

# Annex 2: Duty to Cooperate

The 'duty to co-operate' requires local planning authorities to co-operate with other planning authorities and relevant bodies on planning issues that cross administrative boundaries to ensure that strategic priorities are properly coordinated and clearly reflected in individual Local Plans.

Details of the activities described in the main report that were undertaken by the Council in line with the Duty to Co-operate on the preparation of the Minerals Local Plan during 2013-2014 are set out in this section.

Responses received to the Second Stage Consultation on the Minerals Local Plan were given unique reference numbers and all points were addressed in the *Second Stage Consultation Minerals Local Plan Consultation Response Document* which can be downloaded from the "Previous Consultation Stages" section of Emerging Minerals Local Plan webpages at [www.worcestershire.gov.uk/minerals](http://www.worcestershire.gov.uk/minerals).

## ***Engagement with other Minerals and Waste Planning Authorities***

### West Midlands Resource (formerly Regional) Technical Advisory Body for Waste (RTAB)

One of the main mechanisms through which the Council liaised with other Waste Planning Authorities in the West Midlands was through the West Midlands Resource Technical Advisory Body for Waste (RTAB). The RTAB is a body made up of waste planning authorities and interests from the waste industry and voluntary and community sector. Because of the particularly close economic links between them the WMRTAB includes a representative from the East Midlands RTAB and vice versa. The Chairmen of the RTABs also meet regularly to share ideas and where possible, co-ordinate their efforts. The WM RTAB led on the preparation of the waste policies in the West Midlands RSS Phase Two Revision. Despite the demise of the regional governance structure, the WM RTAB continues to meet to discuss planning issues.

At the meetings of RTAB on 8<sup>th</sup> July 2013 and 25<sup>th</sup> September 2013<sup>1</sup> each authority gave a brief update on plan and development progress. The draft protocol<sup>2</sup> on the Duty to Cooperate was given further consideration. The Group felt that the effectiveness of RTAB's involvement in assisting with the Duty to Co-operate would be greatly enhanced if the protocol were to be agreed at high level by individual WPAs. The Deputy Leader of Worcestershire County Council signed the

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<sup>1</sup> Worcestershire County Council was not present at the meeting of 25<sup>th</sup> September 2013. Apologies were given but no update on plan and development progress.

<sup>2</sup> At the meeting of RTAB on 10th May 2012, it was agreed that the group's Terms of Reference should be amended to clarify that the duty to cooperate is a formal part of RTAB's role. A protocol has been agreed to make participants' role clear in this respect (e.g. commitment to actively contribute data on capacity and new permissions, to inform the RTAB AMR, which itself would illuminate regional/cross boundary issues). The Deputy Leader of the Council has signed the protocol on the Council's behalf and it was forwarded to the RTAB secretary on 6th November 2013.

protocol on the Council's behalf and it was forwarded to the RTAB secretary on 6<sup>th</sup> November 2013.

At the meeting of RTAB on 24<sup>th</sup> January 2014, a brief presentation was given on the Worcestershire Minerals Local Plan preparation and discussion was held. This resulted in informal confirmation and re-assertion of RTAB support for earlier regional policy stance that Construction and Demolition waste recycling made an important contribution to aggregate supply and that such facilities were appropriate in both urban and Green Belt locations.

Meetings of the RTAB are ongoing and Worcestershire County Council will continue to engage with other Waste Planning Authorities through this mechanism.

#### West Midlands Aggregate Working Party (AWP)

The National Planning Policy Framework expects Minerals Planning Authorities to "plan for a steady supply of aggregates by:

- preparing an annual Local Aggregate Assessment, either individually or jointly by agreement with another or other mineral planning authorities, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
- participating in the operation of an Aggregate Working Party (AWP) and taking the advice of that Party into account when preparing their Local Aggregate Assessment..."<sup>3</sup>

It also expects Minerals Planning Authorities to plan for a steady and adequate supply of industrial minerals by co-operating with neighbouring and more distant authorities to co-ordinate the planning of industrial minerals to ensure adequate provision is made to support their likely use in industrial and manufacturing processes.

Worcestershire County Council has been a member of the West Midlands Aggregate Working Party since it was formed and membership is still recommended by the NPPF.

On 18<sup>th</sup> October 2013 a meeting was held consisting of the "West Midlands" Planning Authority officer representatives (but not the minerals industry representatives) of the West Midlands AWP. This meeting confirmed the role of the AWP in giving advice on Local Aggregate Assessment (LAA) production, compliance with guidelines and 'fair share of burdens'. The potential for establishing a non-aggregate minerals group was also discussed. This meeting noted Worcestershire County Council's close working relationship with Herefordshire but that separate LAAs had been produced. It was also noted that Worcestershire's LAA has gone to Cabinet. Other LAAs in the region may be produced jointly (i.e. Shropshire with Telford & Wrekin, Staffordshire with Stoke on Trent, West Midlands unitary authorities).

This was the only meeting of the West Midlands AWP during the 2013-2014 monitoring period.

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<sup>3</sup> National Planning Policy Framework, paragraph 145

### Other Aggregate Working Parties

The following Aggregate Working Parties were contacted by direct mail regarding Second Stage Consultation:

- East Midlands AWP
- East of England AWP
- Greater London Authority AWP
- London AWP
- North East AWP
- North Wales AWP
- North West AWP
- South East AWP
- South Wales AWP
- South West AWP
- Yorkshire and Humber AWP

A response was received from East of England AWP (reference B027-2214), stating that notwithstanding any comments that individual members of the AWP may make on the Plan, the EEAWP does not believe that the content of this Plan will have any significant impact on the AWP area.

The Secretary to the South East AWP and London AWP telephoned to state that he would not be reporting the consultation to either AWP as there is no transfer of material. However, he suggested that we should consult Oxfordshire separately as there may be some road transported material with them. Oxfordshire County Council were contacted by direct mail but did not respond.

No response was received to the Second Stage Consultation from the other AWP's.

