

West Midlands Resource Technical Advisory Body
Chair: Adrian Cooper, Shropshire Council

West Midlands Resource Technical Advisory Body

RTAB and the Duty to Co-operate

The Localism Act 2011 introduced a Duty to Co-operate, which is designed to ensure that all of the bodies involved in planning work together on issues that are of bigger than local significance. The bodies bound by this duty include local planning authorities, county councils, LEPs and the Environment Agency. Inspectors are looking for evidence of co-operation when considering the soundness of Development Plan documents. Such evidence might include joint plans or policies, a memorandum of understanding, or jointly prepared informal strategies.

The West Midlands Resource Technical Advisory Body (RTAB) is a group comprising waste planning and management officers of the Waste Planning Authorities (WPAs) in the West Midlands, the Environment Agency, representatives of industry including the waste management industry, and representatives of environmental organisations.

The role of the RTAB was given formal status in the Government's Planning Policy Statement (PPS) 10. Briefly, this role was to advise the Regional Planning Body on technical strategic waste planning issues. Consistent with this role, RTAB has in the past been proactive in commissioning technical work and preparing technical contributions to planning at the strategic level on behalf of constituent organisations. PPS10 is being reviewed and will be replaced by new planning policy guidance entitled 'Planning for Sustainable Waste Management'. This is likely to continue to stress the importance of close co-operation between WPAs.

RTAB continues to meet regularly (currently 3 times a year, but this is flexible according to demand), providing an invaluable opportunity for stakeholders to inform and involve each other regarding progress on waste plans and developments in the West Midlands. As such it brings together a wide range of expertise in what is a very specialist area of planning. RTAB also monitors waste management and planning trends, focussing on wider than local patterns and setting the context for plan making and monitoring at the local level.

RTAB's revised terms of reference and current membership (attached), adopted October 2013, include the following:

To 'support co-operation between waste planning authorities and others by providing objective and authoritative technical advice to waste planning authorities' and others;
also – 'where requested, provide informal comment and feedback on waste and sustainable resource management plans and proposals within the West Midlands and adjacent areas';
and 'work with individual local authorities, West Midlands Councils and Local Economic Partnerships (LEP's) to identify and address cross-boundary waste planning and waste management issues, including movements of waste, in a co-ordinated way'.

WPAs are invited to bring to RTAB at the appropriate stages in the plan-making process any significant cross-boundary issues, and to give notice of such matters and provide any relevant information in advance of the meeting. In its consideration of such issues, RTAB will explore to what extent the plan has analysed the available data to demonstrate that appropriate provision is being made for an amount of waste equivalent to that generated in its area, allowing for known imports and exports; and whether specific sites or areas are identified to make provision for waste management.

Technical secretary - Peter Field
0121 353 0903/ 07717 708349
field@clara.co.uk

West Midlands Resource Technical Advisory Body
Chair: Adrian Cooper, Shropshire Council

This activity is currently on an informal basis. It continues because of its perceived value amongst participant stakeholders. If it is to add full value in terms of the Duty to Co-operate, however, RTAB's role should be formally recognised by WPAs (and preferably others to whom the Duty to Co-operate applies).

Each WPA is therefore requested to confirm its commitment to support the work of RTAB as outlined above and set out in the attached terms of reference, by regular and active involvement in its meetings and agreeing to share relevant information.

I confirm that (insert local authority) endorses the role and will support the work of RTAB as set out above and in the attached terms of reference.

(signed)

On behalf of (insert local authority)


Herefordshire Council.

Position in Organisation:

Assistant Director

Technical secretary - Peter Field
0121 353 0903/ 07717 708349
field@clara.co.uk

Latham, James

From: Latham, James
Sent: 05 January 2015 10:56
To: Latham, James
Subject: FW: Duty to co-operate-Worcestershire Minerals Local Plan and Herefordshire Draft Core Strategy

From: Dean, Nick (BEC) [<mailto:NDean@worcestershire.gov.uk>]
Sent: 04 December 2014 09:56
To: Eaton, Victoria
Subject: FW: Duty to co-operate-Worcestershire Minerals Local Plan and Herefordshire Draft Core Strategy

From: Dean, Nick (BEC)
Sent: 14 May 2013 12:18
To: Schofield, Rebecca (BEC, Planning, Policy)
Subject: FW: Duty to co-operate-Worcestershire Minerals Local Plan and Herefordshire Draft Core Strategy

Please can you file this on the LAA file, thanks, Nick

From: Singleton, Kevin [<mailto:ks1@herefordshire.gov.uk>]
Sent: 13 May 2013 12:51
To: Dean, Nick (BEC)
Subject: RE: Duty to co-operate-Worcestershire Minerals Local Plan and Herefordshire Draft Core Strategy

Hi Nick

Having considered your approach and discussed it with Debby Klein we are happy with this and consider it would seem to be a sensible idea.

It would be useful to get together at some point to discuss duty to co-operate and future proposals.

