



Duty to Co-operate Report in Relation to Preparation of the Minerals Local Plan Review – Engagement on Proposed Amendments 2021



Contents

Duty to co-operate engagement report in relation to preparation of the Review of the Minerals Local Plan Review – engagement on proposed amendments	1
1 The Duty to Cooperate.....	3
2 Previous engagement during the preparation of the Minerals Local Plan Review	4
3 The Essex Context.....	5
Administrative Responsibilities.....	5
4 Co-operation in preparation of the Minerals Local Plan Review	7
Co-operation with prescribed bodies.....	7
Co-operation with ECC Internal Consultees.....	8
Co-operation with adjoining Mineral Planning Authorities & Mineral Planning Authorities in the East of England Aggregate Working Party	8
Co-operation with District, Boroughs and City Planning Authorities within Essex	9
On-going Duty to Cooperate Engagement	10
5 Next Steps	11
6 Conclusion.....	12
Appendix One.....	13
Consultees.....	13
Appendix Two.....	15
Minutes from meetings with consultees	15
Meeting Minutes Historic England – 20 th November 2020.....	15
Meeting Minutes Rochford District Council – 19 th November 2020.....	16
Meeting Minutes Thurrock Council – 19 th November 2020.....	17
Chelmsford City Council (CCC) 19 th Jan 2021 – Officer Level Agreement	19
Appendix Three	23
Full list of DtC responses	191
Appendix Four	193
The email that was sent to consultees	193
The response template that was sent to consultees.....	194
Other documents sent to consultees.....	209

1 The Duty to Cooperate

- 1.1 The Essex Minerals Local Plan (MLP) was adopted in 2014. Paragraph 33 of the National Planning Policy Framework 2019 (NPPF) 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) Regulations 2012 (as amended)). This Review was completed in November 2019 and it concluded that the MLP would benefit from modification.
- 1.2 Section 110 of the Localism Act 2011 came into force on 15th November 2011. It inserts a Section 33a in Part 2 of the Planning and Compulsory Purchase Act 2004 and introduces a duty to co-operate (DtC) in the planning of sustainable development. In particular, the Act brought in an obligation on local planning authorities to engage constructively, actively, and on an on-going basis with relevant bodies. This includes other public bodies and agencies as prescribed in Section 4 of the Town and Country Planning (Local Planning) (England Regulations 2012) in relation to plan making.
- 1.3 Guidance on the Duty to Cooperate is provided in paragraphs 24 to 27 of the NPPF, including a requirement to “demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts” when submitting a Local Plan for examination. As such, DtC engagement was required on the emerging MLP Review.
- 1.4 This report sets out the process undertaken during October 2020 and January 2021 to engage with those authorities which fall under the DtC arrangements. This was the second DtC engagement specifically related to the emerging MLP. The first period of DtC engagement was concerned with the proposed scope of the review whilst the DtC engagement reported on here related to the specific wording of the proposed amendments. The full list of who the MPA engaged with under the DtC is set out in Appendix One.

2 Previous engagement during the preparation of the Minerals Local Plan Review

- 2.1 Essex County Council as Mineral Planning Authority (MPA) considers it has complied to date with the requirement for engagement as set out in the Local Planning Regulations. As a statutory requirement, DtC will form one of the legal tests to be considered by the Inspector at the Essex Minerals Local Plan Review Examination, while compliance with the NPPF's requirements for positive preparation and effectiveness will form part of the soundness test.
- 2.2 This report, and the DtC report produced in October 2020, demonstrates that to date, the Council has fully complied with the requirements of the adopted Essex County Council Statement of Community Involvement 2018 as it relates to the DtC.
- 2.3 This DtC Report evidences how the second DtC engagement (carried out between October 2020 and January 2021), has informed the proposed amendments put forward through the Minerals Local Plan Review (MLPR). It was supported by a full schedule of proposed amendments to the MLP which had emerged from both internal assessment and previous DtC engagement. Following any further revisions detailed in this report as a result of this engagement, as well as revisions which arise from further mandatory assessment such as the Sustainability Appraisal and Habitats Regulation Assessment, the full revised schedule of proposed MLP amendments will be subject to public consultation as part of compliance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.4 Once adopted, the existing MLP will be replaced by the emerging amended version.
- 2.5 This report explains the context for the Essex County Council MLPR and outlines the stages undertaken in its preparation, before identifying the issues and describing the cooperation undertaken with the following range of organisations:
 - Mineral Planning Authorities (MPAs) within the East of England Aggregates Working Party (EEAWP),
 - MPAs outside EEAWP but which adjoin Essex,
 - District/borough/city planning authorities within and adjoining Essex,
 - Prescribed bodies, as set out in Section 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended),
 - Essex County Council (ECC) Internal Consultees.
- 2.6 During the second round of DtC engagement, ECC Officers' wrote to a total of 68 consultees, this includes 14 MPAs, 19 district/borough/city councils, 27 other prescribed bodies and eight ECC internal consultees. All consultees were emailed with engagement material and response forms, alongside a meeting invitation which could be taken up by request. The MPA subsequently arranged and took part in four meetings, the records of which form Appendix Two. The full list of who the MPA engaged with under the Duty to Cooperate is set out in Appendix One. A list of all documents that were sent out during the second round of DtC can be found in Appendix Four.
- 2.7 This report, along with any future updates during the plan-making process, will eventually serve to demonstrate that ECC have met the DtC. It also forms part of the evidence for the MLPR.

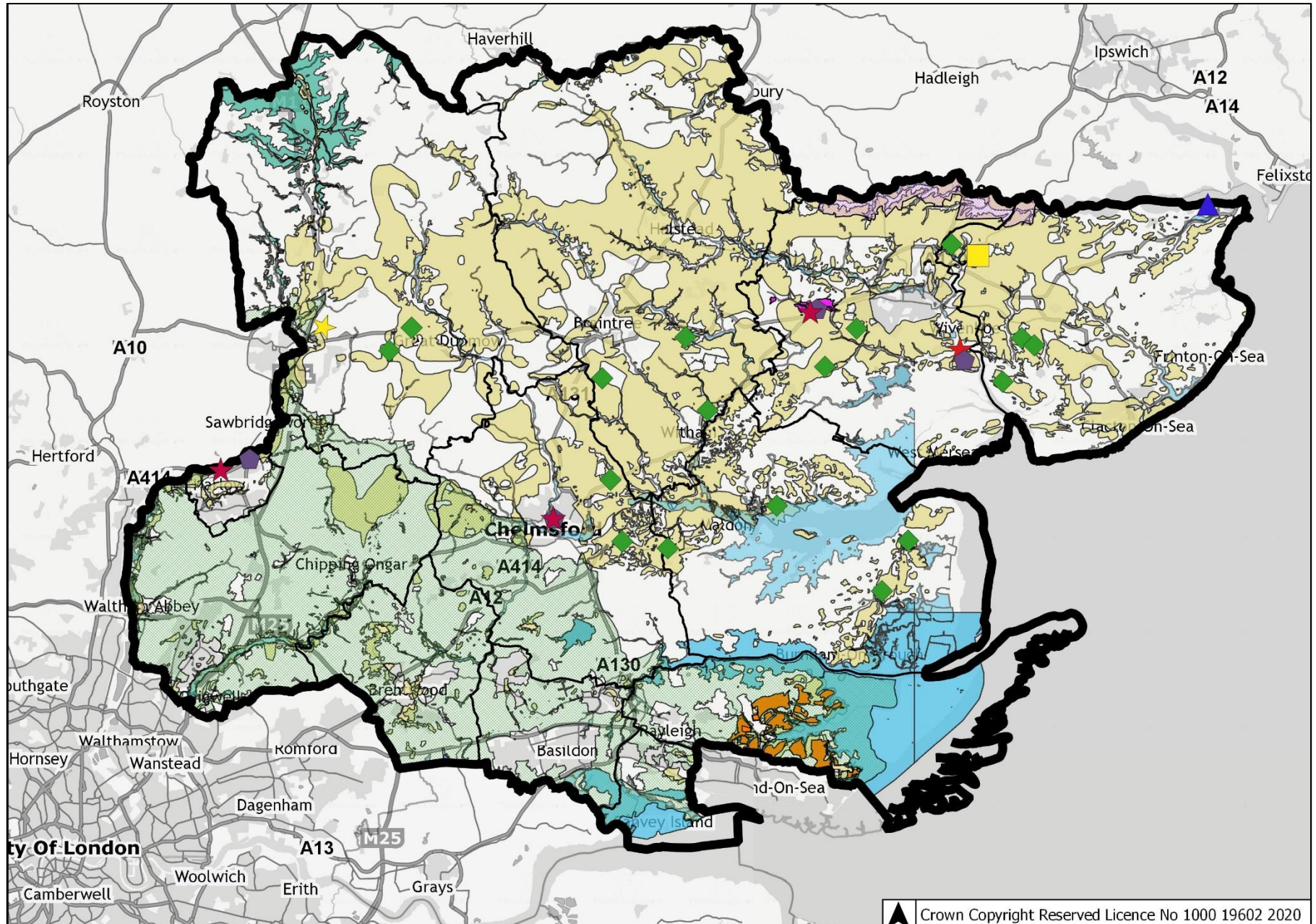
3 The Essex Context

Administrative Responsibilities

- 3.1 The Plan area comprises the administrative area of Essex County Council. Within the County of Essex, the two-tier administrative system includes 12 District, Borough and City Councils. Essex is located to the northeast of London, within the East of England region, with the counties of Suffolk and Cambridgeshire adjoining its northern border. To the east of Essex is the North Sea, with the Unitary Authorities of Southend-on-Sea and Thurrock forming the southern border along with the Thames. The western border of Essex adjoins London, specifically the London Boroughs of Enfield, Waltham Forest, Redbridge and Havering, and the county of Hertfordshire.
- 3.2 The Plan area therefore includes 12 District, Borough and City Councils and covers an area of 3,695km².

Map 1: Plan Area and administrative context





4 Co-operation in preparation of the Minerals Local Plan Review

4.1 Essex County Council considers that it has engaged with relevant bodies and has met the requirements of the DtC to date. The activities summarised in this document, and the DtC report produced in October 2020, concentrate on engagement prior to the formal Regulation 18 consultation. It is noted that the stages and decision-making processes during which the relevant bodies (including neighbouring authorities) were involved in the preparation of the MLPR are as follows:

Initiating DtC as part of the MLPR

- From September 2019 to March 2020 the initial round of DtC based on the scope of the MLPR was sent to consultees. The report of its findings was published as “Duty to co-operate engagement report in relation to preparation of the Review of the Minerals Local Plan Review” and can be found online as part of the evidence base supporting the MLPR.
- From October 2020 to November 2020 engagement material setting out the amendments proposed through the MLPR and previous DtC engagement evidence was sent to consultees.
- From October 2020 to January 2021 DtC meetings were held where these were requested

4.2 In addition to these engagement stages, additional engagement outside of the DtC has occurred through a range of other work undertaken in developing the MLPR, including through Sustainability Appraisal and the preparation of evidence (including the Strategic Flood Risk Assessment). Due to the requirement for iterative assessment, some work such as the Sustainability Appraisal is still ongoing at the time of writing but will be completed and accommodated prior the public consultation under Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012 (as amended)..

4.3 The remainder of this document focuses on the second stage of DtC engagement. ECC Officers’ wrote to a total of 68 consultees, this includes 14 MPAs, 19 district/borough/city councils, 27 other prescribed bodies and eight ECC internal consultees.

Co-operation with prescribed bodies

4.4 Under the DtC, the Mineral Planning Authority must co-operate with other relevant planning authorities, as well as other organisations, as set out in Section 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The prescribed bodies as set out in Regulations are:

- Civil Aviation Authority
- Environment Agency
- Historic England
- Homes England
- Integrated Transport Authority
- Local Enterprise Partnership

Duty to co-operate engagement report

- Local Nature Partnership
- Marine Management Organisation
- Natural England
- The Mayor of England
- The Office of Rail Regulation
- Transport for London
- Each highways authority within the meaning of section 1 of the Highways Act 1980 (including the Secretary of State, where the Secretary of State is the highways authority).
- Each clinical commissioning group established under section 14D of the National Health Service Act 2006 the National Health Service Commissioning Board.

- 4.5 Bodies were contacted and updated regarding the proposed amendments to the MLP. As a result of the engagement 27 non-Council prescribed bodies were contacted. Two acknowledged the correspondence but did not provide any comments on the proposed amendments, nine commented on the proposed amendments, and 16 did not acknowledge correspondence or provide any comments. All comments received can be found in Appendix Three
- 4.6 The North East Essex Clinical Commissioning Group (CCG) were contacted through the second round of DtC and Ipswich & East Suffolk CCG & West Suffolk CCG replied on their behalf. The three CCG's, Ipswich & East Suffolk CCG, West Suffolk CCG and North East Essex CCG make up the Suffolk and North East Essex ICS.
- 4.7 The prescribed bodies were invited to discuss the outcomes of the proposed amendments to the MLP through a 1:1 meeting, which resulted in a meeting with Historic England. Minutes from the meeting can be found in Appendix Two.

Co-operation with ECC Internal Consultees

- 4.8 As a result of the engagement eight ECC internal consultees were contacted. Five commented on the proposed amendments, and three did not acknowledge correspondence or provide any comments. All comments received can be found in Appendix Three.

Co-operation with adjoining Mineral Planning Authorities & Mineral Planning Authorities in the East of England Aggregate Working Party

- 4.9 Essex County Council is a member of the East of England Aggregates Working Party (EEAWP) and all other Mineral Planning Authorities of the EEAWP were invited to engage on the proposed amendments to the MLP. Membership of an Aggregate Working Party is drawn from mineral planning authorities in the region, the aggregates industry, and government representatives. Its purpose is to provide technical advice and input into the managed aggregates supply system. This includes review and ratification where appropriate of the national guidelines and sub-regional apportionment of mineral provision as set out in Local Aggregate Assessments. The EEAWP is an important information sharing forum for mineral planning authorities in the East of England.

- 4.10 All other mineral planning authorities adjoining Essex but not in EEAWP have been contacted by the MPA, including the four adjoining MPAs in London. Medway Council and Kent Council were contacted due to their proximity across the Thames.
- 4.11 As a result of the engagement 14 MPAs were contacted. Four acknowledged the correspondence but did not provide any comments on the proposed amendments, five commented on the proposed amendments, and five did not acknowledge correspondence or provide a response. All comments received can be found in Appendix Three.
- 4.12 The MPAs were invited to discuss the outcomes of the proposed amendments to the MLP through a 1:1 meeting, which resulted in a meeting with Thurrock Council. Minutes from the meeting can be found in Appendix Two.
- 4.13 It is considered that this engagement has ensured that any cross-boundary issues have been fully addressed at the MPA level at this stage.

Co-operation with District, Boroughs and City Planning Authorities within Essex

- 4.14 The MPA, through the wider Essex County Council planning function, regularly liaises with officers from Essex's district, borough and city councils at meetings and through formal consultation. The district, borough and city councils have been consulted on the proposed amendments forming the MLPR.
- 4.15 As a result of the engagement, 19 district/borough/city councils were contacted. This number was made up of the 12 local authorities within Essex as well as those local authorities adjoining Essex. Three acknowledged the correspondence but did not provide any comments on the proposed amendments, seven commented on the proposed amendments, and nine did not acknowledge correspondence or provide a response. All comments received can be found in Appendix Three.
- 4.16 ECC met with Rochford District Council in November 2020 and Chelmsford City Council in January 2021 to further discuss the proposed amendments to the MLP. Minutes from the meeting can be found in Appendix Two.
- 4.17 The most significant issue arising out of these meetings is that of the proposed amendments relating to the application of mineral safeguarding policy, which was raised by officers from Chelmsford City Council (CCC). The relevant section of the MLP is Policy S8 and its supporting text. Officers from CCC further wished to clarify that their comments were officer-led and given without prejudice to any further comments or approach that may emerge at the political level.
- 4.18 CCC officers were sympathetic to the notion that safeguarding and making best use of finite minerals accords with the overarching sustainability agenda which governs land-use planning but had reservations with regards to how the MPA are proposing to view mineral conservation and how matters of prior extraction to avoid the sterilisation of minerals are proposed to be taken into account as part of non-mineral development. Full details relating to this matter are set out in Appendix Two.
- 4.19 As stated at the meeting, the MPA acknowledges CCC's concerns but considers that it will likely take the proposed amendments to the prior extraction approach as set out in Policy S8 and its supporting text through to Regulation 18 consultation. This is in order to generate further responses around the emerging proposals and it is clarified

that further work is likely to be required to justify the proposed amendments. It is assumed that discussions on this matter will likely continue.

On-going Duty to Cooperate Engagement

4.20 The list below sets out a number of engagement forums attended by mineral policy officers, or other planning officers of Essex County Council on their behalf, where mineral-related issues can be raised as required.

- Planning Policy and Development Management (DM) attend quarterly meetings of the Essex Planning Officers Association (planning policy and DM colleagues in district/borough councils)
- A Built Environment Special Interest Group engage with interested local authorities, either via meetings or written responses, so that they have the opportunity to feeding into this work to inform recommendations/actions to the Essex Climate Commission
- All of the Waste Planning Authorities (WPA) who receive/send waste to/from the plan area receive written correspondence and bespoke engagement, as requested by relevant authorities, to provide information on the waste imports and exports
- The EEAWP, which consists of the East of England MPAs and Industry Representatives, attend quarterly meetings
- The East of England Waste Technical Advisory Board (EEWTAB) attend quarterly meetings

5 Next Steps

- 5.1 The responses that the MPA received during the first and second round of DtC on the MLPR, all meetings that took place, and the MPA's internal review, were used to determine what amendments need to be made to the existing MLP 2014.
- 5.2 During the second round of DtC, the DtC report produced in October 2020, a 'clean' version of the amended MLP with amendments made as proposed, a track change version of the amended MLP setting out proposed amendments, a schedule of amendments and an updated version of a document setting out the scope of the review, now titled as a 'Rationale Report', were issued to parties subject to the DtC.
- 5.3 The responses received during the second round of DtC have been taken into consideration by the MPA as shown in Appendix Three. A draft version of the Regulation 18 Plan incorporating these additional amendments will then be subjected to further additional assessment through the Sustainability Appraisal, Habitats Regulations Assessment, Health Impact Assessment and Equality Impact Assessment, before a public and stakeholder consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), takes place on the proposed amendments and updated evidence base.
- 5.4 Through the second round of DtC it was noted by officers of CCC that further evidence is required to assess whether the suggested safeguarding approach is justified and capable of being implemented. The MPA acknowledges CCC's concerns but considers that it will likely take the proposed amendments to the prior extraction approach as set out in Policy S8 and its supporting text through to Regulation 18 consultation. This is in order to generate further responses around the emerging proposals and it is clarified that further work is then likely to be required to justify the proposed amendments by addressing those issues raised through consultation. It is acknowledged that this may result in further amendments to the proposed approach.
- 5.5 All representations received through the Regulation 18 engagement will be analysed and processed, and consultation feedback will be given to the Political Leadership/Scrutiny Committee. The MPA will make the necessary changes to the proposed amendments to the MLP, ahead of another round of DtC. This is envisaged to be either the final or penultimate round of DtC specific to the MLPR, subject to any issues remaining to be discussed.
- 5.6 A second public and stakeholder consultation (Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended),) will be held, and comments addressed, before the MPA seek cabinet approval for publication and submission of the plan. Prior to submission, the need and scope for Statements of Common Ground will be ascertained through the ongoing engagement. The MLP will then be submitted to the Planning Inspectorate (Regulation 22).
- 5.7 The MPA will prepare any further evidence for each successive stage as required, prior to the Examination in Public. The final stage includes receipt of the Inspector's Report and the need of any modification, prior to formal adoption of the revised MLP.

6 Conclusion

- 6.1 This report, and the DtC report produced in October 2020, outlines the ways in which the Mineral Planning Authority has sought, and continues to seek to engage constructively, actively and on an on-going basis, with relevant bodies on matters of common interest in the preparation of the MLPR.
- 6.2 This has included on-going discussions and liaison to identify matters of cross-boundary significance and, thereafter, to find ways of addressing any concerns. For the MLPR to be effective, it needs to be capable of delivering on matters which rely upon co-operation with other bodies.
- 6.3 To date, it is considered that there is one issue which has been raised through the Duty to Cooperate prior to the Regulation 18 consultation which it is considered that the MPA have yet to address through its proposed amendments:
 - This was raised by officers of Chelmsford City Council and related to proposed amendments around the application of safeguarding policy. MPA officers acknowledge the need for further evidence to justify the approach and which may also lead to its modification. Nonetheless, the MPA wishes to consult on the amendments proposed at the second DtC engagement to generate further consultation responses which it could consider alongside those issues raised by CCC.
- 6.4 This report demonstrates that such collaboration has been actively sought to date and this proactive approach will continue during all stages of the plan's review, and after its adoption. How the MPA has addressed each comment received through the second round of DtC is set out in the meeting records in Appendix Two and the schedule of responses presented in Appendix Three.
- 6.5 The MLP Review Rationale Report 2020 also sets out where engagement under the Duty to Cooperate has led to amendments as part of the MLPR.

Appendix One

Consultees

1. Southend-On-Sea Borough Council
2. Thurrock Council
3. Suffolk County Council
4. Hertfordshire County Council
5. Cambridgeshire County Council
6. Peterborough City Council
7. Bedfordshire Authorities
8. Norfolk County Council
9. Tendring District Council
10. Harlow District Council
11. Chelmsford City Council
12. Basildon Borough Council
13. Epping Forest District Council
14. Braintree District Council
15. Brentwood Borough Council
16. Colchester Borough Council
17. Maldon District Council
18. Uttlesford District Council
19. Rochford District Council
20. Castle Point Borough Council
21. Broxbourne Borough Council
22. East Hertfordshire District Council
23. South Cambridgeshire District Council
24. West Suffolk Council
25. Babergh District Council
26. Suffolk Coastal District Council (East Suffolk Council)
27. North Hertfordshire District Council
28. Kent County Council
29. Medway Council
30. The London Borough of Havering
31. The London Borough of Redbridge
32. The London Borough of Enfield
33. The London Borough of Waltham Forest
34. The Environment Agency
35. Historic England
36. Natural England
37. Mayor of London
38. South East Local Enterprise Party
39. Homes England

Duty to co-operate engagement report

40. Southend CCG
41. North East Essex CCG (Ipswich & East Suffolk CCG & West Suffolk CCG)
42. Mid Essex CCG
43. West Essex CCG
44. Castlepoint & Rochford CCG
45. Basildon & Brentwood CCG
46. Thurrock CCG
47. Office of Rail & Road
48. Transport for London
49. Essex Highways
50. Highways England
51. Thurrock Highways
52. Southend Highways
53. Marine Management Organisation
54. Affinity Water
55. Veolia Water
56. Thames Water
57. Anglian Water
58. Essex & Suffolk Water
59. National Grid
60. ECC Place Services
61. ECC Environment Officer
62. ECC Environment Officer
63. Thames Gateway
64. ECC Wellbeing & Public Health
65. ECC Senior strategy advisor
66. ECC Director, Environment and Climate Action
67. ECC Lead Local Flood Authority
68. ECC Programme Manager

Appendix Two

Minutes from meetings with consultees

Meeting Minutes Historic England – 20th November 2020

Attendees

Phil Dash (PD) – ECC Principal Minerals and Waste Planning Officer

Lauren Keeling (LK) – ECC Minerals and Waste Planning Officer

Andrew Marsh (AM) – Historic Environment Planning Adviser

Introduction

It was noted that this meeting was representative only of the views of those officer's present. Anything contained within this meeting record is given without prejudice to the views of other potential participants representing Essex County Council (ECC) or Historic England at this, or future stages, of the Essex Minerals Local Plan (MLP) Review.

PD ran through at a high-level the proposed changes to the MLP, setting out that no new allocations were currently being considered.

Item 1 – Inert Landfill

AM questioned whether there are any existing sites where it was originally proposed that they would be infilled back to the original land level, but now will not be due to changes in the review.

ECC Officers explained that changes to the Plan better facilitated sites being able to be restored to previously existing levels. Previously the plan would have possibly ruled out restoring sites to the original topography due to the previous relevant policy setting out a preference for lower level restoration with no more landfill than is essential and necessary, to achieve satisfactory restoration, however, this has now been updated as part of the review. Officers explained that the maximum infilling the Mineral Planning Authority (MPA) would normally expect, is back to the original land level. Anything above the original level is considered land raising and will only be permitted where in accordance with the Policies of the Waste Local Plan.

Item 2 – Plan Period

AM asked whether the review is looking to extend the plan period.

ECC Officers explained that the process being undertaken is a review of the existing Minerals Local Plan rather than writing a new plan, and therefore the base-date remains 2014, and upon adoption the Plan will be re-titled the Essex Minerals Local Plan 2014, as amended 2021.

Item 3 – Heritage Use

AM questioned the approach around minerals with a heritage use.

It was confirmed by Officers that Essex have no heritage stone and two brick clay sites which are subject to single operators. Officers explained that this resource is safeguarded as per the NPPF, and Essex County Council, acting as the MPA, will respond to applications for extraction as and when they are submitted.

