

# Proposed Scope of the Review of the Essex Minerals Local Plan 2014

## Draft findings<sup>1</sup>

### Introduction

- 1.1 The [Essex Minerals Local Plan](#) (MLP) was adopted in July 2014 and provides 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 seeks high-quality site restoration, all in the pursuit of sustainable development.
- 1.2 Paragraph 33 of the NPPF (2019) states (inter-alia) that “*Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan and should take into account changing circumstances affecting the area, or any relevant changes in national policy.*” Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017)
- 1.3 The Essex MLP was adopted in July 2014 and therefore we are currently considering the scope of a review of the Plan.
- 1.4 National Planning Practice Guidance (PPG) states that “*The review process is a method to ensure that a plan and the policies within remains effective.*”<sup>2</sup> The PPG also sets out<sup>3</sup> what authorities should consider when determining whether a Plan or policies should be updated. Information relevant to this MLP Review include:
- conformity with national planning policy,
  - changes to local circumstances,
  - whether issues have arisen that may impact on the deliverability of key site allocations,
  - success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report,
  - plan-making activity by other authorities,
  - significant economic changes that may impact on viability; and
  - whether any new social, environmental or economic priorities may have arisen.
- 1.5 Planning Practice Guidance states that plan making bodies will be subject to the Duty to Cooperate when undertaking activities that can reasonably be considered to

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<sup>1</sup> Please note that this document represents the draft work of officers and has not, to date, been approved by the County Council.

<sup>2</sup> (Reference ID: 61-064-20190315)

<sup>3</sup> (Reference ID: 61-065-20190723)

prepare the way for the preparation of development plan documents. Plan reviews prepare the way for the preparation of such documents as they involve an assessment of whether policies in a plan need updating<sup>4</sup>. The same reference also states that it is important that the bodies subject to the Duty to Cooperate have an opportunity to engage in both how plan reviews are undertaken and the review of the plan. Engagement with neighbouring authorities and prescribed bodies needs to occur before a final decision on whether to update policies in a plan is made; as such engagement may influence that decision.

- 1.6 The purpose of this document is to help engage effectively with those bodies subject to the Duty to Cooperate on the scope and format of the Review, prior to any final decision being made whether to update any policies in the Plan. This document sets out a schedule of every policy in the MLP, states whether it is currently proposed to amend the policy, and sets out a bulleted justification for that decision. It also includes an assessment of the need to review the Spatial Vision and Aims and Objectives. Please note that this document represents the draft work of officers and has not, to date, been approved by the County Council. This report seeks your view on the scope of the proposed review as well as the means by which it is proposed that you will be engaged with this review prior to a proposed future formal consultation. Please note that this schedule represents an overview of initial headline conclusions. Following this round of engagement and further assessment of the Minerals Local Plan, further amendments may be proposed. As previously stated, all proposed amendments equating to what would be considered Main Modifications will be set out in a detailed report informing subsequent engagement under the Duty to Cooperate. It is also proposed to incorporate minor changes to supporting text where they aid in the explanation of changes equating to Main Modifications.

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<sup>4</sup> (Reference ID: 61-075-20190723)

## **(Existing) Spatial Vision (Proposed to Amend)**

### **(A) Sustainable Development**

Minerals development will make a positive contribution to Essex through a plan-led, collaborative approach which promotes the sustainable use, re-use, recycling and extraction of minerals. Sustainable mineral and mineral-related development will be approved without delay when in accordance with this Plan.

### **(B) Primary Mineral Provision**

Essex will continue to be a major producer and user of sand and gravel, with the majority of that produced being used within the County itself. This will enable the planned growth within district/ borough/ city authority plans to occur and facilitate the maintenance of existing infrastructure. A steady and adequate supply of sand and gravel will be provided, having regard to the Local Aggregate Assessment and the targets agreed with the East of England Aggregates Working Party. Phasing has been introduced so as to avoid over-supplying in order to protect Essex's environment and our finite mineral resources. Plan provision will also be made for silica sand and brick clay.

### **(C) Co-ordinating the Supply of Minerals into Essex**

Sources of aggregate, whether primary, secondary or recycled, will be planned to serve the whole of the county and wherever possible located in proximity to the County's main growth centres - Basildon, Chelmsford, Colchester, and Harlow, and the South Essex Thames Gateway, Haven Gateway and West Essex Alliance (formerly M11 corridor) growth areas, to maintain an appropriate match between mineral supply and demand. The lack of primary aggregate resources in the south and west of the County will be addressed to ensure that planned urban growth can take place without unnecessarily long transport distances. The existing infrastructure of rail depots and marine landing wharves in Essex and neighbouring Thurrock, in particular, will be important in this regard. The long distance importation of aggregates will be maintained to ensure provision of non-indigenous minerals.

### **(D) Protecting Amenities and Communities**

All minerals development will be well-designed to afford protection to local communities and to contribute to the enhancement of the built, natural and historic environment. Mineral developers will engage with communities to create the most appropriate local solutions.

### **(E) Climate Change**

Ensuring all minerals development is located, operated and managed whilst having regard to climate change mitigation and adaptation, so the County plays its part in reducing greenhouse gas emissions and is resilient to potentially more extreme future weather conditions.

### **(F) Reduce, Re-use and Recycling of Minerals**

Minerals previously extracted from the ground will be put to better use. The recycling and reuse of construction, demolition and excavation waste will be maximised, by safeguarding existing Strategic Aggregate Recycling Sites (SARS) and locating new facilities in proximity to the key centres of Basildon, Chelmsford, Colchester and Harlow. The Council promotes sustainable procurement and construction techniques and the use of alternative building materials in accordance with national and local policies.

### **(G) Protecting Mineral Resources and Facilities**

The needless sterilisation of mineral resources by development will be avoided by 29 designating 'Minerals Safeguarding Areas' (MSA's) for sand and gravel, chalk, brick clay and brickearth. Existing, permitted, Preferred and Reserve mineral sites and mineral supply infrastructure will be safeguarded to ensure the effective operation of these sites is not compromised, and to prevent incompatible development taking place close to existing or planned minerals development to the potential detriment of existing or future occupants.

### **(H) Restoration and After-use**

Mineral workings are temporary in nature. Restoration and after-use schemes will continue to be integral to site selection and the consideration of planning applications, with progressive working and restoration schemes expected. The focus of after-use will shift from purely agricultural uses, important though they remain, towards enhancement of the local environment by means of increased provision for biodiversity, geodiversity, climate change adaptation and outdoor recreation, including Public Rights of Way.

#### (I) Communities

Collaborative working arrangements will forge stronger links with communities, stakeholders and local planning authorities, as well as neighbouring and more distant planning authorities on whom we rely for non-indigenous minerals. Collectively we will address the sustainable long-term supply of primary aggregates and the protection of public amenity.

#### (J) Economy and Long Term High Quality Environment and Landscape

As well as bringing economic advantage, effective collaborative working will ensure minerals development makes a positive contribution to our environment and biodiversity, through the protection and creation of high quality habitats and landscapes that contribute to a high quality of life for present and future generations.

- It is considered that the Spatial Vision continues to be reflective of both the NPPFs general presumption in favour of sustainable development and the more detailed requirements of NPPF Chapter 17 – Facilitating the sustainable use of minerals. It is further considered that there are no omissions within the Spatial Vision which result in any issues of non-compliance with national policy.
- The Spatial Vision could be slightly amended for clarity and consolidated as there are some elements of repetition.
- Since the adoption of the MLP, district authorities across Essex have formed partnerships through which joint plans are being produced alongside individual Local Plans. Section C states that “*Sources of aggregate, whether primary, secondary or recycled, will be planned to serve the whole of the county and wherever possible located in proximity to the County’s main growth centres*” before listing those areas which were planned to be the main growth centres at the time the MLP was drafted. No such joint plan is currently adopted and as such, any change in expected growth locations cannot at this point be qualified with absolute certainty. An amendment to Section C will state that wherever possible, mineral infrastructure will be located in proximity to the County’s main growth centres, currently defined as Basildon, Chelmsford, Colchester, and Harlow, but which may also need to be located to accommodate the mineral needs of a number of new Garden Communities or other major growth locations in the future. A similar amendment is proposed under Section F.
- It will also be necessary to remove references to Reserve Sites in Section G as a result of the proposed changes to Policy S6. Proposed amendments to Policy S5 act to remove the distinction between strategic and non-strategic facilities, and therefore Section F of the Spatial Vision will require a minor amendment to accommodate this change.
- Section H could be redrafted to include references to emerging green and blue infrastructure strategies and promote such benefits being brought forward in an integrated way by requiring restoration schemes to reflect the wider Development Plan. A further amendment to Section H is proposed to highlight the importance of enhancing natural capital as an essential basis for economic growth and

productivity over the long term, reflecting the provisions of the A Green Future: Our 25 Year Plan, 2018.

## Existing Aims and Strategic Objectives (Proposed to Amend)

Aims	Strategy Objectives
1. To promote sustainable development.	<p>1. To ensure sustainable minerals development can be approved without delay in accordance with the presumption in the National Planning Policy Framework.</p> <p>2. To ensure minerals development supports the proposals for sustainable economic growth, regeneration, and development outlined in adopted Local Plans/ LDFs prepared by Essex district/ borough/ city councils.</p> <p>3. To ensure that minerals development in the County fully promotes sustainable development.</p> <p>4. To ensure certainty for both developers and the public.</p> <p>(economic, social, and environmental)</p>
2. To promote a reduction in greenhouse gas emissions including carbon, and to ensure that new development is adaptable to changes in climatic conditions.	<p>5. To ensure that minerals and associated development provides for,</p> <ul style="list-style-type: none"> <li>• The minimisation of greenhouse gas emissions during the winning, working and handling of minerals.</li> <li>• Sustainable patterns of minerals transportation.</li> <li>• The integration of features which promote climate change mitigation and adaptation into the design of minerals restoration and after-care proposals.</li> </ul> <p>(environmental)</p>
3. To promote social inclusion, human health and well-being.	<p>6. To ensure that local communities are consulted and their views considered during the development of minerals proposals and in the determination of planning applications for minerals development.</p> <p>7. To ensure that the impacts on amenity of those people living in proximity to minerals developments are rigorously controlled, minimised and mitigated.</p> <p>(social)</p>
4. To promote the efficient use of minerals by using them in a sustainable manner and reducing the need for primary mineral extraction.	<p>8. To reduce reliance on primary mineral resources in Essex, firstly through reducing the demand for minerals and minimising waste, and secondly, by the re-use and use of recycled aggregates.</p> <p>(economic, social, and environmental)</p>
5. To protect and safeguard existing mineral reserves, existing permitted mineral sites and Preferred and Reserve Sites for mineral extraction, as well as existing and proposed sites for associated mineral development.	<p>9. To identify and safeguard the following mineral resources in Essex:</p> <ul style="list-style-type: none"> <li>• Sand and gravel, silica sand, brickearth, brick clay and chalk reserves which have potential future economic and/ or conservation value. Unnecessary sterilisation should be avoided.</li> </ul>

