

## STATEMENT OF COMMON GROUND (SOCG)

***Facilitating the steady and adequate supply of aggregates and industrial minerals; meeting demand for other non-energy minerals; and delivering sustainable waste management across Herefordshire, Worcestershire and Gloucestershire.***

### **1. Purpose and scope of the SOCG**

- 1.1 This SOCG updates and replaces the Memorandum of Understanding between Herefordshire Council, Worcestershire County Council and Gloucestershire County Council, which was signed in 2019.
- 1.2 The purpose of this SOCG is to establish an overarching framework, setting out roles and responsibilities that will aid collaborative working on strategic matters relevant to the local minerals and waste planning authorities (otherwise known as the 'signatory authorities') of Herefordshire Council (HC), Worcestershire County Council (WCC) and Gloucestershire County Council (GCC). The SOCG helps to demonstrate how statutory obligations under the Duty to Cooperate (DtC) are being met<sup>1</sup>, specifically in respect of: facilitating the steady and adequate supply of land-won sand and gravel, crushed rock aggregates and industrial minerals; and the delivery of sustainable waste management throughout the geographical areas that make up the three signatory authorities.
- 1.3 The SOCG promotes the adoption of good practice partnership working, aimed at establishing a clear, mutually beneficial and consistent approach to evidence gathering and data interpretation on aggregate minerals and waste management matters across the three signatory authority areas. The information collected will primarily support local plan-making functions carried out by the signatory authorities, but may also contribute towards decision making with individual planning applications. Furthermore, published outputs may be of use at a strategic level. They may help to inform future aggregate supply or waste management

policy development undertaken sub-nationally or nationally by Aggregate Working Parties (AWPs)<sup>2</sup> and/or the National Aggregate Coordinating Group (NaCG) and/or groupings of WPAs brought together through joint working commitments, such as those set out in Statements of Common Ground, or revised terms of reference of Waste Technical Advisory Bodies (TABs).

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<sup>1</sup> Clause 110 of the Localism Act (2011) introduces an amendment to Part 2 of the Planning & Compulsory Purchase Act (2004), which imposes a duty to co-operate in relation to planning of sustainable development for local authorities and other prescribed bodies.

<sup>2</sup> The AWPs most likely to be affected/influenced by aggregate mineral information facilitated by the SOCG include: the West Midlands Aggregate Working Party (WM-AWP) and the South West Aggregate Working Party (SW-AWP).

- 1.4 This SOCG is centred on ensuring consistent, coordinated and effective collection, analysis and dissemination of information relating to:
- the annual supply of aggregates sourced from across the SOCG area;
  - the annual movements of waste across the SOCG area;
  - the evolution of aggregate supply trends over time (divided between indigenous sources, imports and exports) for each signatory authority;
  - the amount of land-based permitted aggregate reserves contained across the SOCG area;
  - the amount of permitted waste capacity across each signatory authority area;
  - the anticipated impact that remaining land-based permitted aggregate reserves or waste capacity may have on evolving supply trends; and
  - the implementation of land-use planning tools aimed at the effective management of mineral resources and waste infrastructure throughout the SOCG area (i.e. the safeguarding of minerals and waste infrastructure<sup>3</sup> and the avoidance of needless mineral sterilisation<sup>4</sup>).

## **2. Status of the SOCG**

- 2.1 The signatory authorities acknowledge that this SOCG is not a legally binding contract, but is a statement of intent, which creates a foundation for on-going co-operation between the signatories.
- 2.2. For the avoidance of doubt, this SOCG supports the preparation and/or revision of local plans but is not itself a policy document. Any policy-related matters contained in this SOCG should not be taken as setting the planning policy for any particular part of the SOCG area. Policy-making is a matter for each of the signatory authorities to decide through their local plans.