Item 4 – Next Steps

AM questioned next steps in the process of the plan review and ECC officers confirmed that the next opportunity to respond was at the Regulation 18 stage. AM confirmed that Historic England have no concerns and will provide comments at the next stage of preparation.

ECC Officers explained the process of the first round of DtC was on the scope of the review and the current second round of DtC is for the amendments to the actual wording of the plan. Meeting closed with ECC officers suggesting that a Regulation 18 consultation was expected to take place in Q1 of 2021.

Meeting Minutes Rochford District Council – 19th November 2020

Attendees

Phil Dash (PD) – ECC Principal Minerals and Waste Planning Officer

Lauren Keeling (LK) – ECC Minerals and Waste Planning Officer

Daniel Goodman (DG) – RDC Team Leader Strategic Planning and Economic Regeneration

Introduction

It was noted that this meeting was representative only of the views of those officer's present. Anything contained within this meeting record is given without prejudice to the views of other potential participants representing Essex County Council (ECC) or Rochford District Council (RDC) at this, or future stages, of the Essex Minerals Local Plan (MLP) Review.

ECC Officers ran through at a high-level the proposed changes to the MLP, setting out that no new allocations were currently being considered.

Item 1 – Mineral Safeguarding Areas (MSAs)

RC's main area of focus was the amendments to Policy S8, as their District contains a lot of MSAs. RDC questioned if the review will create any practical implications for Plan making and applications. DG explained that RDC are expecting to undertake their Regulation 18 Consultation in the new year, and asked if the MPA are only interested in being formally consulted when RDC reach a point of a preferred option, or is there a role for Policy S8 to be applied at an earlier stage.

ECC Officers explained that the main area of focus through the review of Policy S8 is to make the policy a lot more prescriptive, and therefore make expectations clearer. The review focuses on the actual working of the policy and how it is interpreted, but the overarching aim is the same. The MPA described the key driver of Policy S8 being the NPPF (Chapter 17) and explained that the MPA would expect early engagement from RDC with the promoters of the proposed sites where these are in safeguarded areas. The MPA would expect for them to be advised that an MRA is needed early in RDCs plan-making process.

Next Steps

ECC Officers explained the process of the first round of DtC was on the scope of the review and the current second round of DtC is for the amendments to the actual wording of the plan. Meeting closed with ECC officers suggesting that a Regulation 18 consultation was expected to take place in Q1 of 2021.

Meeting Minutes Thurrock Council – 19th November 2020

Attendees

Phil Dash (PD) – ECC Principal Minerals and Waste Planning Officer

Lauren Keeling (LK) – ECC Minerals and Waste Planning Officer

Richard Hatter (RH) – TC Strategic Planning Manager, Place Directorate

Introduction

It was noted that this meeting was representative only of the views of those officer's present. Anything contained within this meeting record is given without prejudice to the views of other potential participants representing Essex County Council (ECC) or Thurrock Council (TC) at this, or future stages, of the Essex Minerals Local Plan (MLP) Review.

ECC Officers ran through at a high-level the proposed changes to the MLP, setting out that no new allocations were currently being considered. Both ECC and TC Officers looked over comments made by TC during the first round of DtC (Table 1) to make sure that any issues raised have been resolved.

The proposed changes to be made as a result of the matters raised by TC as part of the first stage of DtC engagement in XXXX were agreed.

TC further agreed that it would be appropriate for ECC to finalise meeting minutes, to be returned to TC for agreement, as a means of documenting progress on the issues raised.

Item 1 – Plan Period

TC asked if anybody had questioned the date that the plan will expire and asked why we are not re-basing the plan.

ECC Officers explained that the process being undertaken is a review of the existing

Minerals Local Plan rather than writing a new plan, and therefore the base-date remains 2014, and upon adoption the Plan will be re-titled the Essex Minerals Local Plan 2014, as amended 2021.

Item 2 – Policy S5

A minor amendment was suggested by TC to Paragraph 3.70, first bullet point (clean version). It currently reads “A permanent facility, or a temporary facility linked to the lifetime of the associated mineral development”, however, TC noted that not all temporary aggregate recycling facilities are related to mineral development and although this is covered in Policy S5, TC suggested that supporting text should be amended to reflect the wording of Policy S5.

ECC Officers proposed removing the word “mineral” from this sentence and TC agreed they would be happy with this amendment.

Item 3 – Length of Policies

TC noted that some of the policies are quite wordy and lengthy, particularly S8 and S9, however they recognise the technicality.

ECC Officers explained the reasoning for this with examples of previous safeguarding challenges and the importance of the in-depth nature of these policies.

Further Comments

TC believe that ECC have taken a sensible approach with the plan apportionment figures.

Meeting closed with ECC officers suggesting that a Regulation 18 consultation was expected to take place in Q1 of 2021.

Table 1 - Comments made by TC during first round of DtC

Specific Issue Raised by Thurrock’s Officers	ECC Response (Post Meeting)	Change Made
Correct typo under subsection G in the Spatial Vision.	Typo will be corrected.	Typo will be corrected.
A reference under Strategic Objective 2 could be made to Joint Strategic Plans as several such plans are under preparation.	ECC will include reference to Joint Strategic Plans in the Aims and Strategic Objectives.	To ensure minerals development supports the proposals for sustainable economic growth, regeneration, and development outlined in adopted Local Plans/ LDFs <i>and Joint Strategic Plans</i> prepared by

		Essex district/ borough/ city councils.
Inconsistency within Section 3 of the Policy S5 in relation to Clause F.	Policy S5 will now be more generic and remove any references to specific 'growth areas'.	Proposals for new aggregate recycling facilities, whether non-strategic or in the form of SARS, should <u>shall</u> be located on the main road network in proximity to the Key Centres areas of development 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 <u>when</u> in accordance with other policies in the Development Plan for Essex:
Include further clarification regarding the factors that have been considered in proposing to retain the current apportionment figures.	ECC noted that a more detailed justification was being developed which references an increase in forecasted rates of housing growth and associated infrastructure under Policy S6.	Further justification can be found in the MLP Rationale Report (previously only summarised to assist DtC Scoping) as well as Aggregate Justification Paper still being finalised.

Chelmsford City Council (CCC) 19th Jan 2021 – Officer Level Agreement

Attendees

Philip Dash – ECC Principal Minerals & Waste Planning Officer

Lauren Keeling – ECC Minerals & Waste Planning Officer

Richard Greaves – ECC Chief Planning Officer

Laura Percy – CCC Senior Planning Policy Officer

Claire Stuckey – CCC Principal Planning Officer

Mineral Safeguarding Policy S8 and Policy S9

ECC explained that the proposed amendments to the policy and supporting text are primarily around making the approach more explicit in relation to how prior extraction is to be addressed. Amendments seek to clarify prior extraction as being ancillary to the primary development and undertaken as a conservation measure, and that the proposed

amendments do not explicitly introduce a new policy approach. CCC considered that there is a clear change in emphasis and that this creates a number of operational issues. This is not disputed.

CCC questioned whether there is any National Guidance that supports the proposed amendments, where the responsibility would lie with regards to prior extraction matters between the two authorities and the practicalities of having this proposed policy approach in place.

ECC Officers explained that the NPPF requires the Minerals Planning Authority to make 'best use' of the mineral to 'secure their long-term conservation', which cannot be to unnecessarily sterilise the mineral. ECC therefore consider that the need to conserve finite mineral assets should be viewed in the same way as the need to conserve finite biodiversity or historical assets. To assess the site as a standalone commercial operation isn't what is being proposed through the application, ECC are considering prior extraction as a conservation measure.

CCC set out that they did not consider it was appropriate to compare the way national policy and guidance dealt with biodiversity or historic assets to that of minerals. CCC set out that it considered that if it was the intention of national policy and guidance to treat minerals this way then it would be explicit on this point as it is for biodiversity and historic assets.

ECC Officers explained that the NPPF states that there is a need to conserve minerals and set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place but offers little else, particularly around what is meant by 'practical'. The ECC proposed amendments around safeguarding attempt to clarify how whether it is 'practical' will be assessed.

The NPPF is clear that local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working. ECC explained that any application should be looked at in the broader aspect of how it effects the wider Mineral Safeguarding Area as a whole.

ECC Officers confirmed that there is no intention to re-visit any site allocations in the CCC Local Plan as the plan already states that an MRA is required. ECC clarified that where ECC have previously commented on an MRA, this would not be revisited.

CCC welcomed this and set out that it would welcome sight of the proposed lists of sites intended to be kept by ECC and that it would be helpful to have these as part of the formal consultation.

ECC explained that amendments seek to raise the issue of minerals safeguarding early in the planning process, MRAs that are submitted later down the line with little detail will rarely be acceptable.

CCC explained that the guidance for LPAs is very clear on how a local plan considers viability, and within this, they questioned how they would incorporate and consider prior extraction as part of a Local Plan viability assessment? The MPA explained that the viability section of the PPG, with regards to contributions, states that contributions should be considered alongside an assessment of viability that takes into account all relevant policies, and local and national standards. Safeguarding policy is part of the Development Plan and land designated as an MSA should be seen as a planning constraint in light of the strong protection given to making the best use of minerals in the NPPF.

CCC explained that for promoters to understand the viability of prior extraction, it requires borehole investigation and more detailed design/phasing of the final development scheme than could be expected of site promoters prior to allocation. The way in which the LPA is required to test viability, at Local Plan level, is based on typologies and not specific sites. On this basis CCC questioned, on a practical level, how such an assessment of the necessary detail needed to satisfy the MPA would be achievable?

The issue for ECC is that land in a safeguarding area that comes forward for a planning application for non-mineral development may not be inherently profitable as a standalone operation, but could be commercially viable if the same land came forward as part of a wider application for standalone extraction. The NPPF does not state that prior extraction to avoid sterilisation has to be profitable, just 'practical'. ECC currently contend that prior extraction would be ancillary to the primary development, as a conservation measure, and therefore should be considered as a single development in terms of assessing viability. CCC officers did not agree that there was sufficient evidence or justification to support such a conclusion. CCC considers that national guidance sets out that mineral extraction (including prior extraction) is required to be financially viable in its own right, the financial viability of which should be considered on its own merits, separate to the primary development.

ECC Officers asked CCC Officers what is required to consider a site through the Local Plan viability assessment and if the LPA could require borehole assessments as part of this. CCC explained that this could be unreasonable to the promoter if boreholes were required before allocation. ECC asked if a site was in a designated MSA, to what extent could CCC require mineral information to determine whether it requires prior extraction. CCC explained that all of those at Master planning stage have had an MRA, the problem with building it into a Local Plan viability assessment is that it is not reasonable to require site promoters to pay for assessments e.g. boreholes, before they have the level of certainty that they have an allocation in the plan. All agreed that, in accordance with the PPG all relevant policies (including all Local Plan and MLP policies), and local and national standards should be considered. CCC explained that they do take the MLP policies into consideration and following early consultation with the MPA it is therefore a Local Plan policy requirement for relevant sites to undertake an MRA.

CCC set out that the difficulty with the approach set out by ECC was that there does not

appear to be a mechanism for either the MPA or CCC to test the viability of prior extraction at the necessary and relevant point in time, which in CCC's view highlights why viability of prior extraction should be tested as its own use and not as part of a non-mineral end use.

CCC explained that they support what ECC are trying to achieve in principle, as sustainability governs their agenda too. CCC would however require further evidence regarding the appropriateness of the approach and clarity on how this would work in practice. In their absence, the approach cannot be supported.

ECC noted the opinion of CCC officers that there is a need for further evidence to assess whether the suggested approach is justified and capable of being operated, and the concerns highlighted through previous responses and through the meeting will be reflected upon. ECC further noted that it would likely retain the suggested approach as proposed through to Regulation 18 consultation in order to generate further responses which could then be considered together, and the implications of which would be fed back into the MLP Review.

ECC thanked CCC officers for their time.

Appendix Three

1. Do you agree to the proposal to amend the Spatial Vision ?				
Name/Authority	Agree to the proposal to amend?	Agree with the proposed amendments?	Comments	Responses of the Authorities/Impact on the next stage of the Plan (references refer to amended plan)
ECC Internal – Environment Officer	Yes	Agree with amendments	<p>It is welcomed that the provision of Green and Blue Infrastructure as part of the respiration and after use is integrated into the spatial vision with the aim to enhance biodiversity and wider environmental, social and economic benefits. There is significant potential to contribute positively to green infrastructure through the restoration of mineral workings.</p> <p>One thing to consider to add is: to not consider each green space in isolation but to look at the ways in which individual sites and corridors of green space collectively connect to the wider Green and Blue Infrastructure landscape network for the County.</p>	Paragraph 3.218 recognises that “Steppingstones can be created which link to each other and to wider green infrastructure across the plan area (and/or potentially in adjoining local authority areas).” The plan makes frequent references to Green and Blue Infrastructure Strategies which themselves should consider sites and corridors of green space collectively.
Cambridgeshire & Peterborough	Yes	Agree	The continued undertaking to maintain a steady supply of mineral is supported.	Noted
Harlow Council	Yes	Agree	Additions made to the Spatial Vision which although fairly minor, strengthen the Plan.	Noted
Colchester Borough Council	Yes	Agree with amendments	Agreed that the Spatial Vision remains largely appropriate but benefits from modifications to allow decisions to reflect changes made elsewhere in the local plan making process	Noted

			and to integrate with green/blue infrastructure and natural capital approaches.	
London Borough of Waltham Forest	Yes	Agree	We agree to the proposals to amend the spatial vision.	Noted
West Suffolk	No Comment	N/A	N/A	N/A
Basildon Borough Council	Yes	Agree	N/A	N/A
Suffolk County Council	No Comment	N/A	No additional comments.	N/A
Thurrock Borough Council	Yes	Agree	N/A	N/A
ECC Internal – Environment Officer (flood)	No Comment	N/A	N/A	N/A

Number of responses: 10

Agree to the proposal to amend: 7 Yes, 3 No Comment

Agree with the justification: 5 Agree, 2 Agree with amendments, 3 N/A

2. Do you agree to the proposal to amend the Aims and Strategic Objectives?

Name/Authority	Agree to the proposal to amend?	Agree with the proposed amendments?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal –	Yes	Agree with	Suggested additions underlined	Aim 2 - Current wording of Strategic

<p>Environment Officer</p>		<p>amendments</p>	<p>Aims 2</p> <p>The integration of features, (<u>including Green Infrastructure</u>) which promote climate change mitigation and adaptation into the design of minerals restoration and after-care proposals.</p> <p>Reason: Examples of GI contribution to managing climate change include - GI features such as buffering of watercourses provide a way of minimising fluvial flooding. GI that promotes sustainable movement by walking and cycling, reducing the need to travel by car by providing pleasant environments that promote sustainable transport. GI Creates microclimate i.e. shading from extreme heat, reduce soil, water and air pollution etc.</p> <p>Aims 3 – does bullet point a included community engagement in all aspect of the minerals proposals such as the restoration and aftercare? This engagement early would be important to ensure the facilities provided as a result of restoration meets communities needs.</p> <p>Aims 7 Bullet point b to add underlined - <i>To promote the provision of <u>multifunctional green and blue infrastructure and natural capital growth by securing.....</u></i></p>	<p>Objective 2, bullet point three, refers to features more generally, and it is therefore not considered necessary to focus on one specific feature to the exclusion of others. Also, specific reference to Green and Blue Infrastructure is made in Strategic Objective 7b.</p> <p>Aim 3 – Strategic Objective 3a by virtue of inviting comment on planning applications communities will be given opportunity to comment on all aspects of the mineral proposal.</p> <p>Aim 7 – The word <u>“multifunctional”</u> can be added to Strategic Objective 7b. Policy S12 mentions that “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.”. Also, the Spatial Vision, clause H states that “The focus of after-use will shift from purely agricultural uses, important though they remain, towards integrating the cross-cutting benefits of green and blue infrastructure and natural capital growth, by means of increased provision for biodiversity and geodiversity, climate change adaptation and outdoor recreation, including Public Rights of</p>
----------------------------	--	-------------------	---	---

			It will also need to consider Long-term management beyond the statutory five year aftercare period may be required where appropriate. Also to consider connectivity to wider Green and Blue Infrastructure network.	Way.” Additionally, paragraph 3.201 states that “Properly managed restoration to an appropriate after-use will benefit communities and their local environment and ensure that valuable new assets are created to hand on to future generations.” However, paragraph 3.208 will be amended to read “This Plan requires both applicants and the Mineral Planning Authority to consider the range of benefits that mineral restoration and after-use proposals might deliver, <i>including its ongoing stewardship</i> ”.
Cambridgeshire & Peterborough	Yes	Agree	N/A	N/A
Harlow Council	Yes	Agree	Additions made to the Objectives which although fairly minor, strengthen the Plan.	Noted
Colchester Borough Council	Yes	Agree with amendments	N/A	N/A
London Borough of Waltham Forest	Yes	Agree	We particularly welcome reference to “reduce mineral miles and thereby minimising carbon emissions associated by the transportation of minerals.” This fits well with the policies in the emerging London Borough of Waltham Forest Local Plan. New references to “promote the provision of	Noted

			green and blue infrastructure and natural capital growth by securing high-quality restoration of extraction sites with appropriate after-care” particularly welcome.	
West Suffolk	No Comment	N/A	N/A	N/A
Basildon Borough Council	No Comment	N/A	N/A	N/A
Suffolk County Council	Yes	Agree with amendments	No additional comments.	N/A
Thurrock Borough Council	Yes	Agree	N/A	N/A
ECC Internal – Environment Officer (flood)	No Comment	N/A	N/A	N/A

Number of responses: 10

Agree to the proposal to amend: 7 Yes, 3 No Comment

Agree with the justification: 4 Agree, 3 Agree with amendments, 3 N/A

3. Do you agree that Policy S1 does not need amending?			
Name/Authority	Agree that the policy does not need amending?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment	No Comment	As long as the high environmental standards include the protection and enhancement of existing GI features	Comment refers to Table 2 Sustainable Mineral Development in Essex, Policy S1 states that

Officer		throughout the development such as hedgerows, existing trees/ woodlands of high biodiversity value etc.	the MPA “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.” Also, Policy S10 states that “Appropriate mitigation measures shall be included in the proposed scheme of development to ensure that no unacceptable adverse impacts would arise”, therefore, existing GI features would be considered under this measure.
Cambridgeshire & Peterborough	N/A	As per previous comment – Policy appears to be superfluous / duplicating the NPPF, consequently there is no reason for this policy to be retained.	ECC Officers investigated the use of Policy S1 and it was found that Policy S1 was one of the most referred to policies by DM officers in their decision making, so it is currently considered that the Policy will be maintained. Whilst it is recognised that Policy S1 largely repeats the NPPF it is still considered that Policy S1 provides a logical starting point for the remainder of the Policy framework.
Harlow Council	No	The proposed policy concerns the Presumption In Favour of Sustainable Development which Harlow has a similar Policy in it’s Local Plan. Officers may wish to consider whether it is now necessary to include it in this review and instead refer back to the 2019 NPPF in regards to this. Although the argument in the Plan Review document is that the policy be retained due to its use by the Development Management team, you may wish to consider the reasons why Development	There is not considered to be a policy gap in the Minerals Plan that will assist Development Management Officers. Whilst it is recognised that Policy S1 largely repeats the NPPF it is still considered that Policy S1 provides a logical starting point for the remainder of the Policy framework.

		Management Officers would be relying heavily on this policy and not the NPPF or other more specific policies in the Plan. Is there a policy gap in the Minerals Plan that will assist Development Management Officers? The repetition of National Policy is discouraged and the retention of this policy does that – as you have agreed in your review of this policy.	
Colchester Borough Council	No	The North Essex authorities have deleted the wording on compliance with the NPPF given that it duplicates national policy. ECC might wish to consider if it is required.	Whilst it is recognised that Policy S1 largely repeats the NPPF it is still considered that Policy S1 provides a logical starting point for the remainder of the Policy framework.
London Borough of Waltham Forest	Yes	No amendments necessary in Policy S1	Noted
West Suffolk	No Comment	N/A	N/A
Basildon Borough Council	No Comment	N/A	N/A
Suffolk County Council	Yes	No additional comments.	N/A
Thurrock Borough Council	No Comment	N/A	N/A
ECC Internal – Environment Officer (flood)	No Comment	N/A	N/A

Number of responses: 10

Agree that the policy does not need amending: 2 No, 1 N/A, 5 No Comment, 2 Yes

4. Do you agree to the proposal to amend Policy S2 ?				
Name/Authority	Agree to the proposal to amend?	Agree with the proposed amendments?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	Yes	Agree with amendments	<p>Suggested addition:</p> <p>Ensuring throughout its lifetime, including restoration and after-use, the minerals development will: a) conserve, restore and enhance ecological networks and deliver net gains for biodiversity, integrating other green infrastructure components where appropriate, contributing towards the quality, character and distinctiveness of the local environment and landscape.</p>	<p>Suggested additions are addressed as follows:</p> <ul style="list-style-type: none"> • Conserve, restore and enhance ecological networks – this is considered to be covered under Policy S2 criteria 2 “Ensuring there are no significant adverse impacts arising from proposed minerals development for public health and wellbeing, public safety, amenity, the quality of life of nearby communities, and the environment” • Deliver net gains for biodiversity integrating other green infrastructure components where appropriate - this is considered to be covered under Policy S2 criteria 8 “b) provide beneficial after-use(s) that secure long lasting community and environmental benefits, including net-gain in biodiversity, and c) reflect objectives in relevant Green and Blue Infrastructure strategies” • Contributing towards the quality, character and distinctiveness of the local environment and landscape – this is considered to be addressed through Policy S2

				criteria 2 as above. It is noted that Policy S2 is a high-level Strategic Policy that provides an overview of components expressed in more detail elsewhere in the plan, particularly Policy S12 and its supporting text.
Cambridgeshire & Peterborough	Yes	Agree	N/A	N/A
Colchester Borough Council	Yes	Agree with amendments	N/A	N/A
London Borough of Waltham Forest	Yes	Agree	References to “reflect objectives in relevant Green and Blue Infrastructure Strategies” is welcome.	Noted
West Suffolk	No Comment	N/A	N/A	N/A
Basildon Borough Council	No Comment	N/A	N/A	N/A
Suffolk County Council	Yes	Agree with amendments	No additional comments.	Noted
Thurrock Borough Council	Yes	Agree	N/A	N/A
ECC Internal – Environment Officer (flood)	Yes	Agree with amendments	N/A	N/A

Number of responses: 9

Agree to the proposal to amend: 7 Yes, 2 No Comment

Agree with the justification: 3 Agree, 4 Agree with amendments, 2 N/A

5. Do you agree to the proposal to amend Policy S3 ?				
Name/Authority	Agree to the proposal to amend?	Agree with the proposed amendments?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	Yes	Agree with amendments	<p>Drivers - 3.17 – 25 Year Environment plan sets out action to mitigate and adapt to climate change and is incorporated into the emerging Environment Bill.</p> <p>GI and nature based solutions can help to reduce air pollution, noise and the impacts of extreme heat and extreme rainfall events. It can help mitigate risks associated with climate change and adapt to its impacts by storing carbon, improving drainage, managing flooding and water resources, improving water quality, and can help species adapt to climate change by providing opportunities for movement. So links to 3.22 – 3.26 not just 3.27.</p> <p>3.37 – third sentence - and the provision of natural landscape <u>green and blue infrastructure</u> features including tree planting.</p>	<p>Reference to the 25 Year Environment plan will be included in paragraph 3.17.</p> <p>Suggested wording <u>“green and blue infrastructure”</u> will be included in paragraph 3.27 in the second sentence.</p>
Cambridgeshire & Peterborough	Yes	Agree	Alterations to update the policy are welcomed.	Noted
Colchester Borough Council	Yes	Agree with amendments	Addition of reference to schemes in relevant Local Plans and Green Infrastructure	Noted

			Strategies is supported.	
London Borough of Waltham Forest	Yes	Agree	References to Zero Carbon Energy and Technologies area are welcome.	Noted
West Suffolk	No Comment	N/A	N/A	N/A
Basildon Borough Council	No Comment	N/A	N/A	N/A
Suffolk County Council	Yes	Agree with amendments	<p>The amendments are supported. However, in the introductory paragraph, does the lifetime of the development include proposed restoration and afteruse of the site, or just the operational phase.</p> <p>It is also recommended that for new minerals and waste facilities they should incorporate proposals for sustainable travel, including travel plans where appropriate.</p>	<p>It is proposed to amend paragraph 1 of S3 to read “for the lifetime of the development <i>(including restoration and aftercare)</i>.”.</p> <p>Policy S11 states “Planning applications for new minerals development proposals or proposals that generate traffic impact and/or an increase in traffic movements, shall be accompanied by a Transport Assessment or Transport Statement...”</p>
Thurrock Borough Council	Yes	Agree	General comment rather than for inclusion in the plan. During the preparation of the Essex Mineral Plan 2014 (as amended) any policy and statutory requirements arising from the 25 Year Environment Plan and the Environment Bill (2019/20) may need to be further reflected in amendments to the plan before its adoption.	Noted, reference to the 25 Year Environment plan will be included in paragraph 3.17. Any future implications that arise from the 25 Year Environment Plan and the Environment Bill (2019/20) will be considered as appropriate.
ECC Internal – Environment	Yes	Agree with amendments	Para 3.26 : the South East Inshore Marine Plan has now been published and as a	Reference will be made to the draft South East Marine Plan in paragraph 3.26. However, it is

Officer (flood)			statutory document, appropriate emphasis should be given to it ... the reference to Marine Plans should also have a capital initial as with the other plans listed.	not considered necessary to make explicit reference to marine plans outside of the plan area.
-----------------	--	--	---	---

Number of responses: 9

Agree to the proposal to amend: 7 Yes, 2 No Comment

Agree with the justification: 3 Agree, 4 Agree with amendments, 2 N/A

6. Do you agree to the proposal to amend Policy S4 ?				
Name/Authority	Agree to the proposal to amend?	Agree with the proposed amendments?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	No Comment	N/A	N/A	N/A
Cambridgeshire & Peterborough	Yes	Agree	N/A	N/A
Colchester Borough Council	Yes	Agree	N/A	N/A
London Borough of Waltham Forest	Yes	Agree	Agree with the development proposals requirement to “demonstrate” that mineral waste in minimised. However, we would question how feasible this will be to enforce in practice.	As is set out in paragraph 3.37 when an application is submitted it will be expected to “provide information on how CDE wastes will be reduced, re-used or recycled during construction and operation of the premises, at an appropriate level of detail as part of a

				planning application.”, this wording has not been amended as part of the review.
West Suffolk	No Comment	N/A	N/A	N/A
Basildon Borough Council	No Comment	N/A	N/A	N/A
Suffolk County Council	Yes	Agree	No additional comments.	Noted
Thurrock Borough Council	Yes	Agree	N/A	N/A
ECC Internal – Environment Officer (flood)	No Comment	N/A	N/A	N/A

Number of responses: 9

Agree to the proposal to amend: 4 No Comment, 5 Yes

Agree with the justification: 4 N/A, 5 Agree

7. Do you agree to the proposal to amend Policy S5 ?				
Name/Authority	Agree to the proposal to amend?	Agree with the proposed amendments?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment	No Comment	N/A	N/A	N/A

Officer				
Cambridgeshire & Peterborough	No Comment	N/A	Is is noted that in the criteria of suitable locations for aggregate recycling facilities criteria f) which reads “within major allocated or permitted development areas (as set out in the Development Plan for Essex)” has been deleted.	Noted
Harlow Council	Yes	Agree	Minor modifications to the text of Policy S5 which now refers to proposals for aggregate recycling facilities to be located on the main road network in proximity to ‘new development’ rather than specifying particular key growth areas in the County is supported. This provides greater flexibility and will ensure that it captures all major development proposals, not just those in growth areas or those sites allocated in Local Plans. The subsequent removal of paragraph 3.100 which this also relates to is supported.	Noted
Colchester Borough Council	Yes	Agree	N/A	N/A
London Borough of Waltham Forest	Yes	Agree	Opposition to the loss of SARS will ensure that minerals and aggregate recycling is processed locally and will assist in keeping the mileage of aggregates down and will bring associated benefits of reduced travel.	It is clarified that the SARS designation is proposed to be removed, but that all aggregate recycling facilities, including those previously designated as SARS, are intended to be safeguarded.