	<ul style="list-style-type: none"> <li>Existing and potential secondary processing and aggregate recycling facilities that are of strategic importance for future mineral supply to ensure that these are not compromised by other non- mineral development.</li> </ul> (economic, social, and environmental)
6. To provide for a steady and adequate supply of primary minerals to meet future requirements.	10. To provide for a steady and adequate supply of primary aggregates and industrial minerals by: <ul style="list-style-type: none"> <li>Safeguarding transshipment sites for importing and exporting mineral products.</li> <li>Meeting the mineral provision targets agreed by the East of England Aggregates Working Party, or as indicated by the Local Aggregate Assessment.</li> <li>Identifying suitable mineral extraction sites through site allocations in the Plan</li> </ul> (economic)
7. To protect and enhance the natural, historic and built environment in relation to mineral extraction and associated development.	11. To provide protection from minerals development to designated areas of landscape, biodiversity, geodiversity, cultural and heritage importance, in a manner which is commensurate with their importance. 12. To secure high quality restoration of extraction sites with appropriate after-care to achieve new after-uses which are beneficial and enhance the local environment. 13. To maintain and/or enhance landscape, biodiversity and residential amenity for people living in proximity to minerals development. (environmental, social)
8. To reduce the impact of minerals extraction and associated development on the transport system.	14. To achieve more sustainable patterns of minerals transportation by: <ul style="list-style-type: none"> <li>Giving preference to identifying local sources of aggregate as close as reasonably possible to urban growth areas and growth centres.</li> <li>Optimising how mineral sites gain access to the strategic road network.</li> <li>Mitigating the adverse traffic impacts of mineral extraction and associated development by appropriate traffic management measures.</li> <li>Increasing the use and availability of rail and water facilities for the long haul movement of mineral products.</li> </ul> (economic, social, and environmental)

- The Aims and Strategic Objectives of the MLP are considered to be in conformity with the specific mineral requirements set out in NPPF Chapter 17 - Facilitating the sustainable use of minerals. They are also considered to be in conformity with the general presumption in favour of sustainable development and the broader remit of

the NPPF and associated guidance as they relate to mineral planning, and are not otherwise considered to be materially deficient.

- On this basis, no significant amendments are proposed but the review does allow for the aims and spatial objectives to be listed alphanumerically to aid in any future referencing.
- It is however noted that references to Reserve Sites would be required to be removed as a result of assessment under Policy S6



## Existing Policy S1 – Presumption in favour of sustainable development (Not Proposed to Amend)

The Minerals Planning Authority will take a positive approach to minerals development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure minerals development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the site allocations and policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are demonstrably out-of-date at the time of making the decision, the Minerals Planning Authority will grant permission unless material conditions indicate otherwise – taking into account whether:

- Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in the National Planning Policy Framework indicate that development should be restricted.

- As noted in the MLP, at the heart of the National Planning Policy Framework (NPPF) is a 'presumption in favour of sustainable development'. The purpose of this policy is to state that this presumption is carried through into the MLP.
- It is recognised that the inclusion of this policy is no longer required as the Plan incorporates its objectives throughout the remainder of its suite of policies, Aims and Strategic Vision. By virtue of a plan being adopted it must be consistent with national policy and, as such, there is no requirement to repeat national policy unless it specifically aids in the understanding of local level policies.
- At this stage it is considered that its retention would assist in preserving the numbering of existing policies, making references to planning policy in historic and long-term planning applications less problematic. Its inclusion is also not contrary to national policy.

## Existing Policy S2 – Strategic priorities for minerals development (Proposed to Amend)

The strategic priorities for minerals development are focused primarily on meeting the mineral supply needs of Essex whilst achieving sustainable development. The strategy will promote this by:

- 1) Ensuring minerals development makes a contribution towards reducing greenhouse gas emissions, is resilient and can demonstrate adaptation to the impacts of climatic change,
- 2) Ensuring there are no significant adverse impacts arising from proposed minerals development for public health and safety, amenity, quality of life of nearby communities, and the environment,
- 3) Reducing the quantity of minerals used and waste generated through appropriate design and procurement, good practices and encouraging the re-use and the recycling of construction materials containing minerals,
- 4) Improving access to, and the quality and quantity of recycled/ secondary aggregates, by developing and safeguarding a well distributed County-wide network of strategic and non-strategic aggregate recycling sites,
- 5) Safeguarding mineral resources of national and local importance, mineral transshipment sites, Strategic Aggregate Recycling facilities and coated roadstone plants, so that non-minerals development does not sterilise or compromise mineral resources and mineral supply facilities,
- 6) Making planned provision through Preferred and Reserve Site allocations for a steady and adequate supply of aggregates and industrial minerals to meet identified national and local mineral needs in Essex during the plan-period whilst maintaining landbanks at appropriate levels,
- 7) Providing for the best possible geographic dispersal of sand and gravel across the County to support key areas of growth and development, infrastructure projects and to minimise mineral miles,
- 8) Ensuring progressive phased working and the high-quality restoration of mineral extraction developments so as to:
  - a) Significantly reduce reliance upon the use of landfill materials and,
  - b) Provide beneficial after-use(s) that secure long lasting community and environmental benefits, including biodiversity, and,
  - c) Protect the best and most versatile agricultural land.
- 9) Maintaining and safeguarding transshipment sites within the County to provide appropriate facilities for the importation and exportation of minerals.

- The purpose of this policy is to set out the strategic priorities to achieve the 'Strategy of the Plan'
- It is considered that Policy S2 is in conformity with the objectives of the NPPF; both as they relate to mineral planning specifically and the wider remit of planning. It is further considered that there are no omissions within Policy S2 which result in any issues of non-compliance with national policy.
- However, a number of modifications would be required to accommodate those amendments that are proposed to be made to other policies within the Plan. These include removing references to strategic infrastructure as a result of the assessment of Policy S5 and references to Reserve sites as a result of the assessment of Policy S6
- As all of the Strategic Priorities in Policy S2 are given life by other policies existing within the Plan, there is the suggestion that Policy S2 amounts to repetition and has little purpose itself. However, monitoring information collated since the MLP

was adopted has shown that this is the 6<sup>th</sup> most cited policy in planning application decisions, and it provides the function of consolidating the myriad aims of the MLP into a single policy. Additionally, as this policy is not out of conformity with the NPPF, there is no fundamental reason to remove it.

- It is further noted that the strategic priorities could be consolidated. For example, Strategic Priorities 4, 5 and 9 could be revised into a single priority focussed on safeguarding mineral resources and associated infrastructure.

## Existing Policy S3 – Climate change (Not Proposed to Amend)

Applications for minerals development shall demonstrate how they have incorporated effective measures to minimise greenhouse gas emissions and to ensure effective adaptation and resilience to future climatic changes, having regard to:

- 1) Siting, location, design and transport arrangements,
- 2) On-site renewable and low carbon energy generation, where feasible and viable,
- 3) National and local principles/ design standards for Sustainable Drainage Systems, including measures to enhance on-site water efficiency and minimise flood impacts both on-site and in relation to adjacent land and 'downstream' land-uses,
- 4) On-site resilience to unexpected climatic events,
- 5) The implications of coastal change, where relevant, and,
- 6) The potential benefits from site restoration and after-use schemes for biodiversity and habitat creation, flood alleviation, and provision of living carbon sinks.

- Policy S3 provides the framework for the MPAs consideration and determination of minerals development proposals in relation to climate change issues.
- It is considered that Policy S3 is compliant with the NPPF and is effective in promoting mitigation against climate change within the remit of minerals planning. It is further considered that there are no omissions within Policy S3 which result in any issues of non-compliance with national policy.

## Existing Policy S4 – Reducing the use of mineral resources (Not Proposed to Amend)

All development proposals shall ensure that mineral waste is minimised and that minerals on development/ redevelopment sites are re-used and recycled. This is to ensure both a reduction in the need for primary minerals and the amount of construction, demolition, and excavation wastes going to landfill. This will be supported by joint working with strategic partners to ensure:

- 1) The use of best practice in the extraction, processing and transportation of primary minerals to minimise mineral waste,
- 2) The application of national and local standards for sustainable design and construction in proposed development,
- 3) The application of procurement policies which promote sustainable design and construction in proposed development, and
- 4) The maximum possible recovery of minerals from construction, demolition and excavation wastes produced at development or redevelopment sites. This will be promoted by on-site re-use/ recycling, or if not environmentally acceptable to do so, through re-use/ recycling at other nearby aggregate recycling facilities in proximity to the site.

- This policy aims to increase the rate of aggregate re-use and recycling in Essex and provide the necessary mineral facilities to help achieve these aims.
- Policy S4 therefore aims to reduce the demand for, and use of, mineral resources through the minimising of the amount of mineral waste created from the extraction, processing and transportation of minerals as well as through the construction process. It also promotes re-use and recycling as a means to minimise mineral waste.
- It is considered that Policy S4 is compliant with the NPPF and that there is no requirement to amend it

## Existing Policy S5 – Creating a network of aggregate recycling facilities (Proposed to Amend)

The increased production and supply of recycled/ secondary aggregates in the County is supported to reduce reliance on land-won and marine-won primary aggregates. The County's existing network of aggregate recycling facilities shall be maintained and expanded wherever appropriate. In addition:

- 1) Existing Strategic Aggregate Recycling Sites (SARS) identified on the Policies Map and defined in the map in Appendix 3 will be safeguarded from development that might result in their closure earlier than their permission. There is a general presumption that existing SARS should remain in operation for the life of the permission.
- 2) The Local Planning Authority shall consult the Minerals Planning Authority for its views and take them into account before determining development proposals that would compromise the continued operation and potential of an existing SARS.
- 3) Proposals for new aggregate recycling facilities, whether non-strategic or in the form of SARS, should be located on the main road network in proximity to the Key Centres of Basildon, Chelmsford, Colchester, and Harlow. Such proposals shall be permitted in the following preferred locations, provided they do not cause unacceptable highway harm, are environmentally acceptable and in accordance with other policies in the Development Plan for Essex:
  - a) On major demolition and construction sites (on a temporary basis);
  - b) Within permanent waste management sites;
  - c) In commercial areas used for general industrial or storage purposes, subject to compatibility with neighbouring land-uses;
  - d) On appropriate previously developed land;
  - e) On current mineral workings and landfill sites provided the development does not unduly prejudice the agreed restoration timescale for the site and the use ceases prior to the completion of the site; and
  - f) Within major allocated or permitted development areas (as set out in the Development Plan for Essex).

- The sustainable re-use and recycling of Construction, Demolition and Excavation (CDE) waste makes an important contribution to the Essex economy and helps reduce the amount of re-usable materials from being unnecessarily disposed to landfill. Such an approach subsequently reduces the need for primary mineral extraction and the environmental and social disturbance that this entails. Policy S5 aims to ensure that a network of aggregate recycling facilities are established and safeguarded across the County to promote the recycling of aggregates, wherever such waste arises from development and redevelopment projects.
- It is considered that Policy S5 is in conformity with the NPPF. In particular, it is considered that the range of site typologies within which the Mineral Planning Authority would welcome applications for aggregate recycling, namely in proximity to key centres of growth and well located to the main transport network, strongly accords with NPPF Paragraph 103 which states that 'significant development should be focused on locations which are or can be made sustainable'.
- Part 2 of Policy S5 takes the form of a brief statement stating that LPAs are required to consult with the MPA before determining development proposals that would compromise the continued operation and potential of an existing SARS. Under the assessments of Policy S8 and Policy S9, it is suggested that Policy S9 is amended to set out the approach to safeguarding all forms of mineral infrastructure. As such it

is assessed that this section can be omitted from the policy, with supporting text making clear that all mineral infrastructure safeguarding considerations are addressed by Policy S9 and its supporting text.

