

Comments on behalf of the **Mineral Products Association (MPA)**.

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The MPA wish to be kept informed of the progress of the mineral plan and would wish to appear at the Examination in Public.

Comments

Paragraph 2.26 - 2.28

This section is considered unsound. It is non-compliant with NPPF not positively prepared.

The production guideline for Worcestershire is set based upon the monitoring of sales/output from sites over the past 10 years contained within the LAA. NPPF paragraph 207a requires Mineral Planning Authorities to plan for a steady and adequate supply of aggregates by preparing a LAA to forecast future demand. When reviewing sand and gravel sales/production it is critical that the Plan does not rely on historic sales data or production rates from a reduced number of sites (production/output is also reduced when sites are due to close) and make the assumption that historic patterns of supply will continue. The resource within Worcestershire is spread distinctively between the north and south of the County. The closure of a few sites and the slow replenishment rate of new consents is indicative that historic 'easily worked' reserves have now been exhausted. The value of other reserves which may operationally and economically be difficult to work will become more desirable for operators. Likewise, the distance resource may have had to travel to market may also be increased as reserves are exhausted.

Paragraph 2.27 should be amended to read, '*at least 11.53 million tonnes of sand and gravel*' to reflect the production guideline is based on a reduced number of sites being operational, the pull of resource from outside the County and to emphasise the flexibility to be built into the Plan.

For context the MPA response to the LAA for 2017 is repeated as Appendix 1 to this consultation response.

Building Stone Para 2.71 to 2.79

The commentary in the above paragraphs concentrates on the importance of building stone in the heritage markets for repairs. No mention is made of the use of stone in place making for new build to allow new developments to blend into their environment. This need s

identifying as it is an important market for such products .Build stone operations cannot survive on the heritage market alone.

Some attempt has been made to do this in paragraph 5.31 but it should be replicated in the text of the above paragraphs to make the plan consistent and effective.

Policy MLP1: Strategic Location of Development

Part a) ii of this policy states;

it is demonstrated that the mineral resource has qualities which mean a sustainable supply of the mineral cannot be delivered from extant or allocated sites.

We believe this is unsound as it is not effective and is not planning positively in that it threatens the ability to maintain or increase the productive capacity of aggregate production, particularly sand and gravel production. Furthermore, it could be argued to be anti-competitive to new entrants. It also implies a maximum landbank approach which is also against planning guidance where at para 27-084-20140306 it states that;

There is no maximum landbank level and each application for minerals extraction must be considered on its own merits.....

This also appears to go against paragraph 5.1 bullet 2 of the Plan and policy MLP 10 and 11 where both policies seek to maintain or enhance productive capacity for sand and gravel and crushed rock respectively.

It is therefore suggested that this part of the policy is deleted in full.

Chapter 5. Supply of mineral resources (strategic policies)

We believe the wording of para 5.1 needs altering to make it with consistent with national policy at para 207 of the NPPF

Proposed Changes (deletions in ~~striketrough~~; new text in **bold**)

*Minerals provide the raw materials to support sustainable economic growth and quality of life. It is essential that there is a **steady and adequate** ~~sufficient~~ supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. To ensure that minerals are readily available to meet market demand and to minimise uncertainty and volatility in supply, it is important for the Minerals Local Plan to ensure that....*

Policy MLP18: Green Belt

It is suggested that under para 6.20 (Reasoned Justification) that the temporary nature of mineral operations is also added as follows in the last sentence;

Proposed Changes (deletions in ~~striketrough~~; new text in **bold**)

*The presence of minerals - which can only be developed where they exist - and the contribution they can make to maintaining a steady and adequate supply, **and the temporary nature of mineral operations**, may be capable of being relevant considerations, depending on the circumstances at the time of any application.*

The proposed changes will make the plan effective and is positive planning.

Policy MLP 21: Biodiversity

The policy as currently drafted does not properly reflect National Policy and is unsound.

Para 171 of the NPPF states;

Plans should: distinguish between the hierarchy of international and locally designated sites;

Policy 21 makes no such distinction and needs to be totally redrafted to properly reflect the requirements of national policy and make it sound.

Policy MLP22: Historic Environment

This policy is not consistent with national policy and is therefore unsound.

Para 189 of NPPF states in part;

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

As drafted the policy fails to make the distinction between the importance of different types of heritage and needs redrafting accordingly.

Furthermore, the policy uses the word *harm* throughout the policy. This word should have the word *permanent* preceding it to properly reflect the temporary nature of minerals and that any impacts are often temporary.

Policy MLP31: Safeguarding Locally and Nationally Important Mineral Resources

The principle of this policy is supported but it is believed is not in full accordance with the NPPF and is unsound and not effective as it does not deal with the agent of change principle. Development proximal to boundary of a mineral safeguarded area could have the effect of sterilising future mineral working and this need consideration in the policy.

Para 182 of NPPF states that;

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

It is considered that an additional paragraph is required to the end of this policy to reflect the agent of change principle to ensure it is clear where the mitigation responsibility lies and make the policy consistent with national policy as follows;

In respect of mitigation, where development is proposed within or partially within 250m of the boundary of a mineral safeguarded area, the 'Agent of Change Principle' will be applied in that the responsibility, and cost for mitigating impacts from potential mineral operations within a mineral safeguarded area will be placed on the proposed new noise-sensitive development .

