

CABINET

Date of Meeting	Tuesday, 18 th May, 2021
Report Subject	Inter-authority Collaboration to Manage the Supply of Aggregate Minerals in the North East Wales Sub-Region
Cabinet Member	Cabinet Member for Planning and Public Protection
Report Author	Chief Officer (Planning, Environment and Economy)
Type of Report	Operational

EXECUTIVE SUMMARY

The Regional Technical Statement Second Review (RTS2) states that where local authorities are unable to meet their individual indicative apportionment figures for the provision of aggregates, there is a need for all of the local authorities within that sub-region to collaborate in order to ensure that the overall sub-regional apportionments are still met to ensure that a steady supply of those minerals is secured. The inter-authority collaboration should be agreed in the form of a Statement of Sub-Regional Collaboration (SSRC) agreed by all local authorities within the sub-regional area, which will then be used as evidence base for Local Development Plan (LDP) policy making and a material planning consideration in development management decisions with respect to the sub-regional need for aggregate minerals in the North East Wales Sub-Region.

On 22nd September 2020 Cabinet approved a North East Wales SSRC for the planning of aggregate minerals (Version 1, July 2020 – Appendix 1). Officers are now seeking an amended version of the document to be endorsed.

On 8th April, 2021 Planning Strategy Group endorsed the amended draft SSRC (Version 3, April 2021 – Appendix 2).

The approval of this document by all three local authorities in the North East Wales sub-region will demonstrate that the authorities are committed to inter-authority collaboration pertaining the supply of aggregate minerals in line with the sub-regional apportionment figures for sand and gravel, and crushed rock as set out in the Regional Technical Statement Second Review (RTS 2).

RECOMMENDATIONS

1	That Cabinet approves the amended Statement of Sub-Regional Collaboration. (Version 3, April 2021 – Appendix 2), and agrees that it will be forwarded to the Welsh Government and the Planning Inspectorate for consideration as part of the Examination in Public into Flintshire’s Local Development Plan (LDP).
2	That the Chief Officer (Planning, Environment and Economy) be provided with delegated powers concerning editorial, i.e. non-material amendments, to the draft SSRC should the need arise as a result of recommendations made by Denbighshire County Council, or Wrexham County Borough Council following approval of this report

REPORT DETAILS

1.00	EXPLAINING THE CHANGES TO THE AMENDED VERSION OF THE SUB-REGIONAL COLLABORATION
1.01	On 22 nd September, 2020 Cabinet approved a North East Wales Statement of Sub-regional collaboration (SSRC) for the planning of aggregate minerals (Version 1, July 2020 – Appendix 1). Officers are now seeking an amended version of the document to be approved.
1.02	Since then, work has progressed with our partner authorities in the North East Wales sub-region to seek collaboration and the SSRC, as drafted in Appendix 1 has been revised and refined and is now presented in Appendix 2 (version 3, April 2021) for Cabinet’s approval.
1.03	The latest version (version 3, April 2021), in Appendix 2 has been refined and condensed so that the SSRC is more concise and less technical than the previous version. Additional information has been included in the document that has been made available since the drafting of the first draft of the SSRC and improvements to the document have been made. The conclusion remains the same: to enable collaboration across the sub-region with regards to the supply of aggregate minerals.
1.04	On 8 th April, 2021 Planning Strategy Group endorsed the amended draft SSRC (Version 3, April 2021 – Appendix 2).
1.05	On 9 March 2021 Wrexham County Borough Council’s Executive Board agreed that <i>“the Chief Officer Planning & Regulatory, in consultation with the Lead Member Organisation, Planning & Corporate Services, be authorised to collaborate on a sub-regional level with respects to the provision of aggregate minerals and, with officers from the North Wales Shared Minerals and Waste Planning Service, to prepare a Statement of Sub-Regional Collaboration for subsequent Member endorsement”</i> . This latest version of the amended draft SSRC (Appendix 2) will be presented to Wrexham’s Executive Board on 11 th May, 2021 with the recommendation to approve the SSRC. Cabinet will be verbally updated of the outcome of this meeting.

1.06	On 22 March, Denbighshire's Strategic Planning Group agreed to support the sub-regional collaborative approach to meeting aggregate need on a sub-regional level in conjunction with the authorities in the North East Wales sub-region. The Strategic Planning Group was presented with the amended SSRC and agreed to endorse this document. The Lead Member for Planning, Public Protection and Safer Communities has been given Delegated Authority to approve the SSRC, and the latest version 3, April 2021 (as appendix 2) has been reported to the Lead Member for a Delegated Decision. The outcome of this decision will be verbally reported to Cabinet.
1.07	Notwithstanding that Flintshire were the first authority to proactively agree to the collaboration agreement, given it has been amended following the respective consideration and agreement of Wrexham and then Denbighshire, it is important that all members of the North-East Wales Sub-region have agreed to the same collaboration agreement, hence providing an update to Cabinet on the progress made towards sub-regional collaboration, and a recommendation that the appended revised draft SSRC (Appendix 2) be approved.
1.08	The SSRC will be offered as evidence base for the Flintshire LDP Examination in Public, to provide certainty and clarity to the LDP Inspectors that the apportionments set in the Regional Technical Statement second review will be met throughout the plan period.

