

Telford & Wrekin Council – Responses to Matters, Issues and Questions

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Matter 6, Issue 9

Issue 9: Whether the policies for minerals and land (ML) are positively prepared, justified, effective and consistent with national policy.

Policy ML1 – Mineral safeguarding

Q144. Part 1 of the policy refers to Mineral Safeguarding Area (MSA) buffer zones. Is it clear enough where these are identified for the Plan to be effective?

Mineral Safeguarding Areas (MSA's) are clearly marked on the policy map – CD02 - Telford and Wrekin Local Plan Policies Map – Borough wide. Reference to MSA buffer zones within policy ML1.1 is a residual from the previous plan and in the interest of clarity the Council consider its removal appropriate.

Should it be deemed necessary, the Council is happy to submit a separate map of the borough which includes MSA buffer zones to accompany CD02.

Q145. Are allocated sites and land allocated as SCs included within the MSA and therefore subject to the requirements of part 1 of the policy? Is this clear in the wording of the policy (and on the Policies Map)?

No, allocated sites located within MSA's would not be subject to policy ML1.1.

The Council finds that allocated sites and land allocated as SCs cannot be reasonably sited or relocated to avoid mineral areas (ML1.1a) and / or the overriding need for the development outweighs the need to safeguard the mineral resources present (ML1.1d).

The Council consider that as written the policy is consistent with national guidance, in particular paragraph 007 in the PPG which states mineral planning authorities should manage potential conflicting objectives for use of land. In this case, balancing the Councils need to deliver housing in a timely manner with the need to maintain mineral land banks and avoid unnecessary sterilisation.

There is potential benefit to including an additional point within Policy ML1.1 which states explicitly that, sterilisation from development of allocated sites within MSA's could be acceptable.

This adjustment may provide additional clarity when interpreting the policy, reference to this could also be made within the supporting text.

Q146.Are (a) criterion 1a, (b) the cross-reference to “points (i) to (v) above” in part 6, and (c) the order of the policy clear and unambiguous enough to be effective?

(a) - Yes, as written policy ML1.1a is clear and unambiguous enough to be effective.

Criterion 1a. states MSA's will be protected from unnecessary sterilisation by development unless 'development cannot be sites or relocated to avoid mineral areas;'

The policy makes clear that non-mineral development should be focused outside of MSA's where possible, while also accounting for situations where non-mineral development within MSA's is necessary.

The Council considered that including the word 'reasonably' to policy ML1.1a could provide further clarity to this matter.

(b) - The reference to points (i) to (v) within policy ML1.6 should be updated to instead read “*where they accord with points (1a) to (1f)*” to be clear, unambiguous and effective.

(c) - Yes, as written, the order of policy ML1 is clear, unambiguous and effective. Policy ML1 protects minerals from unnecessary sterilisation (NPPF 222), encourages prior extraction where practical (NPPF 223.d) and safeguards existing, planned and potential sites for mineral development (NPPF 223.e) which is consistent with National Policy.

The Council finds that the current proposed policy could benefit from the additional modifications noted above to ML1.1 and ML1.6.

Q147.(a) Are parts 7 and 8 of the policy justified? (b) Is there unnecessary duplication in parts 7 and 8 which may make them unclear and ineffective?

(a) - Yes, the Council considers ML1.7 and ML1.8 to be justified.

Policy ML1 has been informed by:

- WM03 - Shropshire and Telford Local Area Aggregates Assessment (2019)
- WM01 - Shropshire and Telford & Wrekin Local Area Aggregates Assessment (2025)
- TP06 - Telford and Wrekin Minerals Topic Paper
- National policy (NPPF section 17 and PPG Paragraph: 003 Reference ID: 27-003-20140306)

Policy ML1.7 provides support for non-mineral development throughout the borough while preventing loss of and or damage to, planned and potential mineral related infrastructure as is required by paragraph 223.e of the NPPF.

Policy ML1.8 allows for development adjacent to existing, planned and potential mineral related infrastructure provided it does not prevent or prejudice the current and or future use.

ML1.7 and ML1.8 use the available information to sufficiently protect mineral production in the borough, without overly restricting non mineral development. The Council considers this to be an appropriate strategy informed by proportionate evidence and is therefore justified.

(b) - The Council considers that whilst ML1.7 and 8 are both justified, there is sufficient overlap between the policies to where the removal of ML1.8 would not negatively impact the Councils ability to effectively safeguard minerals within the borough.

