

## WEST MIDLANDS AGGREGATES WORKING PARTY

### MINUTES

1:45pm Tuesday 24<sup>th</sup> June 2014 Venue: De Birmingham Room, St Martin in the Bull Ring, Birmingham B5 5BB

#### 1 Introductions and apologies

##### Present:

Adrian Cooper, Shropshire (Chair from Item 2)  
Tony Lyons, Warwickshire  
David Piper, Dudley  
Maurice Barlow, Solihull  
Matthew Griffin, Staffordshire  
Mark Watkins, Sandwell  
Nick Dean, Worcestershire  
Vicky Eaton, Herefordshire  
Sarah Clifton, Telford  
Andrew Williamson, Shropshire  
Ken Hobden, MPA  
Nick Atkins, MPA [Lafarge/Tarmac]  
Shaun Denny, MPA [Cemex]  
Jim Davies, Environment Agency  
Colin D'Oyley, BAA [Ennstone Johnston]  
Keith Bird, MPA [Hanson] – for Mick Daynes  
Eamon Mythen, DCLG  
Ian Thomas, National Stone Centre WMAWP, Technical Secretary  
Maureen Robinson, National Stone Centre, Asstnt to Tech Sec

**Apologies:** Mick Daynes, [MPA/Hanson], Debbie Klein [Herefs], Dawn Sherwood [Walsall], Robert Haigh [Coventry], Mathieu Evans [Stoke on Trent], Marianne Joynes [Worcestershire],

#### 2 Proposal re chairing meetings

IAT reported that, after long negotiations, Adrian Cooper had been invited and agreed to chair WMAWP for a year. It was proposed that the chair should be rotated on an annual basis. Members agreed to both resolutions. AC then took the chair

At the request of the chair, items 5 and 6 were brought forward as main topics of the meeting

#### 3 Changes since last meeting

[this item was considered *inter alia* and is summarised as follows]

##### i) AWP

After a hiatus of 2 years, the AWPs [formerly RAWPs] were formally resumed under new DCLG contracts. Thanks to Tony Lyons and colleagues at Warwickshire CC, the basic work continued, enabling a continuous series of key data to be maintained throughout. The present task is therefore in part, a catching up exercise.

## ii) Legislative changes

Two major changes had been introduced in the interim, namely the National Planning Policy Framework, replacing a considerable volume of policy and guidance material. Secondly the Managed Aggregate Supply System (MASS) was the subject of specific guidance. The Government's new policies on 'localism' were expressed in these two documents as far as aggregates planning is concerned and in particular applied in the form of Local Aggregates Assessments (LAAs), which all mpas are required to produce annually.

## 5 LAAs

### General Issues

The main discussion centered on the 10 year average baseline approach required by MASS Guidance. It was agreed that this should form the starting point for LAAs. Once established, mpas may if they wish, put forward alternatives but these must be soundly evidence-based, citing significant factors for deviation. KH (MPA) referred to a number of LAAs elsewhere in which mpas had opted to manipulate the 10 yr average by weighting selected years or reducing the 10 year period. The provision to consider a 'steer' based on the average of the last 3yrs was noted. Apportionment is a top-down process, so now takes second place to the 10 year average, but still constitutes an indicative reference point.

Members asked what action should be taken 'if mpa contributions don't add up'. In response it was noted that it was necessary to be able to demonstrate that a collaborative approach has been followed. If imports were appropriate, which is the case in the West Midlands, then agreement must be reached with supply regions; SD (MPA –CEMEX) pointed to a 20Mt shortfall in region. AC (Chair) stressed that if problems appear, there is an overriding duty to cooperate and coupled with this, a need to demonstrate that appropriate action has been taken.

In terms of major factors which may have an exceptional influence on demand, these might include national scale infrastructure projects, which could cause the 10-year average baseline to be reviewed. These should be discussed and a consensus reached by the mpas and industry. All sectors of the membership should contribute in identifying such features.

Previously, the WMAWP had agreed to use the 2003 apportionments until 2016, then to apply a 10 yr average. This approach had been adopted in most of the LAAs, although it was pointed out that the 2009 apportionments generally resulted in lower figures.

It was noted that LAAs, being annual are therefore more flexible than MLPs, which are more formal, fixed and long term

KH (MPA) expressed concern that LAAs in the W Midlands had not been subjected to scrutiny by the AWP. Staffordshire had circulated a draft in Autumn 2013, collated comments and responded to them in the absence of a functioning AWP at the time. In future, LAAs will be circulated to AWP members for comment, accompanied by a cover-note by the Technical Secretary assessing compliance.

