

# Worcestershire Minerals Local Plan

## Duty to Cooperate Statement, incorporating the Statement of Common Ground

October 2019

**PLEASE NOTE:**

This document has been prepared by Worcestershire County Council and is considered to truly and accurately reflect the cooperation undertaken and the areas of agreement and disagreement with relevant bodies. A draft of this document was circulated to the relevant bodies in August 2019, and any comments and clarifications have been addressed in this version.

Confirmation has been sought that the relevant bodies agree with and support this statement as a true record of the key cross-boundary strategic matters relevant to the Worcestershire Minerals Local Plan with respect to the interests of their organisation.

WCC anticipates that confirmation will be gained from all Duty to Cooperate bodies and other additional signatories prior to the submission of the Minerals Local Plan in December 2019, and records of confirmation from each body will be submitted alongside this document. However, if it is not possible for confirmation to be obtained from all the bodies in this timeframe, this will not prevent WCC from submitting the plan for examination.

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## Executive summary

Worcestershire County Council (WCC) has consulted and cooperated on a wide range of matters as part of the preparation of the Minerals Local Plan (MLP). This document demonstrates that WCC has undertaken effective and ongoing engagement with Duty to Co-operate (DtC) bodies throughout the preparation of the MLP. This engagement, both formal and informal, has helped to ensure that the Publication Version of the MLP takes full account of strategic matters, and these strategic matters have been dealt with rather than deferred.

The following matters are deemed to be of strategic importance, and have been the focus of significant DtC discussions:

- Minerals provision
- Green infrastructure
- Safeguarding of mineral resources, sites and supporting infrastructure

Confirmation has been sought that the relevant bodies agree with and support this statement as a true record of the key cross-boundary strategic matters relevant to the Worcestershire Minerals Local Plan. However, it is considered by WCC to truly and accurately reflect the cooperation undertaken and the areas of agreement and disagreement with relevant bodies. WCC is satisfied that there are no outstanding areas of disagreement on these strategic matters with any of the statutory DtC bodies or with any other additional signatories to this document, although further work is being undertaken with Natural England and the Environment Agency to verify, and update as necessary, the evidence base in respect of the Severn Estuary international designations and the potential for functional linkages with land and watercourses in Worcestershire.

By being signatories to this statement, the bodies are giving a public commitment that agreement has been reached or, where any disagreement remains, that it will continue to be sought. Agreement by the bodies to this document is intended to provide evidence that the DtC has been fulfilled, that effective joint-working on cross-boundary strategic matters has taken place, and that the strategic matters have been addressed rather than deferred. However, the bodies' agreement with the information set out in this document will not prevent them making representation on the detail of any particular matters under Regulation 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012 or from participating in the examination of the MLP.

WCC is committed to maintaining co-operation - both with statutory DtC bodies as well as wider stakeholders – as the MLP progresses to adoption and is implemented. Ongoing actions under the Duty to Co-operate will continue to be recorded regularly through WCC's Authority Monitoring Reports and will influence any future reviews of the Minerals Local Plan.

Further cooperation is also likely to be required during the development of the separate Mineral Site Allocations Development Plan Document.

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## 1. Introduction

- 1.1. The Planning and Compulsory Purchase Act 2004 requires Worcestershire County Council (WCC) to comply with the 'Duty to Co-operate' (DtC). The duty requires local planning authorities to co-operate with other planning authorities and prescribed bodies on strategic planning matters.<sup>1</sup>
- 1.2. This statement sets out the main mechanisms used to fulfil the DtC and identifies the strategic matters that WCC has addressed in developing the Worcestershire Minerals Local Plan (MLP). It demonstrates how WCC and other bodies have co-operated and sets out how the MLP addresses the strategic matters following this co-operation.
- 1.3. Strategic matters have been discussed with a wide range of stakeholders, and WCC has sought to ensure that the views of relevant bodies are understood and taken into account in the MLP. In addition to the MLP's formal consultation stages, WCC has held workshops and meetings, and has liaised extensively by telephone, email and letter. WCC maintains ongoing liaison with other planning authorities and prescribed bodies, including through its membership of relevant county, regional, and national groups. Summaries of the meetings attended and correspondence exchanged that could be relevant to the DtC have been published alongside each of WCC's Authority Monitoring Reports (as an appendix within the document for 2012/13 and as separate annexes for 2013/14 up to 2015, the latest available AMR, at [www.worcestershire.gov.uk/AMR](http://www.worcestershire.gov.uk/AMR)). For ease of reference, these are available alongside this statement under "Background documents" > "Legal compliance" at [www.worcestershire.gov.uk/mineralsbackground](http://www.worcestershire.gov.uk/mineralsbackground), as well as summaries of the most recent activities up to the end of June 2019 as the AMRs for 2016 to 2019 have not yet been published.
- 1.4. Under the Localism Act 2011, the requirements of the DtC apply to "the preparation of development plan documents", and also to "activities that can reasonably be considered to prepare the way for [this preparation]"<sup>2</sup>. As such, WCC has undertaken consultation and engagement not only on the MLP, but also on the various evidence bases that underpin the MLP. These include Local Aggregate Assessments and Authority Monitoring Reports, as well as a series of background documents on relevant topics.
- 1.5. In addition to the Duty to Cooperate, one of the tests set in the National Planning Policy Framework for whether a plan is 'sound' is that it should be effective. The revision of the National Planning Policy Framework in July 2018 introduced a requirement to present evidence in a Statement of Common Ground (SoCG) to show that a plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred. This statement provides a written record of the progress made by WCC during the process of plan preparation in addressing relevant strategic cross-boundary matters.
- 1.6. Whilst planning practice guidance states that the SoCG should document where effective co-operation is and is not happening throughout the plan-making process, the requirement was

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<sup>1</sup> Section 33A of The Planning and Compulsory Purchase Act 2004, and Part 2 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

<sup>2</sup> Section 33A(3) of The Planning and Compulsory Purchase Act 2004.

introduced late in the development of the MLP. This document has therefore been developed to demonstrate how strategic matters have been addressed by the end of the plan-making process, rather than having been maintained throughout plan preparation.

## Strategic geography and signatories

- 1.7. This statement covers the administrative area of Worcestershire (Figure 1). Worcestershire consists of the city of Worcester, borough of Redditch and the districts of Bromsgrove, Malvern Hills, Wychavon and Wyre Forest. Worcestershire is adjacent to the West Midlands conurbation and the largely rural counties of Shropshire and Staffordshire to the north, Gloucestershire to the south, Herefordshire to the west and Warwickshire to the east.
- 1.8. Worcestershire County Council is the Mineral Planning Authority<sup>3</sup> for Worcestershire. No other plan-making authorities are responsible for the mineral planning issues detailed in this statement. As the Minerals Local Plan has been developed by a single plan-making authority, no formal joint working arrangements were necessary and therefore there were no formal governance arrangements for the cooperation processes summarised in this statement. However, other bodies have been involved in identifying and cooperating on the strategic matters and determining how the Minerals Local Plan should address them. This includes both statutory Duty to Cooperate bodies and other additional signatories<sup>4</sup> as set out in chapters 3 and 4. This statement sets out how cooperation has been undertaken during the development of MLP, and the strategic matters relevant to each body in relation to the development of the MLP.
- 1.9. By being signatories to this statement, the bodies are giving a public commitment that agreement has been reached or, where any disagreement remains, that it will continue to be sought. Agreement by the bodies to this document is intended to provide evidence that the DtC has been fulfilled, that effective joint-working on cross-boundary strategic matters has taken place, and that the strategic matters have been addressed rather than deferred. However, the bodies' agreement with the information set out in this document will not prevent them making representation on the detail of any particular matters under Regulation 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012 or from participating in the examination of the MLP.

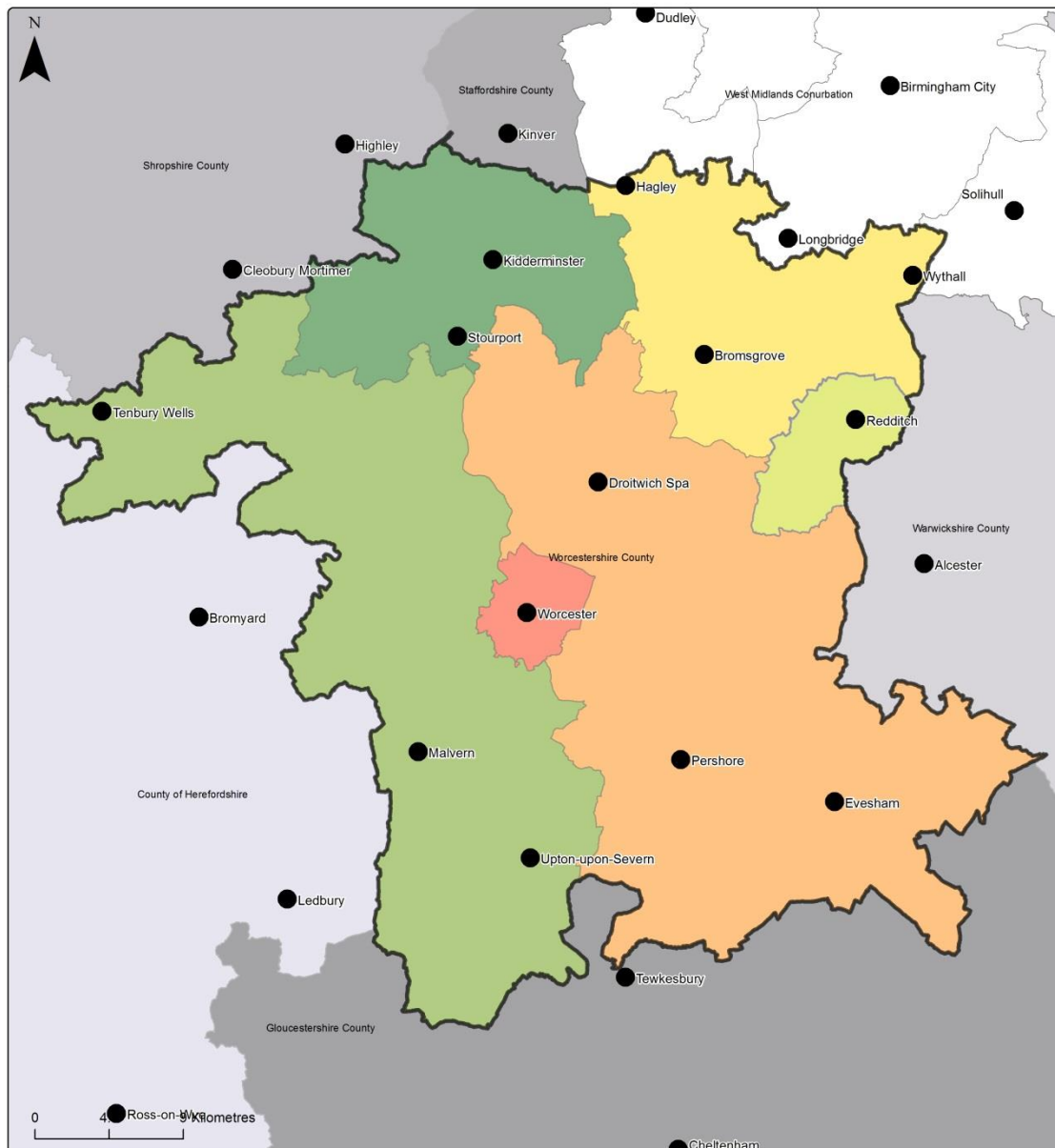
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<sup>3</sup> Town and Country Planning Act 1990.

