

Report title: Review of the Essex Minerals Local Plan 2014 – Next Steps	
Report to: Place Services and Economic Growth Policy and Scrutiny Committee	
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1. Purpose of Report

- 1.1 ECC's Cabinet sanctioned a review of the [Essex Minerals Local Plan 2014](#) (the Plan) in late 2019. Work thereafter commenced culminating in a 6-week public consultation in Spring 2021¹.
- 1.2 Over sixty responses to the consultation have been received. Following a further assessment and analysis, including a review of national guidance, the approach to determine the provision of land won sand and gravel in the county is proposed to be changed to ensure that a steady and adequate supply of aggregates is maintained in the county for seven years beyond the end of the Plan period (i.e. to 2036). As such, additional sites will need to be identified to supply this need.
- 1.3 It is recommended that the Cabinet Member for Economic Renewal, Infrastructure and Planning approve an additional consultation on the proposed changes, notably covering Policy S6 (Provision for Sand and Gravel Extraction), as well as sanctioning a call for new sites to come forward and be subsequently assessed in accordance with an agreed methodology.

2. Background

- 2.1 Having been adopted over 6 years ago, the effectiveness of the policies within the Minerals Local Plan are required to be formally reviewed. Regulations state that in respect of a Local Plan, the review (defined as a decision whether or not to revise the Plan) must be completed every five years, starting from the date of adoption of the Local Plan.
- 2.2 The Scrutiny Committee was last updated in October 2019. The report previously presented is available [here](#).

¹ Under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012

3. Update (following last consultation)

- 3.1 The consultation responses have been assessed and the conclusions reached are that, amongst other matters, further changes to our approach are required. The initial assessment of the Plan provided draft conclusions.
- 3.2 It remains the case that there is no indication from site promoters that those sites in the Plan, remaining to come forward, are not still intended to be delivered. It was however previously considered that, although new sites would be required before the end of the plan period in 2029 in order to ensure a steady and adequate supply, that any future call for sites would not need to take place until after the current review period. This is no longer considered to be the case.
- 3.3 The National Guidelines for Aggregate provision expired at the end of 2020 and as such the Plan's apportionment-based approach to determine the amount of sand and gravel to be planned for is now obsolete. As such the Mineral Planning Authority must fall back on the NPPF which states, inter-alia, that *"Minerals planning authorities should plan for a steady and adequate supply of aggregates by:*
- (a) preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources).*
- 3.4 A further assessment of the amount of sand and gravel that would be required to provide a 'steady and adequate' supply, based on the NPPF methodology, has been carried out as part of analysing responses to Minerals Local Plan Policy S6. Policy S6 of the Plan is the policy which quantifies mineral need. It also seeks to maintain a landbank of at least seven years for sand and gravel, as required by the NPPF, whilst preserving a plan-led approach to mineral provision by resisting applications outside of sites allocated in the MLP unless certain criteria are met.
- 3.5 As a result of the consultation, a number of amendments are proposed relating to Policy S6. These are considered to be too significant to those originally proposed at Regulation 18 to allow for a progression to the Regulation 19 stage of the Plan Review. Therefore, a single-issue Regulation 18 consultation on Policy S6 is proposed on the change in direction. These proposed changes would need to be subject to engagement under the Duty to Cooperate (DtC), Sustainability Appraisal (SA), Habitats Regulations Assessment (HRA), Health Impact Assessment (HIA) and Equality Impact Assessment (EqIA) before public consultation.
- 3.6 The main conclusions with regards to the review of Policy S6 which have led to revised amendments are as follows:

- Following the expiration of the National and sub-national guidelines for aggregate provision, officers have recalculated the annual need for sand and gravel upon which the landbank and future provision is to be based, using the methodology set out in the NPPF. The newly derived figure is at this time around 3.74 million tonnes per annum (mtpa), down from 4.31mtpa. The revised figure represents an average of the last 10 years of rolling sales plus a buffer of 20% such that the Plan is imbued with the ability to accommodate future increases in sand and gravel sales;
- To ensure that it is possible to maintain the NPPF requirement of a seven-year landbank at the end of the Plan period (2029), new sites will be required in Essex to meet the revised need;
- Following an assessment of the representations received and a consideration of the latest data, a call for sites is required as part of this Review to ensure a Plan-led approach is taken to mineral provision across the County. This would be carried out in parallel with the single-issue Regulation 18 consultation;
- It is considered that the emerging MLP would fail the Tests of Soundness set out in the NPPF if it did not contain additional site allocations at this juncture – as it would not be an approach ‘consistent with national policy’, ‘positively prepared’ or ‘justified’;
- Assuming enough suitable sites are submitted for allocation, sufficient allocations will be made to satisfy a landbank of seven years of sand and gravel at the end of the Plan period in 2029.
- The Minerals Planning Authority (MPA) acknowledges that mineral provision is not just about satisfying a quantified need; the site assessment process will need to address issues relating to productive capacity, any potential over-reliance on site extensions and the spatial distribution of sites;
- All current Reserve Site Allocations would be redesignated as Preferred Sites, with all potential future allocations to also be Preferred Sites.
- Sand and Gravel provision in Essex would continue to be on the basis of a combined sand and gravel landbank, with no assumed increased contribution from windfall, marine or recycled and secondary sources used to seek to reduce the need for terrestrial allocations.

4. Next steps

- 4.1 Should new sites come forward following a call for sites then the suitability of these sites will be assessed in accordance with an agreed methodology to ensure we have the right sites in the right place to come forward for extraction at the right time – in accordance with the spatial vision and strategic objectives of the Plan.
- 4.2 Any proposed amendment to the plan must follow the prescribed stages of plan production as set out in relevant planning Acts and the appropriate regulations; the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 4.3 It is anticipated that continued engagement will be carried out informing the plan stages as follows:

	Key Stage	Date (assuming confirmation of approach end Oct 2021).
1.	Authorisation for a call for sites.	November 2021
2.	Policy S6 Regulation 18 consultation and call for sites engagement.	December - Mid April 2022
3.	Consultation feedback to Political Leadership/Scrutiny Committee. Approval sought for proposed list of Preferred Sites.	October 2022
4.	Regulation 18 public consultation on new proposed site allocations.	December 2022 – January 2023
5.	Consultation feedback including conformation of final list of new Preferred Site Allocations to Political Leadership/Scrutiny Committee.	May 2023
6.	Public and stakeholder consultation (Reg 19).	February – mid March 2024
7.	Cabinet approval for publication and submission of Plan.	April 2024
8.	Submission to Planning Inspectorate (Reg 22).	May 2024
9.	Preparation of evidence for Examination.	June – August 2024
10.	Examination in Public.	September 2024
11.	Inspector's Report.	October 2024
12.	Formal Adoption.	November 2024

- 4.4 A report will be presented to the Cabinet Member to sanction the call for sites and next round of consultation.
- 4.5 Should the Cabinet member approve the recommendations, the Plan will be subject to the procedures dictated in planning legislation (Regulations 18 and 19 of the Planning and Compulsory Purchase Act 2004) and the Council's Statement of Community involvement.
- 4.6 A further iteration of the Plan would then be published for consultation and comments taken account of as appropriate. This consultation is likely to last for at least 6 weeks.
- 4.7 Responses to the consultation, along with the draft of the revised Plan will then be submitted for the Secretary of State in due course who may request that the Plan is tested through an 'Examination in Public' and potentially further modified prior it being able to be adopted.

- 4.8 Continued and active engagement will be carried out in accordance with the Duty to Cooperate, including continued engagement with our District/City/Borough Council partners.