- Regarding the list of Key Centres set out in Part 3, whilst it is noted that within the Plan area there are long-term growth aspirations to deliver strategic levels of growth in new communities outside of the current list of Key Centres, the sites are not yet currently adopted. Therefore, it is not considered that Policy S5 needs amending to make any reference to any specific future growth location. In any event, Clause f ('within major allocated or permitted development areas (as set out in the Development Plan for Essex') would allow for aggregate recycling centres to be developed in locations that would satisfy aggregate need for any future major settlement locations at any stage of their development.
- The policy and current supporting text makes a distinction between different types of aggregate recycling facilities. Strategic Aggregate Recycling Sites (SARS) are defined in the first instance as static facilities with a capacity to recycle at least 100,000 tonnes per annum as a minimum, alongside other criteria. Non-strategic aggregate recycling sites are defined as those with a capacity of less than 100,000 tonnes per annum. The Plan does not safeguard these existing non-strategic aggregate recycling facilities in the County. These are said to be disparate in terms of their location, operational plant and activities, and relationship with neighbouring land-uses, including the main road network. This blanket approach does not allow the strategic nature of a facility to be considered in its context. If, for example, there was a relatively small scale facility but it was the only one in proximity to a number of growth locations, it may be deemed to be strategic in nature. Therefore, it is considered that a general safeguarding policy for all such facilities across the County in the Plan would be inappropriate and that they are best dealt with in on a case by case basis having regard to Local Plan Reviews or the Development Management process.
- The position as articulated in the MLP has also since been updated through the Essex and Southend-on-Sea Waste Local Plan 2017 (WLP). WLP Policy 2 - *Safeguarding Waste Management Sites and Infrastructure* is defined, through WLP Paragraph 6.7, as applying to 'all permitted waste developments'. However, the WLP also introduces a discretionary approach, as articulated in Paragraph 6.10. This paragraph states that *'In some cases, the potential adverse impact on a waste site or operation of a waste facility may not be contested by the WPAs. Such instances could include scenarios where it can be ascertained that there are wider social, environmental and/or economic benefits resulting from new development that may outweigh the retention of the waste use'*. As such, all aggregate recycling sites are now safeguarded but the Minerals and Waste Authority retains the option of whether to formally object to the application.
- It is therefore noted that the distinction between a SARS and a non-strategic aggregate recycling centre, as defined through the MLP, has little impact on the application of safeguarding policy as updated through the WLP. As such it is proposed that MLP Policy S5 and its associated text is amended to remove this distinction between the two types of facility

## Existing Policy S6 – Provision for sand and gravel extraction (Proposed to Amend)

The Mineral Planning Authority shall endeavour to ensure reserves of land won sand and gravel are available until 2029, sufficient for at least 7 years extraction or such other period as set out in national policy.

The working of Reserve sites will only be supported if the landbank with respect to the overall requirement of 4.31mtpa is below 7 years.

Mineral extraction outside Preferred or Reserve Sites will be resisted by the Mineral

Planning Authority unless the applicant can demonstrate:

- a) An overriding justification and/ or overriding benefit for the proposed extraction, and,
- b) The scale of the extraction is no more than the minimum essential for the purpose of the proposal, and,
- c) The proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan.

- Policy S6 sets out the amount of mineral that has been calculated as being required to equate to the provision of a 'steady and adequate' supply of minerals on an annual basis, and therefore the amount of mineral required to be provided for over the Plan period. 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 available on the Essex County Council website.
- It is considered that elements of Policy S6 are demonstrably in conformity with the NPPF. The policy appropriately responds to the statutory requirement to maintain the sand and gravel landbank at seven years and ensures that the planning framework for minerals is plan-led through a clearly articulated preference for applications to come forward on allocated sites over those which are not allocated through the Plan.
- Whilst Policy S6 is considered to be policy compliant, there are a number of components that require assessment before a conclusion can be reached on its efficacy. These are set out below:

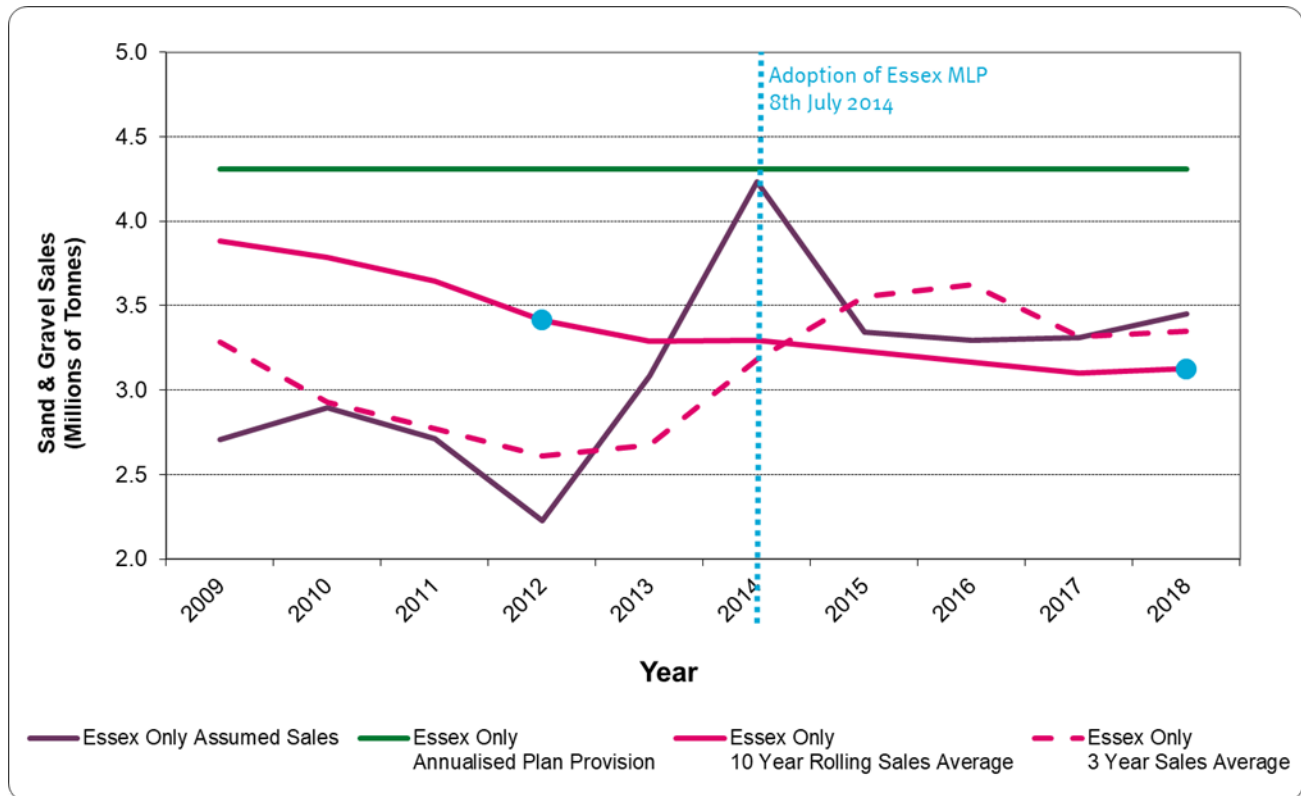
### The Rate of Mineral Provision

- Annual monitoring of aggregate sales through the Local Aggregate Assessment suggest that the current Plan apportionment of 4.31mtpa, which was derived from the 'National and Sub-National Guidelines for Aggregate Provision in England 2005-2020, remains the most appropriate figure upon which to base provision.
- The NPPF requires that mineral provision is based on an average of ten-years rolling sales, with the National and Sub National Guidelines to be 'used as a guideline'. The ten-year rolling sales figure available for Essex at the point of the EiP Hearings in 2013 was 3.62mtpa. It was therefore a point of contention as to whether the MLP was overproviding for mineral by adopting the sub-national guidelines figure (4.31mtpa), and that instead allocations should be made on the basis of an annual provision of 3.62mtpa for Essex as calculated through ten-year rolling sales. This would result in a reduction in mineral provision of 19%.



- The current (2018) rolling ten-year sales average is 3.13mtpa, down from the 3.62mtpa presented at the EiP in 2013. This does however mask a pattern of significant variation in sales across the period assessed and a general increase in sales since the MLP was adopted, as shown below:

**Figure 1: Comparison of Rolling Ten-Years Sales of Sand & Gravel in Essex**



- The above figure shows clear reduction in the ten-year sales average year-on-year, and that an annual Plan provision of mineral made on the basis of the last ten-years of sales would have failed to amount to a 'steady and adequate' supply of minerals since 2013 (sales exceed ten year sales average). Therefore it is considered that the ten-year rolling sales average is an inappropriate quantity on which to base future Plan provision, and thereby continues to justify the current apportionment-based approach derived from the National and Sub-National Guidelines.
- With regard to the status of these Guidelines, they cover the period 2005 – 2020 and therefore will expire within the next review cycle. This leads to the need to consider the appropriateness of their continued use. NPPF Para 207 Clause d) states that part of providing for a steady and adequate supply of aggregates includes the need to take 'account of any published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates'. The latest iteration of the NPPF was published in February 2019 and therefore, despite the fact that the current iteration of the Guidelines is soon to expire, it can be taken that the Guidelines are to currently remain a consideration.
- It is also important to note that the usefulness of the current iteration of the Guidelines formed a consultation question as part of the NPPF Consultation which

led to the publication of the latest iteration of the NPPF. In their response to representation on the matter, 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... The Government intends to explore these issues after the publication of the Framework.*”

- It can be concluded therefore that the role of some form of guidance is recognised as being fundamental to the successful operation of mineral supply, and that without it, minerals may be under-provided. However, the form of that Guidance and the methodologies that underpin it may change in the future.
- In light of the Government’s continued support for the current Guidelines implied by their continued inclusion in the NPPF, even though they will soon expire, 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 forecasting methodology set out in the NPPF has already been acknowledged as being under consideration for revision.

#### The Plan Approach to Reserve Sites

- It is proposed that those sites that are currently designate as Reserve Sites be re-designated as Preferred Sites, and all references to Reserve Sites be removed from the Plan. The rationale for this amendment is that Reserve Sites were allocated on the basis of accommodating the difference between provision made on the basis of ten-year sales and provision made in accordance with the Sub-National Guidelines. Figure 1 demonstrates that the ten-year rolling sales average would have failed to provide sufficient mineral to accommodate annual mineral sales since the adoption of the MLP, meaning that such a level of provision is not valid. As such, the basis for the concept of Reserve Sites is removed, making their continued existence untenable.
- The current planned provision of aggregate and its rate of sale determines the need, or not, for further site allocations to be made for prior extraction. Such an assessment carried out as part of annual monitoring suggests that a ‘Call for Sites’ will likely be required at some point before the Plan expires in 2029, but not at this point in time. Sales over the recent period have been approximately 1mtpa below the forecasted MLP rate. This equates to 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 until 2024, assuming that all site allocations come forward and are able to meet their assessed contribution to reserves at their point of allocation in the MLP, would leave the theoretical landbank in 2024 (the end of the next MLP review period) in excess of nine years, above the statutory minimum of seven years.