<sup>4</sup> Planning Practice Guidance states that "Additional signatories will be those bodies who have a role in the matters covered in a statement of common ground, and with whom an authority needs to cooperate in order to plan for these matters. These may include: other relevant public bodies (such as: Local Enterprise Partnerships, Local Nature Partnerships, and the Marine Management Organisation in coastal areas); other authorities (such as county councils, combined authorities without plan-making powers, and strategic policy-making authorities outside of the area covered by the statement); infrastructure providers; or any other non-government organisations (such as advisory bodies) the authority cooperates with to address strategic matters through the plan-making process. This is not an exhaustive list.

In the case of local planning authorities and county councils, prescribed bodies under the duty to cooperate can be treated as additional signatories. Engagement between authorities and prescribed bodies which does not involve agreements on strategic matters can be detailed in Authority Monitoring Reports." Planning Practice Guidance Paragraph: 023, Reference ID: 61-023-20190315, Revision date: 15 03 2019, <https://www.gov.uk/guidance/plan-making#maintaining-effective-cooperation>

Figure 1. Location and administrative areas covered by this statement



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## Review and ongoing cooperation

- 1.10. A draft version of this statement was published alongside the Publication Version of the MLP, and sent to each of the relevant bodies asking for their comments on any errors, omissions or inaccuracies. The comments and clarifications which were received have been addressed in this version (October 2019). It is considered by WCC to truly and accurately reflect the cooperation undertaken and the areas of agreement and disagreement with relevant bodies, and confirmation has been sought from those bodies that they agree with and support this statement as a true record of the key cross-boundary strategic matters relevant to the Worcestershire Minerals Local Plan with respect to the interests of their organisation.
- 1.11. WCC anticipates that confirmation will be gained from all Duty to Cooperate bodies and other additional signatories prior to the submission of the MLP in December 2019, and records of confirmation from each body will be submitted alongside this document. However, if it is not possible for confirmation to be obtained from all the bodies in this timeframe, this will not prevent WCC from submitting the plan for examination.
- 1.12. WCC has committed to prepare a separate Mineral Site Allocations Development Plan Document. A separate SoCG will be developed to accompany the development of that document.



## 2. Engagement through local, regional and national groups

2.1. WCC actively participates in a range of relevant officer groups to exchange best practice, to ensure WCC is aware of other MPAs' and LPAs' plan-making progress, and that other MPAs/LPAs are aware of WCC's progress, and to discuss any potential cross-boundary issues. A key role of the groups is to exchange information on the supply and demand for different types of minerals in different areas, and to understand and apply the local evidence base in the development of plans. County-level groups allow WCC to liaise with the city, borough and district councils and ensure that their Local Plans take account of the MLP, and vice-versa, particularly in relation to safeguarding mineral resources and infrastructure and the implications of that for non-mineral development.

2.2. The main groups in which WCC is involved are set out below:

- The **Worcestershire Planning Officers Group** brings together senior planning policy officers from the local authorities in Worcestershire (Worcestershire County Council, Bromsgrove District Council, Malvern Hills District Council, Redditch Borough Council, Wychavon District Council, Wyre Forest District Council, Worcester City Council) to discuss a range of planning-related issues.
- The **Herefordshire and Worcestershire Development Management Officers' Group** (DC Forum) brings together senior development management officers from the local authorities in Herefordshire and Worcestershire (Herefordshire Council, Worcestershire County Council, Bromsgrove District Council, Malvern Hills District Council, Redditch Borough Council, Wychavon District Council, Wyre Forest District Council, Worcester City Council) to focus on development management practice and the interpretation of policy.
- The **Worcestershire Green Infrastructure Partnership** seeks to guide the delivery of green infrastructure in the county through development, regeneration and environmental projects. It includes statutory agencies, local authorities and voluntary sector organisations (Bromsgrove District Council, Environment Agency, Forestry Commission, Historic England, Malvern Hills District Council, Natural England, Redditch Borough Council, Woodland Trust, Worcester City Council, Worcestershire County Council, Worcestershire Wildlife Trust, Wychavon District Council, Wyre Forest District Council).
- The **Minerals and Green Infrastructure Steering Group** was established in 2013 to advise on the green infrastructure evidence base and embedding the Green Infrastructure approach in the Minerals Local Plan. It comprises representatives of Historic England, the Environment Agency, the Forestry Commission, Herefordshire & Worcestershire Earth Heritage Trust, Natural England, Nature After Minerals/RSPB, the Worcestershire Wildlife Trust, and officers from the following teams within Worcestershire County Council: Strategic Planning & Environmental Policy; Worcestershire Archive and Archaeology Service; Development Management; Flood Risk Management (Lead Local Flood Authority); Countryside Access & Recreation.

- The **Worcestershire Local Nature Partnership (WLNP)** brings together a broad range of local organisations, businesses and people, acting at a strategic 'landscape' scale, to deliver improvements in Worcestershire's environment, including (but not limited to) biodiversity, geodiversity, landscape, historic environment, flooding, climate change, and green space. The WLNP supports a green infrastructure approach to multifunctional environmental benefits, and provides expertise in developing strategies, planning projects, securing funding and delivering successful outcomes for nature. WLNP comprises senior representatives from the public, private and third sectors, including professional environmental and land managers and a representative from the Worcestershire Local Enterprise Partnership.
- The **West Midlands Aggregates Working Party** is supported by government and includes industry representatives alongside officers from the mineral planning authorities in the west midlands (Birmingham City Council, Coventry City Council, Dudley Metropolitan Borough Council, Herefordshire Council, Sandwell Metropolitan Borough Council, Shropshire Council, Solihull Metropolitan Borough Council, Staffordshire County Council, Stoke-on-Trent City Council, Telford & Wrekin Council, Walsall Council, Warwickshire County Council, City of Wolverhampton Council, Worcestershire County Council). The group provides expert technical advice, provides scrutiny of and advice on the preparation of local aggregate assessments (LAA), and assesses the overall demand and supply of aggregates in the West Midlands through the sharing of LAAs and the contribution towards regional-level Annual Monitoring Reports.
- The **West Midlands Mineral Planning Authorities Non-Aggregate Minerals Discussion Group** meets informally to discuss cross-boundary issues for non-aggregate minerals. It comprises officers from the mineral planning authorities in the west midlands (Birmingham City Council, Coventry City Council, Dudley Metropolitan Borough Council, Herefordshire Council, Sandwell Metropolitan Borough Council, Shropshire Council, Solihull Metropolitan Borough Council, Staffordshire County Council, Stoke-on-Trent City Council, Telford & Wrekin Council, Walsall Council, Warwickshire County Council, City of Wolverhampton Council, Worcestershire County Council).
- The **Mineral Planning Authorities Industrial Sand Group** was convened in 2017, when the need to understand the availability of silica sand resources and the implications of this for development in designated landscapes arose from work on the West Sussex County Council and South Downs National Park Authority's Minerals and Waste Plan. The group aims to assist in co-ordinating the planning of the supply of industrial mineral resources nationally and with a generally consistent approach. It comprises officers from the mineral planning authorities with known industrial sand deposits (Central Bedfordshire Council, Dorset County Council, East Cheshire Council, Hampshire County Council, Kent County Council, Norfolk County Council, North Yorkshire County Council, Nottinghamshire County Council, South Downs National Park Authority, Staffordshire County Council, Surrey County Council, West Sussex County Council, Worcestershire County Council).

### 3. Strategic matters

- 3.1. WCC has consulted and cooperated on a wide range of matters as part of the preparation of the MLP. The mechanisms and outcomes of this are recorded in the Consultation Statement (available under "Background documents" > "Legal compliance" at [www.worcestershire.gov.uk/mineralsbackground](http://www.worcestershire.gov.uk/mineralsbackground)), the response documents published after each formal stage of consultation (available under "Emerging Minerals Local Plan" > "Consultation Stages" at [www.worcestershire.gov.uk/minerals](http://www.worcestershire.gov.uk/minerals)), and in the summaries of Duty to Co-operate activities published alongside the Authority Monitoring Reports (for ease of reference, these are available under "Background documents" > "Legal compliance" at [www.worcestershire.gov.uk/mineralsbackground](http://www.worcestershire.gov.uk/mineralsbackground)).
- 3.2. Among the many issues that have been considered, the following are deemed to be of strategic importance, and have been the focus of significant DtC discussions:
- Minerals provision
  - Green infrastructure
  - Safeguarding of mineral resources, sites and supporting infrastructure.
- 3.3. A summary of each of these issues is set out below.

