

## **Planning and Assets Management Team**

**30 November 2017**

### **Tees Valley Joint Local Aggregates Assessment (First Draft 2017)**



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## **Report of Regeneration and Economic Development**

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**Councillor Carl Marshall, Cabinet Portfolio Holder for Economic Regeneration**

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### **Purpose of the Report**

To confirm the Council's response to the North East Aggregates Working Party (NEAWP) upon the Tees Valley Joint Local Aggregate Assessment (Tees Valley Joint LAA). Following a very short period of consultation the Council's response was submitted to the NEAWP on the 24 November 2017 in order to meet the NEAWP deadline for comments. In addition this report seeks authority for the attached response to also be sent directly to Middlesbrough Borough Council who are leading the review of the Tees Valley Joint LAA this year.

### **Background**

- 1 The National Planning Policy Framework (NPPF) requires that mineral planning authorities (MPAs) prepare on an annual basis a Local Aggregate Assessment (LAA) either individually or jointly by agreement with another or other MPAs, based on a rolling average of 10 year's sales data and other relevant information, and an assessment of all supply options (including marine dredged, secondary and recycled sources). It advises that MPAs should make provision for the land won and other elements of their LAA in their mineral plans taking into account the advice of the Aggregate Working Parties (AWPs). In doing so MPAs should take account of National and Sub National Guidelines (previously known as the National and Regional Aggregate Supply guidelines) on future provision which should be used as a guideline when planning for the future demand and supply of aggregates.
- 2 The NEAWP performs a key role in the North East in relation to the Managed Aggregate Supply System (MASS). One of its roles is to scrutinise and provide advice to MPAs on their LAAs, particularly in regard to whether they provide an accurate assessment of the position in terms of supply and demand and whether they make an appropriate contribution to meeting both local and national needs for aggregates. The Council's comments were sought by the NEAWP at the annual NEAWP meeting on the 7<sup>th</sup> November, with comments being required no later than the 24<sup>th</sup> November. In order to meet this deadline, unavoidably officer comments were submitted which now need to be confirmed.

## The Tees Valley Joint LAA

- 3 The Tees Valley Joint LAA provides an assessment of demand and supply for aggregates in the Tees Valley. The document which has been submitted to the NEAWP is labelled as a first draft and is an amended version of the previous document but has been updated to include some new information on sales and permitted reserve information for 2016 and also draws upon information from the National Aggregates survey undertaken in 2014 (published November 2016), which provides information on the movement of aggregates between the regions of England.
- 4 In terms of crushed rock, the Tees Valley Joint LAA executive summary explains that the sub-region produced 44,000 tonnes in 2016 from its one crushed rock quarry, Hart Quarry, and that based upon a proposed annual provision of 187,500 tonnes per annum (derived from the National and Regional Aggregate Supply Guidelines published in June 2009), that the area has a demand forecast of 3,000,000 tonnes over the period 2015-3030. The document explains that with 1.89 million tonnes of permitted reserves (which is equivalent to a landbank of 10.1 years) the sub-region has a balance between supply and demand of -1,105,385 tonnes. The document summary advises that there is an additional need for crushed rock which cannot be met solely by Hart Quarry and that the sub-region relies heavily upon imports from other regions, especially the North East and that this is likely to continue.
- 5 In terms of sand and gravel, the Tees Valley Joint LAA executive summary explains that the sub-region produced no sand and gravel in 2016 and that there are no active sand and gravel sites within the Tees Valley. It advises that beach extraction at Hartlepool beach ended in 2012 and that permission at Stockton Quarry ended in July 2015, although a permission to extend operations has been submitted but has not yet been determined. Based upon a proposed annual provision of 175,000 tonnes per annum (derived from the National and Regional Aggregate Supply Guidelines published in June 2009), the document explains that the area has a demand forecast of 2,800,000 tonnes over the period 2015-2030. Assuming that the permission to extend the period of operations at Stockton Quarry is successful the document also explains that with permitted reserves of 1,280,000 tonnes in 2014 that the sub-region has a balance between supply and demand of -1,520,000 tonnes or if permission is not granted to renew planning permission at Stockton quarry, a balance between supply and demand of -2,800,000 tonnes. The document summary advises that the Tees Valley relies heavily on imports of land won sand and gravel and this is likely to continue and that there is an additional need for sand and gravel aggregate which is unlikely to be met within the Tees Valley.
- 6 Drawing upon evidence from the four yearly National Aggregates Survey 2014 the Tees Valley Joint LAA explains that the sub-region is a major consumer and importer of aggregates, with consumption estimated at least 1,085,000 tonnes in 2014 including at least 668,000 tonnes of crushed rock and 176,000 tonnes of sand and gravel, much of which was imported from the North Yorkshire and County Durham. (In addition, it should be noted that the Tees Valley also consumes a proportion of the 713,000 tonnes of aggregates which