#### The Need for Further Site Allocations / Approach to a Call for Sites

- Further, the need to initiate a Call for Sites can be based on continued monitoring of the adequacy of current provision made through the Local Aggregate Assessment. It is therefore the intention that the initiation of a Call for Sites will be based on conclusions made through this annual document and that this need not necessarily be tied to a wider Plan review. This is considered to be a flexible and proactive approach to mineral provision and allows the Minerals Planning Authority

to accommodate future changes in sales and provision guidelines in what is an unclear economic landscape.

#### The Proposed Continued Omission of Windfall Sites from Mineral Provision Calculations

- The current Plan approach to mineral provision omits any contribution from windfall sites. An interrogation of windfall applications has been undertaken which has found that since the MLP was adopted, there have been a total of three applications approved by the MPA which sought to extract from sites not currently allocated. This resulted in 1.5mt of aggregate being added to the permitted reserve. Given this relatively small yield (amounting to approximately one third of the annual apportionment across five years) it is not considered appropriate to alter this conclusion and therefore it is proposed that the MLP at this stage will continue to omit any contribution to quantified need to be made through an 'assumed' windfall contribution.

#### The Proposed Continuation of a Combined Landbank for Sand and Gravel

- The Plan's approach of allocating aggregate reserves on the basis of a single combined sand and gravel landbank was questioned at EiP. It was put forward that separate landbanks should be maintained for building (soft) sand and concreting sand. The Inspector accepted the MPAs evidence at the time of the Hearings but requested that this be monitored. The MPA have since commissioned an update statement on this approach, which concludes that the approach remains sound.
- The addendum to the original building sand report states that in the first instance, the provision of separate landbanks, to differentiate minerals used in different end uses from each other is clearly desirable. However, separate landbanks can only be provided if both (i) the specification for end use of minerals, and (ii) the reserves in the ground of material for different end uses, can be identified separately and unambiguously from each other.
- With regard to mineral specification, the re-examination document states that the specifications for building sand and that for concreting sand overlap each other so that in essence while there are two separate uses and therefore markets (concreting sand and building sand) the decision as to what is produced is predominantly a commercial decision which then reflects the level of processing applied to what is essentially largely a common reserve (point (ii) above). As such, any view of concreting sand and building sand as being two 'different' minerals is merely a reflection of distinct markets rather than of explicitly distinct resources.
- Monitoring conducted separately by ECC 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, ten of the 17 active sites in Essex sold both resource types whereas in 2018, seven of the 16 active sites supplied the market with building/mortar sand from mixed sand and gravel deposits, by selective processing. It is therefore proposed to maintain the current plan approach. The re-examination document also proposes the removal of an associated indicator designed to keep this position under review, as the position is one of fact and will not change. It is proposed to accept this recommendation.

## The Potential for Increasing the Proportion of Marine-won Sand and Gravel contributing to the Overall County Requirement for Sand and Gravel

- In the report of the Examination in Public on what became the Essex Minerals Local Plan 2014 (MLP), the Planning Inspector holding the examination stated that Essex County Council (ECC) should initiate further consideration of whether an increase in the proportion of marine-won aggregate use in Essex could be reliably quantified. This may then reduce the need to allocate sites for aggregate extraction in the terrestrial environment.
- A monitoring indicator was created which sought to assess whether the potential for marine aggregate to be supplied to the Plan area was being constrained. The monitoring indicator states that if marine imports are within 90% of wharf capacity in Greater Essex, then a review is to be undertaken to determine whether capacity is constraining the landing of marine dredged aggregate.
- A bespoke piece of work has found that there is no single source of publicly available data providing both the annual amount of marine won material landed at wharf facilities and the total available capacity at wharves to allow for a comparison to be made. All operators that have wharves that are considered to be within range to support the Essex aggregate market have been contacted to establish the total capacity and identify whether this may be constraining throughput. A sufficient number of responses were not however forthcoming. It has therefore been considered impossible to identify whether the cumulative annual throughput at the wharves is 90% or below of the total capacity. Anecdotal evidence suggests that there remains surplus capacity at wharves, and capacity issues are focussed around production capability limited by existing dredger numbers.
- Further assessment has found that there is an absence of correlation between the production of land-won aggregate and the landing of marine aggregate in proximity to Essex, and as such the underlying principle that marine-won material can directly replace land-won production is not substantiated. This accords with statements issued by the British Marine Aggregate Producers Association (Aggregates from the Sea, 2006).
- It is also the case that the MPA is not able to directly facilitate an increase in marine aggregate provision. Should a facility be developed in Essex it would not be possible to state that a quantifiable proportion of marine aggregate landed in Essex would serve Essex markets as all landed material would be sold on the open market. The decision to develop a facility in Essex is also a commercial decision; one which the authority could help facilitate through a supportive policy framework, but not something that the MPA could initiate.
- Further, whilst ECC as MPA 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 your established 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.
- On this basis, it is currently considered that there are no means through which to justify a reduction in the allocation of land-won aggregate through a reliance on an increase in marine-won aggregate landings. It is further considered that additional

work surrounding the port capacity indicator will not yield any additional results, due to operator reluctance to participate. It is therefore recommended proposed that the relevant Mineral Monitoring Indicator be removed from Monitoring Framework, and Policy S6 continues to omit any marine aggregate contribution from its quantification of need.

## Existing Policy S7 – Provision for industrial minerals (Proposed to Amend)

Any proposals for other minerals in the County will be considered as follows:

### **Silica Sand Extraction:**

Provision is made for a site extension at Martells Quarry, Ardleigh to maintain an appropriate minerals landbank for silica sand of at least ten years during the plan-period as defined in Policy P2

### **Brick Clay Extraction:**

A minerals landbank of at least 25 years of brick-making clay will be maintained at the following brickworks:

- Marks Tey and Bulmer through the extraction of remaining permitted reserves.

The extracted brick-making clay from Bulmer Brickworks and Marks Tey respectively should be used to support the brickworks in that locality only, as defined on the Policies Map.

### **Chalk Extraction:**

The small-scale extraction of chalk will only be supported for agricultural and pharmaceutical uses at Newport Quarry as identified within the Policies Map. Extraction of chalk for other uses, such as aggregate, fill material or for engineering will not be supported.

Proposals for the extraction of other minerals on non-Preferred Sites will be permitted where:

- The reserves comprising the landbank are insufficient and/ or there is some other over-riding justification or benefit for the release of the site, and
- The proposal would be environmentally acceptable.

- This policy sets out the approach with regard to the provision of industrial minerals that exist in the Plan area. Industrial minerals are those which are worked to support industrial and manufacturing processes, and which are not fuel (fuel minerals or mineral fuels), sources of metals (metallic minerals) or covered under the definition of aggregates.
- It is considered that Policy S7 is in broad conformity with the NPPF. Sufficient allocations have been made to satisfy the statutory landbank requirements for silica sand (ten years) and brick clay, where each of the two brick clay extraction sites have permitted reserves in excess of 25 years each to recognise that the brick clay from each site serves different uses. The provision of chalk is not based on satisfying a landbank as there is no statutory requirement to maintain a landbank for chalk when it is being extracted for agricultural and pharmaceutical uses.
- However, it is currently stated that *'The small-scale extraction of chalk will only be supported for agricultural and pharmaceutical uses at Newport Quarry'* and that extraction for other uses will not be supported. This does not appear to be a stance justified in policy and it is therefore proposed that this statement is removed from Policy S7. Instead the extraction of chalk will be supported in principle where there is a justification or benefit for the release of the site and the proposal would be in conformity with the wider Development Plan.
- The reference to 'non-Preferred Sites' in the final section of the policy is proposed to be amended to read 'non-identified sites'. This is to recognise that the subsequent criteria are intended to apply to any site that is not allocated as a

Preferred Site rather than being applicable to sites that were submitted to the MPA through the Plan making process, appraised through the Site Selection methodology, and then not selected. This is to recognise that Preferred, Reserve and Non – Preferred Sites have a specific meaning in the context of this Plan.

## Existing Policy S8 – Safeguarding mineral resources and mineral reserves (Proposed to Amend)

By applying Mineral Safeguarding Areas (MSAs) and/ or Mineral Consultation Areas (MCAs), the Mineral Planning Authority will safeguard mineral resources of national and local importance from surface development that would sterilise a significant economic resource or prejudice the effective working of a permitted mineral reserve, Preferred or Reserve Site allocation within the Minerals Local Plan. The Minerals Planning Authority shall be consulted, and its views taken into account, on proposed developments within MSAs and MCAs except for the excluded development identified in Appendix 5.

### **Mineral Safeguarding Areas**

Mineral Safeguarding Areas are designated for mineral deposits of sand and gravel, silica sand, chalk, brickearth and brick clay considered to be of national and local importance, as defined on the Policies Map.

The Mineral Planning Authority shall be consulted on:

- a) All planning applications for development on a site located within an MSA that is 5ha or more for sand and gravel, 3ha or more for chalk and greater than 1 dwelling for brickearth or brick clay; and
- b) Any land-use policy, proposal or allocation relating to land within an MSA being considered by the Local Planning Authority for possible development as part of preparing a Local Plan (with regard to the above thresholds).

Non-mineral proposals that exceed these thresholds shall be supported by a minerals resource assessment to establish the existence or otherwise of a mineral resource of economic importance. If, in the opinion of the Local Planning Authority, surface development should be permitted, consideration shall be given to the prior extraction of existing minerals.

### **Mineral Consultation Areas**

MCAs are designated within and up to an area of 250 metres from each safeguarded permitted mineral development and Preferred and Reserve Site allocation as shown on the Policies Map. The Mineral Planning Authority shall be consulted on:

- a) Any planning application for development on a site located within an MCA except for the excluded development identified in Appendix 5,
- b) Any land-use policy, proposal or allocation relating to land within an MCA that is being considered as part of preparing a Local Plan

Proposals which would unnecessarily sterilise mineral resources or conflict with the effective workings of permitted minerals development, Preferred or Reserve Mineral Site allocation shall be opposed.

- Minerals are a finite natural resource and can only be worked where they are found. As such best use needs to be made of them to secure their long-term conservation. Policy S8 sets out the MPAs approach to the safeguarding of both mineral resources that are potentially economically viable to extract, as well as associated mineral infrastructure such as quarries and processing plants. This policy therefore incorporates two separate safeguarding approaches – one based on a resource (Mineral Safeguarding Areas), the other based around protecting existing mineral operations (Mineral Consultation Areas).
- It is considered the general MLP approach to mineral safeguarding is considered to be compliant with the latest iteration of the NPPF and its associated guidance. Of particular importance is the current NPPF Para 182 which was first included as part of the revisions to the NPPF in 2018. Paragraph 182 introduces the Agent of Change principle, which states that 'Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development



permitted after they were established'. It is assessed that this provides a strong justification for the safeguarding process as currently established through Policy S8.

