



Walsall Council

Birmingham Plan 2013

Examination Hearing

Hearing Statement and Appendix

**On Behalf of
ASSOCIATION OF BLACK COUNTRY AUTHORITIES
(ABCA)**

Matter C:

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

Minerals

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1. Introduction

- 1.1 ABCA is the umbrella term for the four Black Country local authorities, Dudley, Sandwell, Walsall and Wolverhampton. As explained in our pre-submission representation, officers from the four authorities meet regularly with officers from Birmingham City Council to address strategic cross-boundary issues on a continuing basis through the metropolitan officers' Duty to Co-operate Group.
- 1.2 Officers from the Black Country are also involved in ongoing discussions with officers from Birmingham City Council through the West Midlands Resource Technical Advisory Body (RTAB), which includes representatives from waste planning authorities across the former West Midlands region, and through participation in the West Midlands Aggregates Working Party (AWP).
- 1.3 This written statement deals with Matter C, Questions 1 – 3, on the approach towards minerals, which is only covered partially in Policy TP14. The issues we have raised also have some implications for Policy TP41, which is being dealt with under Matter I. We have prepared a separate statement on the approach towards waste in Policies TP13 – TP15 (Questions 4 - 8).

2. Policies TP13 and TP14 - ABCA Representations, City Council's Response and Proposed Modifications

- 2.1 On behalf of ABCA, Walsall Council made a representation on minerals issues. The main issues we raised can be summarised as follows:
 - There is no policy on minerals in the plan, and no technical evidence on minerals appears to have been gathered to support policy development;
 - The plan does not fully acknowledge the role of minerals (and in particular, construction aggregates) in supporting the levels of development and growth proposed in the City;
 - The plan does not acknowledge that Birmingham will largely be reliant on surrounding areas to provide most of its requirements for construction aggregates, or consider the transport implications of continuing to import significant quantities of these materials into the City;
 - There is insufficient justification in the Infrastructure and Delivery Plan (IMP1) for not including a minerals safeguarding policy in the plan and for not defining a minerals safeguarding area around minerals of "local and national importance" (see NPPF paragraph 143 and Annex 2);

- The plan does not identify and safeguard existing minerals infrastructure in the City, such as recycling plants, RMX concrete plants, coating plants and bulk transport facilities, or consider whether any further infrastructure for the bulk handling, transport or processing of minerals will be required over the plan period (see NPPF paragraph 143).

- 2.2 ABCA's comments on minerals were included in our duly made representation dated 28 February 2014, which is published on the Council website (741594), and are reproduced in the Appendix for reference. Unfortunately, the City Council did not include a summary of our representation in its published schedule of pre-submission comments and Council responses (SUB9), and it is not referred to in the Consultation Statement (SUB11), so the City Council has not formally responded.
- 2.3 Similar representations have been made by Staffordshire County Council and Lichfield District Council and Staffordshire County Council Members, which are summarised in the above documents under the "Vision, Strategy and Objectives" section of the plan, which is being dealt with under Matter D. The City Council has not proposed any modifications in response to these representations. They have expressed the view that because there is no expectation that Birmingham will contribute towards primary aggregate supplies, mineral resources in the City are very limited, and the policies already promote recycling of aggregates and freight transfer facilities, there is no need for a minerals policy in the plan.
- 2.4 In the absence of any response from the City Council, we have responded to the Inspector's questions in Section 3 below, and we have also set out how we think the plan should be modified to overcome our objections in Section 4.
- 2.5 This is a matter of concern to ABCA because if mineral resources and mineral infrastructure in Birmingham are not given adequate protection in the plan, the City is less likely to be able to make a contribution towards the supply of construction aggregates needed to support planned levels of growth in the area. This is likely to make Birmingham even more reliant on importation of materials, and could put pressure on neighbouring authorities.

3. Matter C (Minerals) - ABCA Response to Questions

Question 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?

- 3.1 The NPPF advises that mineral planning authorities should use the “best available” information to develop and maintain an understanding of the extent and location of mineral resource in their areas” (NPPF paragraph 163). The British Geological Survey (BGS) has published a mineral resource map of the West Midlands which shows that there are aggregate mineral resources in Birmingham, comprising bedrock and superficial sand and gravel.¹
- 3.2 The NPPF identifies aggregates as “minerals of local and national importance” and states that known locations of such resources should be safeguarded in local plans through the designation of Minerals Safeguarding Areas (MSAs) (NPPF paragraph 143, third bullet point, and Annex 2). The purpose of this is to prevent the needless sterilisation of the resources by non-mineral development, for example, by encouraging “prior extraction” where practicable and feasible, if it is necessary for non-mineral development to take place (NPPF paragraph 143, fifth bullet point). However, there is no presumption that the resources in a MSA will ever be worked on a large scale (NPPF paragraph 143, third bullet point).
- 3.3 The local plans for neighbouring parts of the Metropolitan area have included minerals safeguarding policies that address the above requirements.² In our view, the City Council has not provided sufficient justification for the omission of a similar policy from the Birmingham Plan.