The MPA and Planning Officer's Society prepared draft guidelines on LAAs last year which were due to be finalised within the next 3-4 weeks. They will be circulated.

### i) five county LAAs

Brief presentations were made by the officers concerned.

MG (Staffs) noted that, whereas sand and gravel reserves were adequate, they had fallen by 27Mt over the last decade. There were planning applications in the pipeline. A major concern was the housing trend in the W

Midland conurbation and its impact on demand from Staffs. Rock reserves were relatively high but there was only one active site now and the statistics had to be amalgamated.

ND (Worcs) reported that sand and gravel reserves were down to about 3 years and there were now only 3 small operators. There were currently no rock reserves and there has been no interest expressed by the industry in new rock sites for more than 20 years. A number of planning applications for sand and gravel were under consideration.

VE (Herefs) reported there were three rock quarries but effectively only one active sand and gravel site; inactive reserves included some material of questionable status. The total was sufficient to meet 10 years for sand and gravel and approaching 30 years for rock.

TL (Warks) advised there was now essentially only one sand and gravel and one rock unit still active in the county, the latter with large reserves. The details could not therefore be disclosed. There were also inactive permitted reserves of sand and gravel. Sand and gravel reserves had only occasionally met the 2003-apportionment figure during the decade to 2012. The county is heavily reliant on imports from Staffs and Leics. (TL's references to recycled aggregates are recorded under Item 4).

AW (Shrops) noted that there was a 16 yr sand and gravel landbank and a 37 yr rock landbank, ie including Telford.

Comments from members on the five LAAs were sought within two weeks; it was then a matter for the related mpas to respond. Members were asked to copy their comments to the Technical Secretary

#### **ii) Approach to LAAs re Unitary Authorities in West Midlands Conurbation**

IAT (Tech Sec) reported that the matter of LAAs covering the unitary authorities had been discussed by the mpa officers. Telford had already agreed to work with Shropshire and Stoke with Staffordshire. The possibility of Coventry and Solihull amalgamating with Warwickshire had been considered, but declined in that the two areas had closer market affinities to the other unitaries in the conurbation and the historic statistical series would otherwise not be maintained. MB (Solihull) reported that there was already a working relationship via the Black Country Core Strategy and discussions on the LAAs were in hand. IAT (Tech Sec) offered to assist in this process.

IAT (Tech Sec) noted that, in order to retain the goodwill of the surrounding potential supplying counties, it was important for the urban mpas to be able to demonstrate for example that recycled aggregate usage was being maximised and logged, that aggregates resources, processing and depot sites in the area were being properly safeguarded and that prior extraction was being practically encouraged, all in accordance with NPPF and MASS Guidance.

#### **6 Capacity/Supply/Permitted reserves imbalance issues**

AC (Chair) called for more studies, particularly of geological resources, capacity and demand. The LUC study had been too complicated; he advocated simplicity and pointed to the need to avoid spurious accuracy. There was a need for greater consistency in defining safeguarding areas.

On the supply side a number of long-standing resources had been exhausted recently and there were increasing capacity issues, in part related to mergers and rationalisations. There had been considerable losses of productive capacity, especially in the last three years. Smaller companies had taken over a number of sites from major companies. The location of permitted reserves was also out of balance with the main markets and plant capacity. Referring to shortages of specific types of aggregates, in the West Midlands, although these were not thought to be particularly significant, it was agreed that the data could usefully be refined if confidentiality constraints permit.

## 4 Annual Surveys

### i) 2011 and 2012 Surveys and Reports [draft combined report]

A draft had been circulated by IAT (Tech Sec) shortly before the meeting. The 2011 details had been collated by TL (Warks) and the 2012 data by IAT (Tech Sec). The proposal to combine the two years in a single document was endorsed. The content differed in some respects from earlier years and would need to change again in the light of the new legislation (especially LAAs) and the new contracts. IAT(Tech Sec) raised questions about the value of detailed reporting of housing data and concerning the coverage of recycled aggregates.

A number of mpa representatives and JD (EA) expressed concerns over proposals for a large increase in housing in Birmingham and its implications for aggregates demand etc. The link between housing numbers and aggregates demand had been detailed in most recent West Midlands reports. KH(MPA) questioned the premise assumed. He stressed that housing did not constitute 60% of aggregates market suggested by some; housing and related infrastructure accounted for only 15%; repair and maintenance as a whole was a further third – so these two categories together made up half of all usage. Elsewhere, a common quote suggested that 60 tonnes of aggregates were needed for each new house unit, but he asked, what is an 'average house'?

