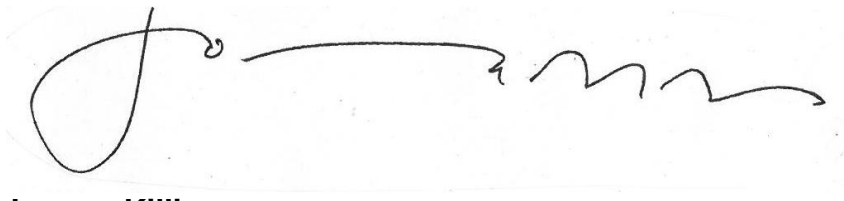


Summons

To all Members of
Essex County Council

You are hereby summoned to attend the meeting of the County Council to be held as shown below to deal with the business set out in the Agenda.

10:00	Tuesday, 08 July 2014	Council Chamber, County Hall, Chelmsford, Essex
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Joanna Killian
Chief Executive

Officer Support to the Council: Andy Gribben, Governance Officer
Telephone: 01245 430044
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This meeting is open to the public and the press.

The agenda is available on the Essex County Council website, www.essex.gov.uk. On the home page select 'Your Council' and then 'Meetings and Decisions'. Finally, select 'Full Council' on the date shown above from the meeting calendar.

The agenda and associated documents can be provided on request in alternative formats such as large print, Braille and on disk.



Essex County Council

Prayers The meeting will be preceded by Prayers led by The Reverend Canon Carol Smith, County Council Chaplain and Vicar of the Church of England Parish Church for Moulsham Lodge with Tile Kiln, in the Diocese of Chelmsford.

Public Questions A period of up to 30 minutes will be allowed for members of the public to ask questions on any business of the Council. No question shall be longer than three minutes and speakers must have registered with the clerk no later than 7 calendar days before the date of the meeting.

On arrival, and before the start of the meeting, registered speakers must identify themselves to staff in order to be seated.

		Pages
1	Apologies for Absence	
2	Declarations of Interest To note any declarations of interest to be made by Members	
3	Confirmation of the minutes of the meeting held on 13 May 2014	5 - 20
4	Chairman's Announcements	
5	Receipt of petitions and deputations	
6	Executive Statements <ul style="list-style-type: none">• Expenses Issue - Lord Hanningfield	
7	Motions (standing order 16.11.2)	21 - 22
8	To consider the adoption of the Essex Minerals Local Plan	23 - 90
9	To receive the annual report of the Essex Pension Fund Board	91 - 98
10	To receive the Leader's report of Cabinet Issues	99 - 102

11 Questions (Standing Order 16.12)

a) Written questions (Standing Order 16.12.1)

b) Oral questions of the Leader, Cabinet Member

or the chairman of a committee upon any matter relevant to the business of the Council (Standing Order 16.12.6)

c) Oral questions of the representative of the Essex Police and Crime Panel (Standing Order 16.12.7)

d) Oral questions of the representative of the Essex Fire Authority on any matter relevant to the business of that Authority (Standing Order 16.12.7)

12 Essex Fire Authority

103 - 114

In relation to 11d) above, the report of the Essex Fire Authority's meeting held on 18 June 2014 is attached for information

Minutes of a meeting of Essex County Council held at County Hall, Chelmsford on 13 May 2014

Present

Chairman: Councillor N Hume

Vice-Chairman: Councillor J F Aldridge

Councillors:

J Abbott	K Gibbs	M Mackrory
W Archibald	R J Gooding	R A Madden
B Aspinell	I Grundy	M Maddocks
S Barker	C Guglielmi	M McEwen
R L Bass	D Harris	M McGeorge
A Bayley	A M Hedley	V Metcalfe
K Bentley	G Helm	A Naylor
D Blackwell	I Henderson	Lady Newton
K Bobbin	T M A Higgins	P Oxley
R G Boyce	R Hirst	M J Page
A Brown	P Honeywood	J W Pike
M Buckley	R C Howard	J M Reeves
J Chandler	M Hoy	S Robinson
P Channer	J Huntman	C Seagers
K Clempner	A J Jackson	K Smith
T Cutmore	E C Johnson	J Spence
M Danvers	J G Jowers	A Turrell
J A Deakin	D J Kendall	K Twitchen
T Durcan	J Knapman	S Walsh
M Ellis	N Le Gresley	R G Walters
D Finch	S Lissimore	J Whitehouse
M D Fisher	J Lodge	A Wood
R Gadsby	R Lord	J A Young

The meeting was preceded by prayers led by The Reverend Canon Carol Smith, County Council Chaplain and Vicar of the Church of England Parish Church for Moulsham Lodge with Tile Kiln, in the Diocese of Chelmsford.

Councillor Twitchen opened the meeting in the Chair

1. Election of Chairman

It having been proposed by Councillor K Bentley and seconded by Councillor R Walters it was

Resolved:

That Councillor N Hume be elected Chairman of the County Council for the forthcoming Municipal Year.

Councillor Hume made and signed the Declaration of Acceptance of Office.

Councillor Hume took the Chair

Councillor Hume thanked the Council for his election and proposed a vote of thanks to the past Chairman, Councillor Twitchen, paying tribute to her achievements. Councillors J Young, M Mackrory and D Finch echoed the Chairman's remarks and extended their good wishes to Councillor Hume.

Councillor Hume presented the past Chairman's badge to Councillor Twitchen who thanked members for their kind words, and congratulated Councillor Hume on his election.

Councillor Hume made a brief statement introducing his period of office.

2. Appointment of Vice-Chairman

It having been proposed by Councillor R Bass and seconded by Councillor J Reeves it was

Resolved:

That Councillor J Aldridge be appointed Vice-Chairman of the County Council for the forthcoming Municipal Year.

Councillor Aldridge made and signed the Declaration of Acceptance of Office and gave a brief statement thanking the Council for his appointment.

3. Apologies for Absence

Apologies for absence were received on behalf of Councillors G Butland, A Erskine, D Louis and C C Pond.

4. Declarations of Interest

There were no declarations of interest.

5. Minutes of the meeting held on 11 February 2014**Resolved:**

That the minutes of the meeting held on 11 February 2014 be approved as a correct record and signed by the Chairman.

6. Chairman's Announcements**Recent Deaths**

The Chairman informed members of the death of former County Councillor Sarah Candy and sent condolences to her family.

Sarah was a County Councillor from 2001 to 2013, representing Tendring Rural West Division, and also a member of Tendring District Council from 2003. On the County Council she served on a number of committees including the Executive Scrutiny Board and the Corporate Parenting Panel, as well as being at various times the Cabinet Member for Adult Social Care, Cabinet Member for Finance and Change Management, and deputy to the Leader of the Council.

The Chairman also informed members of the death of former County Councillor Kathleen Pauley and sent condolences to her family.

Mrs Pauley was a County Councillor from 1989 to 1993, representing Chelmsford North and served on the Education Committee as well as the Highways, Library, Museum and Records and the Fire and Public Protection Committees.

Members stood in remembrance.

Royal Visit

The Chairman advised Council of the visit by Her Majesty the Queen and the Duke of Edinburgh to Essex on Tuesday, 6 May where they attended a service at Chelmsford Cathedral to celebrate the centenary of the Diocese of Chelmsford. The royal party then visited Felsted School on the occasion of their 450th anniversary.

7. Presentation of Petitions

The Chairman received petitions relating to:

- street lighting in Colchester presented by Councillor T Higgins;

- improving the traffic flow in Waltham Abbey presented by Councillor R Gadsby;
- the repair of roads and footpaths in the Division of Harlow North presented by Councillor M Danvers; and
- part-night lighting in Wickford by Councillor N Le Gresley.

The Chairman passed the petitions to the Cabinet Member for Highways and Transportation.

8. To receive a statement from the Leader of the Council relating to the membership of Cabinet, Cabinet Portfolios and Deputies

The Leader, Councillor D Finch, presented a report announcing changes to the membership of Cabinet, Cabinet Portfolios and Deputies.

He welcomed Councillors A Brown and R Hirst to the Cabinet and announced changes to the Cabinet Portfolios and the deputies as detailed in the report.

The proposals also recommended an increase in the number of Deputies to receive the relevant Special Responsibility Allowance of £13,375 under the Members Allowances Scheme.

Resolved:

That the number of Deputies entitled to receive a Special Responsibility Allowance under the Members Allowance Scheme be increased from 9 to 11.

9. To appoint the Political Groups' representatives to committees

The Council received a report of the Political Groups' appointments to the following committees:

- Corporate Scrutiny Committee
- People and Families Scrutiny Committee
- Place Services and Economic Growth Scrutiny Committee
- Health Overview and Scrutiny Committee
- The County Council Members on the Essex County Council and Essex Fire Authority Joint Standards Committee
- Development and Regulation Committee
- Audit Committee
- Essex Pension Fund Investment Steering Committee (the members of the Committee will be the County Council representatives on the Essex Pension Fund Board)
- Committee to consider applications to undertake certain duties by Members and Foreign Travel by Officers

Having been moved by Councillor D Finch and seconded by Councillor R L Bass and subject to incorporating the list of amendments and additions circulated at the meeting it was

Resolved:

That the Political Groups' representatives to committees be appointed as set out in the report presented to Council amended in line with the list of amendments/additions circulated at the meeting.

10. To elect the Chairmen of committees

The Council received a report to elect the Chairmen of the following committees:

- Corporate Scrutiny Committee
- People and Families Scrutiny Committee
- Place Services and Economic Growth Scrutiny Committee
- Health Overview and Scrutiny Committee
- The Essex County Council and Essex Fire Authority Joint Standards Committee
- Development and Regulation Committee
- Audit Committee
- The Scrutiny Board
- The Essex Pension Fund Investment Steering Committee
- The Committee to consider applications to undertake certain duties by Members and Foreign Travel by Officers

Having been moved by Councillor D Finch and seconded by Councillor R L Bass it was

Resolved:

That the Chairmen of the Committees be elected as set out in the report presented to Council.

11. To appoint the County Council representatives to the Essex Health and Wellbeing Board

The Council received a report setting out its representatives on the Essex Health and Wellbeing Board. Having been moved by Councillor D Finch and seconded by Councillor R L Bass it was:

Resolved:

That the Council appoint the representatives to the Essex Health and Wellbeing Board as set out in the report presented to Council.

12. To appoint the County Council representative to the Essex Police and Crime Panel

The Council received a report setting out its representative on the Essex Police and Crime Panel. Having been moved by Councillor D Finch and seconded by Councillor R L Bass it was:

Resolved:

That the Council appoint the representative to the Essex Police and Crime Panel as named in the report presented to Council.

13. To appoint the County Council representatives to the Essex Pension Fund Board

The Council received a report setting out its representatives on the Essex Pension Fund Board. Having been moved by Councillor D Finch and seconded by Councillor R L Bass it was:

Resolved:

That the Council appoint the representatives to the Essex Pension Fund Board as set out in the report presented to Council.

14. To appoint the County Council representatives to the Essex Fire Authority

The Council received a report setting out its representatives on the Essex Fire Authority.

The Chairman pointed out that there were 22 nominees for 20 posts.

At the invitation of the Chairman the Leader stated that in agreeing the representation on the Authority last year there was no decision that the third position currently occupied by a UKIP member would be 'rotated' between the three largest Opposition Groups. He therefore moved that the representation should be on the basis agreed last year and requested the Leaders of the Labour and Liberal Democrat Groups to confirm which two of their three nominations be appointed to the Essex Fire Authority.

Councillor M Mackrory requested that the matter be put to a vote.

Councillor J Young pointed out that she had raised the matter at Council last year but she acknowledged that the minutes did not record that any decision had been taken. She also proposed that the third seat on the Fire Authority be rotated to the Labour and Liberal Democrat Groups.

Councillor J Huntman indicated that he disagreed with Councillor Young's proposal.

The Chairman proposed that rather than putting this matter to a vote there should be allowed a period of reflection to see if there could be found an agreed position between the Opposition parties to be brought as a recommendation to a future meeting of Council.

Councillor M Mackrory agreed to withdraw the name of Councillor J Deakin from the Liberal Democrat nominations and that the matter should be discussed and resolved in accordance with the Chairman's proposal.

Councillor J Young agreed and withdrew her name from the Labour nominations although she asked that she be added to the list of named substitutes and she hoped that the matter could be brought back to the next meeting of Council.

Having been moved by Councillor D Finch and seconded by Councillor R L Bass it was:

Resolved:

That the Council appoint the representatives as set out in the report subject to the deletion of the names of Jude Deakin and Julie Young and the inclusion of Julie Young as a Labour substitute.

15. Executive Statements

The Leader of the Council gave a statement concerning the challenges faced by the Administration during the last year and the issues that lay ahead.

The statement was received.

16 Motions

The Chairman ruled that the Motions 'Review of the Ringway-Jacobs Contract' and 'Essex Roads and Footpaths' being of a similar nature should be taken as one debate.

Review of the Ringway-Jacobs Contract and Essex Roads and Footpaths

It was moved by Councillor R Lord and seconded by Councillor N Le Gresley

'That in view of the continued disquiet felt by many County, District and Parish Councillors as well as the general public, about the state of Essex Highways, this Council calls for a re-negotiation of the Ringway-Jacobs maintenance contract, as it has failed to bring true competition into highway maintenance and in all likelihood will destroy the prospect of any local companies being able to tender in future.

In addition, due to the lack of performance oversight and accountability, Council believes that in future, no contract should exceed 50% of all reactive

maintenance or 25% of cyclical maintenance, and the remaining work should be split between a minimum of five unconnected competing companies.

The objective of these changes would be to increase competition, raise quality, reduce vehicle damage and enhance road safety for both motorists and pedestrians.'

It was moved by Councillor J Young and seconded by Councillor I Henderson

'That Council acknowledge the growing public dissatisfaction with the condition of road surfaces and footpaths in Essex which, over the course of the year, has seen a sharp rise in the number of defects that remain outstanding on our roads.

Despite re-prioritisation one year ago and even more of taxpayers' money available for Ringway Jacobs, Council believes the contract is not delivering value for money and action is needed to address widespread public dissatisfaction ensuring that the safety of residents is put first.

Council calls on the Administration to explore opportunities to devolve powers and funding to local authorities for smaller priority schemes such as pothole repair, giving localities greater flexibility, accountability and councillor representation over delivery departing from current governing arrangements, which are wholly inadequate for a County of this size.'

Upon being put to the meeting the Motion moved by Councillor Lord was declared to be lost.

Upon being put to the meeting the Motion moved by Councillor Young was declared to be lost.

School Crossing Patrols

It was moved by Councillor D Kendall and seconded by Councillor T Higgins

'That this Council recognises that the safety of children walking to school and crossing busy roads is paramount.

Council, therefore, calls on the Cabinet Member for Highways and Transportation to abandon his proposal to withdraw funding for school crossing patrols (where controlled crossings exist) in the interests of children's safety.'

Prior to the Motion being put, ten Members demanded a division by name by standing in their places.

The Motion having been put it was declared to be lost by 31 votes for and 40 against.

Those voting for the Motion were Councillors:

J Abbott	M D Fisher	J Lodge
W Archibald	K Gibbs	R Lord
B Aspinell	D Harris	M Mackrory
A Bayley	G Helm	M McGeorge
D Blackwell	I Henderson	P Oxley
K Bobbin	T M A Higgins	S Robinson
K Clempner	M Hoy	K Smith
M Danvers	J Huntman	A Turrell
J A Deakin	D J Kendall	J Whitehouse
T Durcan	N Le Gresley	J A Young
M Ellis		

Those voting against the Motion were Councillors:

J F Aldridge	C Guglielmi	M McEwen
S Barker	A M Hedley	V Metcalfe
R L Bass	R Hirst	A Naylor
K Bentley	P Honeywood	Lady Newton
R G Boyce	R C Howard	M J Page
A Brown	N Hume	J W Pike
M Buckley	A J Jackson	J M Reeves
J Chandler	E C Johnson	C Seagers
P Channer	J G Jowers	J Spence
T Cutmore	J Knapman	K Twitchen
D Finch	S Lissimore	S Walsh
R Gadsby	R A Madden	R G Walters
R J Gooding	M Maddocks	A Wood
I Grundy		

Unconventional Fossil Fuels

It was moved by Councillor J Abbott and seconded by Councillor M Hoy

‘That this Council recognises that exploration of unconventional fossil fuels undermines action on climate change and diverts resources away from investment in a safe, secure and sustainable renewable energy future.

This Council notes that there are possible significant adverse impacts from the industrial exploration and production of fossil fuels by hydraulic fracturing on those communities in Essex living near deposits, including water contamination and air pollution - as highlighted by the European Commission and the UN.

This Council notes with concern that the Government is considering allowing companies to exploit shale gas reserves under privately owned land even if the owners object.

This Council supports the application of the precautionary principle to its own decision-making and policy-making on unconventional fossil fuels and calls on

the Government for a moratorium on unconventional fossil fuel exploration within the UK.'

Upon being put to the meeting the Motion was declared to be lost.

17. Adjournment

With the agreement of Council the Chairman adjourned the meeting for luncheon at 13:16.

The meeting reconvened at 14:20.

18. Statement from Councillor P Oxley

With the approval of the Chairman, Councillor P Oxley made a personal statement to Council and an unreserved apology to the Chief Executive regarding a matter that had appeared on the social networking site Twitter.

19. To receive a report of the proposed amendments to the Constitution

Councillor Twitchen presented a report concerning proposed amendments to the Constitution.

A discussion would be held outside the meeting regarding a point raised by Councillor Mackrory. The recommendation being put to the meeting it was

Resolved:

That the changes to the Constitution set out in the report be approved.

20. The Leader's Report of Cabinet Issues

The Leader, Councillor D Finch, presented a report concerning matters considered by Cabinet since the last Council meeting.

The report of Cabinet Issues was received and adopted.

21. Written questions to the Leader of the Council and Cabinet Members

The published answers to the 27 written questions submitted in accordance with Standing Order 16.12.1 were noted.

The following supplementary questions were asked as a result of having received a response:

- (3) Councillor K Smith sought clarification as to whether the figures were inclusive of VAT.

The Cabinet Member for Transformation confirmed that the figures were exclusive of VAT.

- (5) Councillor B Aspinell asked the Cabinet Member for Highways and Transportation for a breakdown of the £1.8million stated.

The Cabinet Member agreed to make the figures available.

- (9) Councillor M Mackrory asked the Leader of the Council if he agreed that as Lord Hanningfield was now being required to repay money to the House of Lords there seemed less prospect of successfully reclaiming money that might be due to the Council. Furthermore, did he agree that the whole matter had taken too long?

The Leader agreed that there needed to be a resolution and the matter would be brought to a meeting of the Audit Committee in June.

- (10) Councillor G Helm asked the Leader of the Council if he considered that should Lord Hanningfield fail to repay money owed to the Council it would be appropriate to seek redress by the use of bailiffs.

The Leader referred Councillor Helm to the previous supplementary question and answer.

- (12) Councillor R Lord asked the Leader of the Council why there appeared to be a lack of curiosity concerning the beneficial owners of companies. In particular he expressed concern about an off-shore company in the care home sector with which the Council did business.

The Leader replied that all companies the Council does business with go through a rigorous procurement process and it would not be appropriate to go beyond this.

- (14) Councillor J Abbott asked the Cabinet Member for Highways and Transportation if his written reply meant that he did not trust Councillors to report highway defects.

The Cabinet Member replied that there was already an online reporting tool which members had access to and about which there had been wide consultation. As a result of feedback it was being further developed.

- (15) Councillor J Abbott asked the Cabinet Member for Highways and Transportation if he did not think that in his written reply he had threatened those who might plan to take the law into their own hands?

The Cabinet Member replied that it would be ill-advised of people to take the law into their own hands and attempt to repair the roads as it would leave them open to civil or criminal prosecution. He requested that the

Council be given time to tackle overdue repairs on both main and local roads.

- (16) Councillor D Harris asked the Cabinet Member for Highways and Transportation if he would direct the relevant officers to review the outstanding repairs to kerbs in the Maypole Division of Colchester.

The Cabinet Member replied that identification of repairs and their priority was regular and ongoing work and such a prioritisation of need included kerbs.

- (17) Councillor I Henderson asked the Cabinet Member for Economic Growth and Infrastructure if, in addition to the information in his written answer, the South East Local Enterprise Partnership was bound by the provisions of the Bribery Act.

The Cabinet Member replied that the Councillors appointed to the Partnership were so bound.

- (18) Councillor A Durcan asked the Cabinet Member for Economic Growth and Infrastructure if he accepted that since the budget there had been a reduction in the number of proposed apprenticeships.

The Cabinet Member acknowledged that there was always a need to do more.

- (19) Councillor I Henderson asked the Cabinet Member for Highways and Transportation why the whole of Essex had not been consulted and if he would give an assurance that all residents of Essex would be consulted about the principle of part-night lighting.

The Cabinet Member replied that most people would think that such a sophisticated Central Management System was a good thing. The decision was taken in 2011 and has led to savings right across the County.

- (20) Councillor D Harris asked the Cabinet Member for Highways and Transportation if in areas where crime statistics increase will consideration be given to putting the lights back on?

The Cabinet Member replied that all evidence suggests that this will not happen but the situation is being monitored and the Council is seeking an independent view as well as that from the Police.

- (21) Councillor M Danvers asked the Cabinet Member for Adults Social Care if he did not agree that, although the situation at the Old Deanery was reprehensible in general care workers do a good job, it would be better for all if they also earned good wages, were properly trained and qualified.

The Cabinet Member replied that he was both saddened and angry that such a thing should happen. It was difficult for all involved. The CQC is introducing a carers' charter but the Council is committed to supporting

whistle-blowers and seeking a series of improvements across the service. However, it should be noted that the County Council is not the regulatory body. He also requested that more members get involved with visiting homes.

- (22) Councillor M Danvers asked the Cabinet Member for Adults Social Care if he would reflect on the treatment of the care workers many of whom were on zero-hours contracts.

The Cabinet Member replied that the Council encourages our contracted services to conform to the provisions of national and international agreements.

- (23) Councillor J Young asked the Leader of the Council if he was committed to undertaking further research into bringing the Living Wage to Essex. She pointed out that other counties had done so and she suggested that he may wish to contact those other authorities as part of that research.

The Leader replied that such a move could affect those with whom we have contracts and have effects throughout the supply-chain that may result in increased costs. However, he would undertake an investigation and talk to other local authorities.

- (24) Councillor K Bobbin asked the Cabinet Member for Waste and Recycling if he would categorically deny that there were plans to close recycling centres, a move that would inevitably lead to an increase in fly-tipping.

The Cabinet Member replied that he would speak to Councillor Bobbin later to both clarify the question and provide an answer.

- (25) Councillor M McGeorge asked the Cabinet Member for Highways and Transportation why scrutiny had not previously been involved in this decision.

The Cabinet Member replied that he had nothing to add to his written response.

- (26) Councillor K Clempner asked the Cabinet Member for Libraries, Communities and Planning if Essex County Council would work with Harlow Council to resolve the problems that Council was experiencing with travellers.

