

Report To: Planning Committee

Date of Meeting: 15 October 2014

Lead Member / Officer: Cllr David Smith, Public Realm
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Title: Position Statement: Minerals Landbank in
Denbighshire

1. What is the report about?

- 1.1. The Denbighshire Local Development Plan (LDP) was produced using the evidence base provided by the North Wales Regional Technical Statement (RTS). Since the Local Development Plan was adopted the Regional Technical Statement has been revised and the Regional Technical Statement 1st Review published. Welsh Government has issued a Policy Clarification Letter, CL-04-14, in response to the publication of the Regional Technical Statement 1st Review and this report considers the implications of these documents for the Denbighshire Local Development Plan.

2. What is the reason for making this report?

- 2.1 To agree a position statement in light of the publication of the RTS 1st Review and Clarification Letter CL-04-14 to demonstrate Denbighshire's commitment to contributing towards demand for minerals, in accordance with Minerals Planning Policy Wales paragraph 11.

3. What are the recommendations?

- 3.1. That Members agree the recommended position statement contained within paragraph 5.1 of this report.

4. Report details

- 4.1 Minerals Planning Policy Wales, paragraph 11, requires that each Mineral Planning Authority should ensure an appropriate contribution is made in its development plan to meeting local, regional and UK needs for minerals. Minerals Technical Advice Note 1: Aggregates, goes on to require that a minimum 10 year landbank of crushed rock and minimum 7 year landbank for sand and gravel should be maintained during the entire plan period of each development plan. As part of establishing the level of demand for aggregates, Minerals Technical Advice Note (MTAN) 1 requires the production of a Regional Technical Statement, the relevant parts of which would then be incorporated into development plans.

- 4.2 The Denbighshire Local Development Plan was produced using the Regional Technical Statement published in 2009, which recommended that no rock resource allocation is required at present (sic) and that an allocation of 1.0 Million tonnes (Mt) sand and gravel to cover at least a 12 year period should be made in the Local Development Plan. In response to the Regional Technical Statement the Local Development Plan included the identification of a Preferred Area, designated under policy PSE 17, within which applications for the extraction of up to 1 million tonnes of sand and gravel will be permitted, taking into account the level of need identified by the Regional Aggregate Working Party apportionment figures.
- 4.3 Since the Denbighshire Local Development Plan was adopted in June 2013, the North Wales Aggregates Working Party undertook a review of the Regional Technical Statement, culminating in the publication of the Regional Technical Statement 1st Review on the 1st August 2014. The Regional Technical Statement 1st Review includes a number of recommendations for each local authority which in some cases differs to those contained within the 2009 Regional Technical Statement. The advice for Denbighshire is that new allocations totalling 2.2 million for sand and gravel and 0.8 million for crushed rock should be identified within the Local Development Plan.
- 4.4 The RTS 1st Review identifies the need for primary land-won aggregates over a 25 period, until 2036. This is due to the need to ensure that Local Development Plans make sufficient provision throughout the full duration of the Local Development Plan. Minerals Technical Advice Note 1 states that “*A minimum 10 year landbank of crushed rock and minimum 7 year landbank for sand and gravel should ...be maintained during the entire plan period...Where landbanks already provide for more than 20 years of aggregate extraction, new allocation in development plans will not be necessary.*” When Minerals Technical Advice Note 1 was written it was presumed that a plan period would be 10 years.
- 4.5 The Welsh Government issued a Policy Clarification letter, CL-04-14 on 25/07/2014 in response to the publication of the Regional Technical Statement 1st Review. The Policy Clarification letter advises that given the Local Development Plan Period is 15 years, it would be prudent to conclude that where landbanks already provide for more than 25 years of aggregates extraction, new allocations in development plans will not be necessary. This is instead of the 20 years specified in Minerals Technical Advice Note 1 paragraph 49.
- 4.6 The Clarification letter also advises that the method of calculating landbanks using a 10 year sales average instead of a 3 year sales average is appropriate and that the exclusion of dormant sites from the landbank calculation is appropriate.

Implications for Denbighshire: Crushed Rock

- 4.7 The Denbighshire Local Development Plan period is between 2006 and 2021. Consideration therefore needs to be given to what the level of requirement would be over this period and 10 years beyond for crushed rock, not until 2036. The annual requirement for crushed rock is based upon an annualised apportionment of 0.89 million tonnes per year. Between 2011 and 2021 this equates to a requirement for 8.9 million tonnes and over a 20 (until 2031) year period this equates to 17.8 million tonnes, which is well below the 22.07 million landbank available (as at 31st December 2010).
- 4.8 **It is therefore considered that there is currently no need to identify an allocation for crushed rock in the Local Development Plan.** However, this will be monitored through the Local Development Plan Annual Monitoring to ensure that if a need arises an allocation can be identified, or, alternatively, it can be explored whether collaborative working with Conwy which has substantial surplus of crushed rock would be appropriate. It is considered possible that an allocation for crushed rock would be required in the next Local Development Plan period although this will depend upon the rate at which rock is extracted and sold from quarries in Denbighshire, the planning position of quarries within Denbighshire and whether collaboration with Conwy is agreed.
- 4.9 Furthermore, in Officer's view, the existing policy is able to deal with applications for mineral extraction without amendment given the wording contained within criteria (ii) and (iii). It is recommended that the Local Planning Authority adopt a position statement acknowledging the change in advice at the regional level and why no action is considered necessary at this moment in time.