As such the Council finds that the removal of ML1.8 could be deemed appropriate.

Policy ML2 – Maintaining aggregate supplies

Q148. Is the policy positively prepared and consistent with Framework paragraph 224, which attributes great weight to the benefits of mineral extraction?

Yes, policy ML2 is positively prepared and consistent with National guidance. Policy ML2 relates to maintaining aggregate reserves. Telford and Wrekin Council together with Shropshire Council are the Minerals Planning Authorities for Shropshire County with a strong track record of collaboration so as to consistently maintaining above expected minimum required landbanks, as evidenced by the 2019 and 2025 Shropshire and Telford & Wrekin Local Aggregate Assessment (WM01). The Council consider that as currently worded policy ML2 succeeds in giving great weight to the benefits of mineral extraction as is required by NPPF paragraph 224.

Furthermore, Policy ML2 is broadly an update to the current minerals policies ER3 and ER4 in the adopted local plan which has been shown to be effective. Based on these factors, the Council considers policy ML2 to be sufficiently supportive of current and future mineral development, well founded and positively prepared.

Q149. Is there a tension between criterion 1a and part 2, which may make the policy unclear and ineffective?

The Council consider ML2.1a and ML2.2 to be consistent and compliant.

ML2.1a. is intended to address circumstances where the ‘need’ for minerals outweighs material planning objections. As stated, mineral development will be supported if *“the need for the mineral outweighs the material planning objections (ML3)”*.

ML2.2 is intended to relate to all mineral working proposals, detailing that the environmental impact of development should be of an acceptable level. Specifically,

ML2.2 states “*Proposals for new extraction should demonstrate that they are environmentally acceptable to work and be consistent with Policy ER6 and other relevant plan policies.*”

ML2.2 therefore ensures that even in circumstances where it is demonstrated that need outweighs material planning objections (including environmental considerations), proposals remain environmentally acceptable – consistent with the expectations of wider policies of the Local Plan and national policy. Crucially, ML2.2 also applies to ML2.1b and ML2.1c, so as to ensure mineral working justified for purposes other than need is also environmentally acceptable.

Also with regard to the consistency of ML2.1a and ML2.2, it should be noted that the other relevant policies referenced in ML2.2 of course includes ML3 – consistent with ML2.1a.

The Council consider this to be sufficiently clear for applicants and decision makers for the policy to be effective.

The Council do however identify a need to update the reference from policy ER6 to ML3.

Q150. Are paragraphs 14.15 to 14.22 consistent with the most recent evidence on Local Aggregates Assessment for the Plan period?

New evidence has come forward between the regulation 19 consultation and the submission of the plan. The updated version of the Shropshire and Telford & Wrekin Local Area Aggregates Assessment (WM01) provides more up to date figures for crushed rock, sand & gravel reserves and land banks. A more up to date subregional LAA has also been published in this time period, the impact of these updated documents is addressed within the Councils Minerals Technical Paper – Update (TP06).

The Council also notes the Aggregate minerals survey for Great Britain, 2023 (released 6th August 2025), whilst this document does not provide updated figures for demand, it contains further context which will inform future LAA's and monitoring of reserves & landbanks.

Policy ML3 – Mineral development

Q151. Is criterion 1e (farming, horticulture and forestry) justified and consistent with national policy and guidance on assessment of environmental impacts from minerals extraction?

ML3.1e protects Farming, horticulture and forestry from unacceptable negative impact due to mineral developments. Government Guidance (Minerals) paragraph 013 clearly states impacts on best and most versatile agricultural land, soil resources and air quality amongst other things as principal issues for mineral planning

authorities to address. The Council finds ML3.1e to be an appropriate inclusion in this regard. Furthermore, NPPF paragraph 223.f states planning policies should “*set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health*”. The Council considers farmland, horticulture and forestry to be both part of the natural environment and important factors to consider in order to protect human health.

Q152.Should criterion 1k refer to the significance of heritage assets and their setting, to be effective and consistent with national policy?

Policy ML3.1k states that mineral related development will be supported where it can be demonstrated that development would not have an unacceptable impact on ‘The historic environment including heritage and archaeological assets’.

The Council finds that the policy in it’s current form complies fully with NPPF paragraph’s 223f.

It is however considered by the Council that, making additional reference within policy ML3.1k to ‘*the setting*’ of the boroughs rich historic environment could provide further clarity on the expectations for mineral developments within the borough.

