

Essex County Council - Minerals Local Plan

Topic Paper - Policy S6: Provision for Sand and Gravel Extraction 2021

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1 Topic Paper – Policy S6: Provision for sand and gravel extraction

Executive Summary

- 1.1 The purpose of Policy S6 is to set out the amount of sand and gravel that has been calculated as being required to provide a ‘steady and adequate’ supply of this aggregate on an annual basis. Policy S6 also ensures the maintenance of a landbank of at least seven years for sand and gravel and preserves a plan-led approach by acting to resist applications outside of sites allocated in the MLP unless certain criteria are met.
- 1.2 Having been adopted over five years ago, the effectiveness of the policies within the Minerals Local Plan are required to be formally reviewed and any proposed amendments publicly consulted upon in line with planning regulations¹.
- 1.3 Following the Regulation 18 public consultation that took place March – April 2021, the MWPA has assessed the responses received alongside the latest data. As a result of this Regulation 18 consultation, a number of amendments are considered to be required relating to Policy S6 which are considered to be too significant to allow for a progression to the Regulation 19 stage of the Plan Review without further engagement. Therefore, a single-issue Regulation 18 consultation on Policy S6 is proposed in the future, which will be subjected to additional engagement under the Duty to Cooperate (DtC) and assessment through Sustainability Appraisal (SA), Habitats Regulations Assessment (HRA), Health Impact Assessment (HIA) and Equality Impact Assessment (EqIA).
- 1.4 Ahead of those assessments being undertaken, the MWPA are consulting on the proposed future direction of Policy S6, as well as what those amendments recommended through this topic paper would look like within the context of Policy S6. Please note that these proposed policy amendments may require further amendment depending on the results of this engagement as well as any further additional modification following engagement through DtC and the aforementioned plan assessment processes. The policy amendments presented through this engagement have been published solely to clarify the recommendations put forward in this topic paper and are without prejudice to the future Regulation 18 consultation on Policy S6.
- 1.5 This early engagement on Policy S6 is being twin tracked with a Call for Sites exercise. Please note that the Call for Sites exercise is being carried out without prejudice to the outcome of engagement on the direction of Policy S6. The conclusions drawn following this current engagement will be used by the MWPA to confirm the quantity of mineral for which the MWPA considers it must plan for into the future and consequently the need, if any, for additional sites to be allocated through the current MLP Review. A Call for Sites is being carried out at this point in the plan making process as the MWPA currently considers that

¹ Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017

under any reasonable plan provision scenario, additional sites will be needed before the Plan expires in 2029. Following this current engagement on Policy S6, if the MWPA still considers that the allocation of additional sites is justified, the MWPA will update the proposed amendments to Policy S6 accordingly, subject them to independent assessment and then re-consult on this policy under Regulation 18. Should evidence support the need for additional allocations at that stage, the MWPA will simultaneously consult on a schedule of Preferred and Non-Preferred site allocations proposed as being required to meet this new mineral need to 2029, as well as the evidence that led to their selection, or otherwise.

1.6 The following list sets out the early conclusions drawn in relation to Policy S6 specifically as well as those activities which govern its application. This list is not exhaustive, and it is recommended that this report is read in its entirety. Additional justification for each conclusion drawn can be found in the main body of this report:

- Following an assessment of the representations received, consideration of the latest data and in recognition of the length of time it has currently taken to progress the MLP Review, a Call for Sites is considered to be required as part of the MLP Review to ensure a Plan-led approach is taken to supply a 'steady and adequate' supply of aggregates across the County. This is to be carried out in parallel with the early engagement on the direction of Policy S6 that this paper supports.
- It is considered that the emerging MLP would fail the Tests of Soundness set out in the NPPF if the MWPA did not proactively seek to make sufficient and suitable additional allocations – as it would not be an approach 'consistent with national policy', 'positively prepared' or 'justified'.
- Assuming enough suitable sites are submitted for allocation, sufficient allocations will be made to satisfy a landbank of seven years of sand and gravel at the end of the Plan period in 2029.
- Following the expiration of the National and sub-national guidelines for aggregate provision, the MWPA is required to calculate the annual need for sand and gravel upon which the landbank and future provision is to be based, using the methodology set out in the NPPF. Following a review of local information, particularly the sales of sand and gravel as set out in the latest Local Aggregate Assessment, it is currently considered appropriate to adopt a new plan provision figure of an average of the last ten years of rolling sales plus 20%. This would allow the Plan to be imbued with the ability to accommodate future increases in sand and gravel sales as the economy recovers from the pandemic. At this point, the newly derived plan provision figure would be 3.74 million tonnes per annum (mtpa), down from 4.31mtpa.
- The MWPA acknowledges that mineral provision is not just about satisfying a quantified need, the site assessment process will need to address issues relating to productive capacity, any potential over-reliance on site extensions and the spatial distribution of sites.

- All current Reserve Site Allocations will be redesignated as Preferred Sites, with all potential future allocations to also be Preferred Sites.
- Sand and Gravel provision in Essex will continue to be on the basis of a combined sand and gravel landbank, with no assumed increased contribution from windfall, marine or recycled and secondary sources used to seek to reduce the need for terrestrial allocations.

Introduction

- 1.7 The Essex Minerals Local Plan (MLP) was adopted in July 2014 by Essex County Council (ECC) and contains planning policies for minerals development in Essex until 2029. It sets a policy framework within which the best possible use of finite resources can be made and allocates sites for future mineral extraction and associated development. The MLP contains policies promoting recycling and secondary processing, the safeguarding of resources and facilities, and high-quality site restoration, all in the pursuit of sustainable development. It also contains a policy setting out the amount of sand and gravel required over the plan period, to which this paper pertains. The final chapter of the MLP specifies the monitoring framework for the plan. This identifies the extent to which the plan and policies are performing and is reported upon annually within the Authority Monitoring Report (AMR).

Scope of this Paper

- 1.8 Having been adopted in July 2014, the effectiveness of the policies within the MLP are required to be formally reviewed as a legal requirement. Regulations² state that in respect of a local plan, a review must be completed every five years, starting from the date of adoption of the local plan.
- 1.9 National Planning Practice Guidance (PPG) sets out what is required from such a review. Reviewing a plan is defined as undertaking an assessment to determine whether its policies need updating, and subsequently concluding either that the policies do not need updating and publishing the reasons for this, or that one or more policies do need updating and to update their Local Development Scheme to set out the timetable for this revision.
- 1.10 In November 2019, Essex County Council published on its website that following an internal assessment of the MLP, there was scope to review its policies. Amendments were duly made, and these took into account conformity with national planning policy, changes to local circumstances, whether issues have arisen that may impact on the deliverability of key site allocations, the success of policies against indicators in the Development Plan as set out in the Authority Monitoring Report (AMR), issues arising out of the Duty to Cooperate (DtC) and any other social, environmental or economic priorities that may have arisen. The proposed amendments to the MLP were also subjected to

² Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017

Sustainability Appraisal (SA), Habitats Regulations Assessment (HRA), Health Impact Assessment (HIA) and Equality Impact Assessment (EqIA).

- 1.11 A Regulation 18 consultation was subsequently undertaken on the proposed amendments between March – April 2021. Following a consideration of the representations received, the latest data and in recognition of the length of time it has currently taken to progress the MLP Review, it is assessed that a major change in strategic direction is required. This relates to the newly assessed requirement for additional mineral site allocations to allow for the maintenance of a Plan-led approach to the provision of a steady and adequate supply of sand and gravel in Essex to the end of the Plan period. This conclusion led to a renewed focus on the annual plan provision figure which is also now proposed to be amended.
- 1.12 These changes are considered to be too significant to allow for a progression to Regulation 19 of the Review and therefore a single-issue Regulation 18 consultation on Policy S6 is proposed in the future, which will be subjected to additional engagement under the Duty to Cooperate (DtC) and assessment through Sustainability Appraisal (SA), Habitats Regulations Assessment (HRA), Health Impact Assessment (HIA) and Equality Impact Assessment (EqIA).
- 1.13 Ahead of those assessments being undertaken, the MWPA are consulting on the proposed future direction of Policy S6, as well as what those amendments recommended through this topic paper would look like within the context of Policy S6. Please note that these proposed policy amendments may require further amendment depending on the results of this engagement as well as any further additional modification following engagement through DtC and the aforementioned plan assessment processes. The policy amendments presented through this engagement have been published solely to clarify the recommendations put forward in this topic paper and are without prejudice to the future Regulation 18 consultation on Policy S6.
- 1.14 All material relating to the Call for Sites will be progressed through separate documentation on the Essex County Council website. This Topic Paper is being released ahead of the future Regulation 18 consultation on Policy S6 of the MLP in order to provide the background as to why a Call for Sites is considered to be required. Comments on the directions set out in this Topic Paper are welcomed and will also inform the future Regulation 18 public consultation on Policy S6. This future consultation will invite comments on an updated Topic Paper, proposed amendments related to Policy S6 and the results of the site assessment work and any subsequent proposed allocations for new sand and gravel extraction sites.
- 1.15 Please note that the Call for Sites exercise is being carried out without prejudice to the outcome of the future Regulation 18 consultation on proposed amendments to Policy S6. The conclusions drawn through the future consultation relating to Policy S6 will determine the final need, if any, for additional sites needing to be allocated through the current MLP Review. Carrying out the Call for Sites exercise at this stage provides the MWPA with a

pool of sites through which allocations can then be proposed through a future Regulation 18 consultation on Policy S6.

- 1.16 A schedule of all responses received through the March 2021 Regulation 18 consultation in relation to Policy S6 can be found in Appendix 1 of this Topic Paper.

Purpose of Policy S6: Provision for sand and gravel

- 1.17 Policy S6 sets out the amount of sand and gravel that has been calculated as being required to provide a 'steady and adequate' supply of this aggregate on an annual basis, and therefore the total amount of aggregate required to be provided for over the Plan period.
- 1.18 The amount to be planned for was originally derived through an exercise as set out in the 'Greater Essex Local Aggregate Assessment 2013' and 'Review of the planned supply of Aggregate Provision in Essex 2012-2029' documents which were submitted as evidence to the Examination in Public of the document that became the MLP. Subsequent iterations of the Local Aggregate Assessment have continued to monitor the rate of planned aggregate provision against aggregate sales on an annual basis, and these are all available on the Essex County Council [website](#).
- 1.19 In conformity with the NPPF, Policy S6 also ensures the maintenance of a landbank of at least seven years for sand and gravel. Additionally, a plan-led approach to identifying sites for mineral extraction is established via this policy through the stated position of mineral extraction being resisted outside of those sites allocated in the MLP, unless certain defined criteria are met.
- 1.20 **Please note** The Greater Essex plan provision is 4.45million tonnes per annum (mtpa), of which 4.31mtpa is allocated to Essex and 0.14mtpa to Thurrock. Due to reasons of commercial confidentiality, it is not possible to present a figure for Essex-only sales. Therefore, to arrive at an assumed sales figure for Essex, the Thurrock apportionment of 0.14mtpa is subtracted from each Greater Essex sales figure to arrive at a figure for Essex.

Summary of MWPA's Position Prior to March 2021 Regulation 18 (Reg 18) Consultation

- 1.21 The below list sets out a summary of the MWPA's Position Prior to the March 2021 Regulation 18 (Reg 18) Consultation. Where a position statement has been underlined, this represents where there has subsequently been a change in approach as set out in the Executive Summary and justified in the main body of this report.
- 4.31mtpa of sand and gravel remains an appropriate plan provision figure.
 - The NPPF derived requirement to ensure the maintenance of a landbank of at least seven years of sand and gravel remains in place and therefore it is appropriate to retain this requirement in the policy.

- There is no inherent tension between the plan-led approach set out by Policy S6 of resisting mineral extraction outside of Preferred Sites in principle, and the encouragement of prior extraction at non-allocated sites to avoid mineral sterilisation as set out in Policy S8.
- Reserve Site allocations should be re-designated as Preferred Sites.
- A Call for Sites does not need to be initiated as part of this MLP Review due to the level of existing and future permitted reserves, and the cumulative savings realised due to the difference between current sale rates and the plan apportionment.
- It continues to be appropriate to make no assumed provision from windfall sites when forecasting mineral need.
- The approach of basing sand and gravel provision on the maintenance of a combined sand and gravel landbank rather than maintaining separate landbanks of building sand and concreting sand remains appropriate.
- That it is appropriate to continue to place no quantitative reliance on marine-sourced aggregate that could be used to replace those allocated from terrestrial sources.

Impact of Revisions to NPPF 2021

- 1.22 The revisions to the February 2019 NPPF which resulted in the latest iteration published in July 2021 are not considered to impact on the issues raised in this report.

Summary of Issues Raised through March – April 2021 Reg 18 Consultation³ in relation to Policy S6

- 1.23 Issues raised at the Regulation 18 Consultation in relation to Policy S6 include the following:
- Whether there is a need for a Call for Sites exercise to be completed during this Review Stage.
 - The appropriateness of maintaining a plan apportionment of 4.31mtpa.
 - The total amount of sand and gravel required through new allocations.
 - The Plan approach to extending existing mineral sites.
 - Whether it is appropriate to continue planning on the basis of a single landbank for sand and gravel.
 - The future role of Reserve Sites.
 - The Plan approach to windfall sites.
 - The Plan approach to not assume a quantified contribution of total mineral need to be supplied by sand and gravel from marine sources.

³ If you responded to the March 2021 Reg 18 consultation but do not see the issues you raised in the table above, please see Appendix 1, where your comment is individually addressed.

- What constitutes an overriding benefit to allow for a departure from Preferred Sites.
- Matters related to a proposed flood alleviation scheme in Coggeshall.

Addressing Issues Arising Out of March – April 2021 Reg 18 Consultation

- 1.24 This section acts to address the issues set out above and determine whether the MWPA considers that its previous position remains appropriate. This section subsequently sets out the direction of any amendments made as a result of the issues raised through the March 2021 Regulation 18 Consultation. These amendments can be viewed in context within the Minerals Local Plan 2014 Single Issue Regulation 18 consultation document, where they are shown as intended changes, and in the Minerals Local Plan 2014 Amendments Made Single Issue Regulation 18 document, where the proposed amendments have been made.
- 1.25 There now follows a discussion of each of the main issues raised during the March – April 2021 Reg18 Consultation in relation to this Plan section:

Determining the Need for a Call for Sites exercise to be completed during this Review Stage

The Ability to Maintain a Seven Year Landbank

- 1.26 As set out in Paragraph 4.145 of the Rationale Report 2021, the MLP was adopted in 2014 with the understanding that a Call for Sites would be required in order to allocate additional sand and gravel quarries at some point ahead of the Plan's expiration date of 2029. This was considered to be a justified approach given the uncertainty at the Plan making stage with regards to which figure to base mineral provision upon. The decision was taken for the Plan to reflect a need figure based on the annual apportionment as derived from the National and sub-national guidelines for aggregate provision, 2005 – 2020 (The Guidelines) but it could have been based on an average of the previous ten-years of sales as required by the NPPF, which had been recently adopted in October 2012. To reflect the uncertainty, the Plan was considered capable of adoption as a subsequent review during its lifetime would allow mineral need to re-examined at the point of review to ensure that sufficient provision would be made to the end of the Plan period.
- 1.27 The Rationale Report 2021 presented data tables which forecasted the amount of sand and gravel landbank remaining annually across the remainder of the Plan period, based on a number of provision scenarios, and assuming annual sales at the rate of the apportionment of 4.31mtpa. This assessment found that even under the most high-risk scenario⁴, the landbank would fall below the

⁴ Scenario 4 - that all pending applications at the point of assessment, and all Preferred and Reserve Sites remaining in the Plan came forward and were approved based on indicative timescales set out in the MLP, or as subsequently modified through informal discussion with operators. Considered highest risk as it placed the greatest level of assumption with regards to the availability of future mineral.

NPPF derived minimum requirement of seven years by 2024 at an annual sales rate of 4.31mtpa.

- 1.28 The Rationale Report 2021 subsequently pointed to a mitigating circumstance; namely that sales over the recent period had been approximately 1mtpa below the assumed apportionment rate used to forecast the annual drop in remaining permitted and allocated reserves. Therefore, when comparing actual sales with the forecasted depletion rate, there is essentially a 'saving' every year of 1mtpa, or approximately a quarter of a year's provision each year, based on the annual provision requirement of 4.31mtpa. Rolling this saving forward from the table's⁵ base date until 2024 under Scenario 4 creates a saving in the region of approximately 1.5 years. This would leave the theoretical landbank in 2024 at approximately 7.9 years, which the MWPA considered would allow for a delay to any potential need for a Call for Sites to after this Plan review period. As such, it was concluded that a Call for Sites exercise could be initiated separately following adoption of the revised MLP. New allocations could be inserted into Appendix One of the revised MLP as additional Preferred Sites once the principle of their allocation had been found sound through due process, including additional public consultation and Examination in Public.
- 1.29 Since the above assessment was carried out, a further two years of data has been captured, so it is pertinent to re-run the previous assessment discussed above. Tables have been extended to 2036, representing seven years after the Plan period and reflecting the NPPF requirement to maintain a seven-year landbank for sand and gravel.
- 1.30 As an aside, it was requested through the Regulation 18 consultation that an assessment of landbank based on operational sites as well as allocated sites be considered as a trigger for an early review as if reserves at operational sites alone fall below seven years, this represents the quantity of material readily available to market vs the more hypothetical basis of mineral coming forward through site allocations not yet granted permission to be worked.
- 1.31 The MWPA notes that the landbank calculation used for planning purposes is performed solely on the basis of the amount of mineral where permission has been granted to extract. This is the figure which is reported on annually through the Greater Essex Local Aggregate Assessment and it is indeed this figure which the MWPA would consider when assessing any requirement for an early review of the MLP. The inclusion of allocated sites into the landbank alongside permitted/ operational sites was undertaken purely for the forecasting assessment carried out below and previously in the Rationale Report 2021 to understand potential future need across the Plan period. The landbank when considered through current operational sites only represents Scenario 1 in the Table below, but this is not considered to be a realistic scenario for forecasting purposes as those sites which are either in the planning system (Scenario 2) or allocated in the expectation that there will be a future planning application (Scenario 3 and 4) would also become operational at some point in the future.

⁵ Table 3, Rationale Report 2021

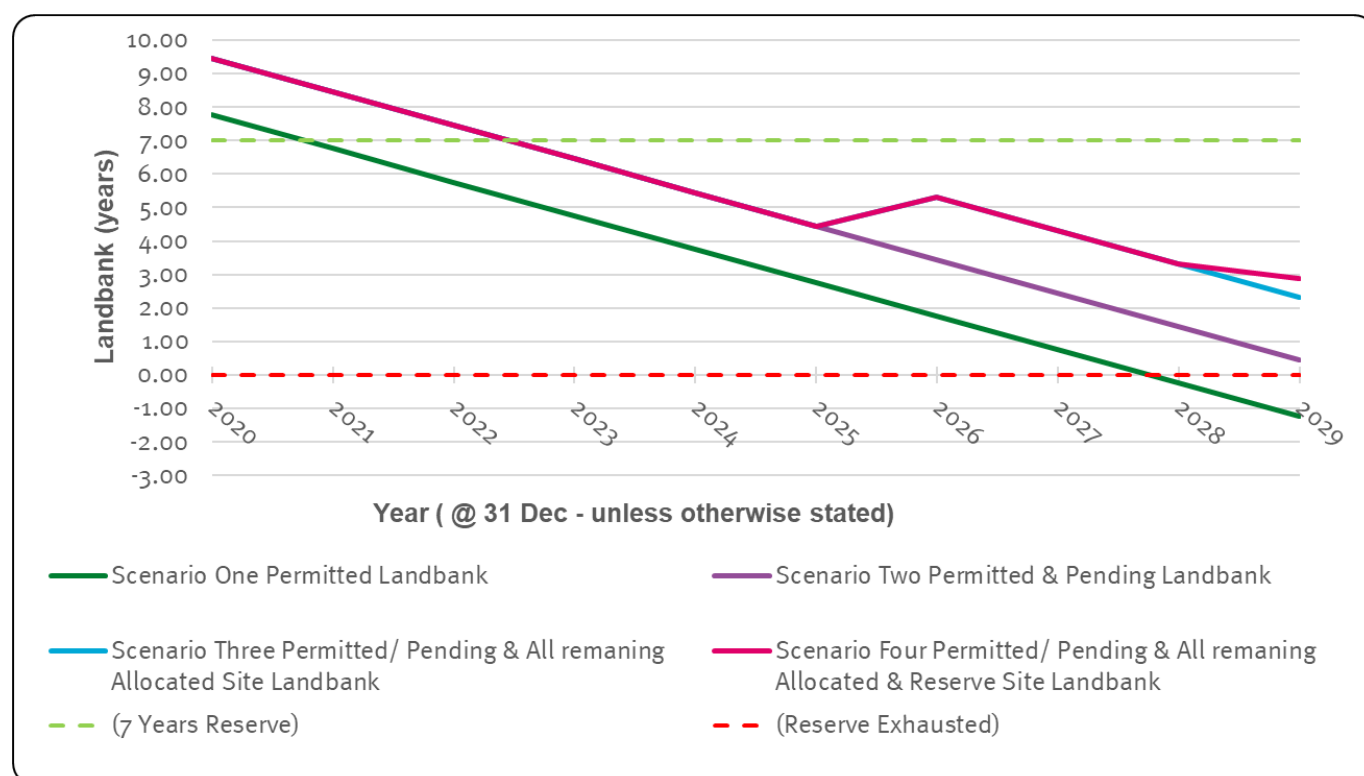
To clarify, the reported landbank figure used for planning purposes would only be the one calculated on the basis of operational sites at the point of calculation, but the list of operational sites will be added to through new planning permissions over time and be reduced when extraction is completed.

Table 1: Comparison of Essex Sand and Gravel Landbank Remaining 2020 – 2029 under Different Provision Scenarios, Assuming Sales of 4.31mtpa, July 2021

	Year (As of 31 Dec)	Scenario One	Scenario Two	Scenario Three	Scenario Four
		Permitted Landbank (Years)	Permitted & Pending Landbank (Years)	Permitted/ Pending & All remaining Allocated Site Landbank (Years)	Permitted/ Pending & All remaining Allocated & Reserve Site Landbank (Years)
Plan Period	2020	7.76	9.45	9.45	9.45
	2021	6.76	8.45	8.45	8.45
	2022	5.76	7.45	7.45	7.45
	2023	4.76	6.45	6.45	6.45
	2024	3.76	5.45	5.45	5.45
	2025	2.76	4.45	4.45	4.45
	2026	1.76	3.45	5.31	5.31
	2027	0.76	2.45	4.31	4.31
	2028	-0.24	1.45	3.31	3.31
	2029	-1.24	0.45	2.31	2.89
Beyond Plan Period	2030	-2.24	-0.55	1.31	1.89
	2031	-3.24	-1.55	0.31	0.89
	2032	-4.24	-2.55	-0.69	-0.11
	2033	-5.24	-3.55	-1.69	-1.11
	2034	-6.24	-4.55	-2.69	-2.11
	2035	-7.24	-5.55	-3.69	-3.11
	2036	-8.24	-6.55	-4.69	-4.11

Note – Assumed commencement of A22 & A23 Crumps Farm and A31 Birth (all Preferred Sites) in 2026 (five years from now) and Assumed commencement of A6 Bradwell (Reserve Site) in 2029. Green text denotes a NPPF compliant landbank.

Figure 1: Comparison of Essex Sand and Gravel Landbank Remaining 2020 – 2029 under Different Provision Scenarios, Assuming Sales of 4.31mtpa, July 2021



- 1.32 Table 1 suggests that based on the latest data and assuming sales of 4.31mtpa, the seven-year minimum requirement for the sand and gravel landbank would cease to be achievable by 2023, a reduction from the previous forecast of 2024. This is irrespective of which of the four scenarios is considered. The reason for this was that the previous assumption that those Preferred Sites that had yet to come forward would do so in line with the indicative dates in the MLP, or as updated through further correspondence carried out as part of the earlier stage of the review, has not transpired.
- 1.33 As set out previously in the Rationale Report 2021, the above table is mitigated by the fact that the forecasted depletion rate of 4.31mtpa has not been reached since the Plan was adopted in 2014. The revised cumulative difference between sand and gravel forecasted to be sold versus actual sales, incorporating the latest data, is set out below:

Table 2: Comparing the MLP Sand and Gravel Annual Apportionment with Essex Sand and Gravel Sales (mt)

Year	Essex Only Assumed Sales	Annualised Plan Provision (Essex Only Allocation)	Annual "Saved" Sand & Gravel	Cumulative "Saved" Sand & Gravel
2014	4.23	4.31	0.08	0.08
2015	3.31	4.31	1.00	1.08
2016	3.26	4.31	1.05	2.13
2017	3.27	4.31	1.04	3.17
2018	3.42	4.31	0.89	4.06
2019	3.03	4.31	1.28	5.34
2020	2.82	4.31	1.49	6.82

- 1.34 Reported sales in the two years since the assessments which informed the Rationale Report 2021 were carried out have shown a relatively steep decline, from an average of 3.32mtpa between 2015 – 2018, to 3.03mt in 2019 and 2.82mt in 2020. It is however noted that these final two sale figures are not considered representative of mineral demand under normal circumstances as both figures have been impacted by the COVID 19 pandemic; directly in the case of the figure recorded for 2020 and indirectly for 2019, where data collation to inform the 2020 survey (which uses 2019 data) was impacted by mineral industry staff being on furlough.
- 1.35 Even when assuming that the 2019 and 2020 figures are representative of mineral demand, and removing the 2014 outlier, an average cumulative saving of 1.13mtpa is calculated between 2015 – 2020, or the equivalent of approximately a quarter of a year based on the apportionment of 4.31mtpa. Adding this saving to Table 1 would extend the period to when compliance with the need to maintain a sand and gravel landbank of at least seven years would cease to be achievable to 2024. This is earlier than the 2025 calculated on the same basis in the Rationale Report 2021 which accompanied the Regulation 18 Consultation on the MLP Review.
- 1.36 The forecasted date of 2024 is three years from the time this assessment has been carried out. Given the current rate of progress with regards to the MLP Review, the MWPA now accepts that new site allocations are required to be made as part of this MLP Review to ensure a steady and adequate supply of minerals.
- 1.37 This was noted through a representation received through the Reg 18 Consultation. It was stated that 'In practical terms, the First Review with the intended absence of any additional allocated sites will not be completed until

circa 2023, by which time the landbank would fall below the required minimum level very shortly after the completion and adoption of the First Review’.

- 1.38 A further representation considered that to not embark on a Call for Sites was in contravention of the Plan Vision. It was said that this approach *‘does not seem to support the point made in Table 1. Vision for Essex to 2029 at part c) where it states; The lack of primary aggregate resources in the south and west of the County will be addressed to ensure planned urban growth can take place without necessarily long transport distances, nor the Strategic Objective 1 d) which states; To maintain a plan-led approach to future provision, providing reassurance for Essex residents, the minerals industry, key stakeholders and future developers that future needs can be met, whilst also providing a degree of certainty as to where minerals development will take place.’* With respect to part c), it is noted that minerals can only be worked where they are found, and that the MWPA is reliant on industry putting forward sites that would be appropriate to allocate, both of which impact on the MWPA’s ability to secure a geographical spread of sites. However, the wider point is accepted.
- 1.39 It was also noted in a representation to the Reg 18 consultation that *‘Mineral Planning Practice Guidance⁶...advocates that the designation of specific sites provides certainty on where and when development may take place’*. In the interests of certainty to both developers and the local community, the Plan should establish clear strategies for mineral planning including sites required for forecasted need as part of a Plan Review’.
- 1.40 In light of the current rate of plan production, in order for the MWPA to be able to maintain a Plan-led approach to mineral provision and therefore conformity with part d) of the Vision, it is considered that additional sites will be required to be allocated by way of a Call for Sites exercise during this Plan Review. Given the length of time that a Call for Sites would take to complete separate to this Review, including its associated need for a separate Examination in Public, it is considered that it would not be possible to complete this task following the likely adoption date of the MLP Review in 2023 before the landbank would likely fall below seven years in around 2024 - 2025. It is noted, and in part detailed in a representation to the Regulation 18 consultation, that a Call for Sites exercise requires new sites to be requested, submitted, assessed through a site selection methodology, selected, consulted upon, be proposed for allocation and then allocated through an Examination in Public before finally being subject to a planning application which itself requires determination and public consultation. This is not a process that can be progressed rapidly whilst complying with all legislative responsibilities that come with site allocations. A failure to carry out a Call for Sites as part of this review could therefore compromise the NPPF requirement to provide for a ‘steady and adequate’ supply of aggregates (NPPF Para 213).

⁶ Minerals PPG Paragraph: 008 Reference ID: 27-008-20140306 and Paragraph: 009 Reference ID: 27-009-20140306

- 1.41 Given this, it is considered that the emerging MLP would fail the Tests of Soundness set out in the NPPF if the MWPA did not proactively seek to make sufficient and suitable additional allocations – as it would not be planning for a steady and adequate supply of aggregates. Plans must demonstrably conform with these Tests in order to be found ‘sound’ and subsequently be capable of adoption. Given the requirements of NPPF Para 213 as set out above, it could be argued that the Plan would not be ‘consistent with national policy’ if additional allocations were not sought. Another Test of Soundness is for a local plan to be ‘positively prepared’, meaning that it is ‘providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs’⁷. Deferring a Call for Sites to outside of this Plan Review, when it is recognised that a Call for Sites will be needed immediately following its likely adoption date anyway, is not considered to accord with the test of positive preparation. It is also considered likely that a Plan approach of not seeking to allocate sites when there is a recognised, relatively short-term need for new allocations, will be found to not be ‘justified’⁸, which is another Test of Soundness.
- 1.42 In addition, a representation made in response to the Regulation 18 consultation noted that ‘*The MPA have chosen to progress the Plan and base provision on a supply scenario of 4.31mtpa. The Plan therefore must secure that level of provision.*’ It is acknowledged that as a plan provision value is set out in a policy, the Plan should base future provision on that level of need, with only actual accumulated savings at the date of assessment being taken into account when projecting future need, rather than presumed future savings based on historic trends.

The Need to Consider the Productive Capacity of Existing Sites and Future Allocations

- 1.43 Outside of quantitative assessments with regards to the need to undertake a Call for Sites, a number of other arguments were put forward through the Regulation 18 consultation which suggested that a Call for Sites was required. These were largely linked to what was seen as a lack of consideration of productive capacity. It was noted through representations that whilst upgrading Reserve Sites to Preferred Sites would numerically increase the available resource; the Reserve Sites are primarily extensions to existing operations which would form a continuation of overall aggregate supply rather than new supply options. Further, these areas would only be worked following cessation of operations at currently worked sites so would not be worked until later in the Plan period. The MWPA accepts this and is aware that there is a need to not only ensure that the landbank of sand and gravel is sufficient, but that there is the potential for mineral to be provided at the annual rate by ensuring that there are sufficient sites around the County from which mineral could be worked, rather than concentrating future allocations within a reducing pool of sites solely through extensions rather than additional new sites.

⁷ NPPF Para 35

⁸ Justified - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence (NPPF Para 35)

- 1.44 A representation to the Reg 18 Consultation touched on this further, stating *‘We find that many mineral planning authorities do not identify that what they see as falling sales, and therefore demand, is in fact operations closing or slowing production to conserve reserves and market, or in other words productive capacity. If this is not acknowledged for what it is, and proper mineral provision made for future demand then further sites go offline, and perceived decline in sales/demand become a self-fulfilling prophecy’.*
- 1.45 The MWPA acknowledges that this is an issue caused by the base forecasting methodology but nonetheless, there is commercial sensitivity around productive capacity and therefore it is considered that the MWPA cannot make quantitative allowances for this but will qualitatively consider this issue through the site selection methodology following the Call for Sites exercise.
- 1.46 With regards to operations closing being the root cause of falling sales and therefore masking true need, the following data sets out the number of sand and gravel sites in Essex actively extracting since the first Greater Essex Local Aggregate Assessment (LAA) was produced:

Table 3: Sand and Gravel Sites in Essex Actively Extracting, 2013 – 2021

Greater Essex Local Aggregate Assessment Year of Reporting	Number of Sand and Gravel Sites Actively Extracting
2013	18
2014	19
2016	19
2017	18
2018	18
2019	18
2020	18
2021	20

Note: No Greater Essex Local Aggregate Assessment was produced in 2015

- 1.47 Whilst not a direct comparison as some of the earlier LAA’s took a different base date, it can be seen that the number of active sand and gravel sites within Essex has remained between 18 and 20 across the reporting period 2013 – 2021. Fluctuations in historic sales are therefore assumed to be market led rather than the ‘self-fulfilling prophecy’ of a reduction in sites leading to a lower level of sales.
- 1.48 The same representation continues by stating that *‘We understand that many of the reserve sites currently in the Plan are extensions and will not solve the productive capacity issues identified above.’* The issue of a perceived overreliance on site extensions, where mineral may potential not be available until the latter end of the Plan period, or whose availability is contingent on commercial decisions taken by the single operator working the parent site, is noted and will also be considered as part of the site selection methodology.