The Cabinet Member replied that he hoped Councillor Clempner would use her influence with the District Council and encourage it to join the Essex Countywide Traveller Unit.

22. Oral questions of Leader of the Council, Cabinet Members and Committee Chairmen

1. Councillor J Young asked the Cabinet Member for Highways and Transportation if he would reinstate the electronic signals on the crossing on Queen Street, Colchester as without them the elderly and disabled were finding it difficult to cross.

The Cabinet Member replied that he agreed the situation was unsatisfactory and he would investigate as well as looking at some wider issues of Town Centre Management in Colchester.

2. Councillor J Young asked the Cabinet Member for Families and Children if there was any truth in the rumours concerning the closure of Leverton Secure Unit.

The Cabinet Member replied that he could confirm that the future of the secure unit was being discussed but he had not yet had the opportunity to consider all the options for its future. However, any proposal would be put before a Scrutiny Committee and all other proper procedures would be undertaken.

3. Councillor T Higgins asked the Leader of the Council why the Equality and Diversity Board had been merged with the Corporate Governance Board and what remained was only an officer board.

The Leader replied that he would investigate the matter.

4. Councillor B Aspinell asked the Cabinet Member for Highways and Transportation if he agreed that £10,000 was an extortionate cost for the provision of a bus shelter and could not timber salvaged from Country Parks be used to manufacture them cheaper?

The Cabinet Member replied that the manufacturing cost of a bus shelter was inflated because of the necessary supply, on-costs and maintenance. However, the actual cost of a bus shelter was £3,200. He doubted that the use of salvaged timber was a viable option to reduce costs.

5. Councillor J Abbott asked the Cabinet Member for Waste and Recycling if he would commit to keeping Witham Waste Recycling centre open.

The Cabinet Member replied that the Council was reviewing all its services and therefore he could not give such a commitment.

6. Councillor J Abbott asked the Cabinet Member for Highways and Transportation if he was aware that officers had suspended the improvement works on The Avenue in Witham as other contractors were also undertaking work?

The Cabinet Member replied that he was aware of the suspension of works and agreed with the officer's decision to do so. The issue related to proper

notification of work undertaken by third parties. The County Council has a large improvement programme and it would be undesirable to resurface a road only to have it dug up again.

Councillor J Abbott clarified that the third party in this case was a private developer undertaking work in connection with a Section 106 agreement.

7. Councillor Durcan asked the Cabinet Member for Education and Lifelong Learning when he would be making a decision about the Passmores School in Harlow and was it true that it may re-open as a secondary school.

The Cabinet Member replied that he did not have that information to hand but he would be pleased to discuss the matter outside of the meeting.

23. Oral questions of the representative of the Essex Police and Crime Panel

There were no questions of the Authority's representative.

24. To note the report of the Essex Fire Authority's meetings on 12 February 2014 and 16 April 2014 and to ask questions of the Authority's representative

The report of the Fire Authority's meetings on 12 February and 16 April 2014 was received.

Councillor Knapman asked the representative, Councillor Hedley to pass on his thanks to the Resilience Team who had continued their work during the recent strikes.

Councillor Hedley replied that he would be glad to do so.

25. To approve the dates of future meetings

The Chairman, Councillor Norman Hume presented a report seeking approval to the dates of future meetings.

Resolved:

That meetings of the Council be held on Tuesdays at 10am on 14 July, 13 October and 8 December 2015 and 9 February (Budget) and 10 May 2016 (Annual).

The meeting closed at 15:37.

Chairman
8 July 2014

Motions under Standing Order

16.11.2

1. Increased Business Confidence

Moved by Councillor S Lissimore and seconded by Councillor P Channer

‘This Council welcomes the recent news that the UK economy grew by 0.8% in the first three months of 2014, and the UK is now one of the fastest growing western economies. This Council recognises that the direct impact in Essex has been to improve business confidence, help to secure jobs and improve skills.

The creation of the Essex Employment and Skills Board led by business and further and higher education together with the Greater Essex Business Board, is a clear indication that the policies of this Council and its partner organisations have increased business confidence and are helping to improve the lives and futures of our residents.’

2. Part Night Street Lighting

Moved by Councillor D Kendall and seconded by Councillor S Robinson

‘The members of Essex County Council call on the administration to give Essex residents more democratic control and flexibility in terms of how part night lighting operates in their local areas.

As residents were not properly consulted before part night time lighting was introduced, the County Council will now:

1. Fund the full cost of a referendum on whether part night lighting should continue in a specific area if a city, borough or district council calls for one to take place.
2. If the majority of the residents taking part in the referendum call for the lights to be switched back on, then the County will abide by that democratic decision and will meet all the ongoing costs.’

3. Part-Night Lighting

Moved by Councillor I Henderson and seconded by Councillor M Danvers

‘Council acknowledges the responsibility for elected representatives to take decisions on behalf of our communities across Essex.

Council recognises that in doing so, residents should be put at the heart of the decisions taken, ensuring that the safety and well-being of our residents are of principal importance.

Council acknowledges that it has failed to consult our residents countywide despite investment of £6.5M of taxpayers’ money to enact a countywide part-night lighting policy, and failed to carry out individual risk assessments for each district to assess the safety of drivers, cyclists and pedestrians.

Council calls on the Administration to put residents first, by discontinuing part-night lighting at least pending a formal countywide public consultation (to include gathering views on alternative lighting strategies and technologies such as LED/white light/alternate lighting) and for individual risk assessments to be carried out for each district and independently verified.’

4. Commendation of the Administration’s Determination

Moved by Councillor J Spence and seconded by Councillor V Metcalfe

‘This Council commends the administration’s determination to achieve both a range of strategic outcomes and a balanced budget, and recognises that this will inevitably require difficult issues to be raised and difficult choices to be made.’

5. Withdrawal of Subsidy for Meals on Wheels Service

Moved by Councillor G Helm and seconded by Councillor R Lord

‘This Council pledges to retain the meals on wheels service, as a consequence of that service being considered the primary initial contact point with social services for the majority of progressively dependent people. It also recognises that the true cost of providing the service is not a pure reflection of the cost of the meals and is only a small part of the wider principle of social contact; with those in need of assistance.

Council calls that the proposed removal of the subsidy of 84 pence per meal from the service be withdrawn as the saving of the cost cannot be justified whilst meals for County Councillors are provided free of charge.’

Essex Minerals Local Plan

Report by Councillor John Jowers, Cabinet Member for Libraries, Communities & Planning

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1. Purpose of report

- 1.1. To present to the Council the Inspector's report on the Examination into the Essex Replacement Minerals Local Plan (RMLP) and to seek approval for the adoption of the Plan (featuring as Appendix A).
- 1.2. Amongst its other roles, the Council is the planning authority for planning issues relating to the extraction of minerals. It is required to have a local plan which sets out its policies in relation to this area.
- 1.3. In December 2012 the Council approved the RMLP for the purpose of submitting it to the Secretary of State for an Examination in Public (a public meeting extending over many weeks) where an Inspector appointed by Central Government undertook detailed consideration of the plan and the objections. This took place from 5 to 14 November 2013. The Inspector then produced a report (attached as Appendix B and C) allowing the Council to finally adopt the RMLP, as the Inspector concludes that the plan is 'sound' provided modifications are made.
- 1.4. In February 2014 the Inspector recommended that the Council consult on modifications to the plan, on the basis that he would otherwise find the plan to be 'unsound'. If the plan is considered to be unsound then it cannot be adopted.
- 1.5. On 25 February 2014 Cabinet considered the matter of the main modification consultation recommended by the Inspector. It resolved that provided his report concludes that the Plan is sound subject to incorporating the main modifications that it recommends to Full Council that the RMLP be adopted. It also approved a number of additional modifications for inclusion in the MLP. These additional modifications only improve the document and it was not necessary to request to the Inspector for him to recommend them.
- 1.6. There were 56 respondees to the main modification consultation. These responses were summarised by ECC before being sent to the Inspector for his consideration. The responses are discussed in more detail in section 3.17 below.

- 1.7. On 23 June 2014 the Council received the Inspector's report (Appendix B). The Inspector has concluded that the plan with the main modifications considered in February 2014 and two further textual amendments of a minor nature he had proposed is sound.
- 1.8. The Council is therefore asked to adopt the plan as modified and amended.

2. Recommendations

- 2.1. That in accordance with section 20(3) of the Planning and Compulsory Purchase Act 2004 the Council formally adopt the Essex Minerals Local Plan (2014-2029) in the form set out at Appendix A together with the proposals map in the form available for inspection at the meeting.
- 2.2. That the Director for Operations: Environment and Economy be authorised to make formatting changes and correct any typographical errors in order to publish the local plan.
- 2.3. That the Director for Operations: Environment and Economy be authorised to approve the adoption statement and Strategic Environmental Assessment adoption statement.

3. Background and proposal

- 3.1. The County Council is responsible for mineral planning and has a statutory requirement to keep its Mineral Development Plan documents up to date. The last Plan was adopted in 1996. Since then there have been considerable revisions to national planning policy, the revocation of regional policy and changes to the local circumstances around the supply of minerals.
- 3.2. The RMLP is intended to replace the Mineral Local Plan 1996. It is the culmination of more than eight years work by the Council. It sets out the policy framework for minerals planning across Essex in terms of the 'core strategy', development control policies and allocates particular sites for development.
- 3.3. The aim of the Plan is to:
- Ensure that minerals waste is reduced and aggregates recycling opportunities are maximised;
 - Ensure that there would be, taking into account existing minerals extraction sites, a sufficient land-bank for all minerals necessary to be extracted in Essex. For sand and gravel, that would amount to planning for the delivery of an additional 40.67million tonnes within the Plan period to 2029 (based on the 4.31mtpa requirement);
 - Provide policies and a supply of sites to meet NPPF and the economic requirements to ensure growth in Essex, but which have the least harming effects on the Essex environment and social infrastructure.
- 3.4. The main minerals which are available in Essex are sand and gravel. The total Plan provision of sand and gravel yields 40.82 which fully meets the 40.67MT

needed for the plan period (ie until 2029). Importantly for local communities the Plan also sets out where mineral development can occur as preferred and reserve sites. In all other locations that may come forward during the Plan period it sets out the Council's position that an overriding justification and/ or overriding benefit for the proposed extraction would be needed.

- 3.5. There have been a total of seven consultations undertaken within four main stages of the RMLP preparation prior to the additional main modification consultation. These include the Issues and Options (2005/06), Further Issues and Options (2009) and Preferred Approach (2010) as well as more focused site allocation consultations in-between.
- 3.6. In December 2012 Full Council approved the pre-submission draft of the RMLP for engagement and subsequent formal submission to the Secretary of State in readiness for the Examination in Public. The formal engagement required by the 2012 Regulations was held for a six-week period from 17 January to 28 February 2013.
- 3.7. In July 2013 the RMLP was formally submitted to the Secretary of State alongside those representations that had been received and an accompanying evidence base. In November 2013 the appointed Inspector conducted hearings into the RMLP.
- 3.8. At the time of the Pre-Submission draft the Council was only setting out preferred sites. Following the hearings, the Inspector came to a provisional conclusion that whilst the RMLP was legally compliant and the overall strategy was sound, the sand and gravel provision was, on balance, excessive. The Inspector's recommendation was therefore that ECC re-define certain designated Preferred Sites, yielding approximately 9MT, as Reserve Sites which can come forward if the county land-bank falls below seven years. This was the most important aspect of what became the main modifications. The view of Officers is that it is likely that the opportunity for Reserve Sites to come forward would only be later in the plan period, if at all. The approach provides a contingency to ensure that oversupply of minerals in Essex does not occur during the plan period.
- 3.9. While not originally contained in the RMLP, the use of reserve sites does not alter the overall Plan provision, but rather controls the release of sites for extraction to reflect the Inspector's view of need and to protect Essex from over-supply.
- 3.10. The Inspector considered that the preferred and reserve sites have been through a robust site selection process and are considered to be socially and environmentally acceptable. Where choices needed to be made to select sites which are deemed 'acceptable' to provide sufficient sand and gravel the decision has been based on the plan's overarching strategy. The most important influence has been to provide the best possible geographic dispersal across the county having regard to urban growth centres, which generate the greatest demand for minerals, and ability to access the main highway network.

- 3.11. When it came to re-defining some of the preferred sites as reserve sites in the RMLP the main issue became locational factors as the Inspector had accepted that the site selection methodology that ECC had undertaken was sound. It was clear that, due to reasons of geology, there was a higher proportion of sites in the north-east of the county. As such, to adhere to the principle of providing for the best possible geographic dispersal across the county, sites were redefined as reserve sites based on whether there were relatively higher concentrations and the proximity to growth areas.
- 3.12. The proposed sites that are to be included within the MLP 2014 are therefore as follows:
- Bradwell Quarry, Rivenhall – A3, A4 & A5 are Preferred Sites and A6 & A7 are the Reserve Sites
 - Broadfield Farm, Rayne – A9 is Preferred
 - Colchester Quarry, Fiveways – A13 is Preferred
 - Sunnymead, Alresford – A20 is Preferred
 - Little Bullocks Farm, Little Canfield – A22 and A23 are Preferred
 - Maldon Road, Birch – A31 is Preferred
 - Blackley Quarry, Gt Leighs – A38 and A39 are Preferred
 - Shellow Cross, Roxwell / Willingale – A40 is Preferred
 - Land at Colemans Farm – A46 is Preferred
 - Slough Farm, Martells – B1 – is Preferred
- 3.13. The reason for selecting A6 and A7 as reserve sites is that sites A3-A7 at Bradwell Quarry (Rivenhall) amount in total to the largest single grouping. They accounted for almost 40% of primary extraction from new site allocations. The proportion of sites at Bradwell would be almost 50% of the RPLP allocation if A3-A7 had continued to all be retained as Preferred Sites in the RMLP while other sites were re-defined as reserves. The other Preferred Sites (ie A9 Rayne, A22 and A23 Little Bullocks Farm, A38 / A39 Blackley Quarry, A40 Shellow Cross and A46 Colemans Farm) are considered to be better located to reduce travel distances in supplying aggregate to the south or west of the county.
- 3.14. In respect of those sites located in the north east of the county (A3-A7 Bradwell Quarry, A13 Colchester Quarry, A31 Birch and B1 Slough Farm), Bradwell Quarry is also located furthest from Colchester (a key centre for growth in the county). Therefore, of all the sites originally preferred in the RMLP, sites A6 and A7 at Bradwell Quarry are the most appropriate to be considered reserve sites, especially as they could come forward later in the plan period. ECC will work with the site promoter to ensure that these can be worked progressively in the most efficient means possible.
- 3.15. As previously stated, in accordance with section 20 (7C) of the Planning and Compulsory Purchase Act 2004, Cabinet recommended (25 February 2014) to Full Council that the Inspector's report be adopted in line with what was set out in the main modifications. Following the end of that six-week consultation on the main modifications the representations received were reported back to the Inspector.

- 3.16. There were three aspects to the main modification consultation (enclosed as Appendix C). The first, as described above, was the redefining of certain preferred sites as reserve sites. The second is a new monitoring requirement the Inspector wishes is for ECC to assess the contribution of marine dredged aggregates to plan provision based on landings within Greater Essex, particularly within the Thurrock administrative areas (see MM1). It is noted that provisions within the MLP 1996 will continue to apply to the safeguarding of wharf and transshipment facilities in Thurrock. The third aspect is another monitoring indicator to ensure further consideration for the need for a separate building sand land-bank (MM14).
- 3.17. There were a total of 56 individual respondents to the main modification consultation from community groups, industry, statutory consultees and the public. These responses have been published. A copy is available online (see section 11 of this report for a link). Competing views were expressed by respondents as to whether the overall plan provision figure was excessive; particularly between the mineral industry and groups representing local communities. Of those respondents who concurred with the Inspector's view about the need for Reserve Sites there was a wide divergence as to which sites should be redefined.
- 3.18. The Inspector has considered comments submitted to the main modification consultation and the Inspector's final report concludes that the original RMLP provision of sand and gravel is to be regarded, on balance, as excessive. As such, he considers the submitted RMLP as unsound in this respect (in paragraph 45 of his report appended as Appendix B). However, at the same time, the Inspector found it appropriate, and consistent with national policy, that the RMLP remains positively prepared to cater for economic recovery and a boost in home building, should these considerations lead in practice to an increase in aggregate sales within the plan period (para 46). The report then sets out a schedule of recommended modifications to the plan (Appendix C) and that the procedure for adoption should be followed.
- 3.19. The recommended changes are generally those which were proposed by the Inspector following the hearing sessions and which were then considered by the Cabinet who agreed that the Council should consult upon them. There are two exceptions to this. These are MM1 and MM14, which have been proposed by the Inspector in his final report. The Inspector has made it clear that in his view MM1 and MM14 do not significantly alter the content of the main modifications as published for consultation, nor undermine the participatory processes and sustainability appraisal that has been undertaken. Both exceptions relate to additional clarifications; the first is explanatory text around marine sourced aggregate (MM1) and the second making it clear that the reserve sites coming forward based on the seven year land-bank calculated on the basis of the appointment figure (MM14) which are now proposed as two minor textual changes.
- 3.20. It is advantageous for ECC to have the RMLP in place as soon as possible. This would avoid the risk of new planning applications for extraction being considered without an up to date Minerals Plan – one of the consequences being a lack of

certainty where extraction will take place in the county in the future. However, ECC can only adopt a Plan that has been considered by the Inspector to be sound. In order to adopt the Plan, the Council is required to make the main modifications being recommended by the Inspector.

4. The Adoption process

- 4.1. In order for the Replacement Mineral Local Plan to be adopted as Council policy, a set procedure must be followed in accordance with both ECC's own Statement of Community Involvement and the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 4.2. The 2012 Regulations prescribe the publicity required for both the Inspector's report and subsequent to that the adoption of the Plan. The Inspector's report was received on the 23 June and the notification procedure has been carried out. The report has been published on the Council's website. ECC has notified all respondents to the Pre-Submission Draft engagement, all respondents to the main modifications consultation, those who participated in the Examination in Public, those who wished to be kept informed and statutory consultees. The report itself was also made available to view at County Hall and all Essex district / borough / city council offices and at all Essex libraries.
- 4.3. Once the Plan has been adopted by Full Council the outcome will be publicised, also in line with the 2012 Regulations, whereby inspection copies of the Plan must be made available at Essex district, borough and city council offices and Essex libraries and on the Council's website. A Statement of Adoption must be sent to those who requested it and also to the Secretary of State.
- 4.4. After adoption the RMLP will be hereafter referred to as the Essex Minerals Local Plan (2014). It will cover the period 2014-2029. The document format will be refreshed in line with current corporate standards for publication and the policies map reproduced at an appropriate scale for ease of use. The Plan will replace the saved policies of the Essex Minerals Local Plan (1996) as listed on Appendix D to this report except where they apply outside the administrative area of Essex; ie to Greater Essex which includes Thurrock.
- 4.5. A review of the MLP is expected to be commenced within five years of adoption.

5. Sustainability appraisal (SA)

- 5.1. All policies and proposals within the RMLP have been subject to Sustainability Appraisal, incorporating a Strategic Environmental Assessment, as required by law. The 2012 Regulations require the County Council to make the final SA Report available alongside the Adopted Minerals Core Strategy and Development Management Policies document.
- 5.2. The RMLP includes the Minerals Core Strategy. The Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) also require a number of steps to be taken upon adoption of a local plan). The post-adoption procedure for the SEA states that, as soon as reasonably practicable after the

adoption of a plan for which an SA/SEA has been carried out, the planning authority must make a copy of the plan publicly available alongside a copy of the SA report and an 'SEA adoption statement', and inform the public and consultation bodies about the availability of these documents. The consultation bodies are English Heritage, Natural England and the Environment Agency. Such documentation is not something which required the Inspector's involvement and he raised no concerns that need to be addressed.

- 5.3. The SEA adoption statement will therefore be drafted in line with the requirements and published alongside the Plan following its adoption.

6. Next steps

- 6.1. The RMLP has followed the prescribed plan making process and is now at the stage whereby the Council can adopt it as Policy. As stated, ECC can only adopt a Plan that has been considered by the Inspector to be sound.
- 6.2. The outcome of the County Council meeting will be publicised in line with the requirements set out in the 2012 Regulations (including to the Secretary of State) and the Council's adopted Statement of Community Involvement.
- 6.3. Copies of the Adoption Statement, the Minerals Local and the Inspector's Report will be made available on the ECC website, at all Essex libraries, at all Essex district, borough and city council offices and will be made available for public inspection at County Hall, free of charge.

7. Policy context

- 7.1. The National Planning Policy Framework requires preparation of an approved Minerals Local Plan as set out at paragraphs 143 and 153.
- 7.2. The RMLP puts in place arrangements for promoting the quality and quantity of recycled aggregates and the reduction in the quantity of minerals used.
- 7.3. The RMLP also sets out safeguarding provisions for mineral resources of national and local importance and transshipment, aggregate recycling and coated stone plants.
- 7.4. There is a need to maintain a land-bank of permitted reserves of at least seven years. The current land-bank, based on figures as at 31 December 2012, is eight years. In total the RMLP identifies 16 sites comprising 15 sand and gravel and one silica sand site.
- 7.5. In the absence of an up to date planning framework there will be no overall direction or control to ensure planning applications come forward in the right location with least environmental harm, potentially to the detriment of the Essex

environment. The absence of a robust plan and the resulting 'planning by appeal' scenario could result in the:

- Inability to control mineral development in Essex
- Loss of reputation to the Council
- Potential blight as public await identification of preferred sites
- Increased administrative costs to ECC as the lack of certainty can be expected to result in an increased number of appeals and public local inquiries over the plan period.

7.6. The MLP also supports ECC priorities set out in the Vision for Essex 2013 -17. This builds on and replaces the previous EssexWorks Commitment 2012-17. It sets out ECC's vision and priorities for the next four years and this will inform the development of a revised corporate strategy designed to:

- Increase educational achievement and enhance skills
- Develop and maintain the infrastructure that enables our residents to travel and our businesses to grow
- Support employment and entrepreneurship across our economy
- Improve public health and wellbeing across Essex
- Safeguard vulnerable people of all ages
- Keep our communities safe and build community resilience
- Respect Essex's environment.

7.7. The vision for Essex is based on the following principles,

- We will spend taxpayers' money wisely
- Our focus will be on what works best, not who does it
- We will put residents at the heart of the decisions we make
- We will empower communities to help themselves
- We will reduce dependency
- We will work in partnership
- We will continue to be open and transparent.

7.8. The RMLP is consistent with those principles because it will assist the Council in meeting its goals by:

- Developing and maintaining the infrastructure that enables our residents to travel and our businesses to grow through the steady and adequate supply of aggregate materials;
- Support employment and entrepreneurship across our economy, including direct employment within the mineral sector but notably as an input into the wider construction products industry (such as concrete, asphalt and mortar) and construction industry;
- Improve public health and wellbeing across Essex through provision of greater certainty to communities where mineral development will occur and controls on the potential impacts through development management

policies and in after-use by promoting positive benefits to local communities;

- Respecting Essex's environment through controlling the potential impacts at mineral sites by application of development management policies and in after-use by promoting positive benefits to the environment (including biodiversity).