### Minerals and Waste Learning Group

The Planning Officers' Society manages a Minerals and Waste Learning Group which the Council subscribed to and attended all four meetings over the monitoring period (17<sup>th</sup> April 2013, 12<sup>th</sup> July 2013, 10<sup>th</sup> October 2013 and 15<sup>th</sup> January 2014). The group exists to discuss matters relating to members' statutory mineral and waste planning duties.

Each meeting includes a discussion of member councils' activities and progress in developing and adopting mineral and waste development plans and in determining associated applications. Discussions are not currently recorded as part of the duty to co-operate but in practice the meetings and subsequent email exchanges function as informal duty to co-operate meetings. Membership over the year included Bedfordshire and Central Bedfordshire shared planning service, Bradford, Derbyshire, East Sussex, Brighton and Hove, Essex, Hampshire, Hertfordshire, Lincolnshire, Northamptonshire, Nottinghamshire, Oxfordshire, Somerset, South Downs National Park Authority, Staffordshire, Surrey, West Berkshire, West Sussex and Worcestershire.

### Shropshire Council

No formal Duty to Co-operate meetings on Minerals and Waste issues were held during the monitoring period.

The Second Stage of Consultation on the Minerals Local Plan and accompanying background documents, including the Local Aggregates Assessment, ran November 2013 to January 2014. Shropshire Council was consulted by direct mail but did not submit comments.

It was also consulted informally on the following background evidence documents:

- Water transport – consulted in February 2014: no response received.

Herefordshire Council

An email discussion took place in April/May 2013 regarding the two counties' crushed-rock sales data which have been merged for many years, making it difficult to establish an average of past 10 years sales in the Local Aggregates Assessment. Discussion regarding the methodology led to agreement to maintain the RAWP "apportionment" to 2016, followed by average of past 10-years sales on the assumption that 2/3 of crushed rock has been produced by Herefordshire and 1/3 by Worcestershire. This division was included in the Local Aggregates Assessment for Worcestershire and formally approved by the Council's Cabinet on 6<sup>th</sup> June 2013.

A further email exchange took place in June 2013 regarding mineral development in the Malvern Hills and Herefordshire's Core Strategy policies M3 and M4. Discussion of wording and sharing data regarding the legislative context of the Malvern Hills led to minor amendments to policy wording and agreement that no conflict is anticipated between the emerging Worcestershire Minerals Local Plan and Herefordshire's emerging Core Strategy over mineral development in the Malvern Hills or the emerging plans and minerals issues generally.

Formal Duty to Co-operate Meeting on Minerals and Waste issues:

<b>Meeting details</b>	<b>Key issues and outcomes</b>
<p><b>Date:</b> 17.07.2013 County Hall, Worcester <b>Present:</b> Worcestershire County Council: Nick Dean Herefordshire Council: Victoria Eaton</p>	<p>Update on the status of Minerals Planning Policy preparation in both counties, status and principles of Local Aggregate Assessments, discussion of any complementary or conflicting issues or matters of concern, data availability and sharing:</p> <ul style="list-style-type: none"> <li>• Agreed that there are no conflicts or matters of concern between the councils' timetables or approaches, and that both counties would proceed on the basis of supplying the WMRAWP sub-regional apportionment up to 2016 followed by average of past 10-years sales.</li> </ul> <p>Discussion of complementary or conflicting issues and matters of concern:</p> <ul style="list-style-type: none"> <li>• No matters of concern.</li> <li>• Agreed that WCC intends to plan for supplying its share of both sand and gravel and crushed rock, but reliant on industry to make applications. If the minerals industry does not make applications for planning permission, Worcestershire will not meet the levels in its LAA, in which case the market will not be met. WCC does not seek to rely on other</li> </ul>

	<p>counties contributions to meet its LAA requirements, but if the market were to look to quarries in Herefordshire to meet some of this need, Herefordshire Council agreed that its landbanks and productive capacity are capable of supplying some of those needs without difficulty and it would not object to this.</p> <p>Data availability and sharing:</p> <ul style="list-style-type: none"> <li>• Agreed that WMRAWP's AMR is the best source of data.</li> <li>• For crushed rock, it is not possible to identify the amounts of crushed rock produced in each county. Agreed that maintaining the principle in the Hereford and Worcester Minerals Local Plan that 2/3 of the crushed rock production for the combined county came from old Herefordshire and 1/3 from old Worcestershire (this reflected Officer knowledge of past production trends) and was a realistic and sensible way to aim for future supply.</li> <li>• Agreed to maintain the principle that 2/3 crushed rock production from Herefordshire and 1/3 from Worcestershire as a realistic way to aim for future supply. In the long term, 10 years supply average will become meaningful and usable.</li> </ul> <p>Agreed that there were no conflicts between the 2 counties' approaches to the LAA.</p> <p>Agreed that future meetings would be useful to ensure compatibility between approaches and the use of data.</p>
<p><b>Date:</b> 17.06.2013 County Hall, Worcester</p> <p><b>Present:</b> Worcestershire County Council: Nick Dean, Marianne Joynes Gloucestershire County Council: Kevin Phillips, Lorraine Brooks Gloucestershire County Council and South West RAWP: Philip Hale Warwickshire County Council: Adam James, Eva Neale</p>	<p>Discussion of the status of MLP preparation in each county (mineral types, timetable, broad principles, matters of mutual interest);</p> <ul style="list-style-type: none"> <li>• Worcestershire County Council: <ul style="list-style-type: none"> <li>○ 2<sup>nd</sup> consultation will be a combination of "issues and options" and draft areas of search. LDS timetable highlighted.</li> <li>○ Plans to undertake a draft publication consultation were supported by Gloucestershire County Council as they had encountered difficulties at examination following a post-publication focused changes consultation.</li> <li>○ The plan will cover all minerals in the county, including hydrocarbons (even though unlikely that there will be economically viable Oil, Gas, Shale Gas or Brine resources in the county).</li> <li>○ The plan will run for 15 years and plans to</li> </ul> </li> </ul>

Herefordshire Council:  
Debby Klein

maintain landbanks at the end of the plan period. Gloucestershire take a similar view but discussion suggested that some other minerals plans were not providing a landbank beyond the plan period. PH noted that this had been discussed at AWP secretaries' meeting.

