Annex 2: Duty to Cooperate 2014-15

The 'duty to co-operate' requires local planning authorities to co-operate with other planning authorities and relevant bodies on planning issues that cross administrative boundaries to ensure that strategic priorities are properly coordinated and clearly reflected in individual Local Plans.

Details of the activities described in the main report that were undertaken by the Council in line with the Duty to Co-operate on the preparation of the Minerals Local Plan during 2014-2015 are set out in this section.

Responses received to the "Call for Sites" in summer 2014 were given unique reference numbers and a response document is currently under preparation to address the sites submitted and any other points raised. This response document will be published on our website at www.worcestershire.gov.uk/minerals early in 2016.

	Crushed Rock	Sand and Gravel	Building Stone	Oil and Gas	Bird Strike	ROMPs	Concrete Batching Plants
(fish hill)							
Cinetic Sands	X	X					X
MV Kelly	X	X					X
DECC				X			
UKOOG				X			
BGS	X	X	X	X		X	
Coal authority				X			
Mineral Products Association	X	X	X		X	X	X
British Aggregates Association	X	X	X		X	X	X
West Midlands AWP (secretary)	X	X				X	X
[redacted]							
Malvern Hills AONB Partnership	X	X	X	X			
[redacted]							
[redacted]						X	X
[redacted]						X	X
[redacted]						X	

made up of waste planning authorities and members of the waste industry, voluntary and community sectors. Because of the particularly close economic links between them, the WMRTAB includes a representative from the East Midlands RTAB and vice versa. The Chairmen of the RTABs also meet regularly to share ideas and where possible, co-ordinate their efforts. The WMRTAB led on the preparation of the waste policies in the West Midlands RSS Phase Two Revision. Despite the demise of the regional governance structure, the WMRTAB continues to meet to discuss planning issues.

At the meetings of RTAB on 14th May 2014 and 24th Septe

The West Midlands AWP was happy to accept the memo in principle, but noted that the main potential external supply of crushed rock to Worcestershire was likely to be Gloucestershire. It was agreed that the Chair of the AWP, in liaison with Worcestershire County Council, would make a formal approach via the South West AWP. This was pursued during 2015 and will be reported in the 2015-16 Annual Monitoring Report.

Non-Aggregate discussions:

At previous AWP meetings, it had been discussed that gathering information on non-aggregate minerals and greater coordination along the lines of the AWPs was desirable. The AWP's technical secretary had canvassed potential representatives and all those contacted welcomed the opportunity to discuss planning issues with planning officers, but a suitable date was not found for all representatives. In the interim, mineral planning authority officers held an informal discussion on issues relating to clay on 27th March 2015. Matters covered included: the nature, scale and status of clay extraction and associated infrastructure in each mineral planning authority area; emerging policy issues; cross boundary issues; engagement with the industry; link to LAAs; any "other" matters to be considered; and value of a regional non aggregate minerals group. Conclusions of this meeting included that there was no evidence of any region wide issues regarding clay supply, but that it is not clear if there is a need to safeguard clay resources, that the region appears to be able to meet the needs of the clay industry, and that no significant Duty to Cooperate issues over the supply or demand for clay had been identified at a regional scale.

Other Aggregate Working Parties

The following Aggregate Working Parties were contacted by direct mail regarding the Call for Sites consultation in summer 2014:

East Midlands AWP
East of England AWP
Greater London Authority AWP
London AWP
North East AWP
North Wales AWP
North West AWP
South East AWP
South Wales AWP
South West AWP
Yorkshire and Humber AWP

No responses were received from the AWPs in response to that consultation.

Minerals and Waste Learning Group

The Planning Officers' Society manages a Minerals and Waste Learning Group which the Council subscribed to and attended all four meetings over the monitoring period (2nd April 2014, 9th July 2014, 5th November 2014 and 14th January 2015). The group exists to discuss matters relating to members' statutory mineral and waste planning duties.

