

Shropshire and Telford & Wrekin Joint Minerals Local Plan: Proposal to save policies beyond the 3 years 'saved' period

Introduction

1. Following Shropshire County Council decision to withdraw its submission minerals and waste Core Strategy and Minerals Resources DPD, it has become necessary to provide continuity in the policy framework for minerals, pending the adoption of replacement documents. The Shropshire and Telford & Wrekin Minerals Local Plan was adopted in April 2000.
2. PPS12 (paragraph 5.15) indicates that policies whose life is to be extended should comply with the following criteria:

PPS12 Test (Protocol Step 1)	Commentary
i. Clear central strategy	Where appropriate, policies should demonstrate a clear central strategy for mineral development in Shropshire
ii. Community Strategy	Policies should be consistent with the objectives of the Shropshire Countywide Community Strategy 2005-2010
iii. Conformity with RSS	Policies should be in general conformity with the policies of the Regional Spatial Strategy for the West Midlands (RSS11)
iv. Conformity with Core Strategy	n/a – Core Strategy not yet adopted
v. Policies for significant change	Where appropriate, policies should be maintained where significant change in the use or development of land or conservation of the area is envisaged.
vi. Necessity	Continued availability of policies essential, without which there would be a policy vacuum pending the preparation of a replacement DPD.

3. In this context, the Council has identified both those saved policies which it wishes to extend beyond the 3 years and those which it does not wish to save. Reasons are provided for both lists.
4. In providing reasoning for the proposals, it has been assumed that national guidance contained in Planning Policy Statements and Mineral Planning Statements will hold significant weight in the determination of planning applications, despite not being part of the Development Plan. In some instances caveats to this assumption have been included where we would appreciate further clarification on this issue.
5. In proposing to 'save' policies of the Joint Shropshire and Telford & Wrekin Minerals Local Plan beyond September 2007, this application relates to Shropshire County Council and has received Member level approval. The report has received officer level approval from Telford & Wrekin who will be seeking further approval from their Members in order for Telford & Wrekin Council to endorse the report's proposals.

List 1: Policies that we propose to save beyond 3 years:

Policy	Reason:	Save Until
M1: A More Sustainable Approach to Mineral Development	This policy provides the overarching central strategy for mineral development in Shropshire. This policy is consistent with the Shropshire	Adoption of Mineral Resources Core Strategy DPD, expected

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Policy	Reason:	Save Until
	<p>Countywide Community Strategy commitment to 'conserve and improve the environment'.</p> <p>The policy is in general conformity with the RSS, specifically policy M1(A(i)) – secure the best balance of community, social, environmental and economic interests. The policy provides a necessary local context specific to mineral development in Shropshire, reflecting the policy principles of MPS1.</p> <p>*Shropshire County Council has also applied to extend policies in the Shropshire and Telford & Wrekin Joint Structure Plan, including Policy P58 – A Sustainable Approach to Minerals Development. It is intended that should Structure Plan policy P58 be 'saved' beyond September 2007 we will withdraw the application to 'save' Mineral Local Plan policy M1.</p>	2009/2010.
M2: The Need for Minerals	<p>This policy is consistent with the Shropshire Countywide Community Strategy commitment to 'conserve and improve the environment'.</p> <p>The policy is in general conformity with the RSS, specifically policy M1 (A(i)) - 'Mineral working for non-energy minerals'.</p> <p>The policy requirement for applicants to demonstrate need is consistent with national planning priorities in MPS1 (paragraph 9), and MPS1 Practice Guide (paragraph 94).</p>	Adoption of Mineral Resources Core Strategy DPD, expected 2009/2010.
M3: Development Control Considerations	<p>This policy is consistent with the Shropshire Countywide Community Strategy commitments to 'improve public transport' and to 'conserve and improve the environment'.</p> <p>The policy is in general conformity with the RSS, specifically policies QE5 – 'Protection and enhancement of the historic environment'; QE7 – 'Protecting, managing and enhancing the Region's biodiversity and nature conservation resources'; QE9 – 'The water environment'; and M1 – 'Mineral working for non-energy minerals'.</p> <p>The policy, along with M4 (see below) provides clear development control considerations providing a necessary local context for the determination of mineral planning applications. The policy is consistent</p>	Adoption of Mineral Resources Core Strategy DPD, expected 2009/2010.