- An element of Policy S8 does however misinterpret national policy. Within the MLP, Mineral Safeguarding Areas (MSAs) are defined as applying to mineral deposits of sand and gravel, silica sand, chalk, brickearth and brick clay considered to be of national and local importance. This is considered to be an appropriate interpretation. However, Mineral Consultation Areas (MCAs) are defined as applying to land within and up to an area of 250 metres from each safeguarded permitted mineral infrastructure and Preferred and Reserve Site allocation. This interpretation is no longer found to be correct.
- The NPPF is now silent on the role of MCAs although they are featured within the PPG. Here they are defined as 'a geographical area, based on a Mineral Safeguarding Area, where the district or borough council should consult the Mineral Planning Authority for any proposals for non-minerals development'. An MCA, therefore, is not intended to apply to extant, permitted and allocated mineral infrastructure, rather it is to apply to the resource safeguarded by virtue of an MSA designation.
- Further clarity is afforded by the Minerals Safeguarding Practice Guidance published jointly by the Planning Officers Society and the Mineral Products Association in 2019. This states that MCAs are based on MSAs but often extend beyond these in the form of a 'buffer' (generally between 100m and 500m, and commonly 100-250m) around MSAs or mineral infrastructure sites'. It is proposed to redefine the Plan approach to MCAs such that they now provide a buffer around the MSAs. The existing MSA buffer value of 250m as currently applied to extant, permitted and allocated mineral infrastructure is considered appropriate to apply as a buffer around MSAs.
- The application of Policy S8 as it applies to MSAs is based on site size thresholds. Applications coming forward that are less than the stipulated threshold for the relevant MSA are not captured by Policy S8. It is noted that the NPPF does not prescribe the use of thresholds in this regard. However, the use of thresholds is cited as best practice within the Minerals Safeguarding Practice Guidance as a means to make the process manageable so that consultation only occurs where there is likely to be a significant risk to mineral resource safeguarding, at a size where prior extraction could be feasible. Given the extent of the sand and gravel resource in Essex, it is considered appropriate to retain the current policy thresholds. However, the policy could be amended to state that applications in MSAs of any size should actively consider the ability for incidental extraction to support the development being applied for to be consistent with best practice.
- Any references to Reserve Sites in Policy S8 would be required to be removed due to their proposed re-allocation to Preferred Sites.
- There are a number of other aspects that are not matters of policy compliancy that require assessment before a conclusion can be reached on the efficacy of Policy S8. These are set out below:

## The Relationship between Policy S8 and Policy S9

- Policy S8 contains safeguarding provisions for land potentially containing mineral which is practicable to extract as well as safeguarding provisions for mineral infrastructure, such as quarries and transshipment sites. Policy S9 currently lists the mineral infrastructure to which safeguarding provisions apply and re-iterates how safeguarding policy is to apply in relation to those facilities. It is considered that this introduces duplication. Elements of the current Policy S8 and supporting text that address safeguarding provisions as they relate to mineral infrastructure are proposed to be moved into Policy S9 or deleted where already covered.

## Minerals Local Plan Appendix 5

- Table 9 in Appendix 5 sets out those development types that are either included or excluded from the provisions of Policy S8. It is considered that 'Applications for development on land which is already allocated in adopted local development plan documents' should be revised to be included on the basis of Policy S8 and that their current exclusion is an error.
- Since the adoption of the MLP, the MPA requests that all proposed housing sites be submitted to the MPA so they can be assessed in light of their potential to sterilise mineral bearing land. Where proposed allocations are assessed as having such potential, it is requested that this is recognised in the relevant Local Plan and reference is made to MLP Policy S8 as part of any informative that is associated with their allocation. In this manner, Policy S8 can be considered by any prospective developer at the point of allocation.
- This essentially means that 'Applications for development on land which is already allocated in adopted local development plan documents' have in effect already been assessed under Policy S8. Importantly however, stating that sites which are already allocated are still included under Policy S8 would enable the MPA to consider sites which were included in Local Plans prior to the adoption of the MLP, enabling all applications coming forward anywhere in the county to be treated on the same basis. It will also allow the MPA to retain an interest in any site that for whatever reason was not submitted to the MPA during the Local Plan making process, including whether they were included within the Plan at short notice prior to its adoption.

## Justification for the Extent of Mineral Safeguarding Areas

- The extent of the MSAs as delineated in the MLP were taken from the Mineral Safeguarding Areas - Rationale Report published by Mouchel in October 2012. An opinion was sought from the Minerals Product Association in 2019 with regard to their continued applicability. The criteria which were used to delineate the MSAs were found to still be relevant. As such it is not proposed to alter the spatial extent of MSAs.

## The Continuation of using Thresholds for Individual Minerals in the Application of Policy S8

- The MPA requests that it is only consulted on sites which meet the thresholds as set out in Appendix 5 of the MLP (2014), which for sand and gravel, the predominant mineral in Essex, is 5ha. It is therefore the case that any application

that has the potential to sterilise less than 5ha would not be sent to the MPA for comment and therefore subjected to comment or recorded as part of the monitoring informing this indicator. This means that there is no understanding of the amount of mineral being sterilised by the permitting of smaller non-mineral developments, and whether this is greater or smaller than what is being lost through the permitting of larger non-mineral developments.

- Nonetheless, it is considered appropriate to retain a 5ha threshold for applications in sand and gravel MSAs as the trigger point for the engagement of Policy S8 and therefore application of Mineral Indicator 5. Informal consultation carried out with the minerals industry as part of initial evidence gathering for the production of the MLP in 2007 found that there would need to be a minimum of 3ha of resource for the site to be capable of being worked, and so approximately doubling that minimum threshold is considered a reasonable approach towards ensuring that the requirements of Policy S8 only apply to non-mineral led applications where there is a reasonable prospect of their being a mineral present which is practicable to extract.
- Within the Inspectors Report into the Examination of the MLP, the Inspector passes judgement on this threshold in Paragraph 151. This notes that ‘Although arbitrary, the 5ha threshold was subject to public consultation and this approach is justified, given the wide extent of sand and gravel reserves in Essex, where prior extraction need not always be necessary.’ The MPA continues to support the threshold of 5ha as being an appropriate trigger point for the application of mineral resource safeguarding policy.
- The thresholds for chalk, brickearth and brick clay were not a point of discussion at the Examination Hearings. The thresholds for these minerals contained within the MLP were initially discussed with the minerals industry in 2007 and first consulted on in 2010. It is considered that there is no current evidence to suggest that they are now inappropriate and as such they continue to be supported.

#### Requirements for a Compliant Minerals Assessment

- It is noted that the MLP does not include any criteria upon which to define what a policy compliant Minerals Resource Assessment is expected to contain. This has resulted in unnecessary delay when it comes to developers attempting to conform with this policy. It is now proposed to adopt the Mineral Resource Assessment checklist contained within the Minerals Safeguarding Practice Guidance 2019, although slightly adapted to accommodate principles in the existing ECC checklist. It is proposed that this checklist is included in an Appendix of the MLP and referred to in Policy. The proposed checklist is reproduced in Appendix One of this document.

#### The Use of the Phrases ‘Local Importance’, ‘Economic Importance’, ‘Unnecessarily’ and ‘Consideration’ in Policy S8

- It is proposed that supporting text to Policy S8 will now clarify that land covered by an MSA designation is considered to *potentially* hold a mineral of local importance by sole virtue of the land being designated as an MSA. An MRA will therefore be required should the relevant threshold of Policy S8 be met to establish the existence of mineral with local importance. This removes any ambiguity as to what constitutes a mineral deposit of potential local importance in the first place.

- Policy S8 further states that its purpose is to avoid the sterilisation of a 'significant economic resource' and that a mineral resource assessment is required to establish the existence or otherwise of a mineral resource of 'economic importance'. This is not the test that is captured in the PPG. As such, the policy and relevant supporting text will be amended to state that an MRA will be required to establish whether there is mineral present which is practicable to extract, and if so, that prior extraction should take place to avoid the unnecessary sterilisation of minerals.
- The MRA will be required to comment on the mineral having a marketable use. NPPF Paragraph 203 states that *'Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation'*. Of further relevance to the issue of prior extraction is NPPF Paragraph 205, which states that *'when determining planning applications, great weight should be given to the benefits of mineral extraction'*. The planning balance of what should be considered practicable to extract should therefore be one related to the viability of the proposed non-mineral development as a whole, not just the viability of mineral extraction in isolation. It is proposed to amend the policy accordingly.
- The current iteration of the NPPF supports safeguarding on the basis that 'known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided' (Paragraph 204 clause c). The term 'needlessly' existed immediately before the word 'sterilised' in the 2012 iteration of the NPPF, but this has since been omitted in the current iteration. Its retention in Policy S8 is not however considered to be a contradiction of national policy, but it is considered that the addition of the phrase 'where this can practicably be avoided' would allow the MPAs position to reflect local circumstances and align the policy more closely with the NPPF.
- The use of the word 'consideration' in Policy S8 was examined in Appeal Decision Ref: [APP/Z1510/W/16/3146968](#) relating to Land off Western Road, Silver End, Essex CM8 3SN which was issued in March 2017. Whilst the decision to reject the need for prior extraction on this site did not hang entirely on the need to just 'consider' the need for prior extraction to satisfy Policy S8, it is noted that for the policy to have material weight, one must do more than just 'consider' prior extraction before a non-mineral development takes place on mineral bearing land. On that basis, it is proposed that Policy S8 be revised to remove the need to have 'consideration' of the need for prior extraction.

## Existing Policy S9 – Safeguarding mineral transhipment sites and secondary processing facilities (Proposed to Amend)

The following mineral facilities identified on the Policies Map are of strategic importance and shall be safeguarded from development which would compromise their continued operation.

### ***Safeguarded Transhipment Sites:***

- a) Chelmsford Rail Depot
- b) Harlow Mill Rail Station
- c) Marks Tey Rail depot
- d) Ballast Quay, Fingringhoe (safeguarding to apply only up to the end of mineral extraction at the nearby Fingringhoe Quarry)
- e) Parkeston Quay East, Harwich (for potential operation)

### ***Safeguarded Coated Stone Plant:***

- f) Sutton Wharf, Rochford
- g) Stanway, Colchester
- h) Wivenhoe Quarry
- i) Bulls Lodge, Chelmsford
- j) Essex Regiment Way, Chelmsford
- k) Harlow Mill Rail Station

The Local Planning Authority shall consult the Mineral Planning Authority and take account of its views before making planning decisions on all developments within 250 metres of the above facilities as defined in the maps in Appendices 2 and 4. Where planning permission is granted for new rail or marine transhipment sites and coated stone plant of strategic importance, those sites will also be safeguarded so that their operation is not compromised. The safeguarding of a strategic plant is for the life of the planning permission or where located in a mineral working, until completion of extraction.

The Local Planning Authority shall consult the Mineral Planning Authority for its views and take them into account on proposals for development within the Mineral Consultation Area of these safeguarded sites, as identified on the Policies Map, before making planning decisions on such proposals.