were imported into the North East of England but not specifically recorded in the National Aggregates Survey with a specific destination).

## Commentary

- 7 County Durham's aggregate quarries supply significant quantities of crushed rock and sand and gravel into the Tees Valley. In accordance with the requirements of the national planning policy and the principles of the MASS, as far as it is possible to do so, the Council has sought to make provision of sufficient land to ensure a steady and adequate supply of aggregates, seeking to meet its own needs and making an appropriate contribution to the needs of other areas where resources are less abundant, where it is possible to do so. As part of this approach in line with the principles of the MASS the Council has also sought to encourage neighbouring areas to continue to make some provision for aggregate working in line with the past national and regional aggregate supply guidelines. Continued aggregate working in the Tees Valley would also enable the Tees Valley to meet an appropriate proportion of its own needs for aggregates and help husband mineral resources in County Durham.
  
- 8 The response which has been prepared upon the Tees Valley Joint LAA requests that consideration is given to a number of matters including:
  - Drawing upon the National Aggregates Survey 2014 it is suggested that the executive summary of the report addresses clearly that the Tees Valley is a major consumer of aggregates. From a County Durham perspective, this would help ensure that the most significant fact, which is the Tees Valley's dependency on adjoining areas is given appropriate prominence.
  - That the Tees Valley Joint LAA should provide an informed view based upon discussions with adjoining MPAs and consideration of the best available evidence as to whether the potential for imports from adjoining areas are able to continue in the short, medium and long term. From a County Durham perspective, this would help ensure that any future Local Plan Inspector who was appointed to examine emerging development plan documents, such as the County Durham Plan, could be satisfied that the significant shortfall in supply which is highlighted in the Tees Valley Joint LAA could be met by imports. In addition and more importantly, that the higher level of demand reflected by the consumption and import data from the National Aggregates Survey 2014 is also able to be met by adjoining MPAs from a combination of existing, allocated or proposed allocations.
  - That the Tees Valley Joint LAA should provide an update on the position at Stockton Quarry. From a County Durham perspective, the information in the Joint LAA does appear to need updating as it reflects the position in July 2015 when a planning application was made to extend the period of working at Stockton Quarry from July 2015 to July 2018. It is considered that the document as drafted does not appear to take into account more recent information which is known to the Council including operator proposals to extend the area and duration of working.
  - That the Tees Valley Joint LAA provide an update upon an alternative sand and gravel site, which is referred to in the document, which was proposed as an allocation through work to prepare the Tees Valley

Minerals and Waste Development Plan documents but was not allocated due to the lack of need at the time. The site, which is known as High Conniscliffe is estimated to contain 4.6 million tonnes of sand and gravel but was not allocated within the Tees Valley Minerals and Waste Development Plan documents because it was argued at the Local Plan examination that permitted reserves (approximately 2.4 million tonnes) remained at Stockton Quarry. This matter is particularly relevant as it would provide insight into one potential alternative source of supply in the Tees Valley which could become important, if planning permission to work land at and adjoining Stockton Quarry is not forthcoming.

- That regard is given to advice set out within the National Planning Policy Framework and the Planning Practice Guide in relation to landbanks. In particular, that the landbank periods for crushed rock and sand and gravel are “at least 7 years” for sand and gravel and “at least 10 years of crushed rock”; that landbanks are an important means of assessing when a mineral planning authority should review the current provision of aggregates in its area; and consider whether to conduct a review of allocation of sites in its local minerals plan; and for decision-making, low landbanks may be an indicator that suitable applications should be permitted as a matter of importance to ensure the steady and adequate supply of aggregates. (Paragraph: 082 Reference ID: 27-082-20140306).