The Greater Essex Integrated County Strategy (2010) and the Essex Economic Growth Strategy (2012)

- 7.9. ECC has published the Greater Essex Integrated County Strategy (ICS) (2010) and the Essex Economic Growth Strategy (EGS) (2012), which together set out overarching economic objectives for the county. The overarching strategy of the RMLP is consistent with the vision of sustainable growth and in particular supplying aggregate for construction projects around the county where it is needed.

Essex Transport Strategy - the Local Transport Plan for Essex, June 2011

- 7.10 The Essex Transport Strategy states that good transport is a vital factor in building strong and sustainable local communities and a successful economy. The strategy sets the vision for transport, the outcomes we aim to achieve over a 15 year period, our policies for transport and the broad approach to implementing the policies. The RMLP supports this strategy in respect of its overarching strategy of dispersal of sites and ensuring sites can gain access to the main road network. In providing for the supply of aggregate it will also directly benefit any highway projects and ongoing maintenance where it's needed.

8. Financial Implications

- 8.1. The Replacement Minerals Local Plan is a statutory requirement and there is currently adequate budgetary provision for taking through to adoption and publication of the new MLP. The MLP provides the framework for ECC to determine planning applications from private developers for mineral works and as such, there are no additional financial implications.

9. Legal Implications

- 9.1. The Plan has been prepared to comply with legal requirements of the Planning and Compulsory Purchase Act 2004, the Planning Act 2008, the Town and Country Planning (Local Planning)(England) Regulations 2012 and the Localism Act 2011. The Plan has also been prepared to be in general conformity with the National Planning Policy Framework 2012. The inspector's recommendation is

that, if ECC adopts the main modifications (with his amendments MM1 and MM14) it will be sound.

- 9.2. Adoption of the Plan is subject to a statutory process. The procedural steps are set out in the report.
- 9.3. Following adoption there is a six-week period where a member of the public may make an application to the High Court if they consider that the Council has failed to consider the statutory process. Council has sought to manage this risk by taking legal advice throughout the process.

10. Equality and Diversity implications

- 10.1. In making this decision ECC must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act 2010, i.e., have due regard to the need to: A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act. B. Advance equality of opportunity between people who share a protected characteristic and those who do not. C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 10.2. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 10.3. The PSED is a relevant factor in making this decision but it is noted that all policies and proposals within the RMLP were subject to an Equality Impact Assessment, as required by law - SD-06 Equality Impact Assessment on RMLP (Sept 2012). The EqlA found no disproportionate adverse impact on any equality groups.
- 10.4. Given the only change to the RMLP since the EqlA was undertaken relates to the main modifications, and these were mainly related to the redefining of the status of certain mineral sites, it is not considered that adoption of the Plan will have a disproportionately adverse impact on a protected characteristic. Having reviewed both the RMLP with main modification and other minor amendments it does not lead to any changes to the original conclusions.
- 10.5. It is recommended that members read the Equality Impact Assessment which can be found on the ECC website at:
<http://www.essex.gov.uk/Environment%20Planning/Planning/Minerals-Waste-Planning-Team/Planning-Policy/minerals-local-plan/minerals-development-document/Documents/SD%20-%2006%20EqlA%20on%20RMLP%20Pre-Submission%20Draft%20-%20Sept%202012.pdf>

11. Appendices and Background papers

Appendix A

Minerals Local Plan 2014 (the version incorporates main and minor modifications and the Inspector's subsequent amendments). The plan includes the proposals map, but it has not been possible to produce this with the papers. A copy of the proposals map will be available at the meeting.

Appendix B

Report on the Examination of the ECC RMLP January 2013 (referred to above as the Inspector's Report).

Appendix C

Appendix to the Report on the Examination of the ECC RMLP January 2013 (setting out the schedule of main modifications).

Appendix D

Superseded policies from the Mineral Local Plan 1996.

Background papers

There are a number of documents which have been produced as part of the Plan. Many of these are large documents but which are still relevant for members to consider. These are all published online on the main MLP examination webpage:

www.essex.gov.uk/MLPexamination

The Inspector's report and its appendix can be viewed at County Hall, Chelmsford, CM1 1QH - Mondays to Fridays between 9am to 5pm via appointment and on the County Council website. The report will also be available to view at all Essex district / borough / city council offices and at all Essex libraries (please contact each directly for individual opening hours).

The Equality Impact Assessment, Habitats Risk Assessment and Strategic Flood Risk Assessment, are supporting documents (reference SD-6, SD-8 and SD-9).

The Responses to the Consultation on Proposed Main Modifications document is a Council Examination Document (reference CED – 23).

APPENDIX D: Superseded Policies from the Minerals Local Plan 1996

The following table sets out the policies in the Replacement Minerals Local Plan (Development Plan Document) which are intended to supersede the existing saved Minerals Local Plan 1996 policies.

Essex Minerals Local Plan 1996 Policy Reference	Equivalent policy or policies in the Replacement Minerals Local Plan
Policy MLP1 - Mineral Reserves	Replaced by Policy S6 - Provision for sand and gravel extraction
Policy MLP2 - Mineral Need	Replaced by Policy P1 - Preferred Sites for Sand and Gravel Extraction
Policy MLP3 - Transportation	Replaced by Policy S11 Access and Transportation
Policy MLP4 - Non-Preferred Sites	Replaced by Policy S6 - Provision for sand and gravel extraction
Policy MLP5 - Aggregate Recycling	Replaced by Policy S5 Creating a network of aggregate recycling facilities
Policy MLP6 - Rail Depots: Site Considerations	Replaced by Policy S9 - Safeguarding mineral transshipment sites and secondary processing facilities
Policy MLP7 - Marine Wharves, Dredged Materials	Replaced by Policy S9 - Safeguarding mineral transshipment sites and secondary processing facilities
Policy MLP8 – Working and Restoration	Replaced by Policy S12- Mineral Site Restoration and After-Use
Policy MLP9 - Primary Processing Plant and Buildings	Replaced by Policy DM3 Primary Processing Plant
Policy MLP11 – Secondary Processing Plant and Buildings	Replaced by Policy DM4 Secondary Processing Plant
Policy MLP12 – Programming, Site Working	Policy not saved but reference is progressive working is set out in Policy S12- Mineral Site Restoration and After-Use



Report to Essex County Council

by B J Sims BSc CEng MICE MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 23 June 2014

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION OF THE
ESSEX COUNTY COUNCIL
REPLACEMENT MINERALS LOCAL PLAN - JANUARY 2013**

Document submitted for examination on 12 July 2013

Examination hearings held between 5 and 14 November 2013

File Ref: PINS/Z1585/429/3

Abbreviations

<i>[xxx]</i>	<i>Examination Library Document Reference xxx</i>
BMVAL	best and most versatile agricultural land
DTC	Duty to Co-operate
EA	Environment Agency
EIA	Environmental Impact Assessment
EBAP	Essex Biodiversity Action Plan
ECC	Essex County Council
EEAWP	East of England Aggregates Working Party
EEFM	East of England Forecasting Model
EEP	East of England Plan
ha	hectare(s)
km	kilometre(s)
LAA	Local Aggregate Assessment
MASS	Managed Aggregate Supply System <i>[NP-04]</i>
MCA	Mineral Consultation Area
MM	Main Modification
MMO	Marine Management Organisation
MPA	Mineral Planning Authority
MSA	Mineral Safeguarding Area
mt	million tonnes
mtpa	million tonnes per annum
NPPF	National Planning Policy Framework <i>[NP-01]</i>
para	paragraph
PHM	pre-hearing meeting
PPG	Planning Practice Guidance
PS	position statement
RAG	Red-Amber-Green
Reg	Reg
Plan	Essex County Council Replacement Minerals Local Plan 2012
Regulations	The Town and Country Planning (Local Planning)(England) Regulations 2012
RMLP	Replacement Minerals Local Plan
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SEA	Strategic Environmental Assessment
SFRA	Strategic Flood Risk Assessment
2004 Act	Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011

Summary

The full text of the Report should be consulted for an explanation of the conclusions and recommendations summarised here

This Report concludes that the Essex County Council Replacement Minerals Local Plan January 2013 provides an appropriate basis for the planning of mineral development in the County up to the year 2029, providing a number of modifications are made to the Plan. Essex County Council has specifically requested that I recommend any modifications necessary to enable it to adopt the Plan.

All of the modifications recommended were proposed by the Council in response to initial conclusions by the Inspector following the Hearings and were then subject to further public consultation. Where necessary the detailed wording has been amended in light of the representations received.

The modifications are summarised as follows:

- Re-allocate two Preferred Sites at Bradwell Quarry representing just over 22 per cent of the total sand and gravel requirement as Reserve Sites, only to be worked if the sand and gravel landbank falls below 7 years with respect to the total requirement. This is in order to reduce the potential yield from Preferred Sites in line with past sales as envisaged by the National Planning Policy Framework but to provide flexibly for the possibility of economic recovery based on local forecasts put forward by the Council.
- Include a commitment to continue to monitor the potential for increasing the proportion of marine-won sand and gravel contributing to the future overall County requirement; and
- Include a commitment to continue to monitor the need and potential for a separate landbank for building sand in a future review of the Plan.

Introduction

1. This Report contains my assessment of the Essex County Council Replacement Minerals Local Plan January 2013 (RMLP – the Plan) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011 (the 2004 Act). It considers first whether the preparation of the Plan has complied with the Duty to Co-operate (DTC) under Section 33A of the Act (as amended), in recognition that there is no scope to remedy any failure in this regard. The Report goes on to consider whether the Plan is compliant with all legal requirements and whether it is sound. The National Planning Policy Framework (NPPF) [NP-01] at paragraph 182 makes clear that, to be sound, the Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the Examination is the assumption that Essex County Council (ECC) as Mineral Planning Authority (MPA) has submitted what it considers to be a sound plan. The basis for the Examination is the submitted draft RMLP, which is the document published for consultation in July 2013. Therefore, whilst extensive written and oral representations have been made concerning both the Preferred Sites allocated by the Plan and alternatives to them ('omission sites'), these are not considered in detail within this Report, save where such consideration relates directly to the essential soundness of the Plan.
3. This Report deals primarily with the Main Modifications that are needed to make the Plan sound and legally compliant and they are identified in the Report in bold script (**MM**). In accordance with section 20(7C) of the 2004 Act, ECC has requested that I recommend any modifications necessary to rectify matters that make the Plan unsound or not legally compliant and thus incapable of being adopted. These Main Modifications are set out in the Appendix to this Report.
4. The MMs that are necessary for soundness all arise from matters that were discussed at the Examination Hearings. Following these discussions, I reached provisional conclusions that certain MMs are necessary and ECC prepared a Schedule of Proposed Main Modifications together with an Addendum to the Site Assessment Report [CED-20 and SD-10 Addendum] and carried out a Sustainability Appraisal (SA) of the MMs [CED-06 Addendum]. These have been subject to public consultation for a period of six weeks. The correspondence between the Inspector and ECC leading to the publication of the MMs was also made public [IED-08-09]. This is established practice and, despite concern expressed by one Representor during the MM consultation, does not affect the ability of the Inspector to examine impartially whether the proposed MMs make the RMLP sound. [RED-10, RED-12-13, IED-10, IED-12-13]
5. The MM consultation responses are summarised in a report by ECC [CED-23] together with a covering note [CED-24]. These documents raise no new issues and the covering note is treated as the conventional final reply by ECC. Both are taken into account in this Report, together with the responses themselves, where these properly relate to the MMs. I have made some amendments to the detailed wording of the MMs. These amendments do not

significantly alter the content of the MMs as published for consultation, nor undermine the participatory processes and SA that has been undertaken. I have highlighted these amendments in the Report.

6. For the avoidance of doubt, it is noted that ECC proposes a number of Additional Modifications, or minor changes to the Plan. These do not affect its soundness but comprise corrections, updates and changes consequential upon the MMs, in the interests of clarity and internal consistency. These Additional Changes are entirely a matter for ECC and no further recommendation is made upon them in this Report.
7. This Report takes into account all supporting documentation submitted with the Plan together with all representations upon it duly made during the pre-submission consultation. In addition, account is taken of eight Further Information documents *[FI-01-08]* also submitted by ECC in response to the representations. These documents are not part of the evidence base supporting the submitted Plan and were not requested by the Inspector. However, they raise no fresh issues and were useful to the Examination in summarising the ECC position on certain topics. The FI documents were published on the ECC website and responses from Representors were allowed where justified. In practice, the response from Representors was limited. *[RED-02]* This Report also takes account of a number of further documents submitted by Representors and ECC by agreement during the Examination. *[CED-01-16; RED-01; RED-03-08]* All these documents were also published on the ECC website.
8. Since the start of the Examination, Planning Practice Guidance (PPG) has been published by the Government, including PPG on minerals, air quality and climate change. This guidance was in the public domain in a provisional form throughout the Examination and reference was made to it during the Hearings, in particular connection with Planning for Aggregate Minerals. There is nothing in the published version of the PPG which affects the issues arising in connection with the soundness of the RMLP as submitted, or as proposed to be changed by the published MMs. The PPG incorporates former guidance on the Managed Aggregate Supply System (MASS)*[NP-04]*. Accordingly, notwithstanding submissions that there should be further public consultation regarding the effect of the PPG on the soundness of the Plan, no such further consultation is necessary. *[RED-11, CED-25, IED-11]*

Assessment of Compliance with the Duty to Co-operate

9. Section 20(5)(c) of the 2004 Act (as amended) requires consideration of whether ECC has complied with any duty imposed on it by Section 33A of the 2004 Act in relation to the preparation of the Plan. In order to maximise the effectiveness of Plan preparation, Section 33A requires constructive, active and on-going engagement with local authorities and other prescribed bodies with respect to strategic matters affecting more than one planning area. Those bodies are prescribed by Regulation 4 of the Town and Country Planning (Local Planning)(England) Regulations 2012 (The Regulations - Regs) and include, among others, the Marine Management Organisation (MMO). Relevant strategic issues, including the provision of minerals, are set down in the NPPF at paragraphs 156 and 178.

10. Although the DTC only came into force in November 2011 when the preparation of the RMLP was well under way, it is necessary for ECC to demonstrate that the Plan on submission is compliant with the DTC. This requires evidence that ECC sought a level of co-operation with prescribed bodies beyond mere consultation, leading to the outcome that strategic cross-boundary issues are addressed in the Plan.
11. ECC submitted evidence in connection with the DTC by way of its Statement of Consultation under Reg 22(1)(c) [CD-08] and a further Statement of Compliance with the DTC [FI-01]. This first refers to the other two MPAs within Greater Essex. The Borough of Southend-on-Sea is not required to contribute to the Greater Essex sub-regional aggregate apportionment due to a lack of reserves. Thurrock Council conducted an early review of its minerals and waste strategies in the context of its then emerging Unitary Development Plan, taking into account its relatively small share of the Greater Essex apportionment. This RMLP is therefore based on that apportionment, properly disregarding the Thurrock contribution. The amount and appropriateness of the sub-regional apportionment and the overall aggregate requirement are discussed under Issue 1 below.
12. There is no question that ECC consulted with all the prescribed bodies in accordance with Reg 4 as well as with its own Statement of Community Involvement First Review December 2012 (SCI) [SD-03]. Nor is there any question that, generally, the outcomes of these consultations were based on topics identified in earlier stages of public engagement and taken into account in the submitted version of the Plan.
13. For example, concern by the Environment Agency (EA) over water quality, arising from the Water Framework Directive, are addressed in Policy DM1. Similarly, questions raised by English Heritage on the impact of mineral extraction on heritage assets are included in the development criteria of Policy DM1 as well as the schedules of specific issues to be addressed in developing individual Preferred Sites in Appendix 5 to the Plan. Natural England is satisfied on the basis of the SA that none of the Preferred Sites is likely to have a significant effect on designated nature conservation sites or landscapes. The Highways Agency (HA) has been involved in previous consultation during the evolution of the Plan and has confirmed that it will continue working closely with ECC to avoid detriment to the strategic highway network.
14. Furthermore, adjoining MPAs outside Greater Essex in Hertfordshire, Suffolk, Cambridgeshire and Peterborough have been actively involved with ECC in the East of England Aggregates Working Party (EEAWP) and supported the ECC draft Local Aggregate Assessment (LAA) of October 2012 [SD-07]. These neighbouring MPAs consider the Essex draft RMLP to be compatible with their own. The Councils of the London Boroughs of Havering and Redbridge, Thurrock and Southend-on-Sea Councils and Kent County Council all indicate satisfaction with the approach of ECC to the DTC. There is also broad agreement among other MPAs that the identification by ECC of a single landbank for sand and gravel and its site selection process are reasonable. Liaison has taken place with other MPAs from where minerals are exported to Essex, as encompassed in the LAA. The level of agreement between ECC and

various organisations and authorities is recorded by way of Statements of Common Ground [CED-14].

15. In certain particular respects however, some Representors question the compliance of ECC and the Plan with the DTC.
16. Whilst all the 12 District, Borough and City Councils of Essex were consulted throughout the preparation of the Plan, there is further objection that the selection process adopted by ECC to identify Preferred Sites was modified during the preparation of the publication draft of the Plan without due consultation. The latter concern is also expressed by a number of individual and other corporate Representors.
17. Subsequently there was also objection on grounds that the submission draft Plan was based on a draft LAA of October 2012 [SD-07] but that the LAA was updated in June 2013, after the pre-submission consultation and without further public engagement. The ECC Topic Paper: Review of Planned Supply of Aggregate Provision in Essex, also of June 2013 [FI-05] relies upon this later version of the LAA which is both appended to the Topic Paper and separately listed in its own right [CED-05].
18. The foregoing are matters of consultation and objection regarding the preparation and provisions of the Plan, rather than a failure on the part of ECC in the DTC, and they are considered as such in the Assessments of Legal Compliance and Soundness below.
19. A further prominent concern with respect to the DTC relates to the level and outcome of co-operation with the MMO. The Plan at paragraphs 1.23 and 2.31-32 briefly states that marine dredging of aggregates is administered under separate legislation and notes that approximately 10% of the sand and gravel consumed in Essex is sourced from the marine environment. In accepting the EEAWP sub-regional apportionment for Essex, the LAA assumes that the same level of contribution will continue, based on historic performance. Representors argue that ECC should actively have sought the co-operation of the MMO to increase the proportion of marine-won aggregates used in Essex, via its safeguarded wharfs, in order to reduce the land-won requirement and so mitigate the environmental impact of mineral working. There is apparent scope for such an increase in the MMO Draft East Inshore and East Offshore marine Plans [RED-03].
20. However, correspondence between ECC and the MMO [CED-13] demonstrates that, although there are licensed marine aggregate extraction sites close to the Essex coast, there is no guarantee that these will be worked. The reasons given for this are high operational costs and environmental and regulatory constraints. This correspondence also indicates that there is no guarantee that the output of these marine sites would be directed to the Essex market or even landed in the UK at all. This information is summarised in the LAA of June 2013 [CED-05 para 8.7]. It is thus evident that it would be impractical to quantify a potential increase in the proportion of marine aggregate use in Essex within the timescale of the first review of the Plan.
21. It is fair to say that compliance with the DTC would have been better demonstrated if ECC had established, and consulted upon, a clear schedule of cross-boundary strategic issues on which co-operation would be sought, with

aims and potential outcomes in mind. Such an approach is to be commended before the next review of the Plan, scheduled by Policy IMR1 within five years of adoption. In particular, ECC should initiate further consideration of whether an increase in the proportion of marine-won aggregate use in Essex could be reliably quantified. This commitment is suitably introduced by **MM1** to para 2.31 with minor adjustment to the wording to make it clear and unconditional that any potential marine contribution will be monitored. Meanwhile though, there is no evident shortcoming of the ECC approach amounting to a failure to comply with the DTC, which is thus properly regarded as being met with respect to the Essex RMLP January 2013.

Assessment of Compliance with Legal Requirements

22. It is a statutory requirement that all stages of consultation on the Plan throughout its preparation follow the process set down in the SCI. The legal compliance of the Plan is questioned with respect to the SCI in three respects.
23. First, the submitted Plan was supported by a draft LAA dated October 2012 *[SD-07]*. However, the ECC Review of the Planned Supply of Aggregates in Essex 2012-2029 *[FI-05]*, responding to representations and submitted with the Plan, was based on an updated version of the LAA dated June 2013 *[CED-05]*. There was no formal public consultation on the later version which appeared initially as a mere appendix to the Topic Paper.
24. Second, the site selection process used by ECC to identify the Preferred Sites for sand and gravel extraction was modified after the Issues and Options stages of consultation and before the pre-submission publication of the Plan, also with no more than limited consultation with stakeholders.
25. Third, representations made during the Issues and Options consultations were not carried forward to the pre-submission consultation, in particular with reference to alternative or omission sites. As a result, such representations were not placed before the Examination.
26. It is unsurprising that the simultaneous submission of two versions of the LAA, as one of the most crucial components of the RMLP evidence base, caused disquiet among both mineral operators and the general public. Modification of the site selection process and several reversals of whether certain sites would be allocated gave rise to confusion and uncertainty. This was compounded by the assumption by some potential Representors that prior representations would be carried forward to the Examination. These matters were the subject of a considerable volume correspondence and discussion during the Examination *[RED-02&02.1-10, CED-07-08, IED-03-04]*.
27. These concerns are considered in the light of the 2004 Act, the 2012 Regulations, current national guidance and practice and with respect to natural justice. With respect to the LAA and the site selection methodology adopted by ECC, both introduce certain considerations that would have been unfamiliar to Representors in the earlier stages of Plan preparation and public engagement. Nevertheless, despite understandable frustration to operators concerned for their business and to residents concerned for their living environment, the modifications to the pre-submission Plan, and to the

evidence supporting it at Examination, were derived from the prior consultation responses.