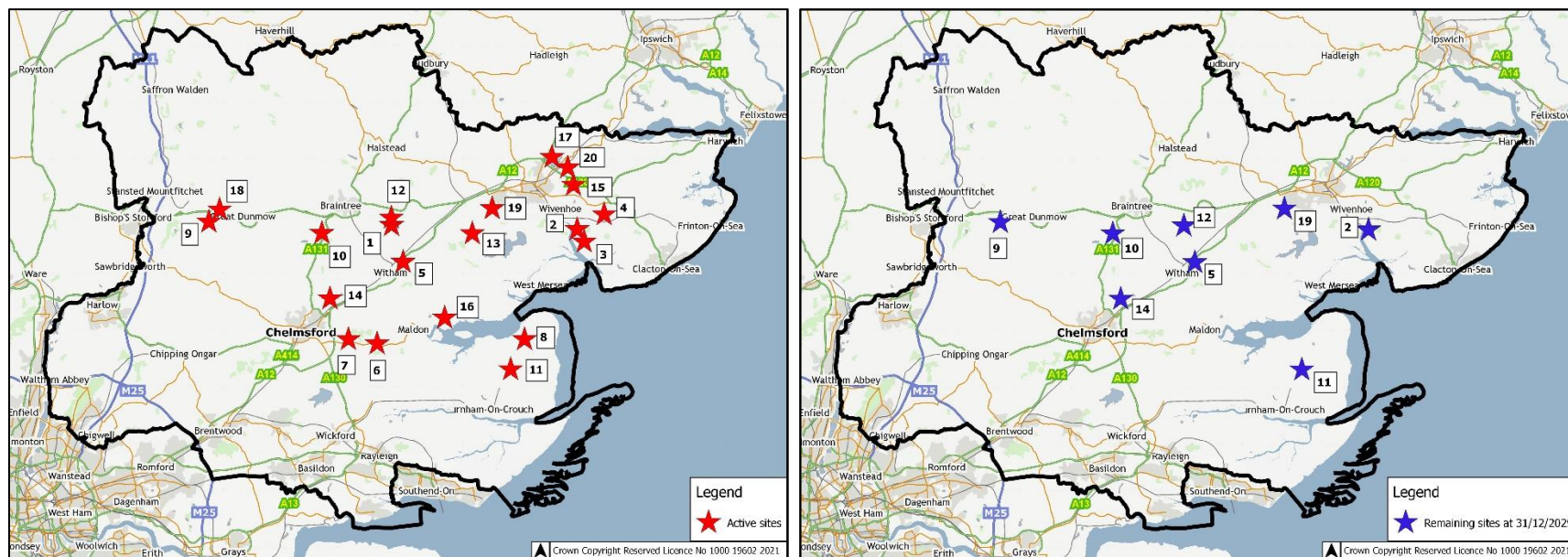
Wider issues with regards to any reliance on site extensions are discussed under a separate heading within this report.

- 1.49 Further highlighting this lack of flexibility in provision, a representation to the Reg 18 Consultation states *‘The resultant uncertainty of a Plan without sufficient provision will result in operators having to test applications against a policy (S6) that ‘resists’ mineral provision outside of preferred areas. That is not positively prepared or an effective strategy.’* Whilst the MWPA accepts that the majority of remaining allocations to come forward in the adopted Plan are reliant on the cessation of working at existing sites, which could impact on their delivery, it is still considered to be appropriate to resist applications outside of preferred allocations unless there is an overriding justification or benefit of extraction at non-preferred locations. This is critical to ensuring the maintenance of a Plan-led system and is therefore considered to be a positively prepared and effective strategy. The key is ensuring that sufficient Preferred Site allocations are made in the first instance, which the MWPA acknowledges is required to be addressed through a Call for Sites process.

Ensuring that Large Landbanks Bound Up in Very Few Sites do not Stifle Competition

- 1.50 On a similar theme to that discussed above, a representation to the Reg 18 Consultation stated that ‘Criterion g) of paragraph 207 of the NPPF states that there is a requirement to ensure large land banks are not bound up in very few sites, and that this does not stifle competition.’ The Greater Essex LAA 2021, which is informed by 2020 data, sets out that there are 20 sites in Essex actively extracting sand and gravel, operated by 13 different private interests. By the end of the Plan period in 2029, assuming that all existing sites are worked in accordance with their current planning permission, and none of the allocations remaining in the MLP come forward, there will be seven active sand and gravel sites, operated by seven private interests. By way of context, at the point of adoption of the MLP, there were 19 active sand and gravel sites with 13 operators. A spatial representation of those sites currently active and those expected to be active in 2029 is shown below:

Figure 2: Spatial Distribution of Active Sand and Gravel Sites in Essex, 2020 and 2029



Active Sand and Gravel Sites in Essex

Operator		Site		End Date	District/ Borough
1	Blackwater Aggregates	1	Bradwell Quarry, Silver End	2022	Braintree
2	Brett Aggregates	2	Alresford Creek, Alresford	2042	Tendring
		3	Brightlingsea Quarry	2026	Tendring
		4	Lufkins Farm, Thorrington Road	January 2022.	Tendring
3	Brice Aggregates	5	Colemans Quarry, Witham	2036	Braintree
4	Danbury Aggregates	6	Royal Oak, Danbury	2029	Chelmsford
		7	St Cleres Pit, Danbury	2019	Chelmsford

5	Dewicks	8	Curry Farm, Bradwell-on-Sea	End on site 2023, restoration by 2024	Maldon
6	Edviron Ltd	9	Crumps Farm, Gt Canfield	2031	Uttlesford
7	Frank Lyons Plant Services Ltd	10	Blackley Quarry, Great Leighs	2045	Chelmsford
8	G&B Finch Ltd	11	Asheldham Quarry, Southminster	2029	Maldon
9	Gent Fairhead & Co Ltd	12	Rivenhall Airfield (Waste Facility)	Prior to development of ESS/34/15/BTE,	Braintree
10	Hanson Aggregates	13	Birch Quarry, Birch	2018	Colchester
		14	Bulls Lodge Quarry, Boreham	CHL/1890/87 = 2030	Chelmsford
11	R W Mitchell & Sons	15	Elmstead Hall (AKA Elmstead Reservoir)	Nov-21	Tendring
12	SRC Ltd	16	Cobbs Farm, Goldhanger	30-Sep-21	Maldon
		17	Crown Quarry, Ardleigh	2028	Tendring
		18	Highwood Quarry, Little Easton	2026	Uttlesford
13	Tarmac Ltd	19	Colchester Quarry, (aka Stanway Quarry)	2042	Colchester
Silica Sand Extraction					
N/A	SRC Ltd	20	Martells Quarry, Ardleigh	2026	Tendring

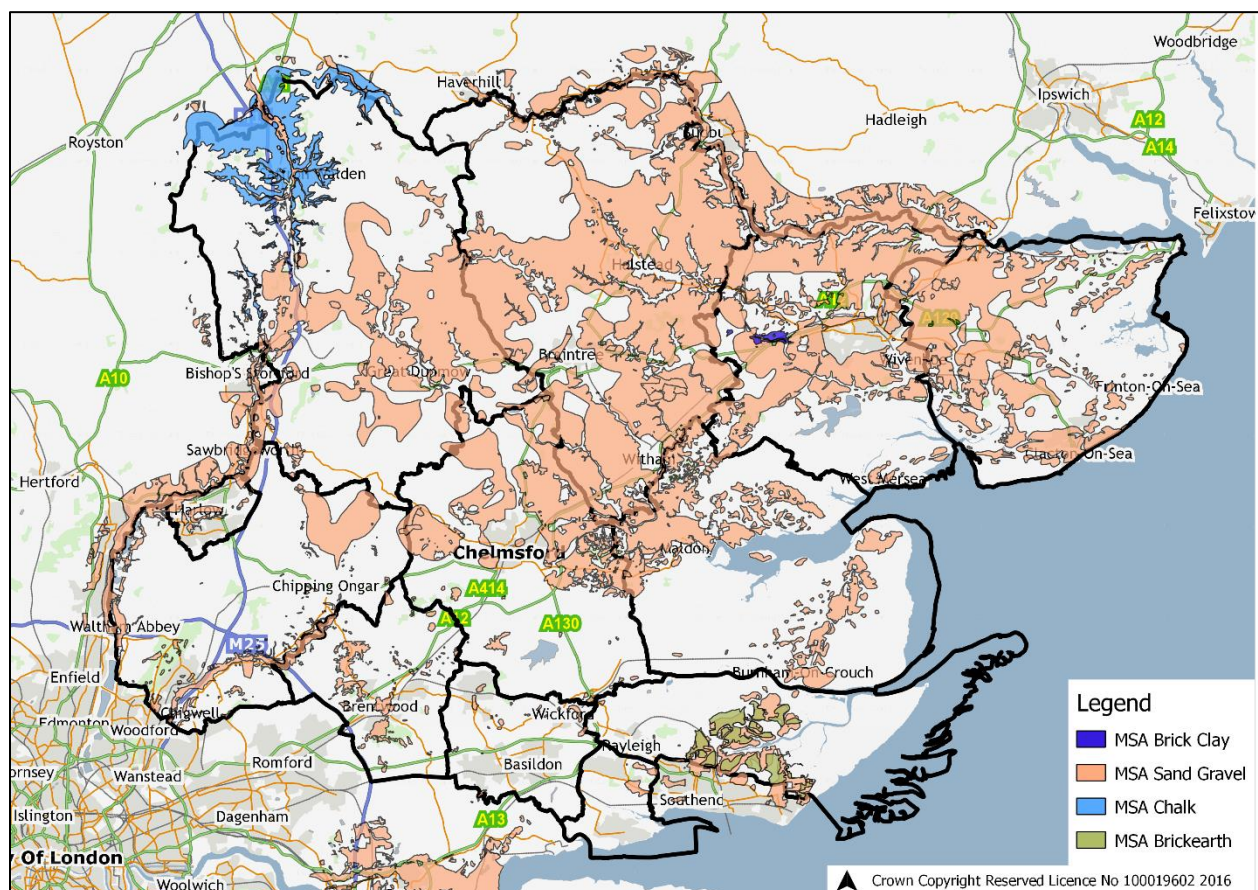
Note: Bold text denotes sites active at the end of the Plan period in 2029.

Active Silica Sand Sites in Essex

Operator		Site		End Date	District/ Borough
N/A	SRC Ltd	20	Martells Quarry, Ardleigh	2026	Tendring

- 1.51 When comparing the spatial distribution of active sand and gravel extraction sites in 2020, and where they are forecasted to be extracting in 2029, it can be seen that in each period extraction sites are generally located in close proximity to the A12 and A120. This is particularly true with regards to those sites expected to be extracting in 2029. The forecasted decrease in sites is primarily manifested through a reduction of extraction sites in north east and south east Essex. Across both time periods there is a general absence of working in the north west and south, which reflects the geology of the county, as it is the case that minerals can only be worked where they are found. The spatial distribution of minerals across the County can be seen below.

Figure 3: Spatial Distribution of Mineral Resources across Essex



- 1.52 Although it is important that those sites which perform most strongly under the future Site Selection Methodology are considered for allocation in the first instance, it is noted that consideration will be required to be given to the spatial distribution of existing sites and future allocations going forward through to 2029 and potentially beyond. This is so that growth aspirations set out in each Local Plan across Essex can be supported, whether they be new garden communities that may justify bespoke support, or to serve more dispersed growth strategies across the county. A dispersed pool of allocations will also ensure that permitted or allocated mineral is not bound up in large landbanks held within a

small number of sites, such that competition in the market is stifled. This is a requirement of NPPF Paragraph 213.

The Approach to Site Extensions, Allocating Additional Reserve Sites and Whether to Plan on the Basis of Having a Seven Year Landbank at the End of the Plan Period

- 1.53 Further representations were made which also have relevance on the need for a Call for Sites, including whether the MWPA should plan on the basis of having seven years of sand and gravel provision at the end of the Plan period, whether to include additional Reserve Site allocations, the appropriateness of a single sand and gravel landbank, and how mineral site extensions should be considered through Policy S6 and any future Call for Sites. Each of these issues are considered to be sufficiently detailed to warrant their own section in this Topic Paper and are therefore discussed under separate headings. The issue of whether to allocate seven years of sand and gravel at the end of the Plan period is discussed in Section 1.110, Reserve Sites in Section 1.156, a single sand and gravel landbank in Section 1.139 and site extensions in Section 1.126

The Appropriateness of Maintaining a Plan Apportionment of 4.31mtpa for Sand and Gravel

- 1.54 The MWPA is required by the NPPF to plan for a steady and adequate supply of aggregates. This essentially means that it must make sufficient allocations of mineral within a minerals local plan to accommodate a quantified need for mineral across a particular period. This is done by setting an apportionment figure of a certain annual tonnage for each relevant mineral and making allocations that equate to at least that annual tonnage across the length of the plan period. Should the estimated need be set too low, and annual sales exceed the annual rate of provision, then the permitted stock of mineral will dwindle faster than it can be replenished, and therefore a 'steady and adequate supply' would not be being provided. If this number is set too high, then there is the potential that too many allocations would be made in the Plan. This can create uncertainty for local communities with regards to when and where mineral sites will come forward, and potentially lead to the allocation of less sustainable sites that may not actually be required in the plan period. Policy S6 of the MLP relates to sand and gravel provision, and so all commentary within this Topic Paper relates to this aggregate unless 'minerals' are being referred to more generally.
- 1.55 The adopted Essex MLP apportionment figure of 4.31mtpa for sand and gravel was underpinned by the 'National and Sub National Guidelines for Aggregates Provision in England 2005 – 2020'. These guidelines were based on a Central Government forecast of the amount of mineral that would be required to support growth on a national scale, which was then divided into an apportionment figure to be allocated to each region. Regional Assemblies (that were later dissolved) subsequently had the role, in conjunction with Mineral Planning Authorities, of dividing these regional apportionment figures into an annual apportionment for each mineral planning area. The current apportionment of 4.31mtpa associated

with Essex was derived from the East of England regional figure provided in the aforementioned Guidelines published in 2009.

- 1.56 Despite sales of sand and gravel not reaching this level since the MLP was adopted, the Rationale Report 2021 advocated for a maintenance of this plan provision rate due to two factors. The first of these was the significant upturn in housing completions that will need to be reached in order for local authorities to meet their obligations for housing delivery as set out in the 'Standard Method' that the NPPF requires local authorities to follow for assessing local housing need. In addition, Paragraph 4.127 of the Rationale Report 2021 states that alongside this will be local infrastructure to support these developments, as well as the potential need to provide mineral resources for proximate nationally significant projects such as the Lower Thames Crossing and Bradwell B nuclear power station. These could all create a significant increase in demand which the MLP will need to respond to.
- 1.57 The previous intention to maintain plan provision at 4.31mtpa was one of the more divisive issues that arose through the Reg 18 consultation. On one hand, maintaining the apportionment was considered to be justified as the general trend of aggregate sales was rising at the time of the previous assessment presented in Figure 1 of the Rationale Report 2021, and that whilst a sales level of 4.31mtpa had yet to be reached, this apportionment figure provided the flexibility to accommodate a predicted significant upturn in housing delivery in comparison to historic delivery as well as accommodate major infrastructure projects planned for the area, and therefore supporting growth targets being put forward in emerging Local Plans. Some representations to the Regulation 18 consultation considered that this was a positive and proactive approach to ensuring a steady and adequate supply of sand and gravel within Essex and protects against uncertainties faced by the construction industry in the post-COVID 19 era.
- 1.58 Other representations questioned the justification for maintaining the Plan apportionment. Through the Reg 18 consultation it was stated that *'Government's housing targets represent a number greater than actual need and are based on its own insistence that the 2014 ONS household projections should be used. This overlooks the fact that population growth has been slowing since 2014 and that the 2018 projections showed that there will be 3m fewer people in the UK by 2039 than the 2014 figures projected....In addition, Brexit and the COVID 19 pandemic have resulted in 1m people leaving Britain; reducing birth rates and higher death rates. Therefore, it may be that if the Government decides to adopt the most up to date ONS projections in a couple of years (as its own PPG says it should) then the overall Essex housing need requirement drops significantly.'*
- 1.59 Whilst this point is noted, the NPPF at Paragraph 61 is clear in that it expects strategic policy-making authorities to follow the standard method as outlined in Planning Practice Guidance for assessing local housing need. The standard method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and

historic under-supply. The standard method identifies a minimum annual housing need figure for each local planning authority (LPA). While it does not produce a housing requirement figure, there is an expectation (subject to consideration and evidence of local constraints) that LPA's meet this need as and when they prepare their new Local Plans. As such, the current Standard Method figures are considered to be the most appropriate figures for the MWPA to consider as relevant local information at this point in its plan making.

- 1.60 Further on this matter, planning applications continue to be lodged and approved by LPAs despite the current COVID-19 pandemic which suggest housing completions will continue to increase for the remainder of the MLP plan period. From Paragraph 3.14 onwards, the Aggregate Provision Paper 2021⁹ compares current rates of housing delivery with future delivery rates which would be required under the Standard Method for forecasting future housing need. It found that for Greater Essex, the standard method indicates an annual provision of 10,683 dwellings between 2020 and 2029, compared with recorded dwelling completions of 5,605 between 2010 and 2019. This represents a required increased rate of dwelling provision of 90%. The paper further found that housing completions in Essex between 2010 – 2019 increased year on year from 2013 to 2018, and whilst completions dropped in 2019, they were still above completions in 2017. Since 2014 when the MLP was adopted through to 2019 (latest data at the time of the report), completions have increased by 42%, but current rates of delivery can be seen to still be below the rate required to satisfy demand derived from the Standard Methodology.
- 1.61 However, whilst it is simple to conclude that an increase in the rate of housing provision will result in an increased need for mineral provision, a quantifiable link is not possible to calculate, primarily because houses are not built to a uniform formula. It is however important to note that the MWPA uses housing figures only as a proxy for mineral demand (Rationale Report 2021, paragraph 4.126) – it is not possible to state that X number of houses equates to Y amount of mineral. The Aggregate Provision Paper notes that 'Growth is expected to be driven by private housing, (the largest subsector in the region) with some additional support from public sector construction in the housing and non-housing subsectors.' (Paragraph 3.4), hence the use of housing projections as the primary influencer of mineral need.
- 1.62 The difficulty of quantifying an increase in mineral need through increased rates of development is exacerbated when considering major infrastructure projects. The reason for this is that there are a greater number of potential markets from where mineral for major infrastructure developments could be sourced from due to economies of scale, including marine sources, where bespoke landing facilities may be able to be established. The total mineral take of these projects would also be spread over a number of years, determined by the construction plans of the respective developer, which may be subject to delay and other modification. By way of highlighting this issue, a briefing paper on Aggregate

⁹ Other Relevant Local Information to Justify Aggregate Provision in Essex 2012-2029, 2021 (available as part of the consultation evidence base)

Demand for the Lower Thames Crossing produced by Highways England states that the annual take of sharp sand and gravel expected to be required for this project equates to approximately 6% of an average of the last 10 years of annual sales in Greater Essex and Kent combined¹⁰. As this is their likely terrestrial mineral market area, the combined area of Greater Essex and Kent is the basis of their calculation so already a specific Essex figure cannot be derived. An important caveat to this calculation is that it does not include aggregate used in pre-cast units transported to the site, which would likely be obtained from sources local to the point of their manufacture, wherever that might be. Another complication with regards to understanding an Essex requirement is that the aggregate demand is likely to be greater to the north of the River Thames which enables developers to access several aggregate transshipment facilities (e.g. Port of Tilbury and the proposed Tilbury2 Construction Materials Terminal (CMAT) which could enable the import of aggregate from other sources outside of Essex and Kent. This is not to suggest that Essex as the MWPA is looking to offset mineral demand to other Mineral Planning Authorities, rather that it is not possible to specifically quantify the impact that major infrastructure projects will have on local mineral supply as these are matters for the mineral supply market and not matters that a MWPA can control. However, it stands to reason that an increase in local development will likely result in an increase in mineral need, even if that increase cannot be quantified.

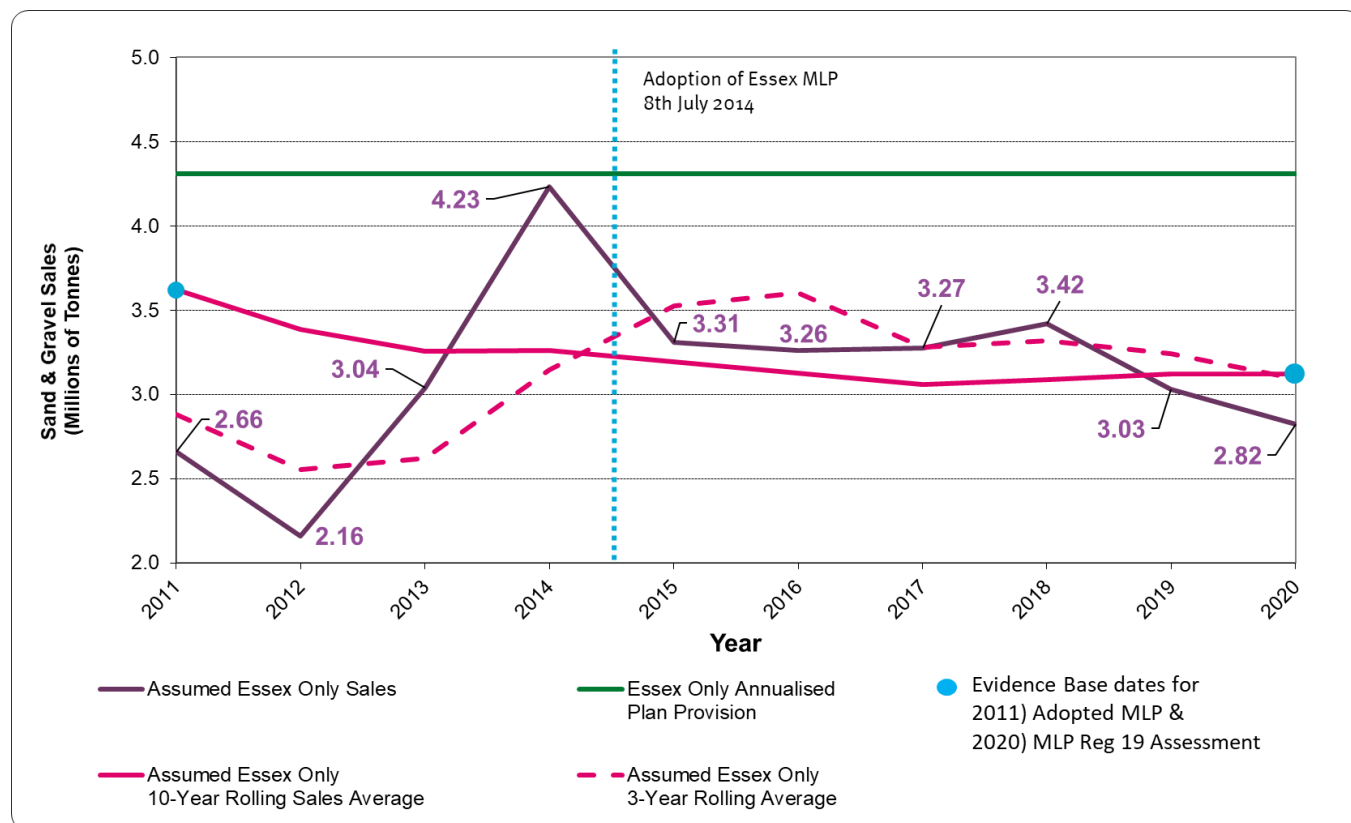
- 1.63 With regards to ensuring that major infrastructure projects across Essex have access to local supplies, the final geographic dispersal of new site allocations in combination with existing sites will be a consideration of the site selection process.
- 1.64 The other argument put forward in the Rationale Report 2021 for maintaining a plan apportionment of 4.31mtpa centred on the Government's continued support for the use of National and Sub National Guidelines on future aggregate provision. The NPPF has gone through revisions since the current set of Guidelines expired and yet reference to them remain in the NPPF. Importantly, in the *Government response to the draft revised National Planning Policy Framework consultation, July 2018* document, it is stated that *'The Government recognises that planning for minerals is essential to increasing the supply of housing and other development, and that without updated guidelines, there is a real risk of under-provision and possible sterilisation of mineral resources.'*
- 1.65 As such, the Rationale Report 2021 concludes that *'In light of the Government's continued support for the current Guidelines implied by their continued inclusion in the NPPF, even though they have now expired, and the intention to review the approach to guidelines and provision forecasts in the future, it would seem inappropriate to revise the current apportionment set out in the MLP when the*

¹⁰ It is noted that this calculation erroneously used the three year sales figure for Greater Essex, though the error does not significantly impact on the conclusion reached.

forecasting methodology set out in the NPPF has already been acknowledged as being under consideration for revision.'

- 1.66 However, as of November 2021, it remains the case that no new Guidelines have been put in place. Just as crucially, and as noted through the Regulation 18 consultation, there has been no indication that the figures in the expired Guidelines are to be 'rolled forward' or re-issued, despite there having been ample opportunity to do so.
- 1.67 Now that the MWPA currently accepts that new site allocations are required to be made as part of the MLP Review to ensure a steady and adequate supply of aggregates, this requirement for additional site allocations necessitates the need to place additional focus on whether continued reliance on the Guidelines is appropriate or whether a revised methodology should be employed to calculate mineral provision. This is because it is this plan provision number which primarily dictates the extent to which new allocations will need to be made. As set out in representations to the Reg 18 consultation highlighted earlier, the revised MLP must secure new allocations to meet its calculated level of need.
- 1.68 It was noted through the Reg 18 Consultation that Figure 1 of the Rationale Report 2021 *'showing the actual sales of sand and gravel in relation to the annualised plan provision is striking. It seems to indicate an ongoing over-provision: 4.31mtpa apportionment against a 3.13mtpa rolling sales average. Despite the rationale behind a continuation of this high level of annualised plan provision, there is a strong argument that the target should NOT, as the Review suggests, stay the same - not least because it will likely result in an early call for sites as the 7-year supply is eroded'*.
- 1.69 As previously mentioned in this Topic Paper, a further two years of data has been captured since the last assessment was carried out. The following figure updates Figure 1 of the Rationale Report 2021. As before, any sales figures shown for Essex are an 'assumed figure'. The MWPA is required to protect commercial confidentiality and therefore sales in Essex are reported at the Greater Essex tier (including Southend-on-Sea and Thurrock').
- 1.70 The Greater Essex apportionment is 4.45mtpa, of which 4.31mtpa is allocated to Essex and 0.14mtpa to Thurrock. To arrive at an assumed sales figure for Essex, the Thurrock apportionment of 0.14mtpa is subtracted from each Greater Essex sales figure to arrive at a figure for Essex.

Figure 4: Comparison of Rolling Ten-Year Sales of Sand and Gravel in Essex



Source: Essex County Council (2019)

Note 1: The Y axis does not start at zero

Note 2: The blue dot located on the assumed 'Essex Only Ten-Year Rolling Sales Average' reporting line in 2011 represents the data point from which the ten-year rolling sales discussed at the EiP Hearings into the MLP was calculated. The 2018 blue dot on the same line is the data point on which ten-year rolling sales was re-calculated for this review.

- 1.71 Across the ten-year period covered in Figure 4, sales have broadly increased, from 2.66mtpa to 2.82mtpa. However, this masks a significant degree of variance, with sales peaking in 2014 at 4.23mtpa. Over the same period, the rolling ten-year sales average displays the opposite trend, with this figure reducing over the ten-year period, from 3.62mt to 3.12mt.
- 1.72 Following adoption of the MLP in July 2014, sand and gravel sales remained relatively stable between 2015 – 2018, which accounts for four of the total ten data returns. Following 2018, there is a relatively sharp decline through 2019 and 2020. The MWPA attributes much of this decline to the impacts of COVID-19, with sales in 2020 depressed due to direct impacts from the pandemic whilst data collection carried out in March 2020 to inform the 2019 data return was impacted by furlough.

- 1.73 Despite the above variance across the ten-year period, sales have been consistently below the apportionment of 4.31mtpa. Whilst likely impacted by COVID-19, the latest sales return equates to 65% of the apportionment. When an average is taken of the relatively stable period between adoption of the MLP and the first impact of COVID-19 in the 2019 data, this average is 77% of the apportionment. Whilst these margins are relatively large, the Rationale Report 2021 considered the additional headroom to not be contrary to national policy, with Paragraph 11a of the NPPF stating *that 'plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change'*. With regard to the MLP, the 'development needs' that the plan is to service relates to the provision of sufficient aggregate to support growth and development, with flexibility meaning that provision is set at a level that could accommodate a change in need without needing to revise the Plan.
- 1.74 However, with Government support no longer in place for the current set of National and sub-national Guidelines, the MWPA considers that they can no longer be used as an indicator or justifier of mineral need. A future Plan provision figure will be used to determine the amount of sand and gravel that needs to be sourced from additional site allocations. This elevates the importance of giving additional scrutiny to the plan provision figure now that it is concluded that additional sites are required. Through the earlier stage of the Review, it was considered that no new allocations were required to be made as part of this review period and therefore the plan provision figure was used to calculate the existing landbank for reporting purposes but had little other practical application provided supply didn't drop below seven years. Now that the plan provision figure is to be directly used to determine and justify an amount of sand and gravel to be allocated, and the underlying document upon which the 4.31mtpa figure was derived has expired, it is considered that the MWPA is required to calculate a revised plan provision figure. The methodology for doing so is set out in NPPF Paragraph 213.
- 1.75 The prescribed methodology is that the plan provision figure is to be 'based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources)'.
- 1.76 The current ten-year sales average is 3.12mtpa. However, this figure has been impacted by the last two years of COVID-19 and, as can be seen in Figure 4, fails to satisfy any single year of sales since the MLP was adopted in 2014 prior to the impact of the pandemic on data collection that resulted in a low return of responses in 2019. The direction of travel for sales across the time period, and throughout the most stable period of sales is that of a general increase whereas the current direction of the ten-year average is a general decrease over the ten-year period, though it has been moderately increasing since 2017. It is recognised that, by definition, sales will be above and below an averaged sales figure, but nonetheless the most recent general sales pattern is that of a slow rise since 2016 being halted by COVID-19. With the ten-year rolling sales

average being markedly below the stable period of sales, this figure is considered to likely be an inappropriate quantity on which to base future Plan provision in isolation.

- 1.77 Moving on to other 'supply options' which the NPPF requires a consideration of, with regards to recycled sources, it is noted that within Essex, as is common elsewhere, a number of facilities that are able to offer recycling capacity operate under temporary planning permissions which means that a reliance cannot be placed solely on existing facilities to maintain production capacity, and as such the MWPA is reliant on the market to maintain and increase recycling capacity such that its contribution to the market can also be maintained and increased. Such a reliance on factors outside of the MWPA's control is not considered to equate to positive planning. It is instead considered more appropriate to encourage the development of recycling capacity through the existing criteria-led policy framework that allows for such developments in appropriate places but place no quantitative reliance on it coming forward. Should recycling capacity be increased and utilised, then this will translate into a reduction in primary sand and gravel sales, which will factor into the next calculation of need carried out in a future plan review as this will be reflected in the permitted reserve which exists at that time.
- 1.78 A recent Mineral Products Association¹¹ publication notes that once hazardous waste and navigational dredging spoil is excluded, 76% of construction and demolition waste is currently being recovered and recycled for alternative uses. When only considering 'hard' construction and demolition waste such as concrete and bricks, this rises to 90%. It is further noted that UK recycling performance places it in the top tier in Europe with around 30% of all aggregate demand now supplied from non-primary sources which are mainly recycled materials. These figures suggest there is already a high level of efficiency in realising value from these wastes, meaning additional gains would be comparatively small.
- 1.79 Regarding secondary aggregates, it is not known whether secondary aggregates are produced in any significant quantity within Greater Essex but the lack of heavy industry, in Essex at least, suggests that there will be little.
- 1.80 As already mentioned above, a further supply source is that of sand and gravel from the marine environment. Issues related to a reliance on marine aggregate are set out under Section 1.172.
- 1.81 The NPPF requires two further explicit considerations to be made when planning for a steady and adequate supply of aggregates that would impact on the activity of site selection, namely ensuring that large landbanks bound up in very few sites do not stifle competition and calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market. The first of these considerations will be addressed through the site selection methodology as it is not strictly a quantitative factor that impacts the calculation of a plan provision figure. With regards to the

¹¹ From waste to resource – a UK Mineral Products industry success story, 2019

maintenance of separate landbanks, this is considered under Section 1.139 of this report.