- The geology of Essex does not allow it to be self-sufficient in all minerals required to facilitate development, so there is a necessary reliance on imported supplies, such as hard rock, to serve the County's needs. Most imported mineral which arrives in Essex comes into the County primarily by rail and sea, and the existing mineral infrastructure which makes this importation possible is therefore a vital feature of the County's mineral supply network. These facilities are known collectively as mineral transhipment sites and effectively operate as 'virtual quarries' as they are a base for mineral supply. Transhipment sites within Essex are currently specifically named through Policy S9 and are subject to Mineral Consultation Area designations as set out in Policy S8 and Policy S9.
- it is considered that Policy S9 is in general conformity with national policy. There is a clear requirement in the NPPF to ensure that associated mineral infrastructure and not just the sites of extraction are to be safeguarded, with the PPG making clear that Local Planning Authorities have an important role in this regard, and that Mineral Consultation Areas are the appropriate mechanism through which to ensure the safeguarding of these facilities.

- The NPPF and associated guidance is however silent on any explicit requirement to only safeguard 'strategic' facilities, with NPPF Para 204 e) stating that planning policies should safeguard existing, planned and potential sites. The list of examples of such sites include those sites which are involved in the manufacture of concrete and concrete products, which are currently excluded from Policy S9. On this point, it is also noted that the same paragraph includes the need to safeguard sites for the handling, processing and distribution of recycled aggregate material. These facilities are, however, defined as waste management facilities in Essex as they recover previously used aggregate sourced from Construction and Demolition waste. These are safeguarded through the provisions of the Essex and Southend-on-Sea Waste Local Plan.
- There are a number of other aspects that are not matters of policy compliancy that require assessment before a conclusion can be reached on the efficacy of Policy S9. These are set out below:

#### Alignment with the Essex and Southend-on-Sea Waste Local Plan 2017

- In the assessment of Policy S5, it was considered that it was no longer appropriate to make a distinction between strategic and non-strategic sites, as no such distinction was carried through into the Essex and Southend-on-Sea Waste Local Plan. It is proposed to apply the same logic here. This would mean that in the first instance, Mineral Consultation Areas would now apply to all permitted mineral facilities in the Plan Area, including those which are temporary, for the length of their permission. On this basis, references to specific sites in the policy can be removed.
- This approach is akin to that taken to the safeguarding of waste management facilities in the Plan Area. Policy 2 of the adopted WLP states that "*Safeguarding will be implemented through Waste Consultation Areas which are defined around all permitted waste developments (as indicated in the Annual Monitoring Report) and sites allocated in this Plan*". It is considered that Policy S9 should also make this distinction, namely that all minerals infrastructure within the Authority Monitoring Report are to be subjected to Mineral Consultation Areas. This will require the Authority Monitoring Report to be amended to include mineral transshipment sites and coated stone plants. The proposed change will also grant the policy additional flexibility as the scope of the policy can be amended through the Authority Monitoring Report as permissions are granted and expire, rather than the policy itself becoming dated. Where relevant, it is proposed that further provisions of WLP Policy 2 will be imported into Policy S9.

#### Requirements for a Compliant Mineral Infrastructure Assessment

- To aid in the operation of Policy S9, it is proposed to set standard criteria for a Mineral Infrastructure Assessment as a means to ensure that existing mineral infrastructure is not compromised by proximal non-mineral development. The Planning Officers Society and Minerals Planning Association Minerals Safeguarding Practice Guidance (2019) contains a list of requirements for a 'Minerals Infrastructure Assessment'. Essex County Council currently maintains its own checklist for such purposes but it is considered appropriate to adopt the checklist from the aforementioned guidance, with minor amendments. The

proposed checklist is reproduced in Appendix Two and is proposed to be explicitly referenced to in policy, and contained in an appendix of the MLP.

#### Mineral Consultation Areas as they relate to Mineral Infrastructure

- MCAs applying to mineral infrastructure will be amended to Mineral Infrastructure Consultation Areas (MICAs) such that there is a distinction between Mineral Consultation Areas relating to Mineral Safeguarding Areas. The basis for their designation will remain as currently set out in Policy S9, which is 250m around all safeguarded mineral infrastructure.

## Existing Policy S10 – Protecting and enhancing the environment and local amenity (Not Proposed to Amend)

Applications for minerals development shall demonstrate that:

- a) Appropriate consideration has been given to public health and safety, amenity, quality of life of nearby communities, and the natural, built, and historic environment,
- b) Appropriate mitigation measures shall be included in the proposed scheme of development, and
- c) No unacceptable adverse impacts would arise and;
- d) Opportunities have been taken to improve/ enhance the environment and amenity.

- Mineral development can be an intrusive activity which can have a significant effect on the environment and the people who live and work close by. Mineral working can potentially cause the permanent alteration of topography, landscape and localised hydrology (including the creation or alteration of waterways), as well as temporary noise, dust and traffic impacts, and the loss of both tranquillity and visual amenity. This can result in severance and disruption of landscape, habitat loss, adverse impacts on local host communities including health and amenity impacts as well as impacts on sites of nature conservation, archaeological and cultural heritage value.
- It is assessed that Policy S10 is compliant with national policy. It is noted that considerably more detail could be provided with respect to the issues that would need to be addressed when protecting and enhancing the natural environment and local amenity. However, Policy S10 acts to set out the MPAs strategic approach to this issue by setting out a number of broad principles which any application will need to be in accordance with. This is considered to be appropriate as the issues to be addressed, and the degree to which they will need to be addressed, will vary on a case-by-case basis. More detailed aspects regarding the protection of amenity and the environment on a topic-by-topic basis, including the role of specific designations, are addressed in the Development Management section of the Minerals Local Plan.



## Existing Policy S11 – Access and Transportation (Not Proposed to Amend)

Proposals for minerals development shall be permitted where it is demonstrated that the development would not have unacceptable impacts on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment.

Proposals for the transportation of minerals by rail and/ or water will be encouraged subject to other policies in this Plan.

Where transportation by road is proposed, this will be permitted where the road network is suitable for use by Heavy Goods Vehicles or can be improved to accommodate such vehicles. The following hierarchy of preference for transportation by road shall be applied:

- (i) Access to a suitable existing junction with the main road network, as defined in Section 7, via a suitable section of an existing road, as short as possible, without causing a detrimental impact upon the safety and efficiency of the network.
- (ii) Where (i) above is not feasible, direct access to the main road network involving the construction of a new access/ junction when there is no suitable existing access point or junction.
- (iii) Where access to the main road network in accordance with (i) and (ii) above is not feasible, road access via a suitable existing road prior to gaining access onto the main road network will exceptionally be permitted, having regard to the scale of the development, the capacity of the road and an assessment of the impact on road safety.

- Due to the nature of their operation, minerals development can give rise to a number of potential impacts on the traffic network, both in terms of the number of vehicle movements generated as well as due to the nature of the vehicles themselves. Impacts can relate to congestion, which can have knock-on effects on the wider transport network, as well as maintenance issues related to the road surface and vulnerable proximal features.
- It is therefore of utmost importance when permitting new minerals related development (including new extraction sites, extensions to existing sites and transshipment sites) that the road network is appropriate to accommodate that use and that vehicle traffic use appropriate routes and Policy S11 provides that function.
- It is noted that the impacts of mineral traffic are not just related to impact on the road network itself. Inappropriately routed traffic can create impacts related to noise, dust and vibration. Such impacts are addressed by Policy DM1 – Development Management Criteria.
- It is considered that Policy S11 is in conformity with the NPPF. It is further considered that there are no omissions within Policy S11 which result in any issues of non-compliance with national policy.

## Existing Policy S12 – Mineral Site Restoration and After-Use (Proposed to Amend)

Proposals for minerals development will be permitted provided that it can be demonstrated that the land is capable of being restored at the earliest opportunity to an acceptable environmental condition and beneficial after-uses, with positive benefits to the environment, biodiversity and/ or local communities.

Mineral extraction sites shall:

- 1) Be restored using phased, progressive working and restoration techniques,
- 2) Provide biodiversity gain following restoration, demonstrating their contribution to priority habitat creation and integration with local ecological networks,
- 3) Be restored in the following order of preference,
  - (i) At low level with no landfill (including restoration to water bodies),
  - (ii) If (i) above is not feasible then at low level but with no more landfill than is essential and necessary, to achieve satisfactory restoration,
  - (iii) If neither of these are feasible and the site is a Preferred Site as may be determined by the Waste Local Plan, then by means of landfill.
- 4) Provide a scheme of aftercare and maintenance of the restored land for a period of not less than five years to ensure the land is capable of sustaining an appropriate after-use,
- 5) Where appropriate, proposals shall demonstrate the best available techniques to ensure that:
  - a) Soil resources are retained, conserved and handled appropriately during operations and restoration,
  - b) In the case of minerals development affecting the best and most versatile agricultural land, the land is capable of being restored back to best and most versatile land,
  - c) Hydrological and hydro-geological conditions are preserved, maintained, and where appropriate, managed to prevent adverse impacts on the adjacent land's groundwater conditions and elsewhere,
  - d) Flood risk is not increased,
  - e) Important geological features are maintained and preserved,
  - f) Adverse effects on the integrity of internationally or nationally important wildlife sites are avoided.

Proposals shall demonstrate that there will not be an unacceptable adverse impact on groundwater conditions, surface water drainage and the capacity of soils for future use. Proposals shall also have regard to any relevant Surface Water or Shoreline Management Plans. Proposals will also demonstrate that the working and restoration scheme is appropriate, and the implementation and completion of restoration is feasible.

- Unlike many other forms of development, mineral extraction is a temporary use of land. Policy S12 seeks to ensure that following the cessation of the use of land for mineral development, the site is restored and subsequently used and managed in such a way as to benefit communities and their local environment, potentially creating valuable new assets for future generations.
- it is considered that Policy S12 is largely in conformity with the NPPF. PPG sets out the principal environmental issues of mineral working that MPAs should

address. Where these relate to land-use and restoration, these are considered to largely be covered within the scope of Policy S12. It however noted that Policy S12 does not make specific references to landscape, land stability and heritage. Whilst these aspects are addressed under Policy DM1 – Development Management Criteria, it is considered that for completeness they should also be added to the list of criteria captured within Policy S12. It is noted that these aspects are already addressed within supporting text so it would be appropriate to add these to the wording of Policy S12.

- It is considered that the policy should also be amended to seek ‘net biodiversity gain’ rather than ‘biodiversity gain’ to recognise that biodiversity net gain is likely to be made mandatory for new developments through the Environment Bill 2019. An amendment to Policy S12 is proposed which will allow any biodiversity net gain to be measured; in accordance with the requirement set out in NPPF Paragraph 170 Clause d and 174 Clause b.
- To accord with PPG<sup>5</sup>, an amendment is considered necessary to state that land of best and most agricultural value should be capable of being restored back to best and most versatile agricultural land, though the proposed after-use need not always be for agriculture.
- There are a number of other aspects that are not matters of policy compliancy that require assessment before a conclusion can be reached on the efficacy of Policy S9. These are set out below:

#### Recognising the wider Development Plan in Restoration Schemes

- The policy is currently non-specific when it comes to the design of restoration schemes. So that the MLP can contribute to the wider Development Plan, it is proposed to amend the policy to make explicit reference to restoration schemes needing to reflect relevant strategies across Essex, including Local Plan objectives for growing natural capital and Green and Blue Infrastructure Strategies that are known to currently be in development.