Regards

Kevin

From: Dean, Nick (BEC) [<mailto:NDean@worcestershire.gov.uk>]
Sent: 24 April 2013 09:26
To: Singleton, Kevin
Subject: FW: Duty to co-operate-Worcestershire Minerals Local Plan and Herefordshire Draft Core Strategy

Dear Kevin

Worcestershire County Council will be writing to you formally about your draft Core Strategy separately but in the spirit of the Duty to co-operate I would to discuss one aspect of the plan in more detail separately, specifically your proposed policy M2.

Please treat these as Officer comments at present but I have advised the Head of Planning that we should support your proposed policy M2, in particular the retention of the sub-regional apportionments to 2016. Worcestershire County Council Officers will be recommending Worcestershire County Council's

Cabinet to do the same in its Local Aggregates Assessment, with a recommendation that the average of the last 10 year`s sales be used after 2016.

However you may recall that there are serious data deficiencies in the way crushed rock aggregate sales are recorded in both the WM Regional Aggregates Working Party`s AMRs and in the national Annual Minerals Raised reports. Specifically, that our two counties` sales are merged, it is not possible therefore for us to identify what the average of the individual county`s last 10 years` sales were. I have raised this with the Office for National Statistics re the PA1007 reports. They say that the two counties` data will be separated in future. In practice however , given the very small number of operating units both our counties` figures are still likely to be merged with someone`s. In practice there have not been applications for any new crushed rock quarries in Worcestershire since before 1990 and I do not anticipate Worcestershire producing any crushed rock in future (although we may be able to produce significant recycled and secondary aggregates to compensate). I do not however want to recommend to my Members that we should make no provision at all and for the purposes of the emerging Minerals Local Plan for Worcestershire I anticipate recommending that we plan to be capable of producing crushed rock and that our Local Aggregates Assessment for the foreseeable future includes an estimate of what we should produce. The Hereford and Worcester Minerals Local Plan was based on an assumption that 2/3 of the crushed rock production for the combined county came from old Herefordshire and 1/3 from old Worcestershire. The WM RAWP sub-regional apportionment took the same approach for 2001-2016. I would like to propose to my Members that we continue to plan for this proportion and my purpose in writing to you now is to ask if you will agree to our two counties continuing to plan for crushed rock provision on this basis. I attach an extract from our emerging Local Aggregates Assessment for your information setting out our proposed method.

Please could you inform me if you are happy with our proposed approach, it would be helpful if you could reply formally, I would like to record this correspondence as part of our Duty to co-operate records.

Yours sincerely
Nick

Extract from Draft Local Aggregates Assessment for Worcestershire (Version of 22nd April 2013)

- 1.1. *Sales data for crushed rock production is not available for Worcestershire due to the long standing confidentially arrangements agreed between the industry and government to protect operators' commercial interests. This means that sales data will not be released or published where there are less than 3 operational sites in an area. The last time there were three operating crushed rock producing quarries in Worcestershire was 2003 and since then crushed rock sales data for Worcestershire has been combined with that for Herefordshire. The same situation applies for Staffordshire and Warwickshire and their figures are now combined.*
- 1.2. *Figure 3.4 shows that the combined figures for crushed rock sales in Herefordshire and Worcestershire have declined in the past 10 years. This trend is true of all sub-regions within the West Midlands (see Figure 3.4).*
- 1.3. *The most recent data available is for 2010, however officers are aware that the only currently permitted crushed rock site in Worcestershire ceased operation in March/April 2012 and is currently being restored. There are therefore currently no operational crushed rock quarries in Worcestershire.*
- 1.4. *In the West Midlands Region as a whole crushed rock sales have halved in the last 15 years, with a decline in sales in all sub-regions except Shropshire.*

- 1.5. The demand forecast represents the minimum annual provision which should be made for crushed rock in Worcestershire. It will be used to assess the adequacy of supply and will inform the minerals local plan. It will also be a material consideration in the determination of planning applications.

Up to and including 2016

- 1.6. The annual sub-regional apportionment for crushed rock in Worcestershire is **0.163** million tonnes.

Beyond 2016

- 1.7. As the demand forecast will be based on a rolling 10 year average of sales data it is not possible to develop a static figure for provision beyond 2016. It is however useful to consider the current 10 years sales average to give an indication of the level of provision requirement that is likely.
- 1.8. In Worcestershire this is more complicated for crushed rock than it is for sand and gravel. Sales data for crushed rock production is not available for Worcestershire due to the long standing confidentially arrangements agreed between the industry and government to protect operators' commercial interests, which mean that sales data will not be released or published where there are less than 3 operational sites in an area.
- 1.9. The last time there were three operating crushed rock producing quarries in Worcestershire was 2003. Since then crushed rock sales data for Worcestershire has been combined with that for Herefordshire.
- 1.10. It is however known that between 1999 and 2001 about a third of crushed rock sales in the two counties were from Worcestershire and two-thirds from Herefordshire (RAWP Annual Report 2009). Average sales will therefore be calculated based on the assumption that one third of the combined crushed sales from Herefordshire and Worcestershire can be attributed to Worcestershire. If more accurate sales data becomes available or it is known that there are no crushed rock workings in the County this information will be used instead.
- 1.11. To try to clarify this situation, officers intend to contact operators in Herefordshire to request that they allow publication of this RAWP data separately for each county. The Council has also contacted the Office for National Statistics and had gained agreement that the AMRI 2012 survey would include separate details for Herefordshire and Worcestershire, rather than combining them as has been the case in the past. The published AMRI 2012 survey gives details of Worcestershire, however there are no figures included for Herefordshire. At this stage it is therefore not clear whether the data is for Worcestershire alone, or whether it still includes Herefordshire's figures.
- 1.12. The 10 sales averages for 2009 and 2010 respectively are set out in table 6 (**Note for Herefordshire Council, number of table may change**) below. The left hand column for each year shows the combined sales figures and the right-hand column shows the estimated sales figures for Worcestershire, based on the assumption that these account for a third of the total.