- Overall approach is a focus on restoration, tying in with Green Infrastructure priorities, and viewing quarrying as a temporary activity resulting in long-term landscape change. Gloucestershire noted that there would still be a requirement to establish need for minerals first, WCC agreed. Herefordshire supported having a Green Infrastructure policy.
- Intention to identify areas of search rather than specific sites in the plan. Currently analysing mineral resource data with the aim of identifying large areas which could be useful for green infrastructure. Possible that companies may put sites forward at the next consultation.
- Herefordshire Council:
  - Building stone resources are worked (Callow Hill Quarry for heritage repairs of sites including Goodrich castle, delves in the Black Mountains provide roof tiles and flagstones).
  - Clay resources have historically been worked but not commercially viable at present.
  - Large landbank for crushed rock and 2 sites. 1 main sand and gravel site.
  - Discussed the idea of a joint MPA approach to heritage minerals, e.g. allowing intermittent working. Discussion of how this could be adequately controlled to ensure small scale individual operations do not cumulatively become as detrimental as one large operation.
  - Most of the minerals in Herefordshire are located on borders with other authorities.
  - MLP is being replaced through the unitary Core Strategy (draft was published March 2013). Pre-submission consultation due late 2013, expecting examination in Spring 2014.
  - Core Strategy likely to be followed by a Natural Resources DPD covering renewable energy as well as minerals and waste.

	<ul style="list-style-type: none"> <li>• Gloucestershire County Council: <ul style="list-style-type: none"> <li>○ Criteria-based approach to building stone. Most building stone resources are in the Cotswolds and Forest of Dean. Problem identifying important heritage resources from the vast potential resources in Gloucestershire.</li> <li>○ GI policies for restoration not necessarily appropriate where resource areas are influenced by forestry commission management timescales of MOD airfield safeguarding.</li> <li>○ Mineral applications have been determined on some of the old MLP preferred areas and most policies and sites have been "saved". Most of the remaining plan is partly or fully NPPF compliant.</li> <li>○ Developing MCS was paused to concentrate on WCS. WCS was adopted November 2012, so work has recommenced on minerals plan. Consultation due December/January will contain strategic policies, site options, safeguarding options and options for other policy issues. Anticipating Publication in 2015.</li> <li>○ Policy framework will address coal and hydrocarbons should applications come forward.</li> </ul> </li> <li>• Warwickshire County Council: <ul style="list-style-type: none"> <li>○ Slightly behind Worcestershire in minerals plan preparation. Last stage was Revised Spatial Options in February 2009. 27 sites were proposed following call-for-site including sand and gravel, coal, building stone, Etruria marl and clay for cement, but no crushed rock sites. Some sites contentious and received over 1000 objections. Progress was paused to concentrate on waste plan which has now been found sound.</li> <li>○ Next stage will be a 'preferred options' style document with a preferred strategy, sites and development plan policies. There are currently not enough sand and gravel sites to meet the existing apportionment so will need to undertake a further call for sand &amp; gravel sites. Consultation due March 2014.</li> <li>○ Key issue is Sand and Gravel. There are only 3 active S&amp;G sites with limited</li> </ul> </li> </ul>
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reserves. The landbank for sand and gravel is estimated to be around 4 years. There is only one Crushed Rock site within Warwickshire, however the landbank for crushed rock is thought to be over 20 years.

- A sub-regional green infrastructure strategy has been out for consultation. Some mapping has been undertaken to identify opportunity areas and potential linkages and there will be an annex on biodiversity offsetting.

Potential for birdstrike (introduction of wetland increasing bird number near airfields) is a cross-boundary issue. Worcestershire does not have any commercial or military airfields, but Herefordshire has SAS at Hereford, Warwickshire has Birmingham, Coventry Wellesbourne and Long Marston airfields, and Gloucestershire has RAF Fairford.

Status of Local Aggregate Assessment preparation and principles:

- Worcestershire's LAA was approved by Cabinet. It is publicly available on Cabinet pages and MLP site. They are planning to meet the AWP sub regional apportionment (SRA) to 2016 and then afterwards rely on 10-year average which is slightly lower than the requirement to 2016.
- Crushed Rock data for Worcestershire is merged with Herefordshire and is not good so the 2 counties have decided to go on assumptions about the scale of provision, one third of production assumed to be historically from Worcestershire, 2/3 from Herefordshire.
- Worcestershire will make a policy provision to allow CR but in practice anticipate zero production so 10-year average will go down. Geologically resources exists in Worcestershire but appear to be either economically unviable or very difficult to deliver. If the industry doesn't provide sites in Worcestershire then would be looking for an acknowledgement that other MPAs could provide their share. Gloucestershire stated that if there is no active industry and no operators come forward with allocations then it is almost a meaningless exercise to try and make provision as there is no evidence to support it. Gloucestershire also highlighted that WCC could not rely on the crushed rock requirements being met from Gloucestershire. It is likely that the market is running low for such needs in the West



Midlands, but the options for future provision are potentially constrained and an additional contribution from Gloucestershire over and above the current supply pattern therefore cannot be relied upon in the long-term. Could sand and gravel and crushed rock substitutions be considered?

- Gloucestershire's draft LAA has been approved for targeted consultation with the minerals industry, AWP's and adjacent MPAs. A revised version will be presented as part of the consultation evidence package later in the year. There is the overarching LAA and an accompanying, more detailed baseline report.
- Data difficulty due to confidentiality restrictions affects many authorities.
- Gloucestershire's LAA figure for crushed rock is below the sub-regional apportionment and likely to reduce further due to economy and Drybrook remaining closed. Sand and gravel will also be lower as a number of sites come to an end. Big drop-off in production likely in both Gloucestershire and Wiltshire. 95-98% of Gloucestershire's sand and gravel production is in the upper Thames valley.
- There has not yet been an LAA produced for Herefordshire, it is in progress and being done as part of DPD work. Working along the lines of AWP apportionment but there is enough reserves within existing sites.
- Warwickshire is currently reviewing options. The intention is to produce an LAA before the next consultation. The Worcestershire methodology for calculating aggregates provision is considered sensible.