Each meeting includes a discussion of member councils' activities and progress in developing and adopting mineral and waste development plans and in

determining associated applications. Discussions are not currently minuted or recorded as part of the duty to co-operate but the meetings and subsequent email exchanges any issues have arisen which may invoke the duty to co-operate . Membership over the year included Bedfordshire and Central Bedfordshire shared planning service, Bradford, Derbyshire, East Sussex, Brighton and Hove, Essex, Hampshire, Hertfordshire, Lincolnshire, Northamptonshire, Nottinghamshire, Oxfordshire, Staffordshire, Surrey, West Berkshire, West London Waste Authorities, West Sussex/South Downs National Park and Worcestershire.

Shropshire Council

A "call for sites" consultation was held during July and August 2014. Shropshire Council was consulted by direct mail but did not submit comments.

It was also consulted on the following draft background evidence documents:

- Crushed Rock in Worcestershire
- Sand and Gravel in Worcestershire
- Building Stone in Worcestershire
- Conventional and Unconventional Hydrocarbons (Oil and Gas; excluding Coal)
- Bird Strike
- Review of mineral planning permissions in Worcestershire (ROMPs)
- Concrete Batching and Asphalting Plants in Worcestershire

No response was received.

Meeting details	Key issues and outcomes
Date: 10th February 2015 Staffordshire County Council Offices **Present:** Worcestershire County Council: Nick Dean (also representing Herefordshire) Shropshire County Council: Adrian Cooper Staffordshire County Council: Mat Griffin Solihull Metropolitan Borough Council: Maurice Barlow (also representing Birmingham City) Walsall Borough Council: Dawn Sherwood (also representing the Black Country Partnership) Warwickshire County	Discussion on Local Aggregates Assessments

County Hall, Worcester

Present:

Worcestershire County Council, Development Control Team: Mark Bishop, Steven Aldridge, Emma Johnston, Mark Lane

Worcestershire County Council, Minerals and Waste Policy Team: Nick Dean, Marianne Joynes, Rebecca Schofield

Worcestershire County Council, Strategic Planning Team: Marta Dziudzi

Herefordshire Council: Debby Klein, Rebecca Jenman

Worcestershire's regular meeting between its development control and policy officers as a learning exercise in the spirit of the Duty to Co-operate (Debby was due to retire in summer 2015 and Becca was shadowing her to take over the minerals and waste role at Herefordshire, primarily development control).

Standard agenda items were discussed, and the following points are the relevant cross-boundary points:

Monitoring and enforcement update

ML stated that the Environment Agency is starting to recoup costs using the Proceeds of Crime Act. DK asked whether there were any issues with EA waiting to see what planning enforcement would do and vice versa, ML didn't think that was a problem in Worcestershire. ML and RJ agreed to swap case notes to learn from each other's experience.

Waste and Minerals planning applications update:

General update on caseload was of interest to all, but no cross-boundary issues identified.

Herefordshire's mineral sites There could be sand and gravel supply issues in future as further extensions are very limited on some sites, and one permission has lapsed. Crushed rock site at Leinthall Earles is still going.

Planning Policy update:

WCC has an adopted Waste Core Strategy and progressing with a new MLP. Likely to consult on "draft plan" in 2016. WCC has been preparing background documents which have informed the vision, objectives and spatial strategy which (in draft) have changed since the Second Stage Consultation in 2013/2014. WCC recognised the need to engage with

control of Malvern Hills Conservators with

Herefordshire will be offered a place in future.
DK intending to arrange a visit to

conducting a consultation on site options and would welcome Worcestershire's views on site options close to the county boundary, in particular Bow Farm.

It was also consulted on the following draft background evidence documents:

- Crushed Rock in Worcestershire
- Sand and Gravel in Worcestershire
- Building Stone in Worcestershire
- Conventional and Unconventional Hydrocarbons (Oil and Gas; excluding Coal)
- Bird Strike
- Review of mineral planning permissions in Worcestershire (ROMPs)
- Concrete Batching and Asphalting Plants in Worcestershire

Gloucestershire commented on the Crushed Rock and Sand and Gravel

that these movements are normal workings of the market and that there are no conflicts between the three Councils over this. Gloucestershire County Council stressed that it will be guided by the LLA revision and landbank as how to make provision in the MLP.