West Suffolk	Yes	Agree	N/A	N/A
Basildon Borough Council	Yes	Agree with amendments	The Council does not object to the removal of the reference to SARs, but in line with Policy S5, we would want clarification if the secondary aggregate sites are also being safeguarded from development.	Policy S9 seeks to safeguard all mineral infrastructure, paragraph 3.176 seeks to define “mineral infrastructure” as including “Standalone or co-located secondary processing facilities, [...] in operation or dormant.”
Suffolk County Council	Yes	Agree	Noted that the 100,000t per annum safeguarding limit for non-strategic aggregate recycling site has been removed. This is welcomed. No additional comments.	Noted
Thurrock Borough Council	Yes	Agree with amendments	Clarify in supporting text eg first bullet in paragraph 3.70 that not all aggregate recycling linked to mineral development. For example some facilities linked to landfill sites.	The first bullet point in paragraph 3.70 will be amended as follows “A permanent facility, or a temporary facility linked to the lifetime of the associated mineral development,”.
ECC Internal – Environment Officer (flood)	N/A	N/A	Table 3 should include the relevant unit of measurement – from the proceeding text it suggests this to be million tonnes, but it should be specifically included in the table for ease of reading. 3.87 : the abbreviation of mtpa should be explained in full.	Added ' <u>(million tonnes)</u> ' to provide clarity on the data in the table. Added the words ' <u>(million tonnes per annum)</u> ' to paragraph 3.87 as suggested.

Number of responses: 10

Agree to the proposal to amend: 7 Yes, 2 No Comment, 1 N/A

Agree with the justification: 3 N/A, 5 Agree, 2 Agree with amendments

8. Do you agree to the proposal to amend Policy S6 ?				
Name/Authority	Agree to the proposal to amend?	Agree with the proposed amendments?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	No Comment	N/A	N/A	N/A
Cambridgeshire & Peterborough	Yes	Agree	N/A	N/A
Colchester Borough Council	Yes	Agree	N/A	N/A
London Borough of Waltham Forest	Yes	Agree	No further comments on this policy.	Noted
West Suffolk	No Comment	N/A	N/A	N/A
Basildon Borough Council	No Comment	N/A	N/A	N/A
Suffolk County Council	No	N/A	<p>It is not clear wheather this policy supports or restrains extensions to minerals extraction at currently permitted sites.</p> <p>This government guidance for apportionment based approach derived from the National and Sub-National guidance is due to come to an</p>	Policy S6 seeks to ensure that there is a sufficient landbank of sand and gravel. It provides for the provision of sand and gravel through the preferred sites for extraction as allocated by Policy P1. Therefore, it neither explicitly supports nor

			end in 2020. The inclusion of this approach is questioned. I would suggest an approach of the average sales from the last ten years + 20% safety margin.	restrains extensions. The rationale for maintaining the apportionment at 4.31mtpa is set out from paragraph 4.103 in the MLP Review Rationale Report (included in the email which invited comments during this round of DtC). In particular paragraph 4.127 states “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.”.
Thurrock Borough Council	Yes	Agree	N/A	N/A
ECC Internal – Environment Officer (flood)	No Comment	N/A	N/A	N/A

Number of responses: 9

Agree to the proposal to amend: 4 Yes, 4 No Comment, 1 No

Agree with the justification: 5 N/A, 4 Agree

S6 The Rate of Mineral Provision

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	Agree	No Comment	Noted
Cambridgeshire & Peterborough	N/A	N/A	N/A
Colchester Borough Council	N/A	N/A	N/A
London Borough of Waltham Forest	Agree	No further comment on The Rate of Mineral Provision.	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	N/A	N/A	N/A
Suffolk County Council	N/A	No additional comments.	Noted
Thurrock Borough Council	Agree	N/A	N/A
ECC Internal – Environment Officer	N/A	N/A	N/A

(flood)			
---------	--	--	--

Number of responses: 9

Agree to the proposal to amend: 6 N/A, 3 Agree

S6 The Plan Approach to Reserve Sites

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	N/A	No Comment	N/A
Cambridgeshire & Peterborough	N/A	N/A	N/A
Colchester Borough Council	N/A	N/A	N/A
London Borough of Waltham Forest	Agree	No comment on the Plan Approach to Reserve Sites	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	N/A	N/A	N/A
Suffolk County Council	N/A	No additional comments.	Noted

Thurrock Borough Council	N/A	No Comment	N/A
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 9

Agree to the proposal to amend: 1 Agree, 8 N/A

S6 The Need for Further Site Allocations / Approach to a Call for Sites

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	N/A	No Comment	Noted
Cambridgeshire & Peterborough	N/A	N/A	N/A
Colchester Borough Council	N/A	N/A	N/A
London Borough of Waltham Forest	Agree	No comment on The Need for Further Site Allocations / Approach to a Call for Sites	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough	N/A	N/A	N/A

Council			
Suffolk County Council	N/A	No additional comments.	Noted
Thurrock Borough Council	N/A	No Comment	Noted
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 9

Agree to the proposal to amend: 1 Agree, 8 N/A

S6 The Proposed Continued Omission of Windfall Sites from Mineral Provision Calculations

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	N/A	No Comment	N/A
Cambridgeshire & Peterborough	N/A	N/A	N/A
Colchester Borough Council	N/A	N/A	N/A
London Borough of Waltham Forest	Agree	No Comment. The Proposed continued omission of windfall sites from mineral provision	Noted

		calculations.	
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	N/A	N/A	N/A
Suffolk County Council	N/A	No additional comments.	Noted
Thurrock Borough Council	Agree	N/A	N/A
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 9

Agree to the proposal to amend: 2 Agree, 7 N/A

S6 The Proposed Continuation of a Combined Landbank for Sand and Gravel

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	N/A	No Comment	Noted
Cambridgeshire & Peterborough	N/A	N/A	N/A
Colchester Borough	N/A	N/A	N/A

Council			
London Borough of Waltham Forest	Agree	No Comment on the Proposed Continuation of a Combined Landbank for Sand and Gravel	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	N/A	N/A	N/A
Suffolk County Council	N/A	No additional comments.	Noted
Thurrock Borough Council	Agree	N/A	N/A
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 9

Agree to the proposal to amend: 2 Agree, 7 N/A

S6 <u>The Potential for Increasing the Proportion of Marine-won Sand and Gravel contributing to the Overall County Requirement for Sand and Gravel</u>			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	N/A	No Comment	Noted

Cambridgeshire & Peterborough	N/A	N/A	N/A
Colchester Borough Council	N/A	N/A	N/A
London Borough of Waltham Forest	Agree	No comment with regards to the potential for Increasing the Proportion of Marine-won Sand and Gravel contributing to the overall county requirement for sand and gravel.	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	N/A	N/A	N/A
Suffolk County Council	N/A	No additional comments.	Noted
Thurrock Borough Council	Agree	N/A	N/A
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 9

Agree to the proposal to amend: 2 Agree, 7 N/A

9. Do you agree to the proposal to amend **Policy S7**?

Name/Authority	Agree to the proposal to amend?	Agree with the proposed amendments?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	No Comment	N/A	N/A	N/A
Cambridgeshire & Peterborough	Yes	Agree	N/A	N/A
Colchester Borough Council	Yes	Agree	N/A	N/A
London Borough of Waltham Forest	Yes	Agree	No comment on alterations made to Policy S7	Noted
West Suffolk	No Comment	N/A	N/A	N/A
Basildon Borough Council	No Comment	N/A	N/A	N/A
Suffolk County Council	No Comment	N/A	No additional comments.	Noted
Thurrock Borough Council	No Comment	N/A	N/A	N/A
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A	N/A

Number of responses: 9

Agree to the proposal to amend: 3 Yes, 5 No Comment, 1 N/A

Agree with the justification: 6 N/A, 3 Agree

10. Do you agree to the proposal to amend Policy S8?				
Name/Authority	Agree to the proposal to amend?	Agree with the proposed amendments?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	Yes	Agree with amendments	Suggested addition underlined 3.144 <i>All of these can enhance the value of the development by making it a more attractive place to live and result in positive legacy benefits for the relevant developer(s). Such benefits are consistent with mandatory biodiversity net gain requirements, allowing developments to be set within a multi-functional natural environment providing space for nature, <u>contributing towards a nature recovery and GI network</u> and thereby making communities resilient to climate change as well as promoting healthy lifestyles.</i>	Paragraph 3.144 is to be re-drafted as follows: <i>“All of these can enhance the value of the development by making it a more attractive place to live and result in positive legacy benefits for the relevant developer(s). Such benefits are consistent with green and blue infrastructure principles and mandatory biodiversity net gain requirements. This allows developments to be set within a multifunctional natural environment and provide space for nature, including its recovery, and therefore contributes to future communities being resilient to climate change and capable of promoting healthy lifestyles.”</i>
Cambridgeshire & Peterborough	Yes	Agree	N/A	N/A

Harlow Council	Yes	Agree	<p>The suggested 'splitting' of policies to provide clarity is supported i.e. Policy S8 refers to safeguarding Mineral Safeguarding Areas (for extraction) whereas Policy S9 refers to safeguarding Mineral Infrastructure sites (such as the Harlow Transshipment site).</p> <p>The chapter that supports Policy S8 also provides a lot more detail and guidance on the provision of what is a Mineral Safeguarding Area, the surrounding Mineral Consultation Area (i.e. within 100m of the MSA which was previously 250m) and when to submit a Mineral Resource Assessment. This seems a logical process in which to help protect sites capable of extraction. The inclusion of Table 5 of the Review Document being included in the Minerals Plan in order to provide guidance to applicants and officers is wholly welcomed.</p> <p>Highlighting those sites or site allocations which have the potential for mineral extraction early on in the Local Plan process is wholly welcomed as is reference</p>	<p>To clarify, the existing Minerals Local Plan (MLP) defines Mineral Consultation Areas (MCAs) as being 250m around existing, allocated or preferred mineral infrastructure including extraction sites.</p> <p>The resource held within land designated as a Mineral Safeguarding Area (MSA) is not currently subject to any designation beyond the boundary of the MSA. This is not the correct approach. PPG Paragraph: 221 Reference ID: 27-221-20140306 defines MCAs 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'. Contrary to the current approach, the MCA therefore is not intended to apply to extant, permitted and allocated mineral infrastructure, rather it is to apply to the whole resource safeguarded by virtue of an MSA designation. The revised approach to MCA is to designate these as being 100m from the boundary of MSAs. The policy implications of the revised approach are set out in the plan under Policy S8 and Appendix Two.</p> <p>The national requirement to safeguard mineral infrastructure still exists however, and they are now proposed to be safeguarded through</p>
----------------	-----	-------	---	---

			to this in Local Plans where applicable.	Mineral Infrastructure Consultation Areas, which will mirror the current MCAs.
Colchester Borough Council	Yes	Agree with amendments	Agree with the section on benefits of prior extraction, including its consistency with Garden Community principles as noted in para 3.143.	Noted
London Borough of Waltham Forest	Yes	Agree	No Comment on alternations made to Policy S8	Noted
West Suffolk	No Comment	N/A	N/A	N/A
Basildon Borough Council	Yes	Agree with amendments	<ul style="list-style-type: none"> The supporting text should mention about designated specific sites other than just areas of local or national importance. Safeguarding mineral resources in these designated areas/urban areas should be defined where necessary. For example, safeguarding of minerals beneath large regeneration projects in brownfield land areas can enable suitable use of the mineral and stabilisation of any potentially unstable land before any non-minerals development takes place. In case where prior extraction is not feasible, justification should also be given to prove how the 	<ul style="list-style-type: none"> The MSAs are based on the extant of the mineral resource across the County, as sourced from information obtained from the British Geological Survey (BGS), which was subsequently filtered through the application of specific criteria as set out in paragraph 3.119 of the MLP. Policy S8 states “If the assessment concludes otherwise, applications are to provide sufficient justification as to why prior extraction is neither practical or environmentally feasible and justify why the need for the development outweighs the national principles of mineral safeguarding as part of supporting information.”. Therefore, it is considered that the policy approach contains the requested provision.

			wider environmental, social and/or economic benefits from the development would outweigh the need for extraction.	
Suffolk County Council	No Comment	N/A	No additional comments.	Noted
Thurrock Borough Council	Yes	N/A	No Comment	Noted
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A	N/A

Number of responses: 1

Agree to the proposal to amend: 7 Yes, 2 No Comment, 1 N/A

Agree with the justification: 3 Agree, 3 Agree with amendments, 4 N/A

S8 The Relationship between Policy S8 and Policy S9

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	Agree	N/A	N/A
Cambridgeshire & Peterborough	N/A	N/A	N/A
Harlow Council	Agree	See above comment. Support the split of	Noted

		policies for clarity.	
Colchester Borough Council	Agree with amendments	N/A	N/A
London Borough of Waltham Forest	Agree	In agreeance with the relationship between the two policies.	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	Agree	N/A	N/A
Suffolk County Council	N/A	No additional comments.	Noted
Thurrock Borough Council	N/A	No Comment	Noted
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 10

Agree to the proposal to amend: 4 Agree, 1 Agree with amendments, 5 N/A

S8 Minerals Local Plan Appendix 5

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
-----------------------	--	-----------------	--

ECC Internal – Environment Officer	N/A	N/A	N/A
Cambridgeshire & Peterborough	N/A	N/A	N/A
Harlow Council	Agree	See above comment. Support the inclusion for clarity and assistance for applicants and local authorities.	Noted
Colchester Borough Council	Agree with amendments	Agreed in principle, but success of safeguarding policies and implementation measures criteria, as in Table 8, will in practice require close liaison between ECC and districts along with up-to-date and compatible mapping and information sources.	Noted
London Borough of Waltham Forest	Agree	In agreement with Local Plan Appendix 5	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	Agree	N/A	N/A
Suffolk County Council	N/A	No additional comments.	Noted
Thurrock Borough Council	N/A	No Comment	Noted
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 10

Agree to the proposal to amend: 6 N/A, 3 Agree, 1 Agree with amendments

S8 Justification for the Extent of Mineral Safeguarding Areas

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	N/A	No Comment	N/A
Cambridgeshire & Peterborough	N/A	N/A	N/A
Harlow Council	Agree	It is generally accepted that the 5ha threshold for extraction be retained and there is support for reducing the Mineral Consultation Area from 250m to 100m.	<p>To clarify, the existing Minerals Local Plan (MLP) defines Mineral Consultation Areas (MCAs) as being 250m around existing, allocated or preferred mineral infrastructure including extraction sites.</p> <p>The resource held within land designated as a Mineral Safeguarding Area (MSA) is not currently subject to any designation beyond the boundary of the MSA. This is not the correct approach.</p> <p>PPG Paragraph: 221 Reference ID: 27-221-20140306 defines MCAs 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’. Contrary to the current approach, the MCA therefore is not intended to apply to extant, permitted and allocated mineral</p>

			<p>infrastructure, rather it is to apply to the whole resource safeguarded by virtue of an MSA designation. The revised approach to MCA is to designate these as being 100m from the boundary of MSAs. The policy implications of the revised approach are set out in the plan under Policy S8 and Appendix Two.</p> <p>The national requirement to safeguard mineral infrastructure still exists however, and they are now proposed to be safeguarded through Mineral Infrastructure Consultation Areas, which will mirror the current MCAs.</p>
Colchester Borough Council	Agree with amendments	N/A	N/A
London Borough of Waltham Forest	Agree	In agreement with justification	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	Agree	N/A	N/A
Suffolk County Council	Agree	<p>Agree.</p> <p>The 100m beyond the application area is questioned. 250m seems more practicle as this would line up with the mineral infrastructure consultation areas.</p>	<p>Paragraph 4.208 of the MLP Review Rationale Report (included in the email which invited comments during this round of DtC). states that “It was originally proposed to designate land within 250m of an MSA as an MCA. It has since been considered that this buffer is too large and should instead be reduced to 100m. This reflects the typical</p>

			minimum distance that the MPA would permit extraction activities taking place from the façade of existing sensitive development and is the exclusionary buffer the MPA request is employed when initially quantifying mineral for MRA purposes.”.
Thurrock Borough Council	N/A	No Comment	N/A
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 10

Agree to the proposal to amend: 5 N/A, 4 Agree, 1 Agree with amendments

S8 <u>The Continuation of using Thresholds for Individual Minerals in the Application of Policy S8</u>			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	N/A	No Comment	N/A
Cambridgeshire & Peterborough	N/A	N/A	N/A
Colchester Borough Council	Agree with amendments	N/A	N/A

London Borough of Waltham Forest	Agree	In agreement with the continuation of using Thresholds for Individual Minerals in the Application of Policy S8	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	Agree	N/A	N/A
Suffolk County Council	Agree	No additional comments.	Noted
Thurrock Borough Council	N/A	No Comment	Noted
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 9

Agree to the proposal to amend: 3 Agree, 5 N/A, 1 Agree with amendments

S8 Requirements for a Compliant Minerals Assessment

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	Agree	Appendix 2 Table 10: Schedule of Requirements for a Minerals Infrastructure Impact Assessment Either site or Description of infrastructure	Appendix 2 Table 10 is intended to ensure that newly proposed proximal development does not conflict with the operation of existing mineral infrastructure. As such, it is considered that impacts on GI are not relevant to the purpose of Appendix 2

		<p>affected – this should include an assessment of the existing GI on site whether linked to EIA, Habitat Regulation Assessment or Arbicultural assessment.</p> <p>Mitigation measures how will retain and protect existing GI on site. Proposals for restoration and afteruse including phased implementation, where appropriate.</p>	Table 10.
Cambridgeshire & Peterborough	N/A	N/A	N/A
Harlow Council	Agree	It is agreed that there will be instances where a site will be required to provide a Minerals Assessment to ensure that where there is opportunity to extract minerals this is done appropriately. The appendix does set out what developments are included in this and an initial assessment of this table has not identified any implications.	Noted
Colchester Borough Council	Agree with amendments	N/A	N/A
London Borough of Waltham Forest	Agree	We agree with the requirements for a compliant Minerals Assessment.	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough	Agree	N/A	N/A

Council			
Suffolk County Council	Agree	No additional comments.	Noted
Thurrock Borough Council	Agree	N/A	N/A
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 10

Agree to the proposal to amend: 3 N/A, 6 Agree, 1 Agree with amendments

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

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	Agree	Just be cautions of using phrases such as Should, conderation, where appropriate as this can weaken the requirement within a policy. At risk of being trumped by other requirments in this or other policy where it states ‘must’ and ‘will’.	Noted
Cambridgeshire & Peterborough	N/A	N/A	N/A
Colchester Borough	N/A	N/A	N/A

Council			
London Borough of Waltham Forest	Agree	We agree with the usage of these terms in the clauses in Policy S8.	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	Agree	It is important for the MLP to recognise the marked differences in geology, physical and chemical properties, markets and supply and demand between different industrial minerals, which would have different implications on mineral extraction. Since industrial minerals are essential raw materials for a wide range of manufacturing industries, their economic importance extends well beyond the sites from which they are extracted and consideration should be given to the area as a whole.	Economic important of industrial minerals is recognised through safeguarding policy.
Suffolk County Council	Agree	Agree.	Noted
Thurrock Borough Council	N/A	No Comment	Noted
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 9

Agree to the proposal to amend: 5 N/A, 4 Agree

11. Do you agree to the proposal to amend **Policy S9**?

Name/Authority	Agree to the proposal to amend?	Agree with the proposed amendments?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	No Comment	N/A	N/A	N/A
Cambridgeshire & Peterborough	No Comment	N/A	N/A	N/A
Harlow Council	Yes	N/A	<p>Reference to Harlow Mill Rail Station, which is used for both the import of limestone and the export of sand and gravel and the coated stone plants, in the supporting text to Policy S9 is noted. References to their safeguarding is also noted. This complies with Harlow’s Policy SIR3 which also seeks to safeguard the Transshipment site.</p> <p>Policy S9 itself now removes specific reference to particular Minerals Infrastructure related sites such as the Harlow Transshipment sites. It instead refers to Minerals Infrastructure Consultation Areas. This is to ensure that all infrastructure sites, which may not necessarily be considered strategic in nature, are covered by the policy. As the policy and supporting text refer to</p>	<p>The points around the process being potentially labour intensive are noted, however, the safeguarding of existing mineral infrastructure is an important strategic issue. If it is clear that for example, the change of use would have no material impact on the mineral infrastructure, it is considered that the assessment required to justify that position could be relatively short.</p>

		<p>the Harlow Transshipment site (and presumably as suggested will be on a Policies Map and in ECC's Authority Monitoring Report) there is no objection in principle to its direct removal from the policy and subsequent removal from sites originally listed in the appendix.</p> <p>Both the Policy and the supporting text now includes significant changes in relation to the provision of Mineral Infrastructure Consultation Areas much like the Minerals Consultation Areas which relate to extraction sites. Unlike the extraction sites which have a buffer of 100m around a site, this consultation area covers 250m. So for example the Mineral Consultation Area for the Harlow Transshipment site is 250m which therefore means that any non-mineral application within this buffer are required to submit a Mineral Infrastructure Impact Assessment. This will need to show how the proposal would impact on the mineral infrastructure and vice versa. Details of how to prepare this are found in the Appendix which are welcomed. This could be rather labour intensive for small schemes particularly as it also</p>	
--	--	--	--

			relates to change of use and the Council may wish to consider the ramifications of this on the Development Management processes and in particular our validation checklists before we can formally comment. The benefits of this policy are recognised as it would of ensure that the future operation of the Transshipment site is not affected by other uses particulary developments that may be sensitive to the operations of that site. It is also noted that the suggested wording for Policy S9 would not prevent development in the buffer to be allowed.	
Colchester Borough Council	Yes	Agree with amendments	N/A	N/A
London Borough of Waltham Forest	Yes	Agree	We agree with the proposals to amend Policy S9.	Noted
West Suffolk	Yes	Agree	N/A	N/A
Basildon Borough Council	No Comment	N/A	N/A	N/A
Suffolk County Council	Yes	Agree	No additional comments.	Noted
Thurrock Borough Council	Yes	N/A	No Comment	Noted

ECC Internal – Environment Officer (flood)	N/A	N/A	N/A	N/A
--	-----	-----	-----	-----