Discussion of any complementary or conflicting issues, matters of concern, and cross boundary initiatives;

- Waste was discussed:
  - Gloucestershire's proposed site for residual municipal waste was refused against officer recommendation. Cross-boundary flows of waste were discussed in the committee report.
  - Any further updates on waste matters can be managed by email communication as all parties have recently adopted waste plans.
- Nature conservation:
  - Warwickshire sub-regional green infrastructure out to draft plan.
  - Gloucestershire was producing a Strategic

Infrastructure Delivery Plan which would include Green Infrastructure but service cuts meant focus has been elsewhere.

- Cotswolds AONB have produced a position statement on mineral working.
- Worcestershire intend to develop their MLP in accordance with Cotswold and Malvern Hills AONB management plans.
- Imports / exports:
  - Difficult for Gloucestershire as minerals in the Cotswolds are virtually all in the AONB. Managed decline could be unsustainable as may increase road movements. Gloucestershire is an overall net exporter of crushed rock. Herefordshire commented that this cannot be controlled in a market environment.
  - Worcestershire and Herefordshire are not big exporters, Warwickshire export quite a bit of sand and gravel but import crushed rock. Warwickshire are the main supplier for the west midlands.
  - One Worcestershire sand and gravel quarry has exported by river/canal to a ready-mix plant in Gloucestershire, but Gloucestershire think this has not happened for some time.
  - Herefordshire is safeguarding railheads.

Data availability and sharing:

- Need to note river basin management plans.
- Information is collected for forward planning – can use it but not publish until published by RAWP. MPA is relatively sympathetic towards data use provided that the information published is collated.

Sites:

- MC Cullimore have requested a meeting with Gloucestershire. Call for sites data currently not in the public domain but some sites have been suggested in the north of Gloucestershire next to Worcestershire border.
- Areas of search in Gloucestershire and Worcestershire might be a cross-boundary link

Discussion of these issues did not result in any specific actions. Agreed that ongoing dialogue is necessary.

Supplementary information from Warwickshire showed inconsistencies in data which need investigation but could significantly impact Warwickshire's landbank,

	particularly for crushed rock. Therefore the County is not currently in a position to be able to assess any oversupply to other counties until this work has been carried out through our own LAA. If any supply over and above our own apportionment was requested by another Minerals Planning Authority, the onus would be on that MPA to provide robust evidence to justify that it could not supply its own needs first.
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The Second Stage of Consultation on the Minerals Local Plan and accompanying background documents, including the Local Aggregates Assessment, ran November 2013 to January 2014. Herefordshire Council was consulted by direct mail but did not submit comments.

It was also consulted informally on the following background evidence documents:

- Water transport – consulted in February 2014: no response received

Worcestershire County Council commented on Herefordshire Council's Local Aggregates Assessment in November 2013.

Warwickshire County Council

Formal Duty to Co-operate Meeting on Minerals and Waste issues

<b>Meeting details</b>	<b>Key issues and outcomes</b>
<p><b>Date:</b> 17.06.2013 County Hall, Worcester</p> <p><b>Present:</b> Worcestershire County Council: Nick Dean, Marianne Joynes Gloucestershire County Council: Kevin Phillips, Lorraine Brooks Gloucestershire County Council and South West RAWP: Philip Hale Warwickshire County Council: Adam James, Eva Neale Herefordshire Council: Debby Klein</p>	<p>See summary of key issues and outcomes set out above (under Herefordshire Council section).</p>

Informal discussions between officers about the content and progress of both counties' Plans were held at the WMRTAB meetings.

The Second Stage of Consultation on the Minerals Local Plan and accompanying background documents, including the Local Aggregates Assessment, ran November 2013 to January 2014. Warwickshire Council was consulted by direct mail but did not submit comments.

It was also consulted informally on the following background evidence documents:

- Water transport – consulted in February 2014: no response received

#### Gloucestershire County Council

An email exchange took place in February 2013 confirming the mineral sites in Worcestershire to appear in maps in Gloucestershire's Minerals Local Plan. Worcestershire confirmed the sites shown were correct and that there were no longer any operational quarries producing crushed rock or building stone in Worcestershire.

#### Formal Duty to Co-operate Meeting on Minerals and Waste issues

Meeting details	Key issues and outcomes
<p><b>Date:</b> 17.06.2013 County Hall, Worcester</p> <p><b>Present:</b> Worcestershire County Council: Nick Dean, Marianne Joynes Gloucestershire County Council: Kevin Phillips, Lorraine Brooks Gloucestershire County Council and South West RAWP: Philip Hale Warwickshire County Council: Adam James, Eva Neale Herefordshire Council: Debby Klein</p>	<p>See summary of key issues and outcomes set out above (under Herefordshire Council section).</p>

The Second Stage of Consultation on the Minerals Local Plan and accompanying background documents, including the Local Aggregates Assessment, ran November 2013 to January 2014. Gloucestershire County Council was consulted by direct mail. Gloucestershire County Council officers attended the open day in Bromsgrove on 4<sup>th</sup> December 2013 and submitted a response to the consultation (reference B018-2185). In their response, Gloucestershire suggested that preferred areas or specific sites may be required to provide certainty to both industry and communities, demonstrate deliverability and avoid putting pressure

on neighbouring authorities. Gloucestershire highlighted that potential development near to the county boundary could have cross-boundary implications which need to be considered at the next stage of plan preparation.

Gloucestershire County Council was also consulted informally on the following background evidence documents:

- Water transport – consulted in February 2014: replied stating that they had no specific comments, but referred us to their Transport Evidence Paper background document.

### Staffordshire County Council

Informal discussions between officers about the content and progress of both counties' Plans were held at the POS Mineral and Waste Learning Project Meetings and WMRTAB meetings.

