

# Birmingham Development Plan 2031

## Examination in Public

### Matter C: The Plan's approach to minerals and waste (BDP policies TP13-14)

#### Statement of the Mineral Products Association

***Main issue: Is the Plan's approach to minerals and waste planning justified, effective and consistent with national policy?***

N.B. In these comments, I intend to answer the Inspector's questions and also respond to the BCC response to the Inspector's initial questions (CD 987249). Extracts from documents quoted or referenced and not in the Examination Library are to be accessed by the web references in the footnotes.

#### Minerals

**1) In the Plan area, are there minerals of national or local importance which ought to be the subject of safeguarding and policies to govern their extraction?**

#### MPA Comment

1. Yes, there are minerals of national and local importance in the Plan Area. The BGS have produced two maps of relevance to this issue. In 1999 BGS published the Warwickshire – West Midlands Mineral Resources Map for Development Plans<sup>1</sup>. This is the principal source of information on economic minerals for safeguarding in Local Plans. The other map is the West Midlands Aggregate Mineral Resources Map published in 2008<sup>2</sup>. This map accompanies the Report 'Aggregate resource alternatives: Options for future aggregate minerals supply in England'<sup>3</sup> which depicts the spatial extent of geological units potentially suitable as sources of aggregate that are not covered by National Parks, AONBs, SPAs/SACs and SSSIs. Usefully it includes locations of quarries and mineral related infrastructure operating at the time.
2. The BGS report<sup>4</sup> published alongside the Mineral Resources Map is clear that the two documents delineate and describe the mineral resources of current or potential, economic interest in the area

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<sup>1</sup> Warwickshire / West Midlands Mineral Resources Map, BGS 1999  
<https://www.bgs.ac.uk/downloads/start.cfm?id=2623>

<sup>2</sup> West Midlands Region Aggregate Mineral Resources outside selected environmental designations, BGS 2008  
<https://www.bgs.ac.uk/downloads/start.cfm?id=1379>

<sup>3</sup> Aggregate resource alternatives: Options for future aggregate minerals supply in England, BGS Open report OR/08/025 2008 [www.bgs.ac.uk/downloads/start.cfm?id=1374](http://www.bgs.ac.uk/downloads/start.cfm?id=1374)

<sup>4</sup> Mineral Resource Information for Development Plans; West Midlands Resources and Constraints, BGS Technical Report WF/99/3, 1999 [www.bgs.ac.uk/downloads/start.cfm?id=2625](http://www.bgs.ac.uk/downloads/start.cfm?id=2625)

and that the purpose of the work is to assist in the preparation and review of development plans in relation to the extraction of minerals and the protection of mineral resources from sterilisation, by providing a knowledge base on the nature and extent of mineral resources and the environmental constraints which may affect their extraction. (Summary, page 1).

3. Therefore, the first part of the question is answered by reference to the Report just mentioned and its accompanying Map which together indicate the nature and extent of economic resources for the Birmingham area.
4. This is also confirmed by NPPG paragraph: 003 reference ID: 27-003-20140306 which indicates the use of both the BGS material and other sources of information such as the industry (bullet 1). It also commends the use of the BGS good practice advice published in 2011<sup>5</sup>. The BGS good practice advice goes into some detail about the methodology for identifying MSAs including where to find the best available information on mineral resources. Paragraphs 2.2.1 – 2.2.3 explain that the primary objective of the BGS maps is to produce baseline data in a consistent format that can be updated, revised and customised to suit planning needs, including use in the preparation of LDDs. Paragraph 4.1.2 also says that the BGS mineral resource information has been produced specifically to support planning. If no other information is available then this resource information is considered adequate for the purposes of defining MSAs.
5. In terms of the mineral resources present in Birmingham, the maps confirm the presence of aggregates found in widespread deposits of glacial and river sand and gravel, plus bedrock deposits of the Kidderminster Formation (ex Bunter Pebble Beds). Most of this is sterilised by urban development, and the map shows no active sand and gravel workings in the City.
6. The second part of the question is whether such resources ought to be the subject of safeguarding and policies to govern their extraction. The City Council points to the fact that there has been no mineral working in the city for decades, which I do not doubt. It also points to the fact that the unsterilised portions of the resource are in the Green Belt and are thus protected from development.
7. I'm afraid these objections are red herrings. Although it is true there has been no commercial interest in the city's remaining resources, this is not a reason to ignore government policy on mineral safeguarding. Safeguarding is a long term objective of sustainability to preserve resources for future generations. It is not therefore primarily governed by short term

