



Shropshire Council Site Allocations and Management of Development (SAMDEV) Plan

**Pre-Submission Draft (Final Plan)
17 March 2014 – 28 April 2014**

Representations Form

Please note you can also make representations to the SAMDev Pre-Submission Draft using our online form via:

www.shropshire.gov.uk/samdev

This is a formal consultation on the legal compliance and soundness of the Site Allocations and Management of Development (SAMDev) Plan before it is submitted to the Secretary of State for examination by an Independent Planning Inspector. For advice on how to respond to the consultation and fill in this representations form please see the guidance notes available on the Council's website at www.shropshire.gov.uk/samdev.

Your details: Who is making this representation?

Name:	Adam Collinge
Organisation (if applicable):	Crestwood Environmental Ltd
Address:	The Technology Centre, Wolverhampton Science Park, Glaisher Drive, Wolverhampton. WV10 9RU
Email:	adam@crestwoodenvironmental.co.uk
Telephone:	01902 824037

If you are acting as an Agent, please use the following box to tell us who you are acting for:

Name:	Steven Birch
Organisation (if applicable):	JPE Holdings Ltd
Address:	The Lodge, Warstone Road, Essington, Wolverhampton. WV11 2AR
Email:	

Your Representations

Please note, you must use a separate form for each representation you wish to make.

(Please refer to the accompanying Guidance Notes on Making Representations when completing this section)

In the box below please give the policy, paragraph or section of the Policies Map your representation relates to:

MD5: Sites for Sand and Gravel Working (with allocated Sites identified in Schedules MD5a and MD5b)

Is your representation in support or objection? (please tick as appropriate)

Support	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Object	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

In respect of your representation on the policy, paragraph or section of the Policies Map, do you consider the SAMDev Plan is:

Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

If your representation considers the SAMDev Plan is not sound, please say whether this is because it is not (*Please tick all that apply*):

Positively prepared	<input checked="" type="checkbox"/>
Justified	<input checked="" type="checkbox"/>
Effective	<input checked="" type="checkbox"/>
Consistent with National Policy	<input type="checkbox"/>

In the box below please specify your reason for supporting or objecting.

If you are objecting, you should make clear why the document is unsound having regard to the issues of 'legal compliance' or whether the document is not positively prepared, justified, effective or not consistent with national policy (Continue on a separate sheet if necessary).

In the SAMDev Preferred Options Document (March 2012), a further Site was proposed to be allocated for the winning and working of Sand and Gravel referred to as *Cannebuff Quarry M19* (42.38 Ha), located on the Shropshire/Staffordshire border immediately north of the A454 Bridgnorth Road near Shipley. The approx. productive capacity was identified as 3.5 million tonnes.

The justification for the allocation of the Site was *"This site is effectively an extension to an existing quarry nearby at Seisdon in Staffordshire. The site benefits from being generally well screened and would have a direct access to the strategic route network in a location close to markets for the mineral being produced."*

In the SAMDev Revised Preferred Options (July 2013), Cannebuff was removed from the proposed SAMDev plan. The consultation responses summary (2012) stated that *“A large majority of respondents (73% of 62 respondents) are opposed to the Cannebuff material extraction site, with a large number of comments relating to the impact of noise, light and dust pollution on the nearby residents. The adverse impact of the site on the area’s wildlife and green spaces with regard to the increase of pollution was commented upon. Additional concerns were raised relating to the creation of boreholes for usage within the quarry and the effect this would have on the water table and aquifer. A large number of comments were received in relation to the nearby access road, which is already known to be dangerous, with fears increased traffic load would increase accident rates. Some respondents raised concerns about a potential increase in crime rates in the area due to the risk of theft from the quarry. Following the quarry’s use, respondents queried the meaning of “inert backfill” and the use of the quarry as landfill.*

Pattingham and Patshull Council are opposed to the development for reasons listed above. Claverley Parish Council has responded with uncertainty to the proposal, with a decision delayed until further information is made available, though they acknowledge the concerns raised above.”