The Second Stage of Consultation on the Minerals Local Plan and accompanying background documents, including the Local Aggregates Assessment, ran from November 2013 to January 2014. Staffordshire County Council was consulted by direct mail but did not submit comments.

It was also consulted informally on the following background evidence documents:

- Water transport – consulted in February 2014: no response received

### West Midlands conurbation "county" as Mineral Planning Authorities

The Second Stage of Consultation on the Minerals Local Plan and accompanying background documents, including the Local Aggregates Assessment, ran from November 2013 to January 2014. The West Midlands Unitary Authorities were consulted by direct mail but did not submit comments.

The authorities adjoining Worcestershire were also consulted informally on the following background evidence documents:

- Water transport – consulted in February 2014: A response was received from Dudley Metropolitan Borough Council, noting that none of the major waterways identified in the document run from Worcestershire into Dudley Borough, that the Black Country Core Strategy addresses identification and safeguarding of mineral related infrastructure, although it does not identify any specific water transport facilities, that Dudley MBC supports the principle of transporting minerals by other than the road network although opportunities for this are very much limited within the Black Country, and that Dudley MBC supports the general spirit and thrust of the emerging Worcestershire Minerals Local Plan Water Transport Consultation Document (Feb 2014), including in terms of the identified conclusions arrived at in Chapter 6 Conclusions.

### Second Stage Consultation on the Minerals Local Plan: Workshops

Worcestershire County Council proposed to hold two types of workshop during the consultation period:

- An industry workshop aimed specifically at operators to get an industry perspective and to focus on technical issues and deliverability.
- A green infrastructure workshop aimed at organisations involved in delivering and managing green infrastructure in and around the county to focus on the implementation and deliverability of our restoration aspirations.

These workshops did not take place as no expressions of interest were received for either event.

## ***Engagement with other planning authorities in Worcestershire***

Relevant issues were discussed with the City, Borough and District Councils in Worcestershire through meetings of the Herefordshire and Worcestershire Planning Officers Group (WPOG), and the development management Officers Group (known as DC Forum).

The DC Forum met on 13<sup>th</sup> May 2013, 9<sup>th</sup> September 2013, 2<sup>nd</sup> December 2013 and 3<sup>rd</sup> March 2014. The WPOG meeting of Policy Officers on 8<sup>th</sup> March 2013; discussions focussed on restoration considerations and the wider implications of and links between mineral and housing development. Subsequently, WPOG has met less frequently due to other groups being formed as a result of working with partners and LEPs.

Individual meetings have been held with representatives of each of the planning authorities in Worcestershire.

### Bromsgrove District Council

The Second Stage of Consultation on the Minerals Local Plan and accompanying background documents, including the Local Aggregates Assessment, ran November 2013 to January 2014. Bromsgrove District Council was consulted by direct mail but did not submit comments. However, officers did attend the open day which was held in Bromsgrove District Council's offices on 4<sup>th</sup> December 2013. They subsequently asked for clarification of whether there were any minerals issues for any of Bromsgrove's proposed development sites. WCC officers compared each site with known mineral resources and provided a commentary on each of the proposed development sites (10<sup>th</sup> December 2013). This identified one site which would require further assessment and advised on what the assessment should address.

Bromsgrove District Council was also consulted informally on the following background evidence documents:

- Water transport – consulted in February 2014: no response received

### Redditch Borough Council

The Second Stage of Consultation on the Minerals Local Plan and accompanying background documents, including the Local Aggregates Assessment, ran November 2013 to January 2014. Redditch Borough Council was consulted by direct mail but did not submit comments.

It was also consulted informally on the following background evidence documents:

- Water transport – consulted in February 2014: Response received noting that there are no commercial or cruising waterways within Redditch Borough's boundary and that Officers had no information on potential future funding schemes.

### Wyre Forest District Council

The Second Stage of Consultation on the Minerals Local Plan and accompanying background documents, including the Local Aggregates Assessment, ran November 2013 to January 2014. Wyre Forest District Council was consulted by direct mail, and their response (reference B007-1968) supported the restoration-led approach and close links with Green Infrastructure, and highlighted the District Council's Green Infrastructure Study and Strategy as an information source. WFDC supported the vision, objectives and strategic restoration priorities and supported the approach to identifying areas of search and safeguarding minerals.

Wyre Forest District Council was also consulted informally on the following background evidence documents:

- Water transport – consulted in February 2014: no response received

### South Worcestershire Authorities (Worcester City, Wychavon District and Malvern Hills District Councils)

The Second Stage of Consultation on the Minerals Local Plan and accompanying background documents, including the Local Aggregates Assessment, ran November 2013 to January 2014. The South Worcestershire Authorities were consulted by direct mail. Their response (reference B046-681,1623, 683) made many comments, broadly focused on:

- The need for policy criteria
- Adequate and steady supply of minerals, impact of housing numbers on demand, phasing of working and delivery milestones, concern at lower target after 2016
- Preference for identifying specific sites or preferred areas
- Appropriateness of protecting and enhancing Worcestershire's key economic sectors
- Need for references to sustainable transport and community engagement in the vision
- Maximising use of secondary and recycled materials, acknowledging imports and exports and comprehensive working of permitted reserves
- The need for high environmental standards throughout site life
- Transport, traffic impacts and the use of sustainable modes of transport
- Methodology for identifying areas of search
- Desire to input into restoration priorities and profiles
- Implications of mineral overlap with South Worcestershire site allocations for housing or employment land
- Potential impact on Malvern Hills, AONBs, Abberley Hills, Green Belt, landscape character
- Appropriateness of "restoration-led" approach
- Need for more information on safeguarding resources and infrastructure assets.

A meeting to discuss these matters further was held on 28<sup>th</sup> May 2014 where agreement was reached over how to proceed to address all of these matters.