## Matter 1: Minerals provision

- 3.4. Setting out the mineral planning authority's approach to facilitating the sustainable use of minerals is the primary purpose of developing a Minerals Local Plan. There are significant geographical imbalances between where mineral resources occur and the areas they are most needed, and minerals can only be worked where they naturally occur. The geographical distribution of resources, alongside viability and the operation of the market, means that minerals and mineral products are inevitably moved across administrative areas. Mineral planning authorities therefore need to consider making appropriate contributions to national as well as local supply, rather than simply determining and supplying local demand, but they also need to make due allowance for the need to control any environmental damage to an acceptable level. Cross-boundary issues in relation to the provision of minerals therefore need to be considered under the duty to cooperate.
- 3.5. Liaison on this matter has primarily been through the *West Midlands Aggregate Working Party* and the *West Midlands Mineral Planning Authorities Non-Aggregate Minerals Discussion Group*, and the *Mineral Planning Authorities Industrial Sand Group* but has also included numerous other meetings, letters, emails and phone calls with relevant parties. The provision of minerals also has the potential to conflict with other parts of the development plan. WCC has therefore also liaised with the City, Borough and District Councils in Worcestershire to consider how to manage any such conflicts. Through these mechanisms, WCC has liaised extensively with the following DTC bodies and other additional signatories over the MLP's approach to minerals provision:
- Aggregate Working Parties:
    - West Midlands Aggregates Working Party
    - East Midlands Aggregates Working Party
    - South West Aggregates Working Party
    - South Wales Aggregate Working Parties
  - Neighbouring mineral planning authorities:
    - Association of Black Country Authorities (Dudley, Sandwell, Walsall and Wolverhampton)
    - Birmingham City Council
    - Dudley Metropolitan Borough Council
    - Gloucestershire County Council
    - Herefordshire Council
    - Shropshire Council
    - Solihull Metropolitan Borough Council
    - Staffordshire County Council
    - Warwickshire County Council
    - South Gloucestershire Council (not a neighbouring authority, but significant cross-boundary issues in relation to crushed rock)
  - Worcestershire's city, borough and district councils:
    - Bromsgrove District Council
    - Malvern Hills District Council
    - Redditch Borough Council
    - Wychavon District Council
    - Wyre Forest District Council

- Worcester City Council
- Member mineral planning authorities of the Industrial Sand Group:
  - Central Bedfordshire Council
  - Dorset County Council
  - East Cheshire Council
  - Hampshire County Council
  - Kent County Council
  - Norfolk County Council
  - North Yorkshire County Council
  - Nottinghamshire County Council
  - South Downs National Park Authority
  - Staffordshire County Council
  - Surrey County Council
  - West Sussex County Council
- Marine Management Organisation
- Historic England

3.6. The cross-boundary issues and the implications for the Worcestershire Minerals Local Plan vary for different types of mineral resources, and the key considerations for each type of mineral resource in Worcestershire are set out below. However, in summary, the MLP enables the provision of minerals through:

- Chapter 3 – Vision and objectives:
  - The vision states that Worcestershire’s permitted mineral sites and supporting infrastructure will provide a steady, adequate and sustainable supply of locally and nationally important minerals, and that they will contribute to the vitality of the local economy through the delivery of minerals to local and national markets, whilst making the best use of substitute, secondary and recycled minerals and mineral wastes to minimise the need for primary materials.
  - Objective MO 1 is to "Enable the supply of minerals".
- Chapter 4 – Spatial strategy:
  - The Key Diagram identifies five strategic corridors. These are the areas in the county where there is the greatest concentration of locally and nationally important mineral resources. The strategic corridors are well located to serve planned housing and infrastructure development both within and beyond the county boundary, as acknowledged in paragraphs 4.57, 4.85, 4.114, 4.144, and 4.180 of the MLP.
  - Policy MLP 1 takes a proactive approach to the location of mineral development by enabling planning permission to be granted for mineral development within the strategic corridors and setting criteria by which development outside of those corridors would be considered acceptable. The Minerals Local Plan allocates areas of search within the five strategic corridors, representing:
    - 59.9% (by area) of Worcestershire’s key and significant terrace and glacial sand and gravel resources and 80.7% (by area) of Worcestershire’s key and significant solid sand resources;
    - 13 areas of search for building stone, based on screened former building stone quarries;

- 19.5% (by area) of the screened Mercia Mudstone Group resources; and
    - 52.4% (by area) of the screened Wildmoor Sandstone Formation which contains silica sand (naturally bonded moulding sands).
  - Policy MLP 1 also refers to specific sites and preferred areas which will be allocated in a separate Mineral Site Allocations Development Plan Document. The commitment to prepare this document is set out in the Local Development Scheme (July 2018), and further cooperation is likely to be required during the development of that document.
  - Policies MLP 4 to MLP 8 set green infrastructure priorities which are locally appropriate for each of the strategic corridors. Further detail is provided under Matter 2: Green Infrastructure below, but identifying these priorities is intended to aid the provision of minerals by providing certainty to developers and decision makers as to the expectations for mineral working and restoration, and by being locally appropriate and multifunctional priorities which are therefore cost effective to implement.
  - To minimise conflict with other parts of the development plan, the strategic corridor boundaries were altered following responses to the Third Stage Consultation to remove settlement boundaries and site allocations from the City, Borough and District Councils' adopted Development Plan Documents.
- Chapter 5 – Supply of mineral resources
  - This chapter sets out separate policies for the various types of mineral resources in Worcestershire. These aim to ensure that:
    - there is a sufficient and sustainable stock of reserves at sites with planning permission (for aggregate minerals this is referred to as a “landbank”);
    - there are enough sites with the capacity to produce, process and sell what is required (“productive capacity”);
    - there is enough flexibility to ensure that demand can be met even if natural events or commercial decisions limit production at one or more site(s); and
    - large landbanks at very few sites do not stifle competition.
- Chapter 8 – Implementation and monitoring framework:
  - Monitoring indicators are set out to enable an assessment of whether the Minerals Local Plan is being implemented effectively and to ensure that the Plan's objectives are being met. Targets which will be monitored in the Authority Monitoring Report are set in relation to the supply of minerals under Objective MO 1, including targets for maintaining landbanks, maintaining or enhancing the number of sites, and monitoring the number of applications for development which would enable the supply of minerals from substitute, secondary or recycled materials or mineral waste.
  - The process which will be followed if any of these targets is missed is set out in Figure 8.1 of the MLP.

#### **a) Aggregate minerals**

3.7. The National Planning Policy Framework requires mineral planning authorities to plan for a steady and adequate supply of aggregates (sand and gravel, and crushed rock) and to maintain landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock. The appropriate level of contribution from each mineral planning authority should be determined through the production of Local Aggregate Assessments, participation in an Aggregate Working Party, and reflecting on any guidance from the National Aggregate Co-ordinating Group.

- 3.8. WCC is a member of the West Midlands Aggregate Working Party, and has prepared a Local Aggregate Assessment for Worcestershire annually. The MLP uses the *Local Aggregate Assessment (using data covering the period up to 31/12/2016)* as its baseline (available at [www.worcestershire.gov.uk/amr](http://www.worcestershire.gov.uk/amr)). The national and sub-national guidelines are considered in paragraphs 5.12-5.15 and 6.10-6.13 of the *Local Aggregate Assessment (using data covering the period up to 31/12/2016)*. A draft of the *Local Aggregate Assessment (using data covering the period up to 31/12/2016)* was considered by the West Midlands Aggregates Working Party, and by the East Midlands, South West and South Wales Aggregate Working Parties, and their comments were taken into account, as set out in Appendix 1 of the final version which was endorsed by the West Midlands Aggregate Working Party (see Appendix 1 of this document).
- 3.9. Separate landbanks have been calculated for sand and gravel and for crushed rock, and these have separate monitoring indicators in the MLP. The Portrait of Worcestershire (paragraphs 2.17-2.18 and 2.29) in the MLP sets out why it is not appropriate to calculate or plan for any further subdivision of these landbanks. The existing landbanks and the production guidelines set out in the *Local Aggregate Assessment (using data covering the period up to 31/12/2016)* have been used to ensure that the MLP will make sufficient provision for aggregates. Policy MLP 10 (Steady and Adequate Supply of Sand and Gravel) and Policy MLP 11 (Steady and Adequate Supply of Crushed Rock) both require landbanks of **at least** 7 or 10 years, respectively, to ensure that they do not set a cap on the landbank which could be permitted which might stifle competition.
- 3.10. Despite having a relatively small number of active sites, national data indicates that Worcestershire was a net exporter of sand and gravel in both 2009 and 2014,<sup>5</sup> although the proportion of imports was greater in 2014 (see Table 2.1 in the MLP) and, based on the production guideline set in the baseline *Local Aggregate Assessment*, the landbank for permitted sand and gravel reserves in Worcestershire at the end of 2016 stood at approximately 7 years, meeting the requirement for a minimum of 7 years set out in national policy. The MLP has been developed to ensure that it will enable the provision of at least a further 11.53 million tonnes of sand and gravel over the life of the plan in order to maintain a landbank of at least 7 years to 2035 and beyond. However, the MLP also recognises that, as the Local Aggregate Assessment is produced annually, the annual production guideline will vary through the life of the plan and the plan has been developed to be sufficiently flexible to adapt to such changes.
- 3.11. In contrast, the lack of a landbank of permitted crushed rock reserves since 2010 and significant constraints on the crushed rock deposits in Worcestershire were identified by WCC in late 2014/early 2015 as a key strategic issue requiring discussion with neighbouring MPAs and AWP. Options were explored with the West Midlands Aggregate Working Party and, based on the available data about imports and exports of crushed rock in the West Midlands, discussion was extended to include the South West, East of England and South Wales Aggregate Working Parties. The outcome of correspondence with these AWP, detailed discussions with Gloucestershire

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<sup>5</sup> Communities and Local Government, British Geological Survey and Welsh Assembly Government (2009 and 2014) *Aggregate minerals survey for England and Wales*, <https://www.gov.uk/government/collections/minerals>. Discussion with the authors of these documents has revealed that the information does not represent a complete dataset from all mineral operators (Email correspondence with Mr T Bide at the British Geological Survey (7th August 2017) revealed that for 2009 responses were only received for two quarries in Worcestershire, and in 2014 for only 1 quarry). Significant caution must therefore be applied in relying on this data.

County Council and South Gloucestershire Council, and meetings of the West Midlands Aggregate Working Party over the course of 2015 concluded that cross-boundary movements of crushed rock into Worcestershire have occurred for some time and are likely to continue into the future, but that the level of supply has been relatively small and has not undergone notable fluctuation over time. They indicated that WCC should not pursue a production guideline for crushed rock which it is unlikely to be able to meet for the foreseeable future. Instead, the policy framework of the new Minerals Local Plan should contain policies which would enable crushed rock development to come forward on the basis of criteria based policy to meet an identified need, and Worcestershire's production guideline for crushed rock in its Local Aggregate Assessment should be reduced to 0 tonnes. The Mineral Planning Authorities and Aggregate Working Parties indicated that supplying Worcestershire's demand for crushed rock could be accommodated.