JCS Housing completions and targets figures

The MPA has indicated that they do not want Minerals Planning Authorities to rely on 10-year sales figures alone to predict demand, and so Worcestershire is looking at other ways of projecting demand. We do not have AWP direction on this as the West Midlands AWP has not met in some time, but our impression is that there may be some correlation between housing completions and demand. At a recent meeting that Nick attended, there was some talk among the West Midlands authorities about doing a housing exercise to help defend the LAAs that are being produced.

The JCS for Tewkesbury, Cheltenham and Gloucester is projecting approximately 1000 new houses per year,

Dudley Metropolitan Borough Council commented on the Crushed Rock, Sand and Gravel and Building Stone documents and their comments have been taken into account in revised versions of the documents which have been published on our website www.worcestershire.gov.uk/mineralsbackground.

Meeting details	Key issues and outcomes
Date: 1st April 2014 Worcestershire County Council **Present:** Worcestershire county Council: including Nick Dean (Minerals and Waste Policy Manager) and Emily Barker (Strategic Planning and Environmental Policy Manager) Birmingham City Council	Amongst other matters discussed at the meeting relating to the Birmingham Development Plan, there was a focus on the links between Birmingham City and Worcestershire in relation to the emerging Minerals Local Plan. a) Overall approach including relationship to Vision and Objectives in the MLP - agreed General information on the vision, strategic objectives and approach of the MLP, including estimated provision of aggregates. Following abolition of the Regional Spatial Strategy, WCC has worked and continues to work with adjoining authorities in the GBSLEP and West Midlands Metropolitan Area and beyond. No conflicts or outstanding issues in relation to the strategy set out in the MLP between the parties. (A separate agreement covers the relationship between WCC and BCC on the Birmingham Development Plan). b) Appropriate provision made for the supply of aggregates and other minerals agreed The aggregates, bricks and building stone needed to enable the level of development set out in the Birmingham Development Plan cannot be supplied from within Birmingham City Council's area. WCC accepts that some of the minerals produced within Worcestershire will supply markets in Birmingham and does not seek to limit or frustrate this. This approach is accepted by both parties. c) Level and distribution of recycled materials for aggregate use agreed Redevelopment activity will generate C&D waste which will contribute to the supply of recycled aggregates for both Birmingham City and Worcestershire. This is accepted by both parties. It was noted and agreed that facilities for waste management, including C&D waste, would need to be located on employment land in Birmingham and the Environmental Distri

d) Consistency of planning policy and proposals across common boundaries such as transport links and green infrastructure agreed

To be identified and discussed as appropriate across common boundaries.

It was agreed that there are no potential cross-boundary matters conflicts between the proposals in the emerging MLP and the Birmingham Development Plan on these or other green infrastructure matters.

e) Green Belt matters agreed

Mineral development is considered broadly compatible with Green Belt designation and any such development within Worcestershire Green Belt would not conflict with Birmingham Development Plan.

This approach was accepted by both parties.

f) Minerals, waste and water resources including flooding agreed

As a major city Birmingham is reliant on minerals

	policies in the MLP. This approach is accepted by both parties. h) Any other matters that might reasonably be identified under the Duty to Co-operate agreed No other matters identified.
Date: 10th February 2015 Staffordshire County Council Offices	Discussion on Local Aggregates Assessments (LAAs) is reported fully under the "Shropshire" section of this report.

Engagement with other planning authorities in Worcestershire

Relevant issues were discussed with the City, Borough and District Councils in Worcestershire through meetings of the Herefordshire and Worcestershire Planning Officers Group (WPOG), and the development management Officers Group

In January 2015 Bromsgrove District Council was asked to comment on whether, considering the issues within their remit, they considered that minerals development on each of the sites which had been submitted by landowners, operators and agents for consideration as specific sites in the Minerals Local Plan in response to the Second Stage Consultation and the Call for Sites is likely or unlikely to be acceptable in planning terms. A response was received and these comments will inform a "Deliverability Assessment" of the sites.