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<sup>5</sup> Mineral safeguarding in England: good practice advice, BGS 2011 <http://nora.nerc.ac.uk/17446/1/OR11046.pdf>

considerations. There remain large spreads of mineral beneath Birmingham which are currently sterilised but which should be considered for prior extraction should redevelopment take place (NPPF para 143, NPPG paragraph: 004 reference ID: 27-004-20140306) so resources in urban areas, especially those like sand and gravel which are capable of being worked close to residential and other sensitive land uses (BGS 2011, para 4.2.10), should be included in potential MSAs.

8. Moreover, the BGS guidance is specific that environmental designations (like Green Belt) should be included in MSAs (BGS 2011, para 4.2.9). If this were not so, there would be huge inconsistencies in the treatment of minerals safeguarding across the country. It is worth pointing out that the principle of safeguarding has been accepted in all National Park Examinations attended by me and my colleagues in recent years (e.g. Peak District NP, Lake District NP, South Downs NP, Brecon Beacons NP, Snowdonia NP and proposed in Yorks Dales NP).
9. The objective of mineral safeguarding is not to make the MSA one large quarry. Indeed, NPPF specifically states that there is no presumption of mineral working in an MSA (para 143 bullet 3). The objective is rather to include the mineral resource dimension in the development planning process, so that it is explicitly taken into consideration in the planning balance. We live in a planning world of multiple overlapping constraints. MSAs are no different. Their presence does not mean that development is excluded or delayed; it is the means by which the value of our diminishing mineral resources, the stuff of which our developmental aspirations are made, is fully taken into account in decision making.
10. NPPG qualifies its commendation of safeguarding in urban and designated areas with the addition of the words, 'where necessary'. Lest this be seen to be a cop-out the situation referred to by NPPG is dealt with in BGS 2011, para 4.2.11 where there is an allowance for exceptional circumstances, which is further explained as when the method of working would be unsuitable, e.g. rock blasting, which would not apply in Birmingham.
11. Whether all of the urban areas should be included in MSAs is another subject for discussion, but the advantages of including all of the urban area is covered by the BGS guidance in paragraph 4.2.10 and the task of screening a possibly burdensome number of minor applications can be managed by simple exemption criteria in a suitably worded policy (examples provided in the guidance). This is confirmed by recently published research by the BGS that suggests that in large urban locations (Nottingham city is specified) the use of exemption criteria can reduce the

number of applications needing to be screened for mineral impacts by 88%<sup>6</sup>. If BCC wants to exclude certain urban areas from MSAs then it needs to produce cogent reasons for doing so and workable criteria for judging which parts to exclude.

12. I conclude by saying that there are aggregate minerals worthy of safeguarding within the City and that MSAs should be designated to protect them alongside suitable policies to support safeguarding and promote prior extraction.

**2) What is the required aggregate supply for the Plan period, and what proportion of that supply could be derived from substitute, recycled and secondary materials?**