## **Conclusion**

- 9 Local Aggregate Assessments have a key role in how MPAs plan for a steady and adequate supply of aggregates and in turn provide the key evidence base for the preparation and review of Local Plans. The response which has been drafted seek to ensure that the Tees Valley Joint LAA fully reflects, as far as it is possible to do so the scale of aggregate consumption in the Tees Valley, the areas dependency on imports from adjoining areas and hopefully the ability of the Tees Valley and adjoining areas to assist in helping to meet the Tees Valley's future needs in the short, medium and long term. The response which has been drafted also seeks to ensure that the Tees Valley Joint LAA provides an up to date position and as much certainty as it is possible to do so over the future of sand and gravel extraction at existing and potential sites within the Tees Valley. Finally the response which has been drafted draws attention to the advice within the National Planning Policy Framework and Planning Practice Guide over the role of aggregate landbanks in relation to plan making and decision taking.

## **Recommendation**

- 10 The response set out in Appendix 2 is confirmed as the Council' response to the NEAWP and that this response be also provided to Middlesbrough Council.

## **Background papers:**

1. Tees Valley Joint Local Aggregates Assessment First Draft 2017.

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## **Appendix 1: Implications**

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**Finance – None.**

**Staffing – None.**

**Equality and Diversity – None.**

**Accommodation – None.**

**Crime and Disorder – None.**

**Human Rights – None.**

**Consultation – None.**

**Procurement – None.**

**Disability Discrimination Act – None.**

**Legal Implications – None.**

**Appendix 2 – Schedule of Comments upon the Tees Valley Joint Local Aggregates Assessment First Draft 2017**

Section	Comments
<p>Summary Crushed Rock - Conclusions on supply</p>	<ul style="list-style-type: none"> <li>• It is agreed that there is an additional need for crushed rock working in the Tees Valley which cannot be met solely by Hart Quarry.</li> <li>• It is also agreed that the Tees Valley relies heavily upon imports from other regions, especially the North East and North Yorkshire and that this is likely to continue. Within the body of the report could the Joint LAA provide an informed view based upon discussions with adjoining mineral planning authorities and consideration of the best available evidence as to whether the potential for these imports from adjoining sub regions are able to continue in the short, medium and long term?</li> <li>• It may also be worthwhile in the summary to refer to the available information on consumption which indicates that the Tees Valley is a major consumer of crushed rock (table 15) consuming at least 715,000 tonnes in 2014 (the last date for which information on imports is currently available).</li> </ul>
<p>Summary Sand and Gravel - Conclusions on supply</p>	<ul style="list-style-type: none"> <li>• It is agreed that there is an additional need for sand and gravel aggregate which is unlikely to be met within the Tees Valley, certainly in the short term.</li> <li>• It is also agreed that the Tees Valley relies heavily upon imports of land won sand and gravel and this is likely to continue. Within the body of the report could the Joint LAA provide an informed view based upon discussions with adjoining mineral planning authorities and consideration of the best available evidence as to whether the potential for these imports from adjoining sub regions are able to continue in the short, medium and long term?</li> <li>• It may also be worthwhile to refer in the summary to the available information on consumption which indicates that the Tees Valley is a major consumer of sand and gravel (table 15) consuming at least 370,000 tonnes in 2014 (including marine dredged sand and gravel).</li> <li>• In addition it may also be worthwhile to explain that the ability of the Tees Valley to meet a proportion of its own needs for sand and gravel in the future will be dependent upon the grant of a new planning permission to work Stockton Quarry in the short to medium term, and the winning and working of sand and gravel at additional</li> </ul>

