

## **Examination into Shropshire Local Plan**

### **Shropshire Council Response:**

**ID29**

### **Matters, Issues and Questions – Minerals and Waste Policies**



## **Matter 1 – Supply of Aggregates**

**Issue: Whether or not adequate provision would be made for the supply of aggregates during the plan period.**

### **Questions: *Minerals Need***

*Question 1. Explain the basis for adopting the 3 year sales average in calculating need for sand and gravel.*

### **Shropshire Council Response:**

- 1.1. The main reason for utilising the precautionary methodology adopted by Shropshire Council to forecast the future need for sand and gravel in Shropshire (3 year sales average, plus 20%), is that it was considered such an approach achieved appropriate balance between ensuring that the future need for sand and gravel was not under-estimated (given that the 3 years sales average plus 20% is higher than the equivalent 10 year sales average) and protecting environmental assets against unnecessary harm.
- 1.2. Furthermore, professional judgement informed by proactive discussions during the West Midlands Aggregate Working Party (WMAWP) concluded that the 3 year sales average plus 20% was likely to be more reflective of future needs than the equivalent 10 year sales average.
- 1.3. This is explained within the Minerals Technical Background Report (2020) (Evidence Base Document EV076). In particular, paragraph 17 of this document, which explains that:  
*"...In light of the recovery of demand, and the fact that the last 3 years have seen record levels of housing delivery in Shropshire, the draft Shropshire Local Plan adopts a Production Requirement based on the average of the last 3 years production plus a growth allowance of 20% since this represents a better indication of future demand than the 10 year average."*
- 1.4. As explained within the response to Question 7 of the Additional Stage 1 MIQs on the Duty to Cooperate (ADTC01), the methodology utilised for forecasting the future need for sand and gravel has been informed by discussions that occurred within the West Midlands Aggregate Working Party (WMAWP), regarding appropriate datasets to inform forecasts of need and the use of a three or ten year rolling averages.

- 1.5. Shropshire Council also considers that this approach is consistent with the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) which include:
- a. Paragraph 213(a) of the NPPF states that when preparing an annual Local Aggregate Assessment to forecast future demand that this should be "based on a rolling average of 10 years' sales data and **other relevant local information**, and an assessment of all supply options (including marine dredged, secondary and recycled sources)". (emphasis added).*
- b. The NPPG on Minerals states at paragraph 064: "Local Aggregate Assessments must also consider other relevant local information in addition to the 10 year rolling supply, which seeks to look ahead at possible future demand, rather than rely solely on past sales. Such information may include, for example, levels of planned construction and housebuilding in their area and throughout the country. **Mineral Planning Authorities should also look at average sales over the last 3 years in particular to identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply.**" (my emphasis).*
- 1.6. In determining an appropriate methodology for assessing mineral resource need in Shropshire, Shropshire Council has complied with the requirements of the NPPF and NPPG – the use of the three year sales average of sand and gravel, plus 20%, was directly informed by consideration of the 3 year sales average, 10 year sales average and other relevant information (as demonstrated within the Mineral Technical Background Report (EV076)).
- 1.7. Crucially, we would note that there has been no objection to this approach from the mineral industry within representations received during the Regulation 19 Consultation on the draft Shropshire Local Plan.
- 1.8. Further information on this matter was provided within the document GC13, which is Shropshire Council's response to ID18.

*Question 2. Explain the basis for adding a growth factor of 20% to the 3 year sales average.*

**Shropshire Council Response:**

- 2.1. The rationale for adding the 20% growth factor to the 3 year sales average when forecasting the future need for sand and gravel in Shropshire is explained within the response to Question 1 of these MIQs and within the Minerals Technical Background Report (2020) (Evidence Base Document EV076) – in particular paragraph 17.
- 2.2. Further information on this matter was provided within the document GC13, which is Shropshire Council's response to ID18.

*Question 3. Would the growth factor allow for envisaged growth in infrastructure as well as in housing and employment development?*

**Shropshire Council Response:**

- 3.1. Yes. Shropshire Council considers that the growth factor allows for envisaged growth in infrastructure as well as in housing and employment development. The growth factor (+20%) is linked to the 3 year sales average, which is itself directly linked to demand for minerals from all sources (including infrastructure provision) during this period.
- 3.2. Furthermore, as noted within paragraph 16 of the Minerals Technical Background Report (2020) (Evidence Base Document EV076): "*Whilst new development will also require investment in infrastructure, there are no known separate national or strategic infrastructure projects in Shropshire which are likely to significantly increase demand.*"

*Question 4. How would planned rates of housing delivery over the plan period compare to those in 2017/18?*

**Shropshire Council Response:**

- 4.1. The draft Shropshire Local Plan includes a housing requirement of around 30,800 dwellings, which equates to an annual average of around 1,400 dwellings.
- 4.2. As documented within the explanation to draft Policy SP2: "*Having reflected on the various components of the housing land*

*supply and best available information regarding likely timescales for their delivery, past rates of delivery, past trends within the market, known factors which may influence the housing market and housing delivery rates in the short to medium term and the myriad of other factors which are unknown and may influence the housing market and housing delivery rates in the short, medium and long-term, **the expected rate of housing delivery over the Local Plan period is around 1,400 dwelling per annum, which is consistent with the annual housing requirement.** Whilst it is acknowledged that there will inevitably be fluctuations over time, which may result in annual rates of delivery falling below or exceeding this level, it is expected that this will 'balance out' to ensure that the housing requirement is achieved."*

- 4.3. In 2017/18, housing completions in Shropshire totalled some 1,876 dwellings. This period represented one of the 'peaks' in housing completions in Shropshire. As such, it is considered that by using data from this period to inform forecasts of future need for sand and gravel, it ensures that these forecasts do not under-estimate future need, whilst ensuring appropriate balance with the need to ensure the protection of environmental assets against unnecessary harm.

*Question 5. How does the growth factor take into account planned growth in the area administered by Telford and Wrekin Council?*

**Shropshire Council Response:**

- 5.1. The growth factor (+20%) is linked to the 3 year sales average, which is itself directly linked to demand for minerals from Shropshire both within Shropshire and beyond. As such, it is responsive to the demand for sand and gravel within Shropshire and beyond (including from Telford & Wrekin Council's administrative area).
- 5.2. Furthermore, it is considered that the 20% growth factor positively responds to the existing growth aspirations for the Telford & Wrekin Council administrative area, whilst also providing sufficient comfort that the supply of sand and gravel is robust enough to respond to any changing needs and aspirations over the period to 2038.

- 5.3. It should be noted that within the Statement of Common Ground between Shropshire Council and Telford & Wrekin Council (EV036) the conclusion in relation to minerals is *"There are no strategic cross-boundary considerations for the Shropshire Council Local Plan Review."*

*Question 6. Explain how growth has been taken into account in assessing need for crushed rock.*

**Shropshire Council Response:**

- 6.1. The way growth has been taken into account in assessing need for crushed rock is described in paragraphs 10-13 of the Minerals Technical Background Report (2020) (Evidence Base Document EV076). This assesses supply against a 10 year average.
- 6.2. These points outline crushed rock production is in excess of the 10 year average and how, "The permitted landbank of permissions was equivalent to almost 40 years' production in 2018." (EV076, Point 13, p. 6).

*Question 7. What volume of crushed rock is supplied from Telford and Wrekin and what is the likelihood of this continuing over the Plan period? Does this have any implication for calculation of need for crushed rock?*

**Shropshire Council Response:**

- 7.1 Shropshire Council does not consider that there is any information available that would suggest that the level of crushed rock produced within the Telford & Wrekin area will change moving forward. As such, it is not considered likely that this will have any implications for the calculation of need for crushed rock in Shropshire moving forward.
- 7.2 It should be noted that Shropshire Council and Telford & Wrekin Council are both proactive members of the West Midlands Aggregate Working Party (WMAWP), during which detailed discussions about the supply of and need for minerals are undertaken. Furthermore, the two Mineral Planning Authorities have produced joint Local Aggregate Assessments (LAA's) for a number of years, which document mineral needs and supply in a Mineral Planning Authority area.

- 7.3 Within the Statement of Common Ground between Shropshire Council and Telford & Wrekin Council (EV036) the conclusion in relation to minerals is *"There are no strategic cross-boundary considerations for the Shropshire Council Local Plan Review."*

### **Questions: Minerals Supply**

*Question 8. The Council has stated that the production potential for permitted reserves has increased from the 13.5Mt stated in Table DP30.1 to 16.354Mt, due to the approval of Norton Farm Extension. Please provide details of the anticipated time scale for extraction of this material.*

#### **Shropshire Council Response:**

- 8.1 The operator of Norton Farm Quarry (Hanson) has discharged all pre-commencement conditions associated with the Planning Permission (19/01261/MAW) for the Norton Farm Quarry Extension.
- 8.2 Shropshire Council understands that the operator is currently completing restoration of the existing quarry void which has now been 'worked-out', in preparation for the commencement of extraction works on the site extension.
- 8.3 Shropshire Council expects that extraction works on the site extension will commence later this year. The Planning Statement submitted in the support of the Planning Permission for the Norton Farm Quarry Extension (19/01261/MAW) indicated that extraction would occur over a 14-15 year period. As such, Shropshire Council anticipates that the extension will be worked out before the end of the proposed Plan period.

*Question 9. Explain the increase in permitted reserves from 10.93mt in the Mineral Technical Background Report to the 13.5Mt stated in Table DP30.1.*

#### **Shropshire Council Response:**

- 9.1. It is acknowledged that Table 1 of the Minerals Technical Background Report (2020) (Evidence Base Document EV076) indicated that permitted reserves of sand and gravel totalled some 10.93Mt. However, Table 63 of the Minerals Technical Background Report (2020) (Evidence Base Document EV076) is

consistent with Table DP30.1 in identifying that permitted reserves of sand and gravel totalled some 13.5mt.