#### The Continued Appropriateness of Section 3 of Policy S12

- Section 3 of Policy S12 sets out a hierarchical preference for restoration in relation to the preferred volume of imported material that would be accepted on-site to aid in the restoration of the former excavation site. The order of preference leads with no importation of material for landfill (recognising that this could lead to the formation of waterbodies), then at a level equating to no more landfill than is essential to achieve satisfactory restoration, with volumes of landfilling greater than this only to be permitted if the site is allocated for landfill in the Waste Local Plan.
- the first instance, it is now considered that this hierarchical preference is too rigid and doesn’t allow for any discretion with regard to the myriad benefits that different forms of restoration could take. The hierarchical preference is process led rather than outcome led. This is now considered to be counter-productive and not in conformity with the general principles of ensuring a high standard of restoration and maximising the benefits of after-use.

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<sup>5</sup> Reference ID: 27-040-20140306

- The rationale for the hierarchy was formerly predicated on a stated difficulty of obtaining sufficient inert material to use for restoration, based on forecasts conducted at the time of MLP formation. The latest CD&E forecast suggests that the likely amount of CD&E waste arising in the plan area across the plan period was underestimated at the point in time that the policy approaches in the Minerals Local Plan were finalised. This is potentially due to the fact that earlier projections used data influenced by the 2008 recession and did not benefit from the changes to the Environment Agency permitting regime, which effectively required more CD&E activities to be permitted through the regime.
- It is proposed that the policy is amended to state that infilling shall only be at a scale considered necessary to achieve beneficial restoration. This allows the MPA to consider the relative benefits that would be realised through a specified degree of importation. This stance would also align Policy S12 with Paragraph 9.64 of the WLP which states that 'Landraising, above the level considered necessary to achieve a beneficial use or land restoration, is not acceptable.'

#### The Delivery of Priority Habitat through Policy S12

- A stated aim incorporated within the text of Policy S12 of the MLP is the creation of priority habitat through mineral site restoration. A monitoring indicator sets a target of 200ha of priority habitat to be delivered thorough the working of preferred sites. Whilst there has been no priority habitat delivered during the first five years of the MLP (2014), this is considered to be a function of the total time it takes to gain planning permission to extract, undertake extraction and subsequent restore the site, rather than any failing of approach. Monitoring of restoration schemes committed to, through granted planning permissions, suggests that the 200ha target can be met.

## Existing Policy P1 – Preferred Sites for Sand and Gravel Extraction (Proposed to Amend)

In the case of Preferred Sites for sand and gravel extraction, the principle of extraction has been accepted and the need for the release of mineral proven. In the case of Reserve Sites for sand and gravel extraction, the principle of extraction has also been accepted, however, the release of minerals from these sites is subject to the landbank falling below seven years.

The Mineral Planning Authority will grant planning permission for sand and gravel workings within the Preferred and Reserve Sites, listed in Table 5 (Preferred Sites for land won Sand and Gravel Provision) and as shown on the Policies Map, subject to the proposal meeting the detailed development requirements set out in Appendix 1, other relevant policies of the Development Plan for Essex and any other material considerations.

- This policy sets out the approach to Preferred and Reserve Site allocations within the MLP. It acts to grant permission to extract at Preferred and Reserve Sites as allocated in the MLP subject to the application satisfying the requirements of the wider Development Plan, including the site-specific requirements set out in Appendix One of the MLP. Additionally, the policy sets out that for extraction to be permitted at Reserve Sites, it must be demonstrated that the landbank has fallen below seven years.
- The need to provide certainty to both industry stakeholders and communities with regard to where development is likely to be permitted and the grounds upon which a proposal is to be tested is a clearly articulated fundamental tenant of the planning system. Policy P1 seeks to provide that clarity so is therefore generally compliant with national policy.
- With the proposed intention to continue with a rate of mineral provision of 4.31mtpa as set out in the assessment of the need to review Policy S6, rather than a rate of provision informed through a calculation on the basis of ten years' rolling sales, there is no longer a requirement to delineate between Preferred Sites and Reserve Sites. As such, it is proposed that all references to Reserve Sites are removed from Policy P1, with the two sites affected being allocated as Preferred sites.

### The Continued Deliverability of Sites allocated through the Minerals Local Plan

- As part of this assessment of the need to review the MLP, all operators/planning agents with sites allocated in the MLP which have yet to be the subject of a planning application to extract mineral were contacted to clarify whether there is still the intention to bring forward their allocated sites within the MLP plan period, subject to prevailing market conditions. Confirmation was received from each operator/planning agent that their allocated site(s) remained viable to come forward as an application over the Plan period. As such it is concluded that it is appropriate to continue with the suite of allocated sites.

## **Existing Policy P2 – Preferred Sites for Silica Sand Extraction (Proposed to Amend)**

In the case of Preferred Sites for silica sand, the principle of extraction has been accepted and the need for the release of mineral proven.

The Mineral Planning Authority will grant planning permission for silica sand workings within the Preferred Site listed in Table 6 (Preferred Site for Silica Sand Provision)

and as shown on the Policies Map, subject to the proposal meeting the detailed development requirements set out in Appendix 1, other relevant policies of the Development Plan for Essex and any other material considerations.

- Policy P2 acts to grant permission to extract at the Preferred Site allocated in Table 6 of the MLP and shown on the Policies Map, subject to the application satisfying the requirements of the wider Development Plan, including the site-specific requirements set out in Appendix One of the MLP.
- The need to provide certainty to both industry stakeholders and communities with regard to where development is likely to be permitted and the grounds upon which a proposal is to be tested is a clearly articulated fundamental tenant of the planning system. Policy P2 seeks to provide that clarity so is therefore generally compliant with national policy.
- As part of this Review, the operator/planning agent associated with this site was contacted to clarify whether there is still the intention to bring forward the allocation within the MLP plan period, subject to prevailing market conditions. Confirmation was received that this was the case and as such it is concluded that it is appropriate to continue with the allocation.
- It is noted that there is only one allocated site for silica sand extraction and therefore the policy will be amended so it refers to a singular site rather than multiple.

## Existing Policy DM1 – Development Management Criteria (Not Proposed to Amend)

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:

1. Local amenity (including demonstrating that the impacts of noise levels, air quality and dust emissions, light pollution and vibration are acceptable),
2. The health of local residents adjoining the site,
3. The quality and quantity of water within water courses, groundwater and surface water,
4. Drainage systems,
5. The soil resource from the best and most versatile agricultural land,
6. Farming, horticulture and forestry,
7. Aircraft safety due to the risk of bird strike,
8. The safety and capacity of the road network,
9. Public Open Space, the definitive Public Rights of Way network and outdoor recreation facilities,
10. The appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness,
11. Land stability,
12. The natural and geological environment (including biodiversity and ecological conditions for habitats and species),
13. The historic environment including heritage and archaeological assets.

- Mineral development, and particularly mineral extraction, can have an impact on its surroundings and this must be carefully considered when granting any planning permission. A wide range of potentially adverse impacts can arise and the specific nature of these impacts and the ways of addressing them will vary case by case. The planning policy framework put forward by this Plan must ensure that all such impacts are required to be given focus in a planning application and suitably mitigated as part of the Development Management process. This policy is designed to manage the variety of issues that may arise on a site-by-site basis and force appropriate consideration of their impacts based on local circumstances, including in combination with other existing development where relevant.
- It is considered that Policy DM1 is considered to be in full conformity with national policy and its associated guidance. PPG clearly sets out the range of issues that need to be addressed by mineral planning authorities and these are considered to be appropriately covered by Policy DM1
- Policy DM1 is considered to be fit for purpose and compliant with national policy. As such, no amendments are proposed.

## Policy DM2 – Planning Conditions and Legal Agreements (Not Proposed to Amend)

When granting planning permission for minerals developments, the Minerals Planning Authority will impose conditions and/ or require legal agreements to mitigate and control the effects of the development and to enhance the environment.

- The purpose of Policy DM2 is to make clear that as part of the granting of planning permission, the MPA may impose conditions and/or legal agreements, which may act to modify any aspect of the activity originally applied for, to either mitigate the impact of carrying out that activity or ensure that there are no negative legacy impacts of that activity
- Paragraph 54 of the NPPF states that *“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.”* Policy DM2 facilitates this consideration and is therefore considered to be compliant with national policy.
- Policy DM2 is considered to be fit for purpose and compliant with national policy. As such, no amendments are proposed.



## Policy DM3 – Primary Processing Plant (Not Proposed to Amend)

Proposals for minerals extraction will be permitted where the primary processing plant and equipment is located within the limits of the mineral site's boundary and the plant would not have any unacceptable impact on local amenity and/ or the surrounding environment.

Proposals for extension sites shall be expected to include the location of the existing processing plant and access arrangements within the planning application.

Where it is demonstrated that the positioning of the primary processing plant within the boundary of the mineral site is not feasible, the exportation of mineral from the site shall not have an unacceptable impact upon amenity and/ or the safety, efficiency and capacity of the road network.

Minerals shall only be imported to a minerals site, from non-indigenous sources, when it is demonstrated that there are exceptional circumstances or overriding benefits from doing so.

In all cases permission will only be granted for a temporary duration so as not to delay restoration of the site.

- Primary processing enables a higher value use of aggregates. Technological improvements in recent years allow smaller and more mobile plant to be brought onto relatively small mineral sites and importing material to an extraction site could enable the blending of minerals to produce a broader range of construction products. This can be considered a way of making more efficient use of extracted mineral and encouraging such on-site processing reduces the number of lorry movements on the road network.
- However, the importation of non-indigenous material can increase vehicle movements and extend the overall life of a quarry, potentially acting to establish an industrial use in what could be an inappropriate location. Policy DM3 acts to regulate this activity.
- NPPF Paragraph 204 requires the setting out of criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality.
- The PPG further requires that the suitability of each proposed site, whether an extension to an existing site or a new site, must be considered on its individual merits, taking into account issues such as (inter-alia) economic considerations (such being able to continue to extract the resource, retaining jobs, being able to utilise existing plant and other infrastructure).
- Policy DM3 accords with these requirements and is considered to be fit for purpose and compliant with national policy. As such, no amendments are proposed.

## **Policy DM4 – Secondary Processing Plant (Not Proposed to Amend)**

Proposals for the secondary processing and/ or treatment of minerals will only be permitted at mineral sites where it can be demonstrated that there would be no unacceptable impact upon amenity and/ or the local environment and/ or the safety, efficiency and capacity of the road network.

The minerals for secondary processing and/or treatment shall be sourced from within the boundary of the mineral working within which the plant is located unless it is demonstrated that there are exceptional circumstances or overriding benefits from sourcing materials from elsewhere to supplement indigenous supply, subject to no unacceptable adverse impacts.

In all cases permission will only be granted for a temporary duration so as not to delay restoration of the site.

- As with primary processing plant, secondary processing plant can also enable a higher value use of aggregates and increase the range of products that can be sold from a site, which itself can make the site more economically viable to work. Again however, the importation of non-indigenous material to an operating site can increase vehicle movements and extend the overall life of a quarry such that an industrial process becomes established in what was previously an entirely rural location. Policy DM4 acts to regulate this activity.
- NPPF Paragraph 204 requires the setting out of criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality.
- The PPG further requires that the suitability of each proposed site, whether an extension to an existing site or a new site, must be considered on its individual merits, taking into account issues such as (inter-alia) economic considerations (such being able to continue to extract the resource, retaining jobs, being able to utilise existing plant and other infrastructure).
- Policy DM4 accords with these requirements and is considered to be fit for purpose and compliant with national policy. As such, no amendments are proposed.