- 1.82 In addition to the above, the PPG requires that MWPAAs '*look at average sales over the last three years in particular to identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply*' above the ten-year average. However, with two of the last three data returns being suppressed by direct and indirect impacts of the pandemic, the MWPA considers that these are not representative and are therefore an inappropriate factor to consider.
- 1.83 The NPPF methodology also requires the MWPA to factor in 'other local information' when considering an appropriate plan provision figure, and it is here where the significant growth planned for Essex and the region in general must impact on the Plan provision figure and the rationality of setting this at an average of the last ten years of sales. During the EiP Hearings in 2013 it was noted that 80% of aggregates produced in the County are consumed within the County, and the Inspector noted that any economic recovery is likely to be related to increased activity in house building to which the mineral industry, and therefore the MLP, would need to respond. It is considered that little has changed to alter this view and as set out earlier, in order for dwelling completions to accord with the Standard Methodology for housing provision, dwelling completions over the next ten years need to increase by 90% compared to the previous ten years. This, coupled with a number of known significant infrastructure projects, is considered to further question the appropriateness of setting a plan provision that strictly adheres to ten year rolling sales.

Revising the Plan Apportionment through the MLP Review

- 1.84 As previously set out in this Topic Paper, there is a degree of volatility in the sales figures reported over the previous ten years. However, there is a clear period of stability across almost half of this period, which equates to the time between the current MLP being adopted and prior to the pandemic impacting on sales figures. It is this period, 2015 – 2018, where average sales equated to 3.32mtpa, which potentially best reflect current levels of sand and gravel sales within Essex under 'normal' circumstances and is at least considered to be more representative than the last three years of sales that the NPPF states can be taken as an indicator of need. Through reviewing early iterations of the Greater Essex LAA, it can be seen that sales were consistently over 4mtpa between 1994 – 2007, with 3.29mt being recorded in 2008 before sales dropped below 3mtpa through to 2013 during the financial crash. Since 2007, sales have only once reached above 4mtpa in one of the intervening 13 years that data has been recorded, let alone the current apportionment of 4.31mtpa.
- 1.85 It is however also important to note that having a plan provision figure closely match actual sales is not held to equate to the NPPF Paragraph 11a requirement of producing development plans which are 'sufficiently flexible to

adapt to rapid change'. A proposed plan apportionment rate is not a 'target', nor do they create a situation where sales increase to match whatever the plan apportionment is set at. This can clearly be seen in Essex, where sales have not increased to meet the current plan apportionment of 4.31mtpa at any point since the adoption of the MLP. Sales of sand and gravel are market-driven – they will rise and fall to suit market demand. The MLP is required to accommodate that demand through the NPPF requirement to provide for a 'steady and adequate' supply of aggregates. Should sales be below the annual apportionment, which they should be if the provision is to be considered 'adequate' to support development needs, it translates to the permitted reserve secured through planning permission granted on the allocations in the Plan lasting for longer than forecasted, either delaying the need for a future plan review or leading to fewer allocations at the next plan review. Further, a plan apportionment higher than the forecasted need will imbue the plan with the ability to accommodate increases in need without the requirement for emergency review and the uncertainty that creates.

- 1.86 However, it is also the case that the apportionment must be appropriately set such that it isn't unnecessarily high as this will potentially translate into a larger number of allocations being made than is necessary, which may lead to the working of mineral in less sustainable locations than what would have been achieved with a lower plan apportionment figure, whilst also creating uncertainty as to when and where these allocations will come forward as they are not all necessarily required over the plan period.
- 1.87 Taking all of the above into consideration, the MWPA considers that the most appropriate approach is to base the plan provision on an average of historic sales as a starting point, and not attempt to quantitatively off-set this through assumed contributions from other sources that are not in the MWPA's control. However, it is clear that the NPPF starting point of taking an average of the last ten years of sales will result in a plan provision figure below that which could justifiably be considered as equating to a steady and adequate supply of aggregates. As such, the MWPA considers it appropriate to increase the ten-year sales average by a buffer value, which will in part off-set the lower sales reported through the pandemic whilst also creating the necessary headroom above what the MWPA consider to be the more reflective rate of sales recorded between 2015 – 2018, which could be expected to increase themselves in light of the locally derived information relating to an increase in future housing completions from current levels and the significant infrastructure projects currently in the planning system. This approach is in conformity with the NPPF which requires the use of 'relevant local information' when deriving a plan provision figure.
- 1.88 The table and figures below compare Essex-only sales of sand and gravel with the current plan apportionment and a number of potential alternative plan provision figures based on an average of the last ten years sales with varying percentage buffers attached. The first of these figures show each rolling average annually updated, with the second projecting the latest rolling average

figures for each scenario backwards across historic sales. The table below shows this latter value and it would be this latest figure for the chosen scenario that would be used to calculate need going forward as the Plan moves to finalisation.

- 1.89 The analysis which follows is based on the latest data. As data is updated annually, the following dataset will not be the one that informs the Plan provision figure that will be presented at future public consultations as it is expected that there will be at least one additional data-point from which to base the calculation upon by that point. As such, figures at this stage are to be considered indicative, with emphasis to be placed on the methodology through which to calculate Plan provision i.e., 10 year rolling sales + X%, rather than the figure that is currently derived. All calculations and analysis from this point up to and including Paragraph 1.125 will be revisited based on the latest data and published for an additional public consultation, where a Plan provision figure will again be suggested through a revised version of this Topic Paper alongside additional amendments to Policy S6. It is further noted that this Topic Paper and a revised Policy S6 are being published 'ahead of time' to provide the rationale behind why a Call for Sites is currently considered to likely be required. Any proposed method set out in this document through which to derive both a revised plan provision figure and an appropriate amount of mineral to be allocated will need to go through Sustainability Appraisal (SA) and other plan assessments ahead of an additional public Regulation 18 consultation on Policy S6. The conclusions drawn by these plan assessments may state that the proposed plan provision methodology set out in this document needs to be raised or lowered and/ or that a Call for Sites is not required. As such, the suggested approach and analysis below is without prejudice to the findings of these plan assessments, which will be carried out ahead of the Policy S6 Regulation 18 consultation. Should Policy S6 require modifications to the approach set out here, this Topic Paper will be updated to reflect those findings, and Policy S6 re-drafted accordingly, ahead of the public consultation.

Figure 5: Comparison between Essex Sand and Gravel Ten-Year Rolling Sales Average, Current Plan Apportionment and Potential Alternative Plan Provision Scenarios, 2011 – 2020

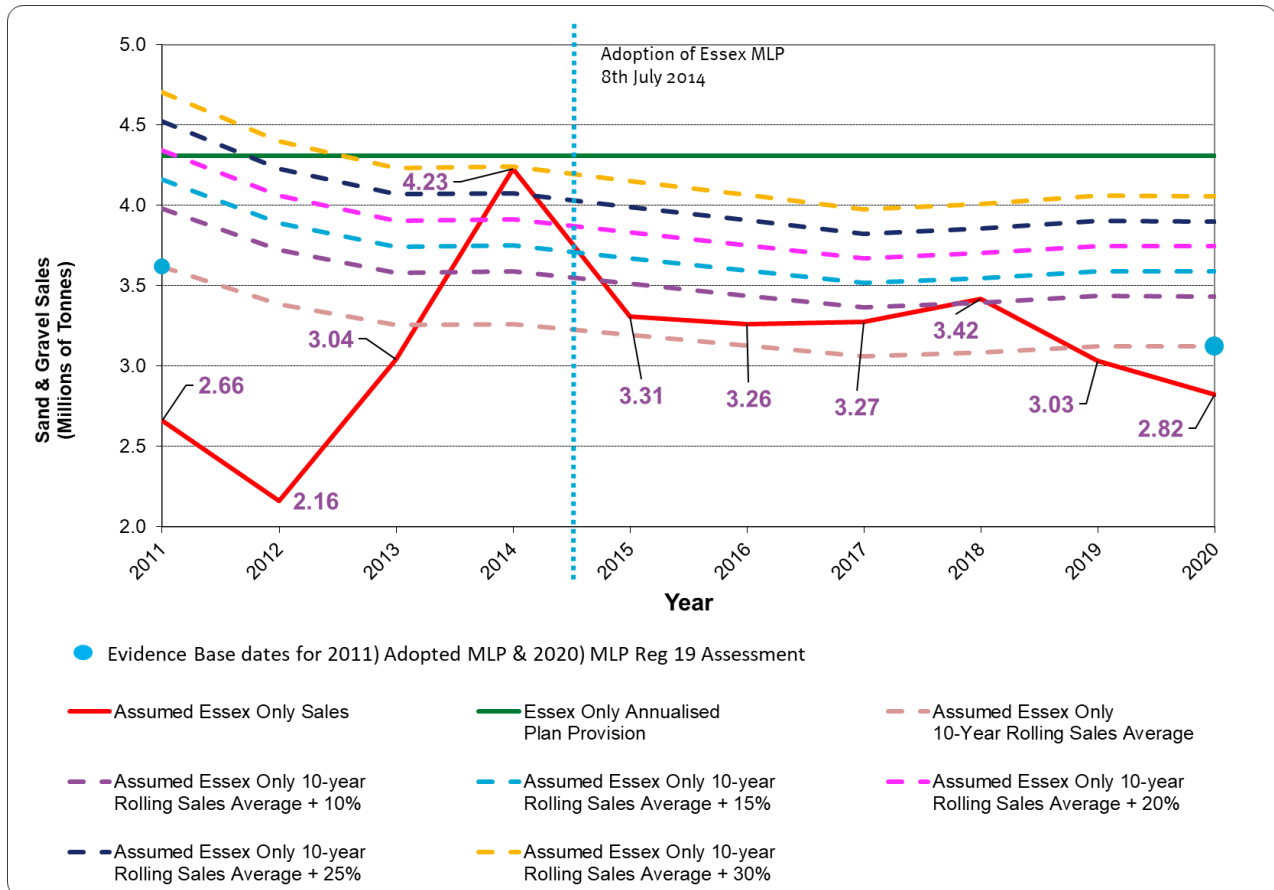


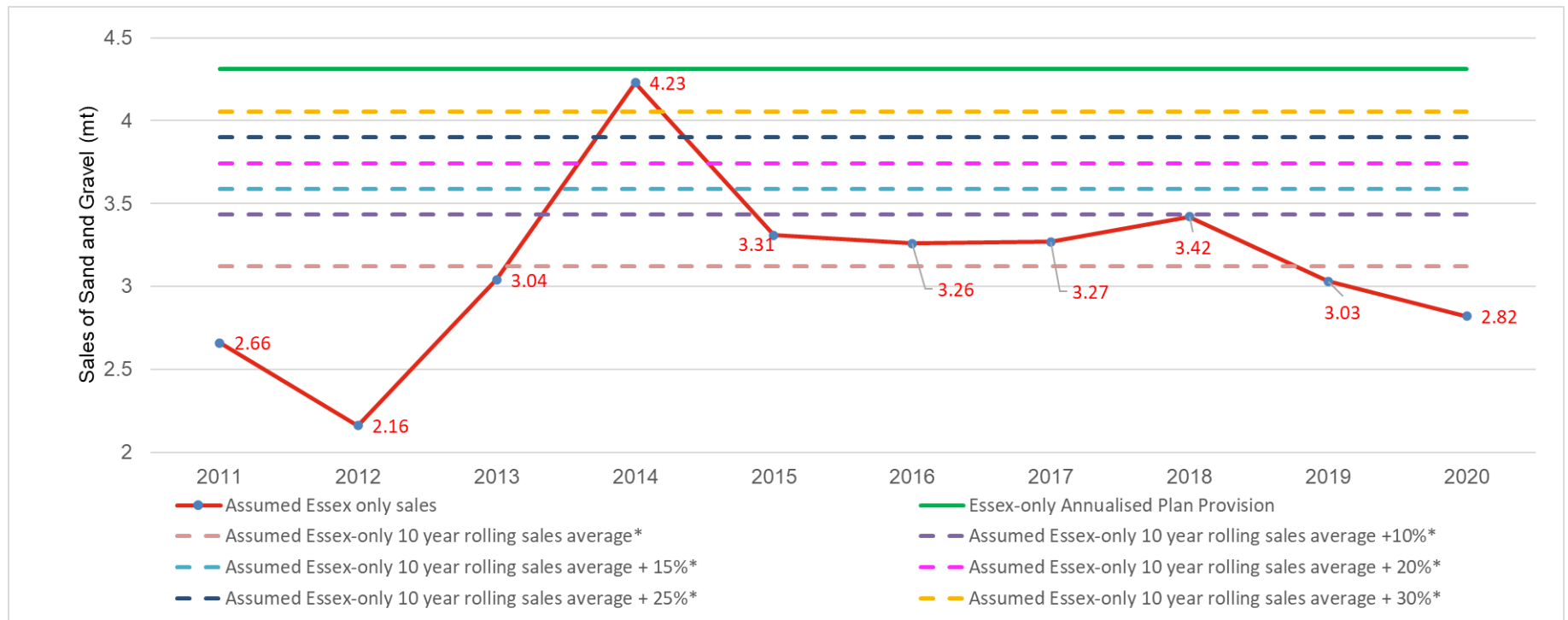
Table 4: Comparison between Essex Sand and Gravel Ten-Year Rolling Average Sales, Current Plan Apportionment and Potential Alternative Provision Scenarios, 2011 – 2020

Provision Scenario	Sand and Gravel in millions of tonnes
Current Essex-only Annualised Plan Provision	4.31
Assumed Essex-only 10 year rolling sales average*	3.12
Assumed Essex-only 10 year rolling sales average +10%*	3.43
Assumed Essex-only 10 year rolling sales average + 15%*	3.59
Assumed Essex-only 10 year rolling sales average + 20%*	3.74
Assumed Essex-only 10 year rolling sales average + 25%*	3.9
Assumed Essex-only 10 year rolling sales average + 30%*	4.01

Note - * refers to ten year rolling sales value calculated for period 2011 – 2020.

The Greater Essex apportionment is 4.45mtpa, of which 4.31mtpa is allocated to Essex and 0.14mtpa to Thurrock. To protect commercial confidentiality and arrive at an assumed sales figure for Essex for each year, the Thurrock apportionment of 0.14mtpa is subtracted from each Greater Essex sales figure to arrive at an assumed figure for Essex-only.

Figure 6: Comparison between Essex Sand and Gravel Sales, Current Plan Apportionment and Potential Alternative Provision Scenarios, 2011 – 2020



Note - * refers to ten year rolling sales value calculated for period 2011 – 2020, projected backwards.

- 1.90 As previously stated, an appropriate plan provision figure is a balance between having sufficient headroom above representative sales such that the MWPA accords with the NPPF Paragraph 11a requirement of producing development plans which are 'sufficiently flexible to adapt to rapid change', but not being so high such that the proposed plan provision leads to more sites, in potentially less sustainable locations, being allocated than is necessary.
- 1.91 Based on an assessment of Figure 6, it is clear that a plan provision based on the current ten year rolling sales average with no additional provision would not accord with the need to plan for a 'steady and adequate supply of aggregates' as required by NPPF Paragraph 213, as the value of 3.12mtpa would fail to provide sufficient sand and gravel to accommodate reported sales for every year between the MLP being adopted and the pandemic impacting on the data collection exercise initiated in 2020 and which affected data returns for the year 2019. As such, this plan provision option should be discounted based on the current data.
- 1.92 When considering the figure derived from ten year rolling sales plus 10%, the value of 3.43mtpa is considered to very closely match the period of sales between 2015 – 2018, a period that sits between the adoption of the MLP and prior to the pandemic, and where reported sales are relatively stable. Although a short period of time covering just under half of the time series, the MWPA consider this period to have the potential to be broadly reflective of contemporary sales in Essex under 'normal' circumstances, with the sales figure of 4.23mt recorded in 2014 being an outlier, the lower most recent figures being impacted by the pandemic, and the lower figures prior to the adoption of the MLP potentially being impacted by the tail end of the financial crash in the earlier depressed sales period.
- 1.93 Whilst the current ten-year rolling sales plus 10% figure of 3.43mtpa would satisfy all sales figures between 2011 and 2020 other than for the potentially outlying figure reported in 2014, it is between 95-100% of the sales recorded across 2015 – 2018. If this is indeed a rate of sales representative of the state of the Essex market under 'normal' conditions, then the resultant maximum headroom of between 0-5% is not considered to accord with the NPPF Paragraph 11a requirement of producing development plans which are 'sufficiently flexible to adapt to rapid change'. If current sales increase back to the levels recorded in 2015 - 2018 as the country comes out of the current pandemic, there would only need to be a relatively small uplift in those 2015 - 2018 sales levels before the plan provision figure derived through an average of ten-year rolling sales plus 10% would fail to accommodate demand. With other local information setting out that the rate of housing provision over the next ten years needs to increase by 90% compared to the previous ten years to meet housing need as calculated through the Standard Methodology, it is considered appropriate to forecast for not only rising sales, but sales above those recorded in 2015-2018. Based on current data, it is therefore currently considered appropriate to also reject provision based on a provision methodology of an average of the last ten years plus 10%.

- 1.94 An average of the current last ten-year sales plus 25% and plus 30% equate to a potential annual provision of either 3.9mtpa or 4.06mtpa. Excluding what is a potential outlier of 4.23mt in 2014, 2007 was the last year in which either of these potential plan apportionment figures were exceeded. Further, these provision figures equate to approximately 12-20% of each individual annual sales figure recorded between 2015 – 2018, or 15% above average sales between 2015 – 2018 when considering 10-year sales +25% and 18% above average sales between 2015 – 2018 when considering 10-year sales +30%. Whilst headroom figures of 15% and 18% above average sales between 2015 - 2018 are not considered to be inappropriate in isolation, this needs to be weighed in the balance of sales not having reached these figures since 2007 other than in 2014, and the need for the MWPA to avoid any potential overallocation of sites by setting the plan provision too high.
- 1.95 This therefore leaves an average of the last ten-year sales plus 15% and an average of the last ten-year sales plus 20% as potential plan provision figures, or what would currently be 3.6mtpa or 3.74mtpa. As with all potential provision figures above a straight rolling ten-year sales average considered here, the last time sales reached either of these potential values other than in 2014 was in 2007. When compared to average sales over the period 2015 – 2018, where sales were most stable over the previous ten years, the +15% figure provides 8% headroom, compared to 11% headroom at the sales +20% figure.
- 1.96 For convenience, the differences between the current figure derived through the six plan provision methodologies shown in Figure 6 and an average of the sales between 2015 – 2018 i.e., the stable period of sales prior to the pandemic, is shown below.

Table 5: Headroom between Average Sales 2015 – 2018 and Potential Provision Figures

	Potential Plan Provision Scenario					
	Assumed Essex-only 10 year rolling sales average*	Assumed Essex-only 10 year rolling sales average +10%*	Assumed Essex-only 10 year rolling sales average + 15%*	Assumed Essex-only 10 year rolling sales average + 20%*	Assumed Essex-only 10 year rolling sales average + 25%*	Assumed Essex-only 10 year rolling sales average + 30%*
	3.12	3.43	3.59	3.74	3.9	4.06
Average Sales Sand and Gravel, 2015 - 2018 (mt)	3.32	3.32	3.32	3.32	3.32	3.32
Average Sales 2015 - 2018 as a Proportion of Potential Scenario	106.41%	96.79%	92.48%	88.77%	85.13%	81.77%
Headroom between Average Sales 2015 - 2018 and Potential Scenario	-6.41%	3.21%	7.52%	11.23%	14.87%	18.23%

Note - * refers to ten year rolling sales value calculated for period 2011 – 2020.

- 1.97 Given the previously articulated impossibility of strictly quantifying any direct increase in mineral demand that may come from an uplift in housing provision or the delivery of significant infrastructure projects, the MWPA notes that selecting a single plan provision rate based on this 'other local information' is difficult to justify beyond reasonable doubt. That said, the MWPA believes it appropriate to reject those provision scenarios that would either fail to deliver recently recorded sales, or which closely match those sales rates, particularly those selected as most representative of the 'normal' market. These rates of provision are not considered to accord with the requirement to develop a plan which can provide a steady and adequate supply of mineral, and which can flexibly respond to change. This currently allows for a rejection of the ten-year sales average and the ten-year sales average plus 10%.
- 1.98 What constitutes the selection of the most appropriate plan provision rate based on the remaining options, whilst recognising that you could increase the options further by considering ten year sales plus 11%, plus 12%, plus 13% and so on, is striking an appropriate balance between setting a plan provision rate sufficiently high such that increases in sales could be accommodated without an emergency review, whilst not setting it so high as to require new site allocations which are not considered necessary to serve demand in the current plan period. As previously noted, it is also important to consider that the proposed plan provision figure is not a 'target', nor has it historically created a situation in Essex where sales have increased to match the selected plan provision figure. Indeed, sales should not consistently match the plan provision figure if the provision is to be considered flexible to support development needs. If the rate of provision is exceeded, then provision is not adequate for the period in which it is exceeded.
- 1.99 Taking all of the above into account, the MWPA currently considers that a future plan provision based on a rolling ten-year sales average plus 20% is an appropriate plan provision figure. Adding a buffer of 20% is considered to accommodate the reduction in the sales average over the last ten years caused by indirect and direct impacts from the pandemic as well as what appears to be lower than representative sales prior to the MLP being adopted. The currently derived figure of 3.74mtpa is lower than the highest sales figure of 4.23mt recorded in 2014 but this is considered to be an outlier, and the derived provision figure accommodates all other annual sales recorded since 2008. The figure is also over 10% higher than the average of sales between 2015 – 2018, which represent a period of stable sales over the last ten years, and four of the highest five years of sales recorded over the period, as well as being 25% above current sales.
- 1.100 The MWPA acknowledges that the figure which would be derived through an average of the last ten-year sales plus 20% is 13% lower than the current apportionment, which represents a direction of travel which appears at odds with the forecasted upturn in housing delivery and other significant infrastructure projects previously highlighted, but the MWPA considers the proposed figure sufficiently high to accommodate an uplift over historic sales, including the self-

selected period 2015 – 2018. The MWPA further notes the absence of extant Guidelines that may suggest an alternative provision figure and considers that it has followed the methodology set out in the NPPF for calculating a rate of aggregate provision. The MWPA also notes that its proposed provision figure does not assume an increase in supply from other options that are not in its direct control, which is considered to be a justified and positive approach to mineral provision.

- 1.101 Additionally, the MWPA can introduce additional flexibility by allocating an amount of mineral above the minimum calculated as being ‘needed’ on the basis of an annual rate of an average of the previous ten-year rolling sales plus 20% to serve the Plan period. This is returned to under Section 1.139.

The Impact of Revising the Essex Plan Apportionment to an Average of the Previous Ten-Years Sales Plus 20% on the Need for a Call for Sites

- 1.102 Applying a Plan provision methodology of an average of the last ten-year rolling sales plus 20% would result in a figure of 3.74mtpa based on the current dataset. An impact of the proposal to reduce the plan apportionment to 3.74mtpa is to extend the landbank compared to when it is calculated on the basis of 4.31mtpa. The plan provision figure equates to the assessed ‘need’ for aggregate, so if the ‘need’ is calculated to reduce, then the stock of mineral that is already permitted for extraction would last for longer, and the mineral that is contained in Preferred Site allocations that have yet to receive planning permission for extraction would also last for longer. The two tables below mirror Table 1 of this report but have been updated with the currently derived figure of 3.74mtpa. The first of the tables show the forecasted permitted reserve assuming an annual need of 3.74mtpa and the second table turns the forecasted permitted reserve into a projected landbank, again based on the currently derived annual need figure of 3.74mtpa.

Table 6: Comparison of Essex Sand and Gravel Permitted Reserves Remaining 2020 – 2029 under Different Provision Scenarios, Assuming Sales of 3.74mtpa, July 2021

	Year (As of 31 Dec)	Scenario One	Scenario Two	Scenario Three	Scenario Four
		Permitted Reserve (Million Tonnes)	Permitted and Pending Reserve (Million Tonnes)	Permitted/Pending Reserve PLUS Allocated Sites Reserve (Million Tonnes)	Permitted/Pending Reserve PLUS Allocated & Reserve Sites Reserve (Million Tonnes)
Plan Period	2020	33.45	40.73	40.73	40.73
	2021	29.70	36.98	36.98	36.98
	2022	25.96	33.24	33.24	33.24
	2023	22.21	29.49	29.49	29.49
	2024	18.47	25.75	25.75	25.75
	2025	14.73	22.00	22.00	22.00
	2026	10.98	18.26	26.28	26.28
	2027	7.24	14.51	22.54	22.54
	2028	3.49	10.77	18.79	18.79
	2029	-0.25	7.02	15.05	17.55
Beyond Plan Period	2030	-4.00	3.28	11.30	13.80
	2031	-7.74	-0.47	7.56	10.06
	2032	-11.49	-4.21	3.81	6.31
	2033	-15.23	-7.96	0.07	2.57
	2034	-18.98	-11.70	-3.68	-1.18
	2035	-22.72	-15.44	-7.42	-4.92
	2036	-26.47	-19.19	-11.17	-8.67

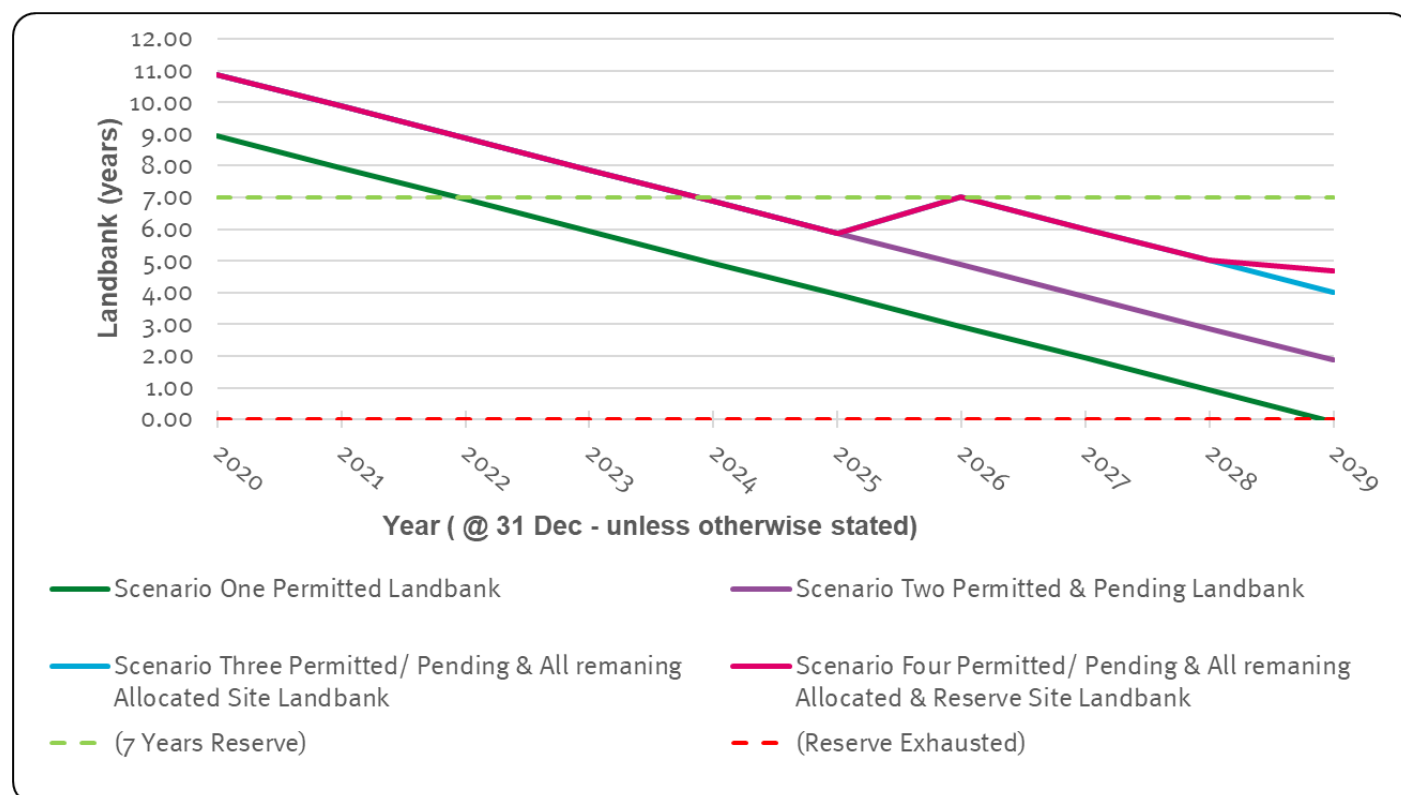
Note – Assumed commencement of A22 & A23 Crumps Farm and A31 Birth (all Preferred Sites) in 2026 (five years from now) and Assumed commencement of A6 Bradwell (Reserve Site) in 2029.

Table 7: Comparison of Essex Sand and Gravel Landbank Remaining 2020 – 2029 under Different Provision Scenarios, Assuming Sales of 3.74mtpa, July 2021

	Year (As of 31 Dec)	Scenario One	Scenario Two	Scenario Three	Scenario Four
		Permitted Landbank	Permitted & Pending Landbank	Permitted/ Pending & All Remaining Allocated Sites Landbank	Permitted/ Pending & All Remaining Allocated & Reserve Sites Landbank
Plan Period	2020	8.93	10.88	10.88	10.88
	2021	7.93	9.88	9.88	9.88
	2022	6.93	8.88	8.88	8.88
	2023	5.93	7.88	7.88	7.88
	2024	4.93	6.88	6.88	6.88
	2025	3.93	5.88	5.88	5.88
	2026	2.93	4.88	7.02	7.02
	2027	1.93	3.88	6.02	6.02
	2028	0.93	2.88	5.02	5.02
	2029	-0.07	1.88	4.02	4.69
Beyond Plan Period	2030	-1.07	0.88	3.02	3.69
	2031	-2.07	-0.12	2.02	2.69
	2032	-3.07	-1.12	1.02	1.69
	2033	-4.07	-2.12	0.02	0.69
	2034	-5.07	-3.12	-0.98	-0.31
	2035	-6.07	-4.12	-1.98	-1.31
	2036	-7.07	-5.12	-2.98	-2.31

Note – Assumed commencement of A22 & A23 Crumps Farm and A31 Birch (all Preferred Sites) in 2026 (five years from now) and Assumed commencement of A6 Bradwell (Reserve Site) in 2029. Green text denotes a NPPF compliant landbank.

Figure 7: Comparison of Essex Sand and Gravel Landbank Remaining 2020 – 2029 under Different Provision Scenarios, Assuming Sales of 3.74mtpa, July 2021



- 1.103 The above tables and figure demonstrate that even with a reduction in the apportionment from 4.3mtpa to 3.74mtpa, the landbank will still fall below the NPPF requirement to maintain a minimum seven-year landbank for sand and gravel by 2024 under Scenario 2-4, with Scenario 1 previously demonstrated to be unrealistic when it comes to forecasting future mineral provision.
- 1.104 As raised through representation to the Regulation 18 consultation, the landbank is not a cap or ceiling to identifying additional resource but an indicator of when further sites are to be required. The representation further noted that maintaining a landbank just over the seven years minimum does not provide sufficient flexibility to maintaining supply. This is noted and is considered further below.
- 1.105 It is also important to note that this date of 2024 represents the year when any new sites would require to be at least within the planning system, rather than a date by which a Call for Sites would need to commence. As such, at the very least a Call for Sites would be required to be initiated immediately after adoption of the MLP Review, which could realistically be expected in 2023, with Paragraph 1.41 noting that delaying a Call for Sites would likely cause the review to fail the Tests of Soundness in any event. Failing the Tests of Soundness in this manner could only be resolved by carrying out the Call for

Sites exercise. It is also considered to be unlikely that new sites could be adopted in time if a Call for Sites was initiated in 2023 due to the need to follow the planning process.

- 1.106 As such, it is clear that irrespective of whether the MWPA amends its apportionment from 4.31mtpa to a reasonable alternative or maintains that figure, a Call for Sites is likely to be required to provide additional allocations. On this basis, the MWPA has initiated a Call for Sites exercise ahead of moving the MLP onto a Regulation 19 consultation. The MWPA also recognises that proposing to change the plan apportionment is fundamental to the MLP and contradicts the MWPA's previous position as set out in the MLP March – April 2021 Regulation 18 Review documents. On that basis, the MWPA proposes to re-run a Regulation 18 consultation on Policy S6, supported by an updated iteration of this Topic Paper forming the justification for the proposed new apportionment once responses to the proposals set out in this Topic Paper have been assessed and the MWPA's proposals subjected to SA and other Plan assessments. This future Regulation 18 consultation may also then propose specific sites for allocation depending on the final plan provision methodology employed and the suitability of those sites submitted for potential allocation. Following an assessment of the responses received to the second Regulation 18 consultation, and further amendments to Policy S6 and, if relevant, the schedule of preferred site allocations, the Plan as a whole will be taken forward and consulted upon at Regulation 19.
- 1.107 Further, whilst a Call for Sites is currently considered to be required, there is still an outstanding issue with regards to how much aggregate it is appropriate to allocate as part of this Call for Sites, which is based on which of the four provision scenarios set out in Table 7 that the MWPA adopts and how much mineral it is considered to be appropriate to have allocated at the end of the Plan period in 2029. These issues are discussed in Section 1.109 below.