2.00	RESOURCE IMPLICATIONS
2.01	<p>Revenue: there are no implications for the approved revenue budget for this service for the current financial year or for future financial years.</p> <p>Capital: there are no implications for the approved capital programme for either the current financial year or for future financial years</p> <p>Human Resources: there are no implications for additional capacity or for any change to current workforce structures or roles.</p>

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	The requirements of the Well Being of Future Generations (Wales) Act 2015 and the 7 well-being goals have been considered in the preparation of the RTS2. The RTS2 was developed through a series of consultation events and processes which were open to all interested parties. It is therefore considered that the RTS2 was prepared in accordance with the Equality Act 2010.
3.02	A Well-being Impact Assessment has not been carried out as the decision relates the Council's commitment to inter-authority collaboration; not a specific Council policy or project. The Draft SSRC (Appendix 2) does also not contain any specific proposals or actions. Document implementation will take place by means of other

	mechanisms, for example Planning Committee decision or LDP preparation, which will be subject to the requirements of the Well-being of Future Generations (Wales) Act 2015.
3.03	There is the risk that Denbighshire County Council or Wrexham County Borough Council could rely on Flintshire to offset any mineral supply shortages in their administrative areas, and the SSRC becomes a material planning consideration when determining planning applications concerning any quarry in Flintshire. However, PPW (Edition 11), paragraph 5.14.16, puts the duty on local planning authorities to “agree a joint approach with neighbouring authorities” where the environmental constraints are too important or the availability of a workable mineral resource is too limited to enable an individual landbank policy to be applied.

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	On 8 th April, 2021 Planning Strategy Group endorsed the amended draft SSRC (Version 3, April 2021 – Appendix 2) and Cabinet approved the previous version (Appendix 1) of the SSRC on 22 nd September 2020.
4.02	Consultation has been taking place with the partner authorities of Denbighshire County Council and Wrexham County Borough Council with various Member groups in order to approve the draft SSRC (Appendix 2).

5.00	APPENDICES
5.01	Appendix 1 - Draft Statement of Sub-Regional Collaboration for the North East Wales Sub-region (Version 1: July 2020) Appendix 2 - Draft Statement of Sub-Regional Collaboration for the North East Wales Sub-region (Version 3: April 2021)

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Report to Cabinet, Tuesday, 22 nd September 2020 (para 1.17) https://committeemeetings.flintshire.gov.uk/documents/g4736/Public%20reports%20pack%2022nd-Sep-2020%2009.30%20Cabinet.pdf?T=10&LLL=0 Regional Technical Statement (RTS) Second Review: http://www.swrawp-wales.org.uk/Html/RTS%202nd%20Review%20-%20Main%20Document%20-%20CONSULTATION%20version%20(English).pdf Planning Policy Wales Edition 11: https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf

7.00	CONTACT OFFICER DETAILS
7.01	<p>Contact Officer: Hannah Parish, Senior Planning Officer Telephone: 01352 703253 E-mail: hannah.parish@flintshire.gov.uk</p>

8.00	GLOSSARY OF TERMS
8.01	<p>Aggregate: Crushed rock, natural sand and gravel or artificial granular material that is used in construction, often in conjunction with a suitable binding agent such as bitumen or cement.</p> <p>Apportionment: 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.</p> <p>Examination: This is the formal examination in public of the LDP to test the soundness of the plan which will be presided over by an independently appointed Planning Inspector.</p> <p>Landbank (of primary aggregate reserves): 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.</p> <p>LDP: Local Development Plan guides development within the County and sets out the long term future for the County and outlines how we'll ensure that growth is delivered in the right places</p> <p>Material planning consideration: Factors to be taken into account when determining planning applications, which fairly and reasonably relate to the proposal and which are planning issues such as social, economic and environmental.</p> <p>Plan period: The Plan (of the LDP) covers a 15 year period commencing on 01/04/15 and ending on 31/03/2030.</p> <p>Planning application: An application submitted to the LPA for permission to carry out development accompanied by a fee (where necessary).</p> <p>Planning Strategy Group: A sub group of the Council's Planning Committee that acts as a steering group guiding the progress of the production of the LDP. This is not a public committee and has no power to make direct decisions over the content of the LDP, but it makes recommendations to the Cabinet on the plan.</p>

Primary Aggregates: Aggregates sourced directly from naturally occurring geological materials as a primary product (as distinct from secondary aggregates, including excavation wastes, produced as a by-product from the extraction or processing of geological materials for other primary purposes).

Regional Technical Statement: A technical statement prepared by the Regional Aggregate Working Parties for North and South Wales and reviewed every five years to ensure that an adequate supply of primary aggregate can be maintained throughout the Plan Period of the LDP.

Regional Technical Statement Second Review (RTS2): RTS2 was endorsed by the Welsh Minister on 24th March 2021. This Review introduces a requirement for all LPAs within the sub-region to agree a Sub-Regional Statement of Collaboration, and for this to be approved by the RAWP, prior to the Examination of any individual LDP within that area.