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Policy	Reason:	Save Until
	<p>with national planning guidance in MPS1, PPS1, PPS7, PPS9 and PPS25.</p> <p>The extension of this policy will also allow the continued use of the detailed appendix 'Development Control Guidelines'.</p>	
M4: Operational Considerations	<p>This policy is consistent with the Shropshire Countywide Community Strategy commitments to 'improve public transport' and to 'conserve and improve the environment'.</p> <p>This policy is in general conformity with RSS, specifically M1– 'Mineral working for non-energy minerals'.</p> <p>This policy, together with policy M3 (see above), provides clear development control guidance for mineral development and reclamation in Shropshire. The policy is consistent with the requirements of MPS1, and provides local context.</p> <p>The extension of this policy will also allow the continued use of the detailed appendix 'Development Control Guidelines'.</p>	Adoption of Mineral Resources Core Strategy DPD, expected 2009/2010.
M6: Protecting Archaeological Remains	<p>This policy is consistent with the Shropshire Countywide Community Strategy commitments to 'improve public transport' and to 'conserve and improve the environment'.</p> <p>The policy is in general conformity with the RSS, specifically policy QE5 (A) – 'Protection and enhancement of the historic environment'.</p> <p>The policy is consistent with national guidance contained in PPG16, which has not been superseded by any new planning guidance since this policy was adopted.</p> <p>The policy provides a clear statement on the presumption in preference of the preservation in situ of nationally important scheduled and unscheduled archaeological remains, and is therefore necessary to maintain.</p>	Adoption of Mineral Resources Core Strategy DPD, expected 2009/2010.
M7: Benefits to the Countryside and the Local Economy	<p>This policy is consistent with the Shropshire Countywide Community Strategy commitments of 'Creating more and better quality of localities and improving workforce skills' and to 'conserve and improve the environment'.</p>	Adoption of Mineral Resources Core Strategy DPD, expected 2009/2010.

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Policy	Reason:	Save Until
	<p>The policy is in general conformity with the RSS, specifically policies M1(A(i)) - 'Mineral working for non-energy minerals', and PA14(A) – 'Economic development and the rural economy', and consistent with national planning guidance in PPS7.</p> <p>This policy provides a framework for assessing applications which give rise to material planning objections which are not outweighed by other planning benefits, or which require an environmental statement, and therefore continues to be a necessary inclusion in the minerals Development Plan.</p>	
M8: Planning Obligations	<p>This policy is consistent with the Shropshire Countywide Community Strategy commitment to 'conserve and improve the environment'.</p> <p>The policy is in general conformity with both government guidance and the RSS.</p> <p>The policy sets out the local circumstances where planning obligations will be used to overcome adverse impacts of mineral development and therefore remains necessary to maintain in the local context.</p>	Adoption of Mineral Resources Core Strategy DPD, expected 2009/2010.
M10: Ancillary Development	<p>This policy is consistent with the Shropshire Countywide Community Strategy commitment to 'conserve and improve the environment'.</p> <p>This policy is consistent with national guidance contained in MPS1 Practice Guide (paragraph 30).</p> <p>The policy sets out the circumstances where permitted development rights for ancillary development associated with a mineral development will be withdrawn. It is considered necessary to maintain this policy as guidance in MPS1 Practice Guide falls outside both the Development Plan and national planning policy.</p>	Adoption of Mineral Resources Core Strategy DPD, expected 2009/2010.
M11: Transport of Minerals	<p>This policy is consistent with the Shropshire Countywide Community Strategy commitment to 'conserve and improve the environment'.</p> <p>The policy is in general conformity with RSS, specifically Policy M1 (b(iv)) by identifying and safeguarding opportunities for transporting minerals by rail; maintaining existing, and the provision of new, railhead facilities.</p>	Adoption of Mineral Resources Core Strategy DPD, expected 2009/2010.

