

# Agenda



## Delegated Decisions - Cabinet Member for Sustainable Development

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Date: Thursday, 22 April 2021

Time: Time Not Specified

Venue:

To: Councillors D Davies

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Item		Wards Affected
1	<u>Endorsement of Regional Technical Statement</u> (Pages 3 - 10)	All Wards

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Date of Issue: Date Not Specified

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# Report

## Cabinet Member for Sustainable Development

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### Part 1

Date: 23 April 2021

**Subject** Endorsement of Regional Technical Statement 2020

**Purpose** Formally endorse the Regional Technical Statement in order to meet the requirements of National Planning Policy and agree the progression of the Statement of Sub-Regional Collaboration.

**Author** Planning Policy Manager

**Ward** All

**Summary** Minerals Technical Advice Note 1: Aggregates (2004) (MTAN 1) requires the preparation of Regional Technical Statements (RTS) for the areas covered by both the South Wales and North Wales Regional Aggregates Working Parties (RAWPs). Forward planning for minerals has formed an intrinsic part of the Local Development Plan (LDP) process. The LDPs have benefited from the clear direction the RTS has provided on the sustainable approach to mineral development in Wales. The principal objectives of the RTS are to provide adequate reserves of aggregate for the construction and other industries in the most sustainable manner reasonably achievable.

This is the second review of the RTS for Wales and the methodology has been amended since the first review to look at the consumption of aggregate as well as the historic pattern of supply. This means that Newport has an apportionment of 10.854 million tonnes (mt) to meet through its LDP process. A new sub-regional approach has been introduced to reflect the fact that aggregates only occur in certain locations which may not reflect the highest level of consumption, but attempts are made to ensure the most sustainable approach is achieved.

**Proposal** Cabinet Member to endorse the Regional Technical Statement and agree the next steps in meeting the apportionment set out in the RTS through the Local Development Plan process at a sub-regional level.

**Action by** Acting Head of Regeneration, Investment and Housing

**Timetable** Immediate

This report was prepared after consultation with:

- Head of Law and Regulation – Monitoring Officer
- Head of Finance – Chief Finance Officer
- Head of People and Business Change

**Signed**

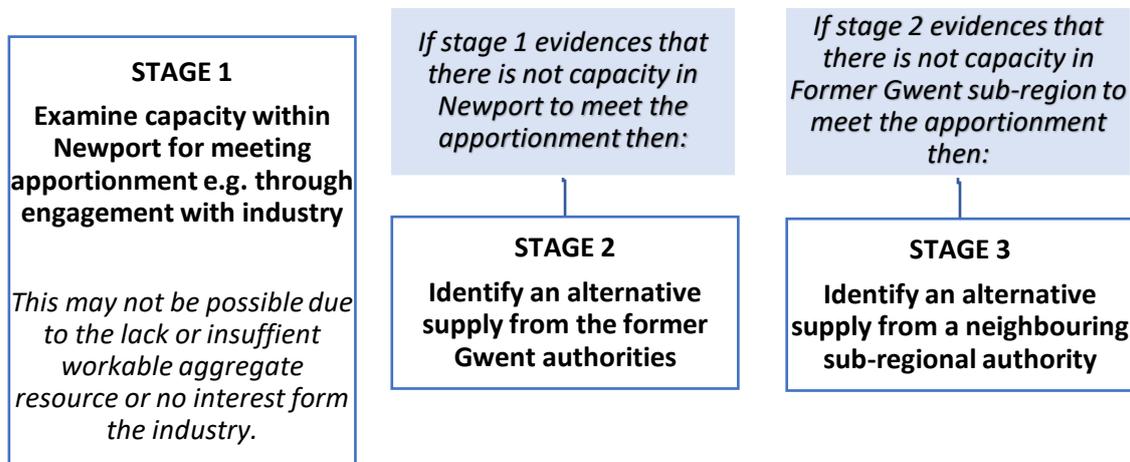
## Background

Minerals Technical Advice Note 1: Aggregates (2004) (MTAN 1) requires the preparation of Regional Technical Statements (RTS) for the areas covered by both the South Wales and North Wales Regional Aggregates Working Parties (RAWPs). The original RTS documents for both regions were completed in 2008 and are required, by MTAN 1, to be reviewed every five years. The First Review was undertaken in 2013/2014 and this is the Second Review, which commenced in 2018.