Number of responses: 10

Agree to the proposal to amend: 6 Yes, 3 No Comment, 1 N/A

Agree with the justification: 6 N/A, 1 Agree with amendments, 3 Agree

S9 Alignment with the Essex and Southend-on-Sea Waste Local Plan 2017

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	Agree	N/A	N/A
Cambridgeshire & Peterborough	N/A	N/A	N/A
Colchester Borough Council	N/A	N/A	N/A
London Borough of Waltham Forest	Agree	We agree that there is an alignment between the Essex Minerals Local Plan and the Southend-on-Sea Waste Local Plan 2017	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	N/A	N/A	N/A

Suffolk County Council	Agree	No additional comments.	Noted
Thurrock Borough Council	N/A	No Comment	Noted
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 9

Agree to the proposal to amend: 3 Agree, 6 N/A

S9 Requirements for a Compliant Mineral Infrastructure Assessment

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	Agree	N/A	N/A
Cambridgeshire & Peterborough	N/A	N/A	N/A
Harlow Council	N/A	See comments above	Noted
Colchester Borough Council	N/A	N/A	N/A
London Borough of Waltham Forest	Agree	We agree that there is a requirement for a compliant Mineral Infrastructure Assessment.	Noted

West Suffolk	N/A	N/A	N/A
Basildon Borough Council	N/A	N/A	N/A
Suffolk County Council	Agree	No additional comments.	Noted
Thurrock Borough Council	N/A	No Comment	Noted
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 10

Agree to the proposal to amend: 3 Agree, 7 N/A

S9 Mineral Consultation Areas as they relate to Mineral Infrastructure

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	N/A	N/A	N/A
Cambridgeshire & Peterborough	N/A	N/A	N/A
Harlow Council	N/A	See comments above. The Council need to consider the impact the buffer would have on the number of possible applications that may require a MIA within	The safeguarding of existing mineral infrastructure is an important strategic issue. If it is clear that for example, the change of

		250m of the Transshipment site in Harlow particularly as it also relates to Change of Use. Agree that if a site changed to a residential use this may impact the ability of the site to expand (as it would neighbour a sensitive site) but this may not be the case for changing between employment uses.	use would have no material impact on the mineral infrastructure, it is considered that the assessment required to justify that position could be relatively short.
Colchester Borough Council	N/A	N/A	N/A
London Borough of Waltham Forest	Agree	We agree with this addition.	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	N/A	N/A	N/A
Suffolk County Council	Agree	No additional comments.	Noted
Thurrock Borough Council	N/A	No Comment	Noted
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 10

Agree to the proposal to amend: 8 N/A, 2 Agree

12. Do you agree that **Policy S10** does not need amending?

Name/Authority	Agree that the policy does not need amending?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	Yes	<p>The development proposal should consider these throughout the lifetime of the development not just as part of restoration. The development should consider the site and opportunities to protect and enhance existing GI features that can contribute to climate change measures and act as a buffer to neighbouring communities etc.</p> <p>The development will demonstrate the protection and enhancement of the natural and historic environment through delivering local economic, social and environment benefits either through or alongside appropriate multifunctional green and blue infrastructure measures.</p>	<p>Policy DM1 covers the working of mineral sites and the need to ensure no unacceptable impact on a wide range and list of criteria, as follows, “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...”. Furthermore, Policy S10 states “Appropriate mitigation measures shall be included in the proposed scheme of development to ensure that no unacceptable adverse impacts would arise.”. It is more appropriate to seek enhancement as part of restoration and after-use which is promoted through Policy S12.</p>
Cambridgeshire & Peterborough	No Comment	N/A	N/A
Harlow Council	No	<p>The proposed documentation suggests there are changes to the Policy which is supported. Further text within the document in relation to Health and Well-being is also welcomed.</p>	Noted
Colchester Borough	No	Agree with the addition of need to deliver a net gain	Noted

Council		in biodiversity as an outcome of final restoration.	
London Borough of Waltham Forest	Yes	We agree that Policy S10 does not need amendment.	Noted
West Suffolk	No Comment	N/A	N/A
Basildon Borough Council	Yes	<ul style="list-style-type: none"> The policy should set out 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. UK legislation on air quality is led by the 2008 Ambient Air Quality Directive which sets legally binding limits for concentrations in outdoor air of major pollutants impacting upon public health such as particulate matters and nitrogen dioxide (NO2). The Council has a duty under the Environment Act 1995; Air Quality Strategy for England, Scotland, Wales and Northern Ireland 2007 and the relevant Policy and Technical Guidance, to regularly review and assess air quality and to determine whether or not the air quality objectives are likely to be achieved. <p>The UK Air Quality Plan identified a number of locations along the A127 where local modelling found that EU Limit Values for NO2 emissions are at</p>	<p>Proposed wording in Policy S11 states <u>“Where the movement of minerals are by road, HGV movements shall not generate unacceptable impacts on air quality (particularly in relation to any potential breaches of National Air Quality Objectives and impacts on any Air Quality Management Areas). Proposals shall be in accordance with published highway design guidance.”</u>. Further provisions of Policy S11 seek to ensure a sustainable approach to traffic management through requiring a Transport Assessment or Transport Statement.</p> <p>The Plan does not seek to make any new allocations.</p> <p>Impacts on air quality are addressed through Policy DM1 as follows “Proposals for minerals development will be permitted subject to it being demonstrated that the development would not have an</p>

	<p>risk of being exceeded up until 2023. In particular, a section of the A127 between east and west Basildon, and parts of the business area to the south of it (Upper Mayne and East Mayne), have poor air quality that breaks legal limits.</p> <p>In 2019, Essex County Council and Basildon Borough Council were issued a Ministerial Directive by the Government to improve the air quality on the A127 as quickly as possible. Thus Basildon Councils' recent air quality priority was to fulfil the obligations set out in the ministerial direction Environment Act 1995 (Basildon Borough Council and Essex County Council) Air Quality Direction 2019.</p> <p>In light of the above, when assessing suitability of the sites, the Council is looking to locate new development, particularly those expected to generate a large number of vehicle journeys to the most accessible locations encouraging alternative travel and by active and sustainable travel modes. Where land allocations are identified in close proximity to the NO2 exceedance points identified by DEFRA as requiring urgent action, development is not allowed to come forward until such time as air quality within the vicinity of the site has been shown to be within statutory limits for NO2.</p> <p>Whilst policy S10 considers the general impact of mineral development on public health, the Council considers the direct correlation between traffic</p>	<p>unacceptable impact, including cumulative impact with other developments, upon local amenity (including demonstrating that the impacts of noise levels, air quality and dust emissions, light pollution and vibration are acceptable”.</p> <p>Conformity with Policy DM1 would be assessed at the application stage alongside national air quality objectives.</p> <p>District and Borough Councils are responsible for measuring and monitoring air quality.</p>
--	--	--

		<p>movement and poor air quality of utmost importance and therefore specific reference to air quality along movement corridors and/or future areas of growth within policy S10 is required.</p> <ul style="list-style-type: none"> • Planning Applications must be accompanied by an Environmental Statement. An EIA will ensure that the mineral planning authority has sufficient information on all environmental matters at the time the planning decision is being made. 	
Suffolk County Council	Yes	<p>Agree, however it is suggested that cumulative impact of proposals is included also.</p> <p>The addition of a biodiversity net gain criteria is welcomed.</p>	Cumulative impact is covered through Policy DM1 “accountability that our colleagues at the District and Borough Councils hold with regards to measuring, monitoring and improving air quality...”.
Thurrock Borough Council	No Comment	N/A	N/A
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 10

Agree that the policy does not need amending: 4 Yes, 2 No, 3 No Comment, 1 N/A

13. Do you agree to the proposal to amend **Policy S11**?

Name/Authority	Agree to the proposal to amend?	Agree with the proposed amendments?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	Yes	N/A	N/A	N/A
Cambridgeshire & Peterborough	No Comment	N/A	N/A	N/A
Harlow Council	Yes	Agree	Policy S11 as amended provides more detail on mitigating highway impact. These amendments are supported and now more closely align with Local Plan policies and the NPPF.	Noted
Colchester Borough Council	Yes	Agree with amendments	Amendments strengthen climate change objectives.	Noted
London Borough of Waltham Forest	Yes	Agree	We particularly agree with the proposal for S11 as it addresses and mitigates the unacceptable impact on air quality associated with road movements of minerals.	Noted
West Suffolk	No Comment	N/A	N/A	N/A
Basildon Borough Council	Yes	N/A	Exceedences in permitted EU limits for air quality arising from traffic movement have been identified by DEFRA within	It is recognised that the Plan does not include sufficient information with regards to air quality issues in the County. Paragraph 3.192 of Policy

			the Basildon Borough. This direct correlation between traffic movement and poor air quality is such that specific reference to air quality along movement corridors or areas of growth within policy S11 is required.	S11 supporting text will be updated to include a new final sentence that states: <u>“Where the movement of minerals are by road, the increase in traffic movement and effects on air quality shall be in accordance with published highway design guidance and national air quality objectives and strategies.”</u>
Suffolk County Council	N/A	Agree with amendments	<p>Agree. However the inclusion of the following should be considered</p> <p><i>Where the movement of minerals are by road, HGV movements shall not generate unacceptable impacts on highways safety and air quality (particularly in relation to any potential breaches of National Air Quality Objectives and impacts on any Air Quality Management Areas). Proposals shall be in accordance with published highway design guidance.</i></p>	<p>Policy S11 currently states that “Considering any mitigation measures proposed, minerals development shall not cause: b) Unacceptable risks to the safety of pedestrians and road users”. However, the proposed amendment is logical and will be incorporated into Policy S11.</p> <p>Additionally, the word “capacity” will be added. Policy S11 will read <u>“Where the movement of minerals are by road, HGV movements shall not generate unacceptable impacts on highways safety, highways capacity and air quality (particularly in relation to any potential breaches of National Air Quality Objectives and impacts on any Air Quality Management Areas). Proposals shall be in accordance with published highway design guidance.”</u></p>
Thurrock Borough Council	No Comment	N/A	N/A	N/A
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A	N/A

Number of responses: 10

Agree to the proposal to amend: 2 N/A, 5 Yes, 3 No Comment

Agree with the justification: 6 N/A, 2 Agree, 2 Agree with amendments

14. Do you agree to the proposal to amend Policy S12 ?				
Name/Authority	Agree to the proposal to amend?	Agree with the proposed amendments?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	Yes	Agree with amendments	<p>Suggested addition underlined</p> <p><i>3.218 – Steppingstones or <u>green corridors</u> can be created which link to each other and to wider green infrastructure across the plan area (and/or potentially in adjoining local authority areas).</i></p> <p>3.229 is the reference to Greater Green Essex principles – is this linked to the GI Strategy as this was originally called Green Essex but is not called Essex Green Infrastructure Strategy?</p> <p>3.233 Site restoration provides an opportunity to create <u>nature based solution</u> features that can help with mitigation or adaptation to the impacts of climate change...</p> <p>3.234 <i>This will be achieved through maintaining, enhancing, connecting and</i></p>	<p>Proposed wording of <u>“green corridors”</u> is included in paragraph 3.218, second sentence.</p> <p>It is considered that reference to new areas of natural vegetation already covers the request to include reference to a nature-based solution.</p> <p>Removed reference to Greater Green Essex principles in paragraph 3.229 to avoid outdated references as projects evolve.</p> <p>The suggested amendment to paragraph 3.234 is considered to be captured through references to “maintaining, enhancing, connecting and expanding green and blue infrastructure.”</p> <p>Reference to <u>“flood resilience measures”</u> will be included in paragraph 3.234.</p> <p>Any future implications that arise from the 25 Year Environment Plan and the Environment Bill (2019/20) will be considered as appropriate.</p>

			<p><i>expanding green and blue infrastructure to wider landscape green and blue infrastucutre network. Consideration will be given to creating and enhancing networks of habitats, sustainable transport and greenway routes, and water courses. These networks also contribute to reducing the impact of climate change by providing flood alleviation, alternatives to using a private car and can assist in enabling healthier lifestyles.</i></p> <p>3.325 It is worth noting that the emerging Environment Bill will put the proposals in the 25 Year environment plan into law, including mandating biodiversity net gain, which in the future will become environmental net gain.</p> <p>Policy s12</p> <p>continued long term improvements are made to the wider ecological networks and green infrastructure; and after reclamation, the landscape is conserved and enhanced and the highest practicable environmental standards are achieved.</p>	<p>With regards to the proposed additional wording to Policy S12:</p> <ul style="list-style-type: none"> • continued long term improvements are made to the wider ecological networks and green infrastructure; - this is considered to be covered by Policy S12 clause 2 • and after reclamation, the landscape is conserved and enhanced and the highest practicable environmental standards are achieved. – Impacts can only ever be assessed as to consider whether they are “acceptable” in accordance with national policy and guidance. Such guidance isn’t usually tiered. Therefore, there are no defined “high” standards, restoration is negotiated on a case-by-case basis • The optimise the delivery of multiple benefits through green and blue infrastructure, taking account of: <ul style="list-style-type: none"> b) the local economic, social and environmental context of the site; - this is considered to be covered by Policy S12, final paragraph c) the potential impacts of climate change; - this is considered to be covered by Policy S12, final paragraph d) site-specific opportunities such as reduce the causes and impacts of flooding, enhance the
--	--	--	---	--

			<p>The optimise the delivery of multiple benefits through green and blue infrastructure, taking account of:</p> <p>b) the local economic, social and environmental context of the site;</p> <p>c) the potential impacts of climate change;</p> <p>d) site-specific opportunities such as reduce the causes and impacts of flooding, enhance the rights of way network and provision of publicly accessible green space.</p>	<p>rights of way network and provision of publicly accessible green space. – this is considered to be covered by Policy S12 clause 5 requires that best available techniques are employed to ensure that mineral working and restoration is undertaken in such a manner as to realise “beneficial after-uses, with positive benefits to the environment, biodiversity and/or local communities.”.</p> <p>Policy S12 further states that “Restoration schemes shall reflect strategies across Essex including Local Plan Objectives...”. It would be expected that these strategies and objectives would take into account the issues raised above (b, c, d) at a more locally specific level.</p>
Cambridgeshire & Peterborough	No Comment	N/A	N/A	N/A
Colchester Borough Council	Yes	Agree with amendments	N/A	N/A
London Borough of Waltham Forest	Yes	Agree	We are in agreeance with the proposal to amend Policy S12	Noted
West Suffolk	No Comment	N/A	N/A	N/A
Basildon Borough Council	Yes	Agree with amendments	Policy S12 does mention the way forward for restoration but it is important to reflect upon many other possible uses including:	Policy S12 sets out the restoration techniques and objectives which would be expected to inform restoration proposals, it does not set out to describe potential after uses, other than to

			<ul style="list-style-type: none"> • creation of new habitats and biodiversity; • use for agriculture; • forestry; • recreational activities; • waste management, including waste storage; and • the built environment, such as residential, industrial and retail where appropriate. • Some former mineral sites may also be restored as a landfill facility using suitable imported waste materials as an intermediate stage in restoration prior to an appropriate after use. <p>It is also important to note that restoration and aftercare should be carried out to high environmental standards at the earliest opportunity through the application of appropriate conditions. If there are any exceptional circumstances, financial guarantees could be sought to underpin planning conditions.</p>	<p>ensure that these are “beneficial”. It is not considered necessary to set out a range of potential after uses. Instead “restoration schemes shall reflect strategies across Essex, including Local Plan objectives for growing natural capital and Green and Blue Infrastructure Strategies where relevant.”.</p> <p>With regards to restoration and aftercare being carried out at the earliest opportunity, Policy S12 states “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...”.</p> <p>In relation to restoration of high environmental standards, impacts can only ever be assessed as to consider whether they are “acceptable” in accordance with national policy and guidance. Such guidance isn’t usually tiered. Therefore, there are no defined “high” standards, restoration is negotiated on a case-by-case basis.</p>
Suffolk County Council	Yes	Agree with amendments	<p>Agree, the inclusion of criteria 3 is welcomed.</p> <p>It is recommended that a note is added to include that only waste where there is no acceptable form of waste management further up the waste hierarchy that can be made available to meet that need is used</p>	<p>Other policies in the plan seek to maximise the re-use and recycling of waste aggregate material and the Development Plan is to be read as a whole. Policy 9 of the Essex and Southend-On-Sea Waste Local Plan (2017) requires that “the proposed landfill has been demonstrated to be the most appropriate and</p>

			in the restoration in minerals extraction void.	acceptable development in relation to the Waste Hierarchy.”. Where landfill is linked to restoration, this does not generally fall under waste disposal under the waste hierarchy. Further, Clause 3 of Policy S12 require that infilling is “only at a scale necessary to achieve a beneficial restoration that outweighs any harm caused.”.
Thurrock Borough Council	Yes	Agree	N/A	N/A
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A	N/A

Number of responses: 9

Agree to the proposal to amend: 5 Yes, 3 No Comment, 1 N/A

Agree with the justification: 2 Agree, 3 N/A, 4 Agree with amendments

S12 Recognising the wider Development Plan in Restoration Schemes

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	Agree	N/A	N/A

Cambridgeshire & Peterborough	N/A	N/A	N/A
Colchester Borough Council	Agree with amendments	Agree with cross-reference to strategies across Essex including Local Plan objectives for natural capital and green/blue infrastructure.	Noted
London Borough of Waltham Forest	Agree	We agree in the recognition of wider Development Plan in Restoration Schemes.	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	Agree	N/A	N/A
Suffolk County Council	N/A	No additional comments.	Noted
Thurrock Borough Council	N/A	N/A	N/A
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 9

Agree to the proposal to amend: 5 N/A, 3 Agree, 1 Agree with amendments

S12 The Continued Appropriateness of Section 3 of Policy S12

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	Agree	N/A	N/A
Cambridgeshire & Peterborough	N/A	N/A	N/A
Colchester Borough Council	N/A	N/A	N/A
London Borough of Waltham Forest	Agree	We agree with the appropriateness of section 3 with regards to beneficial restoration outweighing harm caused.	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	N/A	N/A	N/A
Suffolk County Council	Agree with amendments	Agree, however, the waste hierarchy and availability of other waste management facilities for the disposal of waste should be considered in line with this approach.	Other policies in the plan seek to maximise the re-use and recycling of waste aggregate material and the Development Plan is to be read as a whole. Policy 9 of the Essex and Southend-On-Sea Waste Local Plan (2017) requires that “the proposed landfill has been demonstrated to be the most appropriate and acceptable development in relation to the Waste Hierarchy.”. Where landfill is linked to restoration, this does not generally fall under waste disposal under the

			waste hierarchy. Further, Clause 3 of Policy S12 require that infilling is “only at a scale necessary to achieve a beneficial restoration that outweighs any harm caused.”.
Thurrock Borough Council	N/A	N/A	N/A
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 9

Agree to the proposal to amend: 2 Agree, 6 N/A, 1 Agree with amendments

S12 The Delivery of Priority Habitat through Policy S12

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	Agree	This should be definitely included and opportunities explored to contribute to nature recovery networks.	Noted
Cambridgeshire & Peterborough	N/A	N/A	N/A
Colchester Borough Council	Agree with amendments	N/A	N/A

London Borough of Waltham Forest	Agree with amendments	We agree with clause 2 of providing net-biodiversity gain following final restoration.	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	Agree	The intention should be to avoid biodiversity loss and promote re-creation of new priority habitats and ecological networks linked to national and local targets.	Noted
Suffolk County Council	Agree with amendments	Agree, however, species and habitats outside of the priority habitat heading should still be considered.	Policy S12 does not preclude after-uses that are not seeking to deliver priority habitat.
Thurrock Borough Council	N/A	N/A	N/A
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 9

Agree to the proposal to amend: 2 Agree, 3 N/A, 3 Agree with amendments

15. Do you agree to the proposal to amend Policy P1 ?				
Name/Authority	Agree to the proposal to amend?	Agree with the proposed amendments?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	No Comment	N/A	N/A	N/A

Cambridgeshire & Peterborough	No Comment	N/A	N/A	N/A
Colchester Borough Council	Yes	Agree with amendments	N/A	N/A
London Borough of Waltham Forest	Yes	Agree	We agree with the proposal to amend policy P1 and the amendments as drafted.	Noted
West Suffolk	No Comment	N/A	N/A	N/A
Basildon Borough Council	No Comment	N/A	N/A	N/A
Suffolk County Council	Yes	Agree	It is not clear in Table 5. Preferred Sand and Gravel Sites, to what the approx. tonnage unit of measurement is. It is assumed for example that '1.0' means 1,000,000tonnes.	Already included as Note 1 below Table 5 "Notes: 1. Approximate tonnages are in millions of tonnes (mt)".
Thurrock Borough Council	No Comment	N/A	N/A	N/A
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A	N/A

Number of responses: 9

Agree to the proposal to amend: 5 No Comment, 3 Yes, 1 NA

Agree with the justification: 2 Agree, 6 N/A, 1 Agree with amendments

P1 <u>The Continued Deliverability of Sites allocated through the Minerals Local Plan</u>			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	N/A	No Comment	N/A
Cambridgeshire & Peterborough	N/A	N/A	N/A
Colchester Borough Council	N/A	N/A	N/A
London Borough of Waltham Forest	Agree	We agree with the continued deliverability of sites allocated through the Minerals Local Plan.	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	N/A	N/A	N/A
Suffolk County Council	Agree	No additional comments.	Noted
Thurrock Borough Council	N/A	N/A	N/A
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 9

Agree to the proposal to amend: 2 Agree, 7 N/A

16. Do you agree to the proposal to amend Policy P2 ?				
Name/Authority	Agree to the proposal to amend?	Agree with the proposed amendments?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	N/A	N/A	No Comment	Noted
Cambridgeshire & Peterborough	No Comment	N/A	N/A	N/A
Colchester Borough Council	No Comment	N/A	N/A	N/A
London Borough of Waltham Forest	Yes	Agree	We agree with the proposed amendment.	Noted
West Suffolk	No Comment	N/A	N/A	N/A
Basildon Borough Council	No Comment	N/A	N/A	N/A
Suffolk County Council	Yes	Agree	No additional comments.	Noted
Thurrock Borough Council	No Comment	N/A	N/A	N/A
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A	N/A

Number of responses: 9

Agree to the proposal to amend: 2 N/A, 4 No Comment, 3 Yes

Agree with the justification: 7 N/A, 2 Agree

17. Do you agree to the proposal to amend Policy DM1 ?				
Name/Authority	Agree to the proposal to amend?	Agree with the proposed amendments?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	N/A	Agree with amendments	Other measures to consider is 5.9 the protection and enhancement of existing GI on site or screening areas of the site with appropriate planting. - High-quality GI can help to reduce air pollution, and noise.	Paragraph 5.9 is intended to relate to mitigation measures that can be considered through the operation of the mineral development.
Cambridgeshire & Peterborough	No Comment	N/A	N/A	N/A
Colchester Borough Council	N/A	Agree with amendments	N/A	N/A
London Borough of Waltham Forest	Yes	Agree	We agree with the amendments to DM1 – Development Management Criteria.	Noted
West Suffolk	No Comment	N/A	N/A	N/A
Basildon Borough Council	Yes	Agree	Impact on nationally protected landscapes such as National Parks and Areas of Outstanding Natural Beauty	Nationally protected landscapes are discussed through paragraphs 5.23 – 5.26 under the heading of “Visual and

			should also be included in the policy.	landscape impact” which is addressed in clause 10 of Policy DM1.
Suffolk County Council	Yes	Agree with amendments	<p>Inclusion of the following should be considered:</p> <ul style="list-style-type: none"> - Being more specific for flooding through the use of <u>pluvial, fluvial, tidal and groundwater flood risk.</u> - The inclusion of <u>designated landscapes & Areas of Outstanding Natural Beauty.</u> - The inclusion of <u>Natura 2000 sites, ancient woodlands & trees.</u> - Point 13 to be reworded <u>historic environment, archaeology, heritage assets and their setting.</u> - Include point on <u>Neighbouring Land Uses.</u> - Include point on <u>The differential settlement of quarry backfilling.</u> - Point 8 to include <u>effects of mud and aggregates on the road compromising highways safety.</u> 	<p>The following proposed amendments are considered to be addressed as follows:</p> <ul style="list-style-type: none"> • The need to be more specific for flooding through the use of pluvial, fluvial, tidal and groundwater flood risk is considered to be addressed through paragraphs 5.13 to 5.22. However, clause 3 of Policy DM1 will be amended as follows, “The quality and quantity of water (<u>including flood risk</u>) within water courses...”. • The inclusion of designated landscapes & Areas of Outstanding Natural Beauty. – this is considered to be covered by paragraphs 5.23 to 5.26 and clause 12 of Policy DM1 • The inclusion of Natura 2000 sites, ancient woodlands & trees. – this is considered to be covered by paragraphs 5.27 to 5.30 and clause 12 of Policy DM1 • Point 13 to be reworded historic environment, archaeology, heritage assets and their setting. – considered to be covered by paragraphs 5.31 to 5.34 and clause 13 of Policy DM1 • Include point on Neighbouring Land Uses – this is considered to be covered