Meeting details	Key issues and outcomes
Date: 19th June 2014 Bromsgrove District Council Offices **Present:** Representatives of Wildmoor Residents Association, Bournheath Parish Council, Belbroughton Parish Council Bromsgrove District Council: John Ruck, Brian Lewis, David Whittles	

In January 2015, all three South Worcestershire authorities were asked to comment on whether, considering the issues within their remit, they considered that minerals development on each of the sites which had been submitted by landowners, operators and agents for consideration as specific sites in the Minerals Local Plan in response to the Second Stage Consultation and the Call for Sites is likely or unlikely to be acceptable in planning terms. Responses were received and these comments will inform a "Deliverability Assessment" of the sites.

Meeting details	Key issues and outcomes
Date: 28th May 2014 County Hall **Present:** Worcestershire County Council: Marianne Joynes, Sarah Button South Worcestershire Authorities: Malvern Hills DC David Clarke Worcester City Council Ann Cooper Wychavon District Council Andrew Ford	The agenda for the meeting focused on the points raised in South Worcestershire's response to the Second Stage Consultation on the Minerals Local Plan which required discussion. WCC's initial response to all of SW's comments was circulated in the form of extracts from WCC's draft response document in advance of the meeting. Supply and provision: Discussion centred around the lack of clear targets which the Minerals Local Plan would need to provide. WCC explained lack of clarity and data, coupled with changing requirements and policy framework at the national level. New locally produced LAA (primarily based on average of past 10 years sales) rather than former "apportionment" means amounts will vary slightly every year. SW concerned that 10 year average could underprovide due to economic downturn in 2008. WCC suggested that the rolling ten-year average still includes some pre-slump years, and in future will capture any upturn, so hopefully it broadly balances out. It is also not maximum figure, so more can be produced if required. SW suggested that WCC should look at breaking targets down into milestones throughout the plan period. WCC agreed to look at this. SW asked whether there is any joint work taking place to address data issues (e.g. on sales, imports, demand, need, and landbanks) to provide a sound evidence base. WCC confirmed that there is no joint work taking place at present, and WM AWP has not been fully functional for some time to co-ordinate such work. ND was at a regional meeting of mineral planning authorities, and future WM AWP meetings are being arranged, so this may start to happen. Worcestershire is at the moment a net importer of crushed rock, and a net exporter of sand and gravel.

	resources is desirable; however need to ensure smaller companies are not prevented from coming forward. In principle we would like all sites to be worked as fully as possible, notwithstanding the need to allow for a useable final landform. DC stated that this needs to be strengthened as did not come across. DC suggested that any mining or quarrying would be against the purpose of an AONB or SSSI. However, MJ explained that under current National policy these areas are not specifically excluded. Bredon Hill, because of its SAC, may be slightly different. SW enquired whether the MLP would cover "fracking", WCC confirmed that there will be a chapter on energy minerals which will cover fracking. SB will ensure the background document on oil, gas and unconventional hydrocarbons is circulated to the local authorities in the county. Restoration SW's had concerns that restoration profiles had been developed without reference to the SWDP. MJ explained that this was mainly due to timescales and was intended to put our thinking forward for comment (type of information which should influence restoration proposals). Areas of search as they appear in the second stage consultation won't necessarily be taken forward in that form. AC noted that the restoration of sites depends on the envisaged after use, and that a recreation after use might demand a much higher standard of restoration. AC expressed concern that industrial uses on working sites (e.g. concrete batching or C&D recycling plant) could establish the principle of industrial development, and the MLP needs to prevent these from becoming an "industrial hangover" in the countryside. MJ indicated that the Waste Core Strategy already has a policy that waste recycling infrastructure be tied to the life of the working, and that we are likely to look at doing something similar for Minerals. The MLP will need to balance safeguarding these assets where they are appropriate whilst ensuring there is no undesirable legacy remaining after the working has concluded. Re-use of waste and landfill for restoration was discussed. The WCS shows that there is enough landfill space for the life of the strategy. Landfill

would need to be very strongly justified as the

the policy is not written the evidence base is useable.

DC asked whether we would have a policy of requiring assessment if there is any overlap between housing allocations and minerals sites, and taking a decision of whether extraction is economically viable and practicable. AC stated that the problem is that the burden of proof for the application is with the applicant, but for plan-making it is with us, and that she is concerned about what the inspector might say regarding the impact mineral safeguarding might have on the timing of housing sites coming on-line.