**MPA Comment**

1. Unfortunately, we don't know since a Local Aggregates Assessment (LAA) required by NPPF para 145, has not been produced. BCC has known of the requirement to do this since NPPF was published but it is now well into the third year and BCC is only just grappling with the issue. NPPG paragraph: 067 reference ID: 27-067-20140306 stresses that even if an mpa is not an aggregates producer it must still produce an LAA annually. NPPG also allows for joint documents to be prepared and in view of the lack of local authority specific information available a joint approach is the right decision to make.
2. The former West Midlands Regional Aggregates Working Party's (WMRAWP) last annual report was in 2011 based on 2009 data, which is the most out of date of all the RAWP's reports. Since then the new Aggregates Working Party (AWP) has only met once (in June of this year) and it would be fair to say the group has a lot of catching up to do. My understanding is that although BCC is a member of this group (and its predecessor) it rarely if ever attends, which tends to speak to the priority that minerals issues are given in the authority.
3. The demand position as far as we can gather, is that in 2009 the unitary authorities in the West Midlands produced somewhat over 375 ktpa of sand and gravel (from Solihull and an undisclosed amount from Walsall).<sup>7</sup> However, the same survey records a primary aggregates consumption of 2.2 Mtpa. This would have comprised imports of crushed rock mostly from the East Midlands (Leicestershire and Derbyshire/Peak District) plus imports of sand and gravel, the majority of which probably came from Staffordshire and some from Warwickshire. When a component is added to account for the secondary and recycled market (28% nationally according to MPA

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<sup>6</sup> The development and implementation of mineral safeguarding policies at national and local levels in the United Kingdom, C.E. Wrighton, E .J. Bee, J. M. Mankelow Resources Policy 41 (2014) 160-170  
<http://www.sciencedirect.com/science/article/pii/S0301420714000518>

<sup>7</sup> National Collation of the Aggregate Minerals Survey 2009 (AM2009) Tables 9f, 10 & 11  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6366/1909597.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6366/1909597.pdf)

estimates) then the total consumption figure exceeds 3.0 Mtpa. And we must remember that these figures derive from the start of a deep recession when sales declined by around 30% nationally. A return to pre-recessionary times might increase consumption to nearer 4.0 – 4.4 Mtpa. These are considerable figures by any standard representing the largely unseen and unacknowledged raw materials movements and use within a large urban area. It is not possible to be specific about the proportion consumed by BCC but my guess is that it would be the largest aggregates consumer in the region.

4. Turning to likely supply, in the past cities such as Birmingham have not needed to worry about where the raw materials for development came from. However, the situation that applied to London and the South East 40 years ago when Verney reported on aggregates supply options is now beginning to be experienced by other major cities. Like the South East the traditional supply areas are either running out of resources or are unwilling to continue exports at past rates for environmental reasons. Staffordshire believes the long term supply of sand and gravel cannot continue at past levels based on environmental cost (although this has yet to be tested at examination). In its LAA Staffordshire indicates it is only prepared to supply 5.4 Mtpa of sand and gravel<sup>8</sup> based on a bare 10 year average, which we have calculated is about 1.8 Mtpa short of the expected demand given the scale of growth in housing completions over the next 15 years. According to figures presented in the Staffs LAA the West Midlands unitary authorities are collectively planning for a 57% increase in average housing completions<sup>9</sup>.
5. Warwickshire is finding less industry interest in its remaining resources which are smaller and harder for the industry to find acceptable sites, so the contribution from this county to West Midlands' needs may not be able to continue at past levels. . This leaves substitution by crushed rock which has logistical implications. There is no shortage of reserves (at least in Derbyshire) but whether the infrastructure is adequate to import the quantities needed in the future by rail has not been assessed, whilst the impact of increased long distance road deliveries needs to be evaluated.
6. The data for secondary and recycled aggregates is even more out of date. Local surveys are notoriously inaccurate but nationally the industry has calculated the level of the market at around 28%, which both government and industry agree is close to the maximum. Warwickshire is

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<sup>8</sup> Staffs LAA May 2014 para 48

<http://www.staffordshire.gov.uk/environment/planning/policy/mineralscorestrategy/Minerals-Policy-Document-Library.aspx>

<sup>9</sup> Staffs LAA May 2014, Appendix 2

<http://www.staffordshire.gov.uk/environment/planning/policy/mineralscorestrategy/Minerals-Policy-Document-Library.aspx>

claiming to become a centre for recycled aggregates processing<sup>10</sup> having a processing capacity for 800ktpa of CDE waste. Surveys report that Warwickshire produces over 500 ktpa of recycled aggregates a year which would indicate that it imports material from other areas to its nine processing sites three of which border Birmingham. The city probably currently produces about 840 – 870 ktpa of recycled aggregates a year.<sup>11</sup> Clearly, as the total demand for aggregates increases, so will the likely arisings of CDE waste and the need for processing capacity. Whether this can be accommodated within the city or in adjacent areas like Warwickshire and Staffordshire remains the subject of investigation and discussion between authorities and in the AWP.

