

REPORT OF THE HEAD OF PARK DIRECTION

SUBJECT: REGIONAL TECHNICAL STATEMENTS FOR THE NORTH WALES AND SOUTH WALES REGIONAL AGGREGATE WORKING PARTIES (2nd REVIEW)

Purpose of this report

1. The purpose of this Report is to:
 - a) Ask Members to note the Regional Technical Statement (RTS) 2nd Review, September 2020¹. The document is now final and there are no further opportunities to provide comment. The Authority has been asked to 'endorse' the Regional Technical Statement.
 - b) Ask Members to authorise the Head of Park Direction to negotiate on behalf of the National Park Authority in the preparation of a Statement of Sub-Regional Collaboration for the West Wales Sub-Region with Ceredigion County Council, Carmarthenshire County Council and Pembrokeshire County Council. The basis on which such discussions should take place are reflected in the body of this report.

Background

2. Minerals Technical Advice Note 1: Aggregates (2004) (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 documents were completed in 2008 and are required, by MTAN 1, to be reviewed every five years. The First Review was undertaken in 2013/2014, and this, the Second Review (covers the 25 year period up to 2041), was published in draft in July 2019. Due to the timescales for responding Officers agreed a response in conjunction with the Chair of the National Park Authority and the Chief Executive Officer. The main issues for this Authority included:
 - the use of older adopted Local Development Plans to provide the information base for the RTS 2nd Review (suggesting higher rates of housing completion than are programmed in replacement Plans).
 - The expectations of individual planning authority apportionment of mineral requirements when the strategic way forward in national planning policy and local liaison to date is around finding alternative minerals production locations to Welsh National Parks.

¹ <https://www.pembrokeshirecoast.wales/wp-content/uploads/2020/11/Regional-Technical-Statement-Main.pdf>

2. The purpose of the RTS is to ensure that an adequate and steady supply of aggregates can be maintained throughout Wales (and beyond, in the case of materials that are exported) taking into account the key objectives of sustainable supply of minerals set out in MTAN1.
3. The methodology used in the RTS 1st Review in 2014 was based primarily on historical sales averages, combined with an assessment of the various drivers of potential future change. For the 2nd Review, this has been combined with an attempt to reflect planned future requirements for housing construction activity, and to avoid perpetuating historical supply patterns in areas where there is scope to encourage more sustainable patterns for supply. The data used for this purpose has been derived from adopted Local Development Plans (in the case of this National Park that was Local Development Plan 1). The intention is to link planned provision of aggregates with that for housing, to ensure that housing plans are not thwarted by an under provision of aggregates.

Appraisal of the implications of the 2nd Review Regional Technical Statement for the Pembrokeshire Coast National Park

4. The approach taken in the final Report mirrors that of the consultation draft and the concerns set out above remain. Therefore it is proposed that the Authority 'notes' the publication of, rather than 'endorses', the Regional Technical Statement.
5. Appendix B of the Regional Technical Statement ² contains specific advice to the Pembrokeshire Coast National Park with regard to future provision for aggregates.
6. It advises that this Authority has been working in collaboration with its neighbouring planning authorities since the previous Regional Technical Statement Review, with a view to reducing the future extent of working within the National Park. Whilst this is expected to continue, the National Park does have extant mineral permissions which make important contributions to the sub-regional supply pattern. The Authority is therefore required to make future provision for land-won primary aggregates within its Local Development Plan on the basis of the following apportionments:
 - Tables 5.5 and 5.7 of the main document advises that, over the 22-year horizon required for sand and gravel and the 25-year timescale required for crushed rock there is a total apportionment³ requirement of 2.6 million tonnes for land-won sand and gravel and a total apportionment requirement of 6.470 million tonnes for crushed rock. These figures compare with existing planning permissions (excluding dormant sites) of 2.6 million tonnes for sand and gravel and 10.37 million tonnes for crushed

² <https://www.pembrokeshirecoast.wales/wp-content/uploads/2020/11/Regional-Technical-Statement-App-B.pdf>

³ This is defined in the Glossary of Terms as 'The rate for which the mineral planning system requires provision to be made, in Development Plans, for the supply of aggregates from a given area or region. This may be expressed either in terms of millions of tonnes over a specified period, and/or as an averaged 'annualised apportionment' in millions of tonnes per year.'

rock (as at 31st December 2016). Paragraph 5.29 of the Regional Technical Statement advises with regard to 'apportionment'. An exception to this is the Pembrokeshire Coast National Park which (as a consequence of ensuring that its apportionment will not exceed the current landbank) has just sufficient reserves to cover the 22-year period required. In future years, the requirement which has hitherto fallen on the National Park will need to be supplied by other adjoining areas.