28. As for representations made at earlier stages of consultation, under the relevant legislation and regulations, only representations made on the pre-submission Plan during the prescribed period of public consultation are taken into account. The main submissions that the consultation process had been incomplete and unfair were allied to a complaint that, by dispensing with a pre-hearing meeting (PHM) and position statements (PSs) for each hearing session, Representors were prevented from putting forward their full case. Such submissions do not take into account the established principle that full representations on the soundness of the Plan should be put forward during the pre-submission consultation and there is nothing in law or guidance to require a PHM or the submission of PSs where, as in this case, they are not necessary to the understanding of the procedure or the evidence. Procedure was explained in a written guidance note [IED-01] and the representations were sufficiently identifiable and clear in themselves [CD-11].
29. The proper basis for consideration is whether due consultation took place and whether there was prejudice to any interest. In the circumstances, there is nothing to indicate that the statutory SCI was not followed with respect to the LAA and site selection, whilst the Examination itself provides the proper forum for representations to be heard on the Plan as submitted.
30. Otherwise, the results of the examination of the compliance of the Plan with the relevant legal requirements is summarised in the table below. It is concluded that the RMLP meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Replacement Minerals Local Plan is identified within the approved ECC Minerals and Waste LDS Revised December 2012 <i>[SD-01]</i> . This sets out an expected adoption date not before May 2014. The content and timing of the RMLP are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI First Review was adopted in December 2012 <i>[SD-03]</i> and consultation has been compliant with the requirements therein. In addition, consultation on the post-submission proposed Main Modifications was undertaken for a period of six weeks and in a manner equivalent to the requirements of Regulations 20 and 35 for the pre-submission publication of the RMLP.
Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA)	SA/SEA has been carried out, including with respect to the proposed Main Modifications, and is adequate. <i>[CD-06, CD-06A-I, CD-06 MM Addendum]</i>
Appropriate Assessment (AA)	The Habitats Regulations Assessment November 2012 <i>[SD-08&08A]</i> sets out why the Preferred and Reserve Sites and policies can be screened out as unlikely to lead to significant effects that would require AA of the Plan. However, it is noted that AA of certain detailed site-specific proposals might be required at planning application stage and this is duly noted in the individual site requirements.
National Policy	The RMLP complies with national policy.
Sustainable Community Strategies (SCSs)	Satisfactory regard has been paid to relevant County and District SCSs <i>[CD-01Appendices2-4]</i> .
2004 Act (as amended) and 2012 Regulations.	The RMLP complies with the Act and the Regulations.

Assessment of Soundness

Main Issues

31. The RMLP makes full provision for calculated mineral landbanks beyond the minimum requirements of the NPPF and takes into account the further national PPG on the Managed Aggregate Supply System (MASS). The requirement for land-won sand and gravel extraction, in particular, anticipates economic recovery from the recent unprecedented recession and the necessary time for the mineral industry to respond to any consequent upturn in demand for aggregates by the construction industry. In broad terms therefore, the Plan meets the requirement of the NPPF that it should be positively prepared.
32. However, taking account of all the representations, written evidence, the discussions that took place at the Examination Hearings and the responses to the MM consultation, there are five main issues upon which the soundness of the RMLP depends with respect to whether it is justified, effective and consistent with national policy.

Issue 1 – Whether the RMLP makes provision for the extraction of appropriate amounts of land-won sand and gravel having regard to national policy, past sales data, economic considerations and the potential contribution from secondary and marine sources.

Policy

33. The NPPF at paras 142 and 145, read with PPG paras 060-064¹, requires the Plan to support economic growth by providing for a steady and adequate supply of aggregates based on local determination by the MPA of the appropriate level of extraction. This is to be informed by an annual Local Aggregate Assessment (LAA) of demand and supply of aggregates, including from secondary, recycled and marine sources. The Plan requirement should be based on a rolling average of 10 years sales data but must also consider other relevant local information which looks ahead at possible future demand, such as levels of planned construction. Account should also be taken of the general trend of demand indicated by 3 year sales. In this connection, the MPA is expected to participate in, and take advice from, an Aggregate Working Party and take account of National and Sub-National Guidelines on future aggregate provision. The Plan should provide for a minimum 7 year sand and gravel landbank of expected supply from currently permitted reserves. PPG paras 083 and 084² set the basis for calculating the landbank as an indicator of demand. There is no maximum landbank and each application for mineral extraction is considered on merit. ECC duly participates in the EEAWP and the RMLP at paras 3.76-85 properly acknowledges these national policy provisions.

Aggregate Apportionment and Sales Data

34. The EEAWP advised in January 2013 that it supports its constituent MPAs in basing their plan provisions on the apportionments of the regional guideline

¹ former MASS Guidance paras 5 and 6 and footnote 1

² former MASS Guidance paras 10 and 23-26

figures for aggregate provision set down in the former East of England Plan of 2008 (EEP), but resolved not to comment on any further matters in individual LAAs [CED-11]. The annual sub-regional apportionment for the County of Essex for land-won sand and gravel is 4.31 million tonnes per annum (mtpa). This is the figure adopted in the submitted Plan as a basis for calculating the net total requirement from Preferred Sites.

35. However, data for the years 2002-2011 demonstrate that, since 2003, sales have fallen below the annual apportionment figure of 4.31mtpa and that the 10 year sales average is 3.62mtpa. The 3 year average from 2009-2011 is only 2.71mtpa during an acknowledged period of economic recession [FI-05 para 3.7]. None of these figures are substantially questioned in themselves. Dispute arises with regard to whether the lower 10 year sales figure of 3.62mtpa should form the basis of the Plan requirement for land-won sand and gravel, on grounds that other relevant local information is insufficiently robust to justify the proposed uplift, amounting to some 19 per cent.

Secondary and Marine Aggregates

36. There is also substantial concern among Representors that, irrespective of the overall requirement figure, there should be increasing contributions from secondary, recycled and marine-won sand and gravel.
37. Secondary and recycled sources are largely derived from construction waste and do not produce aggregates of high quality. Their market share is likely to remain relatively constant or to reduce due to increasingly resource-efficient building methods. ECC cites discussions with the Waste Resources Action Programme and the Mineral Products Association in confirmation of this. No substantive evidence was put forward in the Examination to support any assumed increase in the contribution to overall aggregate supply from secondary sources above that incorporated within the current LAA. The promotion of numerical targets for waste reduction is a matter for the emerging Waste Local Plan.
38. The contribution to the supply of aggregates by way of marine-dredged sand and gravel is discussed above in connection with the Duty to Co-operate. It is there concluded that MM1 is necessary to commit ECC to reviewing the potential marine contribution but that it would be impractical to quantify a potential increase in the proportion of marine aggregate use in Essex within the timescale of first review of the Plan pursuant to Policy IMR1. It follows that there is no ground currently for assuming an increase in the contribution to overall aggregate supply from marine sources above that detailed in the current annual LAA.

Windfalls

39. Whilst it is suggested that windfall planning applications can mitigate the requirement for allocated sand and gravel sites, historically there has been only a modest contribution from this source, arising from mineral extraction related to relatively small reservoir construction sites. There is no clear evidence that windfalls will play a substantial part in the supply of aggregates during the Plan period. Therefore no allowance for windfalls is appropriate.

Plan Requirement

40. In terms of overall land-won sand and gravel requirement for the 18 year period 2012 to 2029, the Plan provides for the full 4.31mtpa, equivalent to 77.58mt total. After deduction of 36.03mt existing supply as identified in the LAA, the shortfall at the end of 2011 was 41.55mt. Allowing for recent permissions, the required yield from Preferred Sites in the Plan amounts to 40.67 million tonnes. If the sales-based 3.62mtpa were used, the total requirement would reduce to 65.16mt and the shortfall to be met from Preferred Sites to 29.13mt. *[CED-05 Table 14]* In the calculation of existing supply, it is important to note that this can only practically be based on the estimate of total reserves with current permission for extraction as indicated in PPG para 083. Actual output can vary according to commercial practice and is beyond the control of the MPA.
41. ECC cites a range of economic factors, specific to the County of Essex, in support of the continued use of the former sub-regional apportionment figure, as opposed to the lower annual requirement derived from sales data. ECC reasonably argues that, as over 80 per cent of aggregates consumed in Essex are produced within the County, any economic recovery is likely to be related to increased activity in house building to which the mineral industry would need to respond.
42. Several indicators predict economic recovery within the timeframe of the RMLP *[FI-05 paras 4.3-14]*. The Oxford Econometrics East of England Forecasting Model (EEFM) shows Gross Value Added (GVA) in construction of the order of 17.9 per cent to 2031 compared with the decade to 2011, alongside an equivalent increase in demand for new dwellings over a comparable period. These figures are born out by Government household projections *[RED-05]* and by the former EEP, as well as rising forecast dwelling completions in several Districts within Essex, including in response to the requirement of the NPPF since March 2012 to boost housing provision. However, total future completions, following a peak in 2014-15, are hard to estimate due to Local Plans being at differing stages of preparation.
43. The Plan at para 2.19 and the LAA at paras 6.4 and 6.7 *[CED-05]* also envisage that major infrastructure projects will generate extra demand for aggregates from Essex. These include Crossrail, the Lower Thames Crossing, the Shellhaven Container Port and Bathside Bay business park, Harwich, within the Haven Gateway, where development is strongly promoted.
44. However, there is no quantitative evidence of such extra demand or that it would be required to be met from Essex. Moreover on the contrary, there is a history of reducing demand for aggregates, with the annual apportionment for Essex falling from over 6mtpa in the 1990s to some 4.5mtpa between 2003 and 2009 and finally to the current level favoured by the EEAWP of 4.31mtpa, itself in excess of actual sales for the past decade. Although the economic recession caused a sudden and unprecedented downturn in aggregate sales since 2007, distorting past trends, this underlying downward trend in demand must also be taken into account.
45. It does not appear on this evidence that the local factors cited will necessarily lead to an overall uplift in demand for aggregates from Essex that will set the

County apart from other MPA areas. Although it is evident that the national economy is recovering, the progress of that recovery remains uncertain. These considerations militate against the allocation of Preferred Sites for land-won sand and gravel extraction equivalent to the full 40.67mt, based on the County sub-regional apportionment, and in favour of the lesser amount of 29.13mt, related to past sales. As submitted, the RMLP provides for Preferred Sites yielding the full 40.67mt, to come forward without further consideration of need. In the circumstances, and given the generally adverse environmental impact of mineral workings, this provision is to be regarded, on balance, as excessive and the submitted RMLP as unsound in this respect.

46. At the same time, it is appropriate, and consistent with national policy, that the RMLP remains positively prepared to cater for economic recovery and a boost in home building, should these considerations lead in practice to an increase in aggregate sales within its time frame. The appropriate solution is for the Plan to continue to identify sufficient new or extended sites for sand and gravel extraction in the order of 40.67mt but only to allocate Preferred Sites sufficient to yield an amount of sand and gravel close to the 29.13mt based on sales data. However, to allow for the possibility of economic recovery, and thus maintain an appropriate degree of flexibility, the Plan should identify further sites to bring the supply up to the full sub-regional apportionment, if need arises. This would be indicated by the landbank, based on permitted reserves compared with the full requirement of 4.31mtpa, falling below the requisite 7 years. This change is achieved by allocating Reserve Sites.
47. National mineral planning policy and guidance are silent with respect to this approach. On the evidence however, it is appropriate in this particular case and ECC, although preferring to allocate the Preferred Sites as submitted, considers it to be workable. Nor is the designation of Reserve Sites a measure supported by the EEAWP. However, its approval of the regional apportionment stops short of commenting on other aspects of the LAA in any event and there is no question of reducing the total of the identified supply.
48. There is no conflict in this approach with the principle that there is no maximum landbank and that every application is treated on merit. The landbank level is merely used as an indicator as to when a Reserve Site should, in effect, be treated in the same manner as a Preferred Site by Policies S6 and P1. The alternative would be to reduce the overall requirement and to delete a proportion of the Preferred Sites altogether. This would be contrary to the best interests of mineral planning in the County should demand recover during the Plan period to a level reflecting the regional apportionment.
49. It is accepted that, depending on the economic climate throughout the Plan period, operators may choose not to bring forward the remaining Preferred Sites, such that the Reserve Sites might be approved ahead of them if the level of landbank indicated a need, resulting in an over-centralisation of supply. However, that is an unlikely eventuality, which is beyond the scope of the Plan or the control of ECC, whilst the prime objective to avoid County-wide over provision would still be met.
50. A suggested alternative to Reserve Sites is a production cap on all allocated sites. However, national policy is equally silent in this regard and, moreover,

that approach could not fairly be introduced without renewed consultation on site assessment and selection. Furthermore it would be more likely to result in an unwarranted proliferation of mineral workings, albeit smaller in scale individually. The latter consideration would in turn have commercial implications affecting deliverability.

51. Moreover, any form of production cap would be against national policy, wherein production targets are not to be regarded as ceilings, and a landbank is merely an indicator of supply at any point in time. Clearly the designation of Reserve Sites in the manner proposed has neither the intention nor the effect of capping production over the Plan period as a whole. Nor does it necessitate substantially rewriting the Plan if the Site Assessment proves already to have identified appropriate sites for allocation.
52. The principle of allocating Reserve Sites is suitably introduced by **MMs2-8 and MMs10-22** to Policies S2, S6 and S8 as well as to the Aims of the Plan, Table 1 and the supporting text. An addition to MM14 is necessary to make clear that sand and gravel landbank is calculated with reference to the full 4.31mtpa requirement.

Conclusion on Overall Land-Won Sand and Gravel Provision

53. In conclusion on the first issue, with the foregoing modifications the RMLP makes provision for the extraction of appropriate amounts of land-won sand and gravel. However, the soundness of the site assessment process and the suitability of individual Preferred and Reserve Sites and their respective estimated yields are separate matters for Issue 4 below.

Issue 2 – Whether the overall strategy of the RMLP is appropriate in terms of its spatial priorities for the distribution of mineral development and in relation to other plans providing for Waste Planning and Enforcement.

54. The Spatial Vision, Aims and Objectives of the RMLP are brought together in Policies S1 and S2. Policy S1 reflects the Presumption in Favour of Sustainable Development promulgated by the NPPF whilst Policy S2 duly accords policy status to the Aims and Objectives by setting out 9 Strategic Priorities for mineral development. Priorities 1-5 and 9 cover reducing greenhouse gas emissions, protecting public health and the environment, reduction and recycling of waste and safeguarding mineral resources and transshipment facilities. Priorities 6 and 7 relate to allocating sufficient sites to provide a steady and adequate supply of minerals with the best possible geographical dispersal across the County, supporting key growth areas and infrastructure whilst minimising road transport in terms of mineral miles. Priority 8 highlights progressive phased working and high quality site restoration, beneficial after-use and the protection of the best and most versatile agricultural land (BMVAL).
55. The spatial priorities of Policy S2 are expanded in more detail in, for example, Policies S3 and S4 on climate change and reducing the use of mineral resources, and in Policies S10 and S12 on environmental protection and site restoration, including the preservation of BMVAL and achieving a net gain in biodiversity.

56. With particular reference to sand and gravel resources, there is an excess of resource and a wide choice of location in Essex. It is therefore not necessary for the Plan to reiterate the principle that minerals can only be won where they occur. Nor is there any tension between the two stated principles of dispersal to serve the main Essex towns as growth areas and minimising mineral miles, especially as the majority of locally land-won aggregate is consumed within the County and only around 14% exported to London, for example.
57. Following public consultation on a range of dispersal options, the Plan adopts a hybrid strategy combining both extensions to existing sites and the allocation of new sites. This was supported by a majority of consultees as well as by the SA.
58. Properly read as a whole, the RMLP addresses an appropriate range of material planning interests and adopts a logical approach to geographical dispersal in connection with the selection, working and restoration of mineral sites. The Plan thus promulgates a sustainable and logical strategy for mineral development in Essex.
59. The provisions of the RMLP potentially overlap with those of the emerging Waste Local Plan. However, there is diminishing availability of waste for use in the restoration of mineral sites. This Plan therefore generally favours low level restoration. Moreover, whilst Site Waste Management Plans have been employed in the past, their future use is evidently uncertain. In the circumstances, the question of the use of landfill and the management of waste in connection with mineral development is best separately addressed in connection with the Waste Local Plan.
60. There is also potential overlap with the ECC Local Enforcement and Site Monitoring Plan [CED-02]. However, whereas appropriate enforcement action against non-compliance with planning conditions might reduce the output of a site subject to such action, the Plan contains sufficient flexibility, including the option for early review under Policy IMR1, to address any shortfall.
61. Concluding on the second issue, the overall strategy of the RMLP is based on appropriate spatial priorities for the distribution of mineral development and avoids conflict with the emerging Waste and adopted Enforcement Plans. The strategy therefore accords with current national planning policy and guidance and is sound in itself. However, it remains to consider, with particular respect to Issue 4 below, whether the Plan implements its objectives in practice.

Issue 3 – Whether the RMLP should provide for a separate landbank for building sand

62. Before turning to the crucial site selection process it is necessary to consider the cases for and against a separate building sand landbank. The Plan at para 3.82 states that it is unnecessary and impractical to maintain separate landbanks for concreting and building sands. The NPPF at para 145 and the PPG at para 085³ support separate landbanks for specific mineral products, including building sand, where justified by a distinct and separate market.

³ former MASS guidance at para 28

Whether a separate landbank is appropriate therefore depends on whether it is feasible to calculate the reserves of sands in Essex suitable for building use.

63. In the Examination, and in this Report, the term 'building sand' is used in preference to 'soft sand' to distinguish sands used in building materials, mainly mortar, from products used as fine aggregate for the manufacture of concrete. This is consistent with the terminology used in national specifications. However, all representations made with reference to 'soft sand' are taken into account, including a call for a further distinction between dry natural and wet-screened building sands.
64. It is noted that, in a minority of cases, separate building sand landbanks are identified in mineral local plans elsewhere. However, this is usually in response to a high reserve of bedrock sands, as opposed to superficial sand and gravel deposits such as occur widely in Essex. The latter give rise to a wide variety of sand products for which the separate end uses in relation to physical characteristics are difficult to identify.
65. Notwithstanding common parlance and assumption, there is no evidence that building sands can only be obtained from particular sources or that any specific sand reserve in Essex can only furnish building or concreting sand end uses. This is borne out by British Standard specifications in terms of building sand being produced from a wide variety of sources based largely on grading by particle size. Moreover, there is nothing in national specifications relating to production methodology, such as dry or wet processing, to imply that such a further distinction is justified in mineral planning. Such commercial practice is, in any event, beyond the control of ECC as MPA. *[FI-06]*
66. However, there are evidently distinct markets for a range of products that emerge from the single sand and gravel landbank including sales in Essex of some 0.45mtpa of building sand, about 0.13mtpa of which has historically been produced at a single quarry. *[RED-02]*
67. There is no evidence that the permitted and allocated sand and gravel reserves in the County cannot continue to produce sufficient quantities of building sand to meet demand, or that such demand is not being fulfilled at present. At the same time, albeit due to commercial confidentiality, ECC has not provided any analysis of annual monitoring returns to show that they can. On current evidence therefore, it is not practically feasible to calculate a separate landbank for building sand in any event and there is no justification for a separate building sand landbank in the RMLP as submitted.
68. However, to be sound, the Plan should contain a commitment to continue to review the situation, as part of annual monitoring, should a shortage of building sand arise which could be addressed by way of a separate landbank in a future review of the Plan. Such a commitment is suitably introduced by **MM9** to para 3.82 and **MM41** to the Monitoring Framework Table 8.

Issue 4 – Whether the process adopted by ECC for the selection of Preferred Sites and Reserve Sites for sand and gravel extraction justifies the allocations made by the RMLP

Requirement

69. It is concluded in connection with Issue 1 above that the yield of sand and gravel from Preferred Sites should be reduced to a figure in the region of 29.13mt but that an additional amount should be available from Reserve Sites, retaining the total required from all identified sites of 40.67mt. However, Reserve Sites are only to come forward if the landbank falls below 7 years, calculated by comparing the total figure of 40.67mt with the amount of currently permitted reserves. It is first necessary to consider whether the Preferred Sites in the Plan as submitted are acceptable, before assessing whether certain of those, or alternatives, should be allocated as Reserve Sites.

Site Assessment Overview

70. The justification and effectiveness of the site selection process is measured not only by the logic of its approach but by its outcomes, in terms of the nature and planning impacts of the sites identified. For this reason, the Examination Hearings were taken through to completion to include the wide ranging concerns over the effect of certain sites, before any conclusions were drawn.
71. The understandable disquiet following the modification of the site selection process after the preferred options but before the pre-submission public engagements is discussed in the assessment of legal compliance above. The proper question to be addressed here is whether the submitted Plan is robustly supported by the selection process finally adopted and set down in the Site Assessment Report [SD-10].
72. The Site Assessment begins with some 46 identified potential sand and gravel sites. The combined Stages 1 and 2 of the Assessment consider a range of social and environmental factors resulting in a Red, Amber or Green (RAG) classification for each factor and a numerical score for each site as a whole, albeit sites were not selected simply on that basis. The Amber classification is subdivided Amber 1 to Amber 3 in increasing significance. Any Red classification gives rise to rejection at Stage 2. All sites passing Stages 1-2, that is those having only Amber and Green classifications, are regarded as environmentally and socially acceptable in principle. Stages 3 to 5 involve judgements as to which sites best fit the strategy: Stage 3 concerns their proximity to growth areas and the efficient dispersal of the mineral supply; Stage 4 concerns cumulative transport impacts; Stage 5 considers their potential for biodiversity habitat creation and wider community benefits as well as restoration limitations. The final Stage 6 confirms the selection after SA.
73. There is little question that the Site Assessment employs an appropriate range of selection criteria at each stage. However, there is a widespread view among local residents, concerned for their environment, and mineral operators, concerned for their businesses, that the process is flawed in both its approach and its judgements in applying those criteria and in setting the Specific Issues to be Addressed in individual planning applications.

74. In order to determine whether the selection of sites is justified, it is necessary to consider, first, whether the RAG classification at Stages 1-2 is appropriately applied, second, whether the sites chosen after passing Stage 2 have been properly selected with reference to the Stages 3-5 criteria and, third, whether any would nevertheless have unacceptably adverse planning impacts which could not be resolved with reference to the Specific Issues to be Addressed listed against each allocation.

Site Assessment Stages 1-2

General

75. Local residents express concerns about the potential impact of future mineral working over the whole area of the Preferred Sites up to their boundaries, as drawn on the Site Maps in Appendix 5 to the Plan. However, these maps need to be viewed in conjunction with the Specific Issues to be Addressed listed for each site and in the light of the range of planning controls inherent in the policies of the Plan as whole. The allocations of the Plan establish the pattern of development in relatively broad principle. The details and extent of the actual excavation and storage of overburden and the extraction of mineral are for future consideration in connection with detailed planning applications.
76. The Site Maps indicate the full extent of the mineral interest concerned. Where material planning interests within the site boundary require protection, the extent of extraction can be subject to limitation. At the same time, land within the allocation boundary remains available to provide buffer zones or to create, for example, earth bunds or landscape screening. These can be secured by way of planning conditions imposed on any permission.
77. It is beyond the scope of this Report to anticipate the detailed planning effects of potential future development proposals. At this stage it is necessary for such considerations to remain proportionate to the level of detail the Plan itself provides. The following appraisal is made against this background, addressing the main concerns which are essentially the same for all the most controversial allocations.