7. Clearly, there is a moral requirement on the city to provide for as much of its material needs as possible by promoting the processing of recycled material within its borders and facilitating mineral related infrastructure. If the supply pattern changes in the future as many expect, then it will be necessary for the city to be seen to be doing all that it can, and giving more priority to mineral issues than it has in the past. This ought to be reflected in policies in the Local Plan which provide for the material needs of development in the city as required by NPPF and considerations of sustainability.
8. We cannot see how the evidence base for the Local Plan can be considered complete when it lacks a fundamental element in the form of a local Aggregates Assessment. Before policies on supply can be formulated this vital piece of evidence must be supplied in an agreed form.

**3) Does the Plan need to include provisions to safeguard facilities and sites as recommended in National Planning Policy Framework paragraph 143, fourth bullet point?**

**MPA Comment**

1. Undoubtedly, yes. The 2009 RAWP report (para 4.1 and table) contains details of eight active aggregate recycling sites in Birmingham. More may have been established in the five years since this report. The BGS Aggregate Minerals Resources Map identifies two rail depots in Birmingham at Washwood Heath and Small Heath. There are two further rail depots serving the West Midlands at Brierley Hill in Dudley and Rugeley in Staffs. The MPA calculates that there are over 15 readymix concrete plants within the city and at least one coating plant.
2. These plants and sites represent essential mineral infrastructure for the city and are worthy of safeguarding, particularly since it is very difficult for the industry to secure new sites in heavily

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<sup>10</sup> Warwickshire Draft LAA 2014 Section 3.3 [apps.warwickshire.gov.uk/api/documents/WCCC-680-296](https://apps.warwickshire.gov.uk/api/documents/WCCC-680-296)

<sup>11</sup> Figure taken from Birmingham Total Waste Strategy Final Report Jan 2011, para 4.3 and consistent with industry estimate of recycled market share of 28% (about 840ktpa)

[http://www.bebirmingham.org.uk/documents/Birmingham\\_Total\\_Waste\\_Strategy\\_Final\\_Report\\_24.11.10.pdf](http://www.bebirmingham.org.uk/documents/Birmingham_Total_Waste_Strategy_Final_Report_24.11.10.pdf)

urbanised locations and sometimes to retain sites because of proximity amenity issues. We have experience of problems in other established industrial locations (e.g. Kings Cross, London) where redevelopment near to existing plants has created bitter complaints from new neighbours due to the introduction of incompatible land uses in close proximity to existing infrastructure. Early morning noise and traffic congestion are particular causes for complaint. It is therefore essential that existing infrastructure be protected, including potential sites as NPPF requires.

3. The MPA would therefore be looking for a policy in the Local Plan that safeguards existing, planned and potential mineral infrastructure and which allowed them to flourish as enterprises and provides for their replacement should the area around them or the site itself be redeveloped for other uses.

## **Waste**

- 4) **Should the Plan contain more specific policies to prevent and reduce the production of waste, for example by requiring waste prevention, minimisation and management strategies to be produced for larger developments?**

### **MPA Comment**

No comment

- 5) **What are the Council's targets (in percentages and tonnages per annum) for increasing the reuse and recycling of waste, and reducing the proportion of waste going to landfill, over the course of the Plan period? Should these be set out in the Plan?**

### **MPA Comment**

No comment

- 6) **Are additional policies needed to ensure that adequate and timely provision is made for waste recovery and recycling facilities, including facilities for recycling of construction and demolition waste, to enable the Council's targets to be met?**

### **MPA Comment**

Covered under the answer to question 2

- 7) **Are secure arrangements in place for the necessary disposal of waste to landfill outside the Plan area?**

### **MPA Comment**

No comment

- 8) **Does the Plan need to make more specific provision for hazardous waste, low-level radioactive waste, agricultural waste or waste water?**

**MPA Comment**

No comment