The South Worcestershire Authorities were also consulted informally on the following background evidence documents:



- Water transport – consulted in February 2014: no response received

### "SPAIG" consultations

Through the Worcestershire "Strategic Planning and Infrastructure Group" (SPAIG) the council comments on applications made to the City, Borough and District councils for planning permission for strategically significant development in and adjoining the county and on emerging Plans. Alongside other matters including flooding, green infrastructure and highways, comments were made on the mineral and waste implications of 13 planning applications, 1 planning appeal, 2 SPDs and 6 Neighbourhood Plans during the monitoring year. These were:

- Planning applications:
  - 490 homes, etc. at Whitford Road, Bromsgrove (Bromsgrove, 13/0479)
  - 184 dwellings at Hanley Road, Malvern Wells (Malvern Hills, 13/00283/OUT)
  - Worcester West Urban Extension (Malvern Hills, 13/01049/OUT)
  - Land north of Taylor's Lane, south of and part north of Broomhall Way (Malvern Hills, 13/01617/OUT)
  - Land at Leamington Road, Broadway (Wychavon, W/13/00680/PN)
  - 130 dwellings etc. at Wyre Road, Pershore (Wychavon, W/13/01578/OU)
  - Plot 302 at Stonebridge Cross Business Park, Droitwich Spa (Wychavon, W/13/01959/PN)
  - 107 dwellings at Land off Tewkesbury Road and Rear of, College Road, Bredon (Wychavon, W/13/02148/OU)
  - 190 dwellings at Land to the West of Station Road including land to the North and West of, The Ford House, Station Road, Pershore (Wychavon, W/14/00219/OU)
  - 120 dwellings at Land Off, Dilmore Lane, Fernhill Heath (Wychavon, W/14/00367/OU)
  - 128 dwellings at Land at Gwillams Farm, Ombersley Road, Bevere (Wychavon, W/14/00401/PN)
  - Nelson Rd, Sandy Lane, Stourport (Wyre Forest, 13/0553/EIA)
  - Mixed use development at Weavers Wharf, Kidderminster (Wyre Forest, 13/0670)
- Planning Appeal
  - Proposed erection of 10 dwellings, land at Castle Lane, Holt Heath (Malvern Hills)
- SPDs
  - Wyre Forest Revised Design Guidance SPD
  - Redditch and Bromsgrove Infrastructure Delivery Plans
- Neighbourhood Plans
  - Application for the designation of a Neighbourhood Area from Broadway Parish Council
  - Chaddesley Corbett Neighbourhood Plan
  - Application for the designation of a Neighbourhood Area from Clifton upon Teme Parish Council
  - Application for the designation of a Neighbourhood Area from Kempsey Parish Council
  - Application for the designation of a Neighbourhood Area from Leigh and Bransford Parish Council

- Application for the designation of a Neighbourhood Area from Little Malvern & Welland Parish Council

## ***Engagement with other bodies***

### Open days

As part of the Second Stage Consultation on the Minerals Local Plan, three open days were held near the beginning of the consultation period to give the public a chance to find out more about the consultation, look at the background documents, and ask officers questions:

- Saturday 30<sup>th</sup> November 2013, 10:00 to 15:30 at Worcester Woods Country Park (7 attendees)
- Wednesday 4<sup>th</sup> December 2013, 14:00 to 20:00 in the Spadesbourne Suite at Bromsgrove District Council Office (21 attendees)
- Saturday 7<sup>th</sup> December 2013, 10:00 to 16:00 at Kidderminster Library (3 attendees).

The open days were attended by members of the public, representatives from Longdon, Queenhill and Holdfast Parish Council, Bromsgrove District Council officers, Gloucestershire County Council, Bentley Pouncefoot Parish Council, Belbroughton Parish Council and Hagley Parish Council.

Many in-depth conversations were held about detailed aspects of the plan. People were primarily interested in learning about resources and sites in their areas, and some looked at Areas of Search maps in detail. Following specific questions, electronic links and detailed maps were emailed to answer individual queries. A number of attendees took full consultation or summary documents and questionnaires away with them. There were also a lot of general questions asked about the consultation and the Minerals Local Plan.

### Workshops

Worcestershire County Council proposed to hold two types of workshop during the Second Stage Consultation period:

- An industry workshop aimed specifically at operators to get an industry perspective and to focus on technical issues and deliverability.
- A green infrastructure workshop aimed at organisations involved in delivering and managing green infrastructure in and around the county to focus on the implementation and deliverability of our restoration aspirations.

These workshops did not take place as no expressions of interest were received for either event.

### Worcestershire Local Enterprise Partnership (WLEP)

The Second Stage of Consultation on the Minerals Local Plan and accompanying background documents, including the Local Aggregates Assessment, ran November 2013 to January 2014. The WLEP was consulted by direct mail but did not submit comments.

WLEP was also consulted informally on the following background evidence documents:

- Water transport – consulted in February 2014: no response received

#### Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP)

The Second Stage of Consultation on the Minerals Local Plan and accompanying background documents, including the Local Aggregates Assessment, ran November 2013 to January 2014. GBSLEP was consulted by direct mail but did not submit comments.

GBSLEP was also consulted informally on the following background evidence documents:

- Water transport – consulted in February 2014: no response received

#### Worcestershire Local Nature Partnership (LNP)

The Worcestershire Partnership has been remodelled into a wider range of groups. One of the most relevant to the Minerals Local Plan is the newly formed Local Nature Partnership.

The Second Stage of Consultation on the Minerals Local Plan and accompanying background documents, including the Local Aggregates Assessment, ran November 2013 to January 2014. The LNP was consulted by direct mail via the LNP secretary. No comments were received.

### ***Joint activities and approaches***

The county and district planning officers in Worcestershire work closely together, through the Worcestershire Planning Officers Group, to address issues which are of importance to both county and districts, are better considered collaboratively, or impact on more than one district. This has included Continuing Professional Development training events, and work on evidence based research papers which have informed district and county planning policy. The County Council's Planning Team has also developed shared evidence based documents for use by the Districts and the County Council which have informed the development of the Waste Core Strategy and will inform the development of the Minerals Local Plan.