The methodology used in the previous (First) Review, in 2014, had been based primarily on historical sales averages, combined with an assessment of the various ‘drivers’ of potential future change. For the Second Review, this has been combined with an attempt to reflect *planned* future requirements for housing construction activity, and to avoid perpetuating historical supply patterns in areas where there is scope to encourage more sustainable patterns of supply.

The change in methodology means that Newport is required, through its Local Development Plan process, to meet the apportionment set out in the RTS. For Newport this requirement is set at 10.854 million tonnes (mt) of crushed rock for the LDP period. An explanation of the calculations are set out in Section 2. The authority currently has no existing landbanks of permitted reserves, both for sand & gravel and for crushed rock. The RTS requires the apportionment to be met through the allocation of Specific Sites or, failing that, Preferred Areas. If, as a last resort, it is only possible to identify broad Areas of Search, these should be sufficient to offer the potential of much greater quantities of reserves, in order to reflect the uncertainties involved. If it is not possible for Newport to meet this requirement then a sub-regional approach is required. Newport has been grouped with Torfaen, Monmouthshire and Blaenau Gwent. To satisfy this requirement several stages will need to be undertaken, set out in figure 1, the outcome of which is a Statement of Sub-Regional Collaboration (SSRC).

Figure 1: SSRC Stages



A Statement of Sub-Regional Collaboration is required to be prepared by the former Gwent Authorities as part of the evidence base needed to support each Local Development Plan (LDP). The timescale for preparing SSRCs will need to meet that of Blaenau Gwent who are the authority in the grouping furthest ahead in the preparation of their LDP. The purpose of the SSRC is to confirm that all constituent LPAs within a particular RTS sub-region accept the individual apportionments for aggregates for their individual Authority areas, as set out in the latest Review of the RTS, and that (*as a minimum*) the RTS requirements for that sub-region as a whole will therefore be met.

If a SSRC cannot be achieved this will have a serious impact on the progression of the Local Development Plan for each authority area because the requirements of National Policy have not been met. The Welsh Government will, as a last resort, consider its default powers to intervene in the Development Plan process (MTAN 1, paragraph A3).

## Calculation of Newport's Apportionment

The calculation of the apportionment set out in the RTS followed a four-stage process. Each stage and its relevance to Newport is set out below:

**Stage 1 - Setting the National Level for future aggregates provision.** According to Welsh statistics there is a high degree of correlation between housing completions and aggregate sales. Statistics show that housing accounts for approximately 30% by value of all new construction. At a national level, therefore, and on the basis of being consistent in terms of planned provision for both housing and aggregates, it was agreed that the provision required for aggregates should be guided by a 30% uplift on historical sales figures.

The National Figure is 20.224 Million Tonnes Per Annum (mtpa)

**Stage 2 – Calculation of the Regional Split between North and South Wales.** The national figure, set out in stage one, is split between North and South Wales. This split is based on the historical sales, that is 38% North Wales and 62% South Wales.

The South Wales figure is 12.486 mtpa.

**Stage 3 - Calculation of Sub-Regional and LPA Apportionments.** South Wales has been split into seven sub-regions which reflect distinct market areas, between which there is relatively little movement of aggregate (see Appendix 1 for a map of the sub-regions). The percentage of historic sales and house build rates for each authority provides the basis for the LPA apportionment. For Newport this meant that the average historic sales were non-existent (0) but the authority has a high level of housing development (527.5 units pa) which makes up 15% of the sub-regions supply. This resulted in an annualised apportionment of 0.868mtpa. The combination of the sales and house build rates meant that the 0.868 figure was halved.

