

SUBJECT: MINERALS REGIONAL TECHNICAL STATEMENT SECOND REVISION (RTS2)
MEETING: INDIVIDUAL CABINET MEMBER
DATE: 13 JANUARY 2021
DIVISION/WARDS AFFECTED: ALL

1. PURPOSE:

- 1.1 The purpose of this report is to provide the Cabinet Member for Enterprise and Land Use Planning with an overview of the Regional Technical Statement (Second Revision - RTS2) which has been prepared to meet the requirements of Planning Policy Wales 10 in relation to maintaining a supply of mineral resources at the national, sub-regional and local level. It invites the Cabinet Member to note the main findings of the RTS2 in relation to Monmouthshire's apportioned mineral requirement at a local planning authority level, and the requirement to work collaboratively at a sub-regional level to satisfy the sub-regional minerals requirement through the preparation of a Statement of Sub-Regional Collaboration for the Former Gwent Sub-Region, which Monmouthshire forms part of. The report requests the Cabinet Member for Enterprise and Land Use Planning to partially endorse the RTS2 in relation to the individual apportionment for Monmouthshire only and note it as basis to progress with the preparation of a Statement of Regional Collaboration to feed into the preparation of the Replacement Local Development Plan (RLDP).

2 RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Enterprise and Land Use Planning partially endorses the Regional Technical Statement (2nd Review) in relation to the individual apportionment for aggregates for the Monmouthshire area only and not agree to the principle of meeting the wider sub-regional apportionment requirement at this time due to the lack of information regarding the implications for the RLDP.
- 2.2 It is also recommended that the Cabinet Member agrees to progress with the preparation of a Statement of Sub-Regional Collaboration (SSRC) to explore options of how the sub-regional apportionment can be met to enable the RLDP to progress through the plan process. A SSRC could be agreed at officer level under delegated powers provided that all constituent Local Planning Authorities within the sub-region accept their individual apportionments for aggregates for their areas and make appropriate allocations/designations in their RLDPs to address such requirements. If the need arises for Monmouthshire to meet another authority's apportionment, any related statement of sub-regional collaboration would need to be agreed and endorsed by Cabinet.

3 KEY ISSUES:

Background

- 3.1 Minerals Technical Advice Note 1: Aggregate (2004) (MTAN1) requires Local Planning Authorities to make provision for a minimum land bank of 10 years for crushed rock and 7 years for land-based sand and gravel throughout the full 15 years of a development plan period. This results in a requirement of 25 years for crushed rock (15 year plan

period + 10 years MTAN1 crushed rock requirement) and 22 years for sand and gravel (15 year plan period + 7 years MTAN1 sand & gravel requirement).

- 3.2 In order to establish these requirements MTAN1 requires the preparation of Regional Technical Statements (RTS) for the areas covered by both the South Wales and North Wales Regional Aggregates Working Parties (RAWPs). The original RTS was completed in 2008, the first review was undertaken in 2013/2014 and the second review commenced in 2018 and following a consultation exercise undertaken during October/November 2019, the final version has been published. The second review document is more generally referred to as RTS2.

RTS2 Methodology

- 3.3 The RTS2 has moved away from the old ‘demand-led’ system based primarily on historic sales figures to determine future requirements and now adopts a ‘Plan Monitor and Manage’ system. This approach establishes future aggregate requirements based on a combination of historical sales data and the planned requirements of housing construction in Adopted Local Development Plans. The methodology establishes a national aggregates requirement figure, which is then broken down by a regional split between north and south Wales regions, based on past sales ratios. This is then split down to seven sub-regions, which form the basis for the sub-regional apportionment figures. The requirement figures are compared against known supply sources, primarily through the monitoring of land banks. The difference between the requirement and supply forms the basis of what each Local Planning Authority is required to address in the preparation of its Replacement Development Plan (RLDP).

Monmouthshire’s Supply and Requirement

- 3.4 Supply and requirement figures are set out for both sand and gravel resources and crushed rock resources.
- 3.5 Sand and Gravel Resources – marine dredged sand is obtained from licences with the Bristol Channel and Severn Estuary and Bedwin Sands. The RTS2 notes that following discussions with the British Marine Aggregate Producers Association (BMAPA) in 2019 similar levels of marine aggregates production are likely to continue in future years. On this basis there is no requirement to make any provision for sand and gravel resources at the Monmouthshire or sub-regional level.
- 3.6 Crushed Rock Aggregates – Monmouthshire has significant unworked permitted reserves of Limestone at the inactive quarry at Ifton. When compared against the apportioned requirement as set out in the RTS2, Monmouthshire has a surplus of provision and therefore no further allocations for future working are specifically required to be identified within the RLDP when determined on a LPA basis. Sub-regional obligations may however, result in the need to explore the need for allocations. These are discussed in paragraph 3.7.