#### Green Infrastructure Partnership

The Worcestershire Green Infrastructure Partnership includes statutory agencies such as the Environment Agency, Natural England, Forestry Commission and English Heritage, local authorities, and voluntary sector organisations such as Worcestershire Wildlife Trust. Worcestershire County Council is a lead member of the Partnership and provides its secretariat. The GI Partnership has developed the Worcestershire Green Infrastructure Strategy and supporting evidence to guide the delivery of green infrastructure in the county through development, regeneration and environmental projects. The GI Partnership also works at the site level to influence development and ensure the successful delivery of ecosystem services.

Officers gave a presentation to the Worcestershire Green Infrastructure Partnership meeting of 29<sup>th</sup> January 2014, focusing on how Green Infrastructure was being embedded in the emerging Minerals Local Plan, particularly through site restoration.

### Minerals Green Infrastructure Steering Group

A steering group was established to assist with embedding the Green Infrastructure approach in the Minerals Local Plan. The group consists of:

- English Heritage
- Environment Agency
- Forestry Commission
- Natural England
- Nature After Minerals/RSPB
- Worcestershire Wildlife Trust
- Worcestershire County Council:
  - Strategic Planning & Environmental Policy
  - Ecology
  - Landscape
  - Development Management
  - Water/flooding
  - Countryside Access & Recreation
  - Historic Environment

Not all participants have attended all meetings, but all have been included on email circulations with agendas, minutes and draft documents for comment.

A number of meetings were held between the First Stage and Second Stage consultations to develop the Green Infrastructure approach:

#### **Meeting of 30th January 2013:**

- Exploratory meeting to discuss the pros, cons and practicalities of using GI principles and restoration potential to drive the development of the Minerals Local Plan. The group supported taking an innovative GI approach to minerals.

#### **Meeting of 10th April 2013:**

- Group members had contributed information to inform "Environmental Character Area Profiles". Officers had also been developing Areas of Search, and were using the issues and priorities from the Environmental Character Area profiles to establish the strategic priorities for each Area of Search.
- Two mock-examples were presented to the group to critique. An early draft of the vision and objectives was given to the group alongside a table setting out considerations under each objective showing which were likely to be addressed through policy criteria and which might be strategic priorities for areas of search. These were then looked at as "primary", "secondary" or "tertiary" priorities (working terms) for each of the areas. The group helped make amendments to the strategic priority groupings and suggested ways in which priority levels could be established.
- The group agreed that a habitat approach would be better than a species approach, and that landscape changes need to either be consistent with existing landscape character or be wholly different, not piece-meal degradation.
- Officers were to commence work on developing the areas of search and profiles. The group asked to be sent drafts and to meet to discuss and refine them in batches, preferably covering diverse areas of search in the first batch to try and iron out most of the major issues up front.

### **Meetings of 28th May 2013 and 11th June 2013:**

- A method statement setting out how strategic priorities, secondary priorities and tertiary priorities had been derived and a method for applying these to the Areas of Search were provided for group discussion:
  - Each aspect was discussed and the group made suggestions for refining the methods or the data used.
- Draft examples of Area of Search profiles were provided for group discussion:
  - The group agreed that the level of detail was appropriate.
  - The group discussed the interplay of the priorities, whether it was appropriate if the method resulted in some areas having lots of primary priorities, whether there was potential for conflict between priorities, whether minerals sites could deliver the priorities, and the need to bring out important issues in each Area of Search.
  - Further discussion looking at the examples raised points which needed to be refined in the method or data used, as well as individual points of interest for individual areas of search.
- The group agreed that a sub-group would meet to discuss landscape and heritage issues and methodology and report back.
- The group agreed that minerals officers would liaise with water interests to finalise methodology for water aspects.
- The group agreed that WCC's Environmental Policy team would consider the biodiversity aspect to finalise the methodology.
- The group agreed that WCC Minerals officers would pick up on the advice from these subgroups and consult the whole group on final methodology and worked examples through email and file sharing.

### **Meeting of 26<sup>th</sup> June 2013:**

- The Landscape and Historic Environment subgroup met to discuss the data and methodology for Landscape and Historic Environment aspects.
- For the historic environment, the data available in Historic Environment Assessments (HEA) and Historic Landscape Character Assessments (HLC) were discussed. The richer data in the HLC would be preferable, but it was decided that using it would need to many caveats as it is more appropriate at a smaller scale. A method was proposed using the HEA for the Second Stage Consultation with a view to revising if necessary.
- For landscape, it was decided to move away from developing a scoring matrix and instead to look at landscape types and the likely type(s) of mineral extraction and how restoration would fit in that landscape type. It was reiterated that wholesale change is likely to be preferable to piecemeal degradation landscape character. Landscape should not be given a priority level as per other aspects, but should be discussed upfront and influenced by the other priorities within it.

Members of the Green Infrastructure Steering Group also actively contributed to writing the Area of Search profiles and provided specific text for the Second Stage Consultation document.

### *The Environment Agency*

In addition to being a member of the Green Infrastructure Steering Group, the Environment Agency was consulted by direct mail on the Second Stage of

Consultation on the Minerals Local Plan and accompanying background documents, including the Local Aggregates Assessment, which ran November 2013 to January 2014.

In their response (reference B058-719), the Environment Agency supported the draft spatial portrait, suggesting greater reference to the Water Framework Directive and Flood Risk betterment, and supported the vision as being progressive and positively worded. They also supported the draft objectives, but suggested that explicit reference to 'Flood Risk' and 'betterment opportunities' would highlight their importance. Similarly, they supported the proposed policy issues, suggesting that future policy wording should commit to 'betterment opportunities'. They highlighted that the 'sequential test' would need consideration and guidance in emerging policy, but that a balance will be needed between locating workings in low flood risk areas and providing opportunities for meaningful flood alleviation. They supported the progressive approach to assigning restoration priorities to areas of search, but suggested flexibility would be needed to take account of site-level conditions which may not align with strategic priorities.

The Environment Agency was also consulted informally on the following background evidence documents:

- Water transport – consulted in February 2014: no response received.

*The Historic Buildings and Monuments Commission for England (known as English Heritage)*

In addition to being a member of the Green Infrastructure Steering Group, the Environment Agency was consulted by direct mail on the Second Stage of Consultation on the Minerals Local Plan and accompanying background documents, including the Local Aggregates Assessment, which ran November 2013 to January 2014.

