

Examination of the Telford & Wrekin Local Plan

Consultation on Schedule of Proposed Main Modifications

Objections of Mick George Ltd – 22nd September 2017

MM77

The Proposed Main Modification is UNSOUND because it is not

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

The text mentions the requirement to prepare a Local Aggregate Assessment (LAA), but fails to mention the important requirement that provision must not just be based on average annual sales over the previous ten years, but must also include a consideration of other relevant local information and an assessment of all supply options, which has not been done (NPPF paragraph 145). This is an important omission since it betrays the authority's approach to aggregates provision which is over simplistic and manifestly inadequate. The failings of the joint LAA have been the subject of the objector's evidence to the inquiry, (which was not disputed by counter evidence), that the LAA does not assess the demand for sand and gravel in Telford and Wrekin at all, that provision for growth arising from this Local Plan has not been assessed, and that the deficiencies of the landbank are not acknowledged. For example, paragraph 10.2.2.3 fails to mention that of the 15 years sand and gravel landbank for Shropshire two thirds (or 10 years' supply) is bound up in one site which has been inactive for 25 years. Thus the real supply of mineral for the local construction industry is only 5 years, which is below the national policy minimum. This has not been acknowledged in the preparation of the Local plan and it clearly points to a need for sand and gravel which has been denied by the local authority.

Thus the Proposed Modification is not sound because it cannot show that it is consistent with national policy, it cannot show that it is based on a strategy which seeks to meet objectively

assessed development requirements, and it cannot show that it is the most appropriate strategy when considered against the reasonable alternatives.

Objector's Proposed Changes

The omission of national policy can be remedied by including the words, "and other relevant local information and an assessment of all supply options" after "...to gauge provision based on average annual sales over the previous ten years".

The evidential inadequacies of the LAA cannot be so easily remedied since the objector believes that the LAA has not been subject to the necessary critical analysis necessary for it to be considered robust, either by the Aggregates Working Party or by the Inquiry. The following questions need to be answered,

- How has the LAA assessed future demand for sand and gravel rather than just considered past rates of sales?
- How has the LAA assessed the demand in Telford and Wrekin, which is a significant proportion of the total joint demand within the two local authority areas?
- What is the real supply of mineral for Telford and Wrekin given that large landbanks are bound up in very few sites, which are inactive?
- What is the make-up of the landbank in terms of mineral end use, which would meet the needs of Telford and Wrekin?
- What is the current supply to Telford and Wrekin and from where does it originate?
- Is the provision within Shropshire likely to be sufficient for Telford and Wrekin's needs?

It is up to the Inspector whether he wishes to see further evidence on these questions, but the objector believes another hearing will be necessary to consider the issues.

MM80

The Proposed Main Modification is UNSOUND because it is not

- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

The Modification considerably tightens the requirements for new proposals to pass which is contrary to national policy. If a new sand and gravel operation is required in Telford and Wrekin and the need for it is accepted, why in addition, is it necessary to require that significant environmental benefits is also demonstrated? NPPF does not require the demonstration of exceptional circumstances when need has been demonstrated, and it is unreasonable for the local authority to insist on this. The original wording of the policy was not subject to objection since the 'exceptional circumstances' were bundled together with demonstration of need and an applicant could look to several ways in which to justify consent, which made much more sense. However, the modified form of the Policy ER4 is illogical and contrary to NPPF in that it makes any application for prior extraction of mineral to prevent mineral sterilisation in accordance with Policy ER2 also subject to need which is in conflict with the requirement to encourage prior extraction (NPPF paragraph 143), and it seeks more than NPPF itself requires of sustainable development.

Objector's Proposed Changes

The modifications should not be progressed and the original submitted form of the policy should be retained.

MM81

The Proposed Main Modification is UNSOUND because it is not

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

The Modification proposed in paragraph 10.2.3.2 is a statement that there is a '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' which justifies no allocation of additional resources. However, it is based on the joint LAA and therefore is subject to the same objections as MM77. It cannot show that it is based on a strategy which seeks to meet objectively assessed development requirements, and it cannot show that it is the most appropriate strategy when considered against the reasonable alternatives.

Paragraph 10.2.3.3 is not based on up to date evidence but is reliant on an out of date site assessment report which is seven years old, and which has not recognised more up to date information regarding the sites, including changes to the sites' boundaries, the availability of detailed environmental information and changes to the operational intentions of the promoters. Thus its conclusions are suspect in respect of the Pave Lane site, which have not been subject to critical analysis or examination and the plan cannot show that it is the most appropriate strategy when considered against the reasonable alternatives.