As such, in the Revised Preferred Option (July 2013), Cannebuff was removed from the proposed Site allocations *“due to the lack of support and further information about the nature of the mineral resource [our emphasis], the Cannebuff site would not be a viable site for mineral extraction. Therefore the site is **removed** from the SAMDev Plan.”*

JPE Holdings Ltd, who have an interest in developing the Cannebuff site for sand and gravel extraction, believe the removal of the Cannebuff site from the proposed SAMDev Plan allocations to be unsound and consequently Policy MD5 and the accompanying schedules of proposed allocated Sites (MD5a and MD5b) insufficiently address the mineral requirements for the duration of the plan period – as outlined below.

REASONS (with reference to Pre-Submission Draft (Final Plan) 17 March – 28 April 2014 - Guidance Notes for Making Representations at Pre-Submission Publication Stage – produced by Shropshire County Council):

It is noted in the guidance that *“The plan should be [positively] prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.”*

Our understanding for one of the reasons for Cannebuff’s removal from the SAMDev is the similarity of the material with a Site with resolution to grant planning permission (subject to a S106) named Barnsley Lane, around 5.9km southwest of Shipley and which would serve a similar market area. The assertion is that alongside other existing mineral Sites and another Site (Woodcote Wood) with resolution to grant planning permission, the remaining mineral allocations (schedules MD5a & 5b) will be sufficient to meet the identified shortfall in the sand and gravel reserve for the plan period to 2026.

The main evidence for this is contained in the Draft Shropshire Local Aggregates Assessment 2013, reiterated in the SAMDev plan, stating that *“The permitted landbank of permissions was equivalent to about 16.5 years production in 2011 (RAWP Annual Report 2011)”*. It also identifies that *“In 2013 there were 8 permitted sites for sand and gravel working in Shropshire, 7 of which were operational (see Appendix 1). There are also two sites where a resolution has been made to grant planning permission, but where consent*

has yet to be issued. The majority of the material produced is used locally within Shropshire to supply the construction industry with building sand, concrete and concrete products". The two sites with resolution for granting planning permission are Barnsley Lane and Woodcote Wood. It is not explicitly stated but it is assumed that these sites form part of the landbank and identified reserve available.

The SAMDev Plan also states that *"almost 70% of sand and gravel reserves, equivalent to 65% of the annual production target, is contained in three site commitments which have remained unworked for over 5 years. This strongly suggests that both local demand and cross boundary markets are not currently strong enough to support the level of capital investment which would be required to implement these sites, although they are still likely to become viable over the Plan Period. In these circumstances, the Plan assumes that these sites will make only a modest contribution to the supply of sand and gravel during the Plan Period, meaning that additional site allocations are required to maintain an adequate and steady supply of sand and gravel during the Plan period"* – it is not made clear here if this assessment refers to those Sites with resolutions to grant planning permission or the inactive Sand & Gravel Sites identified Shropshire Local Aggregates Assessment 2013 (consisting of Sleaf Quarry, Morville Quarry, Cound Quarry (which is statutorily dormant) or Conyburg Wood Quarry).

Either way, the SAMDev Plan states that the *'Existing Reserve at Operational & Committed Sites'* is 8.96 million tonnes, where this is *"the mineral which could be produced at maximum output during the period 2012-2026"*.

Based on all the various commentary it is assumed that Barnsley Lane and Woodcote Wood are considered committed Sites forming part of the landbank given that there are also 4 other 'dormant' Sites.

Based on the above, the assessment in terms of the identified available reserve (landbank) and assessment of the required amount of mineral allocations is considered unsound for the following reasons:

Barnsley Lane is an historic planning permission from 2004, subject to a 'Section 106 agreement' (S106). Grundon were the applicant who would operate the Site. It is understood that the S106 was prepared but has never been signed or agreed; as such the permission cannot be enacted and the operational and ownership situations at the Site have significantly changed in the intervening years, which have not been sufficiently addressed, in terms of the relevancy and deliverability of the planning permission, which ultimately may affect the assessment of the available mineral resource in Shropshire. It is understood from various investigations by the land agent that:

- Ownership is effectively split, with the surface ownership sold in 1992 subject to mineral rights being reserved (along with typical rights to win and work such mineral) in favour of the vendor;
- Rights of future infill were also reserved at point of sale in favour of the vendor/mineral owner;
- The purchaser of the surface land was Grundon, who were also afforded a lease of the minerals at the point of purchase;
- The lease to Grundon subsequently lapsed by virtue of passage of time, renewal was discussed and there is some uncertainty as to whether this was formally agreed. In any case, the form of Option mooted would have lapsed in 2012;
- Grundon's title effectively amounts to ownership of 28.6ha of agricultural land, although it has since been suggested that Grundon have sold such interest. The

current owner of the surface has not been confirmed, but is understood to be the previous agricultural tenant;