Visual and Landscape Impact, Residential Amenity and Health, Heritage Assets

78. Any site presenting a risk of significant adverse impact on an Area of Outstanding Natural Beauty, or other major landscape impact, which could not be mitigated is automatically classified Red and rejected. These results are based on formal landscape impact assessments and, although judgements vary as to the degree of severity, there is no evidence that any site which could cause irreparable harm to the landscape has been selected for further consideration.
79. If more than 200 residential properties, or other sensitive uses such as schools or hospitals, would lie within 250 metres of a site, or more than 10 dwellings would be closer than 100 metres from an extraction area, the site concerned is given a Red score and is rejected. Graded Amber 1-3 scores are attributed where any lesser number of properties lie within those distances. The degrees of potential impact on visual amenity, and on existing tranquillity ratings mapped by the Council for the Protection of Rural England, are similarly graded.

80. Noise, dust and other effects on amenity or related to health are measured largely by simple observation of existing levels and in relation to past environmental health complaints. Notably, only one site is rejected on grounds of existing severe harm to amenity or pollution and it is difficult to predict the likely health and amenity effects of new or extended mineral extraction. However, linked to the foregoing distance criteria and given that such impacts are subject to separate environmental health legislation, the graded Amber to Green Scores assigned to most sites can be taken as an indicator that such factors can be assessed and properly controlled.
81. There are many heritage assets, and in particular listed buildings, within or near to many of the allocated Preferred Sites. The importance of their protection is highlighted by the large number of Amber 3 scores attributed in light of information from English Heritage. However, given the scope to curtail mineral activity close to listed buildings and to provide them with screening buffers for the duration of the works, it is not evident that any sites likely to cause irreparable harm to heritage assets have passed Stages 1-2 of the Site Assessment.

Biodiversity

82. The overall provisions of the RMLP for biodiversity are considered further under Issue 5 below, including the question of baseline surveys of existing biodiversity interests.
83. Based on a specialist ecological assessment and consideration of the Habitat Regulations Assessment, all 46 sites entering Stages 1-2 of the assessment gain a range of Amber scores with none Green. These are ascribed according to the potential impact on Natura 2000 and national designations as well as sites identified in the Essex Biodiversity Action Plan and known protected and notable species. A score of Amber 3 indicates that only small scale extraction may be acceptable but this does not apply to any of the sites that passed Stages 1-2 overall.
84. At the same time, no Red scores are assigned on the basis that to do so at this stage would anticipate the outcome of further Appropriate Assessments under the Habitats Regulation required in connection with individual planning applications. Whilst the absence of Green scores highlights the potential for ecological harm, the provision for later Appropriate Assessment offers a sufficient further safeguard, such that the appraisal which has been undertaken in connection with this Plan is proportionate with respect to biodiversity.

Best and Most Versatile Agricultural Land

85. Using the most up to date information for each site, Amber scores are attributed according to whether, and to what extent, mineral development would disturb agricultural land of Grades 1 to 3, which is subject to protection by the NPPF. It is broadly accepted that such land can be restored to its original grade and it is for the determination of individual planning applications to include consideration of the appropriate constraints and conditions to ensure this.

Flood Risk and Hydrology

86. Based on information from the Environment Agency and the Strategic Flood Risk Assessment (SFRA) [SD-09], potential flood risk is assessed and no sites are rejected due to unacceptable flood risk or proximity to water protection zones at Stages 1-2. Preferred Sites, in practice, generally have Green and Amber 1-2 scores. It is for detailed flood risk and hydrogeological assessments in connection with future planning applications to determine acceptable flood risk mitigation measures.

Road Transport

87. Sites are assessed by the highway authority in two stages, the first relating to compliance with transport policy and the second to the technical deliverability of access. Considerations include potential traffic generation, need for off-site processing of mineral and the availability of a suitable route to the main road network. The latter is required to be over as short a distance as possible without undue detriment to safety or the efficiency of the local road network. Thereafter, the impact on the trunk road network is taken into account. Options for rail or water transport are noted for information. Some sites scored Red on access but all those passing Stages 1-2 scored Green, leaving further consideration of transportation for Stages 3-4 and site specific assessment. This aspect of the assessment is proportionate at this stage.

Deliverability

88. ECC is reliant upon information, sometimes commercially confidential, from mineral operators as to the nature, extent and quantity of mineral reserves and the amounts of aggregate deliverable from any sand and gravel site. These figures are conventionally provided in net terms, taking account of any processing losses in the course of production. One operator in particular asserts that an allowance in the order of ten per cent should be made over the calculated plan requirement to account for such losses. However, there is insufficient evidence for such an allowance to be made, having regard to general practice throughout the mineral industry as a whole.
89. There are sometimes conflicting assertions between operators regarding the overall quantities of winnable reserves from certain sites. These are made on grounds of legal and physical constraints, including with respect to overburden ratios or hydro-geological limitations on extraction and restoration. In the circumstances, ECC can do no more than take the returns and estimates of operators as its starting point for the estimation of site yields and deliverability. The importance of continuous monitoring of actual production to inform future Plan review is properly addressed by Policy IMR1. With only two exceptions, the sites assessed at Stages 1-2 are Classified Green with respect to Resource and Timeframe of Delivery and there is no substantial evidence to contradict these judgements.

Conclusion on Site Assessment Stages 1-2

90. The initial combined Stages 1-2 of the Site Assessment apply an appropriate range of criteria such that the RAG classifications and the overall scores are properly ascribed. These are based on judgements which ECC is entitled to make on the available evidence. The safeguard remains that any future

planning applications within the Preferred Sites will be subject to further detailed consultation and appraisal, including specific Environmental Impact and Appropriate Assessments as required under the relevant Regulations. Notwithstanding that the RMLP may be sound on the evidence proportionate to its preparation, planning permission could still be refused in the event that planning impacts could not be mitigated acceptably.

Potential Co-location of Ready-mix concrete plants and Waste Recycling facilities

91. The potential for the co-location of associated ready-mix concrete and waste recycling facilities was not considered at Stages 1-2 but is a matter for detailed planning applications.

Site Assessment Stages 3 to 6

General

92. There is concern among Representors that, in the choice between sites which have passed Stages 1-2 of the Site Assessment, no further comparison is made between them with reference to the degree of their several planning impacts but only with reference to the Stages 3-5 criteria. In principle, that is a valid criticism of the approach of the Assessment, which carries a danger that unjustified selections could be made if the overall Stages 1 and 2 RAG scores varied widely.
93. In practice, however, the scores of all 46 sites assessed are between 25 and 50 whilst those of the 23 sites which passed Stages 1-2 are all 35 or more and those of the Preferred Sites are all 40 or more. Thus, whether as an aim or as a result of the strategy, the Preferred Sites allocated in the Plan are broadly those with the higher scores in any event. In effect therefore, given the foregoing conclusion that the Stages 1-2 scores were appropriately ascribed, the selection between sites judged to be environmentally and socially acceptable can reasonably be based on the Stages 3-5 criteria. The main factors covered are briefly reviewed in the following paragraphs.

Stage 3 - Proximity to Growth Areas, former Western Weighting, Mineral Miles, Local Supply and Demand and distance from sensitive properties

94. At Stage 3 of the Assessment, Preferred Sites are first identified from those passing Stages 1-2 broadly on their proximity to the main towns of the County and to the Haven and Thames Gateways growth areas. This is consistent with the County-wide distribution strategy of the Plan as a whole. One of the main concerns among Representors revolves around the use of an indicative optimal transport distance from source to end use of 20 kilometres. That was introduced at the pre-submission stage in preference to the six-point 'western weighting' formerly applied to the scores of sites in the west of the County at the Preferred Options stage of public engagement. This in itself attracted opposition. However, on fresh examination the 20 kilometre criterion logically applies the spatial strategy and results in a reasonable distribution of sites with respect to growth areas, albeit with a greater concentration in Braintree.
95. Representations are made that this approach ignores the potential for certain sites to serve local markets and reduce 'mineral miles' travelled by road. This applies in particular to certain sites in the east close to Colchester and in the

west near Harlow, including existing operations with potential for expansion. However, there is no overriding evidence that mineral products from those or any other source would necessarily be destined for local markets or any other more distant markets within or outside Essex. The mere proximity to a potential local market does not therefore override the broad application of the spatial priority of strategic distribution.

96. At this stage the amount of a site which would lie within 250 metres of a defined settlement boundary was further taken into account.

Stage 4 - Transport Impact, Rail and Water Transport

97. Total HGV traffic is evidently around only 6 per cent of overall traffic flows on the main County road network and it is to be expected that the amount of additional mineral traffic due to the operation of the Preferred Sites could be accommodated within its capacity. More locally, sites are preferred where they enjoy existing access direct to the main road network.
98. Potential benefits of non-road transportation from certain rail and wharf sites are outweighed by local access considerations.

Stage 5 - Restoration and Biodiversity Habitat Creation

99. Finally, the Plan at para 3.197 sets an 'ambitious' target to create a minimum 200 hectares of priority habitat to enhance biodiversity. Any site with potential to contribute as a flagship scheme to this target is favoured.
100. At the same time, whilst some infilling to protect listed buildings is accepted, a wider need for restoration by infilling counts against a site in view of diminishing sources of material for that purpose.

Stage 6 - Sustainability Appraisal

101. The SA concludes that the extraction of sand and gravel from the Preferred Sites will have minimal significant impacts on sustainability objectives, noting that the presence of BMVAL should not prevent extraction. The SA records many benefits, as well as potential for mitigation of adverse effects, including those on health, amenity, water resources, the landscape and the historic environment.

Conclusion on Site Assessment Stages 3 to 6

102. Stages 3 to 5 of the Site Assessment apply a further range of appropriate criteria as a basis of selection between sites found in Stages 1-2 to be environmentally and socially acceptable. The judgements made by ECC are in general compliance with the stated strategy of the Plan and are borne out in the SA at Stage 6 of the Assessment. This concludes overall that the Preferred Sites would be unlikely to cause significant negative impacts save in respect of the temporary removal of soils from BMVAL and that mitigation is possible in each case, including in regard to human health, with some long-term benefits accruing.

Specific Issues to be Addressed

General

103. All of the written and oral representations raising concerns over the effects of all the Preferred and Reserve Sites are taken into account, together with the responses to them by ECC both orally at the hearings and in writing. Those allocations proving to be the most controversial are here briefly considered individually.

Bradwell Quarry, Rivenhall – Sites A3-A7

104. Sites A3 and A4 are contiguous with the existing quarry and processing site, relatively small and uncontroversial.
105. Sites A5 and A6 would further extend the existing extraction area respectively to the south, toward Silver End, and to the south east, whilst the largest Site A7 would reach much further east into open farmland, bounded on its northern edge by the protected Cuthedge Lane.
106. Crucially, before any development could commence, the working, phasing and restoration of any of these sites would be subject to an approved Masterplan covering them all, in conjunction with recently approved mineral and waste management facilities within the existing site. This is a requirement of each of the tabulated site profiles 9-13 of Appendix 5 to the Plan.
107. In particular, sand and gravel would be processed via the existing plant and mineral traffic would make use of the existing site access to the A120, once improved, with lorry movements restricted to present levels.
108. Although relatively far from any conservation area, the sites themselves contain a rich variety of historic interests. These include public footpaths, listed buildings and vestigial airfield features, whilst the former Polish Camp lies immediately outside the south eastern site boundary.
109. Although public rights of way would have to be diverted during mineral extraction, their links to either side of the sites could be maintained. There is scope for protection of listed buildings and historic features by curtailing excavation and requiring protective bunding or screening for the duration of that section of the works affecting them. The estimated yield of the sites evidently takes such constraints into account.
110. Although temporary bunding would alter the landscape for some time, views of the works would be moderated by distance and by boundary vegetation already planted and maturing. There would be closer views from Cuthedge Lane, though the Lane itself would not be directly affected. The overall effect of the development on the landscape after restoration would be neutral.
111. The sites also contain a rich variety of biodiversity interests, including protected species. At this stage, there are no recorded objections to any of these allocations from Natural England or the Wildlife Trust. However, a full Environmental Impact Assessment (EIA) would be required of any planning proposal to include ecological compensation as well as an appraisal of potential noise and dust pollution to nearby communities, together with measures for

their control to protect public health. High quality agricultural soils are required to be preserved on site and replaced as part of site restoration.

112. The Specific Issues to be addressed in connection with each of the Bradwell Quarry Preferred Sites A3 to A7 are sufficient in their scope and terms to provide a proper framework for the control of any future mineral development.

Sunnymead, Alresford - Site A20

113. This allocation would substantially extend eastward the existing operation at Wivenhoe Quarry.
114. There is competing evidence regarding the overburden ratio and the hydro-geological characteristics of the site in relation to its deliverability and the feasibility of the preferred low-level restoration. Whilst the site promoter has indicated a preference for restoration by imported inert filling material, current information is that the water table is low enough to permit working and restoration, mainly at low level. Whilst it is likely that restoration would involve the creation of a water body, the allocation offers an opportunity for biodiversity enhancement as an identified flagship scheme.
115. The indicative haul route is westward via the currently permitted site toward the existing Keelars Lane underpass. It is envisaged that heavy goods vehicle movements generated by the extension would not exceed current levels from the permitted site. There is no evidence that lorry traffic could not be satisfactorily accommodated on the highway network, subject to a Transport Assessment of any future detailed planning application.
116. There is no reason to doubt that appropriate distance buffers and temporary earthwork bunding could be provided to protect some 27 houses situated less than 100 metres from the excavation area, as well as a Local Wildlife Site at the southern boundary and a public right of way that abuts the extraction area.
117. The Specific Issues to be Addressed in connection with the Sunnymead, Alresford, Preferred Site A20 are sufficient in their scope and terms to provide a proper framework for the control of any future mineral development.

Broadfield Farm, Rayne – Site A9

118. Residents of nearby Rayne and along Dunmow Road are understandably worried about the prospect of a new mineral site to the west of the village with access to the A120 via a new entrance onto the B1256. The development would visibly disrupt the high quality agricultural landscape, including BMVAL, and protection would be required for Local Wildlife Sites in nearby woodlands as well for protected species within the site. There are thought to be archaeological remains beneath the site, also requiring prior investigation. There is local concern that site operations and lorry traffic would cause harm to health and amenity, including at the village school, as well as traffic delay and congestion.
119. However, the site is sufficient in extent for sensitive features to be protected by temporary earth bunding and distance buffers, whilst already maturing boundary vegetation would mitigate visual intrusion. The number of lorry movements would represent only a small percentage of the total traffic

already on the routes concerned and there is no evidence of any current road safety or congestion issues that would preclude the level of mineral traffic envisaged.

120. Equally, there is no substantial evidence that noise or air pollution due to the works could not be kept to acceptable levels, including at the nearest dwellings and at the school. Historically, emissions from sand and gravel workings in Essex have rarely given rise to issues not resolved by enforcement action by the environmental health authority and it is noted that dust from such works are generally not of the particle size likely to cause harm to human health.
121. The hydrology of the site would need to be investigated fully, as parts of the land are liable to flood risk and there are groundwater abstraction points in the vicinity. Careful restoration would be required to blend revised low-level contours with the surrounding area. Past consideration of restoration to open water bodies has heightened uncertainty about the practicality of low-level restoration but current information is that, subject to detailed EIA of any actual proposal, including hydro-geological studies, ground water levels would allow low-level restoration of original soil to high quality agriculture over much of the land. Indeed, the site is regarded as having potential for overall biodiversity enhancement as a flagship scheme contributing to the 200 hectare habitat creation target.
122. Overall, there is no substantial evidence that the impacts of mineral extraction could not be mitigated acceptably with reference to established standards. The Specific Issues to be Addressed in connection with the Broadfield Farm Preferred Site A9 provide an appropriate framework for this to be achieved, including by way of appropriate detailed ecological and hydro-geological studies.

Shellow Cross, Roxwell – Site A40

123. This new allocation between Elm Road to the south and the A1060 to the north lies within relatively open, undulating farmland to the east of Roxwell, inside the Metropolitan Green Belt.
124. There would be a cross-country haul route so that access from Elm Road would be prohibited and all on-site processing would be confined to the northern area with direct access to the A1060. Subject to a Transport Assessment of any detailed applications, it is anticipated that a safe vehicle entrance could be constructed, incorporating an appropriate right-turn lane. In this way, traffic impact would be minimised and kept to an acceptable level.
125. There is much local concern regarding lengths of ancient hedgerows remaining on the site as a vestige of the historic Essex field system, as well as a range of Local Wildlife Sites and protected species currently enjoying relative tranquillity. Several listed buildings and some homes near the site would require appropriate protection of their setting and amenity. The overburden ratio of around 3:1 is relatively high, giving rise to concern that the visual impact of stockpiling would be more severe than indicated in the Stages 1-2 score of Amber 3. The economic viability of winning this particular resource is questioned for the same reason.

126. Whilst the further loss of existing landscape features is a material consideration, the overall visual impact during extraction could be mitigated by progressive, phased working, with the height and location of stockpiling controlled by planning condition. When comparison is made with, for example, Site A25 - Elsenham Quarry which scored Red for landscape impact, that site is regarded as more visible due to its bowl-shape and hillside location. Controls over phasing and stockpiling would also limit the effect on the openness of the Green Belt, where the presumption against inappropriate development does not essentially apply to mineral development in any event.
127. Detailed EIA would be required as a basis for protection of nature conservation interests and listed and other buildings, including by screening to reduce the impact of nearby excavation to an acceptable level for the duration of that phase of the work affecting them. There is no evidence at this stage that this site is exceptionally tranquil or that suitable measures could not be put in place to safeguard wildlife. With particular reference to the property known as Mountneys, the working area would need to be curtailed to the north within the Preferred Site delineated on the Plan to Table 22, in effect reducing the site area as required by Item 12 of the Specific Issues to be addressed.
128. The economics of extracting mineral from areas of relatively thick overburden varies between different parts of Britain and, notwithstanding values commonly encountered in Essex closer to 1:1, the higher value in this case is not so unusual as to render the promotion of the site unrealistic on current information.
129. On balance, the Specific Issues to be Addressed in connection with the Shellow Cross Farm Preferred Site A40 provide an appropriate framework for the control of mineral extraction.

Land at Colemans Farm – Site A46

130. The currently proposed Preferred Site at Colemans Farm is reduced from an earlier proposal and was added late in the Site Assessment process. The site lies in Rivenhall Parish between Braxted Park Road to the north east and Little Braxted Lane to the south west. Access to the nearby A12 junction 22 would be facilitated via a haul road across open land from a new junction on Little Braxted Lane. Lorry routes could be controlled to exclude a nearby conservation area. Otherwise, despite local concern regarding potential for traffic accidents, there is no highway authority objection, subject to a Transport Assessment of any detailed proposal to include consideration of a safe temporary diversion of a bridleway crossing the site.
131. Little Braxted Lane is an ancient route valued for its rural character, although the more recently constructed junction with the A12 has brought an urban influence to the locality. The addition of further engineering works to provide the site access would be seen against this background.
132. The site is not widely seen from distant viewpoints but is visible from the A12 and from local properties, including listed buildings. The overburden ratio is low but it is envisaged that restoration is feasible without the need for infilling to protect heritage assets but with the inclusion of an open water body. The SA therefore indicates negative impact on the landscape justifying a Stages 1-

2 Amber 3 score as well as loss of BMVAL. However, there is potential for flagship biodiversity enhancement.

133. The site lies close to the tranquil Blackwater River Valley, where there is local fear of flooding should mineral extraction disrupt the groundwater regime. That would potentially threaten poplar and cricket-bat willow plantations downstream, as well as protected species. An Appropriate Assessment under the Habitats Regulations would therefore be required. However, neither the SFRA nor the EA record any undue flood risk at this stage. Biodiversity enhancement could include the creation of reedbed habitat complementary to the Blackwater Valley with the benefit of balancing downstream water flows.
134. The deliverability of the site is questioned with regard to both the cost of the necessary access works and the presence of archaeological remains of uncertain extent. At the same time, there is no clear evidence to support these concerns. There is also general concern regarding noise and disturbance to residential amenity, but nothing to suggest that it could not be acceptably mitigated.
135. All such issues would be addressed by EIA of any future development proposal as highlighted throughout the Specific Issues to be Addressed, which are sufficient in their scope and terms to provide a proper framework for the control of any future mineral development at Colemans Farm Preferred Site A46.

Overall Conclusion on Specific Issues to be Addressed

136. In addition to objections to the foregoing most controversial allocations, due consideration has been given to every concern raised in connection with the other Preferred Sites. In each case, the Specific Issues to be Addressed, listed in Tables 9-24 of Appendix 5 to the RMLP, provide a sufficient framework for ECC as MPA to consider and appraise any future planning applications for sand and gravel extraction within the Preferred Sites concerned.

Cumulative Impact

137. Whereas Stage 4 of the Site Assessment addresses cumulative impacts related to lorry transport, there is much expressed concern regarding perceived cumulative impact of aggregate extraction in a broader sense, especially by the Councils and electors of Braintree District and Chelmsford City. This stems from the fact that the greater number of Preferred Sites are located within the administrative boundaries of those two local authorities, with nearly half the total allocation being situated in Braintree, associated with Bradwell Quarry, Rivenhall.
138. The function of the RMLP is to establish the pattern of future mineral development across Essex as a whole without an overconcentration of mineral sites in any one location. However, it is no part of the Plan strategy, or of the Site Assessment process, to seek to balance the distribution of development on the basis of district boundaries. Notwithstanding the wide choice of potentially developable sites in other districts it is appropriate that sites are selected with reference to their individual merits and planning impacts.

139. The fact that those sites selected as environmentally, socially and strategically acceptable are not more evenly distributed between the component districts of the County might understandably be seen as objectionable from a local standpoint. However, there is no evidence that there will be unacceptable cumulative planning impact in the sense that any community will be surrounded by an overconcentration of simultaneous, multiple mineral developments because there is invariably reasonable separation between the Preferred Sites.
140. Given the available planning controls by way of the development management policies of the Plan and the Specific Issues to be Addressed in connection with each site, there is no ground to find the Plan unsound with respect to potential cumulative impact. This question would fall to be reconsidered in connection with any future planning application in any event.

Conclusion on the Site Assessment overall

141. Given the limited remit of the Examination to assess soundness but not seek to improve the Plan, it would be inappropriate, and against the principles of Localism, to vary the allocations of the Plan contrary to the views of the elected County Council as MPA, merely on a subjective judgement between alternatives. It is concluded that, judged pragmatically on its logic and outcomes, the selection of sites for inclusion in the Plan is justified and that the Site Profiles, tabulated in Appendix 5, set down appropriate and sufficient criteria for their development in terms of Specific Issues to be Addressed.