				<p>by paragraphs 5.5 to 5.10 and clause 1 of Policy DM1</p> <ul style="list-style-type: none"> • Include point on The differential settlement of quarry backfilling. – this is considered to be covered by paragraphs 5.36 to 5.38 and clause 11 of Policy DM1 • Point 8 to include effects of mud and aggregates on the road compromising highways safety. – this is considered to be covered by paragraphs 5.3 to 5.4 and Policy S11 considered impacts on the highway in more detail
Thurrock Borough Council	No Comment	N/A	N/A	N/A
ECC Internal – Environment Officer (flood)	Yes	Agree with amendments	N/A	N/A

Number of responses: 9

Agree to the proposal to amend: 2 N/A, 3 No Comment, 4 Yes

Agree that the policy does not need amending: 4 Agree with amendments, 3 N/A, 2 Agree

18. Do you agree that **Policy DM2** does not need amending?

Name/Authority	Agree that the policy does not need amending?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal –	Yes	N/A	N/A

Environment Officer			
Cambridgeshire & Peterborough	No Comment	N/A	N/A
Colchester Borough Council	Yes	N/A	N/A
London Borough of Waltham Forest	Yes	We agree that Policy DM2 does not need amending.	Noted
West Suffolk	No Comment	N/A	N/A
Basildon Borough Council	No Comment	N/A	N/A
Suffolk County Council	No Comment	No additional comments.	N/A
Thurrock Borough Council	No Comment	N/A	N/A
ECC Internal – Environment Officer (flood)	No Comment	N/A	N/A

Number of responses: 9

Agree that the policy does not need amending: 3 Yes, 6 No Comment

19. Do you agree to the proposal to amend **Policy DM3**?

Name/Authority	Agree to the proposal to amend?	Agree with the proposed amendments?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	Yes	Agree	N/A	N/A
Cambridgeshire & Peterborough	No Comment	N/A	N/A	N/A
Colchester Borough Council	No Comment	N/A	N/A	N/A
London Borough of Waltham Forest	Yes	Agree	We agree with the proposal to amend policy DM3 as this would seek to strengthen its position.	Noted
West Suffolk	No Comment	N/A	N/A	N/A
Basildon Borough Council	No Comment	N/A	N/A	N/A
Suffolk County Council	No Comment	N/A	No additional comments.	Noted
Thurrock Borough Council	No Comment	N/A	N/A	N/A
ECC Internal – Environment Officer (flood)	No Comment	N/A	N/A	N/A

Number of responses: 9

Agree to the proposal to amend: 1 Yes, 7 No Comment, 1, Yes

Agree that the policy does not need amending: 2 Agree, 7 N/A

20. Do you agree to the proposal to amend Policy DM4 ?				
Name/Authority	Agree to the proposal to amend?	Agree with the proposed amendments?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	Yes	Agree	N/A	N/A
Cambridgeshire & Peterborough	No Comment	N/A	N/A	N/A
Colchester Borough Council	No Comment	N/A	N/A	N/A
London Borough of Waltham Forest	Yes	Agree	We agree with the proposal to amend policy DM4 as this would seek to strengthen its position.	Noted
West Suffolk	No Comment	N/A	N/A	N/A
Basildon Borough Council	No Comment	N/A	N/A	N/A
Suffolk County Council	No Comment	N/A	No additional comments.	Noted
Thurrock Borough Council	No Comment	N/A	N/A	N/A

ECC Internal – Environment Officer (flood)	No Comment	N/A	N/A	N/A
--	------------	-----	-----	-----

Number of responses: 9

Agree to the proposal to amend: 2 Yes, 7 No Comment

Agree that the policy does not need amending: 2 Agree, 7 N/A

21. Do you agree to the proposal to amend Policy IMR 1 ?				
Name/Authority	Agree to the proposal to amend?	Agree with the proposed amendments?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	No Comment	N/A	N/A	N/A
Cambridgeshire & Peterborough	No Comment	N/A	N/A	N/A
Colchester Borough Council	Yes	Agree with amendments	N/A	N/A
London Borough of Waltham Forest	Yes	Agree	We agree with the proposal to amend Policy IMR1	Noted
West Suffolk	No Comment	N/A	N/A	N/A
Basildon Borough Council	No Comment	N/A	N/A	N/A
Suffolk County Council	No Comment	N/A	No additional comments.	Noted

Thurrock Borough Council	Yes	Agree	N/A	N/A
ECC Internal – Environment Officer (flood)	No Comment	N/A	N/A	N/A

Number of responses: 9

Agree to the proposal to amend: 3 Yes, 6 No Comment

Agree with the justification: 2 Agree, 6 N/A, 1 Agree with amendments

IMR 1 MMI 1: Production of primary land won aggregates by the MPA

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	N/A	No Comment	Noted
Cambridgeshire & Peterborough	N/A	N/A	N/A
Colchester Borough Council	N/A	N/A	N/A
London Borough of Waltham Forest	Agree	No Comments	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	Agree	N/A	N/A

Suffolk County Council	N/A	No additional comments.	Noted
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 8

Agree to the proposal to amend: 6 N/A, 2 Agree

IMR 1 MMI 2: The need for a separate landbank for building sand

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	N/A	No Comment	Noted
Cambridgeshire & Peterborough	N/A	N/A	N/A
Colchester Borough Council	N/A	N/A	N/A
London Borough of Waltham Forest	Agree	No Comments	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	Agree	N/A	N/A
Suffolk County Council	Agree	No additional comments.	Noted

ECC Internal – Environment Officer (flood)	N/A	N/A	N/A
--	-----	-----	-----

Number of responses: 8

Agree to the proposal to amend: 5 N/A, 3 Agree

IMR 1 MMI 3: Contribution of marine dredged sources towards overall aggregate provision			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	N/A	No Comment	Noted
Cambridgeshire & Peterborough	N/A	N/A	N/A
Colchester Borough Council	N/A	N/A	N/A
London Borough of Waltham Forest	Agree	No Comments	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	Agree	N/A	N/A
Suffolk County Council	Agree	No additional comments.	Noted
ECC Internal – Environment Officer	N/A	N/A	N/A

(flood)			
---------	--	--	--

Number of responses: 8

Agree to the proposal to amend: 6 N/A, 2 Agree

IMR 1 MMI 4: Production of Secondary & Recycled Aggregates

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	N/A	No Comment	Noted
Cambridgeshire & Peterborough	N/A	N/A	N/A
Colchester Borough Council	N/A	N/A	N/A
London Borough of Waltham Forest	Agree	No Comments	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	Agree	N/A	N/A
Suffolk County Council	N/A	No additional comments.	Noted
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 8

Agree to the proposal to amend: 6 N/A, 2 Agree

IMR 1 MMI 5: Size of landbank

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	N/A	No Comment	Noted
Cambridgeshire & Peterborough	N/A	N/A	N/A
Colchester Borough Council	N/A	N/A	N/A
London Borough of Waltham Forest	Agree	No Comments	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	Agree	N/A	N/A
Suffolk County Council	N/A	No additional comments.	Noted
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 8

Agree to the proposal to amend: 6 N/A, 2 Agree

IMR 1 <u>MMI 6: Locations of new recycling facilities in accordance with spatial strategy</u>			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	N/A	No Comment	Noted
Cambridgeshire & Peterborough	N/A	N/A	N/A
Colchester Borough Council	N/A	N/A	N/A
London Borough of Waltham Forest	Agree	No Comments	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	Agree	N/A	N/A
Suffolk County Council	N/A	No additional comments.	Noted
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 8

Agree to the proposal to amend: 6 N/A, 2 Agree

IMR 1 MMI 7: Locations of new extractions in accordance with spatial strategy

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	N/A	No Comment	Noted
Cambridgeshire & Peterborough	N/A	N/A	N/A
Colchester Borough Council	N/A	N/A	N/A
London Borough of Waltham Forest	Agree	No Comments	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	Agree	N/A	N/A
Suffolk County Council	N/A	No additional comments.	Noted
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 8

Agree to the proposal to amend: 6 N/A, 2 Agree

IMR 1 MMI 8: Number of safeguarded depots/ wharves lost to other uses

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	N/A	No Comment	Noted
Cambridgeshire & Peterborough	N/A	N/A	N/A
Colchester Borough Council	N/A	N/A	N/A
London Borough of Waltham Forest	Agree	No Comments	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	Agree	N/A	N/A
Suffolk County Council	N/A	No additional comments.	Noted
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 8

Agree to the proposal to amend: 6 N/A, 2 Agree

IMR 1 MMI 9: Area of commercial mineral deposits sterilised by non-mineral development

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	N/A	No Comment	Noted
Cambridgeshire & Peterborough	N/A	N/A	N/A
Cambridgeshire & Peterborough	N/A	N/A	N/A
London Borough of Waltham Forest	Agree	No Comments	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	Agree	N/A	N/A
Suffolk County Council	N/A	No additional comments.	Noted
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 8

Agree to the proposal to amend: 6 N/A, 2 Agree

IMR 1 MMI 10: Number of applications proposing non-road modes of transport a) to/from the site, b) within the site

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	N/A	No Comment	Noted
Cambridgeshire & Peterborough	N/A	N/A	N/A
Cambridgeshire & Peterborough	N/A	N/A	N/A
London Borough of Waltham Forest	Agree	No Comments	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	Agree	N/A	N/A
Suffolk County Council	N/A	No additional comments.	Noted
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 8

Agree to the proposal to amend: 6 N/A, 2 Agree

IMR 1 MMI 11: Amount of land newly restored for habitat creation a) Anticipated provision within application details (and committed to through planning permission), b) Actual provision following restoration of site, prior to being placed in to aftercare

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
ECC Internal – Environment Officer	Agree	Need to check with Place Services -Sue Hooton, regarding the 200 ha. The national target for biodiversity net gain is 10%.	The 200 ha priority habitat delivery target is a plan wide target separate but contributory to biodiversity net gain which is assessed on a development by development basis.
Cambridgeshire & Peterborough	N/A	N/A	N/A
Cambridgeshire & Peterborough	N/A	N/A	N/A
London Borough of Waltham Forest	Agree	No Comments	Noted
West Suffolk	N/A	N/A	N/A
Basildon Borough Council	Agree	N/A	N/A
Suffolk County Council	N/A	No additional comments.	Noted
ECC Internal – Environment Officer (flood)	N/A	N/A	N/A

Number of responses: 8

Agree to the proposal to amend: 5 N/A, 3 Agree

<u>Non-Template Responses</u>		
Name/Authority	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Castle Point Borough Council	<p>I refer to your email of the 9th October 2020 regarding the ongoing review of the Essex Minerals Local Plan 2014, and the proposed amendments to the wording of that plan.</p> <p>I can confirm that the proposed amendments to the wording of the Essex Minerals Local Plan 2014 have been reviewed, and Castle Point Borough Council has no concerns to raise</p> <p>I trust this letter satisfies your request for engagement under the Duty to Cooperate. Please do not hesitate to come back with any further enquiries you may have.</p>	Noted
Uttlesford District Council	<p>Thank you for consulting Uttlesford District Council on the emerging review, under our duty to cooperate requirements.</p> <p>I have looked through the MLP Review and note that generally the changes relate to making it more NPPF compliant and putting more emphasis on restoration providing health and wellbeing benefits and green/blue Infrastructure, all of which are supported by the Council. The introduction of Mineral Infrastructure Consultation Areas is noted and it is hoped that in due course the Council will be supplied with GIS layers of these area. I was wondering if there was a particular reason why built development was not included under After-use proposals as this might be an option in appropriate circumstances?</p>	<p>It is noted that Policy S12 could be amended to ensure that restoration schemes better reflect the wider Development Plan. The following amendments are proposed.</p> <p>3.202 There is a need to ensure that restoration schemes reflect relevant strategies and Local Plan objectives for <i>built development and countryside</i> enhancement, including existing or emerging Green and Blue Infrastructure Strategies.</p>

		<p>3.208 This Plan requires both applicants and the Mineral Planning Authority to consider the range of benefits that mineral restoration and after-use proposals might deliver. Green and Blue Infrastructure Studies and Local Plan objectives, <u>including for built development</u>, should be referred to when proposing restoration and after-uses.</p> <p>The Mineral Planning Authority will consult the relevant local planning authority for its views when determining planning applications for minerals development.</p> <p>Policy S12 - 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 <u>to support Local Plan objectives for built development and/or other beneficial after-uses</u>, with positive benefits to the environment, biodiversity and/or local communities</p> <p>A new paragraph has been added, Paragraph 3.209 <u>“Should a proposal be for an after-use, which would interfere/conflict with a restoration/aftercare condition attached to a mineral/landfill permission,</u></p>
--	--	--

		<p><u>then two applications may need to be made. One to the District/Borough/City Council for the use proposed and the other to the County Council for the amendment/variation to the approved aftercare scheme. The County and District/Borough/City Council should consult each other to ensure co-ordination of the respective decisions.”</u></p>
<p>Marine Management Organisation</p>	<p>Thank you for giving us the opportunity to comment on the Local Plan. The comments provided within this letter refer to the document entitled Essex Minerals Local Plan 2014 Review.</p> <p>As the marine planning authority for England, the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent the Marine Plan boundaries extend up to the level of the mean high water spring tides mark (which includes the tidal extent of any rivers), there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.</p> <p>Marine plans will inform and guide decision makers on development in marine and coastal areas. Planning documents for areas with a coastal influence may wish to make reference to the MMO’s licensing requirements and any relevant marine plans to ensure the necessary considerations are included. In the case of the document stated above, the draft South East Marine Plan is of relevance. The draft plan was published for public consultation on 14th January 2020, at which point it became material for consideration. The South East Marine Plans cover the area from Landguard Point in Felixstowe to Samphire Hoe near Dover, including the tidal extent of any rivers within this area.</p>	<p>Reference will be made to the draft South East Marine Plan in paragraph 3.26. However, it is not considered necessary to make explicit reference to marine plans outside of the plan area.</p> <p>Other comments are noted.</p>

All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act 2009 and any relevant adopted Marine Plan, in this case the [draft South East Marine Plan](#), or the [UK Marine Policy Statement](#) (MPS) unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our [online guidance](#), [Explore Marine Plans](#) and the [Planning Advisory Service soundness self-assessment checklist](#).

Marine Licensing

The Marine and Coastal Access Act 2009 states that a marine licence is required for certain activities carried out within the [UK marine area](#).

The MMO is responsible for [marine licensing](#) in English waters and for Northern Ireland offshore waters.

The marine licensing team are responsible for consenting and regulating any activity that occurs “below mean high water springs” level that would require a marine licence. These activities can range from mooring private jetties to nuclear power plants and offshore windfarms.

Summary notes

Please see below suggested policies from the Draft South East Inshore Marine Plans that we feel are most relevant to your local plan.

These suggested policies have been identified based on the activities and content within the document entitled above. They are provided only as a recommendation and we would suggest your own interpretation of the South East Marine Plans is completed:

- **SE-INF-1:** Appropriate land-based infrastructure which facilitates marine activity (and vice versa) should be supported.

- **SE-INF-2:** (1) Proposals for alternative development at existing safeguarded landing facilities will not be supported. (
 - 2) Proposals adjacent and opposite existing safeguarded landing facilities must demonstrate that they avoid significant adverse impacts on existing safeguarded landing facilities.
 - (3) Proposals for alternative development at existing landing facilities (excluding safeguarded sites) should not be supported unless that facility is no longer viable or capable of being made viable for waterborne transport.
 - (4) Proposals adjacent and opposite existing landing facilities (excluding safeguarded sites) should demonstrate that they will in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate significant adverse impacts on existing landing facilities
- **SE-AGG-1:** Proposals in areas where a licence for extraction of aggregates has been granted or formally applied for should not be authorised, unless it is demonstrated that the other development or activity is compatible with aggregate extraction.
- **SE-AGG-2:** Proposals within an area subject to an Exploration and Option Agreement with The Crown Estate should not be supported unless it is demonstrated that the other development or activity is compatible with aggregate extraction.
- **SE-AGG-3:** Proposals in areas where high potential aggregate resource occurs should demonstrate that they will, in order of preference:
 - a) avoid

- b) minimise
- c) mitigate significant adverse impacts on aggregate extraction
- d) if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.
- **SE-DD-1:** In areas of authorised dredging activity, including those subject to navigational dredging, proposals for other activities will not be supported unless they are compatible with the dredging activity.
 - **SE-DD-2:** Proposals that cause significant adverse impacts on licensed disposal areas should not be supported. Proposals that cannot avoid such impacts must, in order of preference:
 - a) minimise
 - b) mitigate
 - c) if it is not possible to mitigate the significant adverse impacts, proposals must state the case for proceeding.
 - **SE-DD-3:** Proposals for the disposal of dredged material must demonstrate that they have been assessed against the waste hierarchy. Where there is the need to identify new dredge disposal sites, proposals should be supported which are subject to best practice and guidance.
 - **SE-HER-1:** Proposals that demonstrate they will conserve and enhance elements contributing to the significance of heritage assets will be supported. Proposals unable to conserve and enhance elements contributing to the significance of heritage assets will only be supported if they demonstrate that they will, in order of preference:
 - a) avoid

	<p>b) minimise</p> <p>c) mitigate harm to those elements contributing to the significance of heritage assets</p> <p>d) if it is not possible to mitigate, then public benefits for proceeding with the proposal must outweigh the harm to the significance of heritage assets.</p> <ul style="list-style-type: none">• SE-SCP-1: Proposals that may have a significant adverse impact upon the seascapes and landscapes of an area should only be supported if they demonstrate that they will, in order of preference:<ul style="list-style-type: none">a) avoidb) minimisec) mitigated) if it is not possible to mitigate, the public benefits for proceeding with the proposal must outweigh significant adverse impacts to the seascapes and landscapes of an area. Where possible, proposals should demonstrate that they have considered how highly the seascapes and landscapes of an area is valued, its quality, and the areas potential for change. In addition, the scale and design of the proposal should be compatible with its surroundings, and not have a significant adverse impact on the seascapes and landscapes of an area.• SE-CC-1: Proposals which enhance habitats that provide flood defence or carbon sequestration will be supported. Proposals that may have significant adverse impacts on habitats that provide a flood defence or carbon sequestration ecosystem service must demonstrate that they will, in order of preference:<ul style="list-style-type: none">a) avoidb) minimise	
--	--	--

- c) mitigate significant adverse impacts, or, as a last resort,
- d) compensate and deliver environmental net gains in line with and where required in current legislation.
- **SE-CC-2:** Proposals in the south east marine plan area should demonstrate for the lifetime of the project that they are resilient to the impacts of climate change and coastal change.
 - **SE-CC-3:** Proposals in the south east marine plan area and adjacent marine plan areas that are likely to have significant adverse impacts on coastal change should not be supported. Proposals that may have significant adverse impacts on climate change adaptation measures outside of the proposed project area must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate the significant adverse impacts upon these climate change adaptation measures.
 - **SE-AIR-1:** Proposals must assess their direct and indirect impacts upon air quality and emissions of greenhouse gases and air pollutants. Where proposals are likely to result in air pollution or increased greenhouse gas emissions, they must demonstrate that they will, in order of preference:
 - a) avoid
 - b) minimise
 - c) mitigate air pollution and or greenhouse gas emissions in line with current national and local air quality objectives and legal requirements.
 - **SE-WQ-1:** Proposals that enhance and restore water quality will be supported.

	<p>Proposals that cause deterioration of water quality must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none">a) avoidb) minimisec) mitigate deterioration of water quality in the marine environment. <ul style="list-style-type: none">• SE-ACC-1: Proposals demonstrating appropriate enhanced and inclusive public access to and within the marine area, and also demonstrate the future provision of services for tourism and recreation activities, will be supported. Where appropriate and inclusive enhanced public access cannot be provided, proposals should demonstrate that they will, in order of preference:<ul style="list-style-type: none">a) avoidb) minimisec) mitigate significant adverse impacts on public access.• SE-BIO-1: Proposals that enhance the distribution of priority habitats and priority species will be supported. Proposals that may have significant adverse impacts on the distribution of priority habitats and priority species must demonstrate that they will, in order of preference:<ul style="list-style-type: none">a) avoidb) minimisec) mitigated) compensate for significant adverse impacts.• SE-BIO-2: Proposals that enhance or facilitate native species or habitat adaptation or connectivity, or native species migration will be supported.	
--	--	--

	<p>Proposals that may cause significant adverse impacts on native species or habitat adaptation or connectivity, or native species migration must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none">a) avoidb) minimisec) mitigate significant adverse impactsd) compensate for significant adverse impacts. <p>• SE-BIO-3: Proposals that deliver environmental net gain for coastal habitats where important in their own right and/or for ecosystem functioning and provision of ecosystem services will be supported. Proposals must take account of the space required for coastal habitats where important in their own right and/or for ecosystem functioning and provision of ecosystem services, and demonstrate that they will in order of preference:</p> <ul style="list-style-type: none">a) avoidb) minimisec) mitigated) compensate for net habitat loss and deliver environmental net gain. <p>• SE-CE-1: Proposals which may have adverse cumulative effects with other existing, authorised or reasonably foreseeable proposals must demonstrate that they will, in order of preference:</p> <ul style="list-style-type: none">a) avoidb) minimise	
--	---	--

	<p>c) mitigate significant adverse cumulative and/or in-combination effects.</p> <p>Further points to note</p> <p>On Page 45: You refer to marine plans. We would recommend you mention the full draft South East Marine Plan here.</p> <p>The East Inshore and East Offshore Marine Plans were adopted in 2014, and the South Inshore and Offshore Marine Plan was adopted in 2018, which cover the adjacent areas.</p> <p>Please ensure correct reference to the South East, South, and East marine plan areas where included.</p> <p>A South East Marine Plan Implementation Training session was held in March 2020. This provided an introduction to marine planning, and I would suggest re-visiting the material in our recorded webinar which supported the Consultation of the draft South East Marine Plan. Please let me know if you have any questions regarding implementation of the marine plan.</p> <p>As previously stated, these are recommendations and we suggest that your own interpretation of the South East Marine Plan is completed. We would also recommend you consult the following references for further information: Draft South East Marine Plan and Explore Marine Plans.</p>	
Transport for London (TFL)	Thank you for sending this Duty to Cooperate request to Transport for London (TfL). I can confirm that we have no comments to make at this stage	Noted
East Suffolk Council	I am writing to you in response to your duty to cooperate request for the Essex Minerals and Waste Local Plan Review, which was received on 9 th October. East Suffolk Council welcomes the opportunity to comment as part of the duty to cooperate process. The Council has no specific comments to make regarding the	Noted

	<p>Essex Minerals and Waste Local Plan Review and there do not appear to be any matters of a duty to cooperate nature for East Suffolk Council to comment on.</p> <p>It was decided not to complete the response form because none of the questions were relevant and an email was considered a more appropriate form of response. However, please contact me if you do need the response form to be completed.</p> <p>For future reference please can you send future correspondence to our generic email address planningpolicy@eastsoffolk.gov.uk</p> <p>However, any future correspondence that relates to minerals and waste planning should be sent to myself in the first instance.</p> <p>Please contact me if there is anything in this response that you wish to discuss or if you require further information from East Suffolk Council.</p>	
<p>The Environment Agency</p>	<p>Thank you for the opportunity to comment on the Essex Minerals Local Plan review. We have reviewed the document as submitted and have included comments in regards to Flood Risk, Ecology and Waste issues.</p> <p><u>Flood Risk</u></p> <p>5.14 The Planning Practice Guidance PPG sets out national guidance to be followed in relation to flood risk. It requires that the sequential and exception tests are applied in relation to minerals development proposed in areas at risk from flooding although sand and gravel working is ‘water compatible development’ and mineral working and processing is ‘less vulnerable’ to flood risk. The MPA will apply this guidance when assessing and determining planning applications for proposed minerals development in flood risk areas.</p> <p>We note that the EMWLP’s - provides some general flood risk comments on the sequential approach, exception test and indicates the flood risk vulnerability classification of these types of development.</p>	<p>The review of the Essex Minerals Local Plan is supported by an SFRA addendum, no new sites are currently being allocated as part of the review, existing allocations have already been through a public examination.</p> <p>Safeguarding provisions are set out in Policies S8 and S9.</p> <p>With regards to referencing to environmental permitting, the NPPF paragraph 183 states “The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution</p>

	<p>It would be useful to also highlight when a site-specific flood risk assessment (FRA) is required and beneficial to include additional general information on what to include within a site specific FRA, and as detailed below.</p> <p>It would be beneficial for the Essex Minerals and Waste Local Plan (EMWLP) (or a strategic flood risk assessment (SFRA) that supports it) to provide general comments on the points below:</p> <ol style="list-style-type: none"> 1. Sequential approach 2. Finished floor levels. 3. Flood resilience/resistance measures. 4. Safe access. 5. Emergency flood plan. 6. Increases in built footprint. 7. Climate change. 8. JFLOW. 9. Environmental permits for flood risk activities including that restoration projects may require a permit or for watercourses to be remodelled. 10. That no storage of heaps within the flood plain will be allowed. (noted in 5.17) <p>This would help ensure that all the relevant flood risk information needed to determine planning applications in Flood Zone 2 and 3, is provided up front and would reduce the likelihood of having to require more information.</p> <p>5.15 - As stated earlier in the supporting text of Policy S12, Essex County Council has a strategic role in overseeing the management of local flood risk, that is flooding from surface water runoff, groundwater and ordinary watercourses. Its</p>	<p>control regimes). Planning decisions should assume that these regimes will operate effectively.”</p> <p>Regarding recycled aggregates strategic objective 4a states “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 of mineral products and use of recycled aggregates.”. Policy S4 addresses the use of recycled aggregates with paragraph one stating “All development proposals shall demonstrate that mineral waste is minimised and that minerals on development/redevelopment sites are re-used and recycled through”.</p> <p>Paragraph 3.53 will be amended as follows “Aggregate can be recycled to form new materials including concrete, brick, plasterboard and ceramic items.”.</p>
--	---	--

powers now include working with organisations such as the Environment Agency and water companies and developing Surface Water Management Plans for managing surface runoff, groundwater and ordinary watercourses throughout Essex. It must also be ensured that developments drain in a manner which does not increase flood risk elsewhere, as well as trying to reduce the overall risk of flooding wherever possible. A number of inter-related flood and water management strategies have been produced in Essex which seek to improve our understanding of surface water flood risk with the ultimate aim of reducing risk where possible. These include the Preliminary Flood Risk Assessment and Surface Water Management Plans.