- 3.12. These outcomes were reflected in the subsequent Local Aggregates Assessments (using data up to the end of 2015, and the end of 2016) which were then circulated to the West Midlands, South West, South Wales and East Midlands Aggregate Working Parties for comment. A background document "*Crushed Rock Supply in Worcestershire – Summary of action undertaken under the duty to cooperate*" (September 2016) sets out the details of the discussions undertaken and is available at [www.worcestershire.gov.uk/mineralsbackground](http://www.worcestershire.gov.uk/mineralsbackground). This issue is also formally recorded within a Memorandum of Understanding between Gloucestershire County Council, Herefordshire Council and Worcestershire County Council (available under "Legal compliance" at [www.worcestershire.gov.uk/mineralsbackground](http://www.worcestershire.gov.uk/mineralsbackground)).
- 3.13. WCC's *Local Aggregate Assessment (using data covering the period up to 31/12/2016)*, which is the baseline for the MLP, therefore set a "production guideline" of 0 tonnes per annum for crushed rock. The MLP recognises these issues in Chapter 2 (Portrait of Worcestershire) and the reasoned justification accompanying policy MLP 11 (Steady and adequate supply of crushed rock), stating that "in the case of crushed rock, the baseline Local Aggregate Assessment identifies local information that indicates that [the] 'production guideline' should be 0 tonnes per annum. The Local Aggregate Assessment is produced annually and therefore the annual production guideline could vary throughout the life of the plan, but the constraints surrounding Worcestershire's crushed rock resources mean that crushed rock working at a significant scale is unlikely during the life of the plan and the production guideline is likely to remain as 0 tonnes per annum. However, the plan has been developed to be sufficiently flexible to adapt to any changes in the production guideline."
- 3.14. Discussions with surrounding mineral planning authorities since this approach was established have indicated that it remains the most appropriate solution for the Worcestershire Minerals Local Plan.
- 3.15. The constraints on Worcestershire's crushed rock deposits meant that there were no significant clusters of crushed rock resources which had not been screened out as being compromised which could be used to identify strategic corridors. The corridors which were identified around clusters of other mineral resources do not contain any crushed rock resources, and therefore there are no areas of search for crushed rock allocated in the MLP. This means that the MLP does not promote any locations for crushed rock development, but policy MLP 1 sets



criteria by which development outside of the strategic corridors would be considered acceptable in order to allow crushed rock applications to be assessed should they be put forward.

- 3.16. The targets set in the monitoring indicators for the MLP refer to the need for ongoing duty to cooperate discussions with surrounding Mineral Planning Authorities to ensure that, if Worcestershire does not have a crushed rock landbank of at least 10 years, they are able to continue to accommodate supplying Worcestershire's demand for crushed rock.

***Conclusion Matter 1. a) Provision of aggregate minerals:***

WCC considers that the matter of the provision of aggregate minerals has been fully explored under the duty to cooperate, and Worcestershire is making an appropriate contribution to the Managed Aggregate Supply System based on the data used to inform the Local Aggregates Assessment.

Neither WCC, nor the MLP itself, are seeking to rely on any other mineral planning authority to address any unmet need for sand and gravel. No other mineral planning authorities are seeking for Worcestershire to meet any unmet need other than by appropriate contribution to the Managed Aggregate Supply System.

WCC, and the MLP itself, are likely to need to rely on the Managed Aggregate Supply System to meet Worcestershire's demand for crushed rock resources, following full consideration of the issue under the Duty to Cooperate, but are enabling appropriate provision through criteria based policies.

There are no areas of disagreement between the mineral planning authority (Worcestershire County Council) and any of the relevant DtC bodies or additional signatories in relation to the provision of aggregate minerals.

Relevant bodies or additional signatories for Matter 1.a:

- Aggregate Working Parties:
  - West Midlands Aggregates Working Party
  - East Midlands Aggregates Working Party
  - South West Aggregates Working Party
  - South Wales Aggregate Working Parties
- Neighbouring mineral planning authorities:
  - Association of Black Country Authorities
  - Birmingham City Council
  - Dudley Metropolitan Borough Council
  - Gloucestershire County Council
  - Herefordshire Council
  - Shropshire Council
  - Solihull Metropolitan Borough Council
  - Staffordshire County Council
  - Warwickshire County Council
  - South Gloucestershire Council (not a neighbouring authority, but significant cross-boundary issues in relation to crushed rock)
- Worcestershire's city, borough and district councils:
  - Bromsgrove District Council
  - Malvern Hills District Council
  - Redditch Borough Council
  - Wychavon District Council
  - Wyre Forest District Council
  - Worcester City Council

## **b) Industrial minerals**

- 3.17. The National Planning Policy Framework requires minerals planning authorities to plan for a steady and adequate supply of industrial minerals. The industrial minerals which are found within Worcestershire are brick clay, silica sand, and salt (brine).
- 3.18. The National Planning Policy Framework suggests that in planning for a steady and adequate supply of industrial minerals, consideration should be given to maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment. It states that this should be reserves of at least 10 years for individual silica sand sites, or 15 years for silica sand sites where significant new capital is required, and at least 25 years for brick clay. It does not specify the appropriate timescales for reserves for the other industrial minerals found in Worcestershire.
- 3.19. Worcestershire plays a significant role in the supply of brick clay and clay products both locally and nationally. At the end of 2016 there were two clay sites in Worcestershire, both working clay from the Mercia Mudstone Group, and each with associated brickworks. Each of these clay workings has a stock of permitted reserves sufficient for the life of the plan.
- 3.20. WCC has co-operated with other mineral planning authorities about the provision of brick clay through the West Midlands Mineral Planning Authorities Non-Aggregate Minerals Discussion Group. This group gathered and discussed evidence about brickworks, extraction sites, supply requirements and permitted reserves to better understand cross-boundary relationships for brick clay in the West Midlands. WCC also supports the group's liaison with East Midlands authorities regarding imports and exports of brick clay to and from the West Midlands. The evidence and discussion did not reveal any cross-boundary supply issues for or from Worcestershire.
- 3.21. The MLP makes provision for the steady and adequate supply of brick clay and clay products. It includes areas of search for brick clay, policy MLP 12 recognises the need to maintain stocks of permitted reserves, to enable productive capacity to be maintained or enhanced, and to enable appropriate blends to be made, and the reasoned justification supporting policy MLP 12 highlights that campaign working and stockpiling of brick clay is a standard practice which can help to provide greater control over a brickwork's production schedule and plant efficiency.
- 3.22. Silica sands are essential raw materials for some industrial uses, and different types of silica sands have different combinations of chemical and physical properties which make them suitable for specific uses and different industries. Different types of silica sand are used in glass-making compared to those used in the foundry industry, and silica sands can also have a wide range of applications in other sectors including horticulture. In Worcestershire, a type of silica sand known as "naturally bonded moulding sand", or "foundry sand", occurs as a finer-grained horizon within the solid sand deposits of the Wildmoor Sandstone Formation in the north of the county around Kidderminster and Bromsgrove. Naturally bonded moulding sand was historically important in the foundry industry as it contains sufficient clay to give the mould strength without the addition of a bonding agent. Silica sand from Worcestershire is not used in glass manufacture or other industrial uses as different grades of silica sand are not usually interchangeable. Due to the increased industry use of high-silica, clay-free (washed) and synthetic sands as foundry sands which can more easily be controlled to meet precise specifications, only a small amount of silica sand is now

sold from Worcestershire for foundry uses. There is no industrial plant directly associated with the sites which produce silica sand in Worcestershire, but the small amount produced supplies multiple small foundries around the UK.

- 3.23. WCC has co-operated with other mineral planning authorities about the provision of industrial sands through a *Mineral Planning Authorities Industrial Sand Group*. The group acknowledges the different types and qualities of silica sand and the different uses, and agreed to use the term "industrial sand" to match mineral planning guidance. The role Worcestershire's silica sand resources currently play, or could play in future, are limited by the fact that they are naturally bonded moulding sands, whereas sands for manufacturing glass are of greater strategic importance.
- 3.24. Although Worcestershire does not play a significant role in the supply of silica sand for industrial uses due to low levels of demand for the type of silica sand found in the county, the MLP makes provision for the steady and adequate supply of silica sand. It includes areas of search for silica sand, policy MLP 13 recognises the need to both maintain stocks of permitted reserves and enable productive capacity to be maintained or enhanced, and the reasoned justification supporting policy MLP 13 highlights that stockpiling of silica sand as it is encountered when worked alongside aggregate sand and gravel could enable the mineral to be available for sale for industrial purposes.
- 3.25. Rock salt occurs in relatively thin beds at a significant depth in Worcestershire, it is unlikely that these deposits will be of commercial interest during the life of the plan. Although brine was extracted on an industrial scale in and around Droitwich by pumping until the 1970s, those operations were closed due to subsidence problems affecting Droitwich and the surrounding area. Brine is currently extracted on a small scale from one site in Worcestershire. This site formerly supplied a brine bath facility which closed in 2008 and now provides brine for the small-scale commercial production of edible salt. Significant increases in brine production are considered to be unlikely due to the difficulties of managing the risk of subsidence. As salt and brine have not been produced at a significant scale in Worcestershire for many years, this is not considered to have significant cross-boundary implications. Any proposals for salt or brine development would be considered under Policy MLP 15.

***Conclusion Matter 1. b) Provision of industrial minerals:***

WCC considers that the matter of the provision of industrial minerals has been fully explored under the duty to cooperate.

Neither WCC, nor the MLP itself, are seeking to rely on any other mineral planning authority to address any unmet need for brick clay to supply industrial facilities in Worcestershire, nor to prevent any cross-boundary movements of brick clay from supplying industrial facilities beyond the county boundary.

Neither WCC, nor the MLP itself, are seeking to rely on any other mineral planning authority to address any unmet need for silica sand to supply industrial facilities in Worcestershire, nor to prevent any cross-boundary movements of silica sand from supplying industrial facilities beyond the county boundary.

Neither WCC, nor the MLP itself, are seeking to rely on any other mineral planning authority to address

any unmet need for salt or brine to supply industrial facilities in Worcestershire, nor to prevent any cross-boundary movements of salt or brine from supplying industrial facilities beyond the county boundary.

No other mineral planning authorities are seeking for Worcestershire to meet any unmet need for industrial minerals.

There are no areas of disagreement between the mineral planning authority (Worcestershire County Council) and any of the relevant DTC bodies or additional signatories in relation to the provision of industrial minerals.

Relevant bodies or additional signatories for Matter 1.b:

- Neighbouring mineral planning authorities:
  - Association of Black Country Authorities
  - Birmingham City Council
  - Dudley Metropolitan Borough Council
  - Gloucestershire County Council
  - Herefordshire Council
  - Shropshire Council
  - Solihull Metropolitan Borough Council
  - Staffordshire County Council
  - Warwickshire County Council
- Member mineral planning authorities of the Industrial Sand Group:
  - Central Bedfordshire Council
  - Dorset County Council
  - East Cheshire Council
  - Hampshire County Council
  - Kent County Council
  - Norfolk County Council
  - North Yorkshire County Council
  - Nottinghamshire County Council
  - South Downs National Park Authority
  - Staffordshire County Council
  - Surrey County Council
  - West Sussex County Council
- Worcestershire's city, borough and district councils:
  - Bromsgrove District Council
  - Malvern Hills District Council
  - Redditch Borough Council
  - Wychavon District Council
  - Wyre Forest District Council
  - Worcester City Council

### **c) Building stone**

3.26. The National Planning Policy Framework does not set any guidelines for the levels of permitted reserves which are required for building stone. Worcestershire does not play a significant role in the supply of building stone but it is anticipated that demand may arise for building stone resources during the life of the plan for the repair and maintenance of historic buildings and structures, and to maintain vernacular styles in new construction and for

contemporary design requirements for new buildings as required by Local Plan policies and the Malvern Hills AONB and Cotswolds AONB Management Plans. Policy MLP 14 therefore seeks to enable an adequate and diverse supply of building stone, recognising that having a diverse stock of permitted reserves would enable industry to be responsive to the intermittent nature of demand for specific building stones, and that a relatively small stock of permitted reserves may be all that is required for the adequate supply of each type of material.