Sand and Gravel

- 4.10 The 2009 Regional Technical Statement identified a need for sand and gravel, so, through the Local Development Plan process, a Preferred Area which exceeds 220ha was identified, within which applications for up to 1 million tonnes of sand and gravel extraction may be supported under policy PSE 17 subject to a number of tests including need. The Regional Technical Statement 1st Review identifies a need for 2.2 million tonnes over a 25 year period and assumes that the existing landbank is 0, excluding permitted reserves at Maes Y Droell Quarry which is a silica sand quarry, the output of which has industrial applications and is therefore not classified as an aggregate quarry.
- 4.11 Assuming that the regional need for sand and gravel is based upon this provision being made and that past sales of sand and gravel elsewhere in the region would effectively result in a negative theoretical landbank in Denbighshire, provision should be made over the period 2011-2021 (plus 7 years). Therefore, over the period of the Local Development Plan provision should be made for 1.7 million tonnes of sand and gravel. Policy PSE 17 already provides a shortfall according to the Regional Technical Statement (0.1 million tonnes by end of 2014). However, it is considered that there is sufficient scope within the preferred area identified on the proposals maps to meet the additional need identified by the Regional Technical Statement 1st

Review. In the event that this is demonstrated not to be the case the policy would need to be reviewed.

- 4.12 The wording of criteria (iii) of policy PSE 17 states that “Applications for the extraction of up to 1 million tonnes of sand and gravel will be permitted in Preferred Areas (identified on the proposals maps) taking into account the above criteria. Criteria (ii) states that “ *Applications for the extraction of aggregate minerals will only be permitted where it is necessary to maintain a stock of permitted reserves having regard to the Regional Aggregate Working Party apportionment figures....*”. In Officer’s view this wording provides sufficient flexibility to enable the Local Planning Authority to respond to any increase in demand.
- 4.13 Since the adoption of the Local Development Plan there has been no interest in Denbighshire for sand and gravel extraction received to date. There are existing sand and gravel quarries within the region which are meeting existing needs, therefore, whilst there is a need to ensure compliance with national policy, industry has not identified a pressing need in this location. In the absence of interest from the industry the identification of further areas or further investigation of the current Preferred Area is considered to be unnecessary. As with crushed rock it is recommended that this matter is kept under review through annual monitoring.

5. Recommendation

5.1 That members agree the following position statement:

Position Statement

There is currently no need to identify an allocation for crushed rock in the Local Development Plan due to existing landbanks within the Local Development Plan area which would meet the need for crushed rock until 2035. This matter will be kept under review to ensure that if a need arises an allocation can be identified or, alternatively, to explore whether collaborative working with Conwy would be appropriate.

Any additional requirement for sand and gravel identified by the Regional Technical Statement 1st Review shall be met through policy PSE 17. In the event that this is demonstrated not to be the case the policy shall be reviewed.

Appendix 1: Extract of the RTS and RTS 1st Review

Extract of the 2009 Regional Technical Statement (page 76)

Recommendation:

On the basis of the information available on permitted reserves and in the light of MTAN1 policy (para 49), and applying Method A and Method B apportionment, no rock resource allocation is required at present. However, in preparing Local Development Plans, consideration should be given to whether the factors in (para 4.16) above give rise to any requirement for resource allocations.

An allocation of 1.0 Mt sand and gravel in the Denbighshire LDP to cover at least a 12 year period should be made in liaison with Flintshire and where possible, outside the AONB. Steps should be taken to maximise the use of CD&EW as aggregates.

Sand and gravel and rock (especially limestone) deposits should be safeguarded in the LDP.

Extract of the RTS 1st Review 2014 (page17 of Appendix A)

Allocations required to be identified in the Local Development Plan

In order to address the resulting shortfalls, new allocations totalling at least 2.2 million tonnes for sand & gravel and at least 0.18 million tonnes for crushed rock will need to be identified within the LDP. In practice, the crushed rock allocation will probably need to be significantly greater than this, in recognition of scale of extraction needed to justify a new planning application, even for an extension to an existing quarry.