- 9.2. It is understood that this inconsistency is due to the fact that the Minerals Technical Background Report (2020) (Evidence Base Document EV076) was prepared over a period of time and the underlying data was updated during this period.
- 9.3. Furthermore, it should be noted that Table 1 of the document GC13 (prepared in response to ID18), provides a further update to the information in both Table 63 of the Minerals Technical Background Report (2020) (Evidence Base Document EV076) and Table DP30.1.
- 9.4. Shropshire council has continued to review this information and in order to set-out the most up-to-date position with regards the County's sand and gravel requirement and the components of the sand and gravel supply a further updated table is provided below:

<b>Table 9.1. Updated Sand and Gravel Production Requirement and Supply 2016-2038 (April 2023)*</b>	
A. Production Requirement (3 year average 2018: 0.71, plus 20% growth allowance = 0.85) for Plan period (2016-2038), plus 7 year landbank	24.65Mt
B. Existing Permitted Reserves	17.84Mt
C. Saved Local Plan Allocation	3.84Mt
D. TOTAL Current Sand and Gravel Production Potential (B+C)	21.68Mt
E. TOTAL Windfall Requirement to meet production requirement (A-D)	2.97Mt
F. Windfall potential from existing, operational sites	7.99Mt
G. Expected production surplus (in addition to 7 year landbank)	5.02Mt

*Note 1: Existing permitted reserves have been increased from 13.5mt in 2018 due to the approval of:*

- a. Norton Farm Extension (19/01261/MAW) for an additional 2.858mt.*
- b. Former Ironbridge Power Station Site (19/05509/MAW) for 1.9mt.*
- c. Gonsal Quarry Southern Extension (21/03846/EIA) for an additional 0.66mt – the remaining 0.44mt retained on the capacity of the saved Local Plan allocation.*
- d. Minor amendments to reflect additional information on active, inactive and committed sites.*



*Note 2: Saved Local Plan Allocations have been updated to reflect the fact that the consent secured on Gonsal Quarry Southern Extension (21/03846/EIA) was for 0.66mt of the 1mt available. Other remaining allocations are the Gonsal Quarry Northern Extension, Morville Extension and remaining limited capacity at the Wood Lane Extension.*

*Note 3: Windfall potential from existing operational sites has been updated to reflect the most recent information provided by relevant operators (Appendices 1-3 of the MIQ's response).*

*Note 4: Potential windfall opportunities identified exceed the windfall required to achieve the identified production requirement. It is considered that if potential windfall opportunities ultimately approved exceed the identified windfall requirement, then the delivery of permitted reserves and/or Saved SAMDev Plan Allocations may be later than currently forecast. However, crucially the identified production requirement will be achieved. This flexibility is one of the advantages of the approach proposed to windfall within the draft Shropshire Local Plan.*

- 9.5. This table documents further increases to permitted reserves of sand and gravel from 13.5mt to 17.84mt; corrects/updates the Council's understanding of the outstanding capacity of proposed saved Local Plan allocations; updates the windfall allowances required to meet the identification production requirement; and updates the position with regard to potential windfall supply from operational sites.

*Question 10. Would all of the stated production potential from permitted reserves be available over the Plan period?*

**Shropshire Council Response:**

- 10.1. Yes, assumptions regarding permitted reserves presented within the Minerals Technical Background Report (2020) (Evidence Base Document EV076), DP30.1; Table 1 of the document GC13; and Table 9.1 provided within the response to question 9 of this MIQ's, relate to permitted reserves that are available to 2038.

*Question 11. Explain the decrease in production potential from saved Local Plan allocations from 4Mt to 3.3Mt.*

**Shropshire Council Response:**

- 11.1. Please see the response to question 9 of this MIQ's.

*Question 12. What evidence supports the windfall potential from existing operational sites of 6.2Mt? Is this anticipated to be from extensions to operational quarries?*

**Shropshire Council Response:**

- 12.1. Table 9.1 provided within the response to question 9 of this MIQ's provides an updated indication of the potential windfall supply in Shropshire.
- 12.2. It is strongly considered that Shropshire Council has an excellent record of maintaining a steady and adequate supply of aggregates. Historically this supply has included a combination of commitments, site allocations and appropriate windfall sites.
- 12.3. Paragraph 3.158 of the explanation to draft Policy SP16 of the draft Shropshire Local Plan explains the approach that Shropshire Council has taken to maintaining an appropriate supply sand and gravel, including *"In taking planning decisions, Shropshire Council has consistently responded positively to both planned and windfall applications to release more material to maintain productive capacity to counter balance the impact of unworked site commitments."*
- 12.4. It is considered that the approach to managing the supply of sand and gravel proposed within the draft Shropshire Local Plan will be similarly effective and consistent with that employed in the past. It includes a combination of existing and emerging commitments, allocated sites (within the SAMDev Plan that are proposed to be saved) and an appropriate windfall allowance.
- 12.5. With specific regard to assumptions regarding the windfall component of the identified supply, this has been informed by a number of factors, including consideration of:
  - a. The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) on Minerals (ID27).
  - b. The wider components of the mineral supply and the limited amount of additional mineral supply required (above that already planned for and committed).
  - c. The need to balance certainty of future mineral supply and the potential harm to environmental assets.
  - d. The available mineral resources and approach to their extraction in Shropshire.
  - e. Past experience of managing mineral supply in Shropshire.
  - f. Outcomes of discussions with the minerals industry regarding their preferred approach to securing additional supply,

including the benefits of seeking specific site allocations and the benefits of providing flexibility to respond to windfall opportunities.

- g. The presence of suitable potential windfall sites for consideration at an appropriate time in the plan-making process.
  - h. The successful delivery rates of minerals from windfall sites to ensure adequate supply (as outlined GC13).
  - i. The need to ensure flexibility to the delivery of minerals.
  - j. The need to promote the comprehensive working of mineral resources - unless the cumulative impacts of mineral working would make further development unacceptable.
  - k. Allowing for the ability to respond to changing circumstances with regard to the existing permitted sites, especially where this could lead to a more sustainable form of mineral extraction and potentially reducing the need to expand current sites laterally into greenfield sites.
- 12.6. It is anticipated that this windfall allowance will primarily be achieved through appropriate extensions (lateral and vertical) to existing operational quarries.
- 12.7. Shropshire Council would reiterate that the principle of using an appropriate windfall allowance for aggregates supply is a well-established, can represent a positive component of plan-making, and one we consider to be in line with principles set out in paragraphs 213 and 214 of the NPPF.
- 12.8. Shropshire Council also considers that this approach is consistent with NPPG, including guidance on how Mineral Planning Authorities (MPAs) should plan for the steady and adequate supply of minerals (Paragraph: 008 Reference ID: 27-008-20140306).
- 12.9. Importantly this paragraph specifically identifies that in exceptional circumstances it may be appropriate for mineral planning authorities to rely largely on policies which set the general conditions against which applications will be assessed.
- 12.10. It is not considered that Shropshire's proposed approach seeks to rely '*largely*' on policies setting out the general conditions for application to be assessed. However, we do consider that the information outlined above, within the Minerals Technical Background Report (2020) (Evidence Base Document EV076), and within correspondence (references GC11, GC13 and

GC17) demonstrates exceptional circumstances for seeking to rely to a limited extent on policies which set the general conditions against which windfall applications will be assessed.

- 12.11. This takes account of the fact that by far the most significant element of Shropshire's sand and gravel supply to 2038 is through existing permitted reserves, which in the view of the Council provides a high degree of certainty over delivery, higher than even the identification of specific sites.
- 12.12. We would also note that we have achieved broad consensus with the industry regarding this approach – as evidenced by the fact that there has been no objections to this approach from the industry within representations received during the Regulation 19 Consultation on the draft Shropshire Local Plan.
- 12.13. Furthermore, appended to this document are 'letters of intent' from three mineral operators with active quarries in Shropshire which identify a number of the potential windfall opportunities that exist in Shropshire.

*Question 13. Can the Council clarify which quarries are expected to be extended and any particular environmental constraints that are likely to apply?*

**Shropshire Council Response:**

- 13.1. Appended to this document are 'letters of intent' from three mineral operators with active quarries in Shropshire, which identify a number of the potential windfall opportunities that exist in Shropshire. Due to reasons of commercial sensitivity, Shropshire Council is unable to provide any further information at this stage.

*Question 14. Should the supporting text state the position regarding crushed rock supply?*

**Shropshire Council Response:**

- 14.1. It is presumed that this is in reference to the Explanation to draft Policy SP16.
- 14.2. If this is the case, it is acknowledged that the explanation to this draft Policy includes greater detail about sand and gravel than crushed rock. As such, if the Inspector considers that further information should be included within this explanation,

the Council would be happy to produce a succinct paragraph explaining the position regarding crushed rock supply, as a modification to the draft Shropshire Local Plan.

*Question 15. Should the supporting text provide more information on non-aggregate minerals?*

**Shropshire Council Response:**

- 15.1. The non-aggregate minerals produced in Shropshire are building stone, fire clay and brick clay (with ancillary coal at one site).
- 15.2. The number of sites and level of non-aggregate mineral produced is relatively limited. As such the Council feels that this matter is sufficiently addressed within the draft policies and associated supporting text in the draft Shropshire Local Plan.
- 15.3. It should also be noted that further information is provided within the supporting evidence base, including the Minerals Technical Background Report (2020) (Evidence Base Document EV076).

*Question 16. What assumptions have been made about the contribution from secondary and recycled aggregates to minerals supply?*

**Shropshire Council Response:**

- 16.1. Paragraphs 14 and 15 of the Minerals Technical Background Report (2020) (Evidence Base Document EV076) provide information about secondary and recycled aggregates. This includes the recognition that *"Figures for secondary and recycled materials used as aggregates are currently only collected nationally and sub-nationally"* and that *"Construction and demolition waste is a high density, low value material which, due to transport costs and distances in a predominantly rural area, cannot be moved more than short distances on a cost effective basis."*
- 16.2. Paragraph 22 of EV076 then explains that *"Whilst there are some existing and potential sources of secondary aggregates and a large number of local recycling facilities, low values and*

*high transport costs and distances are likely to limit the contribution which these materials can make to supply.”*

- 16.3. This is reflected within the approach to secondary and recycled aggregates within assumptions about the contribution that these materials can make to the minerals supply in Shropshire.
- 16.4. However, it is important to note that draft Policy SP16(2) and the policy explanation in paragraph 3.155 are very clear that Shropshire Council are supportive of the recovery and use of secondary and recycled materials wherever possible to limit the consumption of new mineral resources.

*Question 17. Is reliance on windfall as part of the sand and gravel supply in accordance with national policy? Is this approach justified?*

**Shropshire Council Response:**

- 17.1. Yes. Shropshire Council considers that its approach to windfall is both in accordance with national policy and justified. This has been extensively addressed within the explanation to draft Mineral policies in the draft Shropshire Local Plan, the Minerals Technical Background Report (2020) (Evidence Base Document EV076), and the Council’s correspondence references GC11, GC13 and GC17.
- 17.2. GC13 includes *“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.”*
- 17.3. The justification for the approach to windfall sand and gravel supply is summarised within the response to Question 12 of this MIQs.