The Impact of Revising the Essex Plan Apportionment to 3.74mtpa to Reporting at the Greater Essex Tier

- 1.108 As previously stated, to protect commercial confidentiality, sales in Essex are reported at the Greater Essex tier (including Southend-on-Sea and Thurrock). The Greater Essex apportionment is currently 4.45mtpa, of which 4.31mtpa is allocated to Essex and 0.14mtpa to Thurrock. The proposals set out here would result in a new Greater Essex apportionment of 3.88mtpa (3.74mtpa for Essex plus 0.14mtpa for Thurrock). To arrive at an assumed sales figure for Essex, it would still be the case that the Thurrock apportionment of 0.14mtpa would be subtracted from each Greater Essex sales figure to arrive at a figure for Essex. As a Unitary Authority, Thurrock are their own Mineral Planning Authority, and amendments proposed through the Essex MLP Review do not impact on their own plan making, subject to on-going Duty to Cooperate engagement.

The Total Amount of Sand and Gravel Required through New Allocations, including whether to Maintain a Landbank of Seven Years at the end of the Plan Period

- 1.109 The total amount of sand and gravel required to be allocated by way of new allocations through the intended Call for Sites is a function of the annual need for sand and gravel, the existing permitted reserve, the amount of aggregate that it is considered appropriate to have left remaining at the end of the current Plan period and the NPPF derived continual requirement to maintain a landbank of at least seven years of sand and gravel. A decision has to also be made with regards to whether to continue to assume the supply that would be derived from the sand and gravel allocated through the Preferred and Reserve Site allocations in the MLP that have yet to come forward as planning applications. These issues are discussed below

Maintaining a Landbank of Seven Years at the end of the Plan Period

- 1.110 At the point of the adoption of the MLP in 2014, it was understood that a Call for Sites would need to take place at some point before the MLP expires in 2029. This was considered to be a justified approach given the uncertainty raised at the Examination stage with regards to whether it was appropriate to base the Plan provision on the annual apportionment as set out in the then extant Guidelines or base it more closely on the relatively new ten-year rolling sales methodology set out in the recently adopted NPPF.
- 1.111 It is also noted that whilst NPPF Paragraph 213f requires a MWPA to maintain 'landbanks of at least 7 years for sand and gravel', the NPPF does not state that such provision needs to be shown to be capable of being maintained outside of a Plan period i.e., at the end of the MLP Plan period in 2029, as a requirement of the Plan being capable of adoption. Therefore, there is no requirement to ensure that there will be a seven-year land bank (or at least make sufficient allocations that would allow for a seven-year landbank to be maintained) at the end of the Plan period. The NPPF requires that local development plans are reviewed every five years, and this mechanism allows a MWPA to allocate additional sites that would be required to service this landbank requirement through cyclic reviews rather than all at once. These points were also noted in a representation made to the Reg18 Consultation on the MLP Review.
- 1.112 As such, where representations were received which stated that it was considered that the MWPA is unable to demonstrate that there exists, or will exist, a landbank of at least 7 years provision of sand and gravel for the remainder of the Plan period, the MWPA does not consider that this requirement is set out in the NPPF.
- 1.113 On the same matter, a further representation noted comments made by a Planning Inspector which were set out in their report on the Cambridgeshire and Peterborough's Minerals and Waste Local Plan (CAPMLP) 2021. Reference was made to an Inspector's request that made it clear that there is a need to have a seven-year land bank at the end of the Plan period. This is not the MWPA's interpretation. Paragraph 3.23 of the CAPMLP 2021 states that the

proposed allocations made in the Plan will provide 17.625Mt over the plan period, leaving a potential surplus of 10.575Mt above calculated need when the existing permitted reserve was taken into account. Whilst this provides an additional margin of flexibility, it equates to just over 4 years supply at the end of the Plan period at the adopted provision rate of 2.6Mtpa. Therefore, the CAPMLP was found sound and adopted without having a seven-year landbank at the end of the Plan period. This was also the case with the current Essex MLP, which made no provision for sand and gravel at the end of the Plan period.

- 1.114 However, it is important to note that the Essex MLP is at a review stage which is likely to be completed at a point of time that broadly represents half of the Plan's lifetime. This is considered to be significantly different to a situation where a 15-year Plan is about to be adopted and which would be subject to further review in the future.
- 1.115 It is now considered appropriate to allocate sufficient material to allow for the maintenance of at least seven years of sand and gravel at the end of the Plan period in 2029. Such an approach will provide flexibility between the end of the Plan period of this MLP (2029) and the next Plan and, unless sales significantly increase above the newly proposed plan provision figure calculated through an average of the last ten-years sales plus 20%, mean that another Call for Sites would not be required until work begins on the new 2029 Plan, to cover the following 15 years. With the intention to reduce the plan apportionment, the MWPA must also act to ensure the maintenance of a Plan-led system, accord with the need for Development Plans to be flexible and meet the Tests of Soundness of having a positive and justified approach. Providing headroom at the end of the Plan period in 2029 is considered to accord with these tests.
- 1.116 If the new Plan provision figure was to be set at 3.74mtpa, and with the need to ensure seven years of sand and gravel at the end of the Plan period in 2029, there would be a requirement to ensure that there is sufficient allocations to allow for at least (3.74×7) 26.18mt of sand and gravel at the end of the Plan period.

Factoring in the Existing Permitted Reserve and Allocated Preferred and Reserve Sites

- 1.117 As set out above, in order to maintain a seven-year landbank of sand and gravel at the end of the Plan period, allocations sufficient to provide for a minimum of 26.18mt in total must be made through the revised Plan based on the proposed plan provision methodology using the latest data. However, this isn't to say that 26.18mt of new allocations are required to be made. From this figure, one deducts the permitted reserve that it is considered will be in place at the end of the Plan period. This forecasted permitted reserve was previously set out in Table 6 of this report under four different scenarios, but the most salient part with respect to this consideration is set out below:

Table 8: Comparison of Essex Sand and Gravel Permitted Reserves Remaining in 2029 under Different Provision Scenarios, Assuming Sales of 3.74mtpa, July 2021

Year (As of 31 Dec)	Scenario One	Scenario Two	Scenario Three	Scenario Four
	Permitted Landbank Only	Including Permitted & Pending Landbank	Including Permitted/ Pending & All remaining Allocated Site Landbank	Including Permitted/ Pending & All remaining Allocated & Reserve Site Landbank
2029	-0.25mt	7.02mt	15.05mt	17.55mt
Additional Material Required to Secure Seven Year Landbank (26.18mt)	26.47mt	19.19mt	11.17mt	8.67mt

Note: Figures may not exactly tally due to rounding errors, but any such error are of a scale that would not be material to the allocation process.

- 1.118 As can be seen, the amount of additional sand and gravel to be made through new allocations varies depending on the forecasting scenario, with the risk inherent in each scenario increasing from left to right through the table as the degree of assumption increases.
- 1.119 Whilst imbued with the least risk, Scenario 1 is not considered to be realistic as it ignores sites that are currently in the planning system which, without prejudice to their determination, are unlikely to all cumulatively fail to result in the allocation of additional mineral. This scenario is therefore discounted. The appropriateness of Scenario 2-4 is dictated by the degree of reliance, if any, the MWPA should place on those allocations in the MLP that have yet to receive planning permission.
- 1.120 Representations received through the Regulation 18 Consultation questioned the reliance that could be made with respect to the sites that have yet to come forward. It was noted through consultation that Scenario 4 represented the most optimistic of circumstances *‘and in terms of the allocations at both Bradwell and Birch there are question marks as to what proportion of the identified reserves in the respective areas would be available in the Plan period given the permitted reserves available at those existing sites’*.
- 1.121 The same representation further states that relying on these sites to fill any lack of provision in the near term is inappropriate as *‘Firstly, as three of the reserve sites do not yet have the benefit of planning permission. Secondly, the extensions to Birch Quarry and Bradwell Quarry are not required imminently. There is a current undetermined application seeking to extend the life of working of permitted reserves at Birch Quarry until 2028. It is therefore*

reasonable to assume that a further extension would not be required in advance of that/the end of the Plan period. Bradwell Quarry has significant permitted reserves and coupled with the proposed flood alleviation scheme which is proposed to be worked in advance of future phases, results in a realistic delay in working the extension areas until later in the Plan period. Shellow Cross has yet to come forward as a Planning Application. There are typically added complexities with bringing a new greenfield operation into production that it is again feasible that output from Shellow Cross is a few years away.'

- 1.122 It is important to note that whilst this comment is in relation to an objection with regards to the previous MWPA stance of upgrading Reserve Sites into Preferred Sites as being a way to defer a Call for Sites, due to a consideration that the MWPA's stance incorrectly assumes that all such unworked allocations are ready to be the subject of planning applications with immediate effect, the MWPA acknowledges the wider point of potentially being over-reliant on allocations that have yet to come forward and whose availability is otherwise contingent on other extraction taking place. It is accepted that three of the four allocations which have yet to come forward are extensions to existing sites which could impact on their ability to come forward.
- 1.123 Nonetheless, it is still considered appropriate to subtract the yield to be contributed by those Preferred Sites and Reserved Sites that have yet to come forward but are already allocated in the MLP off the balance of need to be serviced by future allocations. Operators of sites allocated in the MLP which have yet to come forward as a planning application have been contacted throughout the Plan Review, with the latest confirmation of intention to work in the Plan period secured prior to consultation being undertaken in March – April 2021 at the Regulation 18 stage. It is further noted that with the MLP expiring in 2029, it is not considered surprising that some allocations in the Plan have not come forward at the point of writing in 2021. The intention to deliver existing allocations in the MLP will again be confirmed ahead of the next Regulation 18 consultation.
- 1.124 That said, the MWPA recognises the need to ensure that allocations made through a future Call for Sites are demonstrably able to contribute to the sand and gravel landbank in the Plan period. This is clearly not to preclude extensions to existing worked sites, although the current reliance on extensions to existing sites to fulfil future need is noted.
- 1.125 Taking the above into account, the MWPA currently intends to base the requirement for new allocations on Scenario 4, which assumes that all Preferred and Reserve Sites allocated in the Plan come forward in the Plan period as allocated. This would reduce the minimum amount of sand and gravel that would be required to be allocated to maintain a landbank of sand and gravel of seven years to 8.67mt based on the current methodology and dataset. Again however, the MWPA is cognisant of the need for flexibility, with spatial distribution, productive capacity, the ability to respond flexibly to changes in demand and the need to avoid a concentration of mineral in large landbanks all needing to be considered at the point of site allocation. The final amount of

sand and gravel to be secured by new allocations under the proposed methodology therefore represents a minimum allocation figure, assuming sufficient appropriate candidate sites are submitted for allocation. As with the methodology used to calculate Plan provision, the appropriateness of selecting Scenario 4 and the final amount of mineral to be allocated through additional sites, if any, will need to be subjected to SA and other Plan assessments ahead of being proposed through a Regulation 18 public consultation. The suggestions made here are to enable an articulation of the process and proposed methodology and are offered without prejudice to the final form of Policy S6 and associated background evidence as presented at a future Regulation 18 consultation.

The Plan Approach towards Site Extensions in Relation to Securing Future Supply of Sand and Gravel

- 1.126 As set out above, through the Regulation 18 consultation it was raised that in terms of MLP site allocations that have yet to come forward, these were largely comprised of site extensions whose ability to be worked was contingent on work being completed at their parent site. This has the potential impact of reducing productive capacity across the County as other sites close as well as delaying the ability of these extensions to come forward as a planning application and add to the landbank until the latter end of the Plan period, if not beyond. The MWPA recognises that maintaining productive capacity and ensuring that the landbank is not tied up in a small number of weakly distributed sites are key considerations of a future site allocation exercise to maintain mineral provision at a rate which is steady and adequate. The MWPA will seek to re-clarify the ability of existing sites to deliver mineral in the Plan period at the point of considering new site allocations but at this time continue to assume their contribution to the permitted reserve will be made during the Plan period.
- 1.127 The same representation notes that the Plan Strategy supports extensions to existing operations and yet under Paragraph 3.98¹² of the MLP, it is stated that even extensions to existing operations (irrespective of landbank position or need to maintain production) will be 'resisted by the MPA' if they are not allocated sites. This was considered contrary to the Plan Strategy.
- 1.128 This assessment is not agreed with. Paragraph 3.98 acts to ensure that future sand and gravel extraction is clearly focused on the Spatial Strategy and the identified Preferred Sites in this Plan, such that other proposals for sand and gravel extraction at locations situated outside of the areas identified for future working will normally be resisted by the Mineral Planning Authority. A plan-led approach requires this resistance of working outside of preferred allocations unless there is an overriding justification or benefit. The Plan Strategy clearly supported extensions to existing operations at the point of site allocation. Paragraph 3.98 then states that permitting extraction in non-allocated locations

¹² Paragraph 3.105 in the currently adopted MLP 2014

may however be appropriate if there is an 'over-riding justification', which could indeed be the landbank position.

- 1.129 It is further raised in the representation that Paragraph 3.101¹³ of the MLP states that continuity of supply is not a material consideration in respect of non-allocated sites and that this was considered contrary to the Plan Strategy which identifies a locational strategy with a 'focus on extending existing extraction sites with primary processing plant'. It was requested that this reference should be deleted from the Plan.
- 1.130 The MWPA however also considers Paragraph 3.101 to be appropriate and in conformity with the Plan Strategy. The paragraph states that 'the M(W)PA does not consider that information about the individual commercial business need of a mineral operator to continue production at a particular mineral extraction site to be relevant or material to its decisions in respect of applications coming forward on non-allocated sites.' Although the MLP Spatial Strategy does include 'a focus on extending existing extraction sites with primary processing plant', this is in the context of a site allocation process and there being an established forecasted mineral need in the County as a whole that requires future facilitation. This is not the same as an extension to fulfil an individual business need with respect to a site operator in the context of sufficient alternative sites having already been allocated to service the needs of the County.
- 1.131 A further representation raised similar points with regards to the fact that there is no flexibility built into the Plan Strategy of focussing on extending existing extraction sites with primary processing plant whilst resisting applications on non-allocated sites, as most allocations have now been brought forward. In the absence of a Call for Sites being undertaken, it was requested that an additional Clause d) be added to Policy S6, as follows, to allow for flexibility in the deliverability of additional sites and maintain a preference towards extending existing sites:
- Mineral extraction outside Preferred or Reserve Sites will be supported by the Mineral Planning Authority providing the Applicant demonstrates....*
- d) The proposal is an extension to an existing permitted sand and gravel site that is required to maintain production from that site or is needed to meet an identified shortfall in the landbank*
- 1.132 Following the MWPA's acknowledgment of the need to carry out a Call for Sites, the rationale for the amendment suggested above falls. It is however still noted that the proposed amendment would weaken the Plan-led system and is not supported.
- 1.133 There could be a number of reasons why an extension to an existing permitted sand and gravel site would not automatically be the most preferable means of accommodating any shortfall in the landbank. Therefore, where sites are submitted off-plan due to an identified shortfall in the landbank or other over-riding justification or benefit, it is considered that the MWPA must treat these on

¹³ Paragraph 3.108 in the currently adopted MLP 2014

their individual merits and not give automatic preference to extensions. Policy support for granting permission on non-allocated sites if it is 'needed to meet an identified shortfall in the landbank' is considered to already be captured by the stated policy support for the consideration of an overriding justification or benefit. The MWPA does however accept the proposed amendments that act to change the policy from one of resisting applications unless certain criteria are met to supporting applications if those same criteria are met.

- 1.134 A similar amendment was also proposed to form an alternative Clause d) to Policy S6 as follows:

d) Small quarry extensions to facilitate the extraction of a mineral resource where, in all likelihood, it would otherwise remain unworked once the related mineral extraction infrastructure is removed or where in isolation it would be economically unviable.

- 1.135 Whilst the MLP is predicated on the sustainable use of minerals, which includes avoiding their needless sterilisation, the wording as proposed would act to lend explicit policy support to any number of incremental off-plan extensions to existing quarries, thereby weakening the Plan-led system and increasing uncertainty with regards to where mineral extraction may take place in the county. It is considered that applications for mineral extraction should be submitted across the appropriate area in the first instance. As such, the proposed amendment is not supported.
- 1.136 In relation to both of these proposed amendments, it is also noted that the need to maintain production from a site for the sake of maintaining that production itself is not a material planning consideration. PPG Paragraph 8 Reference ID: 21b-008-20140306 states that 'planning is concerned with land use in the public interest, so that the protection of purely private interests...could not be material considerations.' As such, the intended amendment set out at Paragraph 1.131 in particular would not be appropriate as a policy.
- 1.137 The need to treat a site on its individual merits is clearly set out in the PPG under the heading 'Under what circumstances would it be preferable to focus on extensions to existing sites rather than plan for new sites?'¹⁴. It is noted that this paragraph does set out that there are benefits when it comes to allocating extensions, and it is here where issues of an economic nature, which can include being able to continue to extract the resource, retaining jobs and being able to utilise existing plant and other infrastructure are set out. However, it is important to note that this is a consideration at the site allocation stage as part of developing a local plan and not after sufficient sites have already been adopted to address the forecasted need through the adoption of the Plan. At this point, those allocations made are required to be given primacy in order to maintain a plan-led system. It is also important to note that the PPG does not act to create a policy preference for site extensions by also noting the potential disbenefit of 'the cumulative impact of proposals in an area'.

¹⁴ Paragraph: 010 Reference ID: 27-010-20140306

- 1.138 In terms of this Review, additional site allocations are currently recognised as being required on the basis of there being a need to provide additional mineral within this Plan period. Being approximately half-way through the Plan period and noting that a number of allocations in the MLP that are yet to come forward are tied to the completion of working at a parent extraction site, the MWPA recognises the need to ensure that any sites permitted for extraction through the current Call for Sites are capable of being commenced in the remainder of the Plan period, preserve spatial distribution and don't act to concentrate allocated mineral in a small number of large sites. This is not to preclude the allocation of extensions to existing sites. All sites will initially be assessed on their individual merits. However, and as set out in a number of representations, the MWPA is aware of the need to consider productive capacity as part of site allocation rather than focus purely on the numerical amount of mineral that is assessed as being required to be allocated to satisfy the remainder of the Plan period. This is not considered to be contrary to the Plan Strategy's focus on site extensions as throughout the Plan period there has demonstrably been a focus on site extensions as borne out in the total suite of allocations made.

To Continue Planning on the Basis of a Single Landbank of Sand and Gravel

- 1.139 As set out from Paragraph 4.154 of the Rationale Report 2021, ahead of the Regulation 18 consultation on the MLP, the MWPA commissioned additional evidence to re-assess its position of allocating sand and gravel on the basis of a single landbank rather than seeking to allocate concreting and building sand separately. The updated findings are set out in a report entitled 'A Re-Examination of Building Sand Provision in Essex 2019' and summarised in the Rationale Report 2021. This report sought to re-examine the evidence and conclusions of an earlier report¹⁵ prepared in 2013 which had the aim of advising the MWPA of any changes in the practicality and justification for providing a separate landbank for building sand. All three of these documents are available as part of the evidence base for the emerging MLP. The overarching conclusion of the 2019 report is that it remains appropriate for the MLP to continue being based on a single landbank for sand and gravel.
- 1.140 Objection to this intended approach was received through the Regulation 18 consultation. A representation raised disagreement with Paragraph 3.80¹⁶ of the MLP which states that *'It is considered unnecessary and impractical to maintain separate landbanks for County subareas or to distinguish between building sand and concreting aggregates.'*
- 1.141 The same representation continued by stating that it was considered that the MWPA must maintain an ongoing review of building sand as recommended by the Inspector, in which he requested that the Plan contain a commitment to continue to review its approach to combining the provision of building sand and

¹⁵ A Review of Building Sand Supply in Essex: Consideration of a Separate Building Sand Landbank Topic Paper

¹⁶ Paragraph 3.82 in the currently adopted MLP 2014

concreting sand into a single landbank, as part of annual monitoring. The representation further highlighted NPPF paragraph 207 (h) which requires maintaining separate landbanks for any aggregate type or quality which have a distinct separate market.

- 1.142 With regards to the statement set out in the MLP at Paragraph 3.80, this is wording that has been carried over from the currently adopted Plan and is therefore not a new statement. Additional comments made to the Regulation 18 consultation reiterated information originally presented at the MLP EiP in 2013 and stated that they remained of the view that, as is the case with other Counties, there is a need for a separate landbank given that gravel, sharp sand and soft sand have distinct and separate markets.
- 1.143 With regards to this latter point, in their report on the Replacement Minerals Local Plan, the Inspector presiding over the Examination in Public on the MLP stated at Paragraph 64 that *'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.'* The MWPA therefore considers these matters to have already been addressed. By virtue of these issues having been raised previously at EiP, they have been effectively 'heard' and therefore considered accordingly.
- 1.144 However, whilst the Inspector accepted the approach of the MWPA, it is agreed that the Inspector stated at Paragraph 68 of their report into the examination of the MLP that this position should continue to be monitored.
- 1.145 As set out above, to address this requirement to monitor the position the MWPA commissioned a report titled 'A Re-examination of Building Sand Provision, 2019'. With regards to the need to be compliant with the NPPF in relation to maintaining separate landbanks for aggregates which serve distinct markets, the 2019 report re-iterates the findings of the 2013 report at Paragraph 1.7. This states that 'In relation to specification however, that for building sand and that for concreting sand actually overlap each other so that in essence while there are two separate uses and markets (concreting sand and building sand) the decision as to end use is mostly merely a commercial substitution decision as to the level of processing of a common resource and the concept of them being two 'different' minerals is merely a reflection of that potential.' Paragraph 4.26 – 4.27 of that report picks up this theme, stating that 'The case submitted in the 2013 report and by ECC at the REMLP¹⁷ was that demand for building sand was being adequately resolved by production from a number of sand and gravel sites in Essex most of which also produced concreting sand, such that a separate landbank was not justified nor could it be provided. That position has not changed'.

¹⁷ Replacement Essex Minerals Local Plan

- 1.146 Subsequently, Paragraph 5.5 of the 2019 report states that the re-examination set out in that report complies with the Inspector's requirement to review the situation. Paragraph 5.6 then concludes that, on the basis that the issue is one dictated by geology, 'There therefore seems no practical value in looking at the point again in another future review of the Plan. The question as to 'soundness' may be a matter for debate. It would be clearly 'unsound' if the new Plan sought separate landbanks.'
- 1.147 It is also noted that the Inspector's requirement to consider the provision of separate landbanks was based around whether a shortage of building sand arose which could be addressed by way of a separate landbank in a future review of the Plan.
- 1.148 Interrogation of collated Annual Mineral Survey data by the MWPA has concluded that, in Essex since 2014, there has been a reduction in the number of sites reporting sales of building/mortar sand. This monitoring showed that in 2014, nine of the 18 active sites in Essex sold both building/mortar sand and concreting/silica sands/gravel whereas in 2020, using the same criteria, five of the 20 active sites supplied the market with building/mortar sand from mixed sand and gravel deposits by the same selective processing. It has therefore been concluded that although there has been a reduction in sites overall, it is known that a total of 12 sites during the previous seven years have been capable of processing both building sand and concreting sand from a single resource by varying the method of production. It is therefore demonstrated that single mineral resources in Essex can produce to the two different specifications, and therefore there is no need to make separate provision for building sand and concreting sand as they do not necessarily appear as distinct resources in Essex. The production of each is held to be primarily a decision made by the operator as a response to market demand.
- 1.149 No further information has been presented to the MWPA to demonstrate that there is an unfulfillment of market need for 'soft' or 'building' sand, including through engagement under the Duty to Cooperate with other Mineral Planning Authorities. The MWPA therefore considers its current and proposed position to continue to plan on the basis of a single sand and gravel landbank to be appropriate, as it is the processing of mixed deposits that allows sand and gravel extracted in Essex to serve distinct markets, rather than sand and gravel in different parts of Essex only having the capability of serving a distinct market which wouldn't otherwise be served. It is this latter case where the NPPF requires separate provision to be made.

Further Issues in Relation to the Need to Maintain a Landbank of Sand and Gravel of Seven Years

- 1.150 A number of issues were raised in addition to the above with regards to how the MWPA appeared to view the requirement to maintain a sand and gravel landbank of seven years.

- 1.151 Through the Regulation 18 consultation, an amendment to Paragraph 3.82¹⁸ was proposed which stated (*inter-alia*) that ‘*should the AMR show that minimum landbanks are not being maintained...the MPA will explicitly consider whether an early review of the MLP is required or whether there are mitigating circumstances, and publish the conclusion in the AMR.*’ A representation considered that the use of ‘mitigating circumstances’ was not clear and appears contrary to the NPPF which does not allow for such exceptions.
- 1.152 To clarify, it is considered appropriate that the MWPA is able to explicitly consider mitigating circumstances with regards to whether a review of the MLP is required when the landbank falls to below seven years. For example, and as set out at Paragraph 5.7 of the Rationale Report 2021, the Greater Essex LAA found that the sand and gravel landbank had fallen below seven years as of 31st December 2019, but also at that point one application for a new extraction site was permitted but awaiting legal agreement, and a further three sites were being determined. Combined, these applications would have added two years of supply onto the landbank, bringing it back above the seven-year requirement. It is considered that this is an example of an appropriate ‘mitigating circumstance’ that would avoid the need for a full Plan review and therefore a discretionary approach based on a fuller consideration of available data is therefore considered reasonable.
- 1.153 The above is not intended to mean that the MWPA will not look to fulfil its requirement of ensuring that a steady and adequate supply of minerals is provided for. If there are no mitigating circumstances then through the proposed wording, the MWPA is committed to an early review. It was further suggested that Policy S6 should be reworded to allow flexibility for the provision of additional sand and gravel reserves/resources, presumably above those identified in the MLP, if needs are not being met. However as set out previously, this is not considered to be appropriate as there is a requirement to maintain a Plan-led approach, which the MWPA will facilitate by monitoring the landbank and allocating additional sites as required.
- 1.154 A further representation objected to the opening sentence of Paragraph 3.79, which states that ‘*The NPPF provides guidance on the minimum length of mineral sand and gravel landbanks, as follows:*’. It was stated in the representation that the NPPF is not ‘guidance’, it instead ‘requires’ certain minimum levels of land banks to be maintained for certain mineral types. The representation stated that the use of the word guidance implies the maintenance of landbanks is optional, which it is not, and the text need altering to reflect this reality.
- 1.155 The highlighted concern with Paragraph 3.79 relates to wording that is already in the adopted MLP. However, the unintended inference is understood and consequently an amendment is now proposed to replace the word ‘guidance’ with ‘instruction’.

¹⁸ Paragraph 3.84 in the currently adopted MLP 2014

The Future Role of Reserve Sites in the Essex Minerals Local Plan

- 1.156 The current iteration of the MLP includes a schedule of site allocations, split into 'Preferred Sites' and 'Reserve Sites'. All sites were originally proposed as Preferred Sites in the pre-submission draft of the MLP which was submitted to the Planning Inspectorate for examination. The delineation was however recommended by the Inspector who conducted the Examination in Public of the MLP. This recommendation was made on the basis of a potential over-allocation of sites as a result of total provision being made on the basis of the apportionment figure derived from the National and Sub-National Guidelines rather than through an average of the last ten years of rolling sales. The Inspector recommended that the difference between the two be recognised by re-allocating Preferred Sites to Reserve Sites equating to the difference.
- 1.157 As set out previously in this report, there is now a clear requirement for Reserve Sites to be added to the pool of Preferred Sites in order to contribute to the requirement of sand and gravel over the Plan period. It is further considered that in the absence of extant National and Sub-National Guidelines presenting an alternative figure to the NPPF that could be apportioned to mineral planning authorities, there is no requirement to base future allocations on the need to satisfy two potential provision figures. Allocations can therefore be made on the basis of serving a single need figure, and there is therefore no requirement going forward to create separate schedules of sites that are Preferred and Reserve.
- 1.158 A representation made during the Regulation 18 consultation agreed with this approach, stating that whilst the concept of Reserve Sites was not necessarily inconsistent with national policy, there is no policy or guidance that promotes the approach of allocating 'Reserve' sites. It is considered that making such a distinction reduces flexibility within the MLP without good reason and potentially hinders sites coming forward that are required to maintain sand and gravel supplies.
- 1.159 However, another representation considered that additional Reserve Sites could be identified now to replace those proposed to be re-designated as Preferred Sites. Due to the uncertainty demonstrated in assessing the current matters with supply, it was considered that additional sites should be identified as Reserve Sites now to 'future-proof' the MLP against uncertainty in supply and demand factors in the future, ahead of a more formal review. The ability to quickly include Reserve Sites as Preferred Sites when required to boost supply was considered to provide sufficient flexibility for the plan to react to market influences and maintain a sufficient supply. It was further considered that this would also allow the Plan to meet the aims of Paragraph 11a of the NPPF, in that plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change. Reserve Sites could be identified in advance of a Call for Sites and allow the plan to react to further uncertainty and potential rapid change in the future.

- 1.160 This stance is not agreed with as it is not considered to be workable in practice. The route that resulted in potential mineral sites being allocated as Reserve Sites in the MLP was the same as that which resulted in sites being allocated as Preferred Sites. Indeed, all Reserve Sites were originally put forward by the MWPA as Preferred Sites and subsequently re-allocated as Reserve Sites through the employment of an additional step at the request of the Inspector. As such, Reserve Sites went through the same detailed site assessment methodology as Preferred Sites. A Reserve Site allocation is not therefore a fast-track means of allocating sites through the local plan process. In any event, it would not be appropriate for the MWPA to consider the allocation of any additional sites without going through a full Call for Sites exercise as the previous Regulation 18 consultation did not request the submission of candidate sites for potential allocation.
- 1.161 In any event, in the MLP as currently adopted, it is technically more difficult for a Reserve Site to get planning permission than a non-allocated site as Policy S6 currently states that applications will not be supported on Reserve Sites if the landbank is above seven years. This is not the case for non-allocated sites which would be capable of at least being assessed under Policy S6 irrespective of the existing level of the landbank. In any event, and as set out above, in the absence of extant Guidelines setting out a figure divergent from that arrived at through the NPPF methodology, there is no requirement to create separate schedules of sites that are Preferred and Reserve. All sites proposed for future allocation will therefore be proposed as being allocated as a Preferred Site.

The Plan Approach to Windfall Sites

- 1.162 Due to the historic rate of sand and gravel provision from windfall sites, it is considered appropriate to maintain the current approach of making no quantified allowance for the total amount of required sand and gravel provision to be serviced by windfall contributions.
- 1.163 A representation to the Regulation 18 consultation stated that the absence of any reference to overall supply in connection with non-allocated sites is consistent with the general stance that windfall sites should not be included when assessing the supply levels. However, an appropriately low figure, based on previous trends, could be included to demonstrate the level of contribution to be expected from windfalls in the future.
- 1.164 An interrogation of 'windfall' applications made since 1943 was undertaken by the authority and reported on in the Regulation 18 MLP Review 2021 evidence base. This found that between 2014 when the MLP was adopted and 2019, there had been a total of three applications approved by the MPA for extraction from windfall sites. This generated an additional 1.5Mt, which equates to approximately 7% of plan need across the same period, or 2% of total plan need. This figure is approximately a third of the current annual apportionment and less than half of a single years' supply at the newly proposed annual provision figure. Given the low mineral yield from this source and the low

number of applications permitted, it is considered appropriate to maintain the current approach of making no quantified allowance of the total amount of required allocated provision to be serviced by windfall contributions. Should permission be granted for extraction at a windfall site, at that point the saleable sand and gravel that would be excavated would be added to the 'Permitted Reserve' and at that point be counted within future calculations assessing supply and demand.

- 1.165 It was also suggested through the Regulation 18 consultation that it would appear that applications involving non-allocated (windfall) sites could be approved if they meet all the conditions in Policy S6 but with no regard needing to be made for the level of the landbank at the time of application. It was considered that this is logical when the analysis of past windfall sites demonstrates that they tend to be small, rare and contribute little. It was however further pointed out that it would appear from the Plan that there is nothing to prevent a departure from this trend - ie the acceptance of a larger non-allocated site which met the conditions of Policy S6. As a result, it was considered crucial that an appropriate low level upper threshold limit on the size (both in terms of area and tonnage) for windfall sites is specified as otherwise the Strategic Objectives and Spatial Strategy provided by the MLP could be undermined.
- 1.166 The issues raised are noted and it is accepted that a large windfall site could impact on mineral provision. However, Policy S6 requires that windfall sites must demonstrate (*inter-alia*) 'an overriding justification and/ or overriding benefit for the proposed extraction'. It is not considered to be appropriate to select an arbitrary maximum threshold that windfall sites must not exceed as such a threshold may prohibit them from providing the 'overriding justification and/ or overriding benefit' that creates the need for working these non-allocated sites in the first place. Instead, Policy S6 ensures that the overarching Strategy of the MLP is maintained as best as possible by requiring that the windfall application ensures that 'the scale of the extraction is no more than the minimum essential for the purpose of the proposal'. This acts to minimise the level of extraction at non-allocated sites to that explicitly required for the purpose that allows them to come forward. Any sand and gravel not consumed by the non-mineral development that creates the need for the windfall site would be added to the permitted reserve of the County and would reduce the provision that is required to be made at a future stage of plan production.
- 1.167 Conversely, a representation received through the Regulation 18 consultation suggested that the criteria through which windfall applications are assessed need to be less categoric and introduce an element of flexibility to support delivery. The representation advocated for a Call for Sites and full Review to be carried out but, that if that is not pursued as a minimum, Policy S6 requires amendment to cover the circumstances through which working non allocated sites would be acceptable. Whilst a moot point now that a Call for Sites is being pursued, the representation suggested the removal of Clause b) of Policy S6

which states *'The scale of the extraction is no more than the minimum essential for the purpose of the proposal'*.

