



Urban Vision

Service Area - ZUVR

**Milton Keynes Council
Minerals Plan Peer Review**

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1. Introduction

- 1.1. In 2013, Milton Keynes Council (MKC) appointed Northamptonshire County Council (NCC) to prepare a Minerals Local Plan on their behalf in order to replace the existing plan adopted in 2006.
- 1.2. In preparation to present the Final Draft Plan to Full Council for approval to proceed with pre-submission publication and comment, MKC have commissioned Urban Vision to undertake a peer review of the process to date, to check that it is robust and that the plan is effective and appropriate.
- 1.3. In preparing the peer review, Urban Vision have reviewed the following documents:-
 - Minerals Local Plan: Local Aggregates Assessment 2014
 - Minerals Local Plan: Issues and Options Consultation 2013
 - Minerals Local Plan: Issues and Options Consultation Annex 1: Site Assessments October 2013
 - Minerals Local Plan: Draft Plan Consultation August 2014
 - Minerals Local Plan: Final Draft Plan 2015
 - Minerals Local Plan: Final Draft Plan Annex 1: Site Assessments June 2015
 - Minerals Local Plan: Site Assessments Briefing Paper
 - Minerals Local Plan: Methodology for the Assessment of Minerals-Related Development Sites
 - Statement of Community Involvement March 2014
- 1.4. When undertaking the review particular regard has been paid to the following:
 - The 'Call for Sites' process and the opportunity for landowners, agents and operators to put sites forward for consideration,
 - The justification for sites that are proposed to be allocated within the Final Draft Plan, and also the justification for discounting others from the process,
 - The methodology for calculating the proposed aggregates apportionment and for discounting alternative approaches, *and*
 - The consultation and engagement methods used throughout the process so far.

The format of this report will provide the legal and policy background for preparing Local Plans and will assess whether, up to this point, MKC have been following the right approach. The report will conclude with an overview and advice on any gaps or incompleteness in the process undertaken.

2. Legislation, National Policy and Guidance

- 2.1. Section 19 of the Planning and Compulsory Purchase Act 2004 sets out specific matters to which the local planning authority must have regard when preparing a Local Plan. The following matters are considered relevant to this review:

- national policies and advice contained in guidance issued by the Secretary of State;
- the community strategy prepared by the authority;
- any other local development document which has been adopted by the authority;

The local planning authority must also -

- Carry out an appraisal of the sustainability of the proposals in each document and prepare a report of the findings of the appraisal.
- 2.2. Local plans must be positively prepared, justified, effective and consistent with national policy in accordance with section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and the National Planning Policy Framework.
 - 2.3. Regulations 8 and 9 of the Town and Country Planning (Local Planning) (England) Regulations 2012 prescribe the general form and content of Local Plans and adopted policies map, while Regulation 10 states what additional matters local planning authorities must have regard to when drafting their plans.
 - 2.4. Planning Practice Guidance (PPG) states that "... Local Plans should be as focused, concise and accessible as possible. They should concentrate on the critical issues facing the area – including its development needs – and the strategy and opportunities for addressing them, paying careful attention to both deliverability and viability. (PPG Ref: Paragraph: 010 Reference ID: 12-010-20140306)
 - 2.5. When preparing Local Plans consideration should be given to the following bullet points which have been adapted from the PPG and are considered of relevance to this review:-
 - When drafting policies avoid undue repetition;
 - Avoid reiterating policies that are already set out in the National Planning Policy Framework;
 - Sufficient detail should be given on sites proposed for allocation to provide clarity stakeholders; and

The policies map should illustrate the policies geographically and be based on an OS map.

3. Call for Sites

- 3.1. Milton Keynes have not produced a consultation statement at this stage but their Statement of Community Involvement provides, in table 2.1, a list of who they will directly notify as part of the consultation on a planning document.
- 3.2. The process followed by Milton Keynes was to undertake an initial call for sites exercise and those that came through were included in the issues and options

consultation. The Council reviewed the issues and options consultation and that provided opportunities for further sites to come forward.