***Conclusion Matter 1. c) Provision of building stone:***

WCC considers that the matter of the provision of building stone has been fully explored and addressed under the duty to cooperate.

Neither WCC, nor the MLP itself, are seeking to rely on any other mineral planning authority to address any unmet need for building stone, nor to prevent any cross-boundary movements of building stone beyond the county boundary. No other mineral planning authorities are seeking for Worcestershire to meet any specific unmet need for building stone.

There are no areas of disagreement between the mineral planning authority (Worcestershire County Council) and any of the relevant DTC bodies or additional signatories in relation to the provision of building stone.

Relevant bodies or additional signatories for Matter 1.b:

- Neighbouring mineral planning authorities:
  - Association of Black Country Authorities
  - Birmingham City Council
  - Dudley Metropolitan Borough Council,
  - Gloucestershire County Council
  - Herefordshire Council
  - Shropshire Council
  - Solihull Metropolitan Borough Council
  - Staffordshire County Council
  - Warwickshire County Council
- Worcestershire's city, borough and district councils:
  - Bromsgrove District Council
  - Malvern Hills District Council
  - Redditch Borough Council
  - Wychavon District Council
  - Wyre Forest District Council
  - Worcester City Council
- Historic England

## Matter 2: Green infrastructure

- 3.27. At the time the development of the Minerals Local Plan commenced, the Worcestershire Green Infrastructure Partnership had produced a number of documents as part of a Green Infrastructure Framework, leading to the publication of a Green Infrastructure Strategy for Worcestershire. This evidence base strongly indicated that green infrastructure was a strategically important matter for the county that the Minerals Local Plan should consider and address.
- 3.28. The approach to green infrastructure in the Minerals Local Plan has been developed and consulted on at each formal stage of plan development. In addition to these formal consultations, WCC has engaged extensively with statutory DfC bodies (the Environment Agency, Historic England, and Natural England) and other green infrastructure experts through the *Worcestershire Green Infrastructure Partnership* and through a dedicated *Minerals Green Infrastructure Steering Group*. The steering group met regularly throughout the MLP's preparation to advise on the green infrastructure evidence base and policies.
- 3.29. The green infrastructure approach will help to ensure that, in making provision for the supply of minerals, the MLP also makes due allowance for the need to control any environmental damage to an acceptable level and sets out an overall strategy for how the pattern, scale and quality of mineral development will make sufficient provision for the conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and addressing climate change mitigation and adaptation.
- 3.30. The Publication Version MLP embeds a green infrastructure approach to minerals development, to ensure that green infrastructure protection and enhancement through the working and restoration of minerals sites is considered from the outset. This proactive strategy is a departure from traditional minerals planning, and has involved extensive co-operation between stakeholders. In summary, the MLP addresses green infrastructure through:
- Chapter 3 – Vision and objectives:
    - This chapter highlights that greater gains could be delivered by pursuing a co-ordinated approach than by considering sites individually, and that minerals development could help to address some of Worcestershire's important economic, environmental and social issues by working and restoring mineral sites in a locally beneficial way to address climate change mitigation and adaptation, enable and support healthy lifestyles, improve air quality, and conserve and enhance the natural, built and historic environment.
    - The vision aims for the winning, working and lasting legacy of minerals development in Worcestershire to be part of a holistic approach to delivering sustainable economic growth, supporting health and quality of life, and enhancing the built, historic, natural and water environment, that together contribute to the diverse character of the county and surrounding area.
    - The vision also aims for mineral working and processing to be focused in five strategic corridors so that the coordinated design, working and restoration of mineral sites will strengthen the distinctive character of each strategic corridor, as well as respecting the

site-specific context and addressing issues identified through effective community engagement.

- Objectives MO 2 to MO 6 together aim to protect and enhance the environmental and socio-economic function of Worcestershire's network of green spaces and natural elements (green infrastructure), the quality, character and distinctiveness of the built, historic, natural and water environment, the health, well-being, safety and amenity of people and communities, the vitality of the local economy, and ensure the prudent use of natural resources.
- Chapter 4 - Spatial strategy:
  - The Analysis of Mineral Resources which underpins the identification of the Areas of Search for sand and gravel was amended following responses to the Third Stage Consultation to filter out the land with national or international designations which should be afforded the highest level of protection. This means that the land with these high-level designations is not included for allocation within the areas of search in the Publication Version of the Minerals Local Plan.
  - Policy MLP 3 seeks to enable mineral development which will protect and enhance networks of green infrastructure throughout the life of the development, taking account of the local context, site specific opportunities, the impacts of climate change, and securing benefits for the long term.
  - Multifunctional green infrastructure priorities have been established for each of the strategic corridors (policies MLP 4 to MLP 8). These priorities will drive how mineral working and restoration takes place in order to maximise multifunctional green infrastructure gains at a landscape scale to benefit the environment, the economy and communities. The priorities have been tailored to each strategic corridor, which will help to maximise the benefits which can be delivered by mineral working and restoration and result in benefits across multiple sites that are greater than could be achieved by considering each site in isolation, whilst also being cost-effective for developers to implement. Identifying these priorities provides certainty to developers and decision makers as to the expectations for mineral working and restoration.
- Chapter 8 – Implementation and monitoring framework:
  - Monitoring indicators are set out to enable an assessment of whether the Minerals Local Plan is being implemented effectively and to ensure that the Plan's objectives are being met. Targets which will be monitored in the Authority Monitoring Report are set in relation to how site specific opportunities for each green infrastructure component have influenced the design of proposals, and how the green infrastructure priorities of the strategic corridors will be optimised by each development proposal. Further indicators are included to monitor the delivery of the priorities for each strategic corridor over the life of the plan.
  - The process which will be followed if any of these targets is missed is set out in Figure 8.1 of the MLP.

3.31. Delivering the MLP's vision for green infrastructure will require a broad consensus of support. Bringing together key stakeholders in the *Minerals Green Infrastructure Steering Group* has allowed for the green infrastructure approach to be tested and refined, and for potential conflicts between different green infrastructure components to be discussed and addressed. This



is likely to help to ensure the plan's deliverability by ensuring a common understanding in relation to the green infrastructure priorities of each strategic corridor and the expectations for individual planning applications.

- 3.32. WCC does not consider there to be any outstanding DtC issues relating to green infrastructure which have not been addressed, nor are there any areas of disagreement with any DtC bodies on the approach to embedding green infrastructure within the Minerals Local Plan. However, further cooperation is likely to be required to monitor the delivery of the green infrastructure priorities over the life of the plan.

***Conclusion Matter 2. Green infrastructure:***

WCC considers that the matter of green infrastructure has been fully explored and addressed under the duty to cooperate.

There are no areas of disagreement between the mineral planning authority (Worcestershire County Council) and any of the relevant DtC bodies or additional signatories in relation to green infrastructure.

Relevant bodies or additional signatories for Matter 2:

- Members of the green infrastructure steering group
  - Historic England
  - Environment Agency
  - Forestry Commission
  - Herefordshire & Worcestershire Earth Heritage Trust
  - Natural England
  - Nature After Minerals/RSPB
  - Worcestershire Wildlife Trust

### Matter 3: Safeguarding mineral resources, sites, and supporting infrastructure

- 3.33. Since minerals are a finite natural resource, the National Planning Policy Framework is clear that best use needs to be made of them to secure their long-term conservation, and that this requires planning policies to safeguard minerals resources of local and national importance so that they will not be sterilised by non-mineral development where this should be avoided, and to ensure that supporting infrastructure is not compromised. The safeguarding of mineral resources and supporting infrastructure has therefore been an issue of strategic importance throughout the preparation of the MLP, with a clear need to ensure consideration is given to the implications of the policies for other parts of the Development Plan and how they will be implemented by the City, Borough and District Councils in Worcestershire.
- 3.34. The issue of safeguarding has been included in all formal consultations on the MLP, enabling all stakeholders to share their views. In addition to the formal consultations, WCC has discussed safeguarding through the *Worcestershire Planning Officers Group* and the *Herefordshire and Worcestershire Development Management Officers' Group*, as well as through dedicated officer meetings and email and telephone liaison.
- 3.35. Because the safeguarding of minerals and minerals infrastructure could potentially prevent or delay other development coming forward, WCC has liaised with Worcestershire's city, borough and district councils to ensure the MLP's approach to safeguarding is appropriate. This included discussion on the requirements for safeguarding in national policy and guidance, and on the type and scale of non-minerals development proposals that could be affected, and how best to ensure that a proportionate approach is applied to safeguarding sites and resources, whilst allowing appropriate non-minerals development to come forward. Although mineral deposits extend up to and across county boundaries, the Mineral Consultation Areas do not cross the county boundary as this is beyond the remit of the Worcestershire Minerals Local Plan. However, the approach to mineral safeguarding has been discussed with neighbouring mineral planning authorities, and as the approach is broadly consistent with that applied or being proposed by neighbouring Mineral Planning Authorities, this will ensure non-minerals development in one administrative area should not needlessly sterilise mineral resources in another.
- 3.36. In summary, the MLP addresses safeguarding mineral resources, sites and supporting infrastructure through:
- Chapter 3 – Vision and objectives:
    - This chapter identifies that one of the purposes of the Minerals Local Plan is to address the need to safeguard locally and nationally important mineral resources, permitted mineral sites and supporting infrastructure from needless sterilisation by other development.
    - The vision states that Worcestershire's locally and nationally important mineral resources, permitted mineral sites and supporting infrastructure will remain available for future use, having been safeguarded against sterilisation by non-minerals development.
    - Safeguarding mineral resources, sites and infrastructure will contribute to Objective MO 1 (Enable the supply of minerals), MO 4 (Protect and enhance the health, well-

being, safety and amenity of people and communities), MO 5 (Protect and enhance the vitality of the local economy) and MO 6 (Ensure the prudent use of natural resources).