- Right of access to effect operations at Barnsley Lane is via, what is now, the Sita CA/household waste site that fronts on to Barnsley Lane;
- Previous discussions held between the land agent and both Grundon and Sita confirmed informal negotiations for a right of access in favour of Grundon had taken place, but no progress was made in terms of establishing a right of access to operate a quarry, export mineral, import inerts etc. Sita confirmed that they would require a typical wayleave payment to be levied should operational access rights be afforded. Regardless, the prospect is effectively landlocked under historic operational proposals featured within Grundon planning application;
- Shropshire CC have made reference to a restoration scheme having since been agreed in respect of the CA site which may, according to Shropshire CC “*potentially affect access*” to the Barnsley Lane minerals;
- Operational details of note include:
 - The resource is assumed to total c.1,500,000 tonnes of mineral, restricted to working at a rate of 125k tpa;
 - The mineral is known to be predominantly Bunter Sandstone, yielding a fine grained sand product, albeit a fault line to the west of the Site serves to introduce a pebbly red sandstone/conglomerate mineral;
 - It is also understood the deliverability of the mineral extraction in terms of the quality of the mineral present and excessive cost relating to accessing the mineral due to the slope gradients and mineral depth, may preclude future development of the Site.
- A previous approach to the mineral owner, by the land agent, as to their continued willingness to see the Barnsley Lane prospect feature within emerging planning policy was made and a fairly negative response was received.

It is also understood that a letter (entitled Bridal Coppice and Morfe Covert – Sand Prospect) outlining the results of a borehole study (by Grundon Estates Office) at the Barnsley Lane Site and adjacent land was made available to the landowners in 2011. This stated that “*the mineral encountered was mainly a silty sand or very fine with a high silt content none of which would meet any building specification being too fine grained. This material becomes more cemented with depth into an easily fragmented silty sandstone... In all a disappointing investigation that has shown no mineral of suitable quality to be exploited.*”

Overall, the deliverability of Barnsley Lane appears questionable given the lapsing of mineral rights, unclear ownership information and the proposed access conflicting with the restoration of the neighbouring waste site and costs associated with delivery. It also appears the quality of the mineral is in question, further weakening the likely development of the Site. These issues are likely to preclude the Site being developed during the plan period.

Given the historic nature of the permission, and the likely changes to the permission required to deliver the scheme, it is likely a new permission would be required and that the Barnsley Lane Site should not be assumed to be included as part of the permitted landbank until such time as the pertinent issues have been resolved and the relevancy of the current permission has been established. The removal of Barnsley Lane from the landbank (available mineral resource) would effectively increase the short fall in mineral reserve by c. 1.5 million tonnes that would need to be covered by other/future mineral Sites.

With regards to Woodcote Wood, it is understood that the associated punitive cost of

highways works required to facilitate the planning permission and S106 agreement for the Site (a CEMEX site) are also understood to be a hindrance to development of the Site.

The SAMDev plan also states *“The market area for sand and gravel aggregates produced in Shropshire is generally local and whilst some material is supplied into adjacent areas to the north and west, very little sand and gravel produced from Shropshire is currently exported eastwards to the main markets in the West Midlands conurbation due to the availability of more proximate and higher quality materials closer to these markets”*.

The soundness of this statement is also questionable. Having had discussions with Staffordshire County Council, mineral reserve in southwest Staffordshire is in decline and it is therefore unlikely that the area between the West Midlands conurbation and Shropshire will be able to provide sufficient reserves to support the conurbation’s market and economic needs over the coming years. An example of this is Seisdon Quarry in Staffordshire (c. 2.5km southeast of Cannock). The Site is nearing the end of its life, with permission for extraction expiring in December 2013 (albeit subject to a planning application to extend the life of the development). It is understood that there are few other Sites in the immediate vicinity to supply the immediate market area (including the northwestern edge of the West Midlands conurbation) and there are unlikely to be new Sites available imminently. The closure of Seisdon Quarry would also hasten demand for mineral in the immediate area very early during the SAMDev plan period. Staffordshire County Council is in the process of developing its new mineral plan.