Former Gwent Sub-Regional Apportionment

- 3.7 At a sub-regional level Monmouthshire forms part of the ‘Former Gwent’ sub-region with Newport, Torfaen and Blaenau Gwent. A summary of the apportionment figures for crushed rock provision and supply are as follows:

LPA	New annualised apportionment for crushed rock (mt)	Total Apportionment required over 25 years	Existing permitted reserves at end of 2016 in mt	Minimum allocation needed to meet requirement provision (mt)

Blaenau Gwent	0.201	5.027	1.320	3.707
Monmouthshire	0.235	5.866	11.250	0.000
Newport	0.434	10.854	0.000	10.854
Torfaen	0.258	6.441	0.000	6.441
Total	1.128	28.188	12.57	21.002

Source: Table B7 – RTS2 - Appendix B – South Wales

Statements of Sub-Regional Collaboration (SSRC)

- 3.8 MTAN1 requires the apportionment and allocation requirements of the RTS2 to be incorporated within the RLDP. As it can be seen from the above table Newport and Torfaen do not have any reserves to meet their apportioned requirements and Blaenau Gwent has a shortfall of 3.7 million tonnes. In recognition that some authorities have limited resources and to ensure that the sub-regional totals are achieved, the RTS2 has introduced a requirement for all LPAs within each sub-region to produce Statements of Sub-Regional Collaboration (SSRCs). SSRCs are required to be prepared collaboratively, by all constituent LPAs within each RTS sub-region as part of the evidence base needed to support each RLDP or Strategic Development Plan (SDP). The timescale for preparing SSRCs is driven by the earliest RLDP (or SDP) submission within that sub-region. The timings within the Former Gwent sub-region are therefore established by Blaenau Gwent and Torfaen as they are due to place their RLDPs on deposit first. Once agreed, an SSRC will remain in place until it becomes superseded by the requirements of future reviews of the RTS, or new information comes forward which justifies a change.
- 3.9 The RTS2 notes that where Local Planning Authorities cannot meet its apportioned requirement, an alternative pattern of supply, which achieves the RTS requirements for that sub-region may be considered. In preparing an SSRC, an authority that cannot meet its apportionment must first show that it has no (or insufficient) workable aggregate resources and/or that there is no interest from the minerals industry in developing such resources within the area. Following this an alternative pattern of supply must be agreed within the sub-region through making corresponding increases in provision within another authority in the sub-region. Where there is clear evidence that the sub-region as a whole cannot meet its collective apportionment, SSRCs may be extended to include one or more other LPAs in directly adjoining parts of a neighbouring sub-region.

Meeting the Sub-Regional Apportionment

- 3.10 The recommendations of the SSRC will need to be incorporated within the relevant RLDPs. The RTS2 discusses the different types of allocations available to meet requirements, where necessary:
- *Specific sites* – defined in paragraph 5.14.19 of PPW10 – “where mineral resources of commercial significance exist, and where any planning applications which come forward for those sites are likely to be acceptable in planning terms.”
 - *Preferred Areas* – areas of known resources with some commercial potential, and where planning permission might reasonably be anticipated, within which operators should be encouraged to bring forward more specific proposals.
 - *Areas of Search* – broad areas that are believed to contain mineral resources of commercial significance but whose extent is uncertain. These will usually have only minimal information on the suitability and commercial viability of the resources for commercial development and, as noted in PPW10, it will not usually be appropriate to only rely on these for the purposes of making allocations. There will be some situations, however, where there is insufficient knowledge about potential resources to identify anything other than Areas of Search. Where this is the case, it is recommended that the Area(s) so identified should provide the potential for the release of new permitted reserves which are far greater than the

minimum allocation recommended, in order to allow for the uncertainties involved.

- 3.11 The RTS2 notes that in view of the fact that Torfaen and Newport may have difficulty in meeting their own new apportionments, given the limited resources in those areas, Monmouthshire will need to work in collaboration with those authorities, and with Blaenau Gwent, in order to meet the combined requirements for the Former Gwent sub-region as a whole. Monmouthshire has extensive unworked resources of Carboniferous Limestone, together with potential resources of sand & gravel along parts of the Usk Valley. The Statement also recognises, however, that those resources fall primarily within areas of relatively low environmental capacity to absorb mineral working and much of the limestone lies beneath the water table within a principal aquifer. The RTS2 recognises that both of these factors would need to be taken into consideration when agreeing how to address the Former Gwent sub-regional apportionment. The RTS2 does, however, indicate that it might fall to Monmouthshire to identify mineral designations in the RLDP to meet the sub-regional apportionment for the Former Gwent sub-region (as per the different types of designations noted in paragraph 3.10). However, it is for the individual LPAs to determine how the strategic requirements identified in the RTS2 should be met within their areas.
- 3.12 The means of achieving the sub-regional apportionment will require the preparation of a Statement of Sub-Regional Collaboration as discussed in paragraphs 3.8 and 3.9 in partnership with the mineral industry and the Regional Aggregates Working Partnership.
- 3.13 In addition to meeting apportionment requirements in accordance with PPW10 local planning authorities are required to safeguard primary aggregate resources of both crushed rock aggregates and land-based sand and gravel. This information is obtained from the British Geological Survey safeguarding maps and is also included in the Adopted LDP.