Furthermore, it is also based on erroneous information in that one site mentioned as being deliverable (Sleap) is now in doubt after public statements by the operator and owner that they desire to put back implementation of this 25 year old permission by a further 15 years (Appendix MGL MODS1, paragraphs 8.8 & 8.12-8.15). Moreover, the text prejudices the outcome of the Shropshire Local Plan review process by indicating that any future consideration of Pave Lane would not be carried out on its merits contrary to national policy and guidance.

Paragraph 10.2.3.4 also makes reference to the consideration of cumulative impact alongside other considerations in line with policy ER6. However, Policy ER6 already contains a requirement to consider cumulative impact, so the sentence is superfluous.

Finally NPPF (paragraph 145 bullet point 3) requires lpas that “provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate”. Given that one site, and only one site, is discussed for possible future working in Telford and Wrekin (Pave Lane), it is incumbent on the lpa to either identify this site on the basis of its current boundaries or make this site part of an Area of Search for aggregates in accordance with national policy. No other approach is appropriate given the circumstances. This has not been done and the Local Plan cannot show that it is the most appropriate strategy when considered against the reasonable alternatives.

In summary, the proposed Main Modification is unsound because it cannot show that it is consistent with national policy, it cannot show that it is based on a strategy which seeks to meet objectively assessed development requirements, it is not based on a robust and up to date evidence base, it cannot show that it is deliverable over its period, and it cannot show that it is the most appropriate strategy when considered against the reasonable alternatives.

The objector firmly believes that the Local Plan is unfairly prejudicial to the Pave Lane site and the local authority will do everything within its power to stop this development going ahead. As such, the Local Plan is tendentious and has not been prepared objectively. If the objections are not subject to the scrutiny that they deserve, the objector reserves the right to challenge the Local Plan when it is proposed to be adopted.

Objector’s Proposed Changes

As with the objections to MPP77 the objector believes that the deficiencies of the plan cannot be remedied by simple word changes but require a further hearing. In particular, the following issues need to be discussed,

- What would the conclusions be to a reassessment of the Pave Lane site based on up to date information?
- What is the impact on mineral supply of the new proposal by the operators to put back the implementation of Sleep by a further 15 years?
- Should the Pave Lane site be specifically identified on the Proposals Map given that it is discussed as the only potential site for future aggregates working? Or should it form part of an Area of Search for aggregates?

APPENDIX - MGL - MOD 51

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- 6.9 The proposed extension area itself is being dealt with as a standalone planning application under S62. In reality the two planning application, though separate, seek to pursue the same overall development aim for the Site.
- 6.10 In drawing together the proposals for the proposed extension in this planning application it is intended that the controls set out in the existing Section 106 Agreement and planning permission are adhered to and are extended to cover the new development.

7 Land Ownership

- 7.1 Hanson, then known as Amey Roadstone Corporation Limited, acquired an interest in the Site from Rogers Quarries in 1974 and the quarry was worked intermittently up to 1982. The company's current land ownership, shown edged in blue on Plan LD65/CQ/008 comprises predominantly leasehold land with a small area of freehold interest.
- 7.2 The proposed extension comprises two agricultural fields with two third party owners.

8 Planning Policy

- 8.1 This section of the Planning Statement summarises how the proposed development accords with planning policy.
- 8.2 A more detailed assessment of the development against planning policy is set out in section 8 of the ES.

Planning Argument In favour of the Development

- 8.3 The existing quarry is over 55 years old and has a well established market that will still exist when the current deposit becomes exhausted in 16 months. The proposed extension will allow that demand to be met from Condover Quarry for a further 14-15 years.
- 8.4 The proposed extension can only be worked if there is a processing facility (including silting and water management facilities) available. At present, such facilities are available directly adjacent to the extension area but under the existing planning permission, those facilities are likely to be demolished, removed and the site restored in circa 2 years. Once the existing plant and its associated screening have been removed and the silt lagoons restored, it is unlikely that a new processing area could be developed without major local impacts. That being the case, the extension area will be effectively sterilised once the current Site is restored. It is therefore essential for the extension to be worked now if those minerals are to stand a realistic chance of being recovered.