Future works should also give consideration to :

- DEFRA/EA National Flood & Coastal Erosion Risk Management Strategy for England Sept 2011 and its draft replacement. The final version of the FCERM was published 14th July 2020.

- Strategic Flood Risk Assessments
- Local Flood Risk Management Strategies
- National Flood Risk Management Strategy
- Thames River Basin District River Basin Management Plan, 2018.
- Environment Agency, Catchment Flood Management Plans TE2100 Thames Estuary 2100 Plan (TE2100), 2019. TE2100 The Thames Estuary (TE) 2100 Plan sets out how we will work with partners to manage tidal flood risk in the Thames Estuary, adapt to a changing climate and plan for the future of our riverside, today and into the next century. It aims to protect 1.3 million people and £275 billion worth of property and infrastructure from increasing tidal flood risk, whilst adapting to climate change, enabling sustainable development, protecting the social and commercial value of the Thames, and enhancing estuarine ecosystems.

In order to achieve the proposed defence crest level raising there will need to be sufficient space incorporated within the proposed development's site layout to

accommodate the necessary works.

The TE2100 Plan is an aspirational document, rather than a definitive policy, so whether the defences are raised in the future will be dependent on cost benefit analysis as well as eligibility and availability of central government Grant in Aid to deliver the required works. We are looking to work in partnership with beneficiaries throughout the Thames Estuary, to explore potential contribution options. Therefore, we welcome any further strategic conversation to explore the longer-term TE2100 Plan aspirations. Such a contribution to these Flood Risk Management works means investing in flood defences which will protect applicant's sites & infrastructure over the design life of the development.

5.16 - The location of Preferred Sites for future minerals development proposed in this Plan has been informed at all stages by a Strategic Flood Risk Assessment (SFRA). Those proposing to develop in these Preferred Sites should refer to the SFRA and the PPG when preparing their proposals. It may be necessary to include flood management measures in the proposal, including an adequate surface water drainage strategy.

5.17 - To prevent an increase in flood risk it is necessary to maintain the capacity of the floodplain and the free flow of floodwater. Increased risks of flooding associated with mineral working can be avoided by:

- Ensuring there is no net loss of floodplain storage area,
- Managing the rate of surface water run-off from the site and releasing surface water run-off at an appropriate rate and volume to a watercourse or sewer,
- Meeting the National and Local principles/standards for SuDS design,
- Ensuring that floodwater flows are not obstructed or impeded by earth bunds, ancillary structures or stockpiles.

This section should note the requirements for an Environmental Permit.

Environmental Permitting Regulations

Applicants may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert.

The EPR are a risk-based framework that enables us to focus regulatory effort towards activities with highest flood or environmental risk. Lower risk activities will be excluded or exempt and only higher risk activities will require a permit. Your proposed works may fall under an either one or more of the below:

- 'Exemption,
- 'Exclusion',
- 'Standard Rules Permit'
- 'Bespoke permit.

Application forms and further information can be found at:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Anyone carrying out these activities without a permit where one is required, is breaking the law.

Access and Maintenance

We will always seek an undeveloped margin between built development and the top of bank or rear edge of river wall/defence as a starting position when we are advised about any proposals close to a main river watercourse.

If we currently use or require access at the location, we should be contacted before any work is carried out so that we can advise on what may be acceptable. This may include the need to preserve an access strip from the nearest public road through to the riverside which is wide enough to enable large vehicles to pass, probably in excess of 6 metres wide.

Maintenance of the area close to and within the watercourse, out to the centreline of the channel, is a riparian responsibility and you will find more details about this in our 'Living on the Edge' document which can be found at :

<http://www.environment-agency.gov.uk/homeandleisure/floods/31626.aspx>

5.18 - There may also be the potential to provide additional flood storage areas and therefore reduce flood risk in the surrounding area. This could be particularly advantageous when carrying out prior mineral extraction¹⁸, in advance of built development, to create topographies to provide flood storage areas as well as offer sustainable drainage benefits.

5.22 Minerals development in proximity to the coast may have the potential to impact upon flooding from the sea. Regard, in this respect, should be had to the Essex and South Suffolk Shoreline Management Plan and the individual Local Authorities Strategic Flood Risk Assessments and TE2100 Plan (see above)

Ecology

We feel that ecology is considered fully in the plan and would only add that the restoration of a site should aim to make the most of all the opportunities that are specially suited to the individual character of the local landscape and setting, to provide significant net gain to biodiversity and landscape after the disruption during the working period. This should particularly look to restore or create any complex habitats that the site would be able to support.

Waste

We feel some clarity could be given in regards to the sections related to waste.

Page 29, section 3.0 (F) Reduce, Re-use, and Recycling of Minerals

“safeguarding existing soil and aggregate recycling facilities” We are unclear what they mean by “safeguarded”. Sites and applicants must have the correct

	<p>Environmental permit in place and must meet the conditions of the Environmental permit. Waste soil generally stays as waste soil unless a very detailed customer requirement is obtained. Most places take out a lot of stone, plastic etc and say it's top soil. There is no standard which shows what has to be done to soil to make it non waste therefore it's always looked at on an individual basis.</p> <p>“Locating new facilities in proximity to key centres for growth” This can only be achieved if they are able to meet the requirements of the Environmental permit they wish to apply for. A standard rules permit can only be allocated if all requirements are met whereas it may be possible; depending on what the difficulties are, that a bespoke permit may be allowable if certain restrictions are applied.</p> <p><u>Page 31- Aim and strategic Objectives</u></p> <p>Whilst we generally agree with the aims and objectives, we feel recycled aggregates should be given a higher weight than currently, so that primary and secondary mineral extraction can be reduced.</p> <p><u>Pages 45-47 On-site re-use and recycling at redevelopment sites</u></p> <p>3.53 - “Aggregate can be recycled to form new materials including concrete, brick, plasterboard and ceramic items.”. We feel the term “new” should be used advisedly. Most, if not all, recycled construction and demolition products will always be recycled and will always need to be referred to as recycled such as concrete broken into smaller grades. Factory Control processes are written for these and the aggregates Quality Protocol say the invoices must show in some way that it's a recycled product, it cannot be sold as new/virgin material.</p> <p>We trust this information is useful</p>	
Ipswich & East Suffolk CCG & West Suffolk	Due to the time restraints caused by the pandemic and the first wave of the covid vaccination program, the CCG will not be commenting at this time.	Noted

CCG		
ECC Development and Flood Risk Manager	<p>Thanks for sending this through.</p> <p>I'm sorry I've not had a chance to provide a detailed response to everything within the document, it seems fairly positive though. My primary focus when reviewing it has been on the main policies and proposed after uses which both seems to address key point that we would want to see picked up in the plan. I have picked up a few small points which I have listed below:</p> <p>I wanted to pick up how climate change is being addressed within the spatial portrait. This only really focuses on Coastal flooding so is misleading to call it climate issues. In terms of flood risk we would also want to highlight the predicted increases in rainfall intensities which will make surface water and fluvial flooding increasing likely. As well as increasing rainfall intensities there will be longer spells of dry weather which could conversely lead to water scarcity across the county.</p> <p>Under Aims and Strategic Objectives: Long Term High Quality Environment and Landscape – this should pick up on the need for on-going high quality maintenance of restored sites beyond the initial 5 year monitoring period.</p> <p>Under DM policies:</p> <p>Section 5.14 talks about sequential and exception testing but these only link back to fluvial flood data. Additional consideration should be given to surface water flood risk making reference to the EA's Risk of Surface Water Flooding Maps and the ECCs Surface Water Management Plans. I assume that these are probably picked up in the SFRA but haven't had a chance to go through this yet.</p> <p>There is no mention of the impact that dewatering during operation would have on water resource or flood risk. This should be picked up as a separate paragraph. I won't necessarily have time to feed into this now but am happy to help with some</p>	<p>Proposed amendments will be included in the Spatial Portrait. Paragraph 2.15 will be amended as follows “Essex is likely to face challenges arising from future changes, <u>Predicted increases in rainfall intensities will make surface water and fluvial flooding increasing likely. However, as well as increasing rainfall intensities and sea level rise, there will also be longer spells of dry weather which could conversely lead to water scarcity across the county.</u> in climatic conditions including flood events, droughts, and sea level rise. The County must adapt and mitigate for these impacts, and all proposed new development, including mineral development, must be mindful of this. Further details about the risks are set out in the ‘Essex County Council Climate Change Action Plan’ (2016).”</p> <p>With regards to Long Term High Quality Environment and Landscape in the Vision, the vision is supposed to be a very high level synopsis of the MPAs view of sustainable mineral development in Essex. The issue is covered in more detail in Policy S12 which mentions that “aftercare and maintenance of the restored land for a</p>

wording going forward.

I've also passed your email on to Nicky Spurr, our coastal officer, to comment on the section on Marine-won sand and gravel. I think she will feed back some comment to you next week once she has had a bit of time to look through everything.

period of not less than five years to ensure the land is capable of sustaining an appropriate after-use.” Additionally, Paragraph 3.208 will be amended to read “This Plan requires both applicants and the Mineral Planning Authority to consider the range of benefits that mineral restoration and after-use proposals might deliver, including its ongoing stewardship”.

Paragraph 5.14 will be updated to include the following “It requires that the sequential and exception tests are applied in relation to minerals development proposed in areas at risk from all types of flooding. Surface water flood risk guidance exists in the EA’s Risk of Surface Water Flooding Maps and ECC Surface Water Management Plan, as addressed in the Strategic Flood Risk Assessment (SFRA), whilst Fluvial and Coastal flood risk is highlighted in the EA’s Flood Map for Planning, Zone 2 and 3. Although It is noted that sand and gravel working is ‘water compatible development’ and mineral working and processing is ‘less vulnerable’ to flood risk.”

Paragraph 5.13 will be amended to include the following: “Any dewatering must not increase downstream flood risk and consideration must be given to the impact that rainfall will have on the rate and

		<p><u>volume of discharge from the site. Evidence demonstrating that the dewatering process will not affect flood risk should be included within a surface water drainage strategy that accompanies any application. Where possible, consideration should be given to pausing dewatering activities following rainfall events in excess of the one in one-year event. Companies can only proceed without a Bespoke Discharge Permit, issued from the Environment Agency, if the discharge is clean water, containing no suspended solids (silt), and the discharge activity does not last for more than three consecutive months in total. The discharge must be made to surface water, such as a river, stream or the sea, and the company must have a method statement to minimise the risk of pollution. In all other circumstances, a permit is now required.”</u></p>
Norfolk County Council	<p>Good Afternoon</p> <p>Thank you for consulting Norfolk County Council, in its capacity as the Mineral Planning Authority for Norfolk, regarding the review of the Essex Minerals Local Plan. Having studied the review and the considering any strategic cross-boundary issues raised, we have no comments to make at this stage.</p> <p>If you have any queries please contact me.</p>	Noted
South	Thank you for your email. I am replying on behalf of South Cambridgeshire	Noted

Cambridgeshire District Council	District Council. Unless you have any specific issues to raise with us, then on the basis of this information we do not have any issues to raise at the moment.	
TFL Engineering	<p>We have no comments to make at this stage except that London Underground Infrastructure Protection needs to be consulted as Consultees on any planning application within London Underground zone of interest as per TOWN AND COUNTRY PLANNING, ENGLAND-The Town and Country Planning (Development Management Procedure) (England) Order 2015 issued on 16th April 2015.</p> <p>Also, where there are intended works in the Highway we would need to be notified of these so that we can ensure there is no damage to them.</p> <p><i>This response is made as Railway Infrastructure Manager under the "Town and Country Planning (Development Management Procedure) Order 2015". It therefore relates only to railway engineering and safety matters. Other parts of TfL may have other comments in line with their own statutory responsibilities.</i></p>	Noted
Natural England	<p><i>Our ref: 330534</i></p> <p>To whom it may concern</p> <p>Thank you for your consultation which we received 09 October 2020, however despite best intentions Natural England has not been able to fully assess the potential impacts or opportunities of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the Essex minerals local plan review. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice.</p> <p>The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority to determine whether or not the proposal is consistent with national and local</p>	<p>No new sites are proposed through the review, all sites within the MLP were subject to an Examination in Public (EiP) in 2013, and were found capable of adoption.</p> <p>Further matters as raised in the response will be addressed at the application stage.</p> <p>With regards to considering how the proposed development can contribute to the wider environment, Policy S12 requests that proposals shall reflect strategies across Essex, including Local Plan objectives for growing natural capital and Green and Blue Infrastructure</p>

	<p>environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.</p> <p>Generic advice is provided in the Annex below. You may also find our thematic advice on minerals and waste proposals attached of interest.</p> <p>Annex - Generic advice on natural environment impacts and opportunities</p> <p>Sites of Special Scientific Interest (SSSIs)</p> <p>Local authorities have responsibilities for the conservation of SSSIs under s28G of the Wildlife & Countryside Act 1981 (as amended). The National Planning Policy Framework (paragraph 175c) states that <u>development likely to have an adverse effect on SSSIs should not normally be permitted</u>. Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportals. Our initial screening indicates that one or more Impact Risk Zones have been triggered by the proposed development, indicating that impacts to SSSIs are possible and further assessment is required. You should request sufficient information from the developer to assess the impacts likely to arise and consider any mitigation measures that may be necessary.</p> <p>Biodiversity duty</p> <p>Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.</p> <p>Protected Species</p>	<p>Strategies where relevant.</p>
--	---	-----------------------------------

Natural England has produced [standing advice](#)^[1] to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. The list of priority habitats and species can be found [here](#)^[2]. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Ancient woodland, ancient and veteran trees

^[1] <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

^[2] <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

Protected landscapes

For developments within or within the setting of a National Park or Area or Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and information to determine the proposal. The National Planning Policy Framework (NPPF) (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally be permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent the special character of Heritage Coasts and the importance of its conservation.

Landscape

Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we *recommend its use in the design and construction of development, including any*

planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer.

Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new

features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

	Should you have any queries regarding the above, please contact us again.	
Harlow Council	<p>Please find attached Harlow Council's proposed response to the Minerals Local Plan Review. The Council has used the Duty to Co-operate response form however would like to make the following observations as well.</p> <p>In respect of the Duty to Co-operate report, we fully support the engagement undertaken so far and of that identified in the future. We would like to continue to be engaged in both the informal processes and formal regulation processes that relate to the Minerals Local Plan.</p> <p>References to the Harlow and Gilston Garden Town which are now included in the introductory sections are welcomed. However removal of Harlow in paragraph 2.16 as a major growth location needs to be reconsidered particularly given the level of housing and employment growth identified for Harlow and the wider Garden Town area. The paragraph suggests that unlike significant growth at Basildon, Colchester, Braintree and Chelmsford there will be limited growth directed to other towns which clearly isn't the case for Harlow and Gilston Garden Town.</p> <p><u>Please note that these comments are provisional and represent an informal view by an officer; the Council reserves the right to make further representations at the Regulation 18 stage.</u></p>	<p>Paragraph 2.16 will be amended in order to better articulate that there is still locally significant growth occurring across Essex. The final sentence of the paragraph will be amended as follows:</p> <p><u>"More limited <i>Additional</i> growth will be focussed on the market and coastal towns elsewhere in the County, <i>as shown in the indicative growth forecast below.</i>"</u></p>
Bedford Borough Council	<p>Thank you for your email of 9th October 2020. Having read the documentation provided, Bedford Borough Council is satisfied that the emerging proposals to inform a future Regulation 18 Consultation are unlikely to have any adverse strategic impact upon reserves within the Borough area and therefore support their current direction of travel.</p>	Noted
Highways England	<p>Dear Sir/Madam,</p> <p>Thank you for your consultation on the Essex Minerals Local Plan 2014 review.</p>	<p>No new sites are proposed through the review, all sites within the MLP were subject to an Examination in Public (EiP) in</p>

<p>Having reviewed the details and information provided Highways England would like to make the following comments;</p> <ul style="list-style-type: none"> • The limitations of the use of rail and waterways posed within Essex for the transfer of minerals and aggregate. It is acknowledged that this puts increased pressure on the use of the highway network, in particular, the Strategic Road Network (SRN), for the transfer of minerals and aggregates. With this in mind, Highways England would encourage early consultation on any proposed new mineral sites with regards site specific transport plans and transport assessments. • We acknowledge that despite the limitations of use of rail and waterways within the county, where export of aggregates and minerals are to be transported to areas outside of Essex, best use of existing rail and water ways is taken. • It is also noted that 75% of minerals extracted in Essex is used within the county, and would therefore be using the highways network, and may use the SRN. Where this is the case, we would encourage that site-specific transport plans are in place to mitigate the number of journeys made, and manage the flow and routes taken by HGV's serving the site, in order that the overall impact on the local roads, communities and the SRN is kept to a minimum. • Any options for sustainable transport of extracted minerals should constantly be looked at, and seen as a more favourable method of transport where possible and as technology advances. • Where new sites are being proposed, all methods of sustainable transport for staff should be considered and periodically reviewed. Sustainable methods of transport should form part of any Transport Assessment. It is accepted that the remote location of minerals sites would make this more difficult. In this case then car sharing programs should be encouraged for staff. • Highways England acknowledges mention that where minerals are being 	<p>2013, and were found capable of adoption.</p> <p>Further matters as raised in the response will be addressed at the application stage.</p> <p>Paragraph 3.197 states that “The operator may also enter into a unilateral agreement to ensure acceptable routeing of its HGVs.” Furthermore, Policy S11 states that “Planning applications for new minerals development proposals or proposals that generate traffic impact and/or an increase in traffic movements, shall be accompanied by a Transport Assessment or Transport Statement...”. Such an assessment would demonstrate “appropriate measures to reduce car travel to the site, by workers and visitors and encourage walking, cycling and use of public transport, thus minimising carbon dioxide and methane emissions”.</p> <p>Wither regards to seeking sustainable transport methods, Policy S11 states that “Proposals for the transportation of minerals by rail and/or water will be encouraged subject to other policies in this Plan.”. Also, paragraph 3.188 states “The transportation of minerals over long</p>
--	---

	<p>extracted for use within Essex, that minerals sites local to any such developments would be favoured in order to keep use of the highways network to a minimum and reduce the overall impact.</p> <ul style="list-style-type: none"> • It is noted by Highways England that where new minerals sites are being proposed, that locations that offer ease of access to the SRN and SRN junctions are favoured in order that use of lower tiers of road hierarchy, local highways, is kept to a minimum. Where this is the case early consultation is recommended with Highways England, and any such plans should be subject to a robust Transport Assessment and site-specific transport plans. It would be the responsibility of the developer to provide evidence to planning authority that all measures have been taken to mitigate the use of the SRN, and measures are in place to keep the overall impact upon the SRN have been taken, and all other options have been exhausted. • Where extensions to existing sites are proposed, where the current minerals extraction location is to be drawn down with a view to the use of an adjacent site, it is recommended that the full draw down of the existing extraction location is completed before use of the new adjacent site commences. This is to mitigate the overall impact upon the local highways and SRN, from any increase in HGV traffic and movements. • Highways England would favour restrictions imposed on vehicle movements for any new proposed sites. This would be in the form of conditions on the granting of any application. • Where new sites are being proposed, we would expect a Transport Assessment carried out in accordance with standard protocols and best practice, any development should also be supported by a travel plan. <p>Highways England offers no further comments.</p>	<p>distances is more sustainable by rail and water although the scope for this within Essex remains limited. That said, the safeguarding of wharves and rail head facilities will enable the long distance haulage of aggregate imported to and exported from Essex to continue.”</p> <p>Policy S11 establishes a hierarchy of preference for transportation by road in order that use of lower tiers of the road hierarchy are kept to a minimum.</p> <p>With regards to the issues raised around site extensions, paragraphs 5.42 – 5.47 in the supporting text of Policy DM1 address the potential for cumulative impacts. In particular it is noted that “Minerals development, especially primary extraction, can have a significant impact upon the environment and on communities. This impact can be magnified if there are a number of permissions granted for mineral development within close proximity, or if permission to extract is extended, resulting in many years of mining activity in one location.”.</p>
--	--	--

<p>National Grid</p>	<p>Dear Sir / Madam Essex Minerals Local Plan 2014 Review Consultation October – November 2020 Representations on behalf of National Grid</p> <p>National Grid has appointed Avison Young to review and respond to local planning authority Development Plan Document consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.</p> <p>About National Grid National</p> <p>Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators, so it can reach homes and businesses.</p> <p>National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK’s four gas distribution networks where pressure is reduced for public use.</p> <p>National Grid Ventures (NGV) is separate from National Grid’s core regulated businesses. NGV develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States.</p> <p>Proposed development sites crossed or in close proximity to National Grid assets: Following a review of the above Development Plan Document, we have identified that one or more proposed development sites are crossed or in close proximity to National Grid assets.</p> <p>Details of the sites affecting National Grid assets are provided below.</p> <p><i>Gas Transmission</i></p>	<p>The MPA are aware of the proposed development site (A9) which is crossed or in close proximity to National Grid assets.</p>
----------------------	---	--

Development Plan Document Site Reference	Asset Description
A9 Broadfield Farm, Rayne	Gas Transmission Pipeline, route: BRAINTREE TO HORNDON

A plan showing details of the site locations and details of National Grid's assets is attached to this letter. Please note that this plan is illustrative only.

Please also see attached information outlining further guidance on development close to National Grid assets.

Further Advice

National Grid is happy to provide advice and guidance to the Council concerning their networks. If we can be of any assistance to you in providing informal comments in confidence during your policy development, please do not hesitate to contact us.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect their assets. Please remember to consult National Grid on any Development Plan Document (DPD) or site-specific proposals that could affect National Grid's assets. We would be grateful if you could check that our details as shown below are included on your consultation database:

Guidance on development near National Grid assets

National Grid is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.

Electricity assets

Developers of sites crossed or in close proximity to National Grid assets should be aware that it is National Grid policy to retain existing overhead lines in-situ,

though it recognises that there may be exceptional circumstances that would justify the request where, for example, the proposal is of regional or national importance.

National Grid's 'Guidelines for Development near pylons and high voltage overhead power lines' promote the successful development of sites crossed by existing overhead lines and the creation of well-designed places. The guidelines demonstrate that a creative design approach can minimise the impact of overhead lines whilst promoting a quality environment. The guidelines can be downloaded here: <https://www.nationalgridet.com/document/130626/download>

The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

National Grid's statutory safety clearances are detailed in their 'Guidelines when working near National Grid Electricity Transmission assets', which can be downloaded here: www.nationalgridet.com/network-and-assets/working-near-our-assets

Gas assets

High-Pressure Gas Pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to leave their existing transmission pipelines in situ. Contact should be made with the Health and Safety Executive (HSE) in respect of sites affected by High-Pressure Gas Pipelines.