SW will send WCC the GIS shape files with housing allocations that were used for the transport modelling on the understanding that specific information is confidential. WCC will compare these sites with minerals data and a follow up meeting can be held if required. This needs to happen swiftly as minerals constraints could have an impact on transport modelling and plan phasing.

Infrastructure assets

The MLP has to safeguard concrete batching plants, rail heads, wharves etc. and will need a policy to say when safeguarding is necessary and when these assets can be let go. DC requested that further detail be provided, and MJ indicated that we have begun work mapping existing assets, but that we would also need to safeguard

	Abberley Hills continuing old policy The 1997 Minerals Plan didn't allow quarrying in the Abberley Hills. However, the Hills do not have AONB status, and under current National policy even AONBs are not discounted completely. However our analysis of mineral resources eliminated the Abberleys from consideration on the size of the deposits. Previous quarrying there was abandoned as the material was of poor quality. Landbank The draft vision in the second stage consultation aims to achieve the landbank "targets" by halfway through the plan period at the latest. Worcestershire does not currently meet landbank requirements, and this is unlikely to change significantly by the start of the plan period, so we can't say we will maintain it throughout. We have tried to be both optimistic about bringing things forward and realistic about when it might occur. We think that halfway through is realistic, but recognise that wording needs to strengthen the aim to achieve landbank levels as soon as possible. Monitoring indicators will be developed so that further work can be done to bring more sites forward if necessary. There is a mismatch between the old regional apportionments that say we must produce crushed rock and the fact that we have had no applications for crushed rock for many years. Our last crushed rock quarry has now ceased production. If no other sites come forward, then as we move from the old apportionment to the LAA based on past sales, the landbank requirement will diminish and in 10 years' time we would not have a landbank requirement for crushed rock at all. DC asked whether there are counties that just don't have the resources, and AC asked whether that increases the vulnerability of a plan being found sound. MJ said that all we can do is indicate the level we think we should be producing, but make clear the limitations in the deliverability section, or alternatively say that we have a lower target and unmet need and are therefore relying on imports. There are other plans in a similar situation that are reliant on imports, and is this where Duty to Cooperate memoranda are important. For Worcestershire, crushed rock resources are in highly constrained areas, and may not be of great quality. We can encourage development, but if no one wants to work our resources, then it won't happen. AC asked about instilling a buffer between housing and workings (thinking about the example of SW site allocations). MJ explained that our previous policy of

buffering workings from any "group of six houses" hasn't worked very well, and so now we want to make sure that the impacts of noise, dust, or visual impacts can be assessed from any location with no strict buffer. For sand and gravel extraction especially, there may be little difference between ground works for a major housing development and working a site for minerals.

Housing completions and targets figures

SW's response to the MLP consultation suggested looking at previous housing completion figures and Local Plan targets to a

Creation of new class A1, A3 and A5 units, etc. at Worcester Woods Retail Park (Worcester, P14Q0562)
Siting of 540 solar panels at The Groaten, Ashton under Hill (Wychavon)
1 turbine at Norton Fields Farm (Wychavon, 14/01569/PN)
Solar farm at land at Woodhall Farm, Wichenford (Malvern Hills)
Reserved matters for siting, design, etc. at Perdiswell Leisure Centre (Worcester, P15M0061)
120 dwellings at Worcester Road, Drakes Broughton (Wychavon)
Perdiswell Leisure Centre (Worcester, P15M0061)

Planning Appeal

98 houses at Tewkesbury road, Bredon (Wychavon, 13/02148)

SPDs

Wyre Forest Affordable Housing SPD

Neighbourhood Plans

Bredon Neighbourhood Plan
Cleve Prior Neighbourhood Plan
Application for the designation of a Neighbourhood Area from Drakes Broughton, Wadborough and Pirton
Eckington Neighbourhood Plan
Feckenham Neighbourhood Plan
Application for the designation of a Neighbourhood Area from Great Witley and Hillhampton
Application for the designation of a Neighbourhood Area from Hanbury
Application for the designation of a Neighbourhood Area from Hanley Castle
Harvington Neighbourhood Plan
Application for the designation of a Neighbourhood Area from Malvern Town
Upton Neighbourhood Plan