*Question 18. Does reliance on windfall provision give enough certainty as to supply, having regard to environmental constraints?*

**Shropshire Council Response:**

- 18.1. Yes. Shropshire Council considers that the approach to maintaining a steady and adequate supply of sand and gravel within the draft Shropshire Local Plan is robust, providing sufficient certainty and also importantly flexibility.
- 18.2. This has been extensively addressed within the explanation to the draft Mineral policies in the draft Shropshire Local Plan, the Minerals Technical Background Report (2020) (Evidence Base Document EV076), and the Council's correspondence references GC11, GC13 and GC17.
- 18.3. In particular we would note that as documented within Table 9.1 provided within the response to question 9 of this MIQ's, the windfall allowance has reduced over the period since the Minerals Technical Background Report (2020) (Evidence Base Document EV076) was prepared and the draft Shropshire Local Plan was submitted (reducing from around 7.15mt (once the production requirement was updated) to less than 3mt), demonstrating that windfall supply is coming forwards in Shropshire and securing appropriate planning permission.
- 18.4. With specific regard to environmental constraints, extraction of minerals from windfall sites can only occur following the grant of Planning Permission for the relevant works. Any Planning Application must be informed by relevant technical assessments, including in relation to environmental constraints. The Planning Application process therefore allows for the due consideration of the environmental implications of proposed mineral workings.
- 18.5. However, it is important to note that the same principles apply to site allocations. As such, providing flexibility through a windfall allowance which could be achieved on a range of potential sites, therefore can provide greater certainty that supply will arise and can also have a lower environmental implication than a site allocation.

*Question 19. The Council's letter of 16 September 2022 states that identification of specific sites would not necessarily lead to additional certainty over supply. Why is this?*

**Shropshire Council Response:**

19.1. Please see the Council's response to questions 12 and 18 of this MIQs'.

*Question 20. Explain the Council's concern that allocation of specific sites could lead to an over-supply of minerals and how this would be harmful.*

**Shropshire Council Response:**

20.1. Given that there is only a limited amount of additional sand and gravel supply required in Shropshire to meet forecasted needs and it is the view of Shropshire Council that windfall sites for mineral extraction will likely continue to emerge irrespective of whether further land is allocated for mineral extraction, Shropshire Council considers that there is an inherent risk that the allocation of specific sites in the Local Plan could lead to an over-supply of mineral over the plan period.

20.2. The response to question 12 of this MIQ's explained the factors that informed the approach to windfall provision in Shropshire. In the context of this question, we would make particular reference to the following considerations:

- a. The need to promote the comprehensive working of mineral resources - unless the cumulative impacts of mineral working would make further development unacceptable.
- b. Allowing for the ability to respond to changing circumstances with regard to the existing permitted sites, especially where this could lead to a more sustainable form of mineral extraction and potentially reducing the need to expand current sites laterally into greenfield sites.

*Question 21. Do Policies SP16 and DP30 provide adequately for windfall sites to come forward as an integral part of the supply of sand and gravel?*

**Shropshire Council Response:**

21.1. Shropshire Council considers that draft Policies SP16 and DP30 appropriately strike the balance between facilitating appropriate



windfall supply to meet forecast need and protecting environmental assets against unnecessary harm.

*Question 22. The Minerals Technical Background Report (paragraph 6) states that "about 70% of sand and gravel reserves is contained in 3 site commitments which have remained unworked for over 5 years. In the case of 2 of these sites, the mineral operators and landowners concerned have confirmed that there is a clear intention to work these sites during the Plan period." What are the reasons for cessation of working? What is the likelihood of working on these sites being resumed? What is the position regarding the third site commitment?*

**Shropshire Council Response:**

- 22.1. As a result of changes to the supply of sand and gravel sites, the three site commitments which have remained unworked for over 5 years now represent around 50% of total site commitments.
- 22.2. Furthermore, whilst these inactive sites do contain significant reserves, it is important to note that only the proportion of these sites that are considered deliverable within the proposed Plan period are allowed for within the Existing Permitted Reserved component of the identified supply.
- 22.3. Two of these sites referenced in paragraph 6 of the Minerals Technical Background Report (2020) (Evidence Base Document EV076), are Sleep Quarry and Morville Quarry:
  - a. Sleep Quarry is operated by Hanson. Shropshire Council understands that Hanson are intending to 'work-out' their quarry at Condover (Norton Farm) before re-commencing works at Sleep Quarry. In order to undertake workings at Sleep Quarry there will be a requirement for significant investment in infrastructure. These factors are reflected in assumptions about production rates and timescales.
  - b. The Morville Quarry is operated by Salop Sand and Gravel. Shropshire Council understands that Salop Sand and Gravel are intending to 'work-out' the existing section of Morville Quarry before re-commencing workings on the new component of the Quarry. This is reflected in assumptions about production rates and timescales.
- 22.4. Shropshire Council has confidence that these two sites will come forwards in line with its assumptions, which are informed by our

understanding of the site owners/operators intentions and informed by their relationship with other Quarries in Shropshire.

22.5. The third site referenced in paragraph 6 of the Minerals Technical Background Report (2020) (Evidence Base Document EV076) is Buildwas Quarry. Shropshire Council now understands that this site has been worked out.

22.6. This is reflected within Table 9.1 provided within the response to question 9 of this MIQ's.

*Question 23. Paragraph 21 of the Minerals Technical Background Report states that "there are a number of unworked site commitments which require significant capital investment, and it is assumed that these will not make any contribution in the short term". Which are the sites referred to and what is the likelihood of the necessary investment being obtained?*

**Shropshire Council Response:**

23.1. The sites referenced within paragraph 21 of the Minerals Technical Background Report (2020) (Evidence Base Document EV076) are Sleaf Quarry, Morville Quarry and Gonsal Quarry's Northern Extension.

23.2. The Council's understanding of the position with regard to Sleaf and Morville Quarries is documented in response to question 22 of this MIQ's.

23.3. With regard to Gonsal Quarry's Northern Extension (SAMDev Plan allocation), Shropshire Council understands that the operator Shropshire Sand and Gravel is fully aware of the infrastructure investment required – indeed this is clear within the site guidelines for the site within the adopted Local Plan.

23.4. The Council considers that this infrastructure is deliverable, but is unlikely to occur until existing mineral resource on the remainder of Gonsal Quarry is closer to being worked out and timescales could also be influenced by other windfall opportunities that may arise. This is reflected in assumptions about production rates and timescales.

23.5. This is reflected within Table 9.1 provided within the response to question 9 of this MIQ's.

*Question 24. With reference to the Council's letter of 16 September 2022, please explain further how the ability to respond to changing circumstances with regard to the existing permitted sites would be of benefit in terms of allowing for more sustainable mineral extraction and reducing the need to expand sites laterally. How would this affect the overall supply of sand and gravel? How would this accord with Policy SP16(2) which requires comprehensive working of mineral resources?*

**Shropshire Council Response:**

- 24.1. The Council's correspondence dated the 16<sup>th</sup> September (GC17) includes an explanation of the factors that informed the decision to include an appropriate windfall allowance as part of the sand and gravel supply in Shropshire.
- 24.2. The factors referenced in GC17 included *"Allowing for the ability to respond to changing circumstances with regard to the existing permitted sites, especially where this could lead to a more sustainable form of mineral extraction and potentially reducing the need to expand current sites laterally into greenfield sites."*
- 24.3. In effect, Shropshire Council is aware that at a number of operational quarries there are opportunities for vertical extensions which would allow for the extraction of further sand and gravel resource without the need for lateral extensions.
- 24.4. Appended to this document is correspondence from a number of mineral operators in Shropshire, which includes some reference to these opportunities.
- 24.5. Shropshire Council considers that these vertical extensions have the potential to release significant additional sand and gravel resources to complement other sources of sand and gravel supply identified in Shropshire.
- 24.6. Shropshire Council considers that this is entirely consistent with the principle of comprehensive working of mineral resources as required within Policy SP16(2).

**Questions: Saved Allocations**

*Question 25. What is the status of the Development Guidelines in Schedules MD5a and MD5b of the SAMDev Plan? Will these be saved?*

**Shropshire Council Response:**

- 25.1. As documented within Appendices 1 and 2 of the draft Shropshire Local Plan, Shropshire Council is intending to 'save' the development guidelines for mineral allocations provided within Schedules MD5a and MD5b.
- 25.2. Paragraph A2.2 of Appendix 2 of the draft Shropshire Local Plan explains that the 'saved' status would apply to *"the site location, extent, development guidelines and approximate provision figures identified within the SAMDev Plan."*
- 25.3. Schedule A2 of the draft Shropshire Local Plan then specifically references the development guidelines provided for Wood Lane North Extension, Gonsal Extension and Morville Extension within Policy MD5 of the SAMDev Plan as being 'saved'.
- 25.4. GC4I the Updated Schedule of Proposed Minor (Additional) Modifications perhaps best reflects this position, with Pages 33 onwards documenting proposed Minor (Additional) Modifications to Schedule A2 of the draft Shropshire Local Plan to include the relevant development guidelines (including those from MD5a and MD5b) for ease of application and understanding moving forwards.

*Question 26. What are the reasons why the saved site allocations have not come forward?*

**Shropshire Council Response:**

- 26.1. The SAMDev Plan allocated three mineral sites (all of which constituted extensions to existing quarries).
- 26.2. The majority of the Wood Lane North Extension has been granted Planning Permission (14/04589/MAW) and mineral workings are ongoing. Shropshire Council considers that it remains important for the development guidelines to be 'saved' until such time as all mineral resources are subject to an appropriate Planning Permission and these mineral workings are completed (this approach is consistent to that taken for residential and employment sites).
- 26.3. The Gonsal Quarry Extension consists of two distinct components, a northern and southern extension. The southern extension has been granted Planning Permission (21/03846/EIA) and it is understood that mineral workings on this extension

have now commenced. The northern extension is subject to more significant investments in infrastructure (as documented in response to question 23 of these MIQ's). This is reflected in assumptions regarding production rates and timescales for this site.

- 26.4. The Morville Quarry Extension represents one of a number of extensions/potential extensions to the existing Morville Quarry (several of which represent windfall supply). It is anticipated that this allocation will come forward following workings on other components of the Quarry – this is reflected in assumptions regarding production rates and timescales for this site.

*Question 27. Are the saved site allocations deliverable within the Plan period?*

**Shropshire Council Response:**

- 27.1. Yes. Shropshire Council is confident that the proposed saved site allocations are deliverable. Table 9.1 provided within the response to question 9 of this MIQ's reflects the amount of mineral resource at these allocations considered deliverable within the proposed plan period.
- 27.2. For further information, please see the responses to question 23 and 26 of these MIQ's.

*Question 28. What is the revised capacity assumption for the allocated site at Gonsal based on?*

**Shropshire Council Response:**

- 28.1. Table 9.1 provided within the response to question 9 of this MIQ's identifies the amounts of mineral resource at these allocations considered deliverable within the proposed plan period. Further information on Gonsal Quarry (North Extension) is provided in the responses to question 23, 25 and 26 of these MIQ's.