Identification of Reserve Sites

142. However, for the reasons set out above, it is now necessary to determine which of the sites selected in the Site Assessment Report should be re-allocated as Reserve Sites. ECC provided for consultation with the Schedule of MMs an Addendum to the Site Assessment Report [*SD-10 Addendum*]. This re-applies Stages 3 to 5 of the Site Assessment, identifying Preferred Sites A6 and A7 at Bradwell Quarry to be re-allocated as Reserve Sites with a total estimated yield of 9mt. These sites are in an area of relatively high concentration of sand and gravel allocations within 20 kilometres of Colchester.
143. The five sites allocated in the submitted Plan at Bradwell Quarry already account for almost 40 per cent of primary extraction from new sites. This would rise to nearly 50 per cent if different Preferred Sites close to other urban areas were re-allocated as an alternative. Moreover, there is nothing to suggest that development growth and consequent demand for aggregates will be particularly weighted toward Colchester among other key centres. Placing Sites A6 and A7 in reserve would avoid an over-concentration of Preferred Sites in this single area and improve the geographical spread of mineral development within the County, in line with Plan strategy. These conclusions are born out in an Addendum to the SA [*CED-10 Addendum*] which was the also subject to consultation with the MMs.
144. It is noted that, in practice, as Preferred Sites, these two allocations would not necessarily come forward later in the Plan period than any others. Their deferment as Reserve Sites thus has commercial implications for the integrated working and restoration of the five new Bradwell Quarry allocations,

Sites A3-A7, when viewed as a whole. However, the avoidance of a proliferation of mineral working, unless justified by planning need, is the primary consideration.

145. Furthermore, the remaining Preferred Sites are better located to reduce travel distances overall. This is graphically illustrated in the Site Assessment Addendum [*SD-10 Addendum Map 1*]. Their retention is therefore necessary to maintain the improved relative distribution of sites.
146. The calculation of sand and gravel requirements and the estimation of the potential yield of individual sites is at best an inexact process. In the circumstances, the reduction in Preferred Sites equivalent to 9mt, or just over 22 per cent, is sufficient to avoid an unacceptable over provision in the County as a whole.
147. The deferment of Site A7, whilst avoiding some degree of harm to existing biodiversity interests, reduces the potential for net gain in biodiversity by way of the flagship biodiversity scheme envisaged for the site. On balance, any such disadvantage does not override the broad benefit of avoiding mineral extraction if it proves to be unnecessary.
148. With respect to the spatial distribution of mineral development, it is suggested in response to the MM consultation that, in identifying which of the allocations are to remain as Preferred Sites, preference should have been given to extensions to existing quarries and also that account should be taken of the working life of currently operational sites. However, in the re-application of the Site Assessment and selection process to determine Reserve Sites, account is automatically taken of the presence of existing permitted reserves because that formed part of the original assessment. Moreover, the hybrid strategy adopted involves a mix of extensions and new development. Furthermore, with the exception of Bulls Lodge Quarry as one of the more central southerly current operations, most existing reserves are likely to be worked out before the end of the Plan period. As a result the distribution of mineral development allocations about the County will remain in accord with the Plan strategy.

Overall Conclusion on the Selection of Preferred and Reserve Sites

149. It is concluded on the fourth issue that the process adopted for the selection of sites for sand and gravel extraction justifies the allocations made by the RMLP. However, **MMs 23-34** are necessary to Policies P1 and P2, their supporting text and Table 5, in order to give effect to the re-allocation of Sites A6 and A7 at Bradwell Quarry as Reserve Sites. With those changes the RMLP is sound with respect to its allocated Preferred and Reserve Sites for sand and gravel extraction.

Issue 5 – Whether the RMLP makes appropriate policy provisions for safeguarding mineral resources and handling facilities, protecting and enhancing biodiversity, development management and for its own monitoring and review

Safeguarding

150. Policy S8 safeguards mineral resources by way of Mineral Safeguarding Areas (MSAs) defined on the Policies Map and requires consultation on planning applications to avoid conflict with competing development within Mineral Consultation Areas (MCAs) extending 250 metres outside the MSAs. The MCAs are thus properly based on the MSAs in line with NPPF para 143. Policy S9 safeguards specific mineral transshipment and processing facilities.
151. Policy S8 imposes a range of balanced criteria to trigger consultation on all development proposals within a MSA, other than certain listed exceptions, above a certain size depending on the nature and extent of the reserve. For sand and gravel the threshold is 5 hectares and there is no locational criterion for requiring consultation. Although arbitrary, the 5ha threshold was subject to public consultation and this approach is justified, given the wide extent of sand and gravel reserves in Essex, where prior extraction need not always be necessary. Where prior extraction is required, its environmental impact and site restoration remain under the control of Policies S10 and S12 as well Development Management Policies DM1-2.
152. Policy S9 includes Bulls Lodge coated stone plant for safeguarding. In contrast, Policy S8 merely applies safeguarding broadly across all identified mineral resources, including the permitted sand and gravel reserves supporting the main quarrying activity at Bulls Lodge. With two relevant planning permissions to 2020 and 2030 respectively, these reserves contribute to the County supply during the Plan period. It is known that mineral extraction at Bulls Lodge is currently running behind schedule and that a time extension is likely to be required for its completion. There is concern that these reserves require express safeguarding from competing development nearby which could jeopardise permission for continued extraction beyond 2030, detrimental to the future sand and gravel landbank. Crucially, as the end date of the submitted RMLP is 2029, there is no question that the reserves in question will enjoy the protection of safeguarding Policy S8 for the whole of the Plan period. Policy S8 is therefore effective and the Plan is sound in this respect. Moreover, the mineral operator has the option of making an advance application to extend the existing permission.
153. Policy S9 also identifies four mineral transshipment sites for safeguarding in line with NPPF para 143, following public consultation. Safeguarding of small facilities, such as Mistley Port for example, is left to district local plans by a reference in para 3.148 of this Plan. In practice Mistley Port is identified and protected in the emerging Tendring District Local Plan. It is nevertheless claimed that small wharfs not specifically identified should be safeguarded at County level by the RMLP. However, it is evident that Mistley Port was not put forward for safeguarding for mineral transshipment in an earlier call for sites by ECC and there is nothing in the NPPF to suggest that there should be blanket safeguarding of such sites without due public consultation. Whilst individual sites should be reconsidered for safeguarding when the Plan is reviewed, there

is no ground for modifying the submitted Plan in this connection. Pending review of the Plan, Policy S9 affords a reasonable balance of protection to mineral transshipment and processing facilities to ensure their continued availability within the County

154. Overall, the provisions of the RMLP for safeguarding mineral resources and handling facilities are justified and effective.

Biodiversity

155. There are essentially two aspects of concern raised by Representors over the effect of the provisions of the RMLP on biodiversity. The first is that mineral extraction will lead to irreparable harm to biodiversity such as by the removal of ancient woodland or hedgerows or the loss of protected species of flora and fauna. The second is that the Plan should result in a net gain in biodiversity.
156. Representors point out many vulnerable natural features of the Preferred Sites which will inevitably be affected by sand and gravel extraction, citing in particular a lack of a baseline assessment by which to measure this impact. However, the Site Assessment Report [SD-10], reviewed in connection with Issue 4 above, identifies the main biodiversity interests at risk.
157. Appendix 5 of the Plan tabulates Specific Issues to be Addressed for each Preferred Site in connection with any future planning application. These include potential impacts on wildlife sites and protected species to be assessed under the Habitats Regulations as appropriate.
158. A baseline ecological survey will form part of any EIA where biodiversity interests, especially internationally and nationally designated sites, are potentially affected, using the Essex Biodiversity Action Plan as background information. This is expressly set out in para 5.42 of the Plan, meeting NPPF para 109.
159. Given the conclusion under Issue 4 above that the selection of sites is sound overall, it follows that this approach to biodiversity is proportionate to the level of detail appropriate to this Plan and sets a proper framework for the assessment of future planning proposals, including with respect to the aim of net enhancement. General protection to biodiversity is afforded by Policy DM1 and supporting text paragraphs 5.40-43.
160. Whereas existing biodiversity assets cannot be directly replaced, Policies S10 and particularly S12 on site restorations provide for the implementation of the Biodiversity and Habitat Creation Target consistent with the Essex Biodiversity Action Plan (EBAP) and in line with the NPPF paras 109 and 117. As noted under Issue 4 above, the site selection process has led to the allocation of Preferred Sites and Reserve Sites with the potential to support flagship restoration schemes to meet this target of a 200 hectare contribution to Priority Habitats identified by the EBAP.
161. Overall, the provisions of the RMLP for protecting and enhancing biodiversity are sound.

Development Management

162. The effects of mineral development are suitably controlled by the constraining criteria of Policies DM1-4. These include a requirement for Health Impact Assessments where appropriate. This reflects NPPF para 120 and is not unduly onerous alongside parallel requirements for assessments of other environmental impacts. All such assessments would need to be proportionate to the particular proposal and its likely effects.
163. The development management provisions of the RMLP, including those relating to issues discussed elsewhere in this Report, are sound as submitted, subject only to **MM35** to para 5.29 inserting reference to Reserve Sites consistent with other MMs above.

Monitoring and Review

164. Policy IMR1 provides appropriately for monitoring the performance of the Plan by way of a Monitoring Framework set out at Table 8. This sets a range of indicators as a basis for measuring the implementation of the Plan against quantitative targets. These are properly modified by **MMs 42-44** to account for changes elsewhere with respect to considerations of a separate building sand landbank, the supply of marine-won aggregates and the deferment of Reserve Sites unless the sand and gravel landbank falls below 7 years.
165. Further **MMs 35-40** are required to Table 7 and the supporting text to Policy IMR1, also with reference to Reserve Sites. Otherwise Policy IMR1 also appropriately provides for review of the Plan if the landbank falls below the minimum required and in any event within five years of adoption. Any potential for aggregate supply being impeded by necessary enforcement action against non-compliance with planning conditions on working sites is thus accommodated. With the changes noted, the provisions of the RMLP for monitoring and review are sound.

Overall Conclusion and Recommendation

166. The RMLP has a number of deficiencies in relation to soundness for the reasons set out above. In accordance with Section 20(7A) of the Act, I therefore I recommend non-adoption of the Plan as submitted. These deficiencies have been explored in the main issues set out above.
167. ECC has requested that I recommend Main Modifications to make the Plan sound and capable of adoption. I conclude that, with the recommended Main Modifications set out in the Appendix to this Report, the Essex County Council Replacement Minerals Local Plan January 2013 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

B J Sims

Inspector

Note: This report is accompanied by a separate document comprising the Appendix containing the Main Modifications

APPENDIX

MAIN MODIFICATIONS

The main modifications below are shown in the form of a red ~~striketrough~~ for deletions and red underlining for additions of text.

Other instructions are set out in *italics*.

Chapter 2 – SPATIAL PORTRAIT AND KEY MINERALS PLANNING ISSUES				
Ref.	Page No.	Policy/Para/ Table/ Figure No.	Modification	Justification
MM1	Page 21	Paragraph 2.31	<p><i>Insert new sentence at the end of paragraph as follows:</i></p> <p><u>The potential for an increased contribution of sand and gravel from marine sources will be monitored.</u></p>	Marine dredged aggregate forms an important part of the overall supply of aggregate. Notwithstanding none is landed on wharfs in the Plan area, it is desirable to monitor operational constraints around landing facilities particularly those in the adjoining authority of Thurrock and review the ability for its continued or even increased contribution as a substitute for a portion of the land won plan provision.
MM2	Page 23	Para 2.39	<p><i>Amend point seven as follows:</i></p> <p>Protect existing, and Preferred <u>and Reserve</u> Sites for extraction so their ability to supply essential resources is not compromised, (economic).</p>	Cross references the addition of the term 'reserve sites' introduced into Policy 6 of the MLP.
MM3	Page 23	Para 2.39	<p><i>Amend point ten as follows:</i></p> <p>10. Enable HGV distances to serve Essex are reduced to minimise carbon emissions, having regard to the locations of Preferred <u>and Reserve</u> Sites and mineral demand, (economic, social and</p>	Cross references the addition of the term 'reserve sites' introduced into Policy 6 of the MLP.

		environmental).	
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Chapter 3 – THE STRATEGY				
Ref.	Page No.	Policy/Para/ Table/ Figure No.	Modification	Justification
MM4	Page 24	Table 1	<p><i>Amend final part of Point (B) as follows:</i></p> <p>A steady and adequate supply of sand and gravel will be provided, having regard to the Local Aggregate Assessment and the targets agreed with the East of England Aggregates Working Party. whilst not <u>Phasing has been introduced so as to avoid</u> over-supplying in order to protect Essex's environment and our finite mineral resources. Plan provision will also be made for silica sand and brick clay.</p>	Plan provision has effectively been phased across the Plan period through introduction of 'reserve sites' by way of change to Policy 6 of the MLP.
MM5	Page 25	Table 1	<p><i>Amend second sentence of Point (G) as follows:</i></p> <p>Existing, permitted, and Preferred <u>and Reserve</u> mineral sites and mineral supply infrastructure will be safeguarded to ensure the effective operation of these sites is not compromised, and to prevent incompatible development taking place close to existing or planned minerals development to the potential detriment of existing or future occupants.</p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.
MM6	Page 27	Aims and Strategic Objectives	<p><i>Amend 'Aims' point 5 as follows:</i></p> <p>5. To protect and safeguard existing mineral reserves, existing permitted mineral sites and Preferred <u>and Reserve</u> Sites for mineral extraction, as well as existing proposed sites for associated mineral development.</p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.

MM7	Page 28	Para 3.3	<p><i>Amend third sentence as follows:</i></p> <p>To this end, the Plan identifies Preferred <u>and Reserve</u> Sites for future development.</p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.
MM8	Page 33	Policy S2	<p><i>Amend point 6 as follows:</i></p> <p>6. Making planned provision through Preferred <u>and Reserve</u> Site allocations for a steady and adequate supply of aggregates and industrial minerals to meet identified national and local mineral needs in Essex during the plan-period whilst maintaining landbanks at appropriate levels,</p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.
MM9	Page 47	Paragraph 3.82	<p><i>Amend second sentence as follows:</i></p> <p>It is considered unnecessary and impractical to maintain separate landbanks for County sub-areas or to distinguish between building sand and concreting aggregates, <u>although further monitoring of building sand will be undertaken to establish whether this situation needs to be reviewed.</u></p>	Although it's not considered necessary or practical at this current time to distinguish between building sand and concreting aggregates the situation will be monitored to establish whether it should be reviewed in the future.
MM10	Page 47	Paragraph 3.84	<p><i>Insert new sentence after second sentence as follows:</i></p> <p><u>Where the landbank falls below seven years there will be an opportunity to bring Reserve Sites forward for extraction.</u></p>	Clarifies the mechanism for plan provision being phased across the Plan period through introduction of 'reserve sites' by way of change to Policy S6 of the MLP.
MM11	Page 49	Paragraph 3.95	<p><i>Amend first sentence as follows:</i></p> <p>This Plan has therefore been prepared to provide 4.31mtpa of sand and gravel over the plan-period, to be provided by existing sites with permission, and Preferred <u>and Reserve</u> Sites proposed</p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.

			by the Plan.	
MM12	Page 49	Paragraph 3.96	<p><i>Amend as follows:</i></p> <p>The numerical difference between the sub-regional apportionment figure and the sales figures provides for flexibility in the Plan. If future sales do not approach the sub-regional apportionment figure then provision made now can be rolled forward in a Local Plan Review to cover the period extending beyond 2029. Conversely, if the <u>The provision allocated through both Preferred and Reserve sites meets the 4.31 mtpa sub-regional apportionment figure. The provision for solely Preferred sites is based on 10 year average sales.</u> Should sales figures 'bounce back' to higher volumes closer to recent pre recessionary experience, then the Plan will be able to deal with this outcome effectively and this is addressed in the Plan through the ability to bring forward the allocated Reserve sites while continuing to provide certainty to local communities and the minerals industry about where minerals development will take place.</p>	Amends explanatory text to Policy S6 to introduce the basis for the new approach whereby some sites have been redefined as reserve sites.
MM13	Page 51	Paragraph 3.110	<p><i>Amend first sentence as follows:</i></p> <p>A plan-led approach excluding such an allowance and identifying Preferred <u>and Reserve Sites</u>, provides greater certainty for local communities and the minerals industry about where minerals development will take place over the long-term.</p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.
MM14	Page 52	Policy S6	<p><i>Amend as follows:</i></p> <p>The Mineral Planning Authority shall endeavour to ensure reserves of land won sand and gravel are available <u>until 2029</u>, sufficient for at least 7 years extraction or such other period as</p>	Clarifies the mechanism for plan provision being phased across the Plan period through introduction of 'Reserve sites'. The overall plan provision continues to be based on applying the sub-national supply

			<p>set out in national policy, taking into account the local annual supply requirement for Essex. This requirement will be periodically assessed.</p> <p>The Plan identifies sufficient provision through Preferred Sites allocations (listed in Table 5) until 2029 and will be subject to periodic review to enable the maintenance of at least a seven year landbank.</p> <p><u>The working of Reserve sites will only be supported if the landbank with respect to the overall requirement of 4.31mtpa is below 7 years.</u></p> <p>Mineral extraction on non <u>outside</u> Preferred <u>or Reserve</u> Sites will be resisted by the Mineral Planning Authority unless the applicant can demonstrate:</p> <ol style="list-style-type: none"> An overriding justification and/ or overriding benefit for the proposed extraction, and, The scale of the extraction is no more than the minimum essential for the key purpose of the proposal, and, The proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan. 	<p>guidelines which have been apportioned to individual mineral planning authorities on the advice of the aggregate working party. However, the basis for differentiating between Preferred and Reserve Sites is the 10 year average sales and the mechanism for bringing reserve sites forward is if the landbank falls below 7 years, thereby ensuring that potential excessive supply is avoided, subject to market conditions</p>
MM15	Page 57	Paragraph 3.130	<p><i>Amend first sentence as follows:</i></p> <p>It is necessary to safeguard existing mineral workings, and Preferred <u>and Reserve</u> Sites to prevent the possibility of new</p>	<p>Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.</p>

			incompatible neighbours being established and ultimately restricting their activities.	
MM16	Page 57	Paragraph 3.131	<p><i>Amend Bullet 3 as follows:</i></p> <p>Preferred <u>and Reserve</u> Sites proposed in this Plan for future mineral extraction.</p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.
MM17	Page 59	Policy S8	<p><i>Amend first paragraph as follows:</i></p> <p>By applying Mineral Safeguarding Areas (MSAs) and/ or Mineral Consultation Areas (MCAs), the Mineral Planning Authority will safeguard mineral resources of national and local importance from surface development that would sterilise a significant economic resource or prejudice the effective working of a permitted mineral reserve, or Preferred <u>or Reserve</u> Site allocation within the Minerals Local Plan. The Minerals Planning Authority shall be consulted, and its views taken into account, on proposed developments within MSAs and MCAs except for the excluded development identified in Appendix 9 <u>5</u>.</p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.
MM18	Page 59	Policy S8	<p><i>Amend first and last paragraphs under Mineral Consultation Areas as follows:</i></p> <p>MCAs are designated within and up to an area of 250 metres from each safeguarded permitted minerals development and Preferred <u>and Reserve</u> Site allocation as shown on the Policies Map and defined on the maps in Appendix 10 <u>6</u>. The Mineral Planning Authority shall be consulted on:</p> <p>Proposals which would unnecessarily sterilise mineral resources or conflict with the effective workings of permitted minerals development, or Preferred <u>or Reserve</u> Mineral Site allocation shall be opposed.</p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.

MM19	Page 68	Paragraph 3.177	<p><i>Amend as follows:</i></p> <p>The three tiers of the hierarchical approach are equally applicable to any minerals related planning application, including new proposals for transshipment sites requiring connection to the road network. The Highway Authority has reviewed the Preferred <u>and Reserve</u> Sites with their preference being for sites which utilise and make the most effective use of the upper tiers of the route hierarchy in order to keep traffic away from unsuitable minor roads.</p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.
MM20	Page 68	Paragraph 3.182	<p><i>Amend first part of paragraph as follows:</i></p> <p>It is important to ensure that the effects of traffic on any local community, the environment and the local road network are carefully considered, including the cumulative impacts of these. Where Preferred <u>or Reserve</u> Sites are extensions to existing quarries, these areas should be worked consecutively in order that mineral extraction in the existing quarry be completed prior to mineral extraction commencing in the new "extension area".</p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.
MM21	Page 72	Paragraph 3.197	<p><i>Amend third and fourth sentences as follows:</i></p> <p>The Plan proposes an ambitious target for the creation of a minimum of 200ha of priority habitat creation in Essex from the Preferred <u>and Reserve</u> Site allocations. Six UK BAP habitats <u>UK Biodiversity Framework habitats</u> have been selected reflecting local conservation priorities as well as the geological and hydrological character of the Preferred <u>and Reserve</u> Sites:</p>	<p>Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.</p> <p>Editing changes bring the plan up to date.</p>

MM22	Page 72	Paragraph 3.199	<p><i>Amend as follows:</i></p> <p>For instance the Preferred and Reserve Sites in Appendix 5 at Bradwell Quarry (Rivenhall), A9 Broadfield Farm (Rayne), Sunnymead (Alresford), Maldon Road (Birch) and Land at Colemans Farm (Witham) provide particular opportunities for new habitat areas.</p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.
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Chapter 4 PREFERRED MINERAL SITES FOR PRIMARY MINERAL EXTRACTION				
Ref.	Page No.	Policy/Para/ Table/ Figure No.	Modification	Justification
MM23	Page 76	Chapter Title	<p><i>Amend as follows:</i></p> <p>4 PREFERRED AND RESERVE MINERAL SITES FOR PRIMARY MINERAL EXTRACTION</p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.
MM24	Page 76	Paragraph 4.4	<p><i>Amend as follows:</i></p> <p>The Preferred and Reserve Sites as defined in Policies P1 and P2 provide for the following amount of mineral resource up to 2029,</p> <p>40.824 million tonnes of sand and gravel extraction with 31.824mt coming from Preferred Sites and 9mt coming from Reserve sites; and</p>	Amends explanatory text to Policy P1 to explain the differentiation between Preferred and Reserve Sites by way of change to Policy S6 of the MLP.
MM25	Page 76	Paragraph 4.5	<p><i>Amend as follows:</i></p>	Amends explanatory text to Policy P1 to explain the

			This is comprised of 16 allocations on 10 sites, of which 13 are extensions to existing quarries and 3 are new sites. <u>Of these 16 allocations 2 would be Reserve Sites.</u>	differentiation between Preferred and Reserve Sites by way of change to Policy S6 of the MLP.
MM26	Page 76	Paragraph 4.7	<p><i>Amend second sentence as follows:</i></p> <p>A Sustainability Appraisal Report is also available as a supporting document explaining how Sustainability Appraisal/ Strategic Environmental Assessment (SA/ SEA) has informed and influenced the selection of the Preferred sites.</p>	Cross reference to the selection of sites now including more than one type of 'site'.
MM27	Page 77	Policy P1	<p><i>Amend as follows:</i></p> <p>In the case of Preferred Sites for sand and gravel extraction, the principle of extraction has been accepted and the need for the release of mineral proven. <u>In the case of Reserve Sites for sand and gravel extraction, the principle of extraction has also been accepted, however, the release of minerals from these sites is subject to the landbank falling below seven years.</u></p> <p>The Mineral Planning Authority will grant planning permission for sand and gravel workings within the Preferred <u>and Reserve</u> Sites, listed in Table 5 (Preferred <u>and Reserve</u> Sites for land won Sand and Gravel Provision) and as shown on the Policies Map, subject to the proposal meeting the detailed development requirements set out in Appendix <u>5 1</u>, other relevant policies of the Development Plan for Essex and any other material considerations.</p>	<p>Clarifies the differentiation in principle between Preferred and Reserve Sites which comes down to reserve sites being phased on the basis that the full plan provision may not be needed over the Plan period. As with Policy S6 it sets out that the mechanism for bringing reserve site forward is based on the size of the land-bank.</p> <p>Both Preferred and Reserve sites have been through a robust site selection process and are deemed to be socially and environmentally acceptable. None-the-less preferred sites have been redefined as reserve sites on the basis of those that are least</p>

				desirable at the present time. Differentiating between preferred and reserve sites has been undertaken with reference to the full site selection process and in particular Stages 3-5. This process is set out in the attached addendum. As explained in the addendum the site selection process has been further refined through particular preference to those preferred sites which may ultimately provide for the best possible geographic dispersal across the County.
MM28	Page 77	Table 5	<p><i>Amend title as follows:</i></p> <p>Table 4 Preferred <u>and Reserve</u> Sand and Gravel Sites</p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.
MM29	Page 77	Table 5	<p><i>Insert new header above row one of table as follows:</i></p> <p><u>Preferred Sand and Gravel Sites:</u></p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.
MM30	Page 78	Table 5	<p><i>Insert new header below row 16 (B1 Slough Farm) as follows:</i></p> <p><u>Reserve Sand and Gravel Sites</u></p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.
MM31	Pages	Table 5	<i>Move rows four and five of table (A6 & A7 Bradwell Quarry) to</i>	Cross references the addition of

	77 & 78		<i>below row 16 (B1 Slough Farm).</i>	the term 'reserve sites' introduced into Policy S6 of the MLP.
MM32	Page 78	Table 5	<i>Delete Note 2</i>	Reflecting the introduction to reserve sites and preference towards Preferred Sites.
MM33	Page 80	Paragraph 4.10	<p><i>Amend first sentence as follows:</i></p> <p>The Preferred <u>and Reserve</u> Sites are site specific allocations and the site boundary delineated in the respective site profile is the maximum extent of the minerals development within a planning application.</p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.
MM34	Page 80	Paragraph 4.11	<p><i>Insert new sentence at end of paragraph as follows:</i></p> <p><u>This applies equally to Reserve Sites, however, for extraction to be supported at Reserve Sites the need for mineral extraction would require to be demonstrated. Such need could only be demonstrated if the landbank falls below 7 years.</u></p>	Further explanation to assist understanding of the difference between Preferred and Reserve Sites by way of change to Policy S6 of the MLP.