## **3. The geographic coverage of the SOCG**

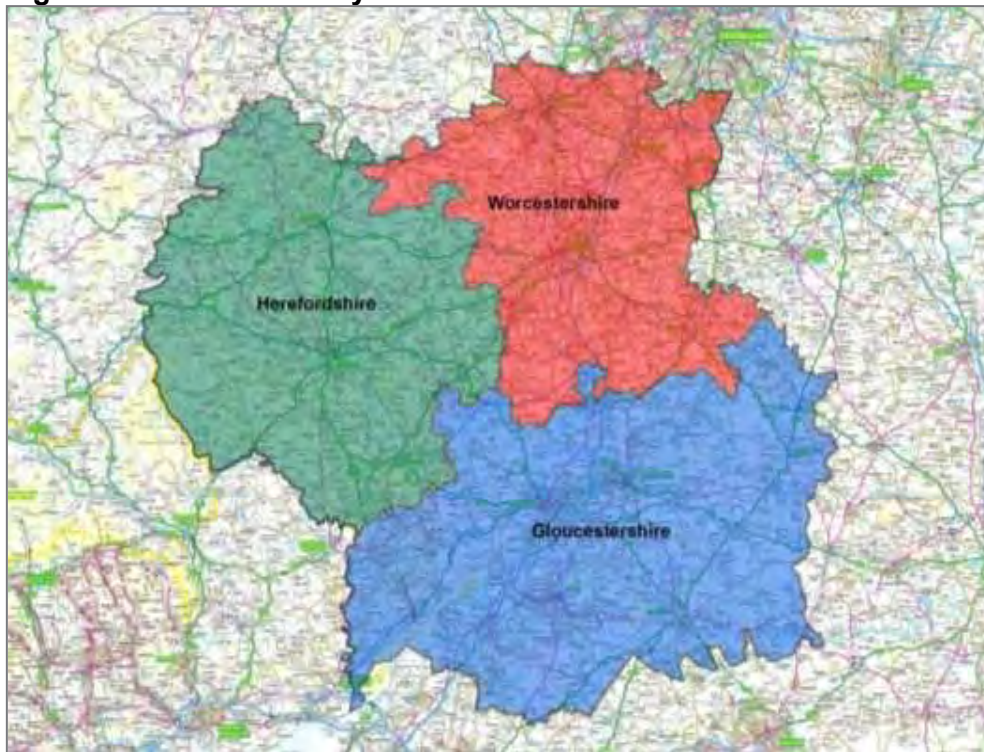
- 3.1 Figure 1 displays the geographic extent of the SOCG ('the SOCG area'). It is made up of roughly 650,000 hectares, covering the administrative boundaries of the three signatory authorities.
- 3.2 The SOCG area will be reviewed periodically to ensure it continues to remain appropriate and fit for purpose.

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<sup>3</sup> National Planning Policy Framework (July 2021) paragraph 210(e) and National Planning Policy for Waste (October 2014) paragraph 8.




<sup>4</sup> National Planning Policy Framework (July 2021) paragraph 210(c)

**Figure 1: SOCG boundary – ‘the SOCG area’**



**Key:**

The administrative authorities (mineral and waste planning authorities – signatories) contained within the SOCG boundary:

	Herefordshire Council (Unitary)
	Worcestershire County Council
	Gloucestershire County Council

**4. Current sales & reserves data, mineral resource & infrastructure safeguarding monitoring and waste data practices**

*Aggregate sales and reserves data*

- 4.1 There is an expectation that all MPAs across England will collect data on mineral sales and reserves in their area on an annual basis to inform their Local Aggregates Assessments (LAAs). LAAs may be incorporated within, or be published in addition to, Authority Monitoring Reports (previously known as Annual Monitoring Reports) (AMRs). Collated aggregate datasets at the sub-national level are also regularly published within Aggregate Working Party (AWP) annual reports. These include the outputs from signatory authorities within the relevant AWP area (West Midlands AWP for Herefordshire and Worcestershire and the South West AWP for Gloucestershire). In addition, there is a national four-yearly aggregate mineral (AM) survey. This is a commissioned study in England and Wales by central government and covers all signatories. It contains similar information on sales and reserves as collected annually by signatories and introduces data on the movement of aggregates (i.e. imports and exports) throughout the country and beyond. The most recent

AM survey took place in 2019<sup>5</sup>. At the sub-national level, land-won aggregate data across the three signatory authorities contributes towards the relevant AWP collations.

- 4.2 This information informs the scale of provision which needs to be made for aggregate minerals in each of the signatory authorities' mineral planning policy documents, and enables them to monitor delivery of their plans through AMRs.
- 4.3 There are instances where there are fewer than three producers of aggregate in an MPA. Where this is the case, data for reserves and sales in that area has to remain confidential due to commercial sensitivities. However, some information on general trends can usually be provided in these circumstances, or figures from a combined grouping of MPAs can be published.

#### *Waste data*

- 4.4 Data on various waste types, movements and landfill capacity is collected and published nationally by the Environment Agency. Additional information on Local Authority Collected Waste is collected by the relevant Waste Disposal Authority (WDA). WPAs may publish relevant waste figures within their AMRs.
- 4.5 Sub-nationally HC and WCC contribute towards the work of the West Midlands Resource Technical Advisory Body (TAB) and GCC contributes towards the South West TAB. There is no national policy requirement to participate within the TABs, but they assist waste planning authorities with cooperation and consideration of strategic issues in line with the duty to cooperate.
- 4.6 This information informs the scale of provision which needs to be made for waste management capacity in each of the signatory authorities' waste planning policy documents, and enables them to monitor delivery of their plans through AMRs.