In their response (reference B025-716), English Heritage welcomed references to background data. They noted that traditional building and roofing stone is fundamental to maintaining built heritage. They welcomed references to the historic environment throughout and particularly the specific objective, but suggested that a reference could be included within the vision. They highlighted that clarity will be needed to show how appropriate areas/sites have been identified ensuring the protection, conservation and enhancement of the historic environment. They welcomed the opportunity to work with us to ensure a positive legacy for the historic environment as a result of minerals development and restoration, and encouraged consideration of the historic environment as an overarching restoration principle. They also commented fully on the Sustainability Appraisal.

English Heritage was also consulted informally on the following background evidence documents:

- Water transport – consulted in February 2014: no response received.

### Natural England

In addition to being a member of the Green Infrastructure Steering Group, the Environment Agency was consulted by direct mail on the Second Stage of Consultation on the Minerals Local Plan and accompanying background documents, including the Local Aggregates Assessment, which ran November 2013 to January 2014.

In their response (reference B040-717), Natural England supported the section on the Environment in the Portrait of Worcestershire, particularly the inclusion of green infrastructure, and welcomed the environmental aspects of the draft vision and draft Objective 6. Natural England particularly supported the inclusion of policy criteria on the natural and historic environment, but suggested that Green Infrastructure and soils could also be included. They fully supported the GI-led approach to restoration. They also commented fully on the Sustainability Appraisal and Habitats Regulations Assessment.

Natural England was also consulted informally on the following background evidence documents:

- Water transport – consulted in February 2014: Natural England responded to say that "As a general principle the use of any waterways for transporting minerals should ensure protection and enhancement of the environment".

### The Mayor of London

The Mayor did not respond to the "Get involved in Planning" leaflet. No issues have been identified which require co-operation with the Mayor of London, therefore the Mayor was not consulted regarding the Second Stage Consultation.

### The Civil Aviation Authority

The Second Stage of Consultation on the Minerals Local Plan and accompanying background documents, including the Local Aggregates Assessment, ran November 2013 to January 2014. The Civil Aviation Authority was consulted by direct mail and responded (reference B001-863) setting out the CAA's areas of interest. No issues of conflict were identified.

### The Homes and Communities Agency

No issues have been identified which require co-operation with the Homes and Communities Agency. However, they were consulted by direct mail on the Second Stage Consultation on the Minerals Local Plan. No response was received.

### Clinical Commissioning Groups

The Primary Care Trusts and Acute Hospitals Trusts were sent the "Get Involved with Planning" survey and did not respond. The Primary Care Trusts have been disbanded and new Clinical Commissioning Groups set up. These are:

- South Worcestershire CCG
- Redditch and Bromsgrove CCG
- Wyre Forest CCG

A new single point of contact has been established to act as conduit for all liaison over health matters.

### The Office of Rail Regulation

The Second Stage of Consultation on the Minerals Local Plan and accompanying background documents, including the Local Aggregates Assessment, ran November 2013 to January 2014. The Office of Rail Regulation was consulted by direct mail. No response was received.

### Transport for London

No issues have been identified which require co-operation with Transport for London, therefore Transport for London was not consulted regarding the Second Stage Consultation.

### Integrated Transport Authorities

Centro was sent the "Get Involved with Planning" survey and did not respond. In retrospect, we do not consider this approach to be appropriate for statutory consultees and Centro was contacted by direct mail regarding the Second Stage Consultation. No response was received.

### Highways Authorities

The Highways Agency was consulted by direct mail regarding the Second Stage Consultation on the Minerals Local Plan. They responded (reference B003-2372) highlighting the Highways Agency's responsibilities in Worcestershire, requesting to be consulted as policies are developed to ensure adequate consideration is given to impacts on the Strategic Road Network.

WCC Highways were not sent the Second Stage Consultation in error. Subsequent discussion led to an individual contact being identified and the consultation material was forwarded on 12th June 2014 for comment. They responded to state they had nothing to add at this stage.

The Sustainable Schemes team<sup>4</sup> within WCC Highways was informally consulted on the Water Transport Paper in Winter 2014. They provided extensive comments relating to:

- solutions for mineral transport on the River Avon despite restrictions at the Tewkesbury locks,
- the River Severn being an underutilised waterway for freight,
- water transport being competitive for bulk materials such as minerals and could replace multiple lorry movements,
- problems with finding a suitable location for an freight interchange facility,
- the potential for water transport to access minerals which could otherwise cause issues with lorry movements on minor roads,
- the success of water transport of minerals to the Olympic site in London,
- the role of water transport to reduce risk to cyclists from HGVs on roads,

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<sup>4</sup> The Sustainable Schemes Team in Worcestershire County Council's Highways unit was contacted as a representative of the Freight Quality Partnership. The Sustainable Schemes team used to run and administer the Worcestershire Freight Quality Partnership and the Vale of Evesham FQP which included Warwickshire and Gloucestershire. Both these groups have ceased meeting although the Sustainable Schemes team remain in contact with individuals and the Road Haulage Association and Freight Transport Association local area representatives.



- the Inland Waterways Association's subgroup "Inland Waterways Freight Group" and its published statement of intent,
- the Local Transport Plan 3 and willingness to establish working groups for specific projects or issues if required,
- links to additional data and documents.

#### Marine Management Organisations

Following the receipt of the "Get Involved in Planning" questionnaire to update the Council's consultation database, the Marine Management Organisation (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."

On 12<sup>th</sup> December 2013 we wrote again to the MMO, highlighting the Duty to Cooperate and setting out that although we do not anticipate the plan affecting marine and tidal issues, there may be areas of interest for the MMO such as imports from marine dredged sand and gravel or aspects of our Habitats Regulations Assessment. They were also consulted on the Second Stage Consultation on the Minerals Local Plan. The MMO responded to the consultation (reference B016-2190) recommending reference to marine aggregates be included within the Plan and highlighting information sources.