## Policy IMR 1 – Monitoring & Review (Proposed to Amend)

The Plan will be monitored and reviewed within five years of adoption as part of a “plan, monitor, and manage” approach to forward planning, or should the landbank fall below the minimum requirement, whichever comes sooner.

- The purpose of this policy is to ensure that the policies adopted through the Minerals Local Plan (2014) are having the desired impact on the Plan area and consequently whether the strategy is delivering sustainable development. The policy commits the MLP to adopting a plan, monitor, and manage” approach, with a Plan review to commence five years from adoption or should the landbank fall below 7 years.
- It is considered that Policy IMR1 is in conformity with the objectives of the NPPF in that it sets out that a review of the MLP will take place within five years of adoption. However, the policy is silent on what happens following that first review. The NPPF requires that policies in local plans should be reviewed to assess whether they need updating at least once every five years, and an amendment is therefore proposed to accommodate this requirement.
- No further issues have been identified in relation to Policy IMR1, but a number of amendments are proposed to be made to the Monitoring Framework incorporated within the Plan. These are as a result of other proposed amendments in the Plan, the conclusions of single-issue review papers and/or an assessment of the information that has been captured through the current framework. A summary of proposed changes to the Monitoring Indicators is set out below. Indicators are highlighted by exception.

### MMI 2: The need for a separate landbank for building sand

- Proposed to be removed in light of the conclusions made by the Re-examination of Building Sand Provision in Essex report (as set out under Policy S6).

### MMI 3: Contribution of marine dredged sources towards overall aggregate provision

- Proposed to be removed in light of the conclusions made through the assessment of the practicalities of quantifying an aggregate contribution to total aggregate need from the marine environment (as set out under Policy S6). Marine landings in proximity to Essex will remain monitored by the annual Aggregate Assessment.

### MMI 4: Production of Secondary & Recycled Aggregates

- Having operated this indicator for the past five years, it is considered that the methodology can be improved such that the Indicator better matches its stated purpose. The current methodology does not consider either the production (sales) of secondary aggregates or the production (sales) of recycled aggregate. It instead reports primarily on the capacity of CD&E facilities, whether this be a known maximum as derived from the planning application, or an assumed maximum based on the throughput of waste as derived from the Waste Data Interrogator. A new methodology is being devised which it is considered will more accurately report on this aspect of the MLP.

#### MMI 9: Area of Commercial Mineral Deposits Sterilised by Non-Mineral Development

- The target associated with Monitoring Indicator 9 of 'nil' commercial mineral deposits sterilised by non-mineral development requires amendment. Notwithstanding the fact that the MPA does not monitor or comment on all applications made on land which is potentially mineral bearing, a target of 'nil' is no longer considered to be appropriate. There may be a number of reasons or combination of reasons as to why prior extraction may not be practicable on site. These could include the impact of prior extraction on the landform making the proposed development unviable and an unacceptable impact on sensitive proximal receptors.
- It is considered that a more appropriate target for this monitoring indicator is 'nil commercial mineral deposits sterilised by non-mineral development contrary to the advice of the MPA'. This amendment would take into account the fact that it may not be practicable to prior extract mineral that satisfies the original threshold of Policy S8. There is still however merit in understanding how mineral is being lost in total as a secondary consideration of the Monitoring Indicator. It is therefore considered appropriate to split this Indicator into a Part A and Part B.

#### MMI 10: Number of applications proposing non-road modes of transport a) to/from the site, b) within the site

- This indicator sought to record how many mineral sites proposed non-road based transportation. However, since most of the extraction sites allocated in the Plan are within close proximity to the road network rather than rail or water-based transshipment sites, it is considered that new applications will be required to use road when transporting mineral to or from a site, even if this road transportation ultimately takes the material to a transshipment site. With regard to Part B of the Indicator, which sought to record the mode of transport related to the movement of mineral within a site, this is no longer considered to be a strategic issue that requires monitoring.
- To date, this Indicator has not produced any information that aids in the monitoring of the effectiveness of the Plan, nor is it considered that it will do so in the future. As such it is considered that this Monitoring Indicator is ineffective and should be removed.

#### MMI 11: Amount of land newly restored for habitat creation

- An amendment is proposed to clarify that the indicator seeks to capture the amount of priority habitat that is newly created, which then aligns the Indicator with its stated target.
- As previously noted under the assessment of Policy S12, with regard to current performance under Monitoring Indicator 11, there has been no delivered priority habitat during the first five years of the MLP. This is however a function of the time it takes to gain planning permission to extract, the extraction process itself and subsequent restoration of the site, rather than any failing of approach. To aid in the monitoring of this indicator, it is now proposed to separately monitor priority habitat by both the commitment to deliver in a planning application and the successful implementation of priority habitat following sign-off of the after-care

programme. It is proposed to achieve this by monitoring these separately through creating a Part A and Part B of this Indicator.

- It is further noted that this indicator allows progress towards the 200ha priority habitat creation target to include 'contributions to support off-site enhancements in proximity to the extraction site.' It is proposed that this wording be removed from the indicator. Should those sites which have yet to come forward as an application incorporate a restoration scheme in accordance with the Mineral Site Restoration for Biodiversity SPG, the 200ha target will be exceeded without the need to consider off-site contributions. As such, although the value of off-site contributions is recognised, it is considered that counting off-site contributions acts to dilute the potential for priority habitat creation that could be possible as part of mineral site restoration.

## Appendix One

**Table 1: Components of a Compliant Minerals Resource Assessment**

<b>Minerals Resource Assessment components</b>	<b>Information requirements &amp; sources</b>
<b>Site location, boundaries and area</b>	<ul style="list-style-type: none"> <li>• Red line area in relation to MSA/MCA</li> <li>• Description of development including layout &amp; phasing</li> <li>• Timescale for development</li> </ul>
<b>Mineral Resource</b>	<ul style="list-style-type: none"> <li>• Type of mineral</li> <li>• Existing mineral exploration data (e.g. previous boreholes in area)</li> <li>• Results of further intrusive investigation if undertaken</li> <li>• Extent of mineral – depth &amp; variability</li> <li>• Overburden – depth &amp; variability, overburden:mineral ratio. To be expressed as both actual depths and ratio of overburden to deposit.</li> <li>• Mineral quality – including silt %/content. Consideration should give given to the extent to which the material available on site would meet the specifications for construction.</li> <li>• Estimated tonnage of resource potentially affected</li> <li>• Estimated economic/market value of resource affected</li> </ul>
<b>Potential constraints on mineral extraction at location</b>	<ul style="list-style-type: none"> <li>• Site location, proximate receptors, infrastructure/utilities, accessibility</li> <li>• Landscape, biodiversity &amp; heritage designations</li> <li>• These should be assessed in light of the fact that construction of the non-minerals development would be taking place. It is held that mitigation methods employed as part of the construction of the non-minerals development may be appropriate to allow prior extraction at that locality. Impacts on the landscape are unlikely to be considered an appropriate reason by which to conclude that prior extraction could not take place given that a proposal may be for permanent built development.</li> </ul>
<b>Potential opportunities</b>	<ul style="list-style-type: none"> <li>• Proximity to existing mineral sites or processing</li> </ul>

<b>for mineral extraction at location</b>	<p>plant</p> <ul style="list-style-type: none"> <li>• Previous consideration of site or adjacent land in preparation of Minerals Local Plan</li> <li>• Context of site and mineral within wider resource area</li> <li>• Proximity to viable transport links for mineral haulage</li> <li>• Potential benefits through mineral restoration e.g. land reclamation, landscape enhancement</li> </ul>
<b>Conclusions</b>	<ul style="list-style-type: none"> <li>• Amount of mineral at risk of sterilisation</li> <li>• Current and future economic or heritage importance of mineral</li> <li>• Viability of extraction from Site, taking account of existing reserves and potential resources elsewhere</li> <li>• Importance of the proposed non-minerals development</li> </ul>
<b>Prior Extraction</b>	
<b>Commercial &amp; market considerations</b>	<ul style="list-style-type: none"> <li>• An assessment of the current and future economic and/or special value of the mineral resource.</li> <li>• Interested operators/local market demand</li> <li>• Processing needs</li> <li>• Proximity to processor or market</li> <li>• Potential for on-site use of some or all of the mineral</li> <li>• Accessibility</li> </ul>
<b>Practicability &amp; acceptability</b>	<ul style="list-style-type: none"> <li>• Effect on viability of non-minerals development including through delays and changes to landform and character</li> <li>• Site location, setting &amp; proximity to receptors</li> <li>• Accessibility/transport</li> <li>• Hydrology/hydrogeology/drainage</li> <li>• Effect on designations or interests</li> </ul>

## Appendix Two

**Table 2: Components of a Compliant Minerals Infrastructure Assessment**

Minerals Infrastructure Assessment Components	Information requirements & sources
Site location, boundaries and area	<ul style="list-style-type: none"> <li>• Application site area in relation to safeguarded site(s)</li> <li>• Description of proposed development</li> <li>• Timescale for proposed development</li> </ul>
Description of infrastructure potentially affected	<ul style="list-style-type: none"> <li>• Type of safeguarded facility e.g. wharf, rail depot, concrete batching plant; asphalt plant; recycled aggregate site</li> <li>• Type of material handled/processed/supplied</li> <li>• Throughput/capacity</li> </ul>
Potential sensitivity of proposed development as a result of the operation of existing or allocated safeguarded infrastructure	<ul style="list-style-type: none"> <li>• Distance of the development from the safeguarded site at its closest point, to include the safeguarded facility and any access routes.</li> <li>• The presence of any existing buildings or other features which naturally screen the proposed development from the safeguarded facility</li> <li>• Evidence addressing the ability of vehicle traffic to access, operate within and vacate the safeguarded development in line with extant planning permission.</li> <li>• Impacts on the proposed development in relation to:               <ul style="list-style-type: none"> <li>○ Noise</li> <li>○ Dust</li> <li>○ Odour</li> <li>○ Traffic</li> <li>○ Visual</li> <li>○ Light</li> </ul> </li> </ul>
Potential impact of proposed development on safeguarded infrastructure/ allocation	<ul style="list-style-type: none"> <li>• Loss of capacity – none, partial or total</li> <li>• Potential constraint on operation of facility – none or partial</li> </ul>
Measures to mitigate potential impacts of operation of infrastructure on proposed development	<ul style="list-style-type: none"> <li>• External and internal design &amp; orientation e.g. landscaping; living &amp; sleeping areas facing away from facility.</li> <li>• Fabric and features e.g. acoustic screening &amp; insulation; non-opening windows; active ventilation</li> </ul>
Conclusions	<ul style="list-style-type: none"> <li>• Sensitivity of proposed development to effects of operation of safeguarded infrastructure/facility can be mitigated satisfactorily; or</li> <li>• If loss of site or capacity, or constraint on operation,</li> </ul>



	evidence it is not required or can be re-located or provided elsewhere
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