The issues surrounding the collection of data on secondary and recycled aggregates were discussed. Data from the Environment Agency had been analysed and presented to the mpas by Dawn Sherwood (Walsall) but, although allocated to mpa areas, it could only be seen as a very general indicator at regional scale. It was constrained by important caveats. The information was partial. In one case, all the data relating to the largest recycler in the region was allocated to their HQ at Shifnal and during the period examined, they had gone out of business. On the other hand, Warwickshire surveyed all fixed sites in the county and had gained a very reasonable rate of return – licensed capacity was 0.83Mt and in 2012 throughput was 0.5Mt. The survey didn't cover mobile crushers or material re-used on site, but it was agreed to be an encouraging result.

Comments from members on the 2011-2012 draft Annual Report were sought within two weeks; it was then planned to complete the document by the end of July.

### ii) 2013 Survey - progress report

The 2013 survey had a late start on account of delays in completing the 2012 survey, but was now underway, although in many cases, was in the early stages.

AM reported that DCLG still hoped to let a contract to coordinate and collate the national 'four' yearly survey (including distribution etc), but it had been deferred to cover 2014 rather than 2013.

### iii) Concerns re contraction of active sites and data presentation

The recent severe contraction of the industry in the area reported earlier, prompted a long discussion on confidentiality, for example rock production could only be presented for Shropshire and all other areas en bloc respectively; sand and gravel was only marginally better. This greatly reduced the ability to present meaningful planning data in LAAs and plans. KH (MPA) commented that MPA's earlier guidance to members was very tight, framed in the light of FoI Act and involved restrictions on handling, usage and retention. Revised MPA guidance to members was now more relaxed. In essence, information supplied can be used for any planning purpose by mpas, but must not be disclosed in a form which would identify individual company interests [MPA note to be circulated]. But he stressed that this was guidance; members were free to adopt their own positions. IAT (Tech Sec) noted that the option to seek specific dispensations in writing to further data release from any operators was still open to mpas.

In this context, reference was made to the Sibelco/Staffs CC case some years ago, in which the Information Commissioner declined to release aggregates company data; the courts upheld the decision, ruling that the information was indeed commercially privileged and sensitive, therefore should not be released.

#### **iv) Accounting for non- aggregates uses**

Not discussed specifically [the mpas had discussed this and the gathering of information on other minerals eg clay, at a meeting in the Autumn and agreed that greater coordination along the lines of the AWP's was desirable]

#### **7 Progress on plans**

In Shropshire, sand and gravel sites had been allocated. In Worcestershire the MLP draft was planned for later in this year. Herefordshire were in the final stages of Core Strategy examination. The Staffordshire MLP was out for consultation and a possible final draft by the year end. Warwickshire had circulated a request for suggested sites.

#### **8 Future actions [summarised from above]**

Action All: comments to IAT on draft 2011-2012 WMAWP Annual Report within 10 days

Action All: comments to IAT on the five 'county' LAAs within 10 days

Action MPA: send MPA Members' data handling guidance to IAT for circulation with minutes

Action MPA: send MPA/POS guidance on LAAs when available to IAT for circulation when available

Action All: comments on shortages of inert waste to be forwarded to JD (EA)

Action IAT: assist West Midlands metropolitan mpas where necessary in joint LAA

Action IAT: establish links with East Midlands AWP for discussions on matters of mutual interest

Action IAT: prepare a short note for next meeting setting out strategic issues affecting aggregates provision in the West Midlands [see item 10]

#### **9 Date of next meeting**

The Chair proposed that the next meeting be held in the late Autumn and that as a matter of course, two meetings be held annually with LAAs being considered in the Spring. Agreed

#### **10 Any other business**

IAT reported that September marks 40 years since the inauguration of the Aggregate Working Parties and that he had been involved from the outset.

JD (EA) asked if anyone who had experience of shortages of inert waste for reclamation purposes could forward details to him.

EM(CLG) indicated that he hoped to be able to do more minerals planning work in the future. He also pointed to new planning guidance released on 20<sup>th</sup> March. *Further Planning guidance on peat extraction, underground coal gasification, underground storage of natural gas and waste management (waste management material covers policy and guidance), will be published in the near future and combined into the planning guidance published on 6 March."*

TL (Warks) asked EM about the timing of the latter; EA promised to ascertain and advise\*

MG referred to the increasing dependence of the region on imports and in particular the reliance on Leicestershire/Derbyshire for sand, gravel and rock. It was agreed that a dialogue needed to be established with the East Midlands. IAT (Tech Sec) suggested also that a strategic statement of issues affecting aggregates provision in the West Midlands might be useful. He pointed to a similar approach which had been applied and indeed had driven major research in the East Midlands. He offered to prepare a short note for next meeting.

