

WEST MIDLANDS REGIONAL ASSEMBLY

**Regional Planning and Environment Executive
22 September 2009**

RSS Phase 3

**National and Regional Guidelines for Aggregates Provision in
England 2005-2020: Carrying out and Completing West Midlands
Sub Regional Apportionment**

1. Purpose of Report

- 1.1 To advise Members about the Government's request for the Regional Assembly (as the Regional Planning Body) to carry out and complete a Sub-Regional Apportionment of the new revised National and Regional aggregates provision for the West Midlands.

2. Recommendation

2.1 That Members:

- (a) Note discussions about the way forward with GOWM.
- (b) Endorse officer proposals that:
 - (i) Sub-regional apportionment of aggregates provision in the West Midlands be undertaken by the Regional Assembly as requested by Government.
 - (ii) The West Midlands Regional Aggregates Working Party (WMRAWP) be requested to undertake the required sub-regional apportionment exercise and regional consultation on behalf of the Regional Assembly.
 - (iii) A request be made to GOWM to extend the deadline for completion of the sub-regional apportionment work to March 2010.
 - (iv) Independent consultants be commissioned to undertake the sustainability appraisal which is required to accompany the sub-regional apportionment.

- (v) A request be made to GOWM to provide the additional funding required for the sustainability appraisal of the sub-regional apportionment.

3. Background

- 3.1 On 29th June 2009 the Government issued revised national and regional guidelines for the provision of aggregates for the period 2005-2020. These new guidelines replace the June 2003 guidelines.
- 3.2 The revised regional guideline total provision for the West Midlands is 370million tonnes of materials to be provided over the next 16 years and comprises the following requirements and assumptions: -
 - 165 million tonnes of sand and gravel
 - 82 million tonnes of crushed rock
 - 100 million tonnes of alternate materials (secondary and recycled aggregates)
 - 23 million tonnes of imports, principally from Wales.
- 3.3 The final revised guideline figures show no change to the draft figures consulted upon by Government in April 2008. The draft figures were used in the WMRSS Phase Three Options consultation (Table 4 on page 106) which has recently been out to public consultation to provide a broad indication of what might be the future requirements for Mineral Planning Authorities (MPAs) across the Region.
- 3.4 The Guidelines are important because the Regional Planning Body (RPB) and the MPA's need to have regard to them in the preparation and revision of Regional Spatial Strategies (and the new Regional Strategies) and Local Development Frameworks and the determination of planning applications for minerals development.
- 3.5 Before the regional guideline provision can be used for these planning purposes, they need to be broken down, as far as possible, to MPA's (paragraph 3 in the Guidelines). This process is sometimes called "local or sub regional apportionment".
- 3.6 The apportionment of the regional guideline provision is currently the responsibility of the Regional Assembly (as the RPB) and will be the responsibility of the West Midlands Leaders Board (WMLB) and AWM (as the responsible regional authorities) in the future.
- 3.7 There is no statutorily defined process for carrying out and completing the sub-regional apportionment but the government have set out some steps and they are:

- The Regional Assembly should seek the advice of MPAs in the region and the West Midlands Regional Aggregates Working Party (WMRAWP) on the apportionment;
- The apportionment should be subject to sustainability appraisal incorporating strategic environmental assessment;
- The apportionment should be completed by the end of December 2009;
- Details of the apportionment should be provided to the Department of Communities and Local Government (DCLG) when the process has been completed.

3.8 In addition, paragraph 4 of the Guidelines says that “The Regional Assembly should consult its constituent MPAs and the RAWP to determine whether the regional guideline can be met at acceptable environmental cost.” During the consultation it is likely that the regional guideline itself will be subject to scrutiny not only in terms of the quantity of the minerals to be found but also the methodology used to determine the final figure. The Regional Assembly will have to make a judgement on whether the regional guideline is appropriate for the West Midlands in the light of the consultation responses and the advice from WMRAWP.

3.9 When the sub-regional apportionment has been completed the apportionment becomes a material consideration in decision making by the RPB and MPAs. The regional guideline and apportionment is then expected to be incorporated into a future revision of the RSS / RS where it can be tested and subjected to full public participation. The apportionment can be subject to further testing through the Local Development Framework processes.

4. Current Regional Position

4.1 The approved WMRSS (June 2004) and Draft Preferred Option (Phase Two) incorporates the previous sub-regional apportionment carried out in 2003 as Policy M2. The previous apportionment was carried out by the WMRAWP on behalf of the RPB and was approved by the RPB at the meeting of the Regional Planning Partnership on the 5th December 2003. The RPB recommended that the Secretary of State should incorporate the new apportionment into the then emerging RPG/RSS.

4.2 The 2003 apportionment was not accompanied by an environmental appraisal because at that time it was not a formal requirement.

5. Carrying Out And Completing The New Sub-Regional Apportionment.

- 5.1 The Government's latest regional guidelines require two tasks to be completed by the Regional Assembly:
- To consult on the environmental cost of implementing the regional guideline, and
 - To carry out and complete the sub regional apportionment.