**Questions: Windfall**

*Question 29. What is/are the historic rate(s) of windfall provision of sand and gravel?*

**Shropshire Council Response:**

- 29.1. Windfall allowance has occurred at five sites. (Name sites) We currently do not have information about the amount of windfall, but will seek to provide this at the Hearing Session if needed.

*Question 30. Which extensions to existing quarries are expected for sand and gravel? What are the reasons for not identifying these in the Plan?*

**Shropshire Council Response:**

- 30.1. There are a range of extensions to existing quarries (vertical and lateral) included within the sand and gravel supply for Shropshire. This includes proposed 'saved' SAMDev Plan mineral allocations, existing commitments/sites with permitted reserves, and sites included within the potential windfall supply.
- 30.2. The three proposed 'saved' SAMDev Plan mineral allocations (all of which represent extensions to existing quarries), are identified on the adopted Policies Map that accompanies the adopted Local Plan and the draft Policies Map that accompanies the draft Shropshire Local Plan.
- 30.3. Consistent with other forms of development, Shropshire Council does not generally include existing commitments (sites with permitted reserves) on the Policies Map. However, details of the active and inactive sand and gravel sites and commitments are provided within the Minerals Technical Background Report (2020) (Evidence Base Document EV076). This information will be updated within future updates of the Local Aggregate Assessment (LAA) and Authority Monitoring Report (AMR).
- 30.4. The factors that informed Shropshire Council's approach to windfall supply for sand and gravel is documented in the response to question 12 of this MIQ's. As also explained within the response to question 12 of this MIQ's it is anticipated that the proposed sand and gravel windfall allowance will primarily be achieved through appropriate extensions (lateral and vertical) to existing operational quarries.
- 30.5. A number of potential quarry extensions that represent potential windfall supply are referenced within the 'letters of intent' from three mineral operators with active quarries in Shropshire that are appended to this document.
- 30.6. Due to reasons of commercial sensitivity and confidentiality, Shropshire Council is unable to provide information on the

potential future plans of mineral operators in Shropshire without their prior approval.

*Question 31. What is the basis for the identification of sites for potential future sand and gravel in Figure 1 of the Minerals Technical Background Report (EV076)? Are these new sites or extensions? Have these been included in the windfall potential figure of 6.2Mt?*

**Shropshire Council Response:**

31.1. The potential future sand and gravel sites identified on Figure 1 of the Minerals Technical Background Report (EV076) are drawn from information prepared to inform the last Minerals Local Plan and which was informed by a call for sites.

*Question 32. What evidence supports the reliance on windfall in terms of dialogue with operators? Please provide the letters of intent from operators as previously indicated.*

**Shropshire Council Response:**

32.1. The factors that informed Shropshire Council's approach to windfall supply for sand and gravel is documented in the response to question 12 of this MIQ's.

32.2. 'Letters of intent' from three mineral operators with active quarries in Shropshire are appended to this document.

**Questions: Policy SP16**

*Question 33. What are "appropriate locations" in Policy SP16(2)?*

**Shropshire Council Response:**

33.1. As documented within draft Policy SP16(2) appropriate locations are set out within draft Policy SP17(2). Draft Policy SP17(2) states:

*"Supporting the development of sites to deliver additional waste recycling and recovery facilities in accessible locations close to the Strategic, Principal and Key Centres having regard to other relevant policies of this Local Plan. Outside these locations, Shropshire Council will support applications for smaller scale waste facilities capable of meeting local needs in locations which*

*are consistent with the principles and site identification criteria set out in national and regional policy;”*

*Question 34. How would Policy SP16(2) be monitored in terms of the supply of secondary and recycled aggregates?*

**Shropshire Council Response:**

- 34.1. The proposed monitoring indicators for draft Policy SP16 are documented within Appendix 4 of the draft Shropshire Local Plan.
- 34.2. It is acknowledged that these proposed monitoring indicators primarily relate to primary aggregates and landbanks of sand and gravel and crushed rock, as it is this data which is most readily available.
- 34.3. With specific regard to secondary and recycled aggregates, the proposed monitoring indicators for draft Policy SP17 are also of relevant and includes *"Capacity of new waste management facilities by type and available waste management capacity."* This will provide some information on secondary/recycled aggregates.
- 34.4. As recognised within paragraph 14 of the Minerals Technical Background Report (EV076) *"Figures for secondary and recycled materials used as aggregates are currently only collected nationally and sub-nationally"*, it is for this reason that it is difficult to monitor secondary and recycled aggregates.

*Question 35. How would facilities that provide for recycled aggregates be supported?*

**Shropshire Council Response:**

- 35.1. Draft Policy SP17 (particularly SP17(2)) identifies the relevant criteria and provides the support for appropriate facilities for recycling aggregates.
- 35.2. Draft Policy SP16(2) and the policy explanation in paragraph 3.155 are very clear that Shropshire Council are supportive of the recovery and use of secondary and recycled materials



wherever possible to limit the consumption of new mineral resources.

*Question 36. Is there tension between policies SP16(2) and DP31(1)(c) in terms of comprehensive working and should this be explained further?*

**Shropshire Council Response:**

36.1. Draft Policy SP16(2) recognises the importance of encouraging the comprehensive working of mineral resources wherever possible. Paragraph 3.155 of the explanation to draft Policy SP16 expands on this, explaining that *"The comprehensive working of mineral resources will be expected unless the cumulative impacts of mineral working would make further development unacceptable."*

36.2. Draft Policy DP31(1)(c) identifies factors that need to be considered when determining whether the principle of comprehensive working is possible – is it suitable and appropriate. In so doing, it also informs the specific approach to comprehensive working (i.e. working one area and then moving on to a subsequent area versus concurrent working of two areas).

36.3. As such, Shropshire Council does not consider that there is a tension between these two policies.

*Question 37. Explain how the planned provision would contribute to the sub-national guidelines for the West Midlands (Policy SP16(3)).*

**Shropshire Council Response:**

37.1. Shropshire Council is an active member of the West Midlands Aggregate Working Party (WMAWP). It has now been agreed through this body that the sub-national guidelines no longer apply.

37.2. This can be seen in the minutes from 21<sup>st</sup> March, 2016 in ADTC.01a Examination Doc Reference.

- 37.3. However, Shropshire Council would note that its proposed approach to forecasting the future need for mineral aggregates is directly responsive to both local and wider demand for mineral aggregates in Shropshire. In this way, the approach is also directly responsive to the role of mineral production in Shropshire, within the West Midlands and indeed the Country.

*Question 38. Is the strategic approach in Policy SP16(4) (in conjunction with Policy DP30) sufficiently positive with respect to windfall provision given the reliance on this source of supply?*

**Shropshire Council Response:**

- 38.1. The intention of draft Policies SP16(4) and DP30 is to positively manage mineral windfall development. In this way it seeks to support the achievement of the balance between ensuring that the future need for sand and gravel is met whilst also protecting environmental assets against unnecessary harm.
- 38.2. This is complemented by draft Policy DP31 and other relevant policies of the draft Shropshire Local Plan.
- 38.3. However, it is acknowledged that draft Policy SP16(4) could be clearer on this balance and there is some duplication between draft Policies SP16(4) and DP31(2). As such, Shropshire Council would support the inclusion of a Main Modification to draft Policy SP16(4) as follows:

*Only supporting proposals for sand and gravel working outside **site allocations** and existing permitted reserves, where **it is consistent with the requirement of Policy DP30.***

**Questions: Policy DP30**

*Question 39. Is part 1 of Policy DP30 a strategic requirement that should be within Policy SP16?*

**Shropshire Council Response:**

- 39.1. Shropshire Council recognises that draft Policy DP30(1) does have a strategic component to it. As such, the Council would support a main modification to relocate this paragraph to draft Policy SP16.

*Question 40. Is Policy DP30 sufficiently positively worded to reflect the reliance on windfall?*

**Shropshire Council Response:**

- 40.1. Shropshire Council considers that draft Policy DP30 is sufficiently positively worded and strikes the appropriate balance between ensuring that the future need for sand and gravel is met – recognising the role that windfall sites will play, whilst also protecting environmental assets against unnecessary harm.
- 40.2. However, if draft Policy DP30(1) is relocated into draft Policy SP16, the Council would support a further modification to this paragraph to include a recognition of the role of windfall sites that are consistent with the requirements of draft Policy DP30, as follows:

*"The supply of sand and gravel during the Plan period should be provided in the first instance from existing permitted sites and then from the development of mineral working at the saved SAMDev Plan mineral allocations identified within Appendix 2 of this document and identified on the Proposals Map. **This will be complemented by appropriate extensions to existing quarries that are consistent with the requirements of Policies DP30, DP31 and other relevant policies of the Local Plan**"*

*Question 41. Paragraph 4.268 states that in 2018 there were 10 permitted sand and gravel sites of which 6 were operational. Please provide further information as to which sites are referred to. How does this information relate to Figure 1 in the Mineral Technical Background Report?*

**Shropshire Council Response:**

- 41.1. The six operational sand and gravel sites are: Wood Lane Quarry, Norton Farm Quarry, Bromfield Quarry, Gonsal Quarry, Bridgwalton Quarry and Woodcote Wood Quarry (Telford and Wrekin). These are documented within Appendix 1 of the Minerals Technical Background Report (2020) (Evidence Base Document EV076).
- 41.2. These active quarries represent the permitted sand and gravel 'sites' within the legend of Figure 1 of the Minerals Technical Background Report (2020) (Evidence Base Document EV076)

and their locations are illustrated on Figure 1 of the Minerals Technical Background Report (2020) (Evidence Base Document EV076) accordingly.

*Question 42. What is the justification for requiring permitted sites to be worked before allocated sites in Policy DP30(1)?*

**Shropshire Council Response:**

42.1. The intention of draft Policy DP30(1) is to support the comprehensive working of permitted reserves and subsequently saved SAMDev Plan mineral allocations. This approach also lends itself to supporting the steady supply of sand and gravel aggregate.

*Question 43. How would “unmet need” in Policy DP30(2) be defined?*

**Shropshire Council Response:**

- 43.1. ‘Unmet need’ is in the first instance identified within Table DP30.1. This will be updated through the Local Aggregates Assessment and Authority Monitoring Report.
- 43.2. The intention of this requirement is to strike the appropriate balance between ensuring that the future need for sand and gravel is met – recognising the role that windfall sites play, whilst also protecting environmental assets against unnecessary harm.