Policy ML4 – Land stability

Q153.Is clarification necessary that land stability issues can occur near the canal network and reservoirs (and that the Canal and River Trust can provide advice on this) for the Plan to be sound?

No, the Council do not consider explicit reference to the boroughs canals and reservoirs to be a necessary inclusion for policy ML4 to be sound.

Instability can occur at any location, especially where there is a difference in ground level either within or adjacent to a site irrespective of how insignificant that difference may appear. Land stability issues are also not solely restricted to man-made features; natural land is not immune to such issues. The Council consider that policy ML4 is sufficiently clear in this regard.

Whilst the Council acknowledge that areas around canals and reservoirs can carry risk for slope failure and or ground collapse, it is not deemed necessary to single out these areas over others.

Regarding reference to the advice which can be provided by the Canal and Rivers Trust, the Council consider this addition could aid developers in seeking out effective guidance and propose the following be added to supporting text 14.41 to account for this:

“Where appropriate developers should also consult with the Canal and River Trust”

The Council further consider that, following consultation, the minor modification below could aid in the clarity of policy ML4 and it's supporting text.

Suggested modifications

14.29 to read:

“As a result of its industrial past, extensive mining and relative recent geological glaciation, several areas of the borough have land stability issues. The effects of unstable land may result in landslides, land creep, subsidence or ground heave. Where a site is affected by land stability issues, or where development has the potential to lead to land stability issues, the responsibility for securing a safe development rests with the developer and/or landowner. It is vital that the Council has a plan in place to ensure that the risk to residents, visitors, private property and public property including all highway assets and third-party assets (e.g. statutory authorities and service providers) is minimised.”

The Council consider that this modification would be an appropriate inclusion to address points raised during the regulation 19 consultation.

To aid with identification of areas potentially affected by the boroughs mining past, the Council propose the reference to “Appendix G” in supporting text 14.33 be changed to “Appendix H” and a copy of the Mining Consideration Areas plan be added into the plan. This would result in the current Appendix H (Glossary) becoming Appendix I.

It may also be appropriate to specify within supporting text 14.36 that applicants will be expected to provide proof that the site is suitably stable for development regardless of being located within or outside of a Mining Consideration Area.

Furthermore, the Council consider the following inclusion to Appendix H to be appropriate:

“H. Mining Consideration Area Plan (currently being prepared)

This map depicts areas which may have been previously minded for coal and ironstone. This map is provided for guidance only.

On developments where mining, of any kind, may have previously taken place, the Council will work closely with applicants to provide the most up to date information and advise on necessary surveying and mitigation.”

Policy ML5 – Land contamination

Q154. Do the stated purposes of policy ML5 need to include protection of controlled waters, to be consistent with national policy?

The Council finds that Policy ML5 as currently written, absent reference to controlled waters, is wholly compliant with NPPF paragraphs 124, 187 and 196.

It is however considered that following guidance from the Environment Agency, explicit reference to controlled waters within ML5 could be make the policy more comprehensive.

The Council considers the most appropriate place for this reference to be within supporting text 14.43.

Q155.To be effective, does the policy need to include a requirement to remediate and subsequently monitor contaminated land?

The Council considers policy ML5 to be effectively written and compliant with national policy paragraph 196. Policy ML5 requires a site investigation report and risk assessment undertaken by a qualified professional which demonstrates that land is free from contamination. This risk assessment would cover factors such as need for remediation.

Remediation is not required for all sites and developers should submit a remedial design only when it has been shown that it is necessary. If remediation is not found to be necessary, the contaminated land or site investigation interpretative report should state this in the conclusion and recommendations section.

In response to consultation with the Environment Agency the Council considers that the inclusion of an additional point within policy ML5 which explicitly references the need for appropriate remediation of contaminated sites could further strengthen the policy.

Q156.Is the meaning of the first sentence in paragraph 14.48 clear and unambiguous?

The Council finds that the current wording of supporting text paragraph 14.48 (14.50 in CD08) is sufficiently clear but potentially overly restrictive.

As such, the Council propose the following modification be included instead:

“In some instances further site investigation may be required before planning permission can be granted. Site investigations should be prepared by a competent person and remedial measures agreed before any development takes place. This must demonstrate that the land contamination issues have been fully addressed or can be addressed through the development. It is always the developer’s responsibility to ensure the safety of the development and its compliance to best practice safety standards and contaminated land best practices.”