- 1.168 The MWPA do not support the removal of Clause b). Where sites are permitted outside of Preferred Site allocations to serve a specific purpose by providing an overriding benefit, the amount of mineral to be extracted should be limited to the facilitation of that purpose. Removing this clause may result in the establishment of traditional quarries outside of Preferred Site allocations, thereby weakening the Plan-led system and increasing uncertainty with regards to where mineral development is to take place.
- 1.169 Another representation recommended alteration to the wording of Paragraph 3.98¹⁹ and Policy P6 to be more explicit that windfall sites would be considered in relation to the existing distribution of allocated sites and would not be permitted where they result in or contribute to overconcentration of mineral extraction sites in one area of the County.
- 1.170 The MWPA considers that the proposed amendment is already addressed through existing wording in Paragraph 3.100²⁰ and Policy S6. Paragraph 3.100 states that 'All proposals will be considered against policies in the Development Plan' whilst Policy S6 requires that mineral extraction outside of Preferred Sites <i.e., windfall sites> must adhere to a number of principles including that the proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan'
- 1.171 The Development Plan includes Policy DM1 – Development Management Criteria which states that 'Proposals for minerals development will be permitted subject to it being demonstrated that the development would not have an unacceptable impact, including cumulative impact with other developments, upon:' before listing a range of criteria. It is considered more appropriate for planning policy to consider the potential impact of cumulative development rather than be concerned with development itself being cumulative i.e., simply the number of extraction sites that might be in proximity.

The Plan Approach towards Assuming a Quantified Amount of Sand and Gravel from Marine Sources

- 1.172 Through a bespoke report and the Rationale Report 2021, it was previously concluded that it was appropriate for the MWPA to not seek to use an assumed supply of sand and gravel from the marine environment as a means to off-set terrestrial sand and gravel provision. There are no marine landing facilities in the County and even if there were, the MWPA would have no authority to require marine landed sand and gravel to be used in the County. Further, whilst ECC as the MWPA could look to reduce land-won provision as a means to encourage the diversion of marine aggregate into Essex, minerals planning policy is clear that any deficiency in land-won allocations versus an established

¹⁹ Paragraph 3.105 in the currently adopted MLP 2014

²⁰ Paragraph 3.107 in the currently adopted MLP 2014

need can be met through sites coming forward off-plan, such that the impact of this could well be to encourage more non-Preferred terrestrial sites rather than marine aggregate filling the gap. This would result in a weakening of the Plan led system.

- 1.173 No representations were received which offered an alternative to this view and therefore the MWPA will continue planning on this basis.

What Constitutes an 'Overriding Justification or Overriding Benefit' to Satisfy the Policy S6 Test for Planning Applications for Extraction coming forward on Non-allocated Sites

- 1.174 Paragraph 3.99²¹ of the MLP sets out a number of reasons why proposals for mineral extraction may be appropriate on non-allocated sites. One representation received through the Regulation 18 consultation noted that it is not clear whether it is the intention for paragraph 3.99 to consider mineral extraction on non-allocated sites only in respect of the three types of development stated or whether these are merely examples. It was considered that other circumstances will occur that amount to an overriding justification.
- 1.175 A number of representations requested a specific modification to the list through the addition of flood storage and alleviation measures which may then contribute to resilience against climate change through the creation of green and blue infrastructure such as biodiversity and habitat creation as well as the provision of natural landscape features including tree planting.
- 1.176 Whilst it is recognised that the specific example above could constitute an overriding benefit, the list put forward under Paragraph 3.99 is not intended to be an exclusive list and it therefore has the potential to be expanded by a number of additional potential benefits. It is considered sufficient to highlight a small number of potential overriding justifications as examples in the supporting text to Policy S6, whilst leaving the Policy itself to just state that there can be overriding justification or benefits that would see the MWPA grant planning permission on non-allocated sites. Applications of the specific nature proposed within the representation, as with all applications claiming an overriding benefit, would be considered on a case-by-case basis against the tests for non-Preferred Sites set out in Policy S6. It is however noted that it is not clear that the list set out in Paragraph 3.99 is not intended to be exhaustive and therefore it is proposed to modify the paragraph to clarify this point.

The Absence of References to Biodiversity, Habitat and Public Access Improvements in Policy S6

- 1.177 A representation was received through the Regulation 18 consultation which requested that features such as biodiversity, habitat and public access improvements be written into Policy S6. However, the role of Policy S6 is to establish a Plan-led approach to mineral extraction.

²¹ Paragraph 3.106 in the currently adopted MLP 2014

- 1.178 The need for mineral extraction sites to reduce impact on amenity considerations such as biodiversity, habitats and public access, and to seek amenity improvements following restoration, are set out in Policies S10, S12 and DM1. Further, Paragraph 1.18 of the adopted MLP sets out that the Plan should be read and interpreted in its entirety with due regard paid to all of the relevant policies and proposals included within it. As such, it is not considered necessary to make references to biodiversity, habitats and public access in Policy S6 or its associated text as these issues are already addressed through the MLP.

Issues Relating to the Proposed Flood Alleviation Scheme in Coggeshall

- 1.179 A number of representations to the Regulation 18 consultation raised issues with respect to a flood alleviation scheme which is proposed to be located within Coggeshall. Where the matters raised related to more general planning principles, these are set out above. Additional matters raised in relation to the proposal itself are addressed below.
- 1.180 Through the Regulation 18 consultation a representation was received that stated that mineral extraction in general will create major impacts on the immediate environment e.g., dust, noise emissions, vehicle movement and congestion on the roads all day. Further, it was stated in the representation that the MLP notes that there are certain types of development that are particularly sensitive to mineral development and land near these could preclude development of a quarry. This principle was considered to relate to Coggeshall, which it was stated is also under other development pressures, and therefore quarrying was considered unsuitable in proximity. It was further considered that the restoration of a quarried area would spoil the natural and historic landscape of the area.
- 1.181 It is further presumed that this consultation response relates to a proposed flood alleviation venture between a private company and the Environment Agency which will involve the establishment of a quarry to facilitate the flood defence. Whilst the MWPA notes the comments received, they are not related to a site being proposed for allocation as part of this review and therefore they fall outside of the scope of the Regulation 18 consultation for the MLP. Any application submitted to work a site that is not allocated as a Preferred Site in the MLP will be assessed against the relevant policy framework in the adopted MLP, particularly Policy S6, at the point of an application being submitted. The issues raised in the response would be required to be considered, particularly under Policy DM1. A specific public consultation exercise on that application would subsequently form part of the determination process. As of November 2021, an application has yet to be submitted and therefore there is no application before the MWPA to determine.
- 1.182 The MWPA additionally notes that the mitigation of any potential site-specific adverse impacts of a proposed development would be addressed through the planning application process, including those impacts which are cumulative.

This includes land use matters which would be determined by the MWPA and environmental matters regulated by the Environment Agency. Further, conditions attached to the granting of planning permission would be expected to be complied with. Failure to adhere to these conditions would result in enforcement action against the operator.

- 1.183 A further representation stated that It is recognised that the plan review would consider the potential flood alleviation scheme in Coggeshall as a windfall site. It was subsequently noted that if this site was to be worked, it would generate a considerable amount of saleable sand and gravel which it was requested should, by view of its scale, be counted towards meeting part of the County's sand and gravel extraction targets for the relevant plan period.
- 1.184 This is indeed the case. Should an application be made for the flood scheme mentioned in the response, as a non-allocated site it would be assessed as a windfall site. Should permission be granted, at that point the saleable sand and gravel that would be excavated to deliver the flood scheme and is then exported off-site would be added to the 'Permitted Reserve' and therefore be counted within future calculations assessing supply and demand.
- 1.185 It was further stated that in the event of the flood alleviation scheme coming forward, it should be included as part of a masterplan of the surrounding area. This site lies together with MLP Site A6 and MLP Site A7 as well as a waste management site, and the cumulative impact of these workings was considered to have a significant impact on a large area of landscape. It was also considered to be important that restoration proposals consider the site context with neighbouring sites and where this context would merit a coordinated landscape scale approach across these sites, take into account other features such as public access, biodiversity and habitat improvements. It was requested that this be written into Policy S6 and its supporting text.
- 1.186 With regards to those issues raised with respect to masterplanning, within the Site Profiles for Sites A3 – A7 in the adopted MLP, it is stated (inter-alia) that a Masterplan would be required covering Bradwell Quarry in its entirety. This Master Plan was submitted with the planning applications for MLP Site A3 and MLP Site A4. Restoration schemes for MLP Sites A3, A4, A5 and A7 have largely been in accordance with this Masterplan, but taking on board more detailed information obtained through the subsequent planning applications and EIA process. The implementation of some of the restoration scheme has been delayed in parts due to overlap with the strategic waste management development (ESS/34/15/BTE – IWMP).
- 1.187 Legal agreements have been required in association with the planning permissions for sites A3 and A4, A5 and A7 to ensure the delivery of the biodiversity areas and their long-term management. If and when an application is made for site A6, the restoration would also be required to be in accordance with the Master Plan. 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. If and when an application is made for the Flood Alleviation Scheme, the EIA that would be required to support the application would need to take into consideration the surrounding landscape.

- 1.188 With regard to a request to amend Policy S6 to include site specific matters in relation to the potential flood scheme at Coggeshall, this is not considered appropriate. Policy S6 is a strategic policy which is intended to apply to all of Essex and, in any event, the requirements for a Masterplan are explicitly set out in the relevant MLP Site Profiles. It is also not considered appropriate for a strategic policy to reference a potential application that has not yet been submitted and is not guaranteed to come forward.

Sites Promoted to the MWPA through the Regulation 18 Consultation for Allocation as New Preferred Sites

- 1.189 Representations were received through the Regulation 18 consultation which put forward sites that were requested to be considered for allocation through the MLP Review. However, the position taken through the Regulation 18 consultation was that there were sufficient sand and gravel allocations to satisfy demand over the review period and therefore no additional sites were formally requested for consideration. Whilst this stance has since changed, it is not considered appropriate to seek to allocate further sites in the Plan outside of a full and appropriately advertised Call for Sites exercise.
- 1.190 As such, where comments were received specifically with respect to potential new allocations, it is not considered appropriate to comment on these matters. A Call for Sites has now been announced by the MWPA, and those sites submitted through that process will be subjected to a Site Selection Methodology, to be determined by the MWPA, as part of this process. Following the assessment of all sites received through the Call for Sites and an assessment of the plan provision methodology put forward in this Topic Paper, candidate sites will be proposed for allocation where assessed as suitable to meet forecasted need as part of a future Regulation 18 consultation which will also include amendments to Policy S6. Following analysis of the responses received, the intention will be for an amended Policy S6 and any newly proposed site allocations to be incorporated into a revised MLP, with the whole Plan then subjected to a Regulation 19 public consultation.

Conclusion

- 1.191 The proposed amendments to Policy S6 attracted some of the more detailed comments received through the consultation. When considering the representations as a whole, there was little consistency with regards to those areas of agreement and disagreement. Central to the application of Policy S6 is the plan provision figure, with some respondents supporting a maintenance of the current apportionment whilst others considered it to be too high. However, when grouping representations by respondent, there was a strong correlation of opinion, with members of industry all supporting a maintenance of the current

apportionment with respondents outside of industry suggesting it should be lowered in light of recent sales. There was strong disagreement from industry with regards to not carrying out a Call for Sites exercise which was based on the fact that data showed that the Plan would soon not be able to maintain a landbank of seven years and certainly not to the end of the Plan period, which was stated as a requirement of the NPPF.

- 1.192 Objections were also received in relation to how Policy S6 addressed the issue of windfall sites. Representations on windfall sites received from respondents outside of the industry considered that there should be a cap on the size of windfall sites that could be permitted. This is not supported as it is considered that it would not be appropriate to place arbitrary thresholds on the extent that windfall sites can be worked when they are being worked to facilitate an identified overriding benefit.
- 1.193 Comments from industry requested that the windfall criteria be expanded to include support for extensions to existing sites to maintain production and avoid the sterilisation of minerals that would otherwise occur if extraction was to cease. It was suggested that these amendments be made in light of the absence of a Call for Sites to facilitate a more flexible approach to mineral provision given that most Preferred Allocations have already come forward. However, these proposed amendments are not supported by the MWPA as it is considered that they would act to weaken the Plan-led system and increase uncertainty as to where mineral extraction may occur.
- 1.194 In any event, the MWPA now consider that a Call for Sites exercise is appropriate, and this is being progressed in parallel with this single-issue engagement on the proposed methodology for deriving a new plan provision figure. Any need for additional allocations will be dependent on the outcome of this engagement and the submission of sites suitable for allocation. Those sites submitted through the Call for Sites exercise will be subjected to a Site Selection Methodology and the results of that exercise subjected to a six-week public consultation alongside a revised MLP Policy S6 at a future Regulation 18 stage. Following analysis of the responses received, the intention will be for any new allocations to be incorporated into a revised MLP with the whole Plan then subjected to a Regulation 19 consultation. Depending on the methodology used to calculate a new Plan provision figure, assuming sufficient appropriate sites are submitted, and recognising the length of time it has taken to progress the MLP Review, this process will seek to allocate sufficient mineral to enable a landbank of at least seven years to be in place at the end of the Plan period in 2029. For the purposes of calculating landbank and projecting future mineral need, it is proposed to reduce the current annual plan provision figure for sand and gravel in light of the expiration of the current National and Sub-National Guidelines. It is also currently assumed that all sites allocated in the MLP which have yet to be subject to a planning application will come forward during the Plan period.
- 1.195 Representations were received through the Regulation 18 consultation which put forward sites that were requested be considered for allocation through the

MLP Review. However, these were not formally requested, and it is not considered appropriate to allocate or comment on any potential additional sites outside of a full and appropriately advertised Call for Sites exercise, which is now being undertaken.

Schedule of Proposed Amendments to Policy S6 following March 2021 Regulation 18 Consultation on MLP Review

- 1.196 Based on the conclusion drawn to date, and ahead of the engagement processes and full plan assessments that are yet to have taken place, the conclusions as set out in this Topic Paper would result in the following broad changes to Policy S6. Please see the Schedule of Amendments for Policy S6 document for a complete list of all amendments proposed to be made to Policy S6 to date. To see the amendments in context, please see the Policy S6 – Draft Amendments Made and Policy S6 – Proposed Draft Amendments documents, both of which are available as part of this consultation. The latter of these documents highlights through italics and strikethrough where words have been added and deleted respectively.

Table 9: Schedule of Proposed Amendments to Policy S6 following March 2021 Regulation 18 Consultation on MLP Review

Adopted MLP Ref	New Ref	Proposed Amendment
Whole Plan	Whole Plan	All plan references to a plan apportionment of 4.31mtpa in Policy and supporting text will require amending to 3.74mtpa (the current figure derived from an average of the last 10 years sales +20%). Please note that this figure is subject to change even if the 10 year sales +20% methodology is taken forward.
Whole Plan	Whole Plan	There is a requirement to amend all sections around plan need and remove references to the Sub-national apportionment and the historic approach.
3.79	3.79	To ensure that the need to maintain a landbank of at least seven years of sand and gravel is appropriately articulated, the following amendment is proposed: 'The NPPF provides guidance <u>instruction</u> on the minimum length of mineral <u>the sand and gravel</u> landbanks, as follows...'
3.106	3.94	To ensure that it is clear that the list of overriding justification and benefits set out in highlighted paragraph are not exhaustive, the following amendment is proposed: Proposals <u>A potential overriding justification or benefit</u> for mineral extraction on these 'non-Preferred Sites' <u>non-allocated sites</u> may occur in relation <u>include, but is not limited,</u> to:
3.108	3.96	To clarify the difference between non-Preferred Sites (sites which were submitted to the MWPA but not selected) and non-

		<p>allocated sites (any site coming forward that was not allocated), the following amendment is proposed:</p> <p>The MPA does not consider that information about mineral supply in specific County sub-areas, or the individual commercial business need of a mineral operator to continue production at a particular mineral extraction site, to be relevant or material to its decisions in respect of non-Preferred Sites-allocated sites.</p>
Policy S6	Policy S6	<p>So that Policy S6 is more positively worded, the following amendment is proposed:</p> <p>Mineral extraction outside Preferred or Reserve Sites will be resisted <i>supported</i> by the Mineral Planning Authority <i>providing the Applicant unless the applicant can</i> demonstrates:</p> <p>a) An overriding justification and/ or overriding benefit for the proposed extraction, <i>and</i></p> <p>b) The scale of the extraction is no more than the minimum essential for the purpose of the proposal, or and</p> <p>c) The proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan</p>

Please note that this table omits minor changes considered to be required for reasons of clarity, grammar etc.

Table 10: April 2021 Regulation 18 Consultation Responses to Policy S6 – Provision for sand and gravel extraction

Organisation	Responding on behalf of	Q1. Do you agree or disagree with the rationale behind the amendments proposed in this section of the emerging Minerals Local Plan? (see Rationale Report)	Responses received	Minerals and Waste Planning Authority Response
Runwell Parish Council (631132323)	Runwell Parish Council	Agree	N/A	N/A
W H Collier Limited (769297167/ 942768790)		Agree		N/A
Thurrock Borough Council (97704900)	Thurrock borough Council	Agree	No additional comment.	Noted
Medway Council (496262423)		Agree	Support for the continued use of 4.31Mtpa as the annual sand and gravel requirement to be planned for, based on the reasons set out in the Rationale document, especially those related to the observed gradual increase in sales in recent years and apparent ongoing Government support for the use of national guidelines.	It is now proposed to adopt a new plan provision figure equating to an average of the last ten years of sales plus 20%. The current apportionment of 4.31mtpa was derived from the 'National and regional guidelines for aggregates provision in England 2005 to 2020' (the Guidelines) which have since expired. The assessed requirement for additional mineral site allocations necessitated a stronger focus on whether the continued

				<p>reliance on the Guidelines is appropriate as it is this plan provision figure which dictates the extent to which new allocations will need to be made. As of November 2021, no new Guidelines have been put in place and there has been no indication that the figures in the expired Guidelines are to be 'rolled forward'. As such they are not considered to be extant and capable of being used as a justification for a plan provision figure.</p> <p>Please see MLP Review Topic Paper – Policy S6 for a detailed justification for the proposed revised approach.</p>
			Medway notes the justification provided for continuing to plan on the basis of a combined sand and gravel landbank and for not reducing land won requirements on the basis of promoting marine won sources.	Noted.
CPRE Essex (665562826)		Agree (but wish to clarify)	The absence of any reference to overall supply in connection with non-allocated sites is consistent with the general stance that windfall sites should not be included when assessing the supply levels. However, an appropriately low figure, based on previous trends, could be included to demonstrate the level of contribution to be expected from windfalls in the future.	<p>An interrogation of 'windfall' applications made since 1943 was undertaken by the authority and reported on in the Regulation 18 MLP Review 2021 evidence base.</p> <p>Between 2014 and 2019, there had been a total of three applications approved by the MPA for extraction from windfall sites. This generated an additional 1.5Mt, or approximately 7% of the MLP apportionment across the same period. Given the low yield and</p>

				<p>number of applications permitted, it is considered appropriate to maintain the current approach of making no quantified allowance of the total amount of required allocated provision to be serviced by windfall contributions.</p> <p>Should permission be granted for extraction at a windfall site, at that point the saleable sand and gravel that would be excavated would be added to the 'Permitted Reserve' and therefore be counted within future calculations assessing supply and demand.</p>
Coggeshall Parish Council (598729813)	Coggeshall Parish Council	Agree (but wish to clarify)	<p>The Mineral Planning Authority ensures reserves of land won sand and gravel are available until 2029 sufficient for 7 yrs extraction - this is quite a short timescale. Thus the mineral extraction outside preferred sites is resisted unless it can be justified. MPA maintains silica land bank for 10 yrs, brick, clay extraction for 25 years the Brit Geol society have used bores to work out the gravel depth sand and gravel had to be over 1m thick and must be within 25m of the surface. How does this relate to the proposed quarry for Coggeshall? It has to be at least 3 hectares in area so how does this relate to Coggeshall</p>	<p>References to the deposit of sand and gravel having to be over 1m thick and within 25m of the surface are in relation to two of the criteria which the British Geological Survey use to establish whether a deposit is 'potentially workable'. Where land contains deposits which are deemed potentially workable, they are designated as a Mineral Safeguarding Area.</p> <p>Whilst ECC notes the remainder of the comments received, they are not related to a site being proposed for allocation as part of this review and therefore they fall outside of the scope of the Regulation 18 consultation for the Minerals Local Plan. Any application submitted to work a site that is not allocated as a Preferred Site in the Minerals Local Plan will be assessed against the relevant policy</p>

				<p>framework in the adopted Minerals Local Plan, particularly Policy S6, at the point of an application being submitted. A specific public consultation exercise on that application would subsequently form part of the determination process.</p> <p>The proposal for Coggeshall, which is a proposed joint venture between industry and the Environment Agency, has yet to be submitted as a planning application and therefore there is no application before the MWPA to determine.</p> <p>The reference to 3ha in relation to Coggeshall is not understood and does not have any relevance to the application of Policy S6. The only reference to 3ha as being a threshold in the Regulation 18 MLP Review Consultation is to a proposed maintenance of the 3ha threshold at which Policy S8 is applied for non-mineral related applications in Mineral Safeguarding Areas related to chalk.</p>
David L Walker Ltd (559449615)	Brice Aggregates	Disagree (please clarify)		N/A
Mineral Services (463353429)		Disagree (please clarify)	<p>I have set out below my objection to the Provision of Primary Minerals, including Policy 6, in advance of tomorrows deadline.</p> <p>Provision of Primary Minerals (Including Policy S6)</p>	<p>Given the length of time it is now considered it will take to progress the MLP Plan Review to adoption, the fact that remaining Preferred and Reserve allocations have yet to come forward, and an accepted need to make provision equating to the stated plan</p>

			<p>1. Do you agree or disagree with the rationale behind the amendments proposed in this section of the emerging Minerals Local Plan? (see Rationale Report)</p> <p>2. Disagree (please clarify):</p> <p>I disagree with the omission of a 'Call for Sites' from the Review Consultation for the following three reasons:</p> <p>a) The projected landbank is predicted to fall below seven years in 2024 and therefore a minimum seven year landbank is not been maintained through the Plan Period, which is contrary to clear guidance within the NPPF. A 'Call for Sites' should therefore have been included within the current Minerals Local Plan Review.</p> <p>b) The buffer between the landbank based upon the apportionment figure and the identification of Preferred Sites is being eroded because the landbank is now based upon all the preferred sites becoming permitted reserves which are being reduced by actual sales. This brings forward the need for a 'Call for Sites' within the current review by two years within the Plan Period.</p> <p>c) The Greater Essex Local Aggregates Assessment 2020 covers the year ended 31st December 2019 and is therefore out of date for landbank</p>	<p>provision figure within Policy S6 of the MLP rather than rely on accumulated annual savings, the MPA accepts that new site allocations are required to be made as part of the MLP Review to ensure a steady and adequate supply of minerals.</p> <p>It is however considered that the plan provision figure itself needs amendment and therefore potential additional allocations following a Call for Sites will be made on a basis of need established by a new calculation methodology. The current apportionment of 4.31mtpa was derived from the 'National and regional guidelines for aggregates provision in England 2005 to 2020' (the Guidelines) which have since expired. As of November 2021, no new Guidelines have been put in place and there has been no indication that the figures in the expired Guidelines are to be 'rolled forward'.</p> <p>As such they are not considered to be extant and capable of being used as a justification for a plan provision figure.</p> <p>It is now proposed to adopt a new plan provision figure equating to an average</p>
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			calculation purposes.	<p>of the last ten years of sales plus 20%.</p> <p>It is currently considered appropriate to subtract the yield to be contributed by those Preferred Sites and Reserved Sites that have yet to come forward but are already allocated in the MLP off the balance of need to be serviced by future allocations. These sites were allocated on the basis of being deliverable within the Plan period, which is up to 2029. Confirmation of an intention to work has been received by the agents of those sites, but this will be reconfirmed as part of the future Call for Sites.</p> <p>It is not correct to say that the current landbank is calculated by including sites that have yet to come forward. The landbank is calculated on the basis of the existing permitted reserve ie those site that have been granted planning permission. When other sites allocated in the MLP are permitted in the future, it is only then that the reserves derived from those sites are added to the permitted reserve and form part of the landbank.</p> <p>Topic Paper S6 contains further detail with regards to how the new plan provision figure has been calculated.</p>
Coggeshall Residents Against the Quarry		Disagree (please clarify)	In Para 4.126, it is expressed that housing provision is taken as a proxy for mineral demand. Given this, accurate housing numbers are central to the role	The Regulation 18 Consultation on the MLP Review was supported by a document entitled 'Other Relevant Local

(449012745)			<p>of the MLP in providing for sufficient supply. The statistics relating to future housing requirements are complex and vary considerably depending on which methodology and set of population data is used in the calculations. It is suggested that the County Council should check that it is referring to figures from the very latest 'Standard Method' - ie that which the Government has recently announced that it will stick to.</p> <p>However, the Government's housing targets represent a number greater than actual need and are based on its own insistence that the 2014 ONS household projections should be used. This overlooks the fact that population growth has been slowing since 2014 and that the 2018 projections showed that there will be 3m fewer people in the UK by 2039 than the 2014 figures projected. For Essex, the Government's assessment of local housing need (published September 2017) requires almost 61,000 homes to be delivered in the next 10 years - compared with 40,433 completions over the past 10 years (ie a 50% uplift). However, the 2018 ONS figures suggest a more consistent level of growth and that only around 43,000 homes are required over the same period. In addition, Brexit and the Covid pandemic have resulted in 1m people leaving Britain; reducing birth rates and higher</p>	<p>Information to Justify Aggregate Provision in Essex 2012-2029, 2021' (Aggregate Provision Paper) which was published as part of the evidence base supporting the consultation. The assessment carried out by this paper in relation to future housing need was based on the Standard Method.</p> <p>The NPPF expects strategic policy-making authorities to follow the standard method as outlined in Planning Practice Guidance for assessing local housing need.</p> <p>From Paragraph 3.14 onwards, the Aggregate Provision Paper compares current rates of housing delivery with future delivery rates which would be required under the Standard Method for forecasting future housing need.</p> <p>It found that for Greater Essex, the standard method indicates an annual provision of 10,683 dwellings between 2020 and 2029, compared with recorded dwelling completions of 5,605 between 2010 and 2019. This represents an expected increased rate of dwelling provision of 90%.</p> <p>Since 2014 when the MLP was adopted</p>
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			<p>death rates. Therefore, it may be that if the Government decides to adopt the most up to date ONS projections in a couple of years (as it's own PPG says it should) then the overall Essex housing need requirement drops significantly.</p>	<p>through to 2019 (latest data at the time of the report), completions have increased by 42%, but current rates of delivery can be seen to still be below the rate required to satisfy demand derived from the Standard Methodology.</p> <p>Planning applications continue to be lodged and approved by LPAs despite the current COVID-19 pandemic which suggest housing completions will continue to increase for the remainder of the MLP plan period.</p> <p>Housing figures can only be taken as a proxy for mineral demand; the inference made is that an increase in housing need should translate into an increase in housing provision which will create an increase in the need for minerals.</p>
			<p>With no new allocations of mineral sites proposed, the Review would indicate that a more than adequate land bank was identified in the adopted MLP to meet likely demand.</p> <p>However, the graph (Para 4.119) showing the actual sales of sand and gravel in relation to the annualised plan provision is striking. It seems to indicate an ongoing over-provision: 4.31mtpa apportionment against a 3.13mtpa rolling sales average. Despite the rationale behind a continuation of this high level of annualised plan provision, there is a strong argument that the</p>	<p>It is now proposed to adopt a new plan provision figure equating to an average of the last ten years of sales plus 20%, which is a reduction on the current level of provision.</p> <p>Given the length of time it is now considered it will take to progress the MLP Plan Review to adoption, the fact that remaining Preferred and Reserve allocations have yet to come forward, and an accepted need to make provision equating to the stated plan provision figure within Policy S6 of the</p>

			<p>target should NOT, as the Review suggests, stay the same - not least because it will likely result in an early call for sites as the 7 year supply is eroded. It may also open the door to the acceptance of larger scale 'windfall' sites - see comment below in connection with policy S6.</p> <p>Rather than continue to maintain an unrealistically high target - and particularly given the points raised above in terms of housing numbers - the annualised plan provision should be revised downwards. It seems totally unnecessary to insist on continuing with such an inflated level and keep the target between 21% and 27% above various measures cited and 22.3% above the 3 year sales average (which the PPG highlights as the important measure).</p>	<p>MLP rather than rely on accumulated savings, the MWPA accepts that new site allocations are required to be made as part of the MLP Review to ensure a steady and adequate supply of minerals.</p> <p>The current apportionment of 4.31mtpa was derived from the 'National and regional guidelines for aggregates provision in England 2005 to 2020' (the Guidelines) which have since expired. This requirement for additional mineral site allocations necessitated a stronger focus on whether the continued reliance on the Guidelines is appropriate as it is this plan provision figure which dictates the extent to which new allocations will need to be made. As of November 2021, no new Guidelines have been put in place and there has been no indication that the figures in the expired Guidelines are to be 'rolled forward'. As such they are not considered to be extant and capable of being used as a justification for a plan provision figure.</p> <p>Please see MLP Review Topic Paper – Policy S6 for a detailed justification for the proposed revised approach.</p>
			<p>It would appear that applications involving non-allocated (windfall) sites</p>	<p>The PPG states at Reference ID: 27-084-20140306 that 'There is no</p>

			<p>could be approved if they meet all the conditions in policy S6 but with no regard for the level of the land bank at the time of application. The absence of any reference to supply/land banks in connection with non-allocated sites is consistent with the general stance that such sites should not be included when assessing the supply levels. This is logical when the analysis of past windfall sites demonstrates that they tend to be small, rare and contribute little. Yet, it would appear from the above that there is nothing to prevent a departure from this trend</p> <p>- ie acceptance of a larger non-allocated site. As a result, it is considered crucial that an appropriate low level upper threshold limit on the size (both in terms of area and tonnage) is specified - otherwise, the strategic objectives and spatial strategy provided by the MLP could be undermined.</p>	<p>maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank.' As such it is appropriate that no specific reference is made to the length of the landbank when considering windfall applications.</p> <p>Policy S6 requires that windfall sites must demonstrate (<i>in-er-alia</i>) 'an overriding justification and/ or overriding benefit for the proposed extraction'</p> <p>It is therefore not considered to be appropriate to select an arbitrary maximum threshold that windfall sites must not exceed as such a threshold may prohibit them from providing the 'overriding justification and/ or overriding benefit' that creates the need for working these non-allocated sites in the first place.</p> <p>Policy S6 instead requires the application to ensure that 'the scale of the extraction is no more than the minimum essential for the purpose of the proposal'. This acts to minimise the level of extraction at non-allocated sites to that explicitly required for the purpose</p>
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				that allows them to come forward.
Bretts (203253168)		Disagree (please clarify)	<p>FURTHER COMMENTS – Landbank:</p> <p>It is considered that the County Council is unable to demonstrate that there exists, or will exist, a landbank of at least 7 years provision of sand and gravel for the remainder of the Plan period. Referring to Table 9 of the LAA (2019) the figures presented suggests that the landbank in 2019, was 8 years, and therefore, after deducting sales that have occurred since, it seems likely that this must have since fallen below the requirement.</p> <p>Table 3 (Page 60) of the Rationale Report provides a comparison of the Essex Sand and Gravel Landbank remaining 2018-2029 under a number of different scenarios, whilst applying the apportionment figure of 4.31mtpa. From the figures provided, by 2024, the landbank will have dropped below the minimum 7 years even after all the permitted reserves, pending applications, preferred sites and reserve sites are taken into account. The landbank is then described as dwindling on an annual basis to the end of the plan period.</p> <p>When taking into account scenario 4 which is presented as the 'best' case scenario, the MPA will only have 1.98</p>	<p>Given the length of time it is now considered it will take to progress the MLP Plan Review to adoption, the fact that remaining Preferred and Reserve allocations have yet to come forward, and an accepted need to make provision equating to the stated plan provision figure within Policy S6 of the MLP rather than rely on accumulated annual savings, the MWPA accepts that new site allocations are required to be made as part of the MLP Review to ensure a steady and adequate supply of minerals.</p> <p>It is however considered that the plan provision figure itself needs amendment and therefore potential additional allocations following a Call for Sites will be made on a basis of need established by the new plan provision figure. The current apportionment of 4.31mtpa was derived from the 'National and regional guidelines for aggregates provision in England 2005 to 2020' (the Guidelines) which have since expired. As of November 2021, no new Guidelines have been put in place and there has been no indication that the figures in the expired Guidelines are to be 'rolled forward'. As such they are not considered to be extant and capable of being used as a justification for a plan provision figure.</p>