6. Regional Guideline Consultation.

- 6.1 There is no statutorily defined process for carrying out this work but the RPB do have the WMRAWP to help them with this task. The work of the WMRAWP is supported by a RAWP Secretariat which is provided by Warwickshire County Council and part funded by CLG.
- 6.2 One of the work streams of the Secretariat is "to assist the RAWP in considering and advising Communities and Local Government and the RPB upon the sub-regional apportionment of the regional guidelines for aggregates provision".
- 6.3 Subject to the WMRAWP Secretariat availability, it is recommended that the Regional Assembly request that the WMRAWP carry out the consultation on behalf of the RPB.

7. Sub-Regional Apportionment

- 7.1 Paragraph 3.7 above sets out the four steps the government wishes to see take place to complete the apportionment process. In order to commence the work the following matters need to be resolved:
- Governance
 - Timetabling
 - Funding of the Sustainability Appraisal
 - WMRSS Phase Three Revision and the new Regional Strategy.
- 7.2 The above matters were discussed at a stock-take meeting involving Assembly officers, GOWM and AWM on 9th September and the outcome of that meeting is reported separately to Members (see Agenda Item 4d) and set out below in Sections 8 to 11.

8. Governance

- 8.1 Until the Local Democracy and Construction Act comes into effect in April 2010 the WMRA remains the RPB and therefore responsible for carrying out and completing the sub-regional apportionment. It is recommended therefore that Members give authority to your officers to commence work on the sub-regional apportionment. It is also recommended that the WMRAWP be requested to carry out the technical work required to undertake the apportionment and that consultants be commissioned to undertake the SA work.

9. Timetable

9.1 The Government wishes to see the two tasks completed by end of December 2009. However, because of the time required to undertake the technical apportionment work, commission and undertake the Sustainability Appraisal/Environmental Assessment and to then secure political agreement, that timetable looks unachievable. A completion date of March 2010 looks more realistic. This is based on the following proposed steps and timetable:

Proposed Steps	Timetable
RPEE endorsement of process and arrangements for Regional Guideline consultation and Sub-Regional Apportionment.	22 nd September 2009
WMRA request WMRAWP carry out above tasks	w/c 5 October 2009
MPAs to be advised of process and arrangements	w/c 5 October 2009
WMRAWP commence technical work on apportionment	w/c 12 October 2009
Commission consultants to carry out sustainability appraisal (SA)	w/c 19 th October
WMRAWP to complete draft apportionment. Consultants to complete draft SA	w/c 30 November 2009
WMRAWP consult MPAs on draft apportionment and SA	w/c 7 December 2009 until 31 st January 2010
WMRAWP finalise apportionment and comment on regional guideline	w/c 8 February 2010
WMRAWP notify RPB of their advice – w/c 15 th February 2010 for consideration by RPEE / LALB / JSIB	February/March 2010

9.2 Since it is not considered possible to achieve the Government timetable by the end of December 2009, it is recommended that an extension of the deadline be requested. Progress on completion of the process will be reported to future meetings of the RPEE.

10. Funding of the SA Work

10.1 The WMRSS Phase Three sustainability appraisal (SA) brief does not include appraisal of the sub-regional apportionment. The Regional Assembly would therefore need to commission the additional work to be carried out by independent consultants. This work is not currently included in the Regional Assembly Business Plan and no budget has been allocated for this additional work. It is therefore recommended

that a formal request is made to GOWM to fund the SA which is required as part of the apportionment process by Government and planning legislation.

11. Relationship Between The WMRSS Phase Three Revision And The Regional Strategy (RS)

11.1 The process of apportionment in the West Midlands is complicated by the stage in the process of the Phase Three Revision to the RSS and the preparation of the new Regional Strategy. Whatever route is taken the apportionment must be incorporated into the final version of any strategy document.

11.2 There are several options to be considered and they are:

- Option A - Carry out the two tasks (sub regional apportionment and regional guideline consultation) as a free standing process and inform the development of a regional Policy Statement. This option would have its own separate and controllable timetable (see Paragraph 9.1 above). The sub-regional apportionment would only have the status of a material consideration. Its incorporation into the development plan would be delayed until possibly the approval of the new RS.
- Option B - Carry out the tasks as part of the preparation of a RSS Phase Three Preferred Option. Timetabling would follow the Phase Three Revision timetable. It would delay the publication of the sub- regional apportionment for over a year which is likely to be unacceptable to Government but would be subject to testing and eventually form part of the Development Plan.
- Option C - Carry out the tasks as part of the new RS process. This would incur at least a two year delay, would be unacceptable to Government and would provide an unacceptable policy void, but would eventually form part of the Development Plan.

11.3 It is considered that Options B and C would be unacceptable to Government because of the lengthy time delays. Subject to sensible timing and resources Option A would appear to be the best way forward to complete the work.

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