- Chapter 7 - Safeguarding mineral resources and supporting infrastructure:
  - Mineral Safeguarding Areas are identified and defined on the policies map for terrace and glacial sand and gravel, solid sand, crushed rock, brick clay and building stone. This includes resources which fall outside the strategic corridors, as they could be valuable resources for the future even though they are not the preferred resources to be worked over the life of this Minerals Local Plan. Mineral Consultation Areas are also identified and defined on the policies map in order to ensure consultation between the relevant Local Planning Authority and the Mineral Planning Authority before non-mineral planning applications are determined.
  - Policy MLP 31 seeks to safeguard locally and nationally import mineral resources in the Mineral Safeguarding Areas from being sterilised by non-mineral development. It sets out the information which will be required at planning application stage for proposals within the defined Mineral Consultation Areas in order for the local planning authority to make a balanced judgement about the potential mineral safeguarding impacts in comparison to the merits of the non-mineral development.
  - Policy MLP 32 seeks to safeguard permitted minerals sites, sites allocated in the forthcoming Mineral Site Allocations Development Plan Document, and supporting infrastructure sites from being sterilised by non-mineral development. It sets out the information which will be required at planning application stage for proposals within 250m of the boundary of any such site in order for the local planning authority to make a balanced judgement about the potential impacts on the development, operation or restoration of those sites and whether they can be satisfactorily mitigated.
  - Following the Third Stage Consultation, concerns were raised by some of the city, borough and district councils about Mineral Safeguarding Areas and Mineral Consultation Areas overlapping existing settlements and site allocations, and that this could conflict with implementing adopted Local Plans. The city, borough and district councils provided mapped data of site allocations and settlement boundaries, and WCC used these to refine the minerals safeguarding areas and minerals consultation areas to remove this conflict.
  - A set of exemptions is included in the Publication Version MLP to avoid creating an unnecessary barrier to types of development which are unlikely to cause needless sterilisation. These have been refined through discussion with the city, borough and district councils, and includes the exemption of sites allocated in Local and Neighbourhood Plans where safeguarding requirements have been ruled out during plan preparation.
  - In response to the Fourth Stage Consultation, Bromsgrove District Council and Redditch Borough Council questioned whether small scale developments should be included in the list of exemptions, as they were concerned that WCC may be inundated with technical assessments relating to these types of applications and that by not being exempt this would cause undue onus on applicants of small scale development and potentially impact on their viability. In the response document setting out the comments received and WCC's initial officer response to them, WCC stated that it is not considered appropriate to make these types of "small scale" developments exempt

from mineral safeguarding requirements because they could have a significant effect on sterilising mineral resources or supporting infrastructure, and the implications of these types of development will need to be considered on a case-by-case basis for decision makers to weigh the benefits of the proposed non-mineral development against the impacts on mineral resources and/or supporting infrastructure. The response also stated that developers should be encouraged to undertake pre-application discussions to explore the level of assessment which is likely to be required.

- Chapter 8 – Implementation and monitoring framework:
  - Monitoring indicators are set out to enable an assessment of whether the Minerals Local Plan is being implemented effectively and to ensure that the Plan's objectives are being met. Targets which will be monitored in the Authority Monitoring Report are set in relation to whether any non-mineral development is permitted against Mineral Planning Authority advice which would sterilise locally or nationally important mineral resources, mineral sites or supporting infrastructure sites.
  - The process which will be followed if any of these targets is missed is set out in Figure 8.1 of the MLP.

3.37. Discussions with the city, borough and district councils have also considered how to reflect the mineral safeguarding requirements in district Local Plans without leading to duplication or unintended ambiguity. The MLP suggests that mineral safeguarding requirements should be included in the city, borough, district and county councils' list of validation requirements (should they adopt them). WCC has commented on the draft text and proposed site allocations of the district-level Local Plans to ensure that they do not compromise the ability of minerals sites to operate effectively, and do not needlessly sterilise minerals resources. WCC also provided GIS shapefiles of minerals sites and infrastructure to ensure that district Local Plans could avoid these areas, or identify where safeguarding requirements would still apply and may therefore influence site design or delivery trajectories, when making site allocations.

3.38. WCC continues to promote early engagement with district LPAs whenever mineral safeguarding issues arise, and is committed to attending officer groups where the issues can be regularly discussed. WCC will continue to respond to formal and informal consultation on district Local Plan policies and site allocations where minerals safeguarding needs to be taken into account.

***Conclusion Matter 3. Safeguarding mineral resources, sites and supporting infrastructure:***

WCC considers that the matter of mineral safeguarding and its implications for non-mineral development have been fully explored and addressed under the duty to cooperate.

There are no areas of disagreement between the mineral planning authority (Worcestershire County Council) and any of the relevant DTC bodies or additional signatories in relation to mineral safeguarding.

Relevant bodies or additional signatories for Matter 3:

- Neighbouring mineral planning authorities:
  - Association of Black Country Authorities
  - Birmingham City Council
  - Dudley Metropolitan Borough Council
  - Gloucestershire County Council
  - Herefordshire Council
  - Shropshire Council
  - Solihull Metropolitan Borough Council
  - Staffordshire County Council
  - Warwickshire County Council
- Worcestershire's city, borough and district councils:
  - Bromsgrove District Council
  - Malvern Hills District Council
  - Redditch Borough Council
  - Wychavon District Council
  - Wyre Forest District Council
  - Worcester City Council

## 4. Duty to Co-operate bodies

4.1. The bodies with whom WCC must co-operate are specified in legislation. However, not all of these bodies are relevant to discussions in Worcestershire, as DtC activities are only required where they concern a "strategic matter". Set out below is a summary of how each of these bodies has been engaged, and which strategic matters are relevant to each body.

### Local Planning Authorities

4.2. The Local Planning Authorities (LPAs) in Worcestershire are Bromsgrove District Council, Malvern Hills District Council, Redditch Borough Council, Worcester City Council, Wychavon District Council, and Wyre Forest District Council. The three south Worcestershire authorities (Malvern Hills, Worcester and Wychavon) work together on overarching planning policy, including production of a joint development plan. As such, these three authorities have tended to engage with WCC collectively.

4.3. All of these LPAs have been engaged throughout the preparation of the MLP, and have been consulted at each formal consultation stage. As well as engagement through the *Worcestershire Planning Officers Group*, the *Herefordshire and Worcestershire Development Management Officers' Group*, the *Worcestershire Green Infrastructure Partnership*, and the *Worcestershire Local Nature Partnership*, the LPAs have attended dedicated MLP workshops and consultation events. There have also been one-to-one meetings, correspondence, and data-sharing between WCC and individual LPAs.

4.4. The relevant strategic matters for Worcestershire's LPAs are Matter 1 (provision of minerals) and Matter 3 (safeguarding of mineral resources, sites and infrastructure) with the focus of cooperation being to ensure that any conflict between the MLP and district Local Plans has been minimised. Consensus has been reached on these strategic matters and there are no outstanding areas of disagreement between WCC and the city, borough and district councils in Worcestershire.

4.5. The non-unitary LPAs beyond the Worcestershire boundary have also been consulted at each formal consultation stage, but no significant further engagement has been undertaken as no strategic issues with these LPAs have been identified. It is therefore not considered necessary for them to be additional signatories to this statement.

4.6. Further cooperation with the Local Planning Authorities within Worcestershire and those adjacent authorities in proximity to potential site allocations is likely to be required during the development of the Mineral Site Allocations Development Plan Document as it is progressed.

### Mineral Planning Authorities (county and unitary councils)

4.7. All of the adjacent mineral planning authorities have been engaged throughout the preparation of the MLP, and have been consulted at each formal consultation stage. As well as engagement through the *West Midlands Aggregate Working Party* and via the South West, East Midlands and South Wales Aggregate Working Parties, there have also been one-to-one meetings and correspondence between WCC and individual mineral planning authorities. Further engagement with neighbouring and other mineral planning authorities has also taken place through the *West*

*Midlands Mineral Planning Authorities Non-Aggregate Minerals Discussion Group, the Mineral Planning Authorities Industrial Sand Group.*

- 4.8. The relevant strategic matters for adjacent and other relevant mineral planning authorities are Matter 1 (provision of minerals) and Matter 3 (safeguarding of mineral resources, sites and infrastructure) with the focus of cooperation being to ensure that each authority's Local Aggregate Assessments and Minerals Local Plans are appropriately addressing the need for the provision of minerals, including through making an appropriate contribution to the Managed Aggregate Supply System, and that the plans include appropriate policies to safeguard mineral resources, sites and infrastructure. Consensus has been reached on these strategic matters and there are no outstanding areas of disagreement between WCC and the relevant mineral planning authorities (as listed under each strategic matter in Chapter 3).
- 4.9. As outlined under Matter 1(a), the provision of crushed rock from Worcestershire was a particularly significant strategic issue, and required extensive discussions with mineral planning authorities in the West Midlands, East Midlands, South West and South Wales Aggregate Working Parties. A background document "*Crushed Rock Supply in Worcestershire – Summary of action undertaken under the duty to cooperate*" (September 2016) sets out the details of the discussions undertaken and is available at [www.worcestershire.gov.uk/mineralsbackground](http://www.worcestershire.gov.uk/mineralsbackground). This issue is also formally recorded within a Memorandum of Understanding between Gloucestershire County Council, Herefordshire Council and Worcestershire County Council (available under "Legal compliance" at [www.worcestershire.gov.uk/mineralsbackground](http://www.worcestershire.gov.uk/mineralsbackground)). Consensus has been reached on this matter, with mineral planning authorities and AWP's indicating that supplying Worcestershire's demand for crushed rock can be accommodated through the Managed Aggregate Supply System, and Worcestershire's MLP also includes criteria based policies which could enable crushed rock development in the county should suitable planning applications be put forward. The targets set in the monitoring indicators for the MLP refer to the need for ongoing duty to cooperate discussions with surrounding Mineral Planning Authorities to ensure that, if Worcestershire does not have a crushed rock landbank of at least 10 years, they are able to continue to accommodate supplying Worcestershire's demand for crushed rock.
- 4.10. Further cooperation with the mineral planning authorities in proximity to potential site allocations is likely to be required during the development of the Mineral Site Allocations Development Plan Document as it is progressed.

## **The Environment Agency**

- 4.11. The Environment Agency (EA) was consulted at each formal stage of MLP development, has attended stakeholder engagement workshops, and has responded to all consultations except for the 4<sup>th</sup> *Call for Sites*. The EA has also been engaged through various informal consultations and through the EA's presence alongside WCC on the *Worcestershire Green Infrastructure Partnership*, *Worcestershire Local Nature Partnership* and the *Minerals and Green Infrastructure Steering Group*.
- 4.12. The relevant strategic matter for cooperation with the EA is Matter 2, green infrastructure. WCC has worked particularly closely with the EA on the development of evidence and policy on flooding and water quality, leading to the joint development of the Catchment Based Management

in Worcestershire Technical Background Document (June 2018) (available at [www.worcestershire.gov.uk/mineralsbackground](http://www.worcestershire.gov.uk/mineralsbackground)), which meant that flooding and water quality considerations have been able to be fully integrated as part of the green infrastructure approach in the MLP.