		<p>mt of consented reserves remaining by 2029. The Plan is therefore under-providing in relation to apportionment/landbank which is contrary to the NPPF (207 (f)). Measures must be taken as part of this review to ensure the landbank will be maintained through the remainder of the plan period.</p> <p>The current apportionment taken from the October 2020 LAA (Annex D P48) is 4.31 Mtpa (excluding Thurrock). Thereby in any given year it is considered that there should be at least 30.17 mt of reserves (7 years) which indicates that the MPA are already very close to going below that with 33.10 mt (+5.5 mt pending) (Annex D).</p> <p>Our calculations are therefore that, for the remainder of the plan period, the county will require:</p> <ul style="list-style-type: none"> • 73 mt of sand and gravel with planning permission from sites not identified in the plan • Minus 2 mt from this from Scenario 4 giving a requirement of c71 mt <p>Overall, all of the figures and information provided leads to the conclusion that there will be a significant landbank shortage well before the MLP period comes to an end and this would still be the case should the MPA choose to use the 3-year average sales (3.38mt).</p>	<p>It is now proposed to adopt a new plan provision figure equating to an average of the last ten years of sales plus 20%.</p> <p>Please see MLP Review Topic Paper – Policy S6 for a detailed justification for the proposed revised approach.</p> <p>It is noted that whilst NPPF former Paragraph 207f (now 213f) requires ‘maintaining landbanks of at least 7 years for sand and gravel’, the NPPF does not state that such provision needs to be maintained outside of a Plan period. Further, the NPPF requires that local development plans are reviewed every five years, and this mechanism allows a MWPA to allocate additional sites that would be required to service this landbank requirement through a specified period of time as set out in the review.</p> <p>Nonetheless, at this stage of the Plan’s lifetime, and after re-considering the current level of the landbank and those remaining Preferred and Referred Sites in the Plan, it is considered appropriate to allocate sufficient material to allow for the maintenance of at least seven years of sand and gravel at the end of the Plan period. This will provide some flexibility between the end of the Plan period of this MLP (2029) and that which will follow.</p>
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			<p>Whilst the Rationale Report, considers that a Call for Sites is not required as part of this Plan review, para. 4.151 does recognise that a Call for Sites will likely be required at some point before the Plan expires (in 2029), However it is our view that a Call for Sites is necessary sooner rather than later to ensure sites can be promoted, considered, assessed and identified and granted permission before 2024, when the landbank is predicted to drop below 7 years. This Plan review should therefore provide for a call for sites exercise and subsequent allocations being confirmed to ensure soundness and the deliverability of the Plan.</p>	
Suffolk County Council (549043477)		Disagree (please clarify)	<p>Para 3.84 - The governments guidance for a apportionment based approach derived from the National and Sub-National guidance has expired at the end of 2020. It is included in the 2019 NPPF and 2021 Draft but there has been no indication that these figures are to be 'rolled forward' or re-issued. However, the approval of the average sales from the last ten years + a suitable safety margin (20%) should be considered.</p>	<p>It is accepted that the current Guidelines have expired, and it is accepted that there has been no indication that these figures are to be 'rolled forward'.</p> <p>It is now proposed to adopt a new plan provision figure equating to an average of the last ten years of sales plus 20%.</p> <p>Please see MLP Review Topic Paper – Policy S6 for a detailed justification for the proposed revised approach.</p>
Heatons (451589647)	Tarmac	Disagree (please clarify)	<p>The overall Plan provision and need for a Call for Sites:</p> <p>The Essex MLP Draft maintains use of the National and Sub National</p>	<p>Given the length of time it is now considered it will take to progress the MLP Plan Review to adoption, the fact that remaining Preferred and Reserve</p>

			<p>Guidelines for Aggregate Provision equating to 4.31mtpa (for the Essex area only - exc Thurrock). The Rationale document behind the proposed changes justifies the use of the higher Apportionment figure as the general trend of aggregate sales is rising. Supporting evidence to the Plan document is identifying annual provision of housing between 2020 and 2029 that represents a 90% increase in the rate of dwelling provision from the 2010 – 2019 period coupled with significant infrastructure requirements. Whilst ECC consider this growth level has 'yet to be realized' the higher apportionment figure provides the flexibility to a predicted significant upturn in comparison to historic delivery (Rational document paragraph 4.127 to 4.129). This approach is fully supported by Tarmac. It is a positive and proactive approach to ensuring a steady and adequate supply of sand and gravel within Essex.</p> <p>The MPA have chosen to progress the Plan and base provision on a supply scenario of 4.31mtpa. The Plan therefore must secure that level of provision.</p> <p>The Rationale Document at Table 3 (pages 60 and 61) is clear that even in the most optimistic of circumstances where all permitted reserves, pending applications, preferred sites and reserve</p>	<p>allocations have yet to come forward, and an accepted need to make provision equating to the stated plan provision within Policy S6 of the MLP rather than rely on accumulated annual savings, the MWPA accepts that new site allocations are required to be made as part of the MLP Review to ensure a steady and adequate supply of minerals.</p> <p>It is however considered that the plan provision itself needs amendment and therefore potential additional allocations following a Call for Sites will be made on a basis of need established by the new plan provision figure. The current apportionment of 4.31mtpa was derived from the 'National and regional guidelines for aggregates provision in England 2005 to 2020' (the Guidelines) which have since expired. As of November 2021, no new Guidelines have been put in place and there has been no indication that the figures in the expired Guidelines are to be 'rolled forward'. As such they are not considered to be extant and capable of being used as a justification for a plan provision figure.</p> <p>It is now proposed to adopt a new plan provision figure equating to an average</p>
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		<p>sites come forward, the landbank drops below the required 7 years from 2024. This is patently unrealistic given that applications have not yet been submitted for the remaining sites, and in terms of the allocations at both Bradwell and Birch there are question marks as to what proportion of the identified reserves in the respective areas would be available in the Plan period given the permitted reserves available at those existing sites (as discussed further below). However, even with the optimistic assumptions in the Rationale Document, it is apparent based upon ECC's own evidence base that the landbank will fall below the required minimum period of 7 years in 2024 (not 2025 as referred to in para 4.148), and below the required minimum of 7 years in 2023 if the 'reserve' sites are not included (ref para 4.148 of the Rationale Document and Table 3).</p> <p>The Rationale Document continues by suggesting that if all existing allocated sites come forward as envisaged (with no evidence presented that they will come forward 'as envisaged'), then the landbank would cease to be achievable by 2025. This is incorrect given that Table 3 of the Rationale Document confirms that the landbank would fall below the minimum 7 year period during 2024. However, the Document suggests that since 'this equates to the end of the</p>	<p>of the last ten years of sales plus 20%.</p> <p>Please see MLP Review Topic Paper – Policy S6 for a detailed justification for the proposed revised approach.</p> <p>It is currently considered appropriate to subtract the yield to be contributed by those Preferred Sites and Reserved Sites that have yet to come forward but are already allocated in the MLP off the balance of need to be serviced by future allocations. Operators of sites allocated in the MLP which have yet to come forward as a planning application have been contacted and their intention to work the sites through the plan period secured. However, this will be reconfirmed as part of the future Call for Sites.</p> <p>With regards to the assertion made in the Rationale Report 2021 that a Call for Sites can be conducted outside of the parameters of a statutory review, and that any new sites can be entered into the MLP through a modification of the current list of sites in the MLP Table 5, this was not intended to suggest that the MWPA would look to circumvent due process. The intention was that the</p>
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			<p>Second Review period', then a call for sites can be undertaken as part of such a Second Review (para 4.148). There is absolutely no logic or 'rationale' in this approach.</p> <p>In practical terms, the First Review with the intended absence of any additional allocated sites will not be completed until circa 2023, by which time the landbank would fall below the required minimum level very shortly after the completion and adoption of the First Review. These landbank difficulties will prevail at the start of rather than 'at the end of the Second Review period' as suggested in the Rationale Document (para 4.148). Circumstances would then deteriorate with a projected landbank of less than 2 years at 2029.</p> <p>The Document further notes that a Second Review would be required '5 years after the adoption of this (first) review'. On that basis, if ECC commence a Second Review 5 years after adoption of the First Review (circa 2023), then such a Second Review would not commence until circa 2028 and would not be adopted until after the 2029 end date of the current Plan. A 15-year period would then have elapsed from adoption of the current plan in 2014 with no meaningful review via additional resource provision in the intervening period. This is not a 'rational'</p>	<p>addition of new sites could have taken place through a 'Single Issue' review of Policy P1, which includes Table 5, rather than the current whole Plan review. This single issue review would be required to be subjected to the full planning process otherwise it would not be capable of adoption. However, and as set out above, it is now proposed to carry out a Call for Sites exercise as part of this whole Plan review.</p> <p>With regards to issues around productive capacity and there only being four allocated sites that have not yet come forward in the Plan, the Rationale Report 2021 sets out in Paragraph 4.145 that it is recognised that a further Call for Sites would need to take place at some point in the Plan period. As set out above, following a reconsideration of current progress with the MLP Review, it is accepted that additional site allocations will be required to be adopted as part of the current review process in order to guarantee a steady and adequate supply of minerals as required by the NPPF. However, given the commercial sensitivity around productive capacity, it is considered that the MWPA cannot make quantitative</p>
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			<p>approach to ensuring steady and adequate supplies as required by NPPF particularly in circumstances when it is readily apparent that additional resources need to be identified, allocated and released in the short term.</p> <p>The Rationale Document continues by suggesting that a call for sites can be conducted outside the parameters of a statutory review and any new sites can simply be entered into the MLP through a modification of the list of sites in the current Table 5 (ref para 4.150). This approach is unrealistic and inappropriate in circumventing due process. Sites, in our view, cannot simply be added without proper assessment and scrutiny through a statutory process.</p> <p>Although the landbank is based on the higher regional apportionment figure for Essex (4.31mtpa) and average sales over the last 10 years have been less than that (3.26mtpa), the Plan has to ensure that there is sufficient sand and gravel resource permitted to maintain a landbank of at least 7 years (NPPF paragraph 207f) at the 4.31mtpa level. It does not do that post 2024 (landbank of 6.4 years in 2024) and it certainly cannot achieve that level at the end of the Plan period in 2029 (landbank of 1.98 years). The demonstrated lack of available landbank under the most</p>	<p>allowances for this but will qualitatively consider this issue through the site selection methodology following the Call for Sites exercise. The issue of a perceived overreliance on site extensions, where mineral may potential not be available until the latter end of the Plan period, is also noted, and will also be considered as part of the site selection methodology.</p> <p>It is considered appropriate to resist applications outside of preferred or reserve site allocations unless there is an overriding justification or benefit of extraction at these locations. This is required to ensure the maintenance of a Plan-led system and is considered to be a positively prepared and effective strategy where sufficient Preferred allocations are made in the first instance.</p> <p>The response states that 'Whilst it may not be necessary to attribute figures to the amount of provision exported to neighbouring areas within the Plan, the fact that 20% of reserves from the County are exported should be acknowledged under the duty to cooperate.' The MWPA considers that it continues to undertake the Duty to</p>
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			<p>optimistic scenario (all applications submitted and permitted) is not positively planning for anticipated demand.</p> <p>Looking at the historic monitoring, the landbank has been continually depleting, without replenishment rates reflecting demand. This is also demonstrated by the 20 year average sales 3.64mt (para 3.3.3 2019 LAA – 20 year (2000-2019)) and yet demand for aggregate remains at high enough levels to retain the regional apportionment figures. The landbank position has fallen below the minimum 7 year requirement for 2 years over the Plan period. This again indicates that there are insufficient reserves planned for.</p> <p>See table at end of word doc (see Table 11).</p> <p>1 = Figures taken from page 65 of the Bradwell Quarry Committee report (September 2020) in support of the 6 million tonne extension (A7) which refers to the predicted 2020 landbank situation in advance of preparation of a 2021 LAA (using 2020 figures).</p> <p>In addition to a reducing landbank, the Mineral Planning Authority has not considered the productive capacity of operating units. There is confusion over a perceived lack/reduced sales (less</p>	<p>Cooperate appropriately, having carried out two such specific engagement exercises leading up to the Regulation 18 consultation. Further specific engagement under the Duty to Cooperate will take place over the plan making period, alongside ongoing liaison. No Prescribed Body has raised an issue with regards to the current plan direction potentially leading to supply issues at the strategic level. This will require retesting as part of the next consultation setting out the revised approach to plan provision.</p> <p>The 20% of sand and gravel referred to as being exported is still considered as being 'sold' in Essex and therefore is captured by all relevant calculations.</p> <p>MLP Paragraph 3.105 (3.98) of the MLP is not considered to be contrary to the Plan strategy. The Plan Strategy states that there will be 'a focus on extending existing extraction sites with primary processing plant' and this was indeed the approach taken when sites were considered for allocation during the plan making process prior to adoption in 2014. The plan making process allowed for sufficient sites to be allocated at that time. Subsequently, a positive, plan-led approach requires the resistance of</p>
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			<p>than the annual apportionment) being a reflection of subdued demand. This is not the case. The MPA/ECC is left at the half way point of the Plan period with only 4 sites that have not come forward as Planning Applications. One of the reserve sites has already been brought forward as a Planning Application (Bradwell A7) and approved contrary to the existing mineral provision policy (Policy S6) on the basis of forecasted reduced landbank.</p> <p>Whilst upgrading reserve sites to preferred sites within the MLP Draft numerically increases the available resource, these are primarily extensions to existing operations which would form a continuation of overall aggregate supply. These areas would be worked following cessation of operations in a separate phase and not until later in the Plan period. Firstly, as three of the reserve sites do not yet have the benefit of planning permission. Secondly, the extensions to Birch Quarry and Bradwell Quarry are not required imminently. There is a current undetermined application seeking to extend the life of working of permitted reserves at Birch Quarry until 2028. It is therefore reasonable to assume that a further extension would not be required in advance of that/the end of the Plan period. Bradwell Quarry has significant permitted reserves and coupled with the</p>	<p>working of minerals outside of preferred allocations, unless there is an overriding justification or benefit.</p> <p>Paragraph 3.108 (3.101) is also considered to be appropriate. Following amendment, it is proposed that it states that ‘the MPA does not consider that information about...the individual commercial business need of a mineral operator to continue production at a particular mineral extraction site, to be relevant or material to its decisions in respect of non-Preferred <i>non-allocated</i> sites.’ Whilst the MLP Spatial Strategy includes ‘a focus on extending existing extraction sites with primary processing plant’, this is in the context of a site allocation process and there being an established forecasted mineral need in the County that required facilitation, and not a business need with respect to the site operator when sufficient alternative sites have been allocated to service the needs of the County.</p>
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			<p>proposed flood alleviation scheme which is proposed to be worked in advance of future phases, results in a realistic delay in working the extension areas until later in the Plan period. Shellow Cross has yet to come forward as a Planning Application. There are typically added complexities with bringing a new greenfield operation into production that it is again feasible that output from Shellow Cross is a few years away. It is not the case that additional permitted reserves - particularly extensions - would increase perceived sales. The only way that will be reflected is if there is an increase in operating units which is currently stifled by the 'resistance' to applications outside of preferred or reserve site allocations. The volume of Planning Applications and delivery of the preferred and reserved sites is a better reflection of demand for aggregate within Essex.</p> <p>Flexible Planning Policy to support delivery:</p> <p>Pushing the reserve sites into preferred sites buys two years of secure landbank (assuming that applications come forward). The resultant uncertainty of a Plan without sufficient provision will result in operators having to test applications against a policy (S6) that 'resists' mineral provision outside of preferred areas. That is not positively</p>	
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			<p>prepared or an effective strategy.</p> <p>Provision of Primary Minerals:</p> <p>Para 3.92 illustrates the total Plan requirements for primary extraction from allocations was 40.67 million tonnes. Paragraph 4.145 (of the Rationale document) identifies that this amount would not be sufficient to last the whole Plan period – i.e to 2029 – and that provision made in the MLP would result in the total amount of mineral remaining equating to a landbank of less than 7 years if the sales met the apportionment figures. This is demonstrated by table 3 of the rationale document which supports the MLP Draft. It was recognised that at some point in time between the Plan being adopted and the Plan expiring, a call for sites would need to take place.</p> <p>This was justified given the uncertainty at the Plan making stage of whether it was appropriate to provision on the annual apportionment or the ten year rolling sales.</p> <p>The MPA are advocating (rationale document paragraphs 4.150 – 4.152) that there are mitigating circumstances that mean it is unnecessary to conduct a call for sites exercise. One being that call for sites can take place outside of a statutory review and that new sites</p>	
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			<p>could be added to the list of preferred sites through a modification to table 5 of the MLP Draft and minor text updates. We would dispute this view. The proposed approach is contrary to the Mineral Planning Practice Guidance paragraphs 008 and 009 which advocates that the designation of specific sites provides certainty on where and when development may take place'. In the interests of certainty to both developers and the local community, the Plan should establish clear strategies for mineral planning including sites required for forecasted need as part of a Plan Review. In addition, a call for sites exercise would require sites submitted to be considered against the sustainability objectives of the Plan and independent Examination of the sites proposed for allocation to test that the overall strategy/approach was sound.</p> <p>The second justification for not undertaking a call for sites exercise is that the MPA believe that there is an effective over provision of resource allocated within the Plan. The apportionment figure is 22.3% higher than the current three year sales average and 27.5% higher than the 10 year rolling average. The MPA have assessed a cumulative 'saving' of sand and gravel of 10mt since the Plan has been adopted. The MPA consider this to</p>	
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			<p>be a further 2.3 years of supply above that which the Plan must make explicit provision for (between 2012 and 2029).</p> <p>The MPA have chosen to progress the Plan and base provision on a supply scenario of 4.31mtpa justified on the level of growth/need for aggregate forecasted. The Plan therefore has to plan for that level of provision. The demonstrated lack of available landbank under the most optimistic scenario is not positively planning for anticipated demand.</p> <p>The sites that are remaining within the Plan which have not as yet come forward as planning applications are:</p> <p>An extension at Birch Quarry – 4 million tonnes An extension at Bradwell Quarry (A6) – 2.5 million tonnes An extension at Crumps Farm (Little Bullocks) – 0.7 million tonnes A new greenfield site at Shellow Cross – 3 million tonnes</p> <p>This would give an additional 10.2 million tonnes of reserve if they come forward as Planning Applications. 10.2 million tonnes equate to a maximum of 2.4 years of permitted reserve/landbank. As discussed above, three of these sites are an extension to existing operations and will not therefore increase the levels</p>	
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			<p>of sales but are likely to be required to maintain the current high level of production. In addition, as outlined above, it is unlikely that these sites are going to contribute to continued aggregate supply until the end of the Plan period.</p> <p>Comments regarding the Review period have already been made above. Waiting until the next Review cycle (not before 2027 assuming 5 years post adoption in 2022) when the situation regarding supply is already looking precarious (and may be out of date if current growth forecasts/scenarios to justify the increase apportionment are realized) provides uncertainty and delay.</p> <p>Paragraph 3.97 identifies that the annual apportionment was set to equate to local need and 'there is no requirement for the MPA to make any specific provision to serve any neighbouring area'. Whilst it may not be necessary to attribute figures to the amount of provision exported to neighbouring areas within the Plan, the fact that 20% of reserves from the County are exported should be acknowledged under the duty to cooperate. The need for ongoing monitoring in accordance with the Minerals Practice Guidance on Managed Aggregate Supply, states, 'It requires mineral planning authorities</p>	
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			<p>which have adequate resources of aggregates to make an appropriate contribution to national as well as local supply' (paragraph 060). It is perhaps more the case that exports form part of current/ongoing extraction and sales and this is anticipated to continue but will be monitored through the Local Aggregate Assessment.</p> <p>Paragraph 3.98 is contrary to the Plan strategy. Whilst there is a locational strategy behind the allocations/preferred areas and proximity to growth areas, the Strategy also supports extensions to existing operations. Under the current MLP Draft wording, even extensions to existing operations (irrespective of landbank position or need to maintain production) will be 'resisted by the MPA'.</p> <p>Paragraph 3.101 states continuity of supply is not a material consideration in respect of non allocated sites. This is contrary to the Plan Strategy which identifies a locational strategy with a 'focus on extending existing extraction sites with primary processing plant'. This reference should be deleted from the Plan.</p>	
Blackwater Aggregates (623162177)		No comment		
CEMEX (982058282)		No comment		

Gent Fairhead Aggregates (871678397)		No comment		
Resident (850344129)		No comment		
GeoEssex (538324742)		No comment	no comment	
Kelvedon & Feering Heritage Society (677892382)		No comment		
Strutt & Parker (891506607)	G&B Finch	Not Answered	<p>It is noted that Policy S6 is properly predicated on a 'plan-led' approach to identifying necessary sites to meet the required need, with extraction on additional sites being resisted unless criteria are met. Policy S6 and the aims of securing a steady and adequate supply of land-won sand and gravel (7 years' land bank in accordance with paragraph 207 of the NPPF) are strongly supported.</p> <p>The draft proposed amendments that seek to bring Policy S6 and the MLP up to date in respect to amended policy and guidance are also broadly supported, as set out in the following text.</p> <p>While the aims of the original policy are complaint with the NPPF, it is noted that paragraph 4.110 sets out six key</p>	Support for Policy S6 with regards to the maintenance of a plan-led approach in compliance with the NPPF is noted.

			<p>elements of Policy S6 that require further assessment as part of this review. This representation seeks to comment on two of these elements, namely the use of 4.31mtpa as a figure from which to base annual mineral provision, and the MLP's approach to 'reserve' sites. These elements are discussed below.</p>	
			<p>Whether 4.31mtpa is the appropriate amount of Sand & Gravel to plan for:</p> <p>It is understood and acknowledged that the use of 4.31mtpa as an annual target for mineral provision in Essex is based on the 'National and Sub National Guidelines for Aggregates Provision in England 2005 – 2020', which are now out of date. The decision by the MPA to continue to use the 4.31mtpa figure (which represents a proportion of the 4.45mtpa figure for Greater Essex), which is a greater requirement than the need generated having regard to ten-year rolling average sales, is supported.</p> <p>The justification for using this figure at paragraph 4.116 of the report is also supported, particularly the points made concerning increasing Essex district housing completion forecasts and major infrastructure projects to be located in the area. While such comments were made during the Examination of the plan and accepted by the Inspector at the</p>	<p>It is now proposed to adopt a new plan provision figure equating to an average of the last ten years of sales plus 20%.</p> <p>The current apportionment of 4.31mtpa was derived from the 'National and regional guidelines for aggregates provision in England 2005 to 2020' (the Guidelines) which have since expired. This requirement for additional mineral site allocations necessitated a stronger focus on whether the continued reliance on the Guidelines is appropriate as it is this plan provision figure which dictates the extent to which new allocations will need to be made. As of November 2021, no new Guidelines have been put in place and there has been no indication that the figures in the expired Guidelines are to be 'rolled forward'. As such they are not considered to be extant and capable of being used as a justification for a plan provision figure.</p> <p>Housing growth figures can only be taken as a proxy for mineral demand;</p>

			<p>time, it is considered that they are still relevant at the time of this current review (as set out in section 3.0 of this representation). It is maintained that selecting a higher figure for demand will ensure the MLP continues to be positively prepared, and protects against uncertainties faced by the construction industry in the post-Covid era.</p> <p>The views at paragraph 4.122 of the Rationale Report are supported, in that the assessment of the average sales over the last three years required by the PPG can lead to particularly volatile figures that are not reflective of averages taken from a longer period. This is particularly significant given the impacts of Covid-19 as referenced earlier in this representation.</p> <p>The remaining commentary under the use of the 4.31mpta is considered a robust assessment of what is the appropriate figure to use when determining the land bank. It is understood that while guidance points towards the use of the ten-year rolling average sales as an appropriate basis from which to determine the need, factors such as the NPPF requirement to meet needs and be sufficiently flexible, and the inappropriateness of using the base figure of either the last ten years of sales or the ten year sales average calculated at Plan formation,</p>	<p>the qualitative inference being that an increase in housing need should translate into an increase in housing provision which will create an increase in the need for minerals. The proposed plan provision value of an average of the last 10 years of sales plus 20% creates a provision figure above nine out of the previous ten years of sales.</p> <p>Please see MLP Review Topic Paper – Policy S6 for a detailed justification for the proposed revised approach.</p>
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			<p>provide sound justification for continuing to use the National/Sub National guidelines, i.e. 4.31mpta.</p> <p>The point is also supported that the use of National and Sub National guidelines when assessing future minerals provision was not proposed to be amended as part of the January 2021 consultation on proposed amendments to the NPPF. Given that this consultation came after the expiry of the 2005-2020 Guidelines, it is inferred that they still retain value in coming to an assessment on forecast need. As such, the continued use of 4.31mpta is supported.</p>	
			<p>The Continued Inclusion of Reserve Sites in the Minerals Local Plan:</p> <p>Having determined that the annual sales figure of 4.31mpta should be used for assessing the land bank for sand and gravel, at least in the short term (or until National/Sub National Guidelines are revised), it is necessary to assess whether the identified sites within the plan effectively meet this need.</p> <p>Table 3 of the Rationale Report demonstrates scenarios where the landbank is assessed against the inclusion of various combinations of preferred sites, reserved sites, pending permissions and permitted sites. Even</p>	<p>Given the length of time it is now considered it will take to progress the MLP Plan Review to adoption, the fact that remaining Preferred and Reserve allocations have yet to come forward, and an accepted need to make provision equating to the stated plan provision within the MLP rather than rely on accumulated savings, the MWPAMPA accepts that new site allocations are required to be made as part of the MLP Review to ensure a steady and adequate supply of minerals.</p> <p>It is however considered that the plan provision itself needs amendment and therefore potential additional allocations following a Call for Sites will be made on</p>