Table 6. Crushed rock sales average 2000-2010

Year	Crush rock sales			
	Herefordshire and Worcestershire	Worcestershire derived	Herefordshire and Worcestershire	Worcestershire derived
	2000-2009	2000-2009	2001-2010	2001-2010
2000	0.57	0.19	-	-

2001	0.57	0.19	0.57	0.19
2002	0.5	0.167	0.5	0.167
2003	0.42	0.14	0.42	0.14
2004 (est.)	0.46	0.153	0.46	0.153
2005	0.29	0.097	0.29	0.097
2006	0.3	0.1	0.3	0.1
2007	0.366	0.122	0.366	0.122
2008	0.216	0.072	0.216	0.072
2009	0.224	0.075	0.224	0.075
2010	-	-	0.2	0.667
Average	-	0.131	-	0.118

- 1.13. As you would expect there is no significant variation in the averages from year to year. It is therefore possible to say with some certainty that unless there is a significant increase in sales to similar level to those seen in the 1990s and early 2000s, demand forecasts beyond 2016 are likely to be at a lower level than the provision requirements up to and including 2016. There have been no permissions for, and no known interest in, working crushed rock in Worcestershire in recent years so any increase in sales in the near future is considered unlikely.
- 1.14. There is a notable difference between the apportionment figures up to and including 2016 and the current 10 years sales average, with the sales average being over 30% less than the apportionment. These needs to be carefully monitored, however it is considered appropriate to continue to use the apportionment up to 2016 as this is based on a robust data set.

Analysis of supply

- 1.15. The current sub-regional apportionment for Worcestershire is 0.163 mt per annum. However with limited sales data it is difficult to assess whether Worcestershire is meeting this apportionment.
- 1.16. The most recently published landbank figure for crushed rock in Worcestershire was **3.31** years in 2003. Later data cannot be published for the County due to the confidentiality of this information.

Assessment of the balance between demand and supply

- 1.17. The National Planning Policy Framework requires that Mineral Planning Authorities maintain landbank of at least 10 years for crushed rock. The landbank in 2003 was only a third of this and since then only one application for crushed rock has been permitted^[1]. That permission was to deepen an existing quarry to release approximately 100,000 tonnes of reserves of limestone. The site has now been fully worked and is currently being restored. This means that there are no other permitted crushed rock reserves in Worcestershire, and that Worcestershire's current landbank for crushed rock is therefore 0 years.

Action to address the shortfall in supply

- 1.18. The ability to increase the landbank in Worcestershire depends on the industry coming forward with proposals. No permissions for crushed rock workings have been refused by the Council in the last 10 years and there has been know no interest in working crushed rock in the County in recent years.

1.19. *This could be due to the quality of resources in the County, however it is possible that the absence of areas of search for hard rock in the current minerals local plan could be a contributing factor. Preparation of a new minerals local plan is currently underway. During the development of this plan alternative approaches will be considered with a view to enabling the appropriate working of crushed rock in the County.*

Confidentiality Notice

This message and any attachments are private and confidential and may be subject to legal privilege and copyright. If you are not the intended recipient please do not publish or copy it to anyone else. Please contact us by using the reply facility in your email software and then remove it from your system.

Disclaimer

Although this email and attachments have been scanned for viruses and malware, Worcestershire County Council accepts no liability for any loss or damage arising from the receipt or use of this communication.

Monitoring of Email

Worcestershire County Council may monitor traffic data and the content of email for lawful business purposes.

^[1] October 2008: Fish Hill Quarry, Broadway.

“Any opinion expressed in this e-mail or any attached files are those of the individual and not necessarily those of Herefordshire Council, Herefordshire Primary Care Trust, Wye Valley NHS Trust or 2gether NHS Foundation Trust. You should be aware that Herefordshire Council, Herefordshire Primary Care Trust, Wye Valley NHS Trust & 2gether NHS Foundation Trust monitors its email service. This e-mail and any attached files are confidential and intended solely for the use of the addressee. This communication may contain material protected by law from being passed on. If you are not the intended recipient and have received this e-mail in error, you are advised that any use, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited. If you have received this e-mail in error please contact the sender immediately and destroy all copies of it.”