**Matter 2 – Mineral Safeguarding**

**Issue: Whether or not the plan would adequately safeguard mineral resources and minerals infrastructure.**

**Questions: Mineral Safeguarding**

*Question 44. What approach is taken in the Local Plan to proposed site allocations (such as housing and employment) within Mineral Safeguarding Areas (MSA) and is it justified and effective?*

**Shropshire Council Response:**

- 44.1. Mineral Safeguarding Areas (MSAs) were specifically considered as part of the site assessment process undertaken to inform the identification of proposed site allocations.
- 44.2. A summary of the methodology utilised within the site assessment process is provided within the document SD006.01: Sustainability Appraisal and Site Assessment Environmental Report of the Regulation 19 Pre-Submission Draft of the Shropshire Local Plan.
- 44.3. The site assessment process consisted of a number of stages, the third stage of which represented a detailed review of sites and included identification of whether sites were located within a MSA. This alongside other relevant considerations informed the planning judgement undertaken when determining whether a site was appropriate for allocation.
- 44.4. In reaching this planning judgement, consideration was also given as to whether there were opportunities for prior extraction of any mineral resource before any development of a site.
- 44.5. Prior extraction of a mineral resource is of course only feasible where the resource is 'winnable' and the operation would be 'commercially viable'. In practice, smaller sites are unlikely to meet these criteria.
- 44.6. However, there is a good example of where this approach has been utilised. Specifically, the proposed Strategic Settlement Allocation at the Former Ironbridge Power Station has recently secured Planning Permission for redevelopment, with prior extraction of minerals – totalling some 1.9mt to be undertaken and also subject to a Planning Permission (this is a good example of windfall supply that has arisen in Shropshire).
- 44.7. Shropshire Council strongly considers that the approach to the consideration of MSA's within the site assessment process is justified and effective. It is also consistent with the approach taken to other considerations and ensures that planning judgement on proposed allocations is made with a comprehensive understanding of the implications of any proposals.

*Question 45. Should all existing mineral transport and processing facilities, including sites for manufacture of concrete and concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material be identified in the plan for safeguarding purposes?*

**Shropshire Council Response:**

- 45.1. A Mineral Safeguarding Area (MSA) is defined in National Planning Policy Framework (NPPF) (2021) as:  
*"An area designated by minerals planning authorities which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development."*
- 45.2. Shropshire Council considers that the MSA that it has identified is consistent with this definition.
- 45.3. The National Planning Practice Guidance (NPPG) on Minerals (ID27) addresses wider safeguarding, stating in paragraph 6 that *"planning authorities should safeguard existing, planned and potential storage, handling and transport sites to: ensure that sites for these purposes are available should they be needed; and prevent sensitive or inappropriate development that would conflict with the use of sites identified for these purposes."*
- 45.4. Consistent with this requirement, draft Policy SP16 and draft Policy DP29 provide appropriate safeguarding for mineral transport and processing facilities.
- 45.5. In particular, draft Policy DP29 identifies a list of mineral transport and processing facilities that are to be safeguarded with appropriate buffer zones also identified. This includes 'existing mineral processing plants' which of course includes sites for manufacture of concrete and concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.
- 45.6. Shropshire Council considers that this approach is consistent with the NPPF and NPPG. Furthermore, this approach also ensures that any future mineral transport and processing facilities also benefit from this safeguarding – there is a risk that if existing facilities were specifically identified on the Policies Map / MSA Map, then it could be construed as this protection not

applying to any new mineral infrastructure and facilities provided in the future.

*Question 46. What does "adjacent to" MSAs and "near" protected rail freight sites in Policy SP16(1) mean? Do these terms refer to the buffer zones in Policy DP29?*

**Shropshire Council Response:**

- 46.1. The terms 'adjacent to' and 'near' protected rail freight sites in Policy SP16(1) is intended to refer to the buffer zones in Policy DP29, it is for this reason that this draft Policy is specifically cross-referenced within draft Policy SP16(1).
- 46.2. However, if the Inspectors consider that this is not sufficiently clear then Shropshire Council would support an appropriate modification to draft Policy SP16(1). Shropshire Council would also support an appropriate modification to DP29(2) to include a clear 'buffer zone' for railway sidings serving mineral sites (with a buffer zone of 100m), in order to ensure transparency and consistency with other mineral transport and processing facilities.

*Question 47. Is Policy SP16 in accordance with national policy in terms of protecting minerals infrastructure?*

**Shropshire Council Response:**

- 47.1. Shropshire Council considers that draft Policy SP16 is in accordance with national policy and national guidance in terms of protecting minerals infrastructure. Further information is provided within the response to question 45 of this MIQ's.
- 47.2. Shropshire Council would also note that the draft Shropshire Local Plan is intended to be read and applied as a whole. Policies relating to such matters as high-quality design (SP5), health and wellbeing (SP6), the economy (SP12-14), and pollution and public amenity (DP18) are equally relevant in the context of mineral sites.

*Question 48. What are the consultation arrangements in respect of coal referred to in paragraph 4.263?*

**Shropshire Council Response:**

48.1. The consultation arrangements in respect of coal referred to in paragraph 4.263 of the explanation to draft Policy DP29 are intended to be those set out by the Coal Authority. Reference to these arrangements was considered appropriate as the Coal Authority is a statutory consultee for relevant Planning Applications.

48.2. However, as these arrangements can change over time, it was considered that the inclusion of current arrangement within the draft Shropshire Local Plan was not appropriate.

*Question 49. What evidence supports the list of exempt development in paragraph 4.264?*

**Shropshire Council Response:**

49.1. The list of exempt development has been informed by a number of factors including:

- a. The requirements of national policy and guidance.
- b. The need to safeguard mineral resources in Shropshire.
- c. Past experience of managing mineral resources in Shropshire.
- d. The Council's understanding of the nature and potential for sterilisation of mineral resources associated with many of the proposed forms of exempt development.
- e. Recognition that the implications for mineral safeguarding has been given specific consideration when land is proposed for allocation within the draft Shropshire Local Plan (and a similar consideration was undertaken for proposed 'saved' allocations within the SAMDev Plan).
- f. Recognition of the need to balance mineral safeguarding with the need to facilitate development of national, regional or local significance, where this significance outweighs the value of the mineral.
- g. Proactive engagement with colleagues in the Development Management team with responsibility for managing applications for mineral workings and also that have the



potential to impact on mineral workings and mineral resources.

- 49.2. Furthermore, it is important to note that this list of exempt development is consistent with that within the adopted Development Plan (specifically this list is provided in the explanation to Policy MD12 of the SAMDev Plan).

*Question 50. While paragraph 4.265 clarifies that an assessment of effect on mineral resources or mineral handling facilities can form part of a Design and Access Statement, is further explanation required as to the information required to be provided with such an assessment?*

**Shropshire Council Response:**

- 50.1. Shropshire Council considers that draft Policy DP29(4) provides a comprehensive explanation of the requirements for any assessment of the effect on mineral resources or mineral handling facilities.
- 50.2. The intention of paragraph 4.265 of the explanation to draft Policy DP29(4) is to expand on draft Policy DP29(4) through recognition that the assessment can be provided within the Design and Access Statement (where one is required), rather than to outline the actual requirements for this assessment, which are considered to be better provided within the policy itself.

*Question 51. Should Policy DP29(1) also refer to development adjacent to MSA boundaries as stated in Policy SP16(1)?*

**Shropshire Council Response:**

- 51.1. Whilst the draft Shropshire Local Plan is intended to be read and applied as a whole, Shropshire Council recognises the value of such a change to ensure consistency between the two policies and avoid any confusion for the decision maker, local communities or applicants.
- 51.2. As such, the Council would support this change as a main modification to draft Policy DP29(1).

*Question 52. What evidence supports the use of the identified buffer zones in Policy DP29(2)?*

**Shropshire Council Response:**

52.1. The identified buffer zones are consistent with those that are currently applied within Policy MD16 in the Adopted SAMDev Plan from 2015. Shropshire Council's experience gained through the application of this policy and the information secured through monitoring of the effects of this policy (including within Local Aggregate Assessments and the Authority Monitoring Report) is that these buffer zones are effective in securing the safeguarding of mineral transport and processing facilities.

52.2. The identified buffer zones were originally informed by proactive discussions with the mineral industry and colleagues in Development Management that are responsible for the application of the policies in the adopted Local Plan and will be responsible for the application of policies in the draft Shropshire Local Plan.

*Question 53. Should Policy DP29(2) state "The buffer zones surrounding safeguarded mineral extraction, transport and processing facilities"*

**Shropshire Council Response:**

53.1. The intention of draft Policy DP29(2), alongside the wider requirements of draft Policy DP29 and the other draft policies within the draft Shropshire Local Plan is to safeguard mineral extraction, transport and processing facilities.

53.2. If the Inspector considers that an amendment to include specific reference to mineral extraction within draft Policy DP29(2) would provide further clarification on this matter, then Shropshire Council would be supportive of an appropriate amendment to draft Policy DP29(2) as a Main Modification to the draft Shropshire Local Plan.

*Question 54. Should the plan state which minerals facilities would be safeguarded?*

**Shropshire Council Response:**

54.1. Draft Policy DP29, alongside other draft policies within the draft Shropshire Local Plan establish the principle that mineral facilities are to be safeguarded.

54.2. However, the draft Shropshire Local Plan is inherently a strategic document. Furthermore, the identification of specific facilities or types of facilities inevitably creates a risk of the perception that facilities / types of facilities not specifically referenced are not subject to the intended safeguarding. This is a particular risk given the intended timescales of the draft Shropshire Local Plan and the potential for the emergence of new facilities / types of facilities over this period.

54.3. As such, Shropshire Council considers that establishing the principle of safeguarding mineral facilities without naming specific facilities / types of facilities, strikes the appropriate balance between safeguarding facilities and providing flexibility to respond to changes to these facilities over time.

*Question 55. Paragraph 4.262 identifies the Oswestry Mineral Railway and Bayston Hill Sidings as being protected. Should any other facility be so identified?*

**Shropshire Council Response:**

55.1. The Oswestry Mineral Railway and Bayston Hill Sidings are unique in that they are considered the two most strategic pieces of mineral rail transport infrastructure. As such, Shropshire Council considers that it is right that they are specifically identified within the draft Shropshire Local Plan, but equally does not consider any other specific mineral rail transport infrastructure should be identified for safeguarding within the draft Shropshire Local Plan – as non are of equivalent strategic importance.

55.2. It is important to note that other mineral transport infrastructure is safeguarded within the draft Shropshire Local Plan, including within draft Policy DP29(2). This approach is consistent with that taken within the adopted Local Plan.

55.3. However, as documented within the response to question 46 of this MIQ's, if the Inspectors consider that this is not sufficiently clear then Shropshire Council would support an appropriate modification to draft Policy DP29(2) to include a 'buffer zone' for railway sidings serving mineral sites (with a buffer zone of 100m), in order to ensure transparency and consistency with other mineral transport and processing facilities.