- 3.3. An initial contact list was compiled from the Council's list of known operators/agents/etc. This included existing/past operators, other operators who could be interested in the area, and known agents and landowners. All those who made a submission were captured by the process and were informed of the progress of their submission at the next and subsequent stages. Further discussions were undertaken in relation to agents representing the favoured sites.
- 3.4. Issue 13 in the Issues and Options paper discussed the proposed sites for minerals development and Issue 13b asked stakeholders to put forward any other sites that may be suitable for inclusion in the plan and to complete the 'call for sites' form for any such sites. It is considered that the call for sites process undertaken was inclusive and robust.

4. Justification for Sites Proposed and Discounted

- 4.1. The Site Selection process is set out within the Methodology for the Assessment of Minerals-Related Development Sites (August 2015). The methodology has been developed through consultation with stakeholders and has been updated as necessary during the development of the plan.
- 4.2. In May 2013 consultation was undertaken on the draft methodology for the site assessments. This involved MKC's Planning and Transport services, surrounding MPA's, AWP, EA, Natural England and Historic England. The responses received were broadly supportive but did suggest some amendments which were taken on board and the methodology was amended.
- 4.3. The Site Assessments undertaken are very extensive and involve 2 stages:

Stage 1 Initial screening - This involved screening the sites against the plans visions aims and objectives and the spatial strategy as well as land use constraints that may affect site suitability. This acted as the 'first sieve' and any sites that were not in general conformity with these aspects of the plan were not subject to further assessment.

Consultation responses from the Issues and Options stage, development of key policy considerations and the SA and HRA were taken into account alongside the site assessments when determining which sites should be taken forward to stage 2.

Stage 2 Detailed assessment – this involved the assessment of the sites against environmental, social and economic criterion (based on SA objectives) in order to provide an overview on the features and constraints the may affect the sites suitability. This helped to inform identification of the preferred sites for inclusion in

the Draft Plan Document. The various elements which made up stage 2 are set out in the Methodology document but again were very extensive.

- 4.4. The preferred sites were consulted upon within the Draft Plan and detailed investigation of specific constraints/issues identified was undertaken alongside the preparation of the Final Plan Document.
- 4.5. It is considered that site selection process was very extensive and has followed due process in setting out the justification for taking sites forward and for discounting sites.

5. Methodology for calculating the proposed aggregate apportionment

- 5.1. The NPPF identifies that MPAs should prepare Mineral Local Plans (MLPs) that make provision and include policies for the extraction of mineral resource of local and national importance, define safeguarding areas, and set out environmental criteria against which planning applications will be assessed. A contribution to this plan making will be the preparation of an annual LAA. The LAA will facilitate the monitoring of supply and demand which will input into the provision needed in MLPs.
- 5.2. A Local Aggregate Assessment should contain three elements:
 - a forecast of the demand for aggregates based on both the rolling average of 10-years sales data and other relevant local information;
 - An analysis of all aggregate supply options, as indicated by landbanks, mineral plan allocations and capacity data e.g., recycled aggregates. This analysis should be informed by planning information, the aggregate industry and other bodies such as local enterprise partnerships; and
 - An assessment of the balance between demand and supply, and the economic and environmental opportunities and constraints that might influence the situation. It should also conclude if there is a shortage or a surplus of supply and, if the former, how this is being addressed.
- 5.3. Local Aggregate Assessments should consider all aggregate supply options, including the following:
 - recycled aggregates, including from construction, demolition and excavation waste;
 - secondary aggregates, whose sources come from industrial wastes such as glass (cullet), incinerator bottom ash, railway ballast,
 - Imports into and exports out of the mineral planning authority area. The mineral planning authority must capture the amount of aggregate that it is importing and exporting as part of its Assessment (usually be captured through the four yearly Aggregate Minerals Survey); and
 - Land-won resources, including landbanks and site specific allocations.