- 4.13. The EA has also provided advice and comments on the development of the Strategic Flood Risk Assessment.
- 4.14. Although there are no outstanding areas of disagreement between WCC and the EA, the EA is cooperating with WCC and Natural England to verify, and update as necessary, the evidence base in respect of the Severn Estuary international designations and the potential for functional linkages with land and watercourses in Worcestershire.
- 4.15. Further cooperation with the EA is likely to be required during the development of the Mineral Site Allocations Development Plan Document as it is progressed.

### **Historic Buildings and Monuments Commission for England (known as Historic England)**

- 4.16. The part of the Historic Buildings and Monuments Commission for England that engages with WCC for planning purposes has been known as Historic England (HE) since April 2015 (previously English Heritage). HE was consulted at each formal stage of MLP development, and responded to all consultations except for the *4<sup>th</sup> Call for Sites*. HE has also been engaged through various informal consultations and through the HE's presence alongside WCC on the *Worcestershire Green Infrastructure Partnership*, *Worcestershire Local Nature Partnership* and the *Minerals and Green Infrastructure Steering Group*.
- 4.17. The relevant strategic matters for cooperation with HE are Matter 1(c), provision of building stone, due to its association with heritage assets and importance in the character of the historic environment, and Matter 2, green infrastructure. WCC has worked closely with HE and WCC's Archive and Archaeology Service on how the historic environment could be integrated as part of the green infrastructure approach in the MLP. HE has also played a key role in refining the MLP's Historic Environment policy. There are no outstanding areas of disagreement between WCC and HE.
- 4.18. Further cooperation with HE is likely to be required during the development of the Mineral Site Allocations Development Plan Document as it is progressed.

### **Natural England**

- 4.19. Natural England (NE) was consulted at each formal stage of MLP development, and has responded to all consultations except for the *2<sup>nd</sup> Call for Sites* and the *4<sup>th</sup> Call for Sites*. NE has also been engaged through various informal consultations and through NE's presence alongside WCC on the *Worcestershire Green Infrastructure Partnership*, *Worcestershire Local Nature Partnership* and the *Minerals and Green Infrastructure Steering Group*.



- 4.20. The relevant strategic matter for cooperation with NE is Matter 2, green infrastructure, particularly in relation to how biodiversity and landscape considerations are integrated as part of the green infrastructure approach in the MLP.
- 4.21. NE has also provided advice and comments on the development of the Habitat Regulations Assessment. WCC and NE (with the Environment Agency) are continuing to cooperate to verify, and update as necessary, the evidence base in respect of the Severn Estuary international designations and the potential for functional linkages with land and watercourses in Worcestershire. There are no other outstanding areas of disagreement between WCC and NE.
- 4.22. Further cooperation with NE is likely to be required during the development of the Mineral Site Allocations Development Plan Document as it is progressed.

### The Mayor of London

- 4.23. Due to Worcestershire's geographical and functional separation from London, the Mayor of London was not consulted on the early stages of the preparation of the MLP. However, following changes to WCC's planning consultation database, the Mayor of London was added as a statutory consultee in 2018 and was consulted on the *Fourth Stage* consultation on the MLP. No response was received.
- 4.24. Due to Worcestershire's geographical and functional separation from London, no strategic issues requiring co-operation with the Mayor of London have been identified.

### The Civil Aviation Authority

- 4.25. The Civil Aviation Authority (CAA) was consulted at all formal consultation stages of the MLP. The CAA responded to the *Second Stage Consultation*, stating that "Other than the consultation required by Section 110 of the Localism Act 2011, it is not necessary to consult the CAA about Strategic Planning Documents (e.g. Local Development Framework and Core Strategy documents) other than those with direct aviation involvement (e.g. Regional Renewable Energy Plans)".
- 4.26. The MLP does not have direct aviation involvement, and no strategic issues requiring co-operation with the CAA have been identified.

### The Homes and Communities Agency (Homes England since 2018)

- 4.27. The Homes and Communities Agency (HCA) was not consulted on the First Stage or Second Stage consultations, but it was consulted on the *1<sup>st</sup> Call for Sites* in 2014, the *2<sup>nd</sup> Call for Sites* in 2015, the *Third Stage Consultation* in 2016 and the *Fourth Stage Consultation* in 2018. The HCA responded to the *1<sup>st</sup> Call for Sites* to confirm that it had no comments to make, nor any information to provide.
- 4.28. As the MLP does not make provision for housing, no strategic issues requiring co-operation with the HCA have been identified. WCC is confident that any issues that could affect housing sites in which the HCA has an interest would be identified through discussions with relevant LPAs.

## Primary Care Trusts / Clinical Commissioning Groups and National Health Service Commissioning Board

- 4.29. The Worcestershire Community Healthcare NHS Trust, the Worcestershire Health Authority and the Worcestershire Health & Care NHS Trust were contacted prior to the start of the development of the Minerals Local Plan to ask how they would wish to be contacted. As they are all members of the Worcestershire Partnership<sup>6</sup>, they requested for information to be disseminated through that Partnership. The Worcestershire Partnership was consulted on the *First Stage consultation, 1<sup>st</sup> Call for Sites, 2<sup>nd</sup> Call for Sites, Third Stage consultation and 3<sup>rd</sup> Call for Sites, 4<sup>th</sup> Call for Sites* and *Fourth Stage consultation*.
- 4.30. Primary Care Trusts (PCTs) were Duty to Cooperate bodies until they were abolished in 2013. These were replaced in the list of prescribed bodies with Clinical Commissioning Groups (CCGs) and the National Health Service Commissioning Board, and their functions were divided between CCGs and upper-tier local authorities (in Worcestershire this resulted in the formation of a Directorate of Public Health within Worcestershire County Council).
- 4.31. The County Council's Directorate of Public Health was consulted on the *1<sup>st</sup> Call for Sites, Third Stage consultation and 3<sup>rd</sup> Call for Sites, 4<sup>th</sup> Call for Sites* and *Fourth Stage consultation*. No consultation responses were received on any of these occasions. A *Health Impact Assessment* of the Minerals Local Plan was undertaken by WCC's Minerals and Waste Planning Team in cooperation with the Directorate of Public Health.
- 4.32. Worcestershire County Council's Healthy Communities Manager (Department of Adult Services and Health, prior to the formation of the Directorate of Public Health) was contacted in 2013 to request appropriate contact details for health matters, including for Clinical Commissioning Groups and NHS Commissioning Board. Contacts were provided for the West Midlands West Health Protection Team and the Centre for Radiation, Chemicals & the Environment (CRCE) at Public Health England. These contacts were consulted on the *Second Stage consultation, 1<sup>st</sup> Call for Sites, Third Stage consultation and 3<sup>rd</sup> Call for Sites, 4<sup>th</sup> Call for Sites* and *Fourth Stage consultation*, and the CRCE responded to the second stage consultation in support of the outlined amenity considerations.
- 4.33. Following changes to WCC's planning consultation database, the Worcestershire Acute Hospital NHS Trust, the Worcestershire Health & Care NHS Trust, the NHS Redditch & Bromsgrove Clinical Commissioning Group, the NHS South Worcestershire Clinical Commissioning Group, and the NHS Wyre Forest Clinical Commissioning Group were added as statutory consultees in 2018 and were directly consulted on the *Fourth Stage consultation* on the MLP. Worcestershire Acute Hospital NHS Trust responded to the Fourth Stage consultation and did not suggest any changes or raise any issues with the MLP. Neither the Worcestershire Health & Care NHS Trust nor any of the CCGs responded to the consultation.

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<sup>6</sup> The Worcestershire Partnership is the Local Strategic Partnership for the county. Worcestershire Partnership brings together local government, public services such as health, learning providers, police and probation, voluntary and community organisations and local businesses within Worcestershire. For further information about the Worcestershire Partnership, visit [www.worcestershire.gov.uk/partnership](http://www.worcestershire.gov.uk/partnership).

- 4.34. The MLP does not make provision for health facilities, and although the MLP includes development management (non-strategic) policies designed to protect health and well-being, and the strategic green infrastructure approach of the plan should provide health and well-being benefits through its consideration of access and recreation opportunities, no strategic issues requiring co-operation with the PCTs, CCGs or NHS Commissioning Boards have been identified.
- 4.35. Further cooperation with these bodies may be required during the development of the Mineral Site Allocations Development Plan Document as it is progressed.

### **Office of Rail Regulation / Office of Rail and Road**

- 4.36. The Office of Rail Regulation (ORR) became the Office of Rail and Road in April 2015. The ORR was consulted at all formal stages of MLP consultation, but made no responses. Specific engagement with rail industry has occurred through the consultation on WCC's *Rail Freight* background document. As the MLP does not propose any alterations to the rail network, no strategic issues requiring co-operation with the ORR have been identified. WCC is confident that any issues that could affect the rail network can be considered on a site-by-site basis against the non-strategic Development Management policies in the MLP.
- 4.37. Further cooperation with ORR may be required during the development of the Mineral Site Allocations Development Plan Document as it is progressed.

### **Transport for London**

- 4.38. Due to Worcestershire's geographical and functional separation from London, Transport for London (TfL) was not consulted on any formal stage of the MLP, as the MLP is extremely unlikely to affect, or be affected by, TfL's infrastructure. No strategic issues requiring co-operation with TfL have been identified.

### **Integrated Transport Authorities**

- 4.39. The West Midlands Passenger Transport Executive (known as CENTRO) was consulted on the Second Stage consultation, 1<sup>st</sup> Call for Sites, Third Stage consultation and 3<sup>rd</sup> Call for Sites, 4<sup>th</sup> Call for Sites and Fourth Stage consultation. CENTRO's functions were taken over by Transport for West Midlands (TfWM) in 2016. TfWM was consulted on the Second Stage consultation, 1<sup>st</sup> Call for Sites, Third Stage consultation MLP, 4<sup>th</sup> Call for Sites, and Fourth Stage consultation MLP.
- 4.40. WCC's highways team has also been consulted at each stage.
- 4.41. As the MLP does not propose any alterations to the strategic transport network, no strategic issues requiring co-operation with the ORR have been identified. WCC is confident that any issues that could affect the transport network can be considered on a site-by-site basis against the non-strategic Development Management policies in the MLP.
- 4.42. Further cooperation with TfWM may be required during the development of the Mineral Site Allocations Development Plan Document as it is progressed.

## Highways Authorities

- 4.43. The highways authorities in Worcestershire are the Highways Agency (which became Highways England in 2015) and Worcestershire County Council. Both the Highways Agency and WCC's Highways team were consulted at each formal stage of MLP development. The Highways Agency/Highways England responded to all formal consultations apart from the *1<sup>st</sup> Call for Sites*, *2<sup>nd</sup> Call for Sites*, and *4<sup>th</sup> Call for Sites*.
- 4.44. WCC is satisfied that it has engaged appropriately with the highways authorities regarding DtC issues, and is confident that any issues that could affect the transport network can be considered on a site-by-site basis against the non-strategic Development Management policies in the MLP.
- 4.45. Further cooperation is likely to be required during the development of the Mineral Site Allocations Development Plan Document as it is progressed.