Policy MLP32: Safeguarding Mineral Sites and Supporting Infrastructure

The principle of this policy is supported but it is believed is not in full accordance with the NPPF and is unsound and not effective as it does not deal with the agent of change principle.

Para 182 of NPPF states that;

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

It is considered that an additional paragraph is required to the end of this policy to reflect the agent of change principle to ensure it is clear where the mitigation responsibility lies and make the policy consistent with national policy as follows;

In respect of mitigation, where development is proposed within or partially within 250m of the boundary of any permitted mineral site or supporting infrastructure, the 'Agent of Change Principle' will be applied in that the responsibility, and cost for mitigating impacts from existing noise-generating activities or uses will be placed on the proposed new noise-

sensitive development and any such measures will not add to the costs and administrative burdens on existing noise generating uses.

Please note I would wish to appear at the Examination in Public.

M E North
23 September 2019

Appendix 1

Mineral Products Association

Response to the West Midlands Aggregate Working Party on the Worcestershire Local Aggregate Assessment – Data covering the period up to 31/12/2017 – Published January 2019 by the Mineral Products Association.

Comments:

Forecast of Future Demand

The NPPF (paragraph 207) requires the County to plan for a steady and adequate supply of aggregates by, *‘preparing an annual LAA, to forecast future demand [emphasis added], based on a rolling average of sales data and other relevant local information and an assessment of all supply options’.*

We consider that this LAA has failed to properly forecast future demand relying exclusively of the 10-year average while ignoring indications of increased demand which we will evidence later in this note. As such this LAA can only be considered a monitoring report and not meeting the requirements of the NPPF.

The Mineral Products Association sales volume statistics show that in 2018, that nationally average aggregate sales grew nationally by 2.1%. Mortar sales, due to house building, accelerated in 2018, up 14.3% compared to 2017. Whilst levels of growth and are not back to prerecession levels, the national forecast is indicating a likely sustained period of growth and aggregate demand especially with the Governments housebuilding and infrastructure agenda. This is also reflected locally with the predicted housing provision estimated to be 34% higher than the 10 years average (paragraph 5.19).

The statement in paragraph 5.41 that *‘the minerals industry and MPA state that they struggle to find sand and gravel sites of sufficient size to work in Worcestershire, except as isolated satellite operations which are not long-term solutions’* is not one we accept. This has not been stated by the MPA certainly in the last 3 years and if it was at all was must be

considered historical. The 4th call for sites has brought forward several sites thought suitable by industry for working and at 5.42 it is indicated that the County is in pre-application discussions on 5 sand and gravel proposals. On this basis it is hard to see justification for the statement quoted above from paragraph 5.41

Sand and Gravel Sales

In addition to 10 years sales data, the LAA needs to articulate the production capacity from operational sites. A reduction in sales is not necessarily a reflection of reduced demand. The increase in sales in 2017 (from that of 2016) appears to show that production capacity has increased following grant of new permissions planning permissions (paragraph 5.11). In paragraph 5.12 the LAA accepts that the 3-year average is underrepresenting the current market demand.

Recycled Aggregate

The figures identified in paragraph 3.10 clearly show a significant increase in construction activity with in Worcestershire and is double that recorded in the previous year's LAA. This indication of activity does not appear to be reflected in the conclusions of the LAA when considering future mineral requirement. Recycling is clearly linked to economic activity.

Imports and Exports

Table 7 of the LAA shows that in 2009 and 2014 Worcestershire was a net exporter of sand and gravel. However, for both imports and exports the numbers increase significantly between 2009 and 2014. The amount of imports (2.5 times increase) is showing that the County is not meeting local demand and is not providing enough resource from existing operations.

Crushed Rock

While accepting there are currently no operating sites producing crushed rock in Worcestershire it cannot be right that the County is forecasting zero tonnage. Much is made of the landscape designations in the county however, this is not a bar to mineral development The NPPF deals with such developments in areas of designation and this needs to be accepted in the LAA and policy needs to be flexible to allow sites to be considered if brought forward. There is a requirement under the NPPF for at least a 10-year landbank and this cannot be ignored by the LAA.

This also must be considered in the context of surrounding counties are under pressure for resources themselves and with significant infrastructure projects proposed within the region this situation is not likely to ease and Worcestershire must play their part.

Considerable weight is given to the fact that surrounding AWP's and mineral planning authorities have agreed this approach. The author does not recall such discussions in the

last 3 years at the WM AWP but stands to be corrected. It is certainly time for a review of this stance by the WMAWP.

Conclusion

It is accepted that it is difficult to predict the level of aggregate required to meet demand for housing, commercial and infrastructure development. However, the evidence set out above and contained within the LAA itself indicates increasing demand. Relying therefore on the 10-year average is not satisfactory. There is a requirement on Worcestershire to provide a forecast of future demand imposed by the NPPF which is not currently the case.

ME North

Mineral Products Association

6 March 2019