The LPA apportionment is 0.434 mtpa

**Stage 4 – Sand and Gravel and Crushed Rock total apportionment.** This final stage took the figures calculate in stage 3 and multiplied them by the number of years required (25 years for crushed rock) for the LDP allocation. Newport does not have any active workings or permitted reserves to put towards this requirement, therefore the total requirement is for 10.856MT of crushed rock. There is no requirement for sand & gravel.

**Newport apportionment for allocation in LDP is 10.854 million tonnes of crushed rock**

### Additional Impacts

In addition to the SSRC the Newport LDP will also need to safeguard primary aggregate resources. This will mean that relevant resources of both crushed rock aggregates and land-based sand & gravel should be safeguarded within the LDP, in accordance with detailed advice based on the use of British Geological Survey mapping.

Newport also plays an important strategic role in the delivery of marine based supplies being landed at the wharves within Newport. Therefore, the LDP will need to safeguard those wharves and railheads in order to provide a full range of sustainable transport options (whether or not they are currently utilised).

### Financial Summary

Endorsement of the RTS does not have a financial cost to the authority. The work associated with the RTS will however require further work streams which will be funded through the Local Development Plan process.

## Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Not endorsing RTS means that Welsh Government have powers to endorse the document and its requirements placed on the Council	H	L	Previous RTS have been endorsed by the Council. The RTS process has been through consultation with the Council and feedback provided.	Planning Policy Manager
Not working on RTS related work in timely manner to meet regional timescales	H	M	RTS work is undertaken by SWRAWP which is represented by each member of the former Gwent authorities.	Planning Policy Manager
Staff Resource and Budget	H	L	There are resources available for the RTS related work.	Planning Policy Manager
Delays arising as a result of Covid-a9	M	L	Endorsement requires sign off only from the Council and the process of Cabinet Member approval is still be undertaken	Planning Policy Manager

## Links to Council Policies and Priorities

The RTS has a clear link to the Newport Local Development Plan. By endorsing the RTS the Council will ensure that the process of enabling sustainable sources of aggregate is undertaken for such a finite resource. Newport is an area of growth and therefore high consumer of aggregate and the long-term supply is therefore an important part of this process. The work undertaken will also be relevant for the Newport LDP were a review is underway.

## Options Available and considered

Approve endorsement of the RTS, including the recommendation for beginning work on meeting the requirements of this work.

Do not approve endorsement of the RTS, including the recommendation for beginning work on meeting the requirements of this work.

## Preferred Option and Why

To approve endorsement of the RTS, including the recommendation for beginning work on meeting the requirements of the work. The RTS provides a strong and improved statement of the desire to ensure that sustainability is at the heart of all future mineral planning in Wales. The Council would also be meeting its requirements for the LDP in a timely manner.

## Comments of Chief Financial Officer

Endorsement of the Regional Technical Statement has no adverse financial impact and is required in order to meet the requirements of National Planning Policy and agree the progression of the Statement of Sub-Regional Collaboration. Any costs associated with the RTS will be met through the existing Local Development Plan budget.

## **Comments of Monitoring Officer**

The Regional Technical Statement has been prepared in accordance with the requirements of MTAN 1 in order to provide for sustainable reserves of aggregates for construction and other industries. The RTS is required to be reviewed by the Council every 5 years and this second review process was commenced in 2018. The methodology for this second review has changed to include a focus on planned future supplies of aggregates as well as historical sales and this will require apportioned supply targets to be met through the LDP site allocation process, on a sub-regional basis.

## **Comments of Head of People and Business Change**

From an HR perspective, there are no staffing implications.

The report writer has fully considered the Well-being of Future Generations (Wales) Act 2015 in the appropriate section of the cover report.

## **Comments of Cabinet Member**

The Cabinet Member for Sustainable Development has been briefed on the report and is content to approve the RTS subject to further comments received.

## **Local issues**

The LDP will affect all wards in Newport.