*Question 56. Should the first sentence of Policy DP29(3) also refer to mineral extraction?*

**Shropshire Council Response:**

- 56.1. The intention of draft Policy DP29(3), alongside the wider requirements of draft Policy DP29 and the other draft policies within the draft Shropshire Local Plan is to safeguard mineral extraction, transport and processing facilities.
- 56.2. If the Inspector considers an amendment to include specific reference to mineral extraction within draft Policy DP29(3) would provide further clarification on this matter, then Shropshire Council would be supportive of an appropriate amendment to draft Policy DP29(3) as a Main Modification to the draft Shropshire Local Plan.

*Question 57. Should Policy DP29(3) also cover proposals for new mineral extraction, transport and processing facilities within the buffer zone distances of existing development?*

**Shropshire Council Response:**

- 57.1. Shropshire Council are confident that DP29(3) alongside the wider policies of the draft Shropshire Local Plan sufficiently safeguard mineral extraction, transport and processing facilities within Shropshire.

*Question 58. Should Policy DP29(4) also refer to development adjacent to MSA boundaries?*

**Shropshire Council Response:**

- 58.1. As documented within the response to question 51 of these MIQ's, the Council is supportive of a main modification to draft Policy DP29(1) to clarify that it applies to development within and adjacent to mineral safeguarding area boundaries, consistent with draft Policy S16.1.
- 58.2. A similar amendment to draft Policy DP29(4) would also be supported as a main modification to the draft Shropshire Local Plan.

### **Matter 3 – Managing Development and Operation of Mineral Sites**

**Issue: Whether or not the plan’s policies for the development and operation of mineral sites would be justified, effective and otherwise sound.**

#### **Questions**

*Question 59. Is the Local Plan’s approach to the supply of building stone justified and effective?*

#### **Shropshire Council Response:**

- 59.1. Shropshire Council considers that the draft Shropshire Local Plan’s approach to the supply of building stone is both justified and effective.
- 59.2. Draft Policies SP16(5) and DP31(5) specifically addresses building stone. It is also important to note that the general requirements of the mineral policies (including DP31(1) and DP31(2)) within the draft Shropshire Local Plan apply to building stone resource in the same way that they would apply to any other mineral resource. Similarly, the wider policy requirements within the draft Shropshire Local Plan that apply to all forms of development are also of relevance.
- 59.3. It should also be noted that as referenced in paragraph 24 of the Minerals Technical Background Report (2020) (Evidence Base Document EV076), building stone forms a relatively small part of the mineral resources currently worked in Shropshire.

*Question 60. Is the Local Plan’s approach to brick and fire clay consistent with national policy, justified and effective?*

#### **Shropshire Council Response:**

- 60.1. Shropshire Council considers that the draft Shropshire Local Plan’s approach to the supply of brick and fire clay is both justified and effective.

60.2. Draft Policies SP16(5) and DP31(3) specifically addresses brick and fire clay. It is also important to note that the general requirements of the mineral policies (including DP31(1) and DP31(2)) within the draft Shropshire Local Plan apply to brick and fire clay resource in the same way that they would apply to any other mineral resource. Similarly, the wider policy requirements within the draft Shropshire Local Plan that apply to all forms of development are also of relevance.

60.3. It should also be noted that as referenced in paragraph 25 of the Minerals Technical Background Report (2020) (Evidence Base Document EV076), brick and fire clay form relatively small components of the mineral resources currently worked in Shropshire.

*Question 61. Does the Local Plan meet the criteria for oil, gas and coal exploration set out in paragraph 215 of the National Planning Policy Framework (NPPF)? Is the Local Plan's approach to hydrocarbon resources justified and effective?*

**Shropshire Council Response:**

61.1. Shropshire Council considers that the draft Shropshire Local Plan meets the criteria for oil, gas and coal exploration as set out in paragraph 215 of the National Planning Policy Framework (NPPF) – recognising the forms of oil, gas and coal resource that exist in Shropshire.

61.2. In particular it should be noted that draft Policy DP31(3) addresses unconventional hydrocarbons and draft Policy DP31(4) addresses coal. Furthermore, draft Policy DP31(1) and DP31(2) alongside other general mineral policy requirements are designed to cover all forms of mineral development.

61.3. The Council also considers that the Local Plan's approach to hydrocarbon resources is justified and effective.

*Question 62. Are the requirements of Policy SP16(6) regarding restoration sufficiently clear? What is meant by targeted environmental or community benefits?*

**Shropshire Council Response:**

- 62.1. Shropshire Council considers that the requirements of draft Policy SP16(6) regarding restoration are sufficiently clear.
- 62.2. It is important to note that the draft Shropshire Local Plan should be read and applied as a whole, as is specifically recognised within the cross-referencing within draft Policy SP16(6) itself.
- 62.3. The Council would also note that there are more detailed requirements regarding site restoration within draft Policy DP31(2) – reflecting the balance between strategic and development management policies.
- 62.4. As a strategic document, the draft Shropshire Local Plan seeks to strike the balance between providing sufficient certainty about requirements to ensure that high-quality restoration occurs post mineral operations, without restricting opportunities for innovation and excellence of design that specifically respond to any unique opportunities associated with a site.
- 62.5. The Council would also note that the proposed approach is generally consistent with the approach utilised in the adopted Local Plan, which was found sound at examination has operated successfully for a number of years.

*Question 63. Part (3) of Policy DP31 covers unconventional hydrocarbons, but should the policy cover hydrocarbons more generally?*

**Shropshire Council Response:**

- 63.1. Shropshire Council considers that the policy alongside the wider policy requirements within the draft Shropshire Local Plan is appropriate and responsive to the hydrocarbon resource available in Shropshire.
- 63.2. Draft Policy DP31(4) specifically addresses the winning of coal (which is generally not considered a hydrocarbon).
- 63.3. Furthermore, draft Policy DP31(1) and DP31(2) alongside other general mineral policy requirements are designed to cover all forms of mineral development.

*Question 64. Paragraph 4.274 refers to environmental and community benefits. How does the policy help to secure these? What is the nature of the benefits sought?*

**Shropshire Council Response:**

64.1. Paragraph 4.274 forms part of the explanation to draft Policy DP31. Draft Policy DP31, alongside the other draft Policies within the draft Shropshire Local Plan provide the framework by which environmental and community benefits can be secured.

64.2. The Council would particularly reference draft Policies SP6, SP16(6), DP31(1) and DP31(2) which provide particular detail on the environmental and community benefits that can be achieved and how these will be sought.

*Question 65. Is the approach to minerals site restoration in Policy DP31(2) justified and effective?*

**Shropshire Council Response:**

65.1. Shropshire Council considers that the proposed approach to minerals site restoration in Policy DP31(2) is justified and effective.

65.2. It is also important to note that the draft Shropshire Local Plan should be read and applied as a whole.

65.3. As noted in response to Q62 of this MIQ's, this proposed approach is generally consistent with that utilised in the adopted Local Plan, which was found sound at examination has operated successfully for a number of years.

*Question 66. Is paragraph (3) of Policy DP31 sufficient to meet the requirements of NPPF paragraph 215 and to assess proposals for unconventional hydrocarbons should they come forward, or should supporting text be added?*

**Shropshire Council Response:**

66.1. Shropshire Council considers that draft Policy DP31(3) is consistent with and sufficient to meet the requirements of NPPF paragraph 215.



66.2. Please also see Shropshire Council's response to Q61 and Q63 of this MIQ's.

*Question 67. Should Policy DP31(4) indicate any areas where the extraction of coal may be acceptable as stated in paragraph 215(c) of the NPPF?*

**Shropshire Council Response:**

- 67.1. As explained within paragraph 26 of the Mineral Technical Background Report (EV076), Coal in Shropshire is *"now only produced in small quantities in Shropshire as a by-product of fireclay working at Caughley Quarry near Broseley"*.
- 67.2. Other than this site, coal has not been mined in Shropshire since the 1970's. Although Figure SP16.1 (the Mineral Safeguarding Areas Map) does show coal resource, it is understood that all the 'surface' and 'shallow' coal has been worked out and that the remaining resource is 'deep' coal. It is understood that none of this resource is considered to be economically accessible / viably workable.
- 67.3. Shropshire Council considers that draft Policy DP31(4) is appropriate and consistent with paragraph 215(c) of the National Planning Policy Framework (NPPF).

*Question 68. Paragraph 4.275 refers to aviation safety. Should the requirement be embodied in Policy DP31, having regard to paragraph 210(h) of the NPPF? Should it cover operation as well as restoration?*

**Shropshire Council Response:**

- 68.1. Upon reflection, Shropshire Council would be supportive of a main modification to draft Policy DP31 to include specific reference to aviation safety within a new sub-paragraph to paragraph (2).

*Question 69. Should the text state the need for a hydrogeological risk assessment with reference to Policy DP31(1)(e), including a comprehensive water features survey, detailed conceptual model of the area and hydrogeological monitoring information of at least 1 year in duration?*

**Shropshire Council Response:**

69.1. It is important to note that the draft Shropshire Local Plan is intended to be read and applied as a whole. Shropshire Council considers that draft Policy DP31(1)(e) and the requirements of the wider policies of the draft Shropshire Local Plan are sufficiently clear on the need to consider the effects on surface waters, groundwaters and from the risk of flooding.

69.2. There is also a need to strike a balance between specificity and flexibility, recognising the significant range of different types of mineral development proposals that may emerge.

**Matter 4 – Waste Management Facilities**

**Issue: Whether or not the plan provides adequately for waste management in accordance with the waste hierarchy and whether its policies for waste facilities would be justified, effective and otherwise sound.**

**Questions**

*Question 70. Is the approach to waste management consistent with the National Planning Policy for Waste, 2014?*

**Shropshire Council Response:**

70.1. Shropshire Council considers that the approach proposed for waste management is consistent with the National Planning Policy for Waste (2014).

***Questions: Need for Waste Management Facilities***

*Question 71. How has economic growth been considered in forecasting commercial and industrial waste need?*

**Shropshire Council Response:**

71.1. Shropshire Council's approach to forecasting the future need for waste management facilities is captured within the Waste Technical Background Report (2020) (EV116). Table 3 of this document identifies the residential factors that have influenced this forecast. In the absence of any firm economic growth data

the draft Local Plan hasn't assumed any change in the growth of hazardous waste in the future. The Council believes that Shropshire has sufficient waste capacity to manage its waste needs from all sources of waste to the end of the plan in 2038. As is described in 3.164 of the draft Local Plan there is an absence of the detailed projection of outlines the factors which influenced these forecasts, including economic growth proposals within the draft Shropshire Local Plan.

71.2. These assumptions have directly informed the forecasts of future commercial and industrial waste generation, which are summarised in Table 4 of the Waste Technical Background Report (2020) (EV116).