In response to a question AC (Chair) confirmed arrangements were in hand to host WMAWP material on an appropriate website, details of which would be confirmed when activated.

The meeting closed at 16:00

*\* EA (DCLG) later responded by email that this was still the situation, and could not give a specific date when this material would be published; it was with Ministers for clearance. Once clearance had been given, there will be a few technical hurdles to be crossed relating to the publication process.*

## WEST MIDLANDS AGGREGATES WORKING PARTY

Meeting of mpa officer representatives  
2pm Friday 18<sup>th</sup> October 2013  
Birmingham City Council Offices  
Room 301 | Lancaster Circus, Staniforth Street, Queensway, Birmingham B4 7DJ

### Item 4 2010 & 2011 Surveys and Reports

TL thanked for maintaining the surveys in the interim period. TL & IAT to 'top and tail' the 2011 data.

TL & AC to investigate the possibility of placing 2010 & 2011 reports on the Centre for Local Govt WM website. [already actioned by AC and accepted]

### Item 5 2012 Survey

#### a) scope – primaries/secondaries/distribution

IAT to check with MPA if there are nominated contact points in the major companies to receive forms [MPA have responded that no-one is currently nominated. IAT advises officers to send forms to the company contacts they already have eg for site monitoring. Any problems – contact IAT]

MPA officers to check lists of sites in their areas in 2010 report and report changes to IAT.

The difficulties relating to **secondaries** were acknowledged and D H thanked for providing a breakdown of data prepared by DEFRA – DH to circulate a note on links to the DEFRA stats and report on capacity forecasts. [already actioned] Caution in over-interpretation stressed; IAT to liaise with DH on how/if data can be used meaningfully.

Incinerator ash/clinker included in survey (see form); comment on impact of alternative power station fuels re pfa to be noted in Annual report

**Distribution** – rail dispatch points known; officers to try to identify any rail reception depots and advise IAT

#### b) forms

IAT to advise on requirements re road planings.

#### c) progress

Please report the situation to IAT as in first week in December and first week in January

#### d) procedures and e) timetable

To be sent out asap with requested return by 30:11:13 and to aim to collate within mpa areas and send totals for their areas to IAT as soon as feasible in January and by mid January at latest; attempt to avoid confusion with the 2013 survey.

Where the number of operators for particular data is below the confidentiality threshold, if possible officers should seek permission from operators concerned to disclose. [IAT to check with MPA, present position re their members and disclosure]

### Item 6 Local Aggregate Assessments (LAAs)

**a) progress reports**

Staffs out for consultation; Worcs has gone to cabinet

**b) scope/support for joint LAAs**

Shrops plus Telford & Wrekin; Staffs plus Stoke. Herefs and Worcs close working relationship (but separate LAAs?).

Main decisions needed relate to West Midlands unitaries –options:

i) three separate LAAs ie Black Country Core Strategy Group; Bham; Solihull & Coventry

ii) one LAA – ie all of above

iii) two LAAs ie Black Country Core Strategy Group & Bham; Solihull & Coventry

iv) Solihull & Coventry embed with Warks; all others form one LAA

Ideally we need a decision asap, preferably by mid Nov. Please liaise with each other initially, but be strongly guided by the practicalities of gathering presentable (ie non-confidential grouping) data and past data groupings – in which case, I suggest that option (ii) is probably the most viable arrangement

**c) role of the AWP**

To advise mpas on compliance with guidelines/MASS and 'fair share of burdens' re LAAs

**d) external LAAs**

Already available - Gloucs, Oxon, M Keynes, Nhants, Liecs, Derbys, Chesh.

**e) timetable**

To be advised but v tight in 2014

**Item 7 Working Party**

**a) aims/organisation/meetings**

Minimum of one meeting annually – full AWP – initially most communication by email eg on LAAs

**b) chair**

Offer from Staffs; if not taken up, offer from Warks

**c) contact list**

Initially see email circulation list; MPA is now checking member changes

**Item 8 Non-aggregate minerals – a wider minerals group?**

There was general support. IAT to prepare a note and is willing to be involved in a preliminary meeting if held on same day as AWP business



**Item 8 Dates of next meetings**

Full AWP meeting – late March/early April

**Item 9 Any other business**

IAT to advise all AWP members of actions taken to date