## **Scrutiny Committees**

None

## **Equalities Impact Assessment and the Equalities Act 2010**

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The RTS has been developed through a series of consultation events and processes which was open to anyone with an interest.

## **Children and Families (Wales) Measure**

There was no specific targeted consultation with Children and young people the consultation was open to all of our citizens regardless of their age. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

## **Wellbeing of Future Generations (Wales) Act 2015**

The Well-being and Future Generations (Wales) Act seeks to improve the social, economic environmental and cultural well-being of Wales. Public bodies should ensure that decisions take into account the impact they could have on people living in Wales, in the future. It should be noted that the planning system is central to achieving sustainable development and the five ways of working are an intrinsic part of the planning system. The RTS is clear in its overarching objective to ensure sustainability

is at the heart of all future mineral planning in Wales. The 5 main considerations of the WCFG Act are set out below with an explanation of how this work meets their objective:

- Long term: The RTS sets out the nationally approved approach for sustainable management of aggregate resource over at least a 25 year period. The RTS is subject to review every 5 years to ensure it can react to any significant change in circumstances.
- Prevention: The aim of the RTS and indeed the LDP which this report influences, is to create sustainable places by influencing a future supply of aggregate in the most sustainable manner.
- Integration: The RTS is required by Welsh Government Planning Policy and is one aspect that the LDP will have to meet. The RTS take into account changes in approach and policy requirements and this is reflected in the reviewed methodology. The work looks to ensure a sustainable supply of a finite resource which is a critical aspect of development, which means that Wales is taking a globally responsible action to ensure a prosperous outcome.
- Collaboration: The RTS will require Newport to work within a sub-region of the former Gwent authorities. This regional work will provide part of the evidence base and influence the policy outcomes for Newport e.g. meeting the requirements of Planning Policy Wales. This work has been undertaken in collaboration with the mineral industry and other groups including natural resources Wales. This collaborative approach will be continued in the work to fulfil the requirements of the RTS.
- Involvement: The endorsement of the RTS will finalise the process that has seen involvement from technical and non-technical stakeholders. The resultant work will require input from those affected by the requirements including neighbouring authorities, the mineral industry and through the Local Development Plan process.

It is considered that this proposal is in line with the Council's well-being objectives published in May 2018.

### **Crime and Disorder Act 1998**

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of this work.

### **Consultation**

The draft RTS was subject to an eight week consultation process. The Council made groups including community councils aware of the consultation and provided a formal response.

### **Background Papers**

Final RTS Documents for endorsement:

Regional Technical Statements for the North Wales and South Wales Regional Aggregate Working Parties - 2nd Review - (Main Document) September 2020:



RTS 2nd Review -  
Main Document - FI

Regional Technical Statement (2nd Review) Appendix B (South Wales) September 2020:



RTS 2nd Review -  
Appendix B (South \

Consultation Drafts of RTS:

Regional Technical Statements for the North Wales and South Wales Regional Aggregate Working Parties - 2nd Review, (Main Document), September 2019:

[http://www.swrawp-wales.org.uk/Html/RTS%202nd%20Review%20-%20Main%20Document%20-%20CONSULTATION%20version%20\(English\).pdf](http://www.swrawp-wales.org.uk/Html/RTS%202nd%20Review%20-%20Main%20Document%20-%20CONSULTATION%20version%20(English).pdf)

Regional Technical Statement (2nd Review), Appendix B (South Wales) September 2019:

[http://www.swrawp-wales.org.uk/Html/RTS%202nd%20Review%20-%20Appendix%20B%20\(South%20Wales\)%20-%20CONSULTATION%20version%20\(English\).pdf](http://www.swrawp-wales.org.uk/Html/RTS%202nd%20Review%20-%20Appendix%20B%20(South%20Wales)%20-%20CONSULTATION%20version%20(English).pdf)

**Dated : 9 April 2020**

**APPENDIX 1:**

**Plan of Regional Technical Statement Sub-Regional Groupings**

