



Northamptonshire County Council

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Please ask for: Mark Chant
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Our ref:
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Date: 4 March 2014

Dear Ian

MPA Comments on the East Midlands LAA Overview

As members of the AWP representing Derbyshire, Northamptonshire, Nottinghamshire and the Peak Park we received with the draft minutes of the last AWG meeting what were termed 'comments from the MPA on the LAA overview discussion document'. This was a surprise to us as we were not expecting specific comments on this document to be sent through, although this was not as much a surprise as it was to find that the opportunity was taken in this response to make comments on LAAs that had been discussed and approved by the AWP previously.

There are therefore concerns from us in respect of how the industry is seeking to use this particular AWP and, as a result, the impacts on the proper functioning of the AWP. There appears to be the raising of concerns by the MPA about particular matters, including those of particular industry members, that are more appropriately covered through direct dialogue with the individual planning authority concerned and in particular through engagement via the development plan process and related public hearing sessions.

In respect of the general comments, the MPA comments appear to be more related to matters they should take up nationally. It almost appears that the MPA in the East Midlands want to put a marker down that in effect they do not accept the guidance on mineral provision in the NPPF. Instead they would wish to in effect to establish a new mechanism in this region and one where not only would the 10 years average annual sales not be the minimum they would accept, but rather a ten year average annual sales with additional upward adjustments as the bare minimum of provision. It is disappointing that it is indicated "remaining concerns" of this national nature are to be taken up at individual examinations.

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We do not expect a response to the points made in this letter as, as we stated earlier, we do not consider the AWP is the most appropriate vehicle for such discussions. We expect as minerals planning authorities for the specific concerns of industry to be taken up directly with ourselves and for those that are disagreeing with the basis of the NPPF to be taken up nationally.

It is noted, however, in a document recently circulated by the MPA making comments on changes to the draft MPA/POS guide on the production and use of Local Aggregate Assessments makes the following statement:

“In the name of good practice, the guide should strongly promote the idea of a simple 10 year average as the basis for LAAs. The POS re-draft did exactly the opposite. The majority of planning authorities so far have used a simple 10 year average. When the 10 year average was adopted it was considered by all parties to be a method that would do the job without giving the opportunity for planning authorities to say that they didn't have the resources. Experience is showing that most authorities only pursue other more sophisticated methodologies if there is a chance that it will reduce the LAA figure”.

The “three major remaining concerns” highlighted by the MPA in their comments on the LAA overview discussion document therefore appear to be somewhat at odds with the above stance.

Turning to the individual LAA figures and what the MPA consider to be their ‘appropriateness’:

Derbyshire (Sand and Gravel)

The comment made is not understood. Derbyshire has never put forward or dropped a 15% allowance for flexibility. The LAA adopts the idea the MPA are suggesting the guide should strongly promote. Precise indications of what is meant by a “flat” demand together with why the arguments appear “unconvincing” would be most welcome.

Peak District National Park (Crushed Rock)

Taking into account the fact that members of the AWP, including the MPA, were consulted on the draft Derbyshire County Council Derby City Council and the Peak District National Park joint LAA and the amended final version and that the overall response at the AWP meeting on December 2 2013 was supportive, we are now surprised that the MPA in the recent document dated 28 November 2013, providing comments on an overview of the East Midlands LAA's, are now questioning the Peak District National Park's apportionment figure for crushed rock of 2.97mtpa.

The 3.2mtpa figure which the MPA are now focusing on and wish to see retained, was quoted in the PDNPA core strategy. This figure was based on the gradual decline of crushed rock aggregate, on the grounds that the number of sites producing crushed rock aggregates will decline. This has continued to be the case since 2011, following the adoption of the Core Strategy, as well as the economic downturn which has affected sales. The most recent annual figure of aggregate sales in the Peak District National Park was 1.78mt during 2012. This level of sales figure has occurred since 2009, justifying the lower apportionment figure of 2.97mtpa quoted in the joint LAA. The likelihood is that the annual sales figure in the Peak District National Park will continue to be around the 2012 annual sales figure for a number of years. In addition, taking into account government policy of not permitting major minerals development in national parks other than in exceptional circumstances and maintaining a landbank of permitted reserves from outside national parks as far as is practical, in the joint LAA, Derbyshire County Council is prepared to increase its apportionment figure to take account of the Peak District National Park's reduced apportionment figure. It should be acknowledged by the MPA that there are enormous permitted reserves of rock suitable for crushing aggregate in Derbyshire, which will supply aggregates for a substantial number of years (around 88 years). This again justifies the retention of the lower figure of 2.97mtpa in the National Park. Again, we are surprised that the MPA has not acknowledged this situation and the consequential effects and would be pleased to discuss the specifics.

Northamptonshire (Sand and Gravel)

The reference to 'serious anomalies in the LAA' are actually to what the MPA now consider to be anomalies in the AMS 2009 (and therefore presumably to the AMS 2005 which contained similar trend data), concerns of which had not been raised during the LAA process. The reference to the recession and the 'collapse' of production in the county may have had validity if it wasn't for the fact that production has been on a steady decline for over a decade and included during this period a number of years of strong economic growth. The reference to the apportionment being raised to 0.8 Mtpa appears to have no robust assumptions underpinning it and is also not the same figure that the MPA decided to suddenly put forward as an appropriate provision figure at the Partial Review Proposed Submission stage (0.71 Mtpa).

Nottinghamshire (Sand and Gravel)

Members of the AWP, including the MPA and all neighbouring Minerals Planning Authorities (including Doncaster) were consulted on the draft Nottinghamshire LAA in November 2012 and further text was incorporated into the document to acknowledge the resource depletion issues in the northern part of the County and further afield into Yorkshire. The recent recession has delayed the implementation/

operation of a key permitted Sand and Gravel site at Sturton Le Steeple in the north of the County and work on the new Minerals Local Plan is progressing, with the Preferred Approach document allocating all available sites in the Idle Valley area to assist in the potential shortfall issues within the Doncaster area. Both North Yorkshire County Council and Doncaster Metropolitan District Council support this approach. The LAA acknowledges that production from the Trent Valley, closer to Newark, could increase however, the LAA does accept that this area is a significantly greater distance from the markets in Yorkshire.

The AWP, through the consultation period on the draft LAA, concluded that “the East Midlands Aggregates Working Party considers that the use of the last 10 years average sales as set out in the draft LAA is acceptable as the basis for determining future provision within Nottinghamshire, subject to appropriate monitoring and review procedures being included within the Minerals Local Plan.” The monitoring of the requirements/apportionment will be undertaken through the annual review of the LAA and the formal monitoring of the Minerals Local Plan (when adopted).

Nottinghamshire County Council is of the opinion that the issues raised by the MPA in this regard should be directed through the Minerals Local Plan process rather than through the AWP.

As indicated above we do not expect a response to this letter from yourself or the MPA but would urge the MPA or their individual members (where applicable) to contact the individual Mineral Planning Authorities to discuss the particular issues that they have chosen to raise.

Yours sincerely

Mark Chant
Head of Planning Services

Signed also on behalf of:

Michelle Spence, Team Leader Development Plans, Derbyshire County Council
Lisa Bell, Team Manager- Planning Policy, Nottinghamshire County Council
David Bent, Minerals Team Manager, Peak District National Park Authority