- 5.4. There is no statutory mechanism for the adoption or approval of a LAA by an MPA. It is for individual MPAs to consider whether or not an LAA should be subject to Council Member approval. The LAA is essentially a technical and factual document, rather than a policy document, and so does not require a Strategic Environmental Assessment. The most recent Local Aggregate Assessment (LAA) edition for Milton Keynes Council was published in December 2014. Milton Keynes Council has opted to carry out their own LAA rather than a joint one with neighbouring Minerals Planning Authorities. The LAA presents provision rates based on the average of ten and three year aggregate sales and includes the most recent (at the time of publication) aggregate sales and reserves data for Milton Keynes Council.
- 5.5. Milton Keynes currently has four quarries. However at the time of the publication of the LAA (December 2014) none were operational. One has been fully worked out and being restored and of the three sand and gravel quarries permitted: one is currently mothballed and two are yet to be implemented.
- 5.6. It should be noted that there is a requirement that every MPA, whether they have aggregate extraction in their area or not should produce a LAA. Milton Keynes fully accords with this requirement.
- 5.7. The LAA is clear, concise and has provided an evidential base to ensure that the Minerals Local Plan sets out future aggregate provision for the life of the plan and beyond.
- 5.8. As well as a legal requirement to produce a LAA along with guidance in the PPG, the Planning Officer Society and the Mineral Products Association have produced a LAA guidance document (Practice Guidance on the Production and Use of Local Aggregate Assessments – Living Document April 2015). Although this post-dates the LAA under review, the POS/MPA Guidance provides a useful checklist and this has been used to indicate that the LAA is compliance with that guidance. This checklist is shown as Appendix A with an additional column to show where in the LAA there is compliance and commentary on any omissions.
- 5.9. There are a number of omissions, highlighted in red, and it is recommended that these are addressed at the next review. However, these omissions do not detract from the overall conclusions of the document which; makes provision of 0.17Mtpa based on the three year average sales from 2010-2012 and is higher than the recent ten year rolling period of 0.12Mtpa; shows there are sufficient reserves to meet the 7 year landbank for sand and gravel (Note: this should be *at least 7 years*) and that the allocated sites have the potential to increase the landbank significantly. It is not considered necessary to provide an annual apportionment for crushed rock as there is a limited supply of limestone within the plan area and is used as a building stone rather than an aggregate.
- 5.10. In conclusion whilst it is accepted that there is no need for formal consultation on the LAA, it is necessary to provide evidence that communications with adjoining

authorities and any other authorities from where aggregates are imported has been undertaken. This is required to gain an understanding that those external providers will be available for the length of the plan and beyond. This will assist with Duty to Co-operate requirements and enable the long term planning for the provision of aggregates within the plan boundary.

- 5.11. It is considered that Milton Keynes Council have provided justification for their approach to determining a local annual supply requirement using the most recent three years of sales data. Indicative trends suggests that demand for sand and gravel is likely to be greater than that which would be provided by the ten-year average, and therefore a higher annual supply requirement than the ten-year average figure is appropriate in order to meet current demand.

6. Conclusion

- 6.1. Due to the time constraints on presenting this report to Full Council and the limited number of documents that Urban Vision has been able to review the advice provided in this document will not conclude as to the soundness of the plan.

- 6.2. However, Urban Vision have reviewed:

- the 'Call for Sites' process and consider that **this process has provided sufficient opportunity for opportunity for landowners, agents and operators to put sites forward for consideration;**
- that the **justification for sites that are proposed to be allocated within the Final Draft Plan is clear as is the justification for discounting sites;**
- that the **methodology for calculating the proposed aggregates apportionment and for discounting alternative approaches has been clearly explained and justified;** and
- That **the consultation and engagement methods used throughout the process so far conform to the Statement of Community Involvement.**

