

Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
Shropshire SY2 6ND

Date: 15 August 2022

Dear Inspector Palmer,

Draft Shropshire Local Plan – Minerals and Waste Policies

Thank you for your letter of the 1st August, which set out your concerns with the proposed approach of the Local Plan, in particular with regard to the reliance upon windfall development to meet a proportion of the identified sand and gravel requirement over the plan period.

Your letter asks the Council to consider the identification of specific sites, preferred areas or areas of search for future sand and gravel working to be included in the Plan. We have given careful consideration to your letter and we apologise for the small delay in responding. This letter has therefore been prepared to provide you with an early sight of the Council's initial thoughts in response to your concerns. In doing so it seeks to provide additional clarity on the approach within the draft Plan with regard to the windfall requirement for sand and gravel provision, and seeks to provide you with additional certainty regarding delivery.

We have therefore used this opportunity to outline more up-to-date information with regard to Shropshire's overall sand and gravel requirements, including an appropriate seven year landbank, and sets out the various components of the supply. We also set out what additional information we intend to provide from the mineral operators in an effort to provide further confidence of delivery.

At this stage therefore, and in direct response to the request in your letter, the Council maintains its current preferred approach to delivery without the need to identify specific sites, preferred areas or areas of search. However, following your consideration of this response, should you continue to have concerns about the Council's approach, we can of course give further consideration to identifying specific sites or broad locations.

Principle of Windfall Development

It is acknowledged your letter sets out concerns regarding the principle of seeking to rely upon windfall development to support the future delivery of sand and gravel, and that you consider this to be an issue of soundness.



As part of the Council's response to question 3 of your Initial Questions (ID13), the Council have acknowledged there is no specific national policy relating to the use of appropriate windfall allowances when planning for the steady and adequate supply of aggregates. However, we would reiterate that the principle of using an appropriate windfall allowance for aggregates supply is a well-established approach to positive plan making and one we consider which is in line with principles set out in paragraphs 213 and 214 of the NPPF. It is also worth noting the Council's preferred approach has had no objections from the mineral industry.

However, we do recognise that any windfall allowance, and the evidence which supports this, should provide sufficient certainty with regard to delivery. To this end we feel it is now important that we set out the most up-to-date position with regards the County's sand and gravel requirement and supply components. This updated position is set out in Table 1 below, which is an update to table 63 of the Council's Minerals Technical Background Report (EV076).

Table 1. Updated Sand and Gravel Requirement and Supply 2016-2038 (August 2022)

	Updated Production Requirement & Potential / Windfall requirement 2016 – 2038 (Mt)
A. Production Requirement (3 year average 2018: 0.71, plus 20% growth allowance = 0.85) for Plan period (2016-2038), plus 7 year landbank = 29 x 0.85	24.65
B. Existing Permitted Reserves*	16.354
C. Resolved approvals (awaiting legal agreement)**	1.9
D. Saved Local Plan Allocation***	3.3
E. TOTAL Current Sand and Gravel Production Potential (B+C+D)	21.554
F. TOTAL Windfall Requirement to meet production requirement (A-E)	3.096
G. Windfall potential from existing, operational sites****	6.2
H. Expected production surplus (in addition to 7 year landbank)	3.104



**increase from 13.5mt in 2018 due to approval of Norton Farm Extension (19/01261/MAW) for additional 2.854mt;*

***Former Ironbridge Power Station site approval for Sand and Gravel working (19/05509/MAW). Legal agreement expected to be finalised in the next few weeks;*

****takes account of existing unused SAMDev allocation at Gonsal Quarry North (SAMDev allocation MD10/11), but with revised capacity assumptions to take account of the new plan period to 2038.*

***** can be supported by Letters of Intent from the Mineral Operators if required*

Table 1 has updated the overall production requirement, using the 3 year annual average (0.71mt) plus 20%, and taking into account the required seven year landbank. It should be noted this overall requirement is higher than previously presented in EV076 due to the inclusion of two additional years which had been excluded in error. This therefore establishes a 29 year production requirement: 22 years (plan period) + 7 years (landbank). Table 1 goes on to set out the various components of the expected supply, which the Council considers consists of permitted reserves (B); resolutions for approval (C); and proposed 'saved' allocations (D).

With regard to the existing permitted reserves (B), the updated position increases reserves by 2.854mt from the previous position set out in table 63 of EV076 to take account of the permission granted at Norton Farm, near Condover (19/01261/MAW). It is worth noting that this permission was granted as a windfall site. In addition, the resolution for approval at the Former Ironbridge Power Station site for 1.9mt (19/05509/MAW) is at a very advanced stage of discussions on the S106 legal agreement, which is anticipated to be agreed imminently. This site is also a windfall site which has been delivered in Shropshire through the consideration of development management policies.

Taking into account the updated position in Table 1, it is considered the windfall required to meet the production requirement of 24.65mt over the plan period is **3.096mt** (12.5% of the overall requirement), and therefore significantly lower than the position set out in the Mineral Technical Background Paper (EV076).

Whilst the Council does consider that an appropriate reliance upon windfall is appropriate and in line with national planning policy, it is recognised that additional clarity on the likely scale and timeframe for future windfall proposals is beneficial to enhance certainty of future supply. For this reason, the Council has approached several mineral operators at existing operational sites in order to clarify their likely intentions. These conversations have supported the figure of 6.2mt included in Table 1 as to the likely production capacity resulting from future windfall applications. Whilst this information remains commercially sensitive, the operators have indicated their willingness to make available 'letters of intent' to the Examination should this be required to support your ongoing consideration of the matter.



To summarise, Table 1 identifies that in order to achieve the overall production requirement of 24.65mt of sand and gravel over the plan period, there is now considered to be a windfall requirement of only 3.096mt. This latest position, alongside the recent examples of permissions being granted on windfall sites to support the overall permitted reserves, further clarifies why the Council considers that a reliance upon an appropriate windfall requirement represents positive planning.

However, if having considered the above information you remain concerned about the Council's proposed approach, the Council will clearly need to give further consideration to your request to consider the allocation of specific sites, preferred areas or areas of search for inclusion in the Plan. As you rightly point out, this process is likely to add significant extra work, and would impact on the ongoing timescale and programming for the Examination. Under this scenario, and without prejudice to the Council's position on the matter, the Council would also request your thoughts on whether seeking an early Plan review of mineral related matters would be an option open for consideration, or whether mineral related issues could be divorced from the wider Local Plan Review in their entirety and subject to an early review process.

Yours sincerely

Eddie West
Planning Policy and Strategy Manager
Shropshire Council