National Grid have land rights for each asset which prevents the erection of permanent/ temporary buildings, or structures, changes to existing ground levels,

	<p>storage of materials etc. Additionally, written permission will be required before any works commence within the National Grid's 12.2m building proximity distance, and a deed of consent is required for any crossing of the easement. National Grid's 'Guidelines when working near National Grid Gas assets' can be downloaded here: www.nationalgridgas.com/land-and-assets/working-near-our-assets</p> <p><u>How to contact National Grid</u></p> <p>If you require any further information in relation to the above and/or if you would like to check if National Grid's transmission networks may be affected by a proposed development, please contact:</p> <p><u>Map attached to email (See below)</u></p>	
<p>Southend-On-Sea Council</p>	<p>Thank you for the opportunity to respond to your duty to cooperate engagement on the Essex Minerals Local Plan 2014 (MLP) Review. Southend Council has no objection to the proposed changes to the MLP as set out in your schedule of amendments, and will confirm this formally by letter early next week.</p>	<p>Noted</p>
<p>Anglian Water</p>	<p>Thank you for the opportunity to comment on the documents relating to the Essex Minerals Local Plan Review. The following comments are submitted on behalf of Anglian Water.</p> <p>I would be grateful if you could confirm that you have received this response.</p> <p><u>Essex Minerals Local Plan Review (Tracked Change Version)</u></p> <p>Foreword and Paragraph 1.6</p> <p>We welcome the amendments made to reference water and sewerage as being essential infrastructure.</p> <p>Policy S2 - Strategic Priorities for Minerals Development and Policy S10</p>	<p>Any proposals for new and improved water supply and sewerage infrastructure made within Mineral Safeguarding and Consultation Areas would be considered on its own merits on a case-by-case basis.</p> <p>Policy S8 and S9 do not automatically exclude this type of infrastructure.</p> <p>Existing sewage and water supply infrastructure are safeguarded through Policy 2 of the Essex and Southend-On-Sea Waste Local Plan (2017) which seeks to ensure that "proposals which are</p>

	<p>Protecting and enhancing the environment and local amenity</p> <p>We welcome the amendments made to include reference to biodiversity net gain.</p> <p>Policy S8 Safeguarding Mineral Resources and Appendix 2 - Implementation of Mineral Resource and Infrastructure Safeguarding Policy</p> <p>Reference is made to utilities being present as constraining the potential for mineral extraction.</p> <p>However, no reference is made to how proposals for new and improved water supply and sewerage infrastructure would be considered in the context of Policy S8 particularly where it is in a rural location outside of built up areas.</p> <p>It is important that proposals for new and improved infrastructure provided by Anglian Water on behalf of our customers is not unnecessarily constrained by the designated Mineral Safeguarding and Mineral Consultation Areas.</p> <p>It would also be helpful to explain how the location of existing utilities would be considered as part of any applications for mineral extraction to ensure the continuous operation of utilities is not prejudiced.</p> <p>Paragraph 5.21</p> <p>Reference is made to ensuring no significant change to the water environment as regulated by other regulated bodies.</p> <p>It is also important that any minerals development does not pose a risk to potable (clean) water sources which are managed by water companies including Anglian Water.</p> <p>We would therefore suggest including reference to consultation with water companies where there is a risk of pollution or any other identified impact(s) on a potable water source.</p>	<p>considered to have the potential to adversely impact on the operation of a safeguarded waste site or infrastructure" are not permitted.</p> <p>With regards to ensuring that there is not a risk to potable (clean) water sources, paragraph 5.21 states that "Measures must be taken to protect these natural assets from the adverse impact of minerals development by: • Ensuring there will be no significant change to the water environment, as regulated by other regulatory bodies".</p> <p>Further, paragraph 5.21 is proposed to be amended as follows "<u>Consultation with the relevant regulatory bodies will be undertaken where there is a risk of pollution or any other identified impact(s) on the water environment.</u>" This will be a new paragraph following the bullet points in paragraph 5.21.</p>
--	--	---

	Should you have any queries relating to this response please let me know.	
Mayor of London	<p>Thank you for the opportunity to comment at this early stage on the consideration of reviewing your Minerals Local Plan.</p> <p>In relation to the 'links with neighbours' section on page 64 of the again attached Track Changes version, we would like to highlight that the review considerations may benefit from:</p> <ul style="list-style-type: none"> · up-to-date research/data about forecast movement of aggregates – in particular between our respective areas but also in terms of the use of marine dredged aggregates · reference to the Aggregates Policy (SI 10) in the Intend to Publish London Plan – in particular those aspects dealing with importing aggregates by sustainable transport modes – however, please note that the Plan has not yet been formally published. <p>For the latest information please visit our website: https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan .</p>	<p>With regards to the use of up-to-date aggregate movement forecasts Essex County Council, acting as the Mineral Planning Authority, participates in and takes account of annual mineral surveys. These are reported on through the Local Aggregate Assessment (LAA).</p> <p>It is not considered necessary to make explicit reference to aggregate policies in other local plans. Cooperation is instead sought through ongoing Duty to Cooperate.</p>
Thurrock Council	<p>Thurrock Council welcomes the opportunity to consider the Essex Mineral Plan Review under a Duty to Cooperate Request prior to a future Regulation 18 consultation to be undertaken by ECC. It is acknowledged and that an extension of time was given in order to return a DTC response form.</p> <p>It is also noted that a meeting by Teams took place between yourselves representing Essex County Council and Richard Hatter of Thurrock Borough Council on 19th November 2020.</p> <p>The overall approach contained in the proposed amendments to the Essex Mineral Plan Review is supported. At this stage Thurrock Council in its response has agreed with amendments to some of the strategic policies and provided no comment on many of the other more detailed policies.</p> <p>Thurrock Council supports the ongoing engagement under Duty to Cooperate and</p>	Noted

	<p>would wish to be kept informed of the next stages of the Essex Mineral Plan Review.</p> <p>Any queries please do not hesitate in contacting me.</p>	
<p>ECC Internal – Environment Officer</p>	<p>Policy S12 - <i>“Restoration schemes will reflect strategies across Essex, including Local Plan objectives for growing natural capital and Green and Blue Infrastructure Strategies where relevant.”</i></p> <p>3.202 <i>“... There is a need for restoration schemes to reflect relevant strategies and Local Plan objectives for countryside enhancement, including existing or emerging Green and Blue Infrastructure Strategies....”</i></p> <p>3.208 <i>“... Green and Blue Infrastructure Studies and Strategies and Local Plan objectives must be referred to when proposing restoration and after-uses....”</i></p> <p>3.230 <i>“The Plan has a role to play in ensuring that extraction sites, once they come to the end of operation, are positively planned and restored to deliver multifunctionality and environment, social and economic benefits provided (including biodiversity net gain, Health & Wellbeing, Climate Change mitigation and adaptation) wherever possible. Mineral extraction therefore can have a significant role in Essex in contributing towards the county’s green infrastructure.”</i></p> <p><u>Green and Blue Infrastructure</u></p> <p>3.234 <i>“Restoration schemes must take into account Green and Blue Infrastructure studies, alongside retaining the focus on priority habitat provision and biodiversity net gain. The quality of life, health and well-being of residents, workers and visitors and the quality of the natural environment will be protected and enhanced. This will be achieved through maintaining, enhancing, connecting and expanding green and blue infrastructure. Consideration will be given to creating and enhancing networks of habitats, sustainable transport and greenway routes, and water courses. These networks also contribute to reducing the impact of climate change by providing alternatives to using a private car and can assist in</i></p>	<p>Policy S12 – it is considered that there is no material difference between the words “will” and “shall”</p> <p>3.202 – accepted</p> <p>3.208 – replace the word studies with strategies. The word “<u>must</u>” will replace “should”.</p> <p>3.230 (now 3.231) – first sentence will be amended to state “<u>The Plan has a role to play in ensuring that extraction sites, once they come to the end of operation, are positively planned and restored to deliver multifunctional social, economic and environmental benefits in order to positively contribute to health and wellbeing.</u>”</p> <p>Paragraph 3.234 (now 3.235) will be updated to read “Restoration schemes must take into account Green and Blue Infrastructure studies, alongside retaining the <u>historic</u> focus on priority habitat provision.” to clarify that the reference was related to the old plan approach which did</p>

enabling healthier lifestyles”.

I have attached a link to Alister Scott’s paper of what does a good GI Policy look like, which has examples of policy wording (although a GI policy is welcome it is even better that GI is integrated into the other policies) -

<https://www.interregeurope.eu/perfect/news/news-article/9015/what-does-good-gi-policy-look-like/>

Potential GI Policy

Consideration should be given to how the site can contribute to the Essex’s green infrastructure networks through:

- New or extended minerals development does not damage or destroy the existing environmental and natural assets, and including via restoration to enhance existing and create green infrastructure to contribute to the wider landscape.
- Effective early collaboration & engagement with stakeholders, partners and communities in designing restoration plans
- Minerals development to achieve a net gain in biodiversity, as well as natural assets and resources, through: delivery of wider environmental benefits in the vicinity where development would adversely affect locally designated sites or other features of local interest,
- protecting and enhancing green infrastructure and strategic biodiversity networks.
- Sites connecting or adjacent to priority/designated habitat and green infrastructure networks must be restored in a manner which promotes habitat enhancement, biodiversity net gains and the green infrastructure multiple environment, social and economic functions and benefits.
- Restoration schemes to provide inclusive and accessibility to site and this can be secured in perpetuity by dedicating new public rights of way or open access areas ensuring access for all.
- Operators to develop restoration plans and to include mitigation and enhancement opportunities which take into consideration:

not make explicit reference to the new requirement for biodiversity net-gain.

With regards to the consideration of a new GI Policy, it is considered that the proposed additions are already addressed throughout the plan due to GI being a cross-cutting theme, as follows:

- New or extended minerals development does not damage or destroy the existing environmental and natural assets, and including via restoration to enhance existing and create green infrastructure to contribute to the wider landscape. – this is considered to be covered by policy S12 clause f and paragraphs 5.23 to 5.26
- Effective early collaboration & engagement with stakeholders, partners and communities in designing restoration plans – this is considered to be covered by paragraph 3.186 with further detail around the issues to be covered set out in Policy DM1
- Minerals development to achieve a net gain in biodiversity, as well as natural assets and resources, through: delivery of wider environmental benefits in the vicinity where development would adversely affect locally designated sites or other features of local interest, - this is considered to be covered by paragraphs 3.212, 3.235 and Policy S10

	<ul style="list-style-type: none"> ○ Climate change adaptation and mitigation (i.e. Creation of wetland or woodland habitat for storage of carbon). ○ Provision of rainwater storage i.e. Reedbed etc. ○ Planting with water purifying plants ○ natural flood and water management as part of green space provision ○ Orchards for food provision ○ Ecological network expansion through ensuring habitats on-site provide links to surrounding habitats allowing for species association and movement. ○ Health and Wellbeing ○ biodiversity/environmental net gains, ○ Contributing to place identity and character, ○ connectivity to <ul style="list-style-type: none"> ▪ Wider landscape GI Network/green corridors ▪ Nature Recovery Network ● The long-term management and stewardship plans, and funding mechanisms are identified early and secured. <p>I hope this is useful -I've also tried to align where possible to the draft Essex GI Standards that will be discussed in the next workshop.</p>	<ul style="list-style-type: none"> ● protecting and enhancing green infrastructure and strategic biodiversity networks. – this is considered to be covered by paragraph 3.234, Policy S10 and Policy S12 ● Sites connecting or adjacent to priority/designated habitat and green infrastructure networks must be restored in a manner which promotes habitat enhancement, biodiversity net gains and the green infrastructure multiple environment, social and economic functions and benefits. – this is considered to be covered by paragraphs 3.201, 3.234 and Policy S12 ● Restoration schemes to provide inclusive and accessibility to site and this can be secured in perpetuity by dedicating new public rights of way or open access areas ensuring access for all. – this is considered to be covered by paragraph 3.231 ● Operators to develop restoration plans and to include mitigation and enhancement opportunities which take into consideration: <ul style="list-style-type: none"> - Climate change adaptation and mitigation (i.e. Creation of wetland or woodland habitat for storage of carbon). – this is considered to be covered by Policy S12, a
--	--	--

		<p>new clause will be added to state <u><i>“restoration schemes incorporate climate resilience measures.”</i></u></p> <ul style="list-style-type: none">- Provision of rainwater storage i.e. Reedbed etc. – this is considered to be covered by paragraph 3.213 and Policy S12- Planting with water purifying plants – this is considered to be covered within the proposed amendment for restoration schemes needing to incorporate climate resilience measures, as mentioned above- natural flood and water management as part of green space provision – this is considered to be covered by paragraphs 3.216, 3.233 and 5.15- Orchards for flood provision – this is considered to be covered within the proposed amendment for restoration schemes needing to incorporate climate resilience measures, as mentioned above- Ecological network expansion through ensuring habitats on-site provide links to surrounding habitats allowing for species association and movement. – this is considered to be covered by paragraph 3.213 and Policy S12
--	--	---

		<ul style="list-style-type: none">- Health and Wellbeing – this is considered to be covered by paragraphs 3.221 to 3.230 and Policy S12- biodiversity/environmental net gains, - this is considered to be covered by paragraph 3.213- Contributing to place identity and character, - this is considered to be covered by paragraph 3.231 and Policy S12- connectivity to<ul style="list-style-type: none">▪ Wider landscape GI Network/green corridors – this is considered to be covered by paragraphs 3.218, 3.223 and 3.231▪ Nature Recovery Network – Whilst the Nature Recovery Network is not mentioned, Policy S12 clause 2 requires the integration of restoration schemes with local ecological networks.- The long-term management and stewardship plans, and funding mechanisms are identified early and secured. – this is considered to be covered by Policy S12 clause 4 will be amended to state “Provide a scheme of aftercare and maintenance of the restored land, <i>including its stewardship</i>, for a period of not less
--	--	---

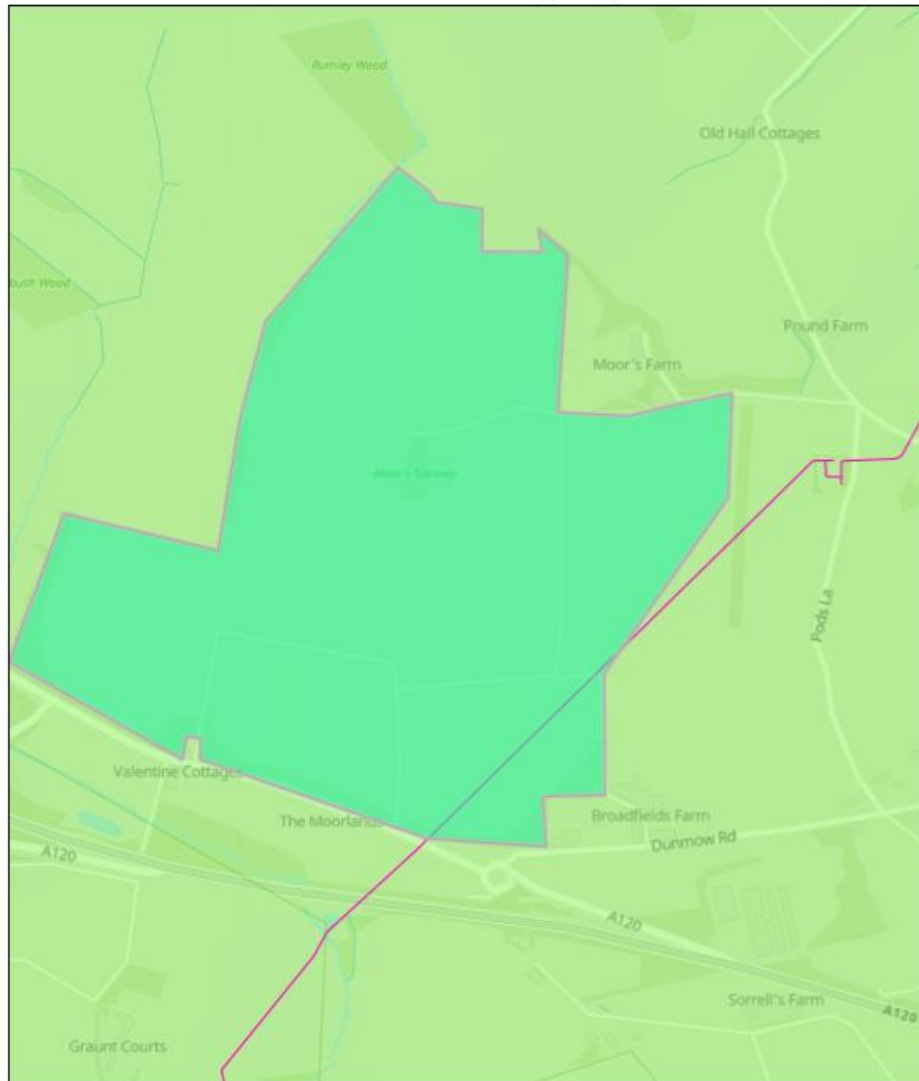
		<p>than five years to ensure the land is capable of sustaining an appropriate after-use,”.</p>
<p>ECC Internal – Environment Officer (flood)</p>	<p>Marine Aggregate Provision 1.19. The correct title of the Act referenced is the “Marine and Coastal Access Act”.</p> <p>Both the terrestrial and marine planning systems apply to the intertidal area (between Mean High Water Springs and Mean Low Water Springs)</p> <p>Environment : Bullet 7. Coastal erosion could be added to the list of climatic conditions</p> <p>Coastal Concordat</p> <p>3.188 The transportation of minerals over long distances is more sustainable by rail and water although the scope for this within Essex remains limited. That said, the safeguarding of wharves and rail head facilities will enable the long distance haulage of aggregate imported to and exported from Essex to continue. Policy S11 : Potential development at Bradwell B could involve a construction of a landing wharf – could policy be written in such a way as to enable this to be utilised after construction at site has finished? Especially if roads improvements will also be made at this site.</p> <p>Visual and landscape impact. The impact of the view of the landscape from an offshore perspective should also be considered.</p> <p>Biodiversity and geological conservation 5.27. Essex also has an extensive Marine Conservation Zone which should also be mentioned in the list of designated sites given that the Minerals Local Plan extends to Mean Low Water Springs.</p> <p>TE2100 as well as SMP should be referenced due to the inclusion of Thurrock?</p>	<p>The name of the Act has been updated in paragraph 1.19.</p> <p>Paragraph 1.19 has been updated as follows “Both the terrestrial and marine planning systems apply to the intertidal area (between Mean High Water Springs and Mean Low Water Springs). This Plan therefore does not apply to the maritime coastal and estuarial areas which adjoin the County (measured from beyond the level of mean high water at spring tides). These marine areas are administered separately as stated in the Maritime Marine & Coastal Access Act 2009.”</p> <p>A reference to coastal erosion will be added to bullet 7 under Environment in the Spatial Portrait.</p> <p>It is not considered to be appropriate for the MLP to makes such a specific reference to a particular site, it would be for the site owners to put forward the proposal, and it would then be determined in accordance with the Development Plan.</p> <p>The Visual and landscape impact section of the plan does not make a distinction</p>

	<p>7.0 Reference Material table of definitions. A definition of Shoreline Management Plan should also be included – suggested text “A Shoreline Management Plan (SMP) is a large-scale assessment of the risks associated with coastal processes and helps reduce these risks to people and the developed, historic and natural environments. Coastal processes include tidal patterns, wave height, wave direction and the movement of beach and seabed materials.”</p>	<p>between inland and/or offshore perspective, therefore, it is considered to already be accommodated in the plan. The plan recognises the importance of coastal landscapes such as paragraph 5.25 which states “The undeveloped Essex coast is a unique feature of the County and is important for its landscape quality as well as biodiversity and heritage features. The pattern of river valleys crossing Essex towards the coast is also a distinctive landscape feature. All of these landscape features will be strongly protected from any adverse impacts arising from minerals development. The intrinsic character and beauty of the Essex countryside should be recognised in preparing proposals for minerals development.”</p> <p>Paragraph 5.27 has been updated to state “The County has important international and national designations, namely Special Areas of Conservation, Special Protection Areas, Ramsar Sites, National Nature Reserves, and Sites of Special Scientific Interest and Marine Conservation Zones.</p> <p>Reference to the Thames Estuary 2100 plan will be included in paragraph 3.26.</p> <p>A definition of ‘Shoreline Management</p>
--	--	--

		Plan' has been added to the Glossary.
The London Borough of Redbridge	<p>Thank you for inviting Redbridge Council to comment on the review of your Minerals Local Plan. We have no comment to make on the proposed wording of your draft document and will not take up the option of a 1:1 meeting on aspects of your work.</p> <p>Thank you again for your invitation.</p>	Noted.

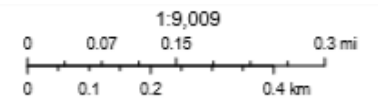
Map from National Grid

A9 Broadfield Farm, Rayne



19/11/2020, 15:19:17

- Development_Plan_Monitoring_Sites_vw_9270
- Development_Plan_Monitoring_v2_7386
- Gas_Assets_6495
- Development_Plan_Monitoring_Consultations_vw_1604
- Development_Plan_Monitoring_v2_977_5701
- Development_Plan_Monitoring_v2_977



Contains OS data © Crown Copyright and database right 2020
Contains data from OS Zoomstack, Contains OS data © Crown Copyright and database right 2019

Web AppBuilder for ArcGIS
Contains OS data © Crown Copyright and database right 2019 | Ordnance Survey |

Please see comments received below from Chelmsford City Council

Duty to Co-operate with ECC on the Review of the Minerals Local Plan

Chelmsford City Council (CCC) welcomes the opportunity to make further early comments on the latest draft of the Minerals Local Plan (MLP) Review, ahead of its formal Regulation 18 consultation. The tracked changes version of the Plan is particularly useful to clearly understand the implications of the changes proposed by the Review of the Minerals Local Plan.

The table below sets out a high-level summary of Duty to Co-operate (DtC) discussions which have previously taken place between Essex County Council (ECC) as the Minerals Planning Authority (MPA) and CCC. Having reviewed the latest draft of the MLP CCC has further comments to make in respect of matters highlighted in the table below:

Specific Issue Raised by CCC Officers	ECC Response (Post Dec 2019 Meeting)	Follow-up Response from CCC	Latest position from CCC (Nov 2020)
The approach to mineral safeguarding needs further justification and practical guidance to allow its implementation.	It is acknowledged that evidence doesn't sufficiently justify ECC's safeguarding approach. Consideration is being given to commissioning further evidence to support ECC's approach to safeguarding.	Will await further information on this issue, particularly on the evidence to support the approach and an implementation strategy.	Concern remains about this approach and CCC consider the implementation and justification of these issues remain problematic – see full comments below.
Spatial Vision should be amended to remove specified growth locations.	ECC agreed to remove references to specific growth areas.	Welcomed will await further draft in due course.	Appropriate change made – No further comments to make.
Policy S1 should be removed in light of PINS advice.	Following the meeting it was subsequently found that Policy S1 was one of the most referred to policies by DM officers in their decision making, so	Noted	No further comments to make.

	it is currently considered that the Policy will be maintained.		
Policy S2 should be amended to clearly state that the Council requires all new development, where relevant to accord with the principles listed in this policy.	ECC agreed that it would be appropriate to follow PINS advice, received by CCC, and amend Policy S2 as advised.	Noted	Changes made - No further comments to make.
ECC officers need to clarify the corporate approach to Climate Change issues, including whether a Climate Emergency has been declared.	ECC has not declared a Climate Emergency. The topic went to Full Council and was discussed on 8 th October 2019. ECC have declared a Climate Action plan and cross-party 'Essex Climate Change Commission' which will be made up, not only of members, but of experts in the field as well. The MLP Review will take account of this where relevant. ECC are looking at setting the baseline for our emissions through a range of methods and trying to line this up with the districts and boroughs.	Noted	Changes made to Policy S3 to include greater reference to climate change is welcomed – see full comments below.
The need for Policy S10	ECC noted that this does	Noted	No further comments to make.

<p>should be considered as the policy duplicates existing parts of the plan.</p>	<p>duplicate existing parts of the plan and consideration would be given to the need for this policy. Policy S10 sets out a number of broad principles which any application will need to be in accordance with, allowing for the detail to be introduced through the planning application process, including through pre-application advice. Most recent data (1st April 2017 to 31st March 2018) shows that Policy S10 is one of the most frequently used policies.</p>		
<p>Unclear if the Mineral Consultation Areas (MCAs) will change?</p>	<p>MCA will be corrected and ECC to consider whether Policy S8 (Justification for the Extent of Mineral Safeguarding Areas) could exclude the requirement to consider prior extraction when there is more than one landowner.</p> <p>On reflection following</p>	<p>Will review when next draft is available.</p>	<p>See full comments below.</p>

	the meeting, it is not considered appropriate to automatically exclude the application of Policy S8 on this basis. Each site should be judged on its own merits and the information available at the time.		
--	--	--	--

Please see comments received below from Chelmsford City Council

Duty to Co-operate with ECC on the Review of the Minerals Local Plan

Chelmsford City Council (CCC) welcomes the opportunity to make further early comments on the latest draft of the Minerals Local Plan (MLP) Review, ahead of its formal Regulation 18 consultation. The tracked changes version of the Plan is particularly useful to clearly understand the implications of the changes proposed by the Review of the Minerals Local Plan.

The table below sets out a high-level summary of Duty to Co-operate (DtC) discussions which have previously taken place between Essex County Council (ECC) as the Minerals Planning Authority (MPA) and CCC. Having reviewed the latest draft of the MLP CCC has further comments to make in respect of matters highlighted in the table below:

Specific Issue Raised by CCC Officers	ECC Response (Post Dec 2019 Meeting)	Follow-up Response from CCC	Latest position from CCC (Nov 2020)
The approach to mineral safeguarding needs further justification and practical guidance to allow its implementation.	It is acknowledged that evidence doesn't sufficiently justify ECC's safeguarding approach. Consideration is being given to commissioning further evidence to support ECC's approach to safeguarding.	Will await further information on this issue, particularly on the evidence to support the approach and an implementation strategy.	Concern remains about this approach and CCC consider the implementation and justification of these issues remain problematic – see full comments below.