#### *Minerals and waste safeguarding – national policy guidance*

- 4.7 National policy requires MPAs to prepare a local policy framework to ensure that the sterilisation of locally and nationally important mineral resources will be avoided and that mineral-related infrastructure will be safeguarded<sup>6</sup>. As a consequence, all MPAs must undertake necessary preparations to this effect when developing their suite of local mineral policies for the future.
- 4.8 National Planning Policy for Waste (NPPW) also requires all Local Planning Authorities to make sure that existing and future waste infrastructure is appropriately safeguarded<sup>7</sup>. For WPAs this means establishing a clear local policy framework and accurate spatial evidence base to assist local planning authorities discharge their waste management infrastructure safeguarding responsibilities.

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<sup>5</sup> [AMS 2019 \(MHCLG\)](#)

<sup>6</sup> The National Planning Policy Framework (NPPF) provides policy expectations concerning mineral sterilisation and infrastructure safeguarding.

<sup>7</sup> National Planning Policy for Waste (NPPW) paragraph 8 requires local planning authorities to ensure non-waste related development will not prejudice the implementation of the waste hierarchy and/or the efficient operation of existing waste management facilities and areas allocated for waste management.

### *Minerals and waste local plans - safeguarding*

- 4.9 The implementation of mineral resource and infrastructure safeguarding is ultimately carried out through the development management process at local level. This is largely concerned with assessing policy accordance with non-minerals development proposals and attributing appropriate weight to the issue during the decision making process.
- 4.10 For HC, as a unitary authority (both the minerals and waste and local planning authority), implementing a safeguarding strategy is a relatively simple exercise, centred on the effective application of local policy. In the case of WCC and GCC, which both operate under the two-tier structure of local government, a degree of further collaboration is necessary, with local city, borough and district councils acting as LPAs for the majority of non-minerals development proposals. The provision of and use of Mineral Consultation Areas (MCAs) as detailed in National Planning Practice Guidance is designed to assist with effective safeguarding in two-tier areas. Defining MCAs and the approach to notification of potential mineral sterilisation issues are being brought forward by GCC and WCC in their emerging mineral plans.
- 4.11 *Herefordshire*  
HC consulted on a publication draft (pre-submission) Minerals and Waste Local Plan (MWLP) from April to May 2021 and submitted it in March 2022 to the Secretary of State, along with a set of suggested main modifications and minor changes, to be considered during its Examination in Public.
- 4.12 The emerging MWLP contains Minerals Safeguarding Areas (MSAs) for areas of minerals resource and associated infrastructure, together with a policy that details the circumstances where proposals for non-minerals development within these areas will be supported. Similarly, the MWLP's waste strategy seeks to safeguard existing waste management facilities in locations that are consistent with the Plan's spatial strategy, including safeguarding against the encroachment of incompatible uses.
- 4.13 *Worcestershire*  
A new Worcestershire Minerals Local Plan underwent independent examination from December 2019 to May 2022 and is due to be considered for adoption by WCC in July 2022. It contains policies to safeguard mineral resources, mineral sites and supporting infrastructure, including the definition of MSAs and MCAs. Upon adoption, this will supersede the remaining "saved" policies of the 1997 County of Hereford and Worcester Minerals Local Plan. WCC's Waste Core Strategy was adopted in 2012 and contains policy to safeguard existing waste management capacity. Early stages for the review and revision of the Waste Core Strategy are scheduled in WCC's Mineral and Waste Local Development Scheme, but it is not yet known when this is likely to be submitted for examination or adopted.
- 4.14 *Gloucestershire*  
Mineral infrastructure and resource safeguarding throughout Gloucestershire is contained within the local policy framework of the Minerals Local Plan for Gloucestershire (2018 – 2032), which was adopted in March 2020 and is not subject to statutory review until 2025. For waste infrastructure safeguarding, a local policy framework is presently provided for within the adopted Gloucestershire Waste Core Strategy (2012-2027). An updated suite of safeguarded waste infrastructure referred to in local policy is published periodically within the Gloucestershire Annual Monitoring Report (GAMR). The most recent GAMR is for 2019 and 2020, and was published in early 2022. The Gloucestershire Waste Core Strategy is

being replaced by a comprehensive, county-wide Waste Local Plan. This new Plan should be in force by mid-2026. An early public consultation is expected later in 2022.