Chapter Five DEVELOPMENT MANAGEMENT POLICIES

Ref.	Page No.	Policy/Para/ Table/ Figure No.	Modification	Justification
MM35	Page 85	Paragraph 5.29	<p><i>Amend first and second sentences as follows:</i></p> <p>The location of Preferred <u>and Reserve</u> Sites for future minerals development proposed in this Plan has been informed at all stages by a Strategic Flood Risk Assessment (SFRA). Those proposing to develop in these Preferred <u>or Reserve</u> Sites should refer to the SFRA and the Technical Guidance to the NPPF when preparing their proposals.</p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.

Chapter Six IMPLEMENTATION, MONITORING AND REVIEW				
Ref.	Page No.	Policy/Para/ Table/ Figure No.	Modification	Justification
MM36	Page 94	Paragraph 6.2	<p><i>Amend as follows:</i></p> <p>The following table details the current mineral companies with whom ECC will be required to work with, their sites, and whether the site is currently being worked or whether it was selected as a Preferred <u>or Reserve</u> Site for future working.</p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.
MM37	Page 94	Paragraph 6.3	<p><i>Amend first and second sentences as follows:</i></p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the

			The Table below denotes existing permitted sites, the new Preferred <u>and Reserve</u> Sites as allocated within this Plan and as set out in Section 4 and Tables 5 and 6, and the current mineral operator assigned with that site. The 'Preferred <u>and Reserve</u> Sites' for future mineral extraction will only be developed if brought forward by the respective mineral operator (with the landowners' support).	MLP.
MM38	Page 94 & 95	Table 7	<i>Amend third column heading as follows:</i> Existing, or Preferred <u>or Reserve</u> Site	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.
MM39	Page 94	Table 7	<i>Amend fourth rows and insert new row below as follows:</i> Site Operator: Blackwater Aggregates Sites: Bradwell Quarry, Rivenhall Airfield (Sites A2 - A7 <u>A5</u>) (Extension to Bradwell Quarry) Existing, Reserve or Preferred Site: Preferred Sites: <u>Bradwell Quarry, Rivenhall Airfield (Sites A6 and A7)</u> (<u>Extension to Bradwell Quarry</u>) Existing, Reserve or Preferred Site: <u>Reserve</u>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.
MM40	Pages 95 & 96	Paragraph 6.4	<i>Amend as follows:</i> Subject to planning permission being granted, and based on the	Further explanation to assist understanding of the difference between Preferred and Reserve

			<p>information provided by Site Promoters, the 'Preferred <u>and Reserve</u> Sites' would come into operation in a phased manner across the plan period. This Phasing information was provided to the Council by Site Promoters and it is both outside of the considered unnecessary to control the release of Preferred Sites beyond being of the Council and subject to external market forces. However for Reserve Sites it is considered necessary that need for their extraction should be demonstrated to ensure that oversupply does not take place. It is considered that the indicative phasing is such that sand and gravel will be available to serve the Essex market throughout the plan period.</p>	<p>Sites by way of change to Policy S6 of the MLP.</p>
MM41	Page 98	Table 8	<p><i>Insert new monitoring indicator two (numbering of subsequent indicators to be updated) as follows:</i></p> <p>Indicator: <u>The need for a separate landbank for building sand</u></p> <p>Related Policy: <u>Policy S6: Provision for Sand and Gravel Extraction</u></p> <p>Target: <u>Establish a consistent baseline of building sand sales and reserves in Essex over a 5 year time frame. This will be a factor in assessing whether a separate building sand landbank can be established.</u></p> <p>Implementation: <u>Engaging with the minerals industry to establish sales / reserves of building sand</u></p> <p>Data Source: <u>Mineral industry returns.</u></p> <p>Frequency: <u>Annually through AMR.</u></p>	<p>Collection of such data would assist in any future consideration for the desirability to create a separate building sand land-bank within the Plan area.</p>

			Responsibility: <u>ECC and mineral operators.</u>	
MM42	Page 98	Table 8	<p><i>Insert new monitoring indicator three (numbering of subsequent indicators to be updated) as follows:</i></p> <p>Indicator: <u>Contribution of marine dredged sources towards overall aggregate provision</u></p> <p>Related Policy: <u>Policy S6: Provision for Sand and Gravel Extraction.</u></p> <p>Target: <u>That if marine imports come within 90% of wharf capacity in Greater Essex then a review is undertaken to determine whether capacity is constraining the landing of marine dredged aggregate and the potential for increasing capacity at either existing or new transshipment sites.</u></p> <p>Implementation: <u>Engaging with the minerals industry, adjoining port and district authorities where landings occur to retain or increase existing processing capacity.</u></p> <p>Data Source: <u>Bespoke investigation of wharf capacity</u></p> <p>Frequency: <u>Annually through AMR</u></p> <p>Responsibility: <u>ECC, minerals industry, adjoining authorities and port companies.</u></p>	<p>Marine dredged aggregate forms an important part of the overall supply of aggregate. Notwithstanding none is landed on wharfs in the Plan area, it is desirable to monitor operational constraints around landing facilities particularly those in the adjoining authority of Thurrock and review the ability for its continued or even increased contribution as a substitute for a portion of the land won plan provision.</p>
MM43	Page 99	Table 8	<p><i>Amend Target for Indicator three as follows:</i></p> <p>At least 30mt at any time, with <u>Maintenance of a 7 year landbank based on a</u> production potential of 4.31 mtpa from permitted pits for a period of seven years.</p>	<p>Confirms that the size of the land-bank represents the key indicator for determining whether reserve sites should therefore be brought forward as</p>

				set out in Policy S6.
MM44	Page 99	Table 8	<p><i>Amend Implementation for Indicator three as follows:</i></p> <p>Identification of sites to be promoted with mineral industry <u>Bringing forward unimplemented Preferred or Reserve Sites</u> when the landbank is in danger of falling below <u>7 years target level</u>.</p>	Confirms that the size of the land-bank represents the key indicator for determining whether reserve sites should therefore be brought forward as set out in Policy S6.

Chapter Seven - REFERENCE MATERIAL				
Ref.	Page No.	Policy/Para/ Table/ Figure No.	Modification	Justification
MM45	Page 113	Glossary of Terms	<p><i>Amend Definition for Preferred Site as follows:</i></p> <p>Definition: An area containing mineral resources which can be identified with a high degree of provision and <u>identified with this Plan</u> where there is a strong presumption in favour of extraction.</p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.
MM46	Page 114	Glossary of Terms	<p><i>Insert new Term and Definition for Reserve Sites as follows:</i></p> <p>Term: <u>Reserve Sites</u></p> <p>Definition: <u>An area containing mineral resources identified within this Plan where the planning principle for extraction has been established but mineral cannot be released for extraction</u></p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.

			(permission granted) until the landbank falls below 7 years.	
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Appendix Five Site Profiles for Preferred Sites				
Ref.	Page No.	Policy/Para/ Table/ Figure No.	Modification	Justification
MM47	Page 137	Appendix Five	<p><i>Amend appendix title as follows:</i></p> <p>Appendix Five One Site Profiles for Preferred and Reserve Sites</p>	To reflect deletions of appendices 1-4 and to cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.
MM48	Page 137	Appendix Five	<p><i>Amend first sentence of first paragraph as follows:</i></p> <p>This Appendix contains a complete set of individual Site Profiles for each of the proposed Preferred and Reserve Sites subject to Policy P1. Each Site Profile covers the site location, site boundaries, site characteristics, and any detailed development requirements associated with mineral working at each site.</p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.
MM49	Page 137	Appendix Five	<p><i>Amend A6 and A7 as follows:</i></p> <p>A6 Bradwell Quarry, Rivenhall (Reserve Site)</p> <p>A7 Bradwell Quarry, Rivenhall (Reserve Site)</p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.
MM50	Page 138	Appendix Five	<p><i>Insert new page before A3 Site Profile detailing the Specific Issues to be Addressed that apply to all Bradwell sites A3 - A7</i></p>	To avoid duplication for specific issues to be addressed for sites

		<p>(Amended text in point five is in bold) as follows:</p> <p><u>A3, A4, A5, A6 & A7 Bradwell Quarry, Rivenhall Airfield</u></p> <p><u>A3, A4, A5, A6 & A7: Specific issues to be addressed</u></p> <p><u>The following issues apply to all five sites:</u></p> <p><u>1. Mineral from the site would be processed through the existing processing plant.</u></p> <p><u>2. Mineral traffic would use the existing main site access, and HGV movements would be restricted in line with current levels of working to avoid adverse impacts to the A120. The phasing of site working would need to reflect HGV movement limitations. A Transport Assessment would be required.</u></p> <p><u>3. Improvements to the crossing points at Ash Lane and Church Road would be required.</u></p> <p><u>4. There has been a long history of settlement and occupation within this landscape. An historic environment assessment would be required with any application/ EIA.</u></p> <p><u>5. The sites comprise the best quality Grade 2 agricultural soils and it is expected that these would be retained on site during restoration.</u></p> <p><u>6. A Masterplan would be required covering the Bradwell Quarry in its entirety. This would ensure all pre-extraction activity, site working and restoration is considered as a whole and restoration potential is maximised including the opportunity for significant</u></p>	<p>A3-A7.</p> <p>Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.</p>
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			<u>biodiversity enhancement and habitat creation on site. The first Preferred Site for Bradwell Quarry for which there is an application (e.g., from the sites A3-A7) should provide indicative phasing,/ restoration levels/and after-uses for all the Bradwell Quarry Preferred and Reserve Sites as part of the Masterplan. and The developer shall be expected to enter into a legal agreement to ensure that any subsequent applications for Preferred or Reserve Sites at Bradwell Quarry shall be in accordance with the Masterplan and indicative phasing/restoration levels/ after-uses. Careful consideration must be given to the final low-level restoration contours to ensure the final landform blends with the surrounding topography and could blend with the levels and planting of the strategic waste management development (Ref ESS/37/08/BTE) if implemented.</u>	
MM51	Page 139	Appendix Five	<i>Move map from page 148 and update to show Preferred and Reserve site boundaries.</i>	Editing changes to shorten, streamline or simplify the plan in preparation for adoption.
MM52	Page 144	Table 12	<i>Amend page title as follows:</i> A6 Bradwell Quarry, Rivenhall Airfield - <u>Reserve Site</u>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.
MM53	Page 144	Site A6, Specific Issues to be Addressed	<i>Insert new point as follows:</i> <u>1. Applications for extraction at this site are not supported until such time as the landbank falls below 7 years.</u>	Implements the mechanism intended for how plan provision is effectively being phased across the Plan period as set out in Policy S6.
MM54	Page 146	Table 13	<i>Amend page title as follows:</i> A7 Bradwell Quarry, Rivenhall Airfield - <u>Reserve Site</u>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.

MM55	Page 146	Site A7, Specific Issues to be Addressed	<p><i>Insert new point as follows:</i></p> <p><u>1. Applications for extraction at this site are not supported until such time as the landbank falls below 7 years.</u></p>	Implements the mechanism intended for how plan provision is effectively being phased across the Plan period as set out in Policy S6.
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Appendix Nine Consultation Procedure for Mineral Safeguarding Areas				
Ref.	Page No.	Policy/Para/ Table/ Figure No.	Modification	Justification
MM56	Page 207	Table 38	<p><i>Amend MCA column header as follows:</i></p> <p>MCA</p> <p>(N.B. The MPA would wish to be consulted on any planning application for development on Development MSA an existing minerals development, or Preferred <u>or Reserve</u> Site)</p>	Cross references the addition of the term 'reserve sites' introduced into Policy S6 of the MLP.

Essex Pension Fund Board

Annual Report 2013/14

July 2014

1. Introduction

- 1.1 This is the fifth Annual Report of the Essex Pension Fund Board, covering the period from 1 April 2013 until 31 March 2014.

2. Roles and Functions

- 2.1 The Essex Pension Fund Board was established by the County Council in May 2008 to ensure that the Pension Scheme complied with the best practice principles for governance as required by the amended Local Government Pension Scheme Regulations 1997.

- 2.2 The Board's terms of reference, as approved by the County Council, are as follows:

To exercise on behalf of the Council all of the powers and duties of the Council in relation to its functions as Administering Authority of the Essex Pension Fund except where they have been specifically delegated by the Council to another Committee or to an officer; this will include the following specific functions:

- (i) to monitor and oversee the work of the Essex Pension Fund Investment Steering Committee through its quarterly reports;
- (ii) to monitor the administration of the Pension Scheme, including the benefit regulations and payment of pensions and their day-to-day administration including the Internal Disputes Resolution Procedures, and ensure that it delivers best value and complies with best practice guidance where considered appropriate;
- (iii) to exercise Pension Fund discretions on behalf of the Administering Authority;
- (iv) to determine Pension Fund policy in regard to employer admission arrangements;
- (v) to determine the Pension Fund's Funding Strategy and approve its Funding Strategy Statement;
- (vi) to receive periodic actuarial valuation reports from the Actuary;
- (vii) To co-ordinate Administering Authority responses to consultations by Central Government, professional and other bodies; and
- (viii) to consider any views expressed by employing organisations and staff representatives.

- 2.3 The Board met four times during the period covered by this report; on 10 July, 18 September and 9 December 2013 and 15 March 2014.

3. Membership

3.1 The Board has 14 members. These represent Essex County Council, the other local authorities in Essex (including Unitary Councils), the Essex Police and Crime Commissioner, Essex Fire Authority, Scheme members and Smaller Employing Bodies (i.e. those which are not already specifically represented on the Board).

3.2 The membership of the Board as at 31 March 2014 was as follows:

Essex County Council (6)

County Councillor Susan Barker	
County Councillor Rodney Bass	Chairman
County Councillor Karen Clempner	
County Councillor Norman Hume	Vice-Chairman
County Councillor Nigel Le Gresley	
County Councillor Jon Whitehouse	

District/Borough Councils in Essex (2)

District Councillor John Archer	Maldon
Borough Councillor Mrs Pamela Challis	Castle Point

Unitary Councils in Essex (2)

Borough Councillor Gerard Rice	Thurrock
Borough Councillor Andrew Moring	Southend-on-Sea

Essex Police and Crime Commissioner(1)

Mr Charles Garbett

Essex Fire Authority (1)

County Councillor Mike Danvers

Scheme Members (nominated by UNISON) (1)

Mr Keith Blackburn

Smaller Employing Bodies (1)

Mrs Jenny Moore

4. Dimensions of the Fund

4.1 Based on the draft accounts, as at 31 March 2014 the value of the Fund's assets was £4.337 billion.

4.2 The total value of pensions paid during 2013/14 was £162.5m, together with other benefits totalling £41.5m. The average value of pension paid was £4,612.

4.3 The total number of beneficiaries are as follows:

	2013	2014
Contributors	45,001	49,516
Pensioners/dependents	33,873	35,254
Deferred Members	42,092	43,693
Total	120,966	128,463

*Provisional numbers

(Deferred Members are former employees who had chosen not to transfer their pension rights.)

- 4.4 The Board exercises on behalf of the Council the management of the Pension Fund whose membership comes from around 530 separate Employing Bodies, including:

- Essex County Council, Unitary, Borough, City and District Employers
- Incorporated Colleges
- Schools and Academies
- Town and Parish Councils
- Other Scheduled Bodies
- Small Admitted Bodies
- Admitted Bodies
- Community Admission Bodies.

5. Work of the Board

- 5.1 The following major issues were considered by the Board between 1 April 2013 and 31 March 2014:

Reform of the Local Government Pension Scheme

The Board has kept up-to-date with the latest developments regarding the Government's proposals for the reform of the Local Government Pension Scheme. The Board has responded to consultations on the draft Regulations and the continued membership of councillors in the Scheme. The Board has also given evidence to the Department of Communities and Local Government on the future structure of the Scheme.

The Chairman of the Board wrote to the Parliamentary Under-Secretary of State in the Department for Communities and Local Government expressing serious concerns about the co-ordination, clarity and timeliness of the development of new Regulations that would apply to the Scheme. The continued delay in the publication of the Regulations could adversely impact on the timely implementation of required updates to Fund systems and processes and an entry was added to the Risk Register to reflect this.

Reviewing the Funding Strategy Statement

The Funding Strategy Statement establishes a clear and transparent fund-specific strategy which identifies how employer pension liabilities are to be met going forward. The Statement has been reviewed in the light of the Actuarial Valuation as at 31 March 2013 and the consultation exercise with the Fund's

Employer bodies. The feedback received from the consultation had not required any significant changes to be made to the draft FSS.

All Employer Bodies have been notified of their revised contribution results (a further review for Academies will take place later this year in the light of potential pooling proposals). The Funding level valuation was 80% compared to 71% at the time of the last valuation. The improved funding level reflected better investment returns and the use of an economic model for discount rate calculations rather than a gilts plus model. However, the ongoing cost of the future service increased to 14.3% of pensionable pay compared to 12.2% at the time of the last valuation - due partly to more cautious actuarial assumptions on future investment returns and the anticipated increasing cost of implementing transitional arrangements arising from the new Career Average scheme.

The key points of the proposed FSS were:

- There would normally be no net reduction in payments where a deficit existed;
- The aim would be to provide payment options based on stability of contributions (generally within 1% of payroll rate);
- The starting point for consideration of the length of time over which deficit would be payable was the 2010 deficit duration less three years;
- Annual up-front payment of deficit allowable;
- Triennial up-front payment of deficit allowable;
- Stepped introduction of new rates would be permissible if required.

Recovery periods for each Employer body were variable reflecting each unique employer profile and different joining dates. The majority of major tax raising Employer bodies had opted for an annual up- front payment to be made in April each year.

There would be the opportunity for interim reviews of the FSS prior to the next Triennial valuation.

Other Issues

Amongst the other issues considered by the Board have been:

- approval of proposals to appoint a new pensions administration software provider from a collaborative procurement framework;
- reports to each meeting providing an update on Pension Fund activity with regard to the Business Plan, risk management and measurement of progress against objectives (scorecard);
- reviewed of the Fund's Governance Policy and Compliance Statement;
- approval of a response to the Department for Communities and Local Government's consultation on pooling arrangements for Academies with the Local Government Pension Scheme;

- agreement to the extension of the contract with Hymans Robertson as Independent Governance and Administration Adviser to the Board and agreement to the process for proceeding with the procurement of the contract;
- reports from Internal Audit (Essex County Council) reviewing their previous year's work with regard to the Pension Fund and Pensions Administration and outlining their planned work for the coming year. The Board was pleased to note the positive outcome from the two audits undertaken during 2012/13 with the award of Full Assurance in respect of Pension Services Administration and Pension Investment; and
- the receipt of quarterly reports on the work of the Essex Pension Fund Investment Steering Committee (ISC).

Award

Essex won the award for "Pension Fund of the Year" at a ceremony in London organised by *Local Government Chronicle*. In a two stage process, 10 finalist Funds from throughout the Local Government Pension Scheme were initially selected, followed by a shortlist which saw Essex joined by the larger Greater Manchester Fund and Strathclyde (the biggest Fund in the country). It was particularly pleasing that the judges recognised Essex's achievements against other Funds across the following criteria:

1. the Fund's annual report and other communications with its members and employing authorities;
2. the degree to which the Fund had met all its objectives, including performance objectives; and
3. innovations introduced during the year which improved the service provided to pensioners and/or contributors.

Member Training

The Board has continued to demonstrate its commitment to training and development, with a view to ensuring that Members are able to fulfil their roles effectively. An updated training strategy and plan has been approved based on targeted training that is timely and directly relevant to the Board's activities as set out in the Fund's 3-year business plan. New members of the Board have received induction training and all members have been strongly encouraged to participate in a range of training courses and events, both internal and external. In addition, the calendar of meetings included a separate training session and ISC Members attended a training seminar in October arranged by Baillie Gifford.

Details of Members' attendance at Essex Pension Fund Board and Investment Steering Committee meetings and training events (internal and external) are recorded throughout the year and will be presented to the Board at its July 2014

meeting. They are also reported on an ongoing basis as part of the Board's assessment of its performance against objectives identified in the Business Plan.

During 2013/14, internal training sessions have covered the following issues:

- induction training for new Members
- Actuarial Valuations
- Funding Strategies
- governance
- financial services procurement

6. Future Work Programme

- 6.1 The Board maintains a forward plan of its forthcoming work (the Forward Look) which identifies items to be brought before Members over time and programmes tasks for future years. The document is reported to each Board meeting.
- 6.2 In addition to the regular standing items, the reform of the Local Government Pension Scheme remains an issue for consideration in 2014/15.