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Policy	Reason:	Save Until
	<p>In safeguarding the Gobowen to Blodwell branch line and the Bayston Hill railway sidings, the policy provides effective policy guidance for the conservation of this land.</p> <p>The policy is consistent with the regional and national planning priorities for the transportation of minerals, but also provides policy guidance specific to Shropshire by safeguarding specific areas of land.</p>	
<p>M14: The Future Working of Sand and Gravel</p>	<p>The policy is consistent with the Shropshire Countywide Community Strategy commitment to 'conserve and improve the environment'.</p> <p>The policy is in general conformity with the RSS, specifically policy M1 – Mineral working for non-energy minerals.</p> <p>MLP policies M14 and M15 (see below) set the planning framework for sand and gravel supplies. Both the first and second phase allocations have now been implemented, while the third phase preferred area has a planning application with a resolution for approval. However, it remains necessary to maintain both policies M14 and M15 until superseded by criteria based policies/broad allocations in the Mineral Resources Core Strategy DPD should applications come forward for further extraction.</p>	<p>Adoption of Mineral Resources Core Strategy DPD, expected 2009/2010.</p>
<p>M15: Sand and Gravel Working Outside the Allocated Sites and Preferred Areas</p>	<p>The policy is consistent with the Shropshire Countywide Community Strategy commitment to 'conserve and improve the environment'.</p> <p>The policy is in general conformity with the RSS, specifically policy M1 – 'Mineral working for non-energy minerals - parts B (i, iii and v).</p> <p>The policy requirement for applicants to demonstrate need is consistent with national planning priorities in MPS1 (paragraph 9), and MPS1 Practice Guide (paragraph 94).</p> <p>The policy sets locally specific criteria for exceptional development of minerals outside allocated sites and therefore remains necessary to maintain.</p>	<p>Adoption of Mineral Resources Core Strategy DPD, expected 2009/2010.</p>
<p>M16: The Future Working of</p>	<p>The policy is consistent with the Shropshire Countywide Community Strategy commitment</p>	<p>Adoption of Mineral</p>

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Policy	Reason:	Save Until
<p style="text-align: center;">Crushed Rock</p>	<p>to 'conserve and improve the environment'.</p> <p>The policy is in general conformity with the RSS, specifically policies M1: 'Mineral working for non-energy minerals', and M2: 'Minerals – Aggregates'.</p> <p>The policy provides a clear framework for the future extraction of crushed rock in Shropshire. In concentrating on using permitted reserves with only the exceptional use of new reserves, the policy continues to reflect the current landbank for crushed rock in Shropshire, and is therefore necessary to maintain.</p>	<p>Resources Core Strategy DPD, expected 2009/2010.</p>
<p>M17: Secondary Aggregates</p>	<p>The policy is consistent with the Shropshire Countywide Community Strategy commitment to 'conserve and improve the environment'</p> <p>The policy is in general conformity with the RSS, specifically policy M3: 'The use of alternative sources of material', and is consistent with the national policy guidance in MPS1 Annex 1: Aggregates (2.1).</p> <p>While consistent with higher level guidance, including Structure Plan policy P62 (which SCC has also applied to be 'saved' beyond September 2007), part B of the policy also provides locally specific criteria with which to assess planning applications for secondary aggregate material and is therefore considered necessary to maintain.</p>	<p>Adoption of Mineral Resources Core Strategy DPD, expected 2009/2010.</p>
<p>M18: Limestone Quarrying on Wenlock Edge</p>	<p>This policy is consistent with the Shropshire Countywide Community Strategy commitment to 'conserve and improve the environment'.</p> <p>The policy is in conformity with RSS, specifically policy QE6 (iv) – 'The conservation, enhancement and restoration of the Region's landscape'.</p> <p>In seeking to achieve the eventual cessation of mineral working around the Wenlock Edge area, the policy provides effective policy guidance where significant change is envisaged for the conservation of Wenlock Edge.</p> <p>National guidance in MPS1 (Paragraph 14) provides the context for the consideration of landscape in mineral applications. Policy M18</p>	<p>Adoption of Mineral Resources Core Strategy DPD, expected 2009/2010.</p>