This situation is likely to increase the reliance on mineral from the eastern edge of Shropshire, being supplied eastwards, and whilst the SAMDev makes a market assessment based on past trends (which have been highly influenced by the recession of 2009 onwards limiting economic and construction activity), we consider the analysis of the likely mineral reserve available between the West Midlands conurbation and Shropshire to be insufficient, not fully accounting for the likely mineral requirement from within Shropshire to meet rising market demand east of the county.

It is also the case that Barnsley Lane would be one such quarry that would need to meet the demand from the east of Shropshire and if this is not delivered during the plan period, additional mineral sites would be required.

Overall, the soundness of the evidence base informing policy MD5 and the resulting mineral allocations is questioned due to lack of assurity over the available mineral reserve in Shropshire being able to meet future market demand as the assessment is partly-based on historic or non-deliverable planning permissions. We do not consider that the current allocations under Policy MD5 has sufficiently positively addressed the market demand for sand and gravel mineral from neighbouring authorities (Staffordshire and West Midlands conurbation) likely to emanate during the plan period.

Based on the above, the soundness for the Justification for the limited mineral allocations made under Policy MD5 is also questioned as it is imperative that *“the choices made in the plan are backed up by facts... The SAMDev Plan should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to sustainability appraisal. The Plan should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.”* Policy MD5 and the proposed mineral allocations are based on historic data (based on historic planning permissions and market data primarily covering a recession period) that we do not consider accurately reflects mineral reserve availability, nor sufficiently addresses the mineral demands of the Shropshire and the adjacent market areas to the east.

In the SAMDev, Table 5.3. Delivering the Production Requirement identifies the likely Production Surplus for sand and gravel reserve over the plan period (to 2026), accounting for the remaining reserve (landbank), production requirement and the proposed Site allocations (schedules MD5a and MD5b) to be 2.88 million tonnes. However, if Barnsley Lane is not enacted the surplus could be assumed to decrease to 1.38million tonnes. The assessment also includes for an assumed 1 million tonnes of windfall mineral – but this is not guaranteed. So in reality the surplus may only be considered to be 0.38million tonnes (and possibly less if other Sites are not delivered). The assessment of the existing reserve as being 8.96 million tonnes is also stated as being “*the mineral which could be produced at maximum output*” during the plan period. It is also questioned if the Production Requirement of 11.48 million tonnes sufficiently accounts (for the entirety of the plan period) for any short fall in southwest Staffordshire serving the West Midlands conurbation.

The Effectiveness of Policy MD5 (and the associated mineral allocations) is also questioned as “*the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities*”. We consider that the deliverability of the current landbank/mineral reserve has been insufficiently explored and that the policy insufficiently addresses the likelihood of a mineral shortfall and increased market demand east of Shropshire.

As such, and based on the information above, we consider that it was unjustified to remove Cannebuff from the proposed mineral allocations and that without Cannebuff being a mineral allocation as part of the SAMDev plan, Policy MD5 and the plan fails to positively plan for the future mineral requirements of Shropshire during the plan period and particularly serving the market between the West Midlands conurbation and the eastern boundary of Shropshire. Should the mineral resource not be available from eastern areas of Shropshire, demand will spread further afield leading to less sustainable mineral reserves being accessed by the prevalent market, e.g. due to increased haulage distances etc.

We accept that Policy MD5 also allows for a windfall argument to be made, i.e. point 3 of the policy for developing Sites outside of the allocations, however, by excluding the 3.5 million tonnes of sand and gravel reserve potentially available at Cannebuff, we consider the SAMDev plan has insufficient flexibility to meet the mineral requirements of Shropshire over the plan period and there would be a reliance on obtaining permission for Cannebuff and other similar sites during the plan period in order to effectively deliver the plan.

Please use the box below to explain the changes you think should be made to the SAMDev Plan in order to make it legally compliant or sound? You should explain your suggested revisions to the policy, paragraph or section of the Policies Map, and why this change would make the plan legally compliant or sound. Please be as precise as possible (Continue on a separate sheet if necessary)

We consider that the plan can be made sound through re-introducing/inclusion of Cannebuff as an allocated Site under Schedule MD5a: Phase 1 Site Allocations, of Policy MD5 in order to ensure that there is sufficient mineral allocation for Shropshire and the wider market areas the mineral within the county will serve during the plan period.