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- 8.5 The extension area is an extremely high yielding sand and gravel resource providing circa 2-3 times the same yield per hectare compared to a river terrace deposit and so occupies a smaller area.
- 8.6 The environmental effects of the extension will be temporary only and can be mitigated to acceptable levels.
- 8.7 The restoration scheme will result in environmental enhancements to the application area compared to the current use.
- 8.8 In extending Condover Quarry, Hanson will defer the need to recommence operations at Cound and Sleap Quarries. This deferral will (amongst others) allow the continued use of Sleap Airfield by Shropshire Aero Club and the MoD Central Flying School (Helicopters) for a further 14-15 years.

Background

- 8.9 Condover Quarry has been in operation for over 50 years, the first recorded planning permission being in 1961. The quarry has developed a well established customer base and typically supplies 200,000 tonnes of processed sand and gravel per annum. The existing permissions allow annual sales of up to a maximum of 350,000 tonnes per year; however that level of sales has only been achieved on two occasions in the last 30 years (during the late 1980s'). It can therefore be seen that Condover Quarry is a very well established supplier to the local and regional construction materials market.

Mineral Yield

- 8.10 The mineral deposit at Condover is exceptionally deep as a result of its glacial origin. In the proposed extension the reserve is approximately 40m deep at its thickest point. This is advantageous as it provides a high yield relative to the land take. For example a typical river valley site would be circa 6m deep, giving a yield per hectare of 108,000 tonnes³. The proposed extension gives a return of 270,000 tonnes⁴ per hectare.
- 8.11 It can therefore be seen that the proposed extension has a yield 2 -3 times the size of a typical river terrace type site and consequently can provide high volumes of aggregate with quite restricted potential environmental impacts due to the smaller footprint.

Alternative Mineral Reserves

- 8.12 Hanson has two alternative sand and gravel reserves in Shropshire which have planning permission for mineral extraction these are:-
- Sleap Airfield

³ 10,000m² x 6m x 1.8t/m² = 108,000t

⁴ 2.854 million t / 10.6ha = 270,000t

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- Cound Quarry.
- 8.13 Sleap Airfield is located 14km north of Shrewsbury and was permitted in the early 1990s¹ and was implemented in circa 2000. Unlike Condover, the reserve is a shallow deposit. The Sleap Airfield site is currently in a mix of uses including arable farming; aerodrome use and a helicopter training area for the nearby Ministry of Defence Central Flying School (Helicopter) based at RAF Shawbury. The aerodrome uses at Sleap are well used by both Shropshire Aero Club and the Central Flying School. The former for largely leisure flyers and the latter for training MoD pilots for a number of services.
- 8.14 Sleap Airfield has a substantial mineral reserve but although implemented, it currently has no processing plant or lagoons and significant highway works are required before it could become a direct replacement for Condover Quarry.
- 8.15 Cound Quarry has a small remnant mineral reserve 6km to the east of Condover and is primarily a building sand deposit with little in the way of gravel content. It sits directly adjacent to Shropshire Ornithological Trust's Venus Pool nature reserve. The site has a single track access past residential properties. There are currently no processing or silting facilities at Cound Quarry.

Planning Policy

- 8.16 The proposed development is not specifically allocated in the Shropshire County Council Core Strategy (the Core Strategy) and Site Allocations and Management of Development Plan - Adopted 17 December 2015) (the SAMdev). However, there is an underlying requirement at the national level to maintain a steady and adequate supply of aggregates⁵ and the proposed extension to Condover Quarry seeks to maintain the steady and adequate supply of aggregates from this site that has been established over 55 years. However, Policy MD5(3) of SAMDev sets out a scenario where non allocated sites can be developed and it is in this regard that the proposed development is put forward.
- 8.17 The proposed extension of Condover Quarry will maintain a steady and adequate supply of minerals and interacts with the principles of avoiding the unnecessary sterilisation of safeguarded reserves. It is a basic principle of the proposals that as a consequence of granting planning permission for the extension, there will be a corresponding deferment of mineral extraction at Sleap Airfield and Cound.
- 8.18 Policy MD5 suggests that minerals can be swapped and it is Hanson's position that the deferment of reopening Sleap Airfield and Cound achieves this and ensures the steady and adequate supply for the longer term by increasing the landbank.

⁵ NPPF paragraph 145

M53 - Mick George Ltd