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Policy	Reason:	Save Until
	is consistent with this approach whilst providing specific local context, and is therefore necessary to maintain.	
M20: Building Stone	<p>This policy is consistent with the Shropshire Countywide Community Strategy commitment to 'conserve and improve the environment'.</p> <p>The RSS does not specifically refer to the need for building stone, however the policy can be seen to be in general conformity with the criteria of RSS policy M1 and with the policy principles of Policy QE5: 'Protection and enhancement of the Historic Environment'.</p> <p>The policy is necessary to maintain as it provides criteria for the exceptional working of building stone beyond current reserves. In requiring applicants to demonstrate either a local need for the preservation of the historic character of settlements or buildings, or that the proposal is small scale and short term, the policy is consistent with national guidance in MPS1: Annex3.</p>	Adoption of Mineral Resources Core Strategy DPD, expected 2009/2010.
M21: Coal and Fire Clay Working	<p>This policy is consistent with the Shropshire Countywide Community Strategy commitment to 'conserve and improve the environment'.</p> <p>The policy is in general conformity with the RSS, specifically policy M1.</p> <p>It is necessary to maintain this policy due the specific policy criteria relating to the Broseley – Shirlett area contained in part D of the policy, and in the context of potential proposals for further extraction coming forward in this area prior to the adoption of the Mineral Resources Core Strategy DPD.</p>	Adoption of Mineral Resources Core Strategy DPD, expected 2009/2010.
M22: Brick Clay Working	<p>This policy is consistent with the Shropshire Countywide Community Strategy commitment to 'conserve and improve the environment'.</p> <p>The RSS does not specifically refer to brick clay, however the policy can be seen to be in general conformity with the criteria of RSS policy M1.</p> <p>The policy is consistent with national guidance in MPS1 Annex 2. Shropshire does not currently have a brick works, however the area does make a contribution to the brick works in Telford. It is therefore necessary to maintain this policy to ensure sufficient reserves are</p>	Adoption of Mineral Resources Core Strategy DPD, expected 2009/2010.

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Policy	Reason:	Save Until
	met.	
M27: Reclamation and After-use	<p>This policy is consistent with the Shropshire Countywide Community Strategy commitment to 'conserve and improve the environment'.</p> <p>The policy in general conformity with the RSS, specifically policy M1 – 'Mineral working for non-energy minerals'.</p> <p>The policy was written in the context of MPG7: The Reclamation of Mineral Workings, which remains in place. The policy is also consistent with the requirements of MPS1 (Paragraph 19).</p> <p>The policy is necessary to maintain as it provides specific requirements for a range of proposed after-uses, such as the need for the applicant to develop a Management Plan.</p>	Adoption of Mineral Resources Core Strategy DPD, expected 2009/2010.
M29: Safeguarding Mineral Resources	<p>This policy is consistent with the Shropshire Countywide Community Strategy commitment to 'conserve and improve the environment'.</p> <p>The policy requires applications for all development which fall within defined Mineral Consultation Areas (MCAs) and Coal Consultation Areas (CCAs) to be referred to the relevant authority for comment. This is in general conformity with the RSS, specifically policy M1 B(i) and B(v).</p> <p>National guidance in MPS1 (paragraph 13) states that, amongst other things, counties should encourage the prior extraction of material necessary for non-mineral development to proceed, and define MCAs. Policy M29 is consistent with these requirements.</p> <p>It is necessary to maintain this policy due to the locally specific nature of the MCAs and CCAs. It is important that both the policy and related diagrams (figures 11 and 12) are maintained to ensure mineral resources in these areas are not sterilized by other forms of development.</p>	Adoption of Mineral Resources Core Strategy DPD, expected 2009/2010.
M30: Comprehensive Working of Mineral Resources	This policy is consistent with the Shropshire Countywide Community Strategy commitment to 'conserve and improve the environment'.	Adoption of Mineral Resources Core Strategy DPD,