Question 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?

- 3.4 There are no specific requirements for aggregate supply in Birmingham. However, the former West Midlands County as a whole (i.e. the seven metropolitan authorities of Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton) is expected to contribute appropriately towards the overall guideline for aggregate production in the former West Midlands region for the period 2005 – 2020 and beyond. The guideline requires the

¹ See: Mineral Resource Information for Development Plans: West Midlands – Technical Report and Map (1999), BGS and former DETR, available for download from the Minerals UK website: <http://www.bgs.ac.uk/mineralsuk/planning/resource.html>.

² For example, see: Policy MIN1 and Minerals Key Diagram of the Black Country Core Strategy 2011: <http://blackcountrycorestrategy.dudley.gov.uk/>, and Policy P13 and Policies Map of the Solihull Local Plan 2013: <http://www.solihull.gov.uk/Resident/Planning/appealsenforcement/planmaking/ldf/localplan>.

former region as a whole to supply 165 million tonnes of primary land-won sand and gravel over the guideline period (11.56 million tonnes per annum).³

- 3.5 Historically, the regional guideline requirements for primary land-won sand and gravel supply in the West Midlands were “apportioned” to each sub-regional area (including the former West Midlands County) through the West Midlands RSS. Following the revocation of the RSS, the requirements are now expected to be based on an assessment of average 10-yearly sales, to be included in an annual local aggregates assessment (LAA), which must take account of the advice of the AWP (NPPF paragraph 145, first bullet).
- 3.6 There are no sub-regional or local requirements for production of aggregates from “alternative” sources (e.g. secondary and recycled aggregates), and there never have been. However, the aggregates guideline for the former West Midlands region includes an assumption that 100 million tonnes of the aggregates supply over the guideline period will come from “alternative” materials (6.25 million tonnes per annum). A significant proportion of this material is expected to be generated from construction and demolition activity in the former West Midlands County area.
- 3.7 The seven metropolitan authorities in the former West Midlands County (including Birmingham) have agreed to prepare joint LAAs to identify potential sources of aggregate supply in the area, although the consultation draft of our first LAA is unlikely to be available in advance of this Hearing. The most recent AWP survey report for 2011 and 2012 has also not yet been published. Until such time as this evidence becomes available, information published by Walsall Council and Solihull MBC provides the most up-to-date information on current aggregate supply in the West Midlands County area.⁴
- 3.8 The City Council has rightly pointed out in its Delivery and Implementation Plan (DIP) that there is limited scope for the extraction of minerals in Birmingham, given the built-up nature of most of the area and the fact that most of the sand and gravel resources are already sterilised by built development (see IMP1, page 35). However, there are at least 8 aggregate recycling facilities in the City, which arguably should be safeguarded if they

³ National and Regional Guidelines for Aggregates Provision in England 2005 – 2020 (July 2009), CLG: <https://www.gov.uk/government/publications/national-and-regional-guidelines-for-aggregates-provision-in-england-2005-to-2020>

⁴ See Section 9 of Walsall Site Allocation Document Issues & Options Report (2013): http://cms.walsall.gov.uk/index/environment/planning/planning_policy/local_development_framework/site_allocation_document.htm, Section 5 of Walsall Local Plan Monitoring Report 2013 (2014): http://cms.walsall.gov.uk/index/environment/planning/planning_policy/local_plans/annual_monitoring_report.htm and the Solihull Minerals Background Paper (2012): <http://ww2.solihull.gov.uk/Attachments/PSC10.pdf>

are suitably located, in line with NPPF paragraph 143 (see Question 3).⁵ The Waste Capacity Study Update (ES6) also predicts growth in construction, demolition and excavation waste arisings in Birmingham of between 0.3 and 0.4 million tonnes by the end of the plan period,⁶ suggesting that there may be scope to develop a new recycling facility or expand existing ones.

Question 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?

- 3.9 Yes. While Policy TP41 seeks to protect sites which are used or are suitable for bulk transport of aggregates, no such sites are identified in the policy, and the Policies Map also does not show where they are located. There is also no policy in the plan for safeguarding existing production sites in the City, such as aggregate recycling facilities, RMX concrete plants and coating plants - and these are not shown on the Policies Map either.
- 3.10 The adopted local plans for neighbouring parts of the Metropolitan area have included policies that address these requirements.⁷ In our view, the City Council has not provided sufficient justification for not safeguarding these facilities and sites in the Birmingham Plan.