*Question 72. The Waste Technical Background Report considers the need for recycling and recovery provision in general terms. Is more specific information available on the need for particular types of facility for example green waste facilities?*

**Shropshire Council Response:**

72.1. The intention of the Waste Technical Background Report (2020) (EV116) is to provide overarching information on waste generation and management in Shropshire. It is considered that this document provides an appropriate level of information to inform interested parties and policy development. It is also important to recognise that waste management practices and facilities are likely to evolve significantly (both in terms of efficiency and approach) over the period to 2038 – in a manner reflective of the waste management hierarchy.

72.2. The draft Shropshire Local Plan is a strategic document that extends over the period to 2038. It is important that an appropriate balance is struck between providing certainty whilst also avoiding constricting future technological innovation and changing practices. Shropshire Council considers that it has struck an appropriate balance on this matter.

*Question 73. What types of waste management facility will be required over the Plan period?*

**Shropshire Council Response:**

- 73.1. The Waste Technical Background Report (2020) (EV116) references the waste management capacity required over the proposed Plan period. Paragraphs 11, 12 and 13 titled "*Future Waste Management Capacity Requirements*" in particular details this issue.
- 73.2. In broad terms, the types of waste management facilities required to provide this capacity will focus on recycling and recovery, consistent with the expectations of the waste hierarchy. However, it is readily acknowledged that the specific types of facilities are likely to significantly 'evolve' over the proposed Plan period and as such there needs to be sufficient flexibility in terms of the policy approach to respond to this 'evolution'.
- 73.3. Through the draft policies within the draft Shropshire Local Plan, Shropshire Council as the Waste Planning Authority for Shropshire (excluding the Telford & Wrekin administrative area) is seeking to enable appropriate forms of waste management infrastructure, which are in the right location and of the right performance and quality of design, whilst also providing sufficient flexibility with regard to the specific approach to managing waste – recognising the need for flexibility to respond to technological change over time. This is particularly captured within draft Policy DP32.
- 73.4. This approach will ensure that sufficient capacity is available to meet or exceed equivalent levels of waste to that generated, although not necessarily of the same types of waste generated – reflecting the principles of equivalent self-sufficiency and the fact that waste management infrastructure is often strategic and requires economies of scale, so it is often not realistic or appropriate to expect each Waste Planning Authority area to accommodate facilities for managing all of the various waste streams that it generates.

***Question: Existing and proposed facilities***

*Question 74. Please clarify the reasons why existing waste management capacity appears to be under-utilised.*

**Shropshire Council Response:**

- 74.1. Waste management facilities are generally privately owned and operated as a commercial business. Furthermore, waste disposal

is a similarly commercial exercise, with competition available for the processing of waste and producers seeking best value for waste disposal. Whether a facility achieves maximum capacity or has excess capacity is therefore generally down to commercial factors.

74.2. However, it should also be recognised that often waste management facilities are designed so that they have the capacity to increase the amount of waste that they manage over time, recognising that it is a growth industry.

74.3. As more development takes place and generates additional waste, it is expected that these facilities will increase the amount of waste that they manage. Therefore, it is perhaps more appropriate to describe the excess capacity as headroom for future waste management.

74.4. As outlined in Shropshire Council's response to question 73 of this MIQ's, the Council takes an enabling role with regard to waste management and seeks to ensure there is sufficient capacity to meet equivalent amounts of waste to that currently generated and generated in the future.

74.5. The Council strongly considers that the proposed approach will be effective in ensuring continued equivalent self-sufficiency. This confidence is underpinned by the success of the current approach (which is very comparable to that proposed) which has delivered additional headroom in the system.

*Question 75. Please provide details of the expected major new recycling facility referred to in the Council's response to document ID13 (ref. GC11).*

**Shropshire Council Response:**

75.1. Due to reasons of commercial confidentiality and the fact that Shropshire Council is subject to a Non-Disclosure Agreement, the Council cannot provide any further information on this matter.

75.2. Furthermore, it is not considered that this information is necessary to ensure confidence in the ability to achieve equivalent self-sufficiency.

*Question 76. Is updated information available on the anticipated new waste management provision in paragraph 3.166?*

**Shropshire Council Response:**

76.1. The updated position is that there are now 139 consented waste sites with a capacity or around 1.2mt.

**Questions: Strategy**

*Question 77. Does the Plan encourage recycling provision above recovery provision?*

**Shropshire Council Response:**

77.1. Shropshire Council strongly considers that the proposed approach to the management of waste within the draft Shropshire Local Plan is consistent with the waste management hierarchy and in achieving this consistency encourages waste recycling provision above waste recovery provision. In particular the Council would note the requirements of draft Policies SP17(1) and DP32(2)(C).

77.2. Draft Policy SP17(1) establishes the principle that waste management should be undertaken in a way consistent with the waste hierarchy. Whilst draft Policy DP32(2)(C) specifies that waste recovery provision is subject to demonstrating that it does not undermine waste management that is 'further up' the waste hierarchy. Together these requirements are very clear that waste recycling provision is prioritised above waste recovery provision.

*Question 78. How does the Plan provide for increased self-sufficiency?*

**Shropshire Council Response:**

78.1. As documented in responses to questions 73 and 74 of this MIQ's and in particular within the responses to questions 8 and 9 of the Additional MIQ's on the Duty to Cooperate (ADTC01), due to the nature of waste management infrastructure and the need to ensure economies of scale and viability, it is not possible for all Waste Planning Authorities to contain the waste management infrastructure necessary to deal with all waste streams generated.

- 78.2. It is for this reason that there has been a long standing commitment to the principle of 'equivalent self-sufficiency' regarding waste in the West Midlands – as referenced within draft Policy SP17 of the draft Shropshire Local Plan and the Waste Technical Background Report (EV116).
- 78.3. 'Equivalent self-sufficiency' is the principle that each Waste Planning Authority should provide sufficient waste management infrastructure to address an equivalent amount of waste to that which is generated within their administrative area, but it is recognised that waste management infrastructure will not necessarily directly reflect and address all the types of waste that are generated in the administrative area.
- 78.4. Through this approach, the waste generated within the region can be effectively managed across the region.
- 78.5. This principle is also very much recognised within the National Planning Practice Guidance (NPPG) on waste (ID28), which at Paragraph 7 states under the heading "*Do the self-sufficiency and proximity principles require each waste planning authority to manage all of its own waste?*" the following "*Though this should be the aim, there is no expectation that each local planning authority should deal solely with its own waste to meet the requirements of the self-sufficiency and proximity principles. Nor does the proximity principle require using the absolute closest facility to the exclusion of all other considerations. There are clearly some wastes which are produced in small quantities for which it would be uneconomic to have a facility in each local authority. Furthermore, there could also be significant economies of scale for local authorities working together to assist with the development of a network of waste management facilities to enable waste to be handled effectively.*"
- 78.6. *The ability to source waste from a range of locations /organisations helps ensure existing capacity is used effectively and efficiently, and importantly helps maintain local flexibility to increase recycling without resulting in local overcapacity".*
- 78.7. Within the West Midlands Resource Technical Advisory Board (WMRTAB), there has been a long standing agreement regarding the role of 'equivalent self-sufficiency' and it is considered that the principle of 'equivalent self-sufficiency' is very much supported by the membership of WMRTAB. It has been discussed during the WMRTAB meetings, during which it has

been clear that there remains agreement about the use and appropriateness of this approach. Examples of these discussions are provided within the redacted minutes of the WMRTAB meeting including Appendix 8.A of the response to the Additional MIQ's on the Duty to Cooperate (ADTC01).

- 78.8. Within their representation in response to the Regulation 19 Consultation on the draft Shropshire Local Plan (A0423), WMRTAB include specific reference to the above extract of the NPPG. They also included a copy of the WMRTAB draft terms of reference which recognises that *"Waste arising in one WPA area will frequently be managed in another. For example, in order to achieve economies of scale, waste management facilities will often have a catchment which extends beyond the boundary of the planning area within which it is situated..."*
- 78.9. A good example of the continued commitment to the principle of 'equivalent self-sufficiency' is the fact that Shropshire Council is currently proactively contributing to the preparation of an updated Duty to Cooperate protocol, which continues to incorporate the principle of 'equivalent self-sufficiency'.
- 78.10. Shropshire Council has completed Statements of Common Ground with all adjoining Waste Planning Authorities (within EV028-EV041, GC4e, GC4f, GC4r and GC4s), which represent the culmination of the duty to cooperate process which has occurred throughout the preparation of the draft Shropshire Local Plan. Waste infrastructure capacity has not been identified as an area of outstanding disagreement within any of these Statements of Common Ground.
- 78.11. As documented within the Waste Technical Background Report (EV116), in 2018 around 978,00 tonnes of waste were generated in Shropshire and it is forecast that this will increase to around 1,092,000 tonnes by 2038.
- 78.12. As also documented within the Waste Technical Background Report (EV116), in 2018 there were around 136 consented waste sites, of which around 70% were classified as operational. These facilities had capacity for managing almost 1,000,000 tonnes of waste (although in 2018 they only handled around 600,000 tonnes).



- 78.13. As such, it is apparent that within the Shropshire Council administrative area, the principle of 'equivalent self-sufficiency' is achieved.
- 78.14. Further consents have subsequently been granted which will increase the capacity of waste management infrastructure in Shropshire. In combination with further appropriate waste management infrastructure that will come forward during the plan period, supported by the policies in the draft Shropshire Local Plan (including SP13, SP17, DP31, DP32 and DP33), Shropshire Council considers that the principle of 'equivalent self-sufficiency' will be achieved throughout the plan period.
- 78.15. This is confirmed within the Waste Technical Background Report (EV116) which at Paragraph 9 states "*The combined capacity of existing permitted sites (see below) and the presumption supporting new sites for recycling and environmental industries (Policy MD4) exceeds that which is required to manage a quantity of waste equivalent to that generated in Shropshire. This approach effectively counterbalances net waste exports and helps to support appropriate 'cross boundary' waste flows.*"
- 78.16. [Please Note: the approach referenced in Policy MD4 of the SAMDev Plan is replicated within draft Policy SP13 of the draft Shropshire Local Plan].

*Question 79. Does the Plan encourage production of recycled aggregates from construction and demolition waste?*

**Shropshire Council Response:**

- 79.1. Shropshire Council considers that the draft Shropshire Local Plan positively encourages the production of recycled aggregates from construction and demolition waste.
- 79.2. In particular, draft Policies SP16(2) and SP17(1) address this issue and demonstrate support for the development and retention of appropriate recycling facilities this will improve the availability and quality of secondary and recycled aggregates in appropriate locations.
- 16.5. However, as noted within paragraph 22 of the Minerals Technical Background Report (2020) (Evidence Base Document EV076) "*Whilst there are some existing and potential sources of*

*secondary aggregates and a large number of local recycling facilities, low values and high transport costs and distances are likely to limit the contribution which these materials can make to supply.”*

**Questions: Provision for new facilities**

*Question 80. Paragraph 4.278 states that "Specific sites which may be suitable for waste management facilities are identified as part of the guidelines for specific employment site allocations in the relevant settlement strategies". Appendix 6 identifies settlements where sites are preferred for recycling and environmental industries. Are the sites which are suitable for waste management facilities clearly identified?*

**Shropshire Council Response:**

- 80.1. Appendix 6 of the draft Shropshire Local Plan identifies the settlements which have employment sites that are preferred for recycling and environmental industries.
- 80.2. The site guidelines for these employment sites then draw-out which are preferred for recycling and environmental industries.
- 80.3. This approach is considered appropriate and consistent with the specifications of paragraph 4.278 of the explanation to draft Policy DP32.