Local Plans

Gloucestershire Minerals Local Plan
Dudley Town Centre Area Action Plan
Staffordshire Minerals Local Plan
Tewkesbury Borough Plan (Site Options and Policies)

Pre application discussion on minerals safeguarding

Proposed development in Hallow
Proposed development in Rushwick

Engagement with other bodies

Worcestershire Local Enterprise Partnership

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Conventional and Unconventional Hydrocarbons (Oil and Gas; excluding Coal)
Bird Strike
Review of mineral planning permissions in Worcestershire (ROMPs)
Concrete Batching and Asphalting Plants in Worcestershire

No response was received.

No meetings were held with WLEP in this monitoring period, although its representatives were updated on progress on the Minerals Local Plan through their attendance at meetings of the Worcestershire Local Nature Partnership.

Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP)

A "call for sites" consultation was held during July and August 2014. GBSLEP was consulted by direct mail but did not submit comments.

It was also consulted on the following draft background evidence documents:

Crushed Rock in Worcestershire
Sand and Gravel in Worcestershire

Worcester City Council; Claire Bridges, Worcestershire LEP; Colin Raven, Worcestershire Wildlife Trust; Dave Throup, Environment Agency (Chair); David Jullien, Act on Energy; Elaine Halford-Bishop, Wyre Forest DC; Emily Barker, Worcs. CC; Ewan Calcott, Forestry Commission; Glenys Tucker, Natural England; Jack Hanson, Worcs. Archive & Archaeology; Justin Milward, Woodland Trust; Katy Boom, University of Worcester; Moira Jenkins, Earth Heritage Trust; Peter Boland, English Heritage; Rachel Datlen, Worcs. CC; Rebecca Lashley, Worcs. CC.	will need to identify sites. Threshold for potential areas of search in Second Consultation was 200Ha to enable landscape-scale restoration. However, this threshold is being reviewed. K

English Heritage[4], local authorities, and voluntary sector organisations such as Worcestershire Wildlife Trust.

	development and the sequential test but not be so rigid that opportunities for betterment are lost. SFRA level 2 could draw on districts' SFRAs.

The Historic Buildings and Monuments Commission for England (known as English Heritage[6])

Natural England

Policy, referring to chapter 5 of CAP 168 and CAP 172 Aerodrome Wildlife Strike Hazard Management and Reduction. These comments have been taken into account in revised versions of the documents which have been published on our website www.worcestershire.gov.uk/mineralsbackground.

The Homes and Communities Agency (HCA)

No issues have been identified which require co-operation with the Homes and Communities Agency. However, they were consulted by direct mail on the "call for sites" consultation held during July and August 2014. A response was received (reference C012-2192) stating that the HCA had no comments to make.

Clinical Commissioning Groups

The Primary Care Trusts and Acute Hospitals Trusts were sent the "Get Involved with Planning" survey and did not respond. The Primary Care Trusts have been disbanded and new Clinical Commissioning Groups set up. These are:

South Worcestershire CCG
Redditch and Bromsgrove CCG
Wyre Forest CCG

A single point of contact was established to act as conduit for all liaison over health matters.

The Office of Rail Regulation

The Office of Rail Regulation was consulted by direct mail on the "call for sites" consultation during July and August 2014. No response was received.

Transport for London

No issues have been identified which require co-operation with Transport for London; therefore Transport for London was not consulted on any activities during this monitoring year.

Integrated Transport Authorities

Centro were consulted by direct mail on the "call for sites" consultation held during July and August 2014. No response was received.

Highways Authorities

The Highways Agency was consulted by direct mail on the "call for sites" consultation which was held during July and August 2014.No response was received.

WCC Highways team were consulted by direct mail on the "call for sites" consultation which was held during July and August 2014.No response was received.

Marine Management Organisations

The Marine Management Organisation (MMO) was consulted by direct mail on the "call for sites" consultation which was held during July and August 2014. No response was received.