4. Changes Sought to Policies

- 4.1 We think the plan needs to have a **separate policy on minerals**, covering the following issues:
- (a) The approach towards safeguarding mineral resources of local and national importance in the City;
 - (b) The approach towards safeguarding the City's existing minerals infrastructure, including bulk transport facilities for construction

⁵ Paragraph 35 of the DIP states there are 8 aggregate recycling facilities in the City. However, the waste capacity studies appear to identify 10 sites in total. Seven of the sites listed in Appendix 9 of the 2010 Waste Capacity Study (ES5) are in Birmingham, and four of the sites listed in Table 22 of the 2014 Waste Capacity Study Update (ES6) are in Birmingham, but Section 6.1 of the latter study notes that one of the sites identified in the original study has closed, making 10 sites in total (7 – 1 + 4 = 10).

⁶ See Table 8 of ES6, which predicts that CD&EW arisings in Birmingham will grow from around 1.5 – 1.6 million tonnes in 2014/15 to around 1.8 – 2.0 million tonnes by 2030/31.

⁷ For example, see: Policy MIN1 and Minerals Key Diagram of the Black Country Core Strategy 2011 and Policy P12 and Policies Map of the Solihull Local Plan 2013 – see Footnote 2 for links.

aggregates, aggregate recycling facilities, RMX concrete plants and coating plants; and

- (c) The approach towards development of new mineral infrastructure needed to support the proposed levels of development and growth in the City, for example, the situations when temporary recycling operations will be permissible, and where new facilities should be located, having regard to Policies TP15 and TP41.

4.2 We also think that the **Policies Map** should identify the following:

- (a) Minerals safeguarding areas around sand and gravel resources in the City - in the absence of any local evidence on the extent of these resources, these should be based on the digital mineral resource mapping available from the British Geological Survey (BGS);⁸ and
- (b) Key minerals infrastructure to be safeguarded, including bulk transport facilities, aggregate recycling facilities, RMX concrete plants and coating plants – some of which have already been identified in the technical evidence on waste (see Footnote 4).

4.3 Walsall has responded to this matter in a hearing statement format as we are willing to appear at the hearing should this be useful to the parties involved. It may be considered however, that this written statement is sufficient and our attendance on this matter is not necessary.

⁸ See Footnote 1 for details. The digital mapping underlying the published mineral resource map can be obtained from the BGS under a licence agreement.

Appendix:**ABCA Comments on Minerals****Extract from ABCA Representation 28.02.14****MINERALS**

Discussions under the Duty to Cooperate show that the City Council acknowledges that its proposals for major growth are reliant on minerals that are most likely to be produced in surrounding areas. This is likely to lead to pressure on mineral resources and facilities in surrounding areas, with impacts upon the areas affected. Whilst the minerals planning authorities around Birmingham have policies for minerals in their areas, there are (with the exception of a reference to the recycling of aggregates in Policy TP14) no policies for minerals in the current consultation on the Birmingham Development Plan.

Birmingham is working with the other WM metropolitan authorities to meet the recently-introduced requirement for a Local Aggregates Assessment, but in our view, there is a need to publish more wide ranging technical evidence for technical evidence to set out:

- the potential future demand for raw materials and manufactured mineral products (including bricks and concrete, etc.) arising over the plan period from the additional levels of development anticipated;
- where materials and products are likely to come from, and realistically what things could be produced in Birmingham; and
- the transport and infrastructure implications for the transport of minerals and materials to where they will be needed.

Such work is likely to be important in informing the delivery of the plan, as well as affecting viability and land availability, and of course, it should enable the potential implications for surrounding areas to be assessed⁹.

We recognize it is very likely that a compilation of the information that is already available will be likely to show the amounts of minerals and materials that might be provided locally is likely to be significantly less than those required to support planned growth. But we do not think this should mean efforts should not be made to source minerals as close as practicable to where they would be used. Birmingham's IDP (pages 14 and 35) acknowledges that the city has some minerals of local and national importance but it takes the view that working

⁹ It is important to note that Walsall has been the only local authority in the Black Country that has produced aggregates in recent years, but it presently has no operational quarries so it does not appear that any significant reliance can be placed on the availability of primary land won sand and gravel from this area.

these minerals will not be feasible, and the plan does not propose to define mineral safeguarding areas (MSAs) around them. We consider such an approach is not, so far at least, justified in terms of national policy. In our view **the plan should define MSAs showing where mineral resources can be found as there may be opportunities for 'prior extraction' in some cases.**

We also take the view that in accordance with national policy **it will also be important to identify and to safeguard existing minerals handling and facilities for construction products (such as RMX concrete and concrete products, cement, lime and mortar and coated products) in Birmingham where these will be necessary for the city's planned growth. It could also be necessary to examine whether further sites might be required.**