Endorsement

- 3.14 Each member Local Planning Authority of the South East Wales Regional Aggregates Working Party has been asked to formally endorse the completed RTS2. If endorsement does not occur from all LPAs, the Minister for Energy, Planning & Rural Affairs has the power to endorse it for the region.

Implications

- 3.15 The draft RTS2 was subject to consultation during November 2019 and a number of concerns were raised by Officers, primarily in relation to the sub-regional groupings and the lack of guidance on the preparation of the Statements of Sub-regional Collaboration. In summary, main points raised included:
- The sub-regional apportionments and suggested way of meeting the apportionments were considered to be too prescriptive and do not adequately reflect how the minerals industry currently operates.
 - Groupings should have been addressed on a regional basis – consistent with the geographical areas covered by the developing Strategic Development Plan and Cardiff Capital Region.
 - Limited guidance on how to prepare a Statement of Sub-regional Statement of Collaboration. Timings issues were also raised as their preparation has to match the most advanced RLDP in the sub-region, which also creates uncertainty in how the sub-region can respond to the apportionments when some authorities are at an earlier stage in the plan review process.
- 3.16 Limited changes have been made to the final RTS2 document in relation to these points and these concerns therefore remain. These concerns are also shared with the other three authorities in the Former Gwent sub-region (Torfaen, Blaenau Gwent and

Newport) and discussions are underway to add more certainty to how the sub-regional apportionment could be met within the sub-region.

- 3.17 As noted in paragraph 3.14 each member authority is being asked to endorse the RTS2, however, some concerns exist in relation to the level of certainty relating to how the sub-regional apportionment will be met and any expectations that may be placed on Monmouthshire to meet its own apportionment as well as part or all of the shortfall for the sub-region. This uncertainty applies to each of the four authorities as there is limited information and agreement at present to provide a clearer picture of the implications for the Replacement Local Development Plan.
- 3.18 Discussions are ongoing between the four authorities and representatives of the Regional Aggregates Working Party and Welsh Government to establish how more certainty can be achieved with regards to addressing the sub-regional apportionment, as well as exploring options to prepare a Statement of Sub-regional Collaboration to enable each local authority to progress its RLDP to Deposit. In the meantime, Welsh Government officials have confirmed that a compromised approach to partially endorse the RTS2 in relation to the Monmouthshire apportionment only would be acceptable. As noted above, the total apportionments for Monmouthshire are zero for land-won sand & gravel and 5.866 million tonnes for crushed rock, over 25 years. These compare with existing landbanks of 11.25 million tonnes for crushed rock. In view of this the RTS2 notes that no further allocations for future working are specifically required to be identified within the RLDP at a local authority level.

4 EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):

- 4.1 The Planning and Compulsory Purchase Act (2004) sets out the requirement for all LDPs to be subject to a Sustainability Appraisal (SA). All stages of the RLDP will be subject to an Integrated Sustainability Assessment (including Strategic Environmental Assessment (SEA), Well-being of Future Generations (WBFG), Health Impact Assessment (HIA), Equality Impact Assessment (EqIA), and Welsh Language Impact Assessment (WLIA)), whose findings will be used to inform the development of the Replacement LDP strategy, policies and site allocations in order to ensure that the Plan will be promoting sustainable development.
- 4.2 A Future Generations Evaluation (including equalities and sustainability impact assessment) is attached to this report at **Appendix 1**.

Safeguarding and Corporate Parenting

- 4.3 There are no safeguarding or corporate parenting implications arising directly from this report.

5 OPTIONS APPRAISAL

- 5.1 Based on the current situation and level of information available on mineral reserves in the sub-region the options considered to be available are set out below:

Option	Benefit	Risk	Comment
1. Do not endorse the Regional Technical Statement and preparation of a Statement of Sub-Regional Collaboration (SSRC) and the Welsh Government	There are not considered to be any benefits to not endorsing the RTS2 without any	If endorsement does not occur from all LPAs, the Minister has the power to endorse it for the region.	This option would be contrary to the requirement to work collaboratively on regional issues such as mineral reserves.