The Leader's Report of Cabinet Issues

1. Essex Health and Wellbeing Board Area 5-Year Strategic Plan

In May, Cabinet approved the proposed process to complete the Essex Health and Wellbeing Board area 5-Year Strategic Plan which will see the final plan being submitted to Cabinet on 23 September and the Essex Health and Wellbeing Board on 25 September. In June Cabinet considered the draft Plan.

The latest guidance from NHS England is that the “Units of Planning” are based on the individual Clinical Commissioning Groups (CCG) locality and the five CCGs within the geographical area of the County Council will be submitting 5-year plans to NHS England. The Essex Health and Wellbeing Board has agreed that an Essex 5-Year Strategic Plan be created to include programmes of work by the County Council and the CCGs to integrate health and care. The Plan will aim to ensure that the interdependencies between the CCGs and the County Council are identified and managed effectively. The Essex 5-Year Strategic Plan is being developed jointly by the County Council, the Clinical Commissioning Groups and NHS England in line with NHS England guidance.

2. Market Field School, Elmstead Market, Colchester

Cabinet approval was sought to approve the appointment of the contractor for the works proposed for the demolition and rebuilding of the Market Field School, which is a community special school. The works are required to provide an additional 44 permanent pupil places at the school by replacing temporary accommodation and the existing main building.

Cabinet authorised the Director for People Commissioning, with overview from the Leader, to enter into a contract with Lakehouse Contracts Limited for the demolition and rebuild of Market Field Community Special School once he is satisfied that

- statutory proposals to expand the School to 200 places have been approved
- satisfactory planning permission has been granted
- construction costs proposed by the contractor are overall in compliance with benchmarking rates.

Cabinet also approved the advance of £1.616m from 2015/16 to 2014/15 in order to fund the accelerated planned programme of delivery.

3. Proposal to establish a New Primary Academy / Free School - Colchester

In light of the growing demand for additional primary school places in North Colchester, Cabinet approval was sought to publish a specification inviting proposals

to establish a new primary academy or free school on the Severalls site in north Colchester for the purpose of primary school education.

Cabinet agreed that a new school be established in north Colchester in order to accommodate population growth in the area. It agreed that the Director for Commissioning: Education and Lifelong Learning issue a document seeking proposals to establish a new 420-place (two form entry) primary academy / free school from September 2016 in a new building to be constructed by the local authority on the site secured under a section 106 agreement on the Severalls development and publicise the proposals by sending them to operators of schools in Essex and by public notice.

4. Proposal to establish a New Primary Academy/Free School - Chelmsford

In light of the growing demand for additional primary school places in Chelmsford, Cabinet approval was sought to publish a specification inviting proposals to establish a new primary academy or free school on Maltese Road, Chelmsford for the purpose of primary school education.

Cabinet agreed that a new school be established on Maltese Road, Chelmsford in order to accommodate population growth in the area. It agreed that the Director for Commissioning: Education and Lifelong Learning issue a document seeking proposals to establish a new 210-place (1 form entry) primary academy / free school from September 2015 at the existing site on Maltese Road, Chelmsford and publicise the proposals by sending them to operators of schools in Essex and by public notice.

5. Redesign of Children and Young People Emotional Wellbeing and Mental Health Service

The provision of services for Children and Young People's Emotional Wellbeing and Mental Health is a joint responsibility of local authorities and the NHS. The service is provided in different ways around Essex. In 2013 a Joint Strategic Needs Assessment was undertaken and found that the service was fragmented and, in some parts of the County, difficult for people to access.

Cabinet agreed to work with the Southend and Thurrock Unitary Councils and the seven Clinical Commissioning Groups covering wider Essex for provision of a jointly-commissioned and integrated service to improve the emotional wellbeing and mental health of Children and Young People. It agreed by the partners the County Council will act as lead commissioner and will undertake a competitive dialogue process for selection of a contractor and enter into a collaboration agreement and commissioning contract with all the partners.

The Council and the NHS are each responsible for providing services to improve the emotional well-being and mental health of children and young people. The services are provided in four tiers which range from services designed for everyone (tier 1) to complex and critical services (tier 4) which will only be required by a few people. This commissioning relates to tier 2 and 3 services. These are currently delivered

by three providers operating under multiple contracts throughout Essex, Southend and Thurrock. In addition there are a number of voluntary sector providers which are commissioned to provide particular kinds of support. This support is outside the scope of this commissioning and is expected to continue alongside the new service.

6. 2013/14 Provisional Outturn Report

Cabinet noted the provisional outturn positions for revenue and capital which are for:

- a net underspend for the year of £1.842m on the Revenue Budget, after agreeing specific proposals for appropriating funds to and from earmarked revenue reserves and for carrying underspends forward for use in 2014/15;
- an underlying underspend of £2.320m against approved capital payment guidelines, after taking account of decisions for re-profiling and revising capital payment approvals.

The Council's external auditor, Ernst and Young, will carry out their audit of the Council's 2013/14 Statement of Accounts during the summer and it is possible that changes may be made to the Accounts during this period. The results of the external audit review will be reported to the Audit Committee on 22 September at which stage that Committee is expected to approve the 2013/14 Statement of Accounts for publication. The Statement when published will be placed on the Council's website.

7. Tender for the Substance Misuse Specialist Prescribing Services

Cabinet authority was sought to procure an Essex-wide contract for Specialist Treatment and Recovery Services which include the management of the tier 4 process (rehabilitation and detoxification), shared care, supervised consumption and social care elements.

Cabinet agreed to the competitive retendering of the Substance Misuse Specialist Prescribing Services for the County of Essex with a contract period of five years, with the possibility of extension to a maximum of seven years. Cabinet agreed that the Cabinet Member for Public Health and Wellbeing may award the contract.

Community specialist prescribing services are a key part in any substance misuse treatment system that seeks to reduce dependence on illicit drugs, problematic alcohol use and reduce crime rates locally. Historically there have been four community prescribing services in Essex provided by a mix of funding. Since April 2013 the commissioning responsibility for all of these prescribing services transferred to local authorities as part of the transfer of Public Health services resulting from the Health and Social Care Act 2012.

Once the funding transferred in April 2013 it gave the County Council full control over the specialist prescribing services for the first time and therefore full control over the contracts with the service providers. It has also provided a first opportunity for the service to be competitively market tested.

8. Digitisation of Speed and Red-Light Camera Sites

Cabinet was informed of the need for the Council to digitise its enforcement camera network and gave its approval to complete the digitisation of the network. Cabinet approved the addition of £1,172,270 to the capital programme for Phases 2 and 3 of the project. It also approved the transfer of £693,270 from the National Driver Offender Retraining Scheme revenue budget to the Reserve for Future Capital Funding. Cabinet approved the exercise of the option in the contract to complete the digitisation of the remaining speed camera sites (phase 2). It approved the commencement of the tendering process for Phase 3 of the digitisation project and the subsequent award of the contract for Phase 3.

The Essex safety camera operation is run as a partnership working arrangement between Essex County Council, Essex Police, the Highways Agency and Southend and Thurrock Borough Councils. The County Council acts as the procuring authority for this element of the Operation. Up to now the cameras have used wet-film as the recording medium for the offences detected. This technology is fast becoming obsolete and because of the difficulty in getting spares it is becoming increasingly challenging to keep the equipment in an operational state.

It is important to digitise the sites in order to enable the service to continue to promote road safety. The digitisation proposal is also an integral element to enable the Council's Road Safety Budget to be reduced by £800,000 by 31 March 2016.

9. Future of Leverton House and Leverton Hall

The Council owns and operates Leverton Hall which is a purpose-built block of local authority secure accommodation for children and young people. There are 17 such units in England and Wales. Council also owns and operates Leverton House, a listed building which has for the last year operated as a children's home providing transitional support for children leaving Leverton Hall. Both units are empty at present. The Council has no operational need for a significant amount of accommodation of this type. Most children staying at the unit have been placed there by other local authorities. Ofsted has found there to be variable quality in service at Leverton Hall over the last two years which has led to a number of placing authorities withdrawing their placements. The building itself has been deemed inadequate for provision of secure care.

Cabinet has agreed to close Leverton Hall and Leverton House and release the site from Family Operations' use and in consequence for Essex Property and Facilities to consider future use of the site and potential disposal of the properties. The decision to close the facilities is no reflection on the quality of work carried out by staff at either unit.

Essex Fire Authority

Report to the Constituent Authorities of the meeting held on 18 June 2014

1. MEMBERSHIP OF ESSEX FIRE AUTHORITY AND DATES OF FUTURE MEETINGS.

Conservative Group:

Councillor Graham Butland
Councillor Jenny Chandler
Councillor Maggie McEwen
Councillor Lady Patricia Newton
Councillor Colin Seagers
Councillor John Spence
Councillor Andy Wood

Councillor Paul Honeywood
Councillor John Knapman
Councillor Carlo Guglielmi
Councillor A M Hedley
Councillor Ann Holland (Southend)
Councillor Tom Kelly (Thurrock)

Labour Group:

Councillor Michael Danvers
Councillor Ivan Henderson
Councillor Cathy Kent (Thurrock)

Liberal Democrat Group:

Councillor Barry Aspinell
Councillor Anne Turrell
Councillor Peter Wexham (Southend)

UKIP Group:

Councillor Alan Bayley
Councillor Andrew Erskine
Councillor Kerry Smith
Councillor James Moyies (Southend)

Green Group:

Councillor Michael Hoy

Independent Group:

Councillor Pierre Oxley

The 25 elected Members for the Fire Authority comprise 13 Conservative Councillors, 3 Labour Councillors, 3 Liberal Democrat Councillors, 4 UKIP Councillors, 1 Green Party Councillor and 1 Independent Councillor.

Chairman

Councillor A M Hedley

Vice-Chairman

Councillor A Holland

Group Spokespersons:

Labour Group Spokesperson – Councillor C Kent

Liberal Democrat Group Spokesperson – Councillor Barry Aspinell

UKIP Spokesperson – Councillor Kerry Smith

Green Spokesperson – Councillor Michael Hoy

Independent Spokesperson – Councillor Pierre Oxley

POLICY AND STRATEGY COMMITTEE

Constitution: 10 Members – 5 Conservative Members, 1 Labour Member, 1 Liberal Democrat Member, 2 UKIP Members, 1 Independent or Green Member.

Conservative	Labour	Liberal Democrat	UKIP	Independent/Green
Chandler	Kent	Turrell	Smith	Oxley
Hedley			Moyies	
Holland				
Newton				
Spence				

Chairman – Councillor A M Hedley

Vice-Chairman – to be appointed at the meeting on 25 June 2014

AUDIT, GOVERNANCE & REVIEW COMMITTEE

Constitution: 15 Members – 8 Conservative Members, 2 Labour Members, 2 Liberal Democrat Members, 2 UKIP Members, 1 Independent or Green Member.

Members of the Authority that do not form part of the Policy & Strategy Committee.

Conservative	Labour	Liberal Democrat	UKIP	Independent/Green
Butland	Danvers	Aspinell	Bayley	Hoy
Guglielmi	Henderson	Wexham	Erskine	
Honeywood				
McEwen				
Kelly				
Knapman				

Seagers				
Wood				

Chairman – To be appointed at the meeting on 16th July 2014.

Vice Chairman – To be appointed at the meeting on 16th July 2014.

JOINT STANDARDS COMMITTEE WITH ESSEX COUNTY COUNCIL

Constitution - A Member to be appointed from each of the constituent authorities

Essex County Council	Councillor Guglielmi
Thurrock Council	To be confirmed
Southend Borough Council	Councillor Peter Wexham

EFA (TRADING) LTD

Membership – 5 Members

EFA Directors (Type A)	Officers (Type B)
Councillor Knapman	Deputy Chief Fire Officer Adam Eckley
Councillor Holland	Lindsey Stafford-Scott, Director of HR & OD
Councillor Wexham	Alternates:
Councillor Guglielmi	Peter Warner, Fleet Manager
Councillor M Danvers	SDO Training & Performance

Meetings will take place on the rise of the Essex Fire Authority Meeting

Lead Members

Safer Communities Champion	Councillor Jenny Chandler
Equal Opportunities Champion	Councillor Cathy Kent
Health and Safety Champion & Risk Management Champion	Councillor Peter Wexham
Risk Management Champion	Councillor Ann Holland
IT and Data Management Champion	Councillor Andy Wood
Retained Duty System Champion	Councillor Carlo Guglielmi
Environmental Champion	Councillor Maggie McEwen
Control Relocation Champion	Councillor A M Hedley

The Essex Fire Authority's nominee to the Essex Pension Fund Board

Councillor Colin Seagers

PROPOSED DATES FOR ESSEX FIRE AUTHORITY, POLICY & STRATEGY COMMITTEE, AND AUDIT, GOVERNANCE & REVIEW COMMITTEE

Fire Authority (at 10:00 hours unless otherwise annotated)
3 September 2014
3 December 2014
11 February 2015

15 April 2015
10 June 2015

Policy & Strategy Committee (at 10:00 hours unless otherwise annotated)
24 September 2014
5 November 2014
14 January 2015
18 March 2015
24 June 2015

Audit, Governance & Review Committee (at 14:00 hours unless otherwise annotated)
8 October 2014
21 January 2015
22 April 2015
15 July 2015

2. OPERATIONAL INCIDENTS AND INCIDENTS OF NOTABLE INTEREST.

For the period 31 October 2013 to 31 March 2014 Essex County Fire and Rescue Service has attended 6295 incidents compared with 6382 for the same period last year. Primary fires are continuing to reduce from 1728 to 1650 and there was also a slight decrease in secondary fires with 511 attended compared to 519 for the same period last year.

Special Service incidents have increased from 1812 to 1935. The majority of special service incidents continue to be road traffic collisions (RTCs).

False alarms continue to reduce with the number of false alarms due to apparatus attended declining from 1229 from the previous year to 1139 from October 2013 to March 2014.

Incident Type	2012/13	2013/14
Fires	1728	1650
Special Services	1812	1935
False Alarms	2842	2710
Total	6382	6295

Fires

Primary Fires

Dwelling	476	443
Other building	213	195
Vehicle	338	358
Other	68	57
Secondary Fires	519	511
Chimney Fires	114	86
Total	1728	1650

Special Services

RTC	624	606
Flooding	234	245
Making Safe (not RTC)	68	188
Effecting entry	190	173
Lift Release	195	172
No action (not false alarm)	38	74
Other rescue	50	60
Assist other agencies	55	57
Removal of objects from people	54	59
Spills and Leaks (not RTC)	60	64
Rescue or evacuation from water	48	36
Animal assistance incidents	79	43
Hazardous Materials incident	38	30
Stand By	8	28
Other Transport incident	19	25
Advice Only	12	21
Removal of people from objects	12	19
Medical Incident - First responder	4	14
Suicide	10	9
Evacuation (no fire)	9	9
Medical Incident - Co-responder	5	3
Total	1812	1935

False Alarms

False alarm due to apparatus	1229	1139
False alarm good intent	1503	1484
Malicious false alarm	110	87
Total	2842	2710

Definition of “Primary Fire”:

This group of fires includes those occurring in buildings fit for occupation; caravans; non-derelict vehicles; outdoor storage, plant and machinery; agricultural and forestry premises and property; outdoor structures such as post-boxes, tunnels, bridges etc. If a fire would normally be defined as a secondary fire and also involves casualties, rescues or escapes; spread from one secondary fire location to another; or is attended by five or more appliances where either the fire fighters, appliances or equipment were employed in fighting the fire, the definition changes to a primary fire.

Definition of “Secondary Fire”:

A fire confined to single derelict buildings, single trees, refuse containers, attended by four or fewer appliances and which did not involve casualties, rescues or escapes.

Definition of “Emergency Special Service”:

Incidents including RTC's, extrications, lift rescues, lock in's/out's, Hazardous Materials or Chemicals (Hazchem), ladder/ALP rescues, water rescues and any other incident not falling into the previous categories with confirmed fatalities, casualties or rescues or first aid rendered by Service personnel.

Recent Incidents of Notable Interest

House Explosion, Cloes Lane, Clacton

05/02/2014; Time of Call 08:27

Incident Number: 1980

In attendance: 1 x Clacton, 1 x Weeley, 1 x Colchester, 1 x USAR

A huge blast destroyed two houses, badly damaged a third and sent a shower of debris across a 50-metre radius over neighbouring roads and properties in Cloes Lane, Clacton. The incident happened at 08:28hrs on Wednesday morning of 5 February 2014.

Following the explosion, a man and a woman were pulled from the rubble suffering with severe injuries, eight other people, were rushed to hospital with injuries sustained in the fire. A total of 19 houses were evacuated because of damage from the blast.

The Service's USAR team attended the incident with rescue dog Darcy and handler searching the rubble to ensure no one else was trapped. The Service joined colleagues from Essex Police, the Health and Safety Executive and National Grid in an investigation to establish the cause of the blast.

This incident attracted much media interest, with television and print news teams anxious to get details of the incident, with three news helicopters circled overhead. News of the explosion featured prominently on 24 hour news channels both in the UK and abroad.



Sprinklers Avert major Blaze at Eastgate Shopping Centre, Basildon

05/02/2014; Time of Call: 23:35

Incident Number: 2024

In attendance: 2 x Basildon, 2 x Orsett, 1 x Grays (aerial ladder platform)

A major fire in the Eastgate Shopping Centre in Basildon was averted thanks to sprinklers which activated, suppressing the flames and preventing the fire from spreading. The fire started when there were few people around and it is most likely that had the sprinkler system not been fitted the fire would have developed. A developed fire would have affected a large part of the building and would have caused significant damage.

The fire came in the middle of National Sprinkler Week and gave the Service an excellent opportunity to promote the benefits of sprinklers.

The fire broke out in a unit used as a local radio station and when crews arrived they discovered that the suppression system had activated to contain and largely extinguish the fire.

The Fire Authority agreed to put aside £250k in 2014/15 to match fund sprinkler initiatives in high risk premises to promote exactly this outcome. The first group of premises has been identified and systems are already being fitted.

- Parkside tower – A 15 storey residential tower block containing 53 flats
- Mornington House – A four storey block of flats containing fifty flats
- Bockingham Green - The application is to fit a water mist system into the premises affected by last July's fire, the project will include one townhouse and four flats
- Brook House – This is a grade 2 listed tower block in the centre of Basildon, 15 storeys high containing 84 flats



Derelict Building Alight
Saturday April 12
Butt Road, Colchester
Incident Number: 6108

In attendance: 3 x Colchester, 1 x West Mersea, 1 x Tiptree, 1 x Coggeshall, 1 x Tollesbury

Crews tackled a large fire in the former Colchester Barracks Sergeants' Mess. The Service was called shortly after midnight. Around 30 people from nearby homes were evacuated as a result of this incident. Assistant Divisional Officer Paul Gardner said:

"When we arrived we were faced with a well-developed fire raging in the ground floor of the building. Using the Aerial Ladder Platform to get water on the fire from above we managed to stop it half way along the ground floor and save a large part of the building."

Crews remained on site for nearly 12 hours, with revisits taking place throughout the Saturday afternoon. An investigation was not able to determine the cause of the fire.



Tidal surge December 2013

On Wednesday 4th December severe weather warnings were issued for strong winds and a medium likelihood of significant coastal flooding impacts along much of the east coast of England on the following two days. Throughout the 4th, whilst the most severe weather was expected to subside, the predicted risk of coastal flooding increased for the East and South East coast of England. This was due to a combination of high tides, strong winds, big waves and a storm surge. The coastal surge along the East Coast of England was predicted to be the worst for more than 60 years.

On this basis, Essex Resilience Forum met regularly to closely monitor the situation taking into account Met Office and the Environment Agency predictions, which included over 20 severe flood warning along the Essex, Suffolk and Norfolk coast. The Service also established its own Critical Incident Team at Kelvedon Park.

Based on the intelligence provided, a decision was made early on the 5th of December to evacuate residents from Jaywick, near Clacton, to a local school. A Strategic Co-ordinating Group was established at Police Headquarters, and a 'Silver' cell established to manage the evacuation. At Jaywick, the Service's flood subject matter advisors worked with other agencies and fire crews to help in the evacuation throughout Thursday. Detailed work was also completed on flood mitigation and rescue plans.

With predictions getting worse throughout the 5th, and more areas being identified and having the potential to flood, the Service pre-deployed its internal water management resources to Dovercourt, Clacton, Maldon and Southend. A mutual aid request was supported nationally with Essex receiving additional resources of; -

- 4 x Type B Boat Teams (Gloucestershire, H&W, 2 x Severn Area Rescue Association);
- 2 x HVP (Gloucestershire, Royal Berks); and
- 2 x Flood Response SMA (West Sussex, Gloucestershire).

Following the surge affecting counties in more northern parts of the coast line earlier in the evening of the 5th, it was recognised that earlier predictions could have underestimated the potential of the flooding, and further information provided suggested a significant number of residents in the Maldon area may be affected. In total the Service deployed over 14 appliances in preparation of needing to evacuate the Maldon residents and make rescues if required.

Thankfully, by the time the tidal surge came along the Essex coast line, it did not coincide with high tide and therefore Service was required to respond to small, isolated incidents with higher water level predictions not being realised. However the debrief has identified that Service planning worked well, though amendments will be made to current plans based on learning points identified.

National Flood Response 2014

With consecutively wet months throughout England from November 2013 onwards, in February 2014 England saw its most resource intensive deployment of National resources yet with crews,

appliances and specialist equipment being provided throughout the UK through mutual aid arrangements. The most notable areas receiving assets being; -

- Wheal Jane Mine, Cornwall;
- Kenley Water Treatment Works, Croydon, London;
- Royal Berkshire;
- Buckinghamshire;
- Kent;
- Devon & Somerset;
- Surrey;
- Oxfordshire; and
- Hampshire.

With many of these being large-scale deployments lasting many days, the majority of National Resilience assets were either actively deployed or sent to strategic holding areas. Crews, equipment and appliances used were a range of Flood Rescue Teams, Tactical Advisors, High Volume Pumps and Enhanced Logistical Support Officers.

The Service proved support over a five day period through crews at Leigh and USAR, using their specialist skills in water search and rescue. Providing our HVP, boats and appliances to support other services, the Service also provided tactical (Flood and Water Management) Support Officers to help in the command and control, and provide specialist advice to receiving Service officers.

This was also a time when the Service had its own challenges; the pictures below are from the 7th of February when heavy rains brought major flooding to the County, with Essex crews attending more than 70 incidents throughout the day.

Crews pumped water from flooded homes and rescued motorists trapped in flood water. The areas affected were in the North West of the County with firefighters attending incidents in Saffron Walden, Newport, and Stansted areas.

Most notably, crews rescued 10 people and a dog from a three storey block of flats in Saffron Walden and pumped out Lower Street, Stansted, which was hit by major flooding.



Councillor Anthony Hedley
Chairman