### *Authority Monitoring Reports (AMRs)*

4.15 The statutory AMR regime is the monitoring vehicle for all local policies – including those for mineral and waste infrastructure safeguarding and mineral resource safeguarding<sup>8</sup>. National Planning Practice Guidance advises on the principal role and function of AMRs. They should be published annually, made publicly available and assist in deciding whether local policies or plans need to be reviewed<sup>9</sup>. All of the signatories are subject to AMR requirements.

## **5. Collaborative working and the roles and responsibilities of the SOCG**

5.1 It is agreed by the signatory authorities: -

- That MPA-level monitoring data on sales and reserves for minerals sourced from within the SOCG boundary will be collected and kept up-to-date as regularly as possible.
- That each of the signatory authorities will collect monitoring data on the destination of aggregate sales, sourced from within their administrative boundary for those years when a national AM survey is carried out, and where possible will endeavour to collect similar data for the intervening years.
- To notify each other when undertaking public consultation on local development documents and other plans relevant to the carrying out of land-use planning functions, which could have an impact on: aggregate and/or industrial minerals; and/or other non-energy mineral supplies sourced from within the SOCG boundary and/or the delivery of sustainable waste management.
- To notify each other of planning proposals for minerals, waste and non-minerals development within their administrative area which could have a significant impact on other M&WPA areas with respect to the safeguarding of existing minerals & waste infrastructure and/or the avoidance of needlessly sterilising mineral resources.
- When appropriate, to meet and discuss minerals and waste-related planning issues raised by one or more of the signatories, which could have an impact on mineral supplies or sustainable waste management from within the SOCG boundary.
- To take account of accumulated monitoring data sourced from the SOCG boundary when developing local plan policy that will influence: provision for aggregates and/or industrial minerals; the availability of supplies of other non-energy minerals; and/or the management of waste, including in the production of supporting evidence reports and formal consultation documents.
- To take account of the outcomes of any discussions held between the signatories on minerals or waste-related planning issues when developing local plan policy that will

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<sup>8</sup> Authority Monitoring Reports (AMRs) are statutorily required under section 113 of the Localism Act 2011

<sup>9</sup> National Planning Practice Guidance (NPPG) Local Plans section, paragraph 065, reference ID: 61-065-20190723

influence: the provision of aggregates and/or industrial minerals; or the availability of supplies of other non-energy minerals; or the management of waste, including in the production of supporting evidence reports and formal consultation documents.

- To meet from time-to-time to review all aspects of collaborative working, including the roles and responsibilities set out in this SOCG and which affect the defined SOCG area (see section 3).

## **6. *Review***

6.1 All aspects of the SOCG will be subject to periodic review by the signatory authorities and amended as appropriate.

6.2 The signatory authorities agree to monitor the application of the principles set out in this SOCG and to develop more detailed arrangements between themselves, as and when required. This might include other Statements of Common Ground, or amendments to this SOCG covering, but not limited to, the following planning matters:

- Future potential for cross-border minerals (sand & gravel or crushed rock); development along or near to local authority administrative boundaries;
- Cross-border management of waste;
- Cross-border safeguarding of mineral resources;
- Cross-border safeguarding of mineral and/or waste infrastructure;
- Facilitating continued steady and adequate supplies of sand and gravel aggregates;
- Facilitating continued steady and adequate supplies of crushed rock aggregates; and
- Facilitating continued steady and adequate supplies of industrial minerals.

## **7. *Limitations of the SOCG***

7.1 The signatory authorities undertake to make every effort to secure the necessary cooperation on any identified strategic cross-boundary matters. By following the principles set out in this document and pursuing a collaborative approach wherever possible, it is expected that disputes relating to the collection, accumulation and presentation of data and its interpretation will be avoided or at least kept to an absolute minimum. However, it is recognised that there may not always be full agreement and the duty to cooperate does not require an agreement to be reached. Where differences arise, signatory authorities will take all reasonable steps to reach a mutually acceptable resolution.

7.2 For the avoidance of doubt, this SOCG does not restrict the discretion of any of the signatory authorities in the preparation of their development plans and associated documents, in their response to consultations or in the exercise of any of their statutory powers and duties. It is not a formally binding legal document and nothing in it shall serve to limit the discretion of a signatory authority or otherwise bind that signatory authority to a decision with which it does not agree.

**8. Signatories**



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Tracey Coleman - Interim Service Director for Economy and Regulatory Services  
Signed on behalf of Herefordshire Council  
Dated: 27 July 2022

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Emily Barker Head of Planning and Transport Planning  
Signed on behalf of Worcestershire County Council  
Dated: 28<sup>th</sup> July 2022

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Simon Excell, Assistant Director of Planning & Economic Development  
Signed on behalf of Gloucestershire County Council  
Dated: 1<sup>st</sup> August 2022