned in the overall analysis of the landbank position because it indicates a further insecurity of supply. Lastly, the fact that the current production is above both the 10 year average and the three year average also strongly suggests that provision is insecure and needs to be reviewed. In order to overcome this deficiency in the paragraph we would like the following amendments to be made which are elements of fact,

"10.2.2.3 For sand and gravel working the latest LAA data for the sub-region shows that in 2015 there were 10 permitted sites for sand and gravel working in Shropshire, 5 of which were operational. **There are no operational sand and gravel sites in Telford and Wrekin.** The LAA data indicates that, at 0.73mt, sand and gravel production in Shropshire and Telford & Wrekin in 2015 has significantly recovered from recent years and is now above both the 10 year rolling average for sand gravel sales (0.69mt) and the 3 year average (0.67mt). The LAA data also demonstrates that the landbank of permissions for sand and gravel working has remained consistently above the minimum level required by NPPF of 7 years **although a large proportion of this is bound up in one site.** The permitted landbank of permissions was equivalent to about 15 years' production in 2015, **10 years of which are accounted for by one site that has remained unworked for 25 years.**"

5. Paragraph 10.2.3.1. This statement would only be relevant if sand and gravel from Shropshire was used extensively in Telford and Wrekin, which the evidence suggests it does not.
6. Paragraph 10.2.3.2. We are not sure of the provenance of the statement about 'the recent increase in supply' when the LAA shows quite clearly that the reserves level for sand and gravel in Shropshire has been falling consistently over a 10 year period. The landbank has only 'gone up' because the 10 year average production level has gone down, not because more resources have been permitted overall. Moreover, the fall in provision by using the 10 year average does not reflect current market signals or the growth aspirations of either Shropshire or Telford and

Wrekin and as such is an artificial figure. Lastly, the reference to a surfeit of resources in a 15 year landbank needs to be heavily qualified as outlined above and by demonstration that this supply actually gets used in Telford and Wrekin; otherwise, it is irrelevant to local supply considerations. In view of the character of the landbank and its limitations and insecurities we would be most concerned that Shropshire should aim to maintain the productive capacity of existing sites because it is not all clear to us that the landbank and existing allocations can do that. Accordingly, we cannot agree to the changes to the first sentence of this paragraph.

03 March 2017