In terms of mineral reserve, the inclusion of Cannebuff will help to alleviate concerns regarding the deliverability of other Sites not currently operational, as well as address any

mineral shortfall and market demand in Shropshire and eastwards towards the West Midlands conurbation. This will enable the SAMDev to plan positively for the future, be flexible, meet objectively assessed need and reduce reliance on windfall sites coming forward. It is understood currently that the available mineral reserve in southwest Staffordshire is diminishing and the delivery of Cannebuff at an early time during the plan period is potentially critical to the sustainable supply of mineral east of Shropshire, hence we consider it vital it is included in the Phase 1 Site Allocations.

In terms of previous consultations/representations regarding mineral extraction at the Site and responses to previous SAMDev consultations, we understand that Cannebuff is not located within, nor contains, any area statutorily or internationally/nationally designated for landscape, nature conservation or cultural heritage purposes (e.g. AONB, SSSI, SAC, etc.). The Site is located in the Green Belt but in accordance with NPPF policy, mineral extraction is not necessarily inappropriate nor conflicts with the purposes of the Green Belt. The Site has excellent transport links along the A454 Bridgnorth Road both heading east towards Wolverhampton and west towards Bridgnorth, which arguably means Cannebuff is better placed than other permitted mineral Sites to serve the local market.

Desk study and other research has shown that there are no overriding reasons why local environmental concerns relating to dust, noise, litter, traffic (highways safety), wildlife etc. cannot be adequately assessed and overcome, where they cannot be avoided, as part of the detailed design and planning application process for the development of Cannebuff. Accordingly there appears to be insufficient reason to exclude Cannebuff from the SAMDev as an allocated site on this basis.

The design and operation of Cannebuff as a quarry could be done such that the groundwater resource (aquifer) would be protected, with low risk of contamination or pollution events. The local hydrogeological implications and protection measures can be adequately addressed as part of any future planning application. It is not intended for the Site to be used as a 'landfill' with any fill requirements relating to enhancing the restoration of the Site. With regard to inert backfill, this relates to the use of imported restoration materials at the Site in order to achieve an appropriate restoration landform and beneficial afteruse.

With regard to the mineral reserve being similar in nature to that of Barnsley Lane and the wider market need for the Site, these issues have been addressed in the above representations and are not considered sufficient to preclude Cannebuff from allocation and indeed Cannebuff's allocation would overcome the highlighted reasons for why we consider the plan to currently be unsound.

Please be sure that you have provided all the information necessary to support your representations and any changes you are proposing. After this stage you will not be able to make any further representations about the SAMDev Plan to Shropshire Council. Any further submissions will only be possible at the invitation of the Inspector conducting the examination, who may seek additional information about the issues he/she has identified.

Do you consider it necessary to attend and give evidence at the examination?

Yes, I wish to give evidence about my representation at the examination.

☒

No, I wish to pursue my representations through this written representation.

☐

If you wish to attend the examination, please explain why you think this is necessary in the box below:

Subject to developments at Cannebuff, the local situation and progress of the plan, we wish to be informed as to the examination date in order to provide updates on the situation in person, as outlined above and make representations in support of the allocation of Cannebuff under Policy MD5 – Schedule MD5a in order to overcome the reasons we have highlighted why the SAMDev plan is currently unsound.

Do you wish to be notified of any of the following? Please tick all that apply. We will contact you using the details you have given above.

When the SAMDev Plan has been submitted for examination	<input checked="" type="checkbox"/>
When the Inspector's Report is published	<input checked="" type="checkbox"/>
When the SAMDev Plan is adopted	<input checked="" type="checkbox"/>

Please return this form by 5pm on Monday 28 April 2014

You can e-mail it to:

Planning.policy@shropshire.gov.uk

Or return it to: Planning Policy Team, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Please note, we will acknowledge receipt of representations made by e-mail.

Data Protection Act 1998 and Freedom of Information Act 2000

Representations cannot be treated in confidence. Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires copies of all representations to be made publically available. The Council will place all the representations and the names of those who made them on its website, but will not publish personal information such as telephone numbers, emails or private addresses. By submitting a representation on the Pre-Submission SAMDev Plan you confirm that you agree to this.