

# Essex Minerals Local Plan

Report by Councillor John Jowers, Cabinet Member for Communities & Planning  
Enquiries to Roy Leavitt Head of Environmental Planning 01245 437522

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## **Purpose of report**

Cabinet will be considering this matter on Friday, 7 December when it has before it the following recommendations:

- 1 That Council approve the Essex Minerals Local Plan Proposed Submission Document attached to this report to enable:
  - a. representations to be sought during the consultation period January through to March 2013; and
  - b. subsequently, the formal submission of the Plan to the Secretary of State after consideration of the representations, in readiness for the formal Examination in Public in late summer 2013.
- 2 That the Cabinet Member for Communities and Planning be delegated authority to make any appropriate further minor amendments during the process of the Plan to deal with responses to the next consultation and any further legislative or procedural changes that do not materially affect the content of the Plan.
3. That the Head of Planning, Environment and Economic Growth be delegated authority to agree modifications to the Plan for consideration by the Independent Inspector at the Examination in Public which do not materially affect the content of the Plan.

The outcome of Cabinet's consideration of this matter will be reported in the Report of Cabinet Issues on 7 December 2012 (to follow).

## Background and Proposal

The County Council is preparing a new replacement Minerals Local Plan (MLP) under statutory processes to replace the existing and outdated Minerals Local Plan (1996, covering the period 1996-2011). The Plan will provide planning policies to guide and enable minerals and related developments until 2029.

The Plan has been developed following several rounds of consultation and engagement since December 2005 with the public and with other interested parties, including the minerals industry, Local Authorities and Parish and Town Councils in Essex and the former East of England Region, the Aggregates Working Party for the East of England and statutory undertakers. Representations received through the public engagement stages have been taken into account as the Plan has progressed.

The Plan has been developed in consultation with a cross-party Member Panel, chaired by the Cabinet Member for Communities and Planning, with specific terms of reference to ensure Member advice was readily available to assist officers. The Panels have been presented with a series of Topic Papers to enable discussion.

The Plan has also been project managed through a Minerals and Waste Project Board chaired by the Deputy to the Cabinet Member for Communities and Planning.

The site areas that are to be included in the Minerals Local Plan are as follows:

- Bradwell Quarry, Rivenhall
- Broadfield Farm, Rayne
- Colchester Quarry, Fiveways
- Sunnymead, Alresford
- Little Bullocks Farm, Little Canfield
- Maldon Road, Birch
- Blackleys Quarry, Gt Leighs
- Shellows Cross, Roxwell / Willingale
- Land at Colemans Farm
- Slough Farm, Martells

Council endorsement of the Plan (a statutory requirement), would enable a formal consultation in January through to March 2013. It is planned that the following timetable would then be followed:

Publish Minerals Local Plan Proposed Submission for Representations to be made on the Tests of Soundness	17 January 2013
Consider Representations and to formally Submit the Plan to the Secretary of State (Planning Inspectorate)	July / August 2013
Independent Examination in Public	October 2013

Inspector's Report	December 2013
Adoption of the Plan by Full Council	January 2014

Throughout the plan making process, there have been changes to planning legislation and in particular to Government planning advice, the latter culminating in the National Planning Policy Framework (NPPF) in March 2012. The Plan proposed takes all these changes into account.

A summary of the key issues covered by the emerging Plan are set out in the MLP Submission Document. The essence of the Plan is:

- to ensure that minerals waste is reduced and aggregates recycling opportunities are maximised;
- to ensure that there would be, taking into account existing minerals extraction sites, a landbank sufficient for at least an appropriate period of years for all minerals necessary to be extracted in Essex. For sand and gravel, that would amount to planning for the delivery of an additional 40.67million tonnes within the Plan period; and
- to provide policies and a supply of sites to meet NPPF and the economic requirements to ensure growth in Essex, but which have the least harming effects on the Essex environment and social infrastructure.

The Examination in Public (EiP) held by an independent inspector will assess the Plan against the following:

- the four tests of soundness as identified in the National Planning Policy Framework
- legal requirements for the production of a local plan. These include showing that the Plan has been prepared in accordance with the Local Development Scheme and in accordance with the Statement of Community Involvement. It must also have been subject to a Sustainability Appraisal, Strategic Flood Risk Assessment and Habitats Regulations Assessment
- the Duty to Co-operate, and
- the policies contained in the NPPF, including the new requirement for a Local Aggregates Assessment.

For clarity, the tests of soundness are that the Plan should be:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively-assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

It will be submitted at the EiP that the Minerals Local Plan meets these requirements.

Officers at the EiP would need to make day-to-day decisions on proposed non-consequential amendments to the Plan so as to enable the Plan to progress. Officers will need to have delegated authority to agree such changes. Any proposed amendments that would enable the Plan to progress but which may be of consequence, would need to be referred back to the Cabinet Member for decision.

### **Policy context**

The MLP supports Council priorities set out in the Corporate Plan by:

- giving people a greater say and a greater role in building safer and stronger communities, encouraging residents to get more involved in their communities and helping communities play a greater role in shaping, challenging and developing local services;
- securing the highways infrastructure and environment to enable businesses to grow, ensuring planning services are cost-effective, transparent and timely and delivering minerals and waste plans/determining applications in a timely and cost-effective manner whilst always seeking improvements to the service; and
- improving public health and wellbeing by protecting and managing the Essex environment.

### **Financial Implications**

The MLP is a statutory requirement. The Plan provides the framework for the Council to determine planning applications for mineral workings from private developers and, as such, there are no direct financial implications for the Council.

There is currently adequate budgetary provision for the whole project of producing and taking the new Plan through to adoption.

### **Legal Implications**

Having an out of date MLP is likely to increasingly impact on future proposals for relevant development in the County and will not reflect the extent that would be preferable in terms of government and local considerations. The decision and changes to the Statement of Community Involvement commence the final stages of the adoption of a new MLP. The MLP, and the changes proposed, provide a reasonable response to the issues raised by respondees to consultation. The delegations sought will enable timely consideration of any necessary further amendments to ensure that the document put forward for EiP is as fit for purpose as it can be.

### **Equality and Diversity implications**

An Equality Impact Assessment (EqIA) has been completed in respect of the effects of the proposed policies and sites on equality and diversity issues. A separate EqIA has been prepared in respect of the consultation processes to be followed for the continuation of the Plan-making process and this is regulated by the Statement of Community Involvement.

In respect of the proposed policies and sites, minerals can only be extracted where resources exist in commercially viable quantities and locations.

Policies and preferred sites within the Plan have been subjected to sustainability appraisal, which has been undertaken in parallel with plan preparation and forms part of the local plan evidence base.

A statutory Minerals and Waste Annual Monitoring Report (AMR) is produced by the Council every financial year. Its purpose, amongst other things, is to assess the effectiveness of the MLP policies and would flag up if there are any equality and diversity issues arising by the operation of the policies. This report also monitors the Statement of Community Involvement and other aspects of community involvement.

EqIA status is considered low and therefore Section Two of the EIA is not required.

### **Supporting papers**

All of the documents supporting the report to Cabinet are available on the website as part of the Cabinet Agenda papers.