- In view of the surplus of existing permitted reserves for crushed rock and taking note of paragraph 49 of Minerals Technical Advice Note 1 regarding landbanks within National Parks, no further allocations are required to be identified within the Local Development Plan. However, consideration should be given to whether any of the factors set out in paragraph B84 of the main document give rise to any other requirements for resource allocations.
7. Paragraph B84 advises: 'In all cases, the recommendations are based on currently available information regarding reserves, production, proximity and environmental capacity. As noted in 'Box 1' of the original RTS documents, the suggested apportionments and allocations may not take fully into account all factors that may be material to the ensuring an adequate supply of aggregates obtained from appropriately located sources. Such factors may include such things as:
- *The technical capability of one type of aggregate to interchange for another;*
 - *The relative environmental cost of substitution of one type of aggregate by another;*
 - *The relative environmental effects of changing patterns of supply; and*
 - *Whether adequate production capacity can be maintained to meet the required level of supply. '*
8. Given the close proximity of the National Park to both Pembrokeshire and Ceredigion, the Authority is expected to continue to work in collaboration with those authorities in order to support the wider objective of maintaining adequate supplies within the West Wales sub-region as a whole. In view of its status as a National Park, it may also need to collaborate with neighbouring Carmarthenshire, in terms of future sand and gravel provision, If changes to apportionments are needed, subject to the circumstances and considerations set out in Annex A of the RTS Main Document, they would need to be confirmed within a Statement of Sub-Regional Collaboration.
9. Any allocations that may be required should, as far as possible, be identified as Specific Sites or, failing that, as Preferred Areas. If, as a last resort, it is only possible to identify broad Areas of Search, these should be sufficient to offer the potential of much greater quantities of reserves, in order to reflect the uncertainties involved.

Officer Comment 1: Whilst the principle of this National Park contributing to aggregate mineral extraction in relation to sand and gravel quarries and hard rock from extant permissions is accepted, national planning policy states that minerals development should not take place in

National Parks save in exceptional circumstances (paragraph 5.14.35 of Planning Policy Wales). In addition Minerals Technical Advice Note 1 (paragraph 49 advises that landbanks⁴ do not need to be maintained, and that there should therefore be no future allocations within National Parks or Areas of Outstanding Natural Beauty (AONBs). This is reflected in the approach set out in the Authority's recently adopted Local Development Plan 2 (paragraph 4.122). Whilst the Regional Technical Statement does not anticipate allocations in this National Park (given the adequacy of existing supply through extant permissions) it does make reference to 'apportionment' in relation to each planning authority regardless of whether it is a National Park. With that falls the obligation as set out in paragraph B84 regarding maintaining supply which seems to be at odds with national planning policy. **Conclusion:** To continue to liaise with neighbouring authorities based on the principles set out in Pembrokeshire Coast National Park Local Development Plan 2 and national planning policy.

10. One dormant igneous rock quarry exists within the National Park (Penberry). The Regional Technical Statement advises that the planning authority should assess the likelihood of this site being worked within the Plan period, subject to an initial review of planning conditions and submission of an Environmental Impact Assessment.

Officer Comment 2: Local Development Plan 2 refers to Penberry, which has planning permission but is unlikely to be re-opened. This Authority has submitted a Prohibition Order at Penberry for confirmation. Permissions at Bottom Meadow and Middle Mill have also lapsed and with these and any other sites that become inactive during the Plan period the intention is to find a suitable after use. In most cases this will comprise of restoration, enhancement and management for nature conservation. (see paragraph 4.138 of Local Development Plan 2) **Conclusion:** To continue with the approach set out in Pembrokeshire Coast National Park Local Development Plan 2 regarding inactive mineral sites.

11. In future years, as current permitted reserves at land-based sites are depleted, marine aggregates, landed at Pembroke Dock from dredging in the outer Bristol Channel, may need to provide a greater contribution in future years. However, for the time being, Pembrokeshire should retain a focus on maintaining adequate supplies from terrestrial sources.
12. Slate waste is produced in very small quantities in the northern part of the National Park and its use as an aggregate limited. Prospects for future utilisation would seem to be equally limited.
13. Recycled aggregate production from construction, demolition and excavation wastes is likely to be concentrated within the various towns of southern and central Pembrokeshire, outside the National Park.

⁴ This is defined in the Glossary of Terms as: 'In general, a landbank is a stock of planning permissions for the winning and working of minerals within a specified area, expressed both in millions of tonnes and in terms of the number of years' supply which they represent. The latter is usually calculated on the basis of recent rates of production.'

14. The residual requirements for primary land-won aggregates assumes that all of these alternative materials will continue to be utilised and the Authority should continue to encourage this.
15. Safeguarding of primary aggregate resources – resources of both crushed rock and land-based sand and gravel should be safeguarded within the Local Development Plan in accordance with the British Geological Survey’s safeguarding maps, or other such geological information as may be available and suitable for this purpose.
16. Safeguarding of wharves and railheads – all existing and potential new wharves and railheads should be identified for safeguarding within the Local Development Plan, in order to provide a full range of sustainable transport options (whether or not they are currently utilised).