	environmentally acceptable sites subject to them being identified and brought forward by the minerals industry.
Sand and Gravel Resources and Extraction – paragraph 2.7	Paragraph 2.7 refers to the July 2015 planning application at Stockton Quarry. It would be helpful if the Joint LAA provided an update on this position. In this regard Durham County Council was consulted on the 10 April 2017 upon a Scoping opinion (17/0942/SOR) for a revised proposal which referred to the winning of working of 1.78 million tonnes of sand and gravel from the quarry and an additional area to the west of the quarry. In this regard para 6.5 of Cemex's document, "Request for an Environmental Impact Assessment Scoping Opinion - Land North and South Of Wynyard Road, Thorpe Thewles, Stockton-On-Tees, Teesside" states, "It is envisaged that the site would be worked at an annual rate of between 150,000 to 200,000 tonnes per annum depending on local market conditions. Mineral operations at the site will therefore have a duration of between 8.9 to 11.8 years."
Paragraph 2.8	Paragraph 2.8 refers to a proposal for a site near High Conniscliffe near Darlington containing 4.6 million tonnes of sand and gravel. On the basis that this section of the Joint LAA refers to sand and gravel resources and extraction, it would be of interest if an update could be sought from Hanson Aggregates as to whether they still retain an interest in the land which was subject to a proposed allocation. Seeking an update on this matter may assist the Joint LAA authorities to understand whether a proposal for an allocation may come forward if the Tees Valley Minerals and Waste documents were reviewed or whether a planning application may be forthcoming in the short or medium term. This matter is particularly relevant as it would provide insight into one potential alternative source of supply which could become important, if planning permission to work land at and adjoining Stockton Quarry is not forthcoming.
Paragraph 3.3	Refers to the combination of figures for the Tees Valley region being combined with County Durham. Please note this is no longer correct. Sand and Gravel production figures for County Durham and the Tees Valley were last combined in 2007. Since 2008 information for the Tees Valley has been combined with that of Tyne and Wear.
Paragraph 3.5	In relation to the final sentence neither the current (January 2017) or emerging Joint Local Aggregate Assessment for County Durham, Northumberland and Tyne and Wear now contains information which estimates sales for land won sand from the Tees Valley. The figure quoted emanated from an earlier iteration of the Joint Local Aggregate Assessment for County Durham, Northumberland and Tyne and Wear. Please note it is agreed that the figure quoted in paragraph 3.4 i.e. 10,000 tonnes provides an appropriate best estimate as this is derived from the apportionment of the June 2006 National and

	Regional Aggregate Supply Guidelines which in turn was informed from past sales.
Paragraph 5.4	This paragraph states, "Further work will be undertaken to understand the extent to which the recycled and secondary aggregates which continue to be produced in the Tees Valley could be used as an alternative to primary aggregates." Is it possible to explain what further work will be undertaken together with a timeline for when this work will be completed by?
Section 6	This section is welcomed. Drawing from the Aggregates Minerals Survey 2014 this section clearly explains the level of imports into the Tees Valley from other parts of the North East and elsewhere and the high level of aggregates consumption within the Tees Valley.
Paragraph 7.5	It is agreed that the ten year sales average is not a good indicator of demand for aggregates in the Tees Valley.
Paragraph 7.12	<p>Paragraph 7.12 advises, "As previously noted the use of the 10 years sales average as a basis for calculating demand in the Tees Valley is considered inappropriate. The Collation of Aggregate Minerals 2009 Survey provides the most recent information in relation to the consumption of aggregates within the Tees Valley, which is considered to be a more appropriate basis for estimating future demand. Nevertheless, it is acknowledged that this figure is also likely to underestimate demand due to the amount of aggregates imported into the North East region which are unallocated to a specific sub-region. It is hoped that this issue can be addressed in future iterations of the LAA when updated survey data becomes available".</p> <p>Subject to the date within the above paragraph being amended it is agreed that the collation of the aggregates minerals 2014 survey provides the most recent information in relation to the consumption of aggregates within the Tees Valley, which is considered to be a more appropriate basis for estimating future demand. However, given that the actual scale of consumption far outstrips past sales and the ability of sites within the Tees Valley to produce aggregates that a more appropriate basis for future provision, at least in the medium term to long term may be one based upon the recommended sub-regional apportionment of the June 2009 National and Regional Aggregate Supply Guidelines. However, it is recognised that future sales and the ability for the Tees Valley area to meet the recommended sub-regional apportionment is dependent upon mineral operators gaining planning permission and working suitable environmentally acceptable sites.</p>
Paragraph 8.4 and 8.5	These paragraphs should be updated to reflect the latest position. For example, in relation to paragraph 8.4 it is understood that Cemex were considering an alternative proposal at Stockton Quarry and submitted a Scoping Opinion