## Marine Management Organisation

- 4.46. The Marine Management Organisation (MMO) was contacted prior to the start of the development of the Minerals Local Plan to ask how they would wish to be contacted. The MMO requested not to be consulted further, stating that *"the remit of the MMO's work reaches up to the mean high water springs mark along the coast and within any stretches of tidal river. Our maps indicate that there are no rivers within Worcestershire that are under tidal influence and as such this area is outside of the MMO's remit. We therefore do not feel it necessary to be consulted on any of the areas covered by the [Get Involved in Planning] questionnaire"*. However, WCC wrote to the MMO between the *First Stage* and *Second Stage* consultations, highlighting the Duty to Cooperate and setting out that, although WCC did not anticipate the plan affecting marine and tidal issues, there could be areas of interest for the MMO such as imports from marine dredged sand and gravel or aspects of our Habitats Regulations Assessment. The MMO were subsequently consulted on the *Second Stage consultation*, *4<sup>th</sup> Call for Sites* and on the *Fourth Stage consultation*. The MMO responded to the *Second Stage consultation*, recommending reference to marine aggregates be made in the MLP and highlighting information sources. The MMO responded to the Fourth Stage consultation with a standard response.
- 4.47. The relevant strategic matter for the Marine Management Organisation is Matter 1 (provision of minerals). As the MLP does not make provision for, or seek to rely on, marine aggregates, WCC is satisfied that it has engaged appropriately with the MMO. The Local Aggregates Assessment refers to imports of marine aggregates, and the MLP includes reference to marine-dredged material in the reasoned justification to policy MLP 32 on safeguarding mineral sites and supporting infrastructure, and also in the glossary.

## Local Enterprise Partnerships

- 4.48. All local authority areas within Worcestershire are within the Worcestershire Local Enterprise Partnership (WLEP). The three north Worcestershire areas of Bromsgrove district, Redditch borough, and Wyre Forest district also fall within the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP).

- 4.49. Both LEPs were consulted at all formal consultation stages (except for the GBSLEP, which was not consulted on the *First Stage consultation MLP*, and the WELP, which was not consulted on the *Third Stage consultation MLP*). No responses were received from either LEP on any of the consultations.
- 4.50. The MLP reflects the priority sectors of WLEP's Strategic Economic Plan. The GBSLEP's priority sectors are less likely to affect, or be affected by the Minerals Local Plan and have therefore not significantly influenced the MLP.
- 4.51. There are no outstanding areas of disagreement between WCC and the WLEP or GBSLEP.

### Local Nature Partnership<sup>7</sup>

- 4.52. The Worcestershire Local Nature Partnership (LNP) was not consulted by direct notification at the Minerals Local Plan's formal consultation stages, but WCC has actively engaged with the LNP, giving regular updates on the Minerals Local Plan at LNP meetings (including during the *First Stage* and *Third Stage Consultations*, and prior to the *Fourth Stage Consultation*), and encouraging LNP members to respond. No responses were received from the LNP on any of the consultations, but the LNP's meeting in September 2014 led to specific support for the Minerals Local Plan within the LNP Business Plan's indicative work programme.
- 4.53. WCC is satisfied that it has engaged appropriately with the LNP regarding DtC issues.
- 4.54. Further cooperation with the LNP is likely to be required during the development of the Mineral Site Allocations Development Plan Document as it is progressed.

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<sup>7</sup> In response to consultation on the draft of this document in September 2019, the chair of the Worcestershire Local Nature Partnership responded as follows: "I wish to confirm, as Chair of the Worcestershire Local Nature Partnership (LNP), that the LNP recognises that Worcestershire County Council has engaged with the LNP at various stages in the development of the Minerals Local Plan (MLP). Many of the LNP's members have been - and remain - actively involved in the MLP. But the way in which the LNP is constituted, and the fact that its members represent a wide variety of interests, means it would be inappropriate for the LNP to respond to consultations on this, or any other, Local Plan. We do, however, look forward to receiving continued updates on MLP progress and to helping to disseminate relevant information." The final version of this document has been circulated to the LNP, but it is anticipated that the LNP will not be able to provide formal agreement.

## **5. Conclusion**

- 5.1. WCC has demonstrated effective and ongoing engagement with Duty to Co-operate bodies throughout the preparation of the MLP. This engagement, both formal and informal, has helped to ensure that the submitted MLP takes full account of strategic matters, and these strategic matters have been dealt with rather than deferred.
- 5.2. WCC is committed to maintaining co-operation - both with statutory DtC bodies as well as wider stakeholders – as the MLP progresses to adoption and is implemented. Ongoing actions under the Duty to Co-operate will continue to be recorded regularly through WCC's Authority Monitoring Reports and will influence any future reviews of the Minerals Local Plan.
- 5.3. Further cooperation is also likely to be required during the development of the separate Mineral Site Allocations Development Plan Document.

**Appendix 1: West Midlands Aggregate Working Party's endorsement of the *Local Aggregate Assessment (using data covering the period up to 31/12/2016)***

**Urban Vision Partnership Limited  
Minerals & Waste Planning Unit**  
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Swinton, Salford, M27 5AS

**Phone** 0161 779 6096

**Email** [mike.halsall@urbanvision.org.uk](mailto:mike.halsall@urbanvision.org.uk)

30/05/2018

**Subject: WORCESTERSHIRE LAA USING 2016 DATA**

Dear Marianne

Thank you for affording members of the West Midlands Aggregate Working Party (AWP) the opportunity to provide comment on your Local Aggregate Assessment (LAA).

Each mineral planning authority (MPA) is obliged to participate in the operation of an AWP (National Planning Policy Framework (March 2012) (NPPF) paragraph 145 bullet point 2). One of the roles of the AWP is to consider, scrutinise and provide advice on the LAA of each MPA. There is no statutory provision for consultation on LAAs but the NPPF requires that the advice of the AWP is taken into account.

The AWP's provide an efficient consultation mechanism and will help MPAs demonstrate compliance with the Duty to Co-operate under the Planning & Compulsory Purchase Act 2004 (as amended) but this is not sufficient in itself to fulfil the Duty. MPAs do not have to accept the advice of the AWP, but the views of the AWP are capable of being a material consideration in the preparation of MLPs and in making decisions on planning applications.

Please see the attached report outlining our assessment of your LAA, which has been endorsed by the AWP.

Yours sincerely,



**Mike Halsall**

**West Midlands Aggregate Working Party Secretariat**

## Checklist

- Relatively simple in style (possibly 20/30 pages long)
- Clear data and consistent terminology
- An Executive Summary of key statistics and conclusions
- Information should be presented annually, as simply as possible
- LAAs should be produced annually
- Graphs and charts should be used where possible to illustrate trends
- The use of other relevant local information needs to be based on sound evidence that is not only relevant but is adequate, proportionate and up to date
- Year on year roll forwards could be via track changes to enable easy comparison with previous year's data

The PPG advises that an LAA should contain three elements:

- a forecast of demand for aggregates based on both the rolling average of 10 years sales data and other relevant local information;
- an analysis of all aggregate supply options as indicated by landbanks, plan allocations and capacity data; and
- an assessment of the balance between demand and supply.



Worcestershire Minerals Local Plan - Strategic matters considered to be relevant to each organisation, as set out in the Draft Duty to Cooperate Statement, incorporating the Statement of Common Ground, August 2019

	Organisation	Matter 1: Minerals provision			Matter 2: Green infrastructure	Matter 3: Safeguarding mineral resources, sites, and supporting infrastructure	No relevant strategic matters
		a) Aggregate minerals	b) Industrial minerals	c) Building stone			
Worcestershire's city, borough and district councils	Bromsgrove District Council	✓	✓	✓		✓	
	Malvern Hills District Council	✓	✓	✓		✓	
	Redditch Borough Council	✓	✓	✓		✓	
	Wychavon District Council	✓	✓	✓		✓	
	Wyre Forest District Council	✓	✓	✓		✓	
	Worcester City Council	✓	✓	✓		✓	
Neighbouring mineral planning authorities	Association of Black Country Authorities	✓	✓	✓		✓	
	Birmingham City Council	✓	✓	✓		✓	
	Dudley Metropolitan Borough Council	✓	✓	✓		✓	
	Gloucestershire County Council	✓	✓	✓		✓	
	Herefordshire Council	✓	✓	✓		✓	
	Shropshire Council	✓	✓	✓		✓	
	Solihull Metropolitan Borough Council	✓	✓	✓		✓	
	Staffordshire County Council	✓	✓	✓		✓	
Warwickshire County Council	✓	✓	✓		✓		
Other relevant mineral planning authorities	South Gloucestershire Council	✓					
Member mineral planning authorities of the Industrial Sand Group	Central Bedfordshire Council		✓				
	Dorset County Council		✓				
	East Cheshire Council		✓				
	Hampshire County Council		✓				
	Kent County Council		✓				
	Norfolk County Council		✓				
	North Yorkshire County Council		✓				
	Nottinghamshire County Council		✓				
	South Downs National Park Authority		✓				
	Staffordshire County Council		✓				
	Surrey County Council		✓				
	West Sussex County Council		✓				
Other adjacent Local Planning Authorities	Forest of Dean District Council						✓
	Tewkesbury District Council						✓
	Cotswold District Council						✓
	Stratford-on-Avon District						✓
	South Staffordshire District Council						✓
Aggregate Working Parties	West Midlands Aggregates Working Party	✓					
	East Midlands Aggregates Working Party	✓					
	South West Aggregates Working Party	✓					
	South Wales Aggregate Working Parties	✓					
Members of the green infrastructure steering group	Historic England			✓	✓		
	Environment Agency				✓		
	Forestry Commission				✓		
	Herefordshire & Worcestershire Earth Heritage Trust				✓		
	Natural England				✓		
	Nature After Minerals/RSPB				✓		
	Worcestershire Wildlife Trust				✓		
Other Duty to Cooperate Bodies	Mayor of London						✓
	Civil Aviation Authority						✓

	Homes and Communities Agency						✓
	Clinical Commissioning Groups						✓
	National Health Service Commissioning Board						✓
	Office of Rail and Road						✓
	Transport for London						✓
	Integrated Transport Authority (Transport for West Midlands)						✓
	Highways England						✓
	Worcestershire County Council Highways team						✓
	Marine Management Organisation	✓					
	Worcestershire Local Enterprise Partnership						✓
	Greater Birmingham and Solihull Local Enterprise Partnership						✓
	Worcestershire Local Nature Partnership				✓		