Officer Comment 3: Regarding maintaining adequate supplies please see Officer Comment 1. Policy 21 Minerals Safeguarding of the Local Development Plan (2) provides for the safeguarding of minerals in the National Park and these areas are shown on the Proposals Map. Paragraph 4.125 of the Local Development Plan 2 advises that there are no marine wharves within the National Park. Policy 25 of Local Development Plan 2 provides a supportive policy context for the use of recycled, secondary and waste materials.

Statement of Sub-Regional Collaboration

17. The Regional Technical Statement 2nd Review introduces a requirement for all Local Planning Authorities within each sub-region to produce Statements of Sub-Regional Collaboration (SSRC), as part of the evidence base needed to support each Local Development Plan. The purpose of the SSRC is to confirm that all constituent LPAs within a particular sub-region accept the individual apportionments for their individual Authority areas, as set out in the latest review of the RTS, and that (as a minimum) the RTS requirements for that sub-region as a whole will therefore be met. In exceptional circumstances, a SSRC may identify an alternative pattern of supply which achieves the RTS requirements for that sub-region in a different way.
18. The following considerations will apply, in such circumstances:
 - **Inability to meet RTS apportionments:** In order to demonstrate an inability to meet RTS apportionments, a local planning authority would need to show either that it has no (or insufficient) workable aggregate resources of the type required by the RTS and/or that there is no interest from the minerals industry in developing such resources within the area. It will not be sufficient simply to demonstrate that the area has no existing quarries or no recent production, or that alternative resources and/or permitted reserves exist within another local planning authority.

- **An alternative pattern of supply:** Where an alternative pattern of supply is proposed this will entail transferring some or all of the RTS apportionment from one local planning authority to one or more other local planning authorities within the same sub-region, so as to make corresponding increases in provision within those authorities, as required by MTAN 1. The receiving authorities will need to increase their apportionments.⁵

19. Where any adjustments are made, the details and justifications will need to be set out clearly in the SSRC and will be subject to Examination as part of the Local Development Plan or Strategic Development Plan process.
20. The local planning authorities involved should demonstrate, as far as possible, that the SSRC has been produced in consultation with relevant stakeholders, including the Regional Aggregate Working Party (RAWP), as part of the local development plan process. The RAWP would not have any powers of approval over SSRCs but would simply provide a forum for discussion of proposed arrangements and, where necessary, could raise objections.
21. Where the local planning authorities are unable to reach an agreement, or if individual local planning authorities do not accept the RTS 2nd Review, the Welsh Government will, as a last resort, consider its default powers to intervene in the Development Plan process (paragraph A3 of MTAN1).
22. Annex A to the main RTS report provides guidelines on the preparation of SSRCs, including details of the circumstances under which alternative patterns of supply may be justified.

Officer Comment 4: To continue to liaise with neighbouring authorities based on the principles set out in Pembrokeshire Coast National Park Local Development Plan 2 and national planning policy – see Officer Comment 1 for further detail.

Risk considerations

23. The intention is that authorities will implement the recommendations of the revised Regional Technical Statement in their development plans on a voluntary basis, and that Welsh Government (WG) will not need to have recourse to its powers of direction. The immediate risks to consider will be in terms of negotiating a Statement of Sub-Regional Collaboration with neighbouring planning authorities that are aiming to submit their Local Development Plans for examination in the near future. The Authority should continue to collaborate using the principles set out in this report.

⁵ This will not apply to National Park Authorities, where the apportionments stated within the Regional Technical Statement shall not be increased.

Financial considerations

24. Officers have dealt with the original consultation and the drafting of this report within existing resources.

Welsh Language considerations

25. This Authority is responding to an external publication which is now final.

Human Rights considerations

26. This Authority is responding to an external publication which is now final.

Impact Assessment

27. This Authority is responding to an external publication which is now final.

Recommendations: Members are asked to:

- 1. Note the publication of the Regional Technical Statements for the North Wales and South Wales Regional Aggregate Working Parties 2nd Review, September 2020 Main Document and Appendix B (South Wales)⁶.**
- 2. Provide delegated authority to the Head of Park Direction to negotiate on behalf of the National Park Authority in the preparation of a Statement of Sub-Regional Collaboration for the West Wales sub-region based on the approach set out in the Officer Comments in this report.**

Background documents

Planning Policy Wales Edition 10

<https://gov.wales/sites/default/files/publications/2018-12/planning-policy-wales-edition-10.pdf>

Minerals Technical Advice Note 1

<https://gov.wales/minerals-technical-advice-note-mtan-wales-1-aggregates>

⁶ <https://www.pembrokeshirecoast.wales/wp-content/uploads/2020/11/Regional-Technical-Statement-Main.pdf>
<https://www.pembrokeshirecoast.wales/wp-content/uploads/2020/11/Regional-Technical-Statement-App-B.pdf>