		<p>under scenario 4, which includes permitted reserves, pending applications and preferred/reserved sites, the landbank is estimated to fall below the required 7 years by 2024, i.e. in just 3 years' time.</p> <p>As such, the proposed draft amendments include the decision to show 'reserve' sites and factor them in to the preferred sites, so as to encourage supply. However, as evidenced by Table 3, it is considered that more than just the identified reserve sites will be required to ensure a landbank of at least 7 years for the plan period. This is recognised at paragraph 4.151 of the Rationale Report, which considers a future requirement for a Call for Sites.</p> <p>While paragraph 4.149 does provide commentary as to why a call for additional sites is not necessary at this stage, principally for reasons relating to sales not currently meeting the 4.31mtpa amount as used in the landbank assessment, it is still maintained that a 'Call for Sites' will be required in the near future to ensure the plan is positively prepared.</p> <p>It is considered that additional reserve sites could be identified now to replace those proposed to be shown as preferred sites. Due to uncertainty</p>	<p>a basis of need established by the new plan provision figure, which is proposed to be based on an average of 10 year sales plus 20%.</p> <p>It is currently considered appropriate to subtract the yield to be contributed by those Preferred Sites and Reserved Sites that have yet to come forward but are already allocated in the MLP off the balance of need to be serviced by future allocations. Operators of sites allocated in the MLP which have yet to come forward as a planning application have been contacted and their intention to work the sites through the plan period secured.</p> <p>With respect to the proposal to identify additional Reserve Sites to replace those current Reserve Sites which are proposed to be re-designated as Preferred Sites, the Rationale Report 2021 sets out from Paragraph 4.140 the difficulties inherent in operating a list of Reserve Sites. In any event, should any sites submitted through the Call for Sites be capable of adoption, these would be adopted as new Preferred Sites as they would have been assessed as being required to accommodate the future need for mineral. The previous rationale for Reserve Sites was due to the Inspector requiring the MLP to acknowledge the difference between mineral need as calculated by the</p>
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			<p>demonstrated in assessing the current matters with supply, it is considered that additional sites should be identified as reserve sites now to 'future-proof' the MLP against uncertainty in supply and demand factors in the future, ahead of a more formal review. The ability to quickly include reserve sites as preferred sites when required to boost supply will provide sufficient flexibility for the plan to react to market influences and maintain a sufficient supply in what has been evidenced as one of the few economies contributing to UK's growth in the post pandemic era, as demonstrated by the comments made in the latest EoEAWP.</p> <p>This would also allow the plan to meet the aims of Paragraph 11a of the NPPF, in that they should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change. As such, while the draft proposed amendment to include reserve sites as preferred sites to ensure supply is maintained in the short term, replacement reserve sites, such as those described at Section 4.0, could be identified in advance of a call for sites, and allow the plan to react to further uncertainty and potential rapid change in the future.</p> <p>Requirement to ensure steady and</p>	<p>'National and sub-national guidelines for aggregate provision' and the then new NPPF method of an average of 10 year rolling sales. With the MWPA now proposing to move away from the use of the expired Guidelines to a provision methodology based on an average of 10 year rolling sales with a proportional uplift, it is considered that there is no requirement to maintain a Preferred and Reserve list of allocations.</p> <p>It is not considered appropriate to seek to allocate further sites in the Plan, as Preferred Sites or Reserve Sites, outside of a full Call for Sites exercise. It is further noted that the current list of Reserve Sites in the Plan went through the same process of consultation and examination as the Preferred Sites. Reserve Site allocation is not a 'quicker' way to get allocations into the MLP.</p> <p>It is noted that Asheldham Quarry is safeguarded by virtue of a designated Mineral Consultation Area as set out in MLP Policy S8 for the reasons set out in the response.</p> <p>The response raises criterion g of NPPF former Paragraph 207 (now 213g) which states that there is a requirement to ensure large landbanks are not bound up in very few sites, and that this does not stifle competition. This aspect of the NPPF is noted and will be considered,</p>
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			<p>adequate supply of Minerals:</p> <p>While the current levels of supply and the latest monitoring reports/Local Aggregate Assessment (LAA) from ECC do not specifically identify any current issues with the current landbank, paragraph 203 of the National Planning Policy Framework (NPPF) states that it is essential that there is a 'steady and adequate' supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.</p> <p>Furthermore, criteria e) of paragraph 204 states that planning policies should safeguard existing, planned and potential sites for activities including the handling and processing of minerals, the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material. All of these processes occur on the existing Asheldham Quarry site.</p> <p>Criterion g) of paragraph 207 of the NPPF states that there is a requirement to ensure large land banks are not bound up in very few sites, and that this does not stifle competition. Given that the reserved sites proposed to be made 'preferred' sites under the draft amendments are part of a larger existing site at Bradwell Quarry, it is considered that support for smaller, locally based</p>	<p>as appropriate, as part of the future site selection methodology following a Call for Sites exercise.</p> <p>Much of the rest of the response highlights a number of factors which could cause the demand for minerals to increase beyond the current apportionment of 4.31mtpa and signify a lasting requirement for sustainable supplies of aggregate. These include proposals for growth in Maldon and Essex as well as a number of major infrastructure projects.</p> <p>Firstly, it is noted that sales averaged approximately 3.3mtpa in the time between the adoption of the MLP and prior to the impact of COVID. It is from this approximate baseline that sales would increase, rather than 4.31mtpa, which equates to a level of sales not reached over the last ten years and beyond.</p> <p>With regards to major infrastructure projects, it is not possible to quantify a direct take of mineral from Essex reserves for these infrastructure projects as there are a number of potential markets from where this mineral could be sourced from, including marine sources. The mineral take of these projects would also be spread over a number of years. For example, a briefing paper on Aggregate Demand for</p>
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			<p>operators such as G&B Finch Ltd. on suitable sites and locations would be a proactive step in this regard.</p> <p>Further, and as set out paragraph 2.15 of this statement, there are other factors to consider that may affect the demand for minerals. The following text identifies a number of considerations that could cause a greater demand for aggregate, and therefore the possible breach of the 4.31mpta sales figure used for the purposes of assessing the landbank.</p> <p>Planned Growth in Maldon District and wider Essex:</p> <p>Maldon are currently reviewing their own Local Plan, and are running a 'Call for Sites' consultation which seeks additional sites to support the anticipated growth for the Local Plan period. It is anticipated that such a review has the potential to result in further sites for housing being identified, along with supporting infrastructure such as roads, schools and other development requiring a sustainable supply of construction material. Land-won aggregates from a local source such as Asheldham Quarry will play an important part in delivering sustainable growth, pursuant to paragraph 203 of the NPPF.</p> <p>The general plan-led growth anticipated</p>	<p>the Lower Thames Crossing produced by Highways England states that the annual take of sharp sand and gravel expected to be required for the project equates to approximately 6% of an average of the last 10 years of annual sales in Greater Essex and Kent combined (although it is noted that this calculation erroneously used the three year sales figure for Greater Essex, though the error does not significantly impact on the conclusion). An important caveat to this calculation is that it does not include aggregate used in pre-cast units transported to the site, which would likely be manufactured from sources local to the point of manufacture. Another complication with regards to understanding an Essex requirement is that the aggregate demand is likely to be greater to the north of the River Thames which enables developers to access several aggregate facilities (e.g. Port of Tilbury and the proposed Tilbury2 Construction Materials Terminal (CMAT) which could enable the import of aggregate from other sources outside of Essex and Kent. All this is not to suggest that Essex as the MWPA is looking to offset mineral demand to other Mineral Planning Authorities, rather that it is not possible to specifically quantify the impact that major infrastructure projects will have on local mineral supply.</p>
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		<p>not just in Maldon but in the wider Essex area is commented on at paragraph 4.11 of the Rationale Report, which states that; "...it is considered that these [urban centres] may be supplemented by significant growth at new garden communities, some of which will be located in reasonable proximity to the key centres of Harlow, Colchester and Chelmsford. Emerging proposals state that there will also be growth at new communities away from these centres at Easton Park, North Uttlesford, West of Braintree and Dunton Hills (Basildon/Brentwood), amongst other potential locations, WHICH COULD IMPACT ON THE NEED FOR MINERAL RESOURCES" (emphasis added by Strutt & Parker in capitals). This signifies a lasting requirement for sustainable supplies of aggregates within the region which must be maintained in order to ensure that Local Planning Authorities (LPAs) meet their needs.</p> <p>It is noted the that a number of the new communities mentioned at 3.6 (of this response) above are facing delays due to the local plan process, but that the surrounding Local Authorities are committed to delivering housing in order to meet demands, and there is a possibility that such growth will be distributed in areas where quarries like Asheldham can continue to provide</p>	<p>As previously stated, the MWPA are proposing to set its plan provision at a rate of the last ten years of annual sales plus an additional 20% to accommodate a forecasted uplift in demand.</p> <p>With regards to ensuring that major infrastructure projects have access to local supplies, the final geographic dispersal of new site allocations in combination with existing sites will be a consideration of the site selection process.</p> <p>Proposed amendments to the Plan will provide clarity with regards to the plan provision figure, and therefore the basis of all landbank calculations, as the plan provision figure will again be set in policy. It will therefore not be impacted by changes in rolling sales patterns until such a time as another Plan review is undertaken, where the appropriateness of the plan provision figure will again be assessed.</p> <p>It is accepted that the proposed methodology of calculating the plan provision through an average of the last ten years +20% is in part based on sales figures captured during COVID, but it also includes an outlying figure of 4.23mt which exceeds all sales figures in the ten year period by at least 0.9mt, with an approximate 30% difference between this highest figure and the</p>
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			<p>materials.</p> <p>In this regards, the amendment set out at paragraph 4.13 of the Rationale Report, which seeks to replace the words 'more limited growth' with 'additional' growth is wholly supported as a means to capture not only the plan-led growth in Colchester, Braintree, Tendring and Chelmsford, but also the surrounding market and coastal Local Planning Authorities including Maldon.</p> <p>A130 Works/Lower Thames Crossing:</p> <p>Alongside the wider plan-led growth mentioned above, there will also be the requirement for significant supporting infrastructure works, some of which are in the process of being commenced. Key infrastructure works in the area include the A127/130 Fairglen Interchange and new link road, which is currently in the later design stages with an expected completion date of Spring 2023. While this is likely to require significant resources, it will also boost access to for road vehicles across the South Essex region.</p> <p>With 0mtpa of aggregates expected from the Southend-on-Sea to support the Greater Essex apportionment (due to lack of minerals workings sites, and as stated at paragraph 4.114 of the Rationale Report), established local</p>	<p>second highest figure. The proposed methodology would currently result in a rate of provision above all sales figures over the previous ten years other than the highest figure of 4.23mt.</p> <p>Where comments are made with respect to potential new allocations, it is noted that it is now intended for the MLP Review to be supported by a Call for Sites. As the previous stage of the Plan Review did not include a Call for Sites, it would not be appropriate to comment on site specific matters where these relate to the potential of a new allocation. A Call for Sites process will be initiated in due course, and those sites submitted will be subjected to a Site Selection Methodology, to be determined by the MWPA, as part of this process.</p>
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		<p>providers such as Asheldham Quarry will most likely be required to provide materials for projects such as this.</p> <p>The Lower Thames Crossing (LTC) is another large infrastructure project in the East of England that will require a significant supply of materials. It is understood that while the Development Consent Order (DCO) for this scheme has been withdrawn, there is an intention for it to be re-submitted this year, with overall proposal for opening in 2029.</p> <p>This is a significant project that will require substantial materials and resources, and despite involving predominantly a crossing across the Thames linking South Essex and North Kent (and therefore able to benefit from aggregates supply to many wharfs and facilities located on the River Thames), there are wider highways improvements and mitigations provided as far north as Junction 29 of the M25, near Brentwood, which have the potential to benefit from local supplies. It is recommended that schemes such as this are provided for when assessing likely needs later in the plan period.</p> <p>More recently, we are aware of the progression of proposals along the 'A127 Southern Growth Corridor', which feature heavily in the emerging</p>	
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			<p>Brentwood Local Plan. This scheme will see the provision of large amounts of housing and employment development, including the Brentwood Enterprise Park, that will require significant supplies of construction material.</p> <p>Bradwell B Nuclear Power Station:</p> <p>It should also be noted that supplies of aggregates can support other Nationally Significant Infrastructure Projects (NSIPs). A key proposal relevant to the local area of Asheldham Quarry is the proposed Bradwell B Power Station, a nuclear installation that is proposed to be constructed a few miles north of the site.</p> <p>An update from Bradwell B Power Generation Company (the consortium of developers leading on the project) in February 2021 has confirmed that while the project is delayed, again owing mainly to the Covid-19 pandemic, there is a commitment to ensuring the delivery of this scheme. Stage 1 consultations are complete, with consultations related to community involvement currently underway. Additionally, it is understood that Environmental Screening has been completed and that various survey and design works are all being progressed.</p> <p>It is acknowledged that this project will not require materials to be resourced</p>	
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			<p>until much later on in the MLP timescales, however the consideration of where the required minerals can be sustainably sourced to support the scheme should be a key consideration in future Plan Reviews. Notwithstanding the requirements of Bradwell B, projects such as Sizewell C, which are more advanced in the DCO process, will undoubtedly draw on minerals resources from the east of England, and supply will need to be maintained for other schemes. Having regard to the location of possible suppliers and the holistic mineral requirements for the region early on would be a proactive step in ensuring a steady and adequate supply of minerals.</p> <p>Having regard to Section 2.0, there is uncertainty on the future land bank given the clarity on whether the previous agreed apportionment figure is used moving forwards, or that the land bank may be calculated using a figure for rolling annual sales. The rolling annual sales will undoubtedly be affected in part by the Covid-19 pandemic, and therefore this breeds further uncertainty as to whether additional sites may be required.</p> <p>Additionally, for the reasons set out in Section 3.0 of this representation, while it is acknowledged this consultation is not directly inviting suggestions for</p>	
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		<p>further sites, it is considered that there is an immediate need to highlight potential reserve sites to replace those that have now been re-allocated to preferred sites as part of the draft proposed amendments.</p> <p>In the interests of Paragraph 11a of the NPPF, which states that plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change, it is considered necessary to consider some sites now that could come forward relatively quickly to address any shortfalls in supply caused by amendments to the way land bank is calculated. This is also a proactive response to the comments made at paragraph 4.151 of the Rationale Report, which states that while a Call for Sites is not necessarily required as part of the current review, but that one will likely be required before the end of the plan period.</p> <p>It is considered that the most suitable sites for allowing flexibility in meeting rapid change would be those adjacent to existing permitted sites, where the necessary infrastructure, travel plans, and most importantly confirmed minerals deposits, are in place. In this regard, this representation seeks to provide the following conformation on possible future extensions to the</p>	
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			<p>existing site at Asheldham Quarry.</p> <p>Land at Asheldham Quarry:</p> <p>Asheldham Quarry is an existing minerals site located on the Dengie Peninsula, slightly north of Southminster. The site has been in operation for a number of years, and is currently operating under permission ref: ESS/16/14/MAL. The site is owned and operated by G&B Finch Ltd., an established minerals provider with a network of other extraction and processing sites across Essex. Having been established in 1969, G&B Finch Ltd. are a local firm that service the majority of processes within the construction industry, through the supply of minerals and aggregates, and providing services in demolition, screening and recycling.</p> <p>The site is being worked in phases, and it is estimated that there is less than 10 years excavation still to carry out within the existing site. The site also provides facilities for the recycling of aggregate and the production of Ready Mix Concrete (RMC), with these processes being sustainably co-located on the same site. The site provides mineral products for a range of purposes across south Essex, supporting businesses and industry in the region.</p>	
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			<p>The owner of the quarry has interests in a number of surrounding parcels of land, and is in a position to bring forward these for future expansion/subsequent phases to the existing operations. The available land comprises three elements in addition to the current site, as shown on the plan at Appendix A (see Map 1 of this report). The areas for these parcels is set out below;</p> <ol style="list-style-type: none"> 1. Existing Site – 35ha 2. Land to the East – 67ha 3. Land to the South – 6.3ha 4. Land to the West – 4.1ha <p>Given the proximity to the existing site and the established nature of the current minerals operation at Asheldham Quarry, it is anticipated that any additional land can be methodically incorporated into a revised phasing plan for the wider area. Reviewing the Minerals Policies Map that supports the MLP, the proposed land is within a minerals consultation area, adjacent to an existing extraction site, and located on land that is safeguarded for sand and gravel extraction.</p> <p>Having regard to the responses to a number of the proposed amendments as set out in Section 2.0 of this representation, there is considered to be a requirement to identify additional land to meet an impending increase in demand over the coming years.</p>	
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			<p>While it is acknowledged that amends made as part of this consultation are not inclined to seek the allocation of additional sites, identifying these parcels now at the Local Plan Review stages is a pragmatic approach that will ensure flexibility moving forwards.</p> <p>We would welcome the opportunity to further engage with ECC on the matters raised within this representation and any future consultations on the MLP.</p>	
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Organisation	Responding on behalf of	Q2. Do you agree or disagree with the proposed amendments as set out in this section of the emerging Minerals Local Plan?	Responses received	Minerals and Waste Planning Authority Response
Runwell Parish Council (631132323)	Runwell Parish Council	Agree	N/a	N/A
W H Collier Limited (769297167/ 942768790)		Agree		N/A
Thurrock	Thurrock	Agree	No additional comment.	Noted

Borough Council (97704900)	borough Council			
Medway Council (496262423)		Agree	<p>Support for the removal of the distinction of certain site allocations as 'reserve' sites such that all allocations are now proposed as 'preferred'. While not being necessarily inconsistent with national policy, as stated in the rationale document, there is no policy or guidance that promotes the approach of allocating 'reserve' sites. It is considered that making such a distinction reduces flexibility within the MLP without good reason and potentially hinders sites coming forward that are required to maintain sand and gravel supplies.</p> <p>The approach of maintaining a seven year landbank at the end of the Plan period is noted and the observation is made that several Mineral Local Plans have been found sound which do not plan on this basis due to the relatively recent requirement to review local plans every five years.</p>	<p>Noted.</p> <p>Nonetheless, at this stage of the Plan's lifetime, and after re-considering the current level of the landbank and those remaining Preferred and Referred Sites in the Plan, it is considered appropriate to allocate sufficient material to allow for the maintenance of at least seven years of sand and gravel at the end of the Plan period. This will provide some flexibility between the end of the Plan period of this MLP (2029) and that which will follow.</p>
Coggeshall Parish Council (598729813)	Coggeshall parish council	Agree (but wish to clarify)	<p>Mineral extraction will create major impacts on the immediate environment eg dust, noise emissions, vehicle movement and congestion on the roads all day. The policy amendments state the following</p> <p>Developments that are sensitive to such impacts and therefore potentially incompatible in close proximity to mineral development include hospitals,</p>	<p>It is presumed that this consultation response relates to a proposed venture between a private company and the Environment Agency. An application has yet to be submitted and therefore there is no application before the MWPA to determine.</p> <p>Whilst ECC notes the comments received, they are not related to a site</p>

			<p>clinics, retirement homes, residential areas, schools, offices, horticultural production, food retailing, certain industries eg high tech, painting, furnishing, and food processing. Land near this could preclude development of quarry. This statement relates to Coggeshall very aptly therefore Coggeshall should now be left alone. It is under pressure from a quarry about 1 mile away, the incinerator under threat of being built here, increased house building on green spaces, HGVs that drive passed the village every hour of the day especially very early. Plus Coggeshall has a historical centre with evidence of Roman, Norman and Tudor origins. Surely this village/ town should now be left in peace to function as an active community with its agricultural surrounds.</p> <p>The restoration of such a quarried area would spoil such a natural landscape.</p>	<p>being proposed for allocation as part of this review and therefore they fall outside of the scope of the Regulation 18 consultation for the Minerals Local Plan. Any application submitted to work a site that is not allocated as a Preferred Site in the Minerals Local Plan will be assessed against the relevant policy framework in the adopted Minerals Local Plan, particularly Policy S6, at the point of an application being submitted. A specific public consultation exercise on that application would subsequently form part of the determination process. The issues raised in the consultation response would be required to be considered, particularly through Policy DM1.</p> <p>Mitigation of any potential site-specific adverse impacts of proposed development would be addressed through the planning application process, including those impacts which are cumulative. This includes landuse matters which would be determined by the MWPA and environmental matters regulated by the Environment Agency.</p> <p>Further, conditions attached to the granting of planning permission would be expected to be complied with. Failure to adhere to these conditions would result in enforcement action against the operator.</p>
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<p>Braintree District Council (441541446)</p>		<p>Agree (but wish to clarify)</p>	<p>Having regard to the content of this report, the Local Plan Sub Committee is recommended to respond to the Consultation issued by Essex County Council on the following terms: Braintree District acknowledge the outcome of the Local Plan Examination, however remain concerned that the concentration of minerals extraction sites in the area will have adverse impacts on residents, the road network and the countryside setting for a number of years. It is acknowledged that a number of these sites have now been given permission and conditions designed to minimise disruption to residents as required in the plan should be strictly applied. Given these concerns it is welcomed that no new sand and gravel extraction sites have been allocated. Braintree District Council recommends alterations to the wording of Paragraph 3.98 formerly 3.105 and P6 to be more explicit that windfall sites would be considered in relation to the existing distribution of allocated sites and would not be permitted where they result in or contribute to overconcentration of mineral extraction sites in one area of the County. It is requested that Braintree District Council's concerns are taken into account by including text within the section entitled "MPA consideration of non-Preferred Sites allocated sites "</p>	<p>The response requests amendments to MLP Paragraph 3.105 (3.98) and Policy S6 to be more explicit that windfall sites would be considered in relation to the existing distribution of allocated sites and would not be permitted where they result in or contribute to overconcentration of mineral extraction sites in one area of the County. The proposed amendment in part is considered to already be addressed through existing wording in Paragraph 3.107 (3.100) and Policy S6. Paragraph 3.107 (3.100) states that 'All proposals will be considered against policies in the Development Plan.' whilst Policy S6 is proposed to be amended to state that 'Mineral extraction outside of Preferred Sites <ie windfall sites> or Reserve Sites will be resisted <u>supported</u> by the Mineral Planning Authority <u>providing the Applicant unless the applicant can demonstrate...</u> The proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan'</p> <p>The Development Plan includes Policy DM1 – Development Management Criteria which states that 'Proposals for minerals development will be permitted subject to it being demonstrated that the development would not have an unacceptable impact, including cumulative impact with other developments, upon:' before listing a</p>
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			<p>(Para 3.98 formerly 3.105) to recognise that there is a concentration of extraction sites within the Braintree area and that further concentration through windfall sites within this area would be resisted.</p> <p>It is recognised that the plan review would consider the potential Flood Alleviation scheme as a windfall site. If this site was to be worked, it would generate a considerable amount of saleable sand and gravel which Braintree District Council would request, by view of its scale, to be counted towards meeting part of the County's sand and gravel extraction targets for the relevant plan period.</p> <p>In the event of the Flood Alleviation scheme coming forward, Braintree District Council would welcome its inclusion within a masterplan including that of the surrounding area. This site lies together with A6, A7 and the waste management site and the cumulative impact of these workings would have a significant impact on a large area of landscape. It is important that restoration proposals consider the site context with neighbouring sites and where this context would merit a coordinated landscape scale approach across these sites, taking into account other features such as public access, biodiversity and habitat improvements. This should be written into the policy and text surrounding policy S6.</p>	<p>range of criteria. It is considered more appropriate for planning policy to consider the <i>impact</i> of cumulative development rather than development being cumulative itself. It is also noted that windfall sites are often permitted as borrow pits, which exist to facilitate a specific purpose, such as the creation of a flood scheme or to provide a proximal source of mineral for significant infrastructure material. In these instances, it is again noted that it is addressing the impact of cumulative development which is important, rather than making a judgement based solely on there being a number of mineral sites in one area.</p> <p>Should an application be made for the flood scheme mentioned in the response, as a non-allocated site it would indeed be assessed as a windfall site. Should permission be granted, at that point the saleable sand and gravel that would be excavated to deliver the flood scheme would be added to the 'Permitted Reserve' and therefore be counted within future calculations assessing supply and demand.</p> <p>With regards to those issues raised with respect to Masterplanning, within the Site Profiles for Sites A3 – A7 in the adopted MLP, it is stated (inter-alia) that a Masterplan would be required covering the Bradwell Quarry in its</p>
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				<p>entirety. This Master Plan was submitted with site A3 & A4 and a copy has been included at the end of this report (see Map 2) Restoration schemes for sites A3, A4, A5 and A7 have largely been in accordance with this Masterplan, but taking on board more detailed information obtained through the subsequent planning applications and EIA process. The implementation of some of the restoration scheme has been delayed in parts due to overlap with the strategic waste management development (ESS/34/15/BTE – IW MF).</p> <p>Legal agreements have been required in association with the planning permissions for sites A3 and A4, A5 and A7 to ensure the delivery of the biodiversity areas and their long-term management. If and when an application is made for Site A6 the restoration would also be required to be in accordance with the Master Plan. 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. If and when an application is made for the Flood Alleviation Scheme, the Environmental Impact Assessment that would be required to support the application would need to</p>
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				<p>take into consideration the surrounding landscape.</p> <p>It is not considered appropriate to include site specific matters as part of Policy S6 as this is a strategic policy which is intended to apply to all of Essex and, in any event, the requirements for a Masterplan are explicitly set out in the relevant Site Profiles.</p>
Blackwater Aggregates (623162177)		Agree (but wish to clarify)	<p>Within paragraph 3.99, add:</p> <ul style="list-style-type: none"> • Flood storage and alleviation resilience measures - which may contribute to resilience against Climate Change through the creation of green and blue infrastructure such as biodiversity and habitat creation and the provision of natural landscape features including tree planting 	<p>The list put forward under Paragraph 3.106 (3.99) is not intended to be an exclusive list and it has the potential to be expanded by a number of additional potential benefits. The following amendment is proposed to clarify this intention: Proposals <u>A potential overriding justification or benefit</u> for mineral extraction on these non-Preferred Sites non-allocated sites may occur in relation <u>include, but is not limited,</u> to:</p> <p>It is considered sufficient to highlight a small number of potential overriding justifications as examples in the supporting text to Policy S6, whilst leaving the Policy itself to just state that there can be overriding benefits that would see the MWPA grant planning permission on non-allocated sites.</p> <p>Applications of the specific nature proposed within the representation, as with all applications claiming an</p>

				<p>overriding benefit, would be considered on a case-by-case basis against the tests for non-Preferred Sites set out in Policy S6.</p>
<p>CEMEX (982058282)</p>		<p>Agree (but wish to clarify)</p>	<p>Within paragraph 3.99, add:</p> <ul style="list-style-type: none"> • Flood storage and alleviation resilience measures - which may contribute to resilience against Climate Change through the creation of green and blue infrastructure such as biodiversity and habitat creation and the provision of natural landscape features including tree planting 	<p>The list put forward under Paragraph 3.106 (3.99) is not intended to be an exclusive list and could be expanded by a number of additional potential benefits. The following amendment is proposed to clarify this intention: <u>Proposals A potential overriding justification or benefit</u> for mineral extraction on these ‘non-Preferred Sites’ non-allocated sites may occur in relation <u>include, but is not limited,</u> to:</p> <p>It is considered sufficient to highlight a small number of potential overriding justifications as examples in the supporting text to Policy S6, whilst leaving the Policy itself to just state that there can be overriding benefits that would see the MWPA grant planning permission on non-allocated sites.</p> <p>Applications of the specific nature proposed within the representation, as with all applications claiming an overriding benefit, would be considered on a case-by-case basis against the tests for non-Preferred Sites set out in Policy S6.</p>
<p>Gent Fairhead Aggregates (871678397)</p>		<p>Agree (but wish to clarify)</p>	<p>Within paragraph 3.99, add:</p> <ul style="list-style-type: none"> • Flood storage and alleviation resilience measures - which may contribute to 	<p>The list put forward under Paragraph 3.106 (3.99) is not intended to be an exclusive list and could be expanded by a number of additional potential</p>

			<p>resilience against Climate Change through the creation of green and blue infrastructure such as biodiversity and habitat creation and the provision of natural landscape features including tree planting</p>	<p>benefits. The following amendment is proposed to clarify this intention: Proposals <u>A potential overriding justification or benefit</u> for mineral extraction on these 'non-Preferred Sites' non-allocated sites may occur in relation <u>include, but is not limited,</u> to:</p> <p>It is considered sufficient to highlight a small number of potential overriding justifications as examples in the supporting text to Policy S6, whilst leaving the Policy itself to just state that there can be overriding benefits that would see the MWPA grant planning permission on non-allocated sites.</p> <p>Applications of the specific nature proposed within the representation, as with all applications claiming an overrising benefit, would be considered on a case-by-case basis against the tests for non-Preferred Sites set out in Policy S6.</p>
Resident (850344129)		Agree (but wish to clarify)	<p>Within paragraph 3.99, add:</p> <ul style="list-style-type: none"> • Flood storage and alleviation resilience measures - which may contribute to resilience against Climate Change through the creation of green and blue infrastructure such as biodiversity and habitat creation and the provision of natural landscape features including tree planting 	<p>The list put forward under Paragraph 3.106 (3.99) is not considered to be an exclusive list and could be expanded by a number of additional potential benefits. The following amendment is proposed to clarify this intention: Proposals <u>A potential overriding justification or benefit</u> for mineral extraction on these 'non-Preferred Sites' non-allocated sites may occur in relation <u>include, but is not limited,</u> to:</p>

				<p>It is considered sufficient to highlight a small number of potential overriding justifications as examples in the supporting text to Policy S6, whilst leaving the Policy itself to just state that there can be overriding benefits that would see the MWPA grant planning permission on non-allocated sites.</p> <p>Applications of the specific nature proposed within the representation, as with all applications claiming an overriding benefit, would be considered on a case-by-case basis against the tests for non-Preferred Sites set out in Policy S6.</p>
CPRE Essex (665562826)		Disagree (please clarify)	<p>The continuation of the need for applications involving non-allocated sites to meet all of the conditions in policy S6 is supported. However, despite the fact that windfall sites tend to be small and relatively rare, it would appear that there is nothing to prevent the acceptance of a larger non-allocated site. To address this weakness, it is surely crucial that an appropriate low level upper threshold on the size of site (either in terms of area or tonnage or both) is identified. Without this specification, the strategic objectives and spatial strategy provided by the MLP could be seriously undermined.</p>	<p>It is not considered to be appropriate to select an arbitrary maximum threshold that windfall sites must not exceed as such a threshold may prohibit them from providing the 'overriding justification and/ or overriding benefit' that creates the need for working these non-allocated sites in the first place.</p> <p>Policy S6 instead requires the application to ensure that 'the scale of the extraction is no more than the minimum essential for the purpose of the proposal'. This acts to minimise the level of extraction at non-allocated sites to that explicitly required for the purpose that allows them to come forward.</p>
David L Walker Ltd (559449615)	Brice Aggregates	Disagree (please clarify)	<p>BAL would welcome an assessment of landbank based on operational sites as well as allocated sites as well as a</p>	<p>A landbank calculation can only be performed on the basis of the amount of mineral where permission has been</p>

			<p>trigger for an early review if reserves at operational sites alone fall below seven years, as this represents the quantity of material readily available to market vs the more hypothetical basis of site allocation.</p> <p>Policy S6 confirms the general provisions for sand and gravel retaining the previous approach of ensuring the provision of sand and gravel supply, primarily through the allocation of Preferred Sites for extraction. The third paragraph of the policy provides some flexibility to promote sites outside of allocated status. BAL would support flexibility key to take account of the changing demands of infrastructure and housing provisions and see it as cited in earlier sections of the plan. This aspect is of particular significance when considering irrigation reservoirs, as the Plan itself notes that these are likely to be of increasing importance to the County's agriculture sector as climate change affects rainfall patterns. The creation of irrigation reservoirs also complements the plans objective of conserving the best and most versatile soil resources which, without necessary water during the growing season are rendered unproductive.</p>	<p>granted to extract. This is reported annually through the Greater Essex Local Aggregate Assessment. It is indeed this figure which the MWPA would consider when considering any requirement for an early review of the MLP.</p> <p>Landbank forecasts which included allocated sites where planning applications were yet to be submitted were included to generate a range of scenarios to aid in the assessment of when a Call for Sites exercise would need to be initiated.</p> <p>Given the length of time it is now considered it will take to progress the MLP Plan Review to adoption, the fact that remaining Preferred and Reserve allocations have yet to come forward, and an accepted need to make provision equating to the stated plan provision within the MLP rather than rely on annual accumulated savings, the MWPA accepts that new site allocations are required to be made as part of the MLP Review to ensure a steady and adequate supply of minerals.</p> <p>As raised in the response, an agricultural reservoir is an example of a potential over-riding benefit that could be demonstrated to justify mineral extraction at sites which are not allocated, subject to conformity with the</p>
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				wider Development Plan. Nonetheless, each case/application would be determined on its own merits at a point in time.
Kent County Council (266388168)		Disagree (please clarify)	<p>KCC support the policy as it strives to maintain a 'steady and adequate supply' of aggregates of 'at least 7 years extraction' through the Plan period, ending in 2029. It is considered that this is the correct interpretation of Part 17, Section 207 para. f) the NPPF 2019.</p> <p>However, it is KCC's view that there is an inherent 'tension' within the policy that could be relatively easily alleviated with minor modification. It is understood that the area's 'Reserve Sites' represent a potential resource to maintain supply at the 'at least 7 year' maintained level should demand (need) rise above the 4.31mtpa level cited by the policy. This representing a figure derived an exercise as set out in the 'Greater Essex Local Aggregate Assessment 2013' and the 'Review of the planned supply of Aggregate Provision in Essex 2012-2029' when there was a consideration of aggregate needs into the future.</p> <p>However, the 10-year rolling average data available shows this to be somewhat less at 3.62mtpa a 19% reduction of the earlier figure. Thus, this makes deciding what supply level to aim for to be achieved to trigger Reserve Site allocation somewhat inflexible over</p>	<p>The current apportionment of 4.31mtpa was derived from the 'National and regional guidelines for aggregates provision in England 2005 to 2020' (the Guidelines) which have since expired. Whilst the likely expiration of the Guidelines during plan making was noted in the Rationale Report 2021 which accompanied the Regulation 18 MLP Consultation, it was also noted that the Government made a commitment to reviewing the national guidelines in its response to comments received through consultation prior to publishing the latest iteration of the NPPF in February 2019. Reference to these guidelines are still present in the July 2021 iteration of the NPPF. However, as of November 2021, no new Guidelines have been put in place and there has been no indication that the figures in the expired Guidelines are to be 'rolled forward'. As such they are not considered to be extant and capable of being used as a justification for a plan provision figure.</p> <p>It is now proposed to adopt a new plan provision figure equating to an average of the last ten years of sales plus 20%.</p> <p>With respect to the allocation or operation of Reserve Sites, the previous</p>

			<p>the Plan period. It is suggested that these figures should be treated as 'indicative' within the policy. The actual amount that maintains the 'at least 7 year' level should be a rolling re-calculation throughout the Plan life. Insertion of the following (or words to that effect) would enable this to be achieved:</p> <p><i>The working of Reserve Sites will only be supported if the landbank overall requirement of 4.31mtpa is below 7 years, this to be considered against a rolling average of ten years sales data and other relevant information. This will be used to assess landbank requirements on an on-going basis, and this will be kept under review through the annual production of a Local Aggregate Assessment (LAA).</i></p> <p>Moreover, if the previous 4.31mtpa is now wholly unreliable, then despite past considerations it could be supplanted with the current 10-year sales average, thus this figure would be in accord with the NPPF, as it is more up to date figure based on recent 10-year sales averages. However, it would be of indicative value subject to annual revision via the LAA monitoring process. With this addition the policy becomes 'freed up' and the 'other relevant local information' an NPPF requirement, that may be important, can influence the</p>	<p>requirement for Reserve Sites was due to the Inspector requiring the MLP to acknowledge the difference between mineral need as calculated by the 'National and sub-national guidelines for aggregate provision' and the then new NPPF method of an average of 10 year rolling sales. With the MWPA proposing to move away from the use of the expired Guidelines to a provision based on an average of 10 year rolling sales plus a proportional uplift, it is considered that there is no requirement to maintain a Preferred and Reserve list of allocations, as allocations will be made based on a forecasted need established through a NPPF compliant assessment. Further, the Rationale Report 2021 sets out from Paragraph 4.140 the difficulties inherent in operating a list of Reserve Sites.</p>
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			<p>overall figure to meet a maintained 7-year landbank throughout the Plan period. The contribution of any 'windfall sites' is considered to be very uncertain to be taken into account regarding demonstrating a known reserve base to draw upon. Though, if of sufficient magnitude, it may be something that can be argued in an LAA as 'other relevant local information' when discussing maintaining an adequate and steady supply over the remainder of the Plan period at any particular point in that period.</p>	
Bretts (203253168)		Disagree (please clarify)	<p>Para. 3.79 - The text referring to the NPPF providing guidance should be altered and as currently drafted implies that the maintenance of landbanks is optional.</p>	<p>The highlighted concern with Paragraph 3.79 relates to wording that is already in the adopted MLP. However, the unintended inference is understood. The following amendment is proposed:</p> <p>'The NPPF provides guidance <i>instruction</i> on the minimum length of mineral the <i>sand and gravel</i> landbanks, as follows...'</p>
			<p>At para. 3.80 - we do not agree with the following statement: 'It is considered unnecessary and impractical to maintain separate landbanks for County subareas or to distinguish between building sand and concreting aggregates.'</p> <p>We consider that ECC must maintain an ongoing review of building sand as recommended by the Inspector, in which he requested that the Plan contain a</p>	<p>With respect to the comments made with regards to MLP Paragraph 3.82 (3.80) in relation to allocating separate building and concreting sand and gravel landbanks, allocating a single sand and gravel landbank is the position that the MWPA adopted through the MLP in 2014.</p> <p>Whilst accepting the position, the Inspector presiding over the Examination in Public on the MLP stated</p>

			<p>commitment to continue to review its approach to combining the provision of building sand and concreting sand into a single landbank, as part of annual monitoring and as highlighted in NPPF paragraph 207 (h) (maintaining separate landbanks for any aggregate type or quality which have a distinct separate market).</p>	<p>at Paragraph 68 of their report into the examination of the MLP that this position should continue to be monitored.</p> <p>To address this requirement, the MWPA commissioned a report titled 'A Re-examination of Building Sand Provision, 2019' which was available as part of the evidence base to the Regulation 18 Consultation on the MLP Review. The 2019 Re-examination states 'This re-examination has confirmed that the conclusions of the 2013 report that a split landbank to provide separately for building sand and concreting sand, and possibly to split the building sand landbank into 'dry' screened or washed sand, is neither practical nor justified in Essex.' (Para 5.1) The MWPA therefore considers its current and proposed position to be appropriate and that re-assessment is not required.</p>
			<p>Para. 3.82 – the text reads IF the landbank falls below 7 years then ECC should have a full review to maintain a 7-year landbank 'unless there are mitigating circumstances.' This use of 'mitigating circumstances' is not clear and appears contrary to NPPF which does not allow for such exceptions (see para 207 (f)).</p> <p>Further, as part of Strategy 3.82 which reads 'The plan will be monitored annually and reviewed every five years</p>	<p>There is not considered to be any conflict between the statement at MLP Paragraph 3.82 (3.84) and the former NPPF Paragraph 207f (now 213f), which requires (<i>inter-alia</i>) 'maintaining landbanks of at least 7 years'.</p> <p>It is considered appropriate that the MWPA is able to explicitly consider mitigating circumstances with regards to whether a review of the MLP is required when the landbank falls to below seven years. For example, and as set out at</p>