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Policy	Reason:	Save Until
	<p>The policy is in general conformity with the RSS, specifically M1 B(i).</p> <p>The policy is consistent with national guidance in MPS1(9) – “to safeguard mineral resources as far as possible”, and (18) – “encourage the efficient use of all minerals and alternatives to them”</p> <p>It remains necessary to maintain this policy in order to safeguard economically important mineral resources.</p>	<p>expected 2009/2010.</p>

List 2: Policies which we do not propose to 'save' beyond three years:

Policy	Reason
M5: Protecting Sensitive Sites and Species	<p>The policy does not fully reflect national guidance set out in PPS9 (Key Principles, part vi), which states that where significant harm cannot be prevented, adequately mitigated, or compensated for, then planning permission should be refused.</p> <p>*The deletion of this policy in September 2007 should be dependent on the clarification of the legal status afforded to the use of national Planning Policy Statement's in the determination of planning applications. Legal clarification is particularly important in the context of policy M5 because of the need to apply appropriate weight in planning decisions to international, national and local designated areas. This tiered approach is reflected in policy M5 and in PPS9 (key principles part ii) but is not currently covered by RSS11.</p>
M5 (A): Protecting Internationally Important Sites and Species	See comments for M5 above.
M5 (B): Protecting Nationally Important Sites and Species	See comments for M5 above.
M5 (C): Protecting Regionally of Locally Important Sites and Species	See comments for M5 above.

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M9: Mineral Exploration	The policy is adequately covered by national policy set out in MPS1 (Paragraph 11) and guidance set out in MPS 1 Practice Guide (Paragraph 36).
M12: Landbanks for Aggregates	The policy is inconsistent with updated national guidance in MPS1 Annex 1 (paragraph 4.2) which states that regular plan reviews will negate the need to maintain a landbank beyond the plan period. National guidance in MPS1 and RSS policy M2 will cover this policy area.
M13: Determining the Landbank for Primary Aggregates	This policy is covered by RSS policy M2 and policy P61 of the Shropshire and Telford & Wrekin Joint Structure Plan which Shropshire County Council has applied to 'save' beyond three years.
M19: Borrow Pits	This policy is covered by national guidance in MPS1 (Annex 1, Paragraph 7.1).
M23: Peat Working	The policy is covered by national guidance in MPG13, and RSS Policy QE7, which encourages the maintenance and enhancement of the Region's biodiversity resources, including Shropshire's Mosses and Meres.
M24: Oil and Gas: Further Evaluation of the Field	The policy is covered by national guidance in MPS1 (Annex 4). It is considered very unlikely that further applications will be received for oil and gas exploration in the next two years.
M25: Oil and Gas: Development of the Field	This policy generally cross references other Mineral Local Plan policy considerations in the context of national guidance, and is therefore not considered necessary to maintain.
M26: Metalliferous Mineral Working	This policy generally cross references other Mineral Local Plan policy considerations in the context of national guidance, and is therefore not considered necessary to maintain. It is considered very unlikely that further metalliferous working will take place in the plan area in the next two years.
M28: Monitoring and Review of Environmental Performance	This policy is covered by national guidance in MPG15 and does not offer any significant local detail.

Conclusion

6. This proposal recommends that:

- i. 20 policies of the Shropshire and Telford & Wrekin Minerals Local Plan should be 'saved' beyond September 2007 until the adoption of the Shropshire Mineral Resources Core Strategy;
- ii. 13 policies of the Minerals Local Plan should not be 'saved' beyond September 2007.