	<p>to the Borough Council in April 2017 for a revised proposal which referred to the winning of working of 1.78 million tonnes of sand and gravel from the quarry and an additional area to the west of the quarry. Similarly, in relation to paragraph 8.5 which relates to North Gare, this paragraph advises that, "the future of extraction at the site is therefore uncertain". However, it is understood from paragraph 2.4 and 2.6 that extraction at North Gare has ceased and there is no longer a licence from the Crown to allow extraction at the sites. (There are also references elsewhere within the LAA to North Gare i.e. para 10.1 refers to the "continued inactivity of the only two sand and gravel sites", and paragraph 10.4 refers to "and the continued operation of operations at North Gare remain in doubt". Have operations at this site not permanently ceased?</p>
Paragraph 8.7	<p>This paragraph states, "Further work will be undertaken to understand the extent to which the recycled and secondary aggregate produced in the Tees Valley could be used as a substitute to primary aggregates." Is it possible to explain what further work will be undertaken together with a timeline for when this work will be completed by?</p>
Paragraph 8.8 - 8.10	<p>Drawing upon existing and emerging Local Aggregate Assessments from adjoining authorities, planning application/permission information and known information on imports into the Tees Valley, this part of the LAA could be updated to reflect an up to date assessment of potential sources of supply which could export into the Tees Valley over the period to 2030. This could help demonstrate that despite the negative balances between supply and demand in the Tees Valley outlined within the Joint LAA that there is scope for other sub-regions to continue to supply into the Tees Valley.</p>
Paragraph 9.5	<p>It is agreed that it very unlikely that the area will be able to meet full levels of demand and that the Tees Valley authorities seek to plan for resources based upon the recommended sub-regional apportionment figures.</p>
Section 10 Conclusions and recommendations	<p>It is agreed that the 10 year average sales forecasts can be considered to be an inappropriate indicator of future demand in the Tees Valley. Paragraph 10.1 also explains the reasons for this. Similarly paragraph 10.4 also highlights the uncertainties relating to both (Stockton Quarry and North Gare) sand and gravel sites in the Tees Valley. Could an update on the position of both North Gare and Stockton Quarry be provided as part of any further drafting of this LAA?</p> <p>It is agreed that past consumption figures and estimated growth figures indicate a high level of demand and that this also underestimates demand due to aggregates being imported into the North East region which are not allocated to a specific sub-region. Paragraph 10.2 advises that future iterations of the LAA will include further assessment of the level of demand in the Tees Valley. Assuming that this paragraph</p>

has not been reconsidered since the last iteration of this LAA could this be updated taking into account information from the 2014 Aggregates Survey?

It is agreed that as a basis for future provision that the recommended sub-regional apportionment provides a more realistic calculation for the level of aggregates to be planned for (paragraph 10.3). Could the Joint LAA provide a recommendation on how these levels of provision will be planned for? For example, will this be undertaken through a review of the Tees Valley Minerals and Waste planning documents and an accompanying call for sites at some point?

While it is noted that the paragraph 10.4 advises that, "based upon the sub-regional apportionment that the Tees Valley is able to meet the requirements for a 7 year landbank for sand and a 10 year landbank for crushed rock", it should be noted that the National Planning Policy Framework advises that mineral planning authorities should make provision for "at least 7 years" for sand and gravel and "at least 10 years of crushed rock". In this regard specific advice is given about the use of aggregate landbanks in the Planning Practice Guide including: Aggregate landbanks are an essential component of planning decision-making:

- they are the basis on which the level of provision of new areas for aggregate extraction should be calculated when preparing local mineral plans;
- they are an important means of assessing when a mineral planning authority should review the current provision of aggregates in its area; and consider whether to conduct a review of allocation of sites in its local minerals plan; and
- for decision-making, low landbanks may be an indicator that suitable applications should be permitted as a matter of importance to ensure the steady and adequate supply of aggregates. (Paragraph: 082 Reference ID: 27-082-20140306)

Paragraph 10.4 also advises that "it is recognised that additional sites will be needed to achieve the recommended levels" and paragraph 10.7 advises that "there is expected to be a continued reliance on imports in the short to medium term". In addition to continuing to liaise with authorities which export aggregates into the Tees Valley (paragraph 10.7) can consideration be given to what can be done and recommendations made through this Joint LAA to try to help facilitate additional working and to help reduce imports of land won aggregates into the Tees Valley in the future?