*Question 81. Are these sites identified in the Settlement Policies?*

**Shropshire Council Response:**

- 81.1. Please see the response to question 80 of this MIQ's.

**Questions: Policy SP17**

*Question 82. Explain what is meant by "accessible locations" and "close" to the identified centres in Policy SP17(2).*

**Shropshire Council Response:**

- 82.1. The draft Shropshire Local Plan is intended to be read and applied as a whole. It is considered that the wider policies of the draft Shropshire Local Plan provide the context for determining

what is considered to be an accessible location and close to identified centres in the context of draft Policy SP17(2).

82.2. It should be recognised that the draft Shropshire Local Plan is a strategic document and Shropshire is diverse, as such it is important to ensure that policies strike the appropriate balance between specificity and flexibility to respond to the various circumstances that exist across Shropshire.

82.3. As such, ultimately this is a matter of planning judgement during the Development Management process.

82.4. Shropshire Council strongly believes that this approach is appropriate and effective and that an appropriate balance is struck within the policies of the draft Shropshire Local Plan.

*Question 83. What is meant by "smaller scale" waste facilities and "local needs" in Policy SP17(2)?*

**Shropshire Council Response:**

83.1. In broad terms, Shropshire Council consider smaller scale waste facilities are those which are capable of meeting local needs rather than those that are not strategic in nature and do not serve the County as a whole.

83.2. It should be recognised that the draft Shropshire Local Plan is a strategic document and Shropshire is diverse, as such it is important to ensure that policies strike the appropriate balance between specificity and flexibility to respond to the various circumstances that exist across Shropshire.

83.3. As such, ultimately this is a matter of planning judgement during the Development Management process.

83.4. Shropshire Council strongly believes that this approach is appropriate and effective and that an appropriate balance is struck within the policies of the draft Shropshire Local Plan.

*Question 84. What is meant by "locations which are consistent with the principles and site identification criteria set out in national and regional policy" in Policy SP17(2)?*

**Shropshire Council Response:**

84.1. The intention of this paragraph was to cross reference national policy and guidance. For clarity, Shropshire Council would support a modification to draft Policy SP17(2) to remove the word “regional”.

*Question 85. Is the requirement in Policy SP17 for facilities outside the defined centres to be smaller scale and capable of meeting local needs consistent with the recycling of construction and demolition waste to produce recycled aggregates?*

**Shropshire Council Response:**

85.1. Shropshire Council considers that the requirements in Policy SP17 for facilities outside the defined centres to be smaller scale and capable of meeting local needs to be consistent with the nature and characteristics of Shropshire and importantly also consistent with the aspiration of supporting the appropriate recycling of construction and demolition waste to produce recycled aggregates.

16.6. As documented within paragraph 22 of the Technical Background Report (2020) (Evidence Base Document EV076) *“Whilst there are some existing and potential sources of secondary aggregates and a large number of local recycling facilities, low values and high transport costs and distances are likely to limit the contribution which these materials can make to supply.”*

85.2. As such, it is important that any new facilities for the recycling of construction and demolition waste is directed to locations where there is both the greatest level of construction and demolition waste generation and greatest demand for subsequently recycled aggregates. In Shropshire, this is generally the urban areas – which are the focus for development, as documented within the wider policies of the draft Shropshire Local Plan. Within more rural locations it is entirely appropriate for facilities to be of a comparatively smaller scale, reflecting the more limited supply, demand and increased transport costs associated with such locations.

*Question 86. Are these requirements consistent with the recovery of energy from anaerobic digestion, or production of compost?*

**Shropshire Council Response:**

86.1. Shropshire Council considers that the requirements of draft Policy SP17 are consistent with the recovery of energy from anaerobic digestion and the production of compost.

*Question 87. Should the requirement in Policy SP17(4) to provide information on waste management with planning applications be incorporated in other policies, e.g. for housing and employment development?*

**Shropshire Council Response:**

87.1. The draft Shropshire Local Plan is intended to be read and applied as a whole. Draft Policy SP17(4) applies to all forms of development. Shropshire Council considers that this is clear from the wording of this draft Policy.

*Question 88. Should Policy SP17(4) or supporting text explain further what is required in terms of sustainable waste management?*

**Shropshire Council Response:**

88.1. Shropshire Council considers that draft Policy SP17(4) and the associated explanatory text (in particular paragraphs 3.161 and 3.162) provide sufficient explanation of this term.

*Question 89. What is meant by "locations which are consistent with the site identification criteria for new sites" in Policy SP17(5)?*

**Shropshire Council Response:**

89.1. Reference to locations which are consistent with the site identification criteria for new sites in draft Policy SP17(5) is a cross-reference to the criteria identified within draft Policy SP17(2).

89.2. If the Inspector considers that this is not sufficiently clear, Shropshire Council would support a modification to draft Policy SP17(5) to introduce the wording: "*identified in paragraph 2 of this policy*" after the reference to "site identification criteria".

*Question 90. Should existing waste management facilities that are safeguarded be identified in the Plan?*

**Shropshire Council Response:**

- 90.1. Draft Policy SP17(5), alongside other draft policies within the draft Shropshire Local Plan establish the principle that existing waste management facilities in locations which are consistent with the site identification criteria for new sites are to be safeguarded.
- 90.2. However, the draft Shropshire Local Plan is inherently a strategic document. Furthermore, the identification of specific facilities or types of facilities inevitably creates a risk of the perception that facilities / types of facilities not specifically referenced are not subject to the intended safeguarding. This is a particular risk given the intended timescales of the draft Shropshire Local Plan and the potential for the emergence of new facilities / types of facilities over this period.
- 90.3. As such, Shropshire Council considers that establishing the principle of safeguarding existing waste management facilities in locations which are consistent with the site identification criteria for new sites without naming specific facilities / types of facilities, strikes the appropriate balance between safeguarding facilities and providing flexibility to respond to changes to these facilities over time.

*Question 91. Should Policy SP17(5) refer to the agent of change principle?*

**Shropshire Council Response:**

- 91.1. Shropshire Council considers that draft Policy SP17(5) appropriately reflects the principle of agent of change without specific reference to this principle.
- 91.2. However, if the Inspectors consider that further clarification is required, the Council would support an appropriate modification to paragraph 3.168 of the explanation to draft Policy SP17.

**Questions: Policy DP32**

*Question 92. What are the "appropriate locations" stated in part (2) (a), (c), and (d) of Policy DP32?*

**Shropshire Council Response:**

92.1. The appropriate locations referenced in draft Policy DP32(2)(a), (b), (c) and (d) are those locations which are consistent with the requirements for the specific form of development within the draft Policy and the wider policies of the draft Shropshire Local Plan, reflecting the principle that the draft Shropshire Local Plan is intended to be read and applied as a whole.

*Question 93. Does part (1) of Policy DP32 ensure that the potential impacts of waste management facilities can be suitably managed, and does it cover all necessary matters in this regard?*

**Shropshire Council Response:**

93.1. Shropshire Council considers that draft Policy DP32(1) does ensure that the potential impacts of waste management facilities can be suitably managed, and that it does cover all necessary matters in this regard.

93.2. It should also be noted that draft Policy DP31(1) should be seen in the context of the other environmental and amenity control policies in the draft Shropshire Local Plan, reflecting the principle that the draft Shropshire Local Plan should be read and applied as a whole.

*Question 94. Please provide explanation of the justification for part (e) of Policy DP32, including with regard to the use of recycled or secondary aggregates in land profiling or engineering works.*

**Shropshire Council Response:**

94.1. Draft Policy DP32(2)(e) is justified by the requirements of the waste hierarchy, as set out in Government's Planning Practice Guidance on waste management. This advocates waste management solutions which are higher up the waste hierarchy on the basis that they are more sustainable.

94.2. The spreading of solid or liquid materials on land is at the base of the waste hierarchy and accordingly is less sustainable than managing such materials through for example material recycling / reclamation for solid materials or anaerobic digestion for liquid wastes.

- 94.3. In order to promote waste solutions which are further up the hierarchy the draft policy appropriately requires applicants for operations involving spreading of waste to land to demonstrate why alternative methods recovering material or energy value from the waste are not feasible. This may be because solid waste to be spread to land has already been subject to a pre-treatment process which has recovered reclaimable materials for example to create horticultural grade soils or hardcore for construction use. Alternatively, it may be because controlled spreading of waste on land can yield agricultural benefits, such as through the controlled spreading of poultry manure from a proposed broiler unit.
- 94.4. The policy does not preclude use of solid waste material for instance to infill a quarry void and it is recognised that this can sometimes have benefits in terms of the restoration landform and after-use. However, it is important that any such infill materials have been subject to pre-treatment first in accordance with the waste hierarchy.

**Question: Policy DP33**

*Question 95. Explain how a new landfill or landraising site would provide for equivalent self-sufficiency. Would any need for such a facility inevitably involve cross-boundary flows of waste?*

**Shropshire Council Response:**

- 95.1. Within the Council's response to question 8 of the additional MIQ's on the Duty to Cooperate (ADTC01) the Council has explained its approach to landfill and landraising sites and the relationship between this and its approach to equivalent self-sufficiency.
- 95.2. Furthermore, draft Policy DP33 specifically addresses the considerations in circumstances where an application for landfill or landraising development arises – reflecting the principles of the waste hierarchy and the fact that the natural geology and the geography of water resources in Shropshire significantly restrict opportunities for landfill because of the potential for adverse impacts on groundwater.
- Ultimately, it is considered this is a hypothetical question however, any waste management facilities that arise in Shropshire would contribute to the achievement of equivalent



self-sufficiency. It is important to note however that Shropshire is not reliant on landfill or landraising facilities arising in order to achieve equivalent self-sufficiency.

- 95.3. If such a facility were to come into existence, then Shropshire Council considers that it would be likely to involve cross-boundary flows. This is because such a facility would be a commercial operation and as such would accept waste from those sources which are best able to maximise the profit of the relevant commercial organisation. Additionally, it is unlikely that sufficient waste would be generated in Shropshire that would need to be landfilled (recognising the principles of the waste hierarchy) to support the establishment of a new landfill facility in isolation.