			<p>to ensure that the Essex S&G landbank is maintained to at least seven years throughout the plan period to 2029', this strategy highlights the obligation that, should it be identified that the landbank is likely to be deficient, action should be taken as part of a review to correct the position.</p> <p>If the landbank is predicted to fall below 7 years then ECC should take action to correct this. Further clarity is needed on para. 3.82 with regards to the wording 'The plan will be monitored annually and reviewed every five years to ensure that the Essex S&G landbank is maintained to at least seven years throughout the plan period to 2029'. It is considered that if a plan is being produced then supply should be considered for the whole plan period otherwise a scenario is reached where there is a shortfall and then it is at the discretion of the planning authority to have a review or not.</p> <p>Policy S6 should be reworded to allow flexibility for the provision of additional sand and gravel reserves/resources.</p>	<p>Paragraph 5.7 of the Rationale Report 2021, the Greater Essex LAA 2020 found that the sand and gravel landbank had fallen below seven years at 31st December 2019, but also at that point one application for new extraction was permitted but awaiting legal agreement, and a further three sites were being determined. Combined, these applications would have added two years of supply onto the landbank, bringing it back above the seven-year requirement. It is considered that this is an example of an appropriate 'mitigating circumstance' that would avoid the need for a full Plan review (albeit this review was ongoing at the time). A discretionary approach based on a fuller consideration of available data is therefore considered reasonable.</p> <p>The above is not intended to mean that the MWPA will not look to fulfil its requirement of ensuring that a steady and adequate supply of minerals is provided for.</p> <p>Given the length of time it is now considered it will take to progress the MLP Plan Review to adoption, the fact that remaining Preferred and Reserve allocations have yet to come forward, and an accepted need to make provision equating to the stated plan provision within Policy S6 of the MLP rather than rely on accumulated annual</p>
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				<p>savings, the MWPA accepts that new site allocations are required to be made as part of the MLP Review to ensure a steady and adequate supply of minerals.</p> <p>It is therefore not considered to be appropriate to amend Policy S6 to allow 'for the provision of additional sand and gravel reserves/resources' as the MWPA is seeking to make additional provision to accommodate its assessed need through additional Preferred Site allocations in order to maintain a Planned approach.</p>
			<p>Separate Landbank for Building Sand: Paragraph 3.80 states that it is not necessary or practical to maintain separate landbanks for County sub-areas or to distinguish between building sand and concreting aggregates. We disagree for the following reasons:</p> <p>Brett presented evidence to support a split in the landbank at the EiP and we remain of the view that, as with other Counties, the need for a separate landbank given gravel, sharp sand and soft sand have distinct and separate markets for the following reasons:</p> <ul style="list-style-type: none"> • Gravel, sharp sand or recycled aggregates cannot be used in the manufacture of mortar or dry silo mortar products. As ECC does not calculate separate landbanks for soft sand it is not 	<p>With respect to the comments made with regards to Paragraph 3.82 (3.80) in relation to allocating separate building and concreting sand and gravel landbanks, allocating a single sand and gravel landbank is the position that the MWPA adopted through the MLP in 2014. In their report on the Replacement Minerals Local Plan, the Inspector presiding over the Examination in Public on the MLP stated at Paragraph 64 that '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</p>

			<p>able to demonstrate that the county is making a sufficient provision for them. Whilst soft sand is produced at sites other than Elsenham in Essex (as a washed fine sand), it has been demonstrated above that there does not currently exist a soft sand landbank in Essex of at least 7 years.</p> <ul style="list-style-type: none"> • Confidence is required that sufficient soft sand is being allocated for working to meet the needs of the industry. • It has been recognised by the mineral planning authorities including Kent, Surrey, Bedfordshire, and Hampshire that soft sand is a distinct type of mineral that has a separate market to sharp sand and gravel and warrants a specific landbank. Essex should be no different in this respect as the markets and mineral types involved are very much the same. Soft sand is being produced in Essex and consequently a separate landbank is required (see para. NPPF 207 (h) – ‘calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market’. • Furthermore, soft washed sand currently being produced in the county is held by a small number of operators which ultimately stifles competition and is therefore contrary to advice set out in para 207. (g) of the NPPF. Brett has customers that compete with these producers and require their own 	<p>physical characteristics are difficult to identify.’</p> <p>The Re-examination of Building Sand in Essex, 2019 report within the evidence base of the Regulation 18 Consultation on the MLP Review reaffirms that it is a relatively simple matter to change components within a processing plant to alter the properties of either the end sand product or the proportion of building sand to concreting sand. There has been no change in law or policy that would require such actions to seek planning permission.</p> <p>Interrogation of collated Annual Mineral Survey data by the MWPA has concluded that in Essex since 2014, there has been a reduction in the number of sites reporting sales of building/mortar sand. This monitoring showed that in 2014, nine of the 18 active sites in Essex sold both building/mortar sand and concreting/silica sands/gravel whereas in 2020, using the same criteria, five of the 20 active sites supplied the market with building/mortar sand from mixed sand and gravel deposits by selective processing. It has therefore been concluded that although there has been a reduction in sites overall, it is known that a total of 12 sites during the previous five years have been capable of processing both building sand and</p>
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			<p>supplies of soft sand to sustain their business. At the EiP into the now adopted 2014 MLP, Brett provided evidence that Elsenham sand as being of special quality and which has particular properties relating to:</p> <ol style="list-style-type: none"> 1 - the distribution of size particles, 2 - uniformity of the distribution across the reserve, 3 - uniformity of colour, 4 - ease of processing and 5 - proximity to markets which give it, especially due to the existence and proximity of the Harlow mortar plant to Elsenham, a unique place in the production of high quality mortar. <p>Conclusions of the Proofs of Evidence at EiP are summarised as follows:</p> <ul style="list-style-type: none"> • Elsenham sand could be considered unique in its qualities albeit simply as a result of good geology for soft sands the good quality is recognised by tradesmen known for people to ask for “Elsenham type sand”. It has a distinct feel on the trowel and local bricklayers would all have heard of and prefer the sand from Elsenham. • The test requirement for a finished mortar is simply one of compressive strength and it is fair to say that this can be achieved with most other soft sands, but not without the significant added cost of more expensive raw materials none of which come from the local 	<p>concreting sand from a single resource by varying the method of production. It is therefore demonstrated that single mineral resources in Essex can produce to the two different specifications, and therefore there is no need to make separate provision for building sand and concreting sand as they do not necessarily appear as distinct resources in Essex. The production of each is held to be primarily a decision made by the operator as a response to market demand.</p> <p>No information has been presented to the MWPA to demonstrate that there is an unfulfillment of market need for ‘soft’ or ‘building’ sand, including through engagement under the Duty to Cooperate with other Mineral Planning Authorities.</p> <p>Where comments are made specifically with regards to the nature of the resource at Elsenham, it is noted that these were already heard by an Inspector. Further, the suitability of a site for mineral extraction rests not solely on the particular quality of mineral, but on its performance under the site selection methodology which takes its lead from conformity with the wider Development Plan.</p> <p>Where comments are made with respect to any potential new allocation more</p>
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			<p>Essex area.</p> <ul style="list-style-type: none"> • The environmental impact of continuing extra and extended vehicle movements for the sand and indeed additional raw material deliveries should also be considered (see carbon argument/point below and under Policy P1) (see respondents comment under Policy P1 Q2). • A concern that all of the alternative sands at that time belonged to direct competitors in dry mortars. • Building sand is different to sharp sand and the two are not interchangeable. These are specific types of aggregate material for which there is a separate market. • Natural soft sand has the accredited specification of particle size distribution including the binding silt and clay fractions for use as a building sand. Sharp sand produced from sharp sand and gravel requires significant additional processing through the screening out of the fine sand grain sizes and the reintroduction of silts/clays which are removed through washing. • The impact of taking building sand from a mixed reserve can potentially leave the remaining concreting fine aggregates with an unsatisfactory grading, unless blended with other materials which will have to be brought in from another source. This material might not be available or be under the control of a competitor, thereby 	<p>generally, it is noted that it is now intended for the MLP Review to be supported by a Call for Sites. As the previous stage of the Plan Review did not include a Call for Sites, it would not be appropriate to comment on site specific matters where these relate to the potential of a new allocation. A Call for Sites process will be initiated in due course, and those sites submitted will be subjected to a Site Selection Methodology, to be determined by the MWPA, as part of this process.</p>
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			<p>increasing costs of delivering the remainder of the quarry's reserve to the market. Alternatively, the residual concreting sand would need to be further processed to create the required grading, increasing production costs and leading to the waste of some coarser sand fractions. This all contributes towards the carbon footprint associated with such production and does not compare well with soft sand produced at Elsenham.</p> <ul style="list-style-type: none">• Only where there is an excess of building sand will operators exploit this material. This further reduces the availability of the building sand reserve. Evidence showed that the availability of building sand within the confines of the permitted reserves landbank in Essex is highly constrained and it has been assessed that the building sand landbank is below 7 years.• The quality and consistency of the building sand at Elsenham is very high. It is a naturally occurring building sand, which can be produced by a simple dry screening process. This process retains the modest silt content within the product and reduces the need for expensive extra additives when using the sand to make mortar. The absence of any need for washing also means that less drying of the material is required when the sand is used in dry-mix products.• The availability of naturally occurring	
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			building sand provides security of supply of a high-quality material for which there is a separate market. Without a contribution to supply from Elsenham it is not possible to demonstrate that there is a secure and sufficient supply of building sand in Essex, because there are no comparable natural sand quarries within the landbank reserves.	
Suffolk County Council (549043477)		Disagree (please clarify)	Para 3.84 is missing a tonnage amount. (For the East of England, the following million tonnes to 2020 are required)	<p>Whilst not clear, the tonnage amount is not missing. The highlighted sentence is referring to Table 3 below, where the tonnage is set out.</p> <p>In any event, this section will require re-drafting due to the intention to move away from the use of the now expired National and sub-national guidelines for aggregates provision in England 2005-2020 as a basis for future plan provision, in favour of a methodology led by the NPPF requirement to base future sales on a rolling average of ten years of sales.</p>
Heatons (451589647)	Tarmac	Disagree (please clarify)	The Plan Strategy for Minerals identifies that there is a 'Focus on extending existing extraction sites, with primary processing plant'. This is supported but as referred to above (see respondents comment under Policy S6 Q1), most allocations have now been brought forward. There is no flexibility built into Plan policy to promote/support this strategy. All future extensions to existing operations would be tested against	The Plan Strategy states that there will be 'a focus on extending existing extraction sites with primary processing plant' and this was indeed the approach (ie the Strategy) taken when sites were considered for allocation during the plan making process prior to adoption in 2014. The plan making process allowed for sufficient sites to be allocated at that time. Subsequently, a positive, plan-led approach requires the resistance of

			<p>Policy S6 where there is a firm presumption against/ resistance to sites – even sustainable extensions - outside of the preferred areas/allocations.</p> <p>With the reserve sites being promoted to preferred sites, any reference to support for other sites if the landbank drops below 7 years is removed. This is not an effective strategy. The Landbank is not a cap/ceiling to identifying additional resource but an indicator of when more is required and further sites are to be required. Having sufficient landbank to be just over the 7 years does not provide sufficient cushion/flexibility to maintaining supply.</p> <p>As referred to above (see respondents comment under Policy S6 Q1), even with all sites coming forward, the landbank position is critical by 2024 and falls below the required 7 year minimum. If the Mineral Planning Authority continues to pursue a Plan without sufficient allocations within it, there is a requirement for a flexible policy to ensure that non allocated sites can come forward. These sites would be tested against Policy S6 of the MLP Draft where there is 'resistance' by the Mineral Planning Authority unless it can be demonstrated that there is:</p> <p>a) An overriding justification and / or overriding benefit for the proposed</p>	<p>working outside of preferred allocations, unless there is an overriding justification or benefit, which is what Policy S6 establishes.</p> <p>It is agreed that the landbank is not a cap/ceiling to identifying additional resource but an indicator of when further sites may be required. This is made clear by PPG Paragraph 82 Reference ID: 27-082-20140306. The need for flexibility in order to be able to conform with NPPF Paragraph 11a is also noted.</p> <p>The response continues by suggesting that a Call for Sites is required, and offers a suggested amendment to Policy S6 if a Call for Sites is not initiated.</p> <p>Given the length of time it is now considered it will take to progress the MLP Plan Review to adoption, the fact that remaining Preferred and Reserve allocations have yet to come forward, and an accepted need to make provision equating to the stated plan provision within Policy S6 of the MLP rather than rely on accumulated annual savings, the MWPA accepts that new site allocations are required to be made as part of the MLP Review to ensure a steady and adequate supply of minerals.</p> <p>Following this acknowledgment of the need to carry out a Call for Sites, the rationale for the amendment suggest in</p>
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			<p>extraction, and</p> <p>b) The scale of the extraction is no more than the minimum essential for the purpose of the proposal, and</p> <p>c) The proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan.</p> <p>It is suggested that these criteria need to be less categoric and introduce an element of flexibility to support delivery. We advocate that a call for sites and full Review is carried out. However, if that is not pursued as a minimum this policy requires amendment to cover the principles of sand and gravel including the circumstances by which non allocated sites would be acceptable. Suggested wording is as follows:</p> <p>Mineral extraction outside Preferred or Reserve Sites will be resisted <i>supported</i> by the Mineral Planning Authority <i>providing the Applicant unless the applicant can demonstrate:</i></p> <p>a) An overriding justification and/ or overriding benefit for the proposed extraction, <i>and</i></p> <p>b) The scale of the extraction is no more than the minimum essential for the purpose of the proposal, or and</p> <p>c) The proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the</p>	<p>relation to a new clause d falls away and therefore the amendment is not considered necessary. As an aside, it is noted that the proposed amendment would weaken the Plan-led system and there could be a number of reasons why an extension to an existing permitted sand and gravel site would not automatically be the most preferable means of accommodating any shortfall in the landbank. Where sites are submitted off-plan due to an identified shortfall in the landbank, the MWPA would treat these on their own individual merit.</p> <p>The removal of Clause b is also not supported. Where sites are permitted outside of Preferred Site allocations to serve a specific purpose by providing an overriding benefit, the amount of mineral to be extracted should be limited to the facilitation of that purpose. Removing this clause may result in the establishment of traditional quarries outside of Preferred Site allocations, thereby weakening the Plan-led system and increasing uncertainty with regards to where mineral development is to take place</p> <p>The need to maintain production from a site purely for the sake of maintaining that production itself is not a material planning consideration. PPG Paragraph 8 Reference ID: 21b-008-20140306</p>
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			<p>Development Plan or</p> <p>d) <i>The proposal is an extension to an existing permitted sand and gravel site that is required to maintain production from that site or is needed to meet an identified shortfall in the landbank</i></p>	<p>states that ‘planning is concerned with land use in the public interest, so that the protection of purely private interests...could not be material considerations.’ As such, the intended amendment would not be appropriate as a policy.</p> <p>However, economic considerations such as being able to continue to extract the resource, retaining jobs, being able to utilise existing plant and other infrastructure, are set out as reasons why the MWPA may consider it appropriate to allocate extensions to existing sites as a preference to allocating new sites at the site selection stage (Under what circumstances would it be preferable to focus on extensions to existing sites rather than plan for new sites? – Paragraph 10 Reference ID: 27-010-20140306)</p>
Mineral Products Association (339717535)		Disagree (please clarify)	<p><u>Provision of Primary Minerals Para 3.79</u></p> <p>The opening sentence states; <i>The NPPF provides guidance [emphasis added] on the minimum length of mineral sand and gravel landbanks, as follows:</i></p> <p>The NPPF is not ‘guidance’. The NPPF requires certain minimum levels of land banks to be maintained for certain mineral types. The use of the word guidance implies the maintenance of landbanks is optional...it is not. This text</p>	<p>The highlighted concern with Paragraph 3.79 relates to wording that is already in the adopted MLP. However, the unintended inference is understood. The following amendment is proposed:</p> <p>‘The NPPF provides <i>guidance instruction</i> on the minimum length of mineral <i>the sand and gravel</i> landbanks, as follows’</p>

			<p>need altering to reflect this reality</p> <p><u>Policy S6 – General Principles for Sand and Gravel Provision</u></p> <p>We consider that this policy has not been prepared positively and needs to be reworded to allow flexibility for the provision of additional sand and gravel reserves/resources. The proposed wording is as follows;</p> <p>Proposed Changes (deletions in strikethrough; new text in bold)</p> <p><i>Mineral extraction outside Preferred or Reserve Sites will be resisted supported by the Mineral Planning Authority providing the Applicant unless the applicant can demonstrates:</i></p> <p>a) An overriding justification and/ or overriding benefit for the proposed extraction, and</p> <p>b) The scale of the extraction is no more than the minimum essential for the purpose of the proposal, or and</p> <p>c) The proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan or</p> <p>d) The proposal is an extension to an existing permitted sand and gravel site that is required to maintain production from that site or is needed to meet an identified shortfall</p>	<p>The following amendment is accepted such that the revised Policy S6 will be more positively worded:</p> <p><i>Mineral extraction outside Preferred or Reserve Sites will be resisted supported by the Mineral Planning Authority providing the Applicant unless the applicant can demonstrates:</i></p> <p>The removal of Clause b is not however supported. Where sites are permitted outside of Preferred Site allocations to serve a specific purpose by providing an overriding benefit, the amount of mineral to be extracted should be limited to the facilitation of that purpose. Removing this clause may result in the establishment of traditional quarries outside of Preferred Site allocations, thereby weakening the Plan-led system and increasing uncertainty with regards to where mineral development is to take place.</p> <p>The addition of clause d is also not supported. With regards to supporting the need to maintain production at a certain site, the need to maintain production from a site purely for the sake of maintaining that production is not a material planning consideration. PPG Paragraph 8 Reference ID: 21b-008-20140306 states that 'planning is</p>
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in the landbank

concerned with land use in the public interest, so that the protection of purely private interests...could not be material considerations.' As such, the intended amendment would not be appropriate as a policy.

With regards to supporting site extensions in general, there could be a number of reasons why an extension to an existing permitted sand and gravel site would not automatically be the most preferable means of accommodating any shortfall in the landbank. Where sites are submitted off-plan due to an identified shortfall in the landbank, the MWPA would treat these on their own individual merit.

Clause d would act to weaken the Plan-led system as it would strengthen the support for sites to come forward off-plan.

With regards to meeting an identified shortfall in the landbank, the MWPA accepts that new site allocations are required to be made as part of the MLP Review to ensure a steady and adequate supply of minerals. As such, future provision will continue to be Plan-led through Preferred Sites.

It is noted that economic considerations such as being able to continue to extract the resource, retaining jobs, being able

				to utilise existing plant and other infrastructure, are set out as reasons why the MWPA may consider it appropriate to allocate extensions to existing sites as a preference to allocating new sites at the site selection stage (Under what circumstances would it be preferable to focus on extensions to existing sites rather than plan for new sites? – Paragraph 10 Reference ID: 27-010-20140306)
			<p>On the topic of sand and gravel provision several of our members have raised the issue of the need for Essex CC to make a call for sites which on examining the authorities' own evidence and support documents would seem to have considerable merit.</p> <p>Essex CC have, and propose to continue to use the National and Sub National Guidelines for Aggregate Provision (4.31mtpa), and this is justified, in the Rationale document supporting this plan review, as it is recognised that sales are increasing. This fact along with the acknowledged significant increase in house numbers looking forward, and infrastructure build suggest that the approach taken by Essex is sensible to ensure a steady and adequate supply of aggregate.</p> <p>However, there are concerns whether Essex will be able to meet annual provision figure based on the supporting</p>	<p>Given the length of time it is now considered it will take to progress the MLP Plan Review to adoption, the fact that remaining Preferred and Reserve allocations have yet to come forward, and an accepted need to make provision equating to the stated plan provision within Policy S6 of the MLP rather than rely on accumulated annual savings, the MWPA accepts that new site allocations are required to be made as part of the MLP Review to ensure a steady and adequate supply of minerals.</p> <p>It is however considered that the plan provision itself needs amendment and therefore potential additional allocations following a Call for Sites will be made on a basis of need established by the new plan provision figure. The current apportionment of 4.31mtpa was derived from the 'National and regional guidelines for aggregates provision in England 2005 to 2020' (the Guidelines) which have since expired. As of</p>

			<p>Rationale document supporting the review where Table 3 in that document shows the land bank for sand and gravel dropping below the required 7 years by 2024, and that is assuming the best-case scenario. Furthermore, the landbank is projected to be under 2 years at the end of the plan period in 2029. It is important to note that the Inspector in his letter to the authorities, following the Cambridgeshire and Peterborough EiP into the Mineral and Waste Plan, made it clear that need to have a 7-year land bank at the end of the Plan period. The relevant paragraphs (52&53) of his letter are set out below;</p> <p><i>52. MM06 identifies that the allocations will provide 17.625Mt over the plan period leaving a potential surplus of 10.575Mt. Whilst Policy 2 of the Plan identifies that a steady and adequate supply of sand and gravel will be facilitated over the plan period, it does not clearly identify a need to maintain a seven years landbank. In this regard, the Plan is not consistent with paragraph 207 of the NPPF.</i></p> <p><i>53. MM07 provides for an addition to the opening sentence of Policy 2 to reflect that the facilitation of a steady and adequate supply also includes the need to maintain a landbank of seven years. In addition, this MM also proposes an</i></p>	<p>November 2021, no new Guidelines have been put in place and there has been no indication that the figures in the expired Guidelines are to be 'rolled forward'. As such they are not considered to be extant and capable of being used as a justification for a plan provision figure.</p> <p>It is now proposed to adopt a new plan provision figure equating to an average of the last ten years of sales plus 20%.</p> <p>Topic Paper S6 contains further detail with regards to how the new plan provision has been calculated.</p> <p>At this stage of the Plan's lifetime, and after re-considering the current level of the landbank and those remaining Preferred and Referred Sites in the Plan, it is considered appropriate to allocate sufficient material to allow for the maintenance of at least seven years of sand and gravel at the end of the Plan period. This will provide some flexibility between the end of the Plan period of this MLP (2029) and that which will follow.</p>
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			<p><i>amendment to the wording in the footnote to Policy 2 to require that planning applications submitted in respect of the allocated sites also consider whether any land affected by the proposed development is functionally linked to the Nene Washes Special Protection Area and Ramsar Site. This MM is necessary in order for the Plan to be consistent with national policy and legislation.</i></p>	
			<p>We also have concerns as to whether the issue of productive capacity has been properly factored into this review of future mineral provision. We find that many mineral planning authorities do not identify that what they see as falling sales, and therefore demand, is in fact operations closing or slowing production to conserve reserves and market, or in other words productive capacity. If this is not acknowledged for what it is, and proper mineral provision made for future demand then further sites go offline, and perceived decline in sales/demand become a self-fulfilling prophecy.</p> <p>We understand that many of the reserve sites currently in the Plan are extensions and will not solve the productive capacity issues identified above. In addition, this approach does not seem to support the point made in <i>Table 1. Vision for Essex to 2029</i> at part c) where it states; <i>The lack of primary aggregate resources in the south and</i></p>	<p>Given the commercial sensitivity around productive capacity, it is considered that the MWPA cannot make quantitative allowances for this but will qualitatively consider this issue following receipt of submissions through the Call for Sites exercise. This can be achieved by considering the issue of a perceived overreliance on site extensions, where mineral may potentially not be available until the latter end of the Plan period.</p> <p>However, where productive capacity issues are in relation to a potential slowing of production to conserve reserves and market, PPG Paragraph 8 Reference ID: 21b-008-20140306 states that ‘planning is concerned with land use in the public interest, so that the protection of purely private interests...could not be material considerations.’.</p> <p>With respect to comments made in relation to the Plan Vision, the MWPA</p>

			<p><i>west of the County will be addressed to ensure planned urban growth can take place without necessarily long transport distances, nor the Strategic Objective 1 d) which states; To maintain a plan-led approach to future provision, providing reassurance for Essex residents, the minerals industry, key stakeholders and future developers that future needs can be met, whilst also providing a degree of certainty as to where minerals development will take place.</i></p>	<p>are committed to a Call for Sites process, and the spatial distribution of sites both existing and proposed will be considered as part of that. However, the MWPA can only make future allocations in the first instance on the basis of sites submitted to it for consideration through a Call for Sites exercise. The locations of these sites will be dictated by where mineral is located in the County.</p> <p>Allocations of those sites considered suitable through the application of a site selection methodology will subsequently be made on the basis of there being an unfilled mineral need, which is required to be calculated based on the methodology set out in the NPPF Paragraph 213.</p>
			<p>To sum up this issue we believe that a call for sites is required to provide additional capacity for mineral provision to ensure that a steady and adequate supply is maintained through the maintenance of landbanks at the required level. As currently proposed, we consider that the mineral planning authority is not planning positively for future demand over the Plan period and is therefore an unsound approach.</p>	<p>Given the length of time it is now considered it will take to progress the MLP Plan Review to adoption, the fact that remaining Preferred and Reserve allocations have yet to come forward, and an accepted need to make provision equating to the stated plan provision within Policy S6 of the MLP rather than rely on accumulated annual savings, the MWPA accepts that new site allocations are required to be made as part of the MLP Review to ensure a steady and adequate supply of minerals.</p>
Matthews & Son	Danbury Aggregates	Disagree (please clarify)	Provision of Primary Minerals:	The issue raised in relation to Paragraph 3.106 (3.99) was not

(222048311)			<p>Paragraph 3.99: We disagree with the restricted extent of the proposed amendment.</p> <p>It is not clear whether it is the intention for paragraph 3.99 to consider mineral extraction on non-allocated sites only in respect of the three types stated or whether these are merely examples. It is considered that other circumstances will occur, for example, small extensions to existing quarries that would facilitate the completion of extraction of a particular resource.</p> <p>The proposed amendment is not agreed because it does not explicitly state what is intended and it does not sufficiently represent the range of non-allocated sites that might exist. The following wording is proposed, (text in capitals are Matthews & Son proposed additions)</p> <p><i>Proposals for mineral extraction on these non-allocated sites may, <u>FOR EXAMPLE</u>, occur in relation to:</i></p> <ul style="list-style-type: none"> • <i>Agricultural irrigation reservoirs...</i>, • <i>Borrow Pits...</i>, • <i>Prior extraction....and</i> • <u><i>SMALL QUARRY EXTENSIONS TO FACILITATE THE EXTRACTION OF A MINERAL RESOURCE WHERE, IN ALL LIKELIHOOD, IT WOULD OTHERWISE REMAIN UNWORKED ONCE THE RELATED MINERAL EXTRACTION INFRASTRUCTURE IS</i></u> 	<p>significantly impacted by any amendment proposed through the MLP Review, with the proposed new wording closely matching the existing stance.</p> <p>The list put forward under Paragraph 3.106 (3.99) is not considered to be an exclusive list but the proposed amendment is not considered to be appropriate. The proposed amendment lacks precision in its meaning and could be used to justify a continual cycle of incremental extensions to quarries beyond the permitted working boundary, which would weaken the plan-led system. Applications of the nature proposed would be considered on a case-by-case basis under Policy S6 as a non-Preferred Site where an over-riding justification would need to be demonstrated.</p> <p>The following amendment is however proposed to demonstrate that the list set out under Paragraph 3.106 (3.99) is not exclusive: <u>Proposals <i>A potential overriding justification or benefit</i> for mineral extraction on these ‘non-Preferred Sites’ <u>non-allocated sites</u> may occur in relation <i>include, but is not limited</i>, to:</u></p>
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			<u>REMOVED OR WHERE IN ISOLATION IT WOULD BE ECONOMICALLY UNVIABLE.'</u>	
GeoEssex (538324742)		No comment	no comment	Noted
Sturmer Parish Council (1032567387)		Not Answered	We would ask that features such as biodiversity and habitat improvements and public access be written into policy S6.	<p>The role of Policy S6 is to establish a Plan-led approach to mineral extraction by setting out the annual need for mineral, ensuring the maintenance of an NPPF-compliant landbank of seven years, and setting out the position of mineral extraction being resisted outside of those sites allocated in the MLP, unless defined criteria are met.</p> <p>The need for mineral extraction sites to reduce impact on features such as biodiversity, habitats and public access, and to seek improvements in these following restoration, is set out in Policies S10, S12 and DM1</p>

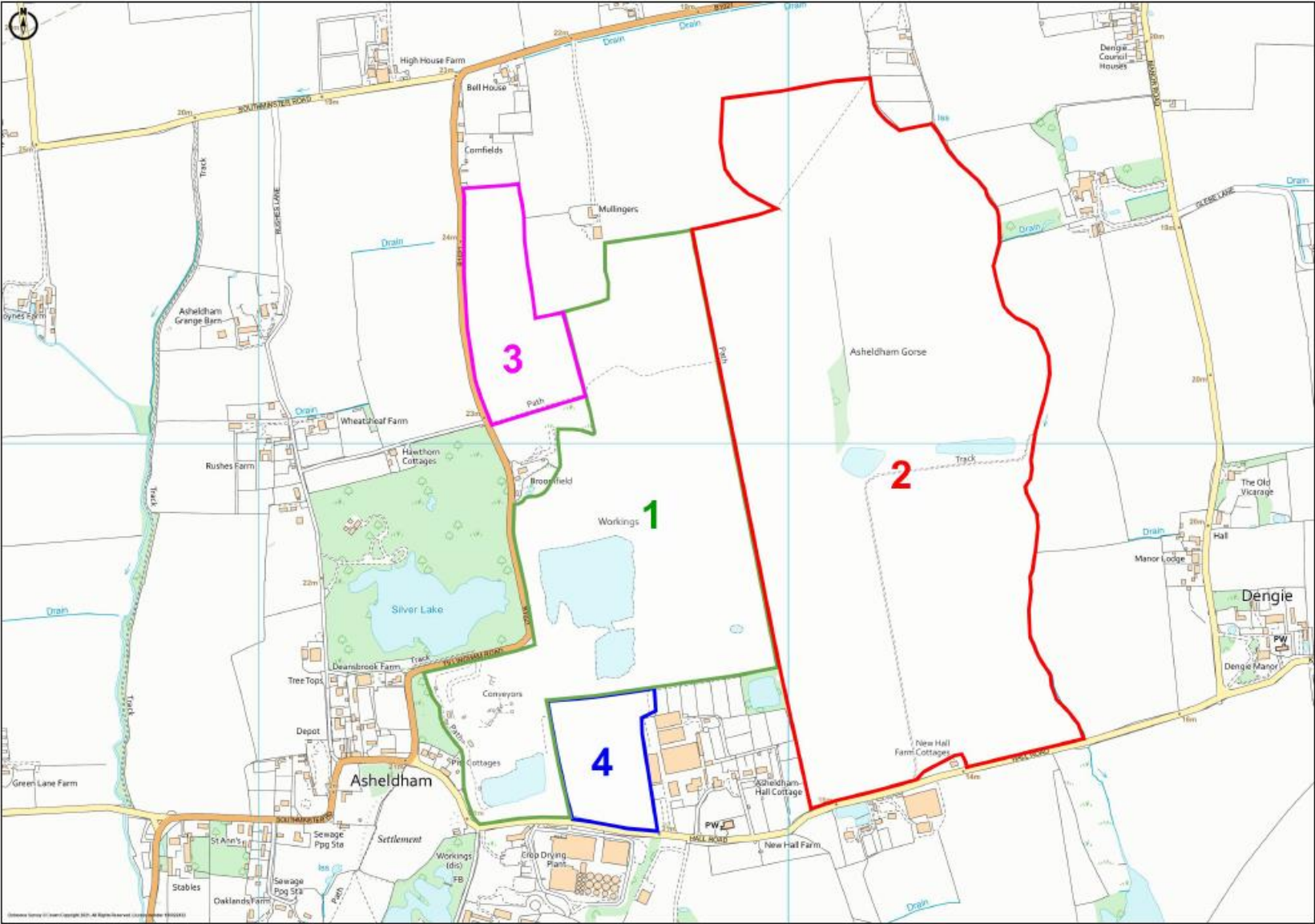
Additional Submitted Material

Table 11: Historic Monitoring Information- Heatons (451589647)

Permitted reserves in 1992 – 71.79mt

Year	Permitted Reserve (a)	Annualised Plan Provision (b)	Landbank in Years (a/b)
2004	54.6mt	4.55mtpa	12.00
2005	51mt	4.55mtpa	11.21
2006	50.12mt	4.55mtpa	11.02
2007	46.68mt	4.55mtpa	10.26
2008	39.19mt	4.55mtpa	8.61
2009	36.71mt	4.45mtpa	8.25
2010	37.36mt	4.45mtpa	8.40
2011	37.01mt	4.45mtpa	8.32
2012	35.5mt	4.45mtpa	7.98
2013	32.88mt	4.45mtpa	7.39
2014	30.72mt	4.45mtpa	6.90
2015	32.69mt	<u>4.45mtpa</u>	7.35
2016	35.37mt	<u>4.45mtpa</u>	7.95
2017	31.95mt	<u>4.45mtpa</u>	7.18
2018	29.98mt	<u>4.45mtpa</u>	6.74
2019	33.10mt	<u>4.45mtpa</u>	7.44
2020 (AUG) ¹	34.56mt	4.31mtpa	8.02

Map 1: Asheldham Quarry Location Plan - Strutt & Parker (891506607)



Map 2: Masterplan for Bradwell Quarry - Braintree District Council (441541446)