Option	Benefit	Risk	Comment
<p>would need to consider its default powers to intervene in the planning process.</p>	<p>exploration of its implications.</p>	<p>Lack of progress on the preparation of the SSRC may also delay the preparation of the RLDP.</p> <p>The Statement of Sub-Regional Collaboration will be prepared without the input of MCC and be a consideration at the Examination of the RLDP in relation to mineral related policies and allocations.</p>	<p>It is beneficial for Monmouthshire to be part of the preparation process for the SSRC as this will ensure locally specific issues are considered and will ensure that the timings do not cause delay to the preparation of the RLDP.</p>
<p>2. Endorse the Regional Technical Statement (2nd Revision) in its entirety including the potential need to accept a greater apportionment than the 5.866 million tonnes for crushed rock specifically identified for Monmouthshire in order to meet the wider sub-regional requirement of 15.62 million tonnes and progress with the preparation of a Statement of Sub-Regional Collaboration (SSRC) to feed into the preparation of the RLDP.</p>	<p>RTS work is undertaken in line with national planning policy guidance on minerals related issues. Endorsement of the RTS2 demonstrates conformity with national guidance in the preparation of the RLDP on minerals matters.</p> <p>Progressing and being party to the preparation of the SSRC reflects a willingness to work in partnership on meeting mineral requirements and ensure Monmouthshire has an input into its recommendations.</p>	<p>There is a risk that agreement may not be reached in the preparation of the SSRC on how best to meet the mineral requirements for the sub-region.</p> <p>Given the level of information available at present and uncertainty as to how the sub-regional apportionment will be met could leave Monmouthshire in position to meet its own apportionment as well as part or all of the sub-regional shortfall.</p>	<p>Conformity with national guidance forms a test of soundness in the preparation of the RLDP. Similarly, working collaboratively on a regional basis is also an important factor in the soundness of the Plan. Endorsement of the RTS2 and agreement to work collaboratively with the relevant authorities and parties to ensure mineral resources are addressed for the sub-regional will help satisfy these plan preparation requirements.</p> <p>It also provides an opportunity to be involved in the considerations and outcome of the collaboration which feed directly into the RLDP. However, there is limited information available at present to provide certainty on what Monmouthshire's role would be in achieving the sub-regional apportionment.</p>

Option	Benefit	Risk	Comment
<p>3.a) Partially endorse the Regional Technical Statement (2nd Review) in relation to the individual apportionment for aggregates for the Monmouthshire area only and not agree to the principle of meeting the wider sub-regional apportionment requirement at this time due to the lack of information regarding the implications for the RLDP.</p> <p>b) Agree to progress with the preparation of a Statement of Sub-Regional Collaboration (SSRC) to feed into the preparation of the RLDP. A SSRC could be agreed at officer level under delegated powers provided that all constituent LPAs within the sub-region accept their individual apportionments for aggregates for their areas and make appropriate allocations/designations in their RLDPs to address such requirements. If the need arises for Monmouthshire to meet another authority's apportionment, any related statement of sub-regional collaboration would need to be agreed and endorsed by the Cabinet.</p>	<p>Partial endorsement of the RTS2 in relation to Monmouthshire's apportionment demonstrates conformity with national guidance in the preparation of the RLDP on minerals matters at a level the Council has control of.</p> <p>Progressing and being party to the preparation of the SSRC reflects a willingness to work in partnership on meeting mineral requirements and ensure Monmouthshire has an input into its recommendations.</p>	<p>It should be noted that endorsement of the Regional Technical Statement (2nd Review) is ultimately a matter for the Minister for Energy, Planning & Rural Affairs, and the Welsh Government may still need to consider its default powers to intervene in the planning process and endorse the document in its entirety.</p>	<p>This approach is considered to offer a pragmatic approach to the endorsement of the Regional Technical Statement (2nd Revision). The Cabinet Member is agreeing to endorse the local authority apportionment to which it has control over and can incorporate within the preparation of the RLDP.</p> <p>It also provides an opportunity to be involved in the considerations and outcomes of the collaboration which feed directly into the RLDP and satisfy the requirement to work collaboratively on minerals matters.</p> <p>This is the preferred option.</p>

6 RESOURCE IMPLICATIONS

- 6.1 Officer and consultant time and costs associated with the preparation of Statement of Sub-Regional Collaboration (SSRC). Any costs will be met from the Planning Policy budget.

7 CONSULTEES

- Planning Policy team
- Individual Cabinet Member

8 BACKGROUND PAPERS

- Regional Technical Statement – Second Revision (September 2020) – Main Report
- Appendix B – South Wales – Regional Technical Statement (September 2020)

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APPENDIX:

APPENDIX 1 – FUTURE GENERATIONS EVALUATION