7. Appendix A - LAA Checklist

(Source: POS/MPA Practice Guidance on the Production and use of Local aggregate Assessments)

Checklist Question	Compliant Yes/No Document Location
<p>1. Is the draft LAA comprehensive in assessing all supply options:</p> <p>a) Recycled and secondary aggregates?</p> <p>b) Marine dredged aggregate?</p> <p>c) Imports and exports by sea, rail and road?</p> <p>d) Land-won resources of rock and sand and gravel</p>	<p>Yes - paragraphs 2.20 to 2.22</p> <p>Not applicable to this LAA</p> <p>No – imports and exports for sand and gravel are discussed under paragraphs 2.11 – 2.16 and for Limestone paragraph 2.10. However no modes of transport into or out of the plan area are discussed</p> <p>Yes – This LAA is specifically about land won resources</p>
<p>2. Are the assessments realistic and supported by evidence:</p> <p>a) Has the mpa used sales returns from and capacity at sites with extant permission?</p> <p>b) Has the mpa used AM data and Crown Estate landing figures and data on licensed reserves?</p>	<p>Yes – paragraph 2,28 onwards</p> <p>Not applicable to this LAA</p>

Checklist Question	Compliant Yes/No Document Location
<p>c) Is there reliable evidence on the maintenance of supply, and is there adequate capacity at wharves and rail depots to handle the LAA figure for landings and imports?</p> <p>d) Has the mpa considered a ten year sales average? If it is proposing an alternative figure to this, is there adequate justification?</p> <p>e) Is it necessary to carry out a separate assessment for different types of aggregate?</p> <p>f) Are the assumed and planned contributions from the different sources feasible?</p>	<p>Wharves not applicable to this LAA. No consideration of rail depots provided and should be assessed at the next review</p> <p>Yes – paragraph 1.2. No alternative figure is provided.</p> <p>Not considered necessary - LAA area limited to Sand and Gravel and Limestone. No operational quarries at present</p> <p>Not applicable</p>
<p>3. Does the draft LAA suitably assess the changes likely to impact on supply and demand over the plan period – has it:</p> <p>a) Given consideration of the planned levels of development and infrastructure, including relevant major construction projects outside the mpa area and how these compare to previous years?</p> <p>b) Considered the constraints on resources, production and capacity to supply?</p> <p>c) Taken into account economic and environmental considerations?</p>	<p>No – Section 4 provides consideration of local circumstances (construction levels and population growth) but no consideration has been given for projects outside the mpa and should be assessed at the next review.</p> <p>Yes – no operational quarries in the plan area and need to identify further sites.</p> <p>Yes – Section 4</p>

Checklist Question	Compliant Yes/No Document Location
<p>d) Assessed the implications of such considerations in other authority areas that supply the mineral planning authority?</p> <p>e) Identified a shortage of supply (based on forecast of demand, reserves and capacity)? If so, has this been suitably addressed?</p>	<p>No – This should be assessed at the next review.</p> <p>Yes – paragraph 1.2 – 1.4</p>
<p>4. In preparing the LAA has the mpa consulted with (to contribute to meeting the Duty to Cooperate, especially if the LAA is being used as evidence to support preparation of an MLP):</p> <p>a) Other relevant mpas including those from/to whom supplies are Imported/exported?</p> <p>b) The aggregate industry?</p> <p>c) Environmental bodies?</p> <p>d) Other organisations such as Local Enterprise Partnerships?</p>	<p>No evidence has been provided that such consultation was undertaken. This should be assessed and evidence provided to show that the LAA is in compliance with this section at the next review.</p>
<p>a) What are the implications of the draft LAA figures for the AWP area:</p> <p>b) On planned provision in the AWP area?</p> <p>c) On the overall contribution of the AWP to national & local supply, compared with the current Guidelines?</p>	<p>a) The LAA has indicated supply above the apportionment rate of 0.12 and is therefore providing significantly above that figure.</p> <p>b) As above</p> <p>c) As above</p>