Spatial Vision should be amended to remove specified growth locations.	ECC agreed to remove references to specific growth areas.	Welcomed will await further draft in due course.	Appropriate change made – No further comments to make.
Policy S1 should be removed in light of PINS advice.	Following the meeting it was subsequently found that Policy S1 was one of the most referred to policies by DM officers in their decision making, so it is currently considered that the Policy will be maintained.	Noted	No further comments to make.
Policy S2 should be amended to clearly state that the Council requires all new development, where relevant to accord with the principles listed in this policy.	ECC agreed that it would be appropriate to follow PINS advice, received by CCC, and amend Policy S2 as advised.	Noted	Changes made - No further comments to make.
ECC officers need to clarify the corporate approach to Climate Change issues, including whether a Climate Emergency has been declared.	ECC has not declared a Climate Emergency. The topic went to Full Council and was discussed on 8 th October 2019. ECC have declared a Climate Action plan and cross-party 'Essex Climate Change Commission' which will be made up, not only of members, but of experts in the field as well. The MLP Review will take account of this where relevant. ECC are looking at setting the baseline for our emissions through a range of methods and trying to line this up with the districts and boroughs.	Noted	Changes made to Policy S3 to include greater reference to climate change is welcomed – see full comments below.

<p>The need for Policy S10 should be considered as the policy duplicates existing parts of the plan.</p>	<p>ECC noted that this does duplicate existing parts of the plan and consideration would be given to the need for this policy. Policy S10 sets out a number of broad principles which any application will need to be in accordance with, allowing for the detail to be introduced through the planning application process, including through pre-application advice. Most recent data (1st April 2017 to 31st March 2018) shows that Policy S10 is one of the most frequently used policies.</p>	<p>Noted</p>	<p>No further comments to make.</p>
<p>Unclear if the Mineral Consultation Areas (MCAs) will change?</p>	<p>MCA will be corrected and ECC to consider whether Policy S8 (Justification for the Extent of Mineral Safeguarding Areas) could exclude the requirement to consider prior extraction when there is more than one landowner.</p> <p>On reflection following the meeting, it is not considered appropriate to automatically exclude the application of Policy S8 on this basis. Each site should be judged on its own merits and the information available at the time.</p>	<p>Will review when next draft is available.</p>	<p>See full comments below.</p>

Summary

Overall, CCC supports the review of the MLP. One key outstanding issue arises in respect of the proposed changes to the policies and processes required in respect of land within safeguarded areas. CCC supports the MPA aims to safeguard minerals as a finite resource and to seek the prior extraction of minerals from sites proposed for non-mineral uses where it is practical and feasible to do so.

The issue which CCC questions is that surrounding the proposed approach to financial viability testing. Whilst it is acknowledged that financial viability is only one component of whether the site is feasible and practical for prior extraction, it is important that it is tested correctly and can be practically applied in the manner set out in the MLP. The slight change in emphasis proposed in the review of the MLP is that the financial viability of prior extraction is being proposed to be considered as part of the financial viability of the non-mineral end use of the site rather than simply considering if prior extraction is financially viable as a use in its own right.

CCC would question where the justification and evidence is to support this as an approach. Whilst it is agreed that minerals are a finite resource which should be conserved CCC does not agree that it therefore follows that minerals should be treated in the same way as other conservation matters set out within national guidance e.g. biodiversity and historic assets. CCC would question that if this was the intention of the national guidance it would be explicit on this matter in respect of minerals. Whilst that is not to say that the MPA approach is incorrect it is considered that as national guidance is silent on this point the MPA would need to demonstrate evidence to justify this approach, which appears to be slightly different to the general approach to this issue at a national level, which requires mineral extraction to be financially viable in its own right.

If the MPA can demonstrate that this approach is sound one of the subsequent difficulties which arise appears to be the practical application of such a proposal. There does not appear to be a mechanism for either the MPA or CCC to test this at the necessary and relevant point in time, which in CCC's view highlights why viability of prior extraction should be tested as its own use and not as part of a non-mineral end use. This is further set out in the comments below. For the avoidance of doubt, it should be noted that when CCC refer to viability in the table below it is referring to financial viability.

CCC would be happy to have further discussions if the MPA wishes to set out further justification and evidence to support the revised approach set out in the review of the MLP, including how the proposals can be practically applied and implemented between the two authorities.

Issue Raised by CCC	ECC Response	CCC Follow up Question/ Comments
<p>Paragraph 3.128 (as amended) deals with Mineral Consultation Areas (MCA). These are areas around Mineral Safeguarding Areas (MSA) and are to ensure the Minerals Planning Authority (MPA) are consulted on development within a certain proximity to MSA's. This is to ensure nearby development does not result in unnecessary sterilisation of minerals, usually due to incompatible uses being approved adjacent to a MSA.</p> <p>The MLP, as adopted, has a 250m buffer zone around the MSA which is designated as an MCA. The MLP Review seeks to reduce this to 100m around a MSA. Appendix 2 sets out the types of development within a MCA that would trigger a consultation to the MPA. The amendments to the Plan set out, at paragraph 3.132 state that:</p> <p><i>Regarding applications for development, unless excluded by virtue of Appendix Two or assessed at the site allocation stage, development proposals of any size being made within an MCA which have the potential to sterilise land within an MSA will be expected to justify why the need for the development outweighs the principles of mineral safeguarding as part of supporting information, if prior extraction is not</i></p>	<p>To clarify, the existing Minerals Local Plan (MLP) defines Mineral Consultation Areas (MCAs) as being 250m around existing, allocated or preferred mineral infrastructure including extraction sites.</p> <p>The resource held within land designated as a Mineral Safeguarding Area (MSA) is not currently subject to any designation beyond the boundary of the MSA. This approach is not in conformity with the PPG.</p> <p>PPG Paragraph: 221 Reference ID: 27-221-20140306 defines MCAs 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'. Contrary to the current approach, the MCA therefore is not intended to apply to extant, permitted and allocated mineral infrastructure, rather it is to apply to the whole resource safeguarded by virtue of an MSA designation.</p> <p>The national requirement to safeguard mineral infrastructure still exists however, and they are now proposed to be safeguarded through Mineral Infrastructure Consultation Areas, which will mirror the current MCAs.</p>	<p>Does this change the areas designated on the maps? Will review once maps are available.</p>

<p><i>practical. The relevant Local Planning Authority should also address this matter as part of its decision if approval is granted.</i></p>		
<p>Paragraph 3.134 sets out that if already allocated through a Local Plan then the outcome of earlier discussions which lead to the allocation of the site may fulfil the requirement to consult. Considerable discussions have taken place as part of the preparation of CCC's recently adopted Local Plan in respect of the site allocations within it. It would provide greater clarity for all if paragraph 3.135 could be amended to will or set out under what circumstances allocations in a Local Plan have fulfilled such a requirement. Alternatively, it may be possible to consider specifically excluding CCC's current Local Plan as this is the only recently adopted Local Plan in Essex which has gone through the appropriate consultations with the MPA? Without further clarification it is unclear for site developers and CCC which sites have satisfied this requirement and which require further consultation on the matter. Further clarity on this point is therefore sought from the MPA.</p>	<p>Paragraph 3.134 aims to establish that safeguarding issues can be addressed at stages prior to the Local Plan site allocation stage. The use of 'may' aims to recognise that discussions may not have concluded sufficiently on, or addressed, the principle to the satisfaction of the MPA. Essentially, it aims to articulate that the act of engagement itself is not automatically considered to address mineral safeguarding issues to the satisfaction of the MPA.</p> <p>However, the ambiguity of this statement is recognised. To address this, the MPA proposes to maintain a schedule of local plan allocations setting out progress with regards to mineral safeguarding considerations.</p> <p>This schedule could note where an exemption to safeguarding can be applied where the non-minerals development is identified as an allocation in an adopted local plan, and in that local plan's formulation it was demonstrated that safeguarding issues were fully considered. The schedule could further note any discussions held between the LPA, MPA and/or prospective developer.</p> <p>To avoid issues relating to once-yearly</p>	<p>Once CCC can see the extent of the areas and the table/schedule suggested re sites a better judgement on these can be formed.</p> <p>CCC would welcome sight of these as part of the formal consultation.</p> <p>CCC would welcome sight of how this would work and what data ECC would want from CCC.</p> <p>CCC will review the schedule once available to confirm those sites which have already carried out a MRA to the satisfaction of the MPA are included.</p> <p>It is acknowledged that those Local Plan sites yet to carry out a MRA would need to comply with any revised policy in the MLP review.</p>

	<p>publication, this record could be maintained jointly by the County and constituent districts in addition to being published annually as a whole by the County as part of its AMR. Amendments could be inserted in relevant supporting text to clarify this matter alongside Table 8.</p> <p>It is not considered appropriate to exclude those sites allocated in the Chelmsford Plan from all safeguarding provisions. The only change with regards to the planning context for each site is whether a site would be captured as a result of being located within the newly designated MCA. The allocations within the Chelmsford Local Plan reference the need for a Minerals Resource Assessment to be carried out when sites are located within MSAs and meet the relevant thresholds/tests.</p> <p>Development proposals for sites in MSAs are currently subject to the requirement for Mineral Resource Assessments under the existing policy, with amendments to the newly proposed policy relating to prescribing the schedule of information to formalise what is expected from MRAs. This is aimed to ensure that the MRA assesses the necessary information to allow for the subsequent tests/conclusion of whether prior extraction is appropriate, which are taken from the NPPF.</p>	
--	--	--

<p>Paragraph 3.135 to 3.136 and Appendix 2 set out when a MRA will be needed and this generally reflects the previous Minerals Local Plan. This sets out that the LPA should set out the need for a MRA as part of its validation checklist.</p> <p>3.137 Now includes what the MRA requirements are and then sets this out in full in Appendix 2. This assists in clarifying the process and provides greater clarity for all so is welcomed by CCC in principle.</p>	<p>Noted.</p>	
<p>However, paragraphs 3.138 and 3.139 introduce new issues in respect of viability of such sites. CCC has concern over the additional wording <i>‘to consider the costs of restoring a site following prior extraction such that it is capable of a residential after use as part of the assessment of the practicality of prior extraction, without factoring in the profit realised by the residential development as a whole, is a false equation.</i></p> <p><i>Further, prior extraction of the mineral cannot be ruled out on viability grounds because it does not in itself turn a profit. The test required by national policy of whether prior extraction should take place is not linked to a financial profitability test in either the NPPF or PPG. Whilst it is recognised that cost clearly has viability</i></p>	<p>New text surrounding viability is aimed at clarifying how the prior extraction tests will be applied rather than being something explicitly ‘new’ that the current policy does not present the scope for. The argument that this is a ‘new issue’ is not however strongly contested.</p> <p>Leaving aside the appropriateness of linking any viability test for prior extraction to the viability of the development as a whole (returned to below), the MPA does not view there being any tension between paragraphs 3.138 and 3.139 (which state that an overall cost negative impact is not a reason that in of itself justifies prior extraction not being carried out), and paragraph 3.140, which notes that prior extraction can increase the value and selling potential of the</p>	<p>Still an on-going issue re viability testing and <i>‘CCC continues to question the justification for this approach. CCC agree with the benefits of prior extraction in 3.140 onwards but if as set out in 3.138 and 3.139 the reference to prior extraction not being linked to a financial profitability test is correct, then 3.141 should not then try and say the benefits can increase the ‘value and selling potential’ of a future development on site following prior extraction.’</i></p>

<p><i>impacts, such costs would have to have a significant viability impact on the primary development itself for this to be accepted as a reason that it is not 'practical' to prior extract mineral, if this was the sole reason given for prior extraction to not be practical. Conservation measures, in of themselves, are not typically profit generating activities and as such the absence of profit directly related to a prior extraction activity is not in of itself an acceptable reason to conclude that it is unviable.'</i></p> <p>CCC continues to question the justification for this approach. CCC agree with the benefits of prior extraction in 3.140 onwards but if as set out in 3.138 and 3.139 the reference to prior extraction not being linked to a financial profitability test is correct, then 3.141 should not then try and say the benefits can increase the 'value and selling potential' of a future development on site following prior extraction.</p>	<p>development in question. The aim of paragraphs 3.140 and 3.141 are to set out that the positive value, financial or otherwise, of prior extraction is not just linked to the value of the mineral extracted but also the opportunities that could be delivered when prior extraction is considered holistically as part of the planning of the development as a whole.</p> <p>Further, paragraphs 3.138 and 3.139 don't rule out financial profitability as a consideration, they state that any consideration of financial impact should be weighed in the balance of the development as a whole.</p>	
<p>CCC would also question where the assertion and justification for stating that mineral safeguarding is a conservation measure and should therefore be assessed in the context of the development as a whole comes from.</p>	<p>The justification for viewing mineral safeguarding/ prior extraction as a conservation measure is derived from the NPPF. 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.'</p> <p>It is therefore considered that the need to</p>	<p>Noted and agree.</p> <p>Although NPPF clearly states as above it does not therefore follow, nor does it state, that it should therefore be treated in this way. If it was its intentions it would state this, as it does for historic and biodiversity assets.</p>

	<p>conserve finite mineral assets should be viewed in the same way as the need to conserve finite biodiversity or historical assets. With these latter assets, it is the projected value that arises out of the development that finances the ‘mitigation’ of the impact on the finite asset potentially being sterilised. Offsetting mitigation costs against the viability of the development as a whole is the traditional basis for the conservation of assets that would otherwise be negatively impacted by development. There are numerous planning mitigation measures, relating to both on-site and off-site impacts, funded in this manner.</p> <p>If the development was not being proposed then there would be no need to consider prior extraction, and therefore the practicability of prior extraction must be viewed in the context of the development as a whole.</p> <p>It is the non-mineral-led development that is creating the need to consider the prior extraction of a finite mineral to avoid its sterilisation and ensure its long-term conservation. Essentially, where practical and environmentally feasible, the prior extraction is required as part of the primary development. In most cases the non-mineral development and prior extraction activity is likely to be considered as a single development, with prior extraction ancillary to the non-mineral development, and should accordingly be assessed as one. To consider</p>	<p>Agree the need arises to consider prior extraction because of a development but not necessarily in this respect when it comes to if it is viable to extract.</p> <p>This is CCC’s point, if the extraction is seen as an ancillary development to the primary non-mineral development then it should not factor into the viability. Surely, only if it requires planning permission in its own right should it require viability testing and should therefore have its own permission considered and monitored by the MPA?</p> <p>Don’t necessarily disagree with this but it still seems to be impractical to actually test it in this way and it is not set out anywhere in national guidance and falls between the two authorities remits so there is still no mechanism to do it this way.</p> <p>This issue was considered as part of the initial scoping work the MPA did for CCC as part of early Local Plan work and is considered as part of the MRA. E.g. the bigger picture was considered in terms of the possible implications for sterilisation on the</p>
--	---	---

	<p>the costs of restoring a site such that it is capable of a residential after use as part of the assessment of the practicality of prior extraction, without factoring in the viability of the residential development as a whole, is to base the assessment under a false premise.</p> <p>It is held that prior extraction required as a result of avoiding what would otherwise be an unnecessary sterilisation of mineral cannot be appropriately assessed within the context of a standalone commercial mineral extraction operation. The financial implications regarding restoration may well be higher when facilitating a particular, known built development after-use rather than other after-uses. Further, commercial mineral operations would potentially extract over a wider area of the MSA than that which is being immediately potentially sterilised by the non-mineral development.</p> <p>As a consequence, it should also be noted that losing one part of an MSA to built development may consequently render other parts of the MSA unviable by reducing the overall size of land that could be extracted as part of a single commercial mineral operation. This is important in the context of NPPF Paragraph 206 which states that ‘Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working’. The</p>	<p>wider area and not just on a proposed allocation site. CCC will continue to engage with the MPA at early Local Plan stages to consider such issues.</p> <p>Agree but that doesn’t necessarily follow that the proposed way to consider viability as drafted is correct – this is a snippet of the appeal and the rest of para 123 to 131 needs to be read as a whole as it appears this considered the viability of the extraction as a single use itself and not as part of the overall development’s viability. From this appeal it appears that Inspectors have consistently concluded that the proposed development was unlikely to constrain the future use of the site for mineral extraction, because extraction was unlikely to ever happen anyway. Which supports only testing it in terms of a stand-alone use for extraction.</p> <p>Agreed this is the correct approach which is why it should not be part of the overall development’s viability; it just needs to be considered as the</p>
--	--	---

	<p>future ability of the mineral to be worked commercially may well be contingent on it not being carved up for incremental non-mineral development. Further, prior extraction of the mineral addresses the NPPF Paragraph 206 test as the non-mineral development will not constrain future use for mineral working as the mineral would have been prior extracted (although it would still be constraining potential extraction activities on proximal land outside of the proposed non-mineral development site).</p> <p>Appeal Ref: <i>APP/A1530/W/20/3248038 - Land off Maldon Road, Tiptree, Essex</i> in part relates to mineral safeguarding issues. Within, the Inspector considered the MPAs assertion that issues of viability should be considered holistically as part of the non-mineral development:</p> <p>Para 123: <i>'I have given careful consideration to the Council's view that the viability of mineral extraction at the site should be looked at not only as a stand-alone operation, but also in the context of the overall development, including the proposed housing. I accept that this approach might be relevant to assessing the possibilities for prior extraction'.</i></p> <p>Para 128: <i>'In principle, I accept that this approach, advocated by the Minerals Authority, is not without merit. I have no doubt that there</i></p>	<p>Inspector did in this case.</p>
--	---	------------------------------------

will be some cases where the costs of prior extraction are not seen as prohibitive. In such cases, even though the minerals involved may not be of national or local importance, it may well suit the interests of all parties to treat prior extraction as a planning benefit, securing the recovery of smaller pockets of minerals that would otherwise remain in the ground.'

That said, the MPA would like to be clear that when making their final decision, the Inspector did not consider prior extraction at the site to be viable, primarily due to the costs and logistics of engineering a suitable platform for residential development following prior extraction in an area with a high water table:

Para 129: 'To my mind, expending goods, materials and services in this way, worth in excess of £9m, in order to extract minerals with an economic value of only around £2m, would not only be grossly disproportionate, it would also be wasteful and unsustainable'.

The MPA accepts the logic but would note that the arguments put forward by the MPA were primarily around how the practicality of prior extraction should be assessed, and not the outcome. Eg MPA Rebuttal Statement – Para 3.6 'To clarify, the MPA is not stating that prior extraction is practical but that the evidence provided by the appellant does not allow for an

	<p><i>appropriate application of mineral safeguarding policy since viability information has not been presented in the context of the development as a whole.'</i></p> <p>To conclude, where there is a clear discrepancy between the value of mineral and the costs of its extraction, then this feeds into the planning judgement of whether prior extraction is practicable. It should nonetheless be considered holistically as, for example, mitigation measures required to facilitate the built development should not then additionally be applied to prior extraction, there may be positive benefits from final landform, construction of SUDs and the ability to utilise indigenous material which itself comes with sustainability and circular economy benefits.</p>	
<p>Policy S8 sets out that:</p> <p><i>'The Mineral Planning Authority will object to proposals that unnecessarily sterilise a nationally or locally important mineral resource when it would be practical and environmentally feasible to extract it. Any assessment of viability is to be made within the context of the development as a whole.'</i></p> <p>Paragraph 3.138 of the currently adopted MLP set out that any MRA would need to show <i>'where the sterilisation of a mineral resource is</i></p>	<p>The Local Planning Authority would still make the decision on the type of applications mentioned in the CCC comment, with the views of the MPA being a material consideration. The MLP couldn't change that.</p> <p>The provisions of para 3.140 of the current plan can now be found in the new <i>Appendix Two: Implementation of Mineral Resource and Infrastructure Safeguarding Policy</i> under <i>'Consultation between district, borough and city planning authorities and the Minerals Planning</i></p>	<p>Agreed but CCC want to ensure this is done at the Plan making stage and to ensure it fully understands and agrees with the tests the MPA is using to assess if prior extraction is feasible and practical.</p>

<p><i>at stake, it would be necessary for the development proposal to include a mineral resource assessment to enable the economic importance of the resource to be evaluated'</i> and para 3.140 clearly set out that it was the LPA who made the decision on such an application, having consulted the MPA and that the MPA views would be a material consideration for the LPA in the determination of such an application – surely this is still the case and this paragraph should not be removed. CCC continues to question what has changed in national policy and guidance since the adoption of the MLP to have this change in policy as it remains unclear how this can be justified and where the evidence is to support this position.</p>	<p><i>Authority'</i>. This section reads:</p> <p><i>Essex borough/district/city councils are responsible for the spatial planning of most land-uses within their areas. In accordance with Policy S8 and S9 of the Plan, the Essex district/borough/city councils (as a Local Planning Authority) should consult the Minerals Planning Authority (Essex County Council), and take its views into account before</i></p> <p><i>making a decision, on planning applications situated within Mineral Safeguarding Areas (MSAs), Mineral Consultation Areas (MCAs) and Mineral Infrastructure Consultation</i></p> <p><i>Areas (MICAs), which accord with relevant thresholds, to ensure that safeguarded mineral interests are not needlessly compromised by future non-mineral development.</i></p> <p>Where Policy S8 states that '<i>The Mineral Planning Authority will object to proposals that unnecessarily sterilise a nationally or locally important mineral resource when it would be practical and environmentally feasible to extract it</i>', this accords with NPPF 204 Clause d which requires that planning policies should '<i>encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place</i>'. The MPA understands that any</p>	
---	---	--

	<p>objection made on safeguarding grounds will be a statutory objection and a material consideration for the determination of proposals, but that the MPA is not the determining authority itself.</p> <p>References to the 'economic importance of the resource' have been removed due to issues with its interpretation. The current wording of Policy S8 makes reference to mineral resources of 'national and local importance', mineral resources of 'economic importance' and 'significant economic resource'. 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 at least local importance by 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 that local importance. This removes any ambiguity as to what constitutes a mineral deposit of local importance in the first place, and to what instance the policy applies.</p> <p>Policy S8 currently 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'. These descriptors were</p>	
--	--	--

	<p>not defined in the MLP.</p> <p>It is important to note that there are no explicitly financial tests in relation to the practicality of prior extraction captured in the NPPF or PPG, nor references to 'economic importance' and 'significant economic resource'. The PPG¹ states that an MPA is required to set out how proposals for non-mineral developments in MSAs will be handled. This may include policies that encourage the prior extraction of minerals, where practicable, if it is necessary for non-mineral development to take place in Minerals Safeguarding Areas to prevent the unnecessary sterilisation of minerals. As such, the policy and relevant supporting text are proposed to be amended to state that an MRA will be required to establish the existence or otherwise</p> <p>of a mineral resource of national and/or local importance² and whether it is viable to extract within the context of the non-mineral development as a whole. It is considered inappropriate to articulate safeguarding policy in any way which gives rise to the suggestion that any tests around the practicality of prior extraction are purely financial. This acts to limit the test in the NPPF/PPG. As such, it is</p>	
--	---	--

¹ Paragraph: 003 Reference ID: 27-003-20140306

² NPPF Para 204c - safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked) – *emphasis added*

	<p>proposed to remove references to ‘economic importance’ and ‘significant economic resource’ and refer only to minerals of ‘national and local importance’ as set out in the NPPF. It is considered that these amendments align the approach more closely with the NPPF rather than any changes in national policy precipitating a change in mineral policy.</p> <p>Further, it must be borne in mind that safeguarding is about the long-term conservation of finite resources, and so current economic value and viability is only one consideration³.</p> <p>If in the opinion of the Local Planning Authority, as the determining authority, surface development should be permitted within an MSA, the MPA through the Development Plan would require the prior extraction of minerals where this is assessed as being environmentally feasible and practical (the NPPF tests) in the context of the development as a whole, as set out in Policy S8.</p>	
<p><u>Appendix 2</u></p> <p>Appendix 2 sits alongside Policy S8 and provides detail on when a MRA is required and what it should include. Overall, the greater level of detail included in this is welcomed and it adds</p>	<p>Noted, see below.</p>	

³ Minerals Safeguarding Practice Guidance, the Minerals Products Association and Planning Officers Society, April 2019, Paragraph 4.34
170

<p>useful guidance to accompany Policy S8. CCC does still have concerns with some of the content of this Appendix in respect of the interpretation and implementation of Policy S8 that it would welcome further clarity on from the MPA.</p>		
<p>Overall, the use of the wording ‘sterilised’ has been changed to ‘compromised’. Is this a national policy change, if not is it not more appropriate to use the wording as set out in the NPPF and national guidance as there is a subtle difference between the two.</p>	<p>There are eight instances of the word ‘compromised’ being used in the Plan. In each case, the term is used to describe the impact of proximal non-mineral development on safeguarded mineral infrastructure e.g. an extraction site, transshipment site, aggregate recycling facility etc restricting (i.e. compromising) the ability of the infrastructure from operating to the limits of their planning application. The term is not used as a substitute/ replacement for ‘sterilised’ which is indeed the correct terminology when referring to the mineral resource.</p> <p>The PPG⁴ states <i>‘Planning authorities should safeguard existing, planned and potential storage, handling and transport sites to: prevent sensitive or inappropriate development that would <u>conflict</u> with the use of sites identified for these purposes’</i>. (emphasis added)</p> <p>The MPA will consider whether the word</p>	<p>Noted. It would seem that conflict would be less ambiguous and in line with national planning guidance.</p> <p>Welcomed.</p> <p>Welcomed.</p>

⁴ Paragraph: 006 Reference ID: 27-006-20140306
171

	<p>'compromised' should be replaced with 'conflict' to more closely relate to the PPG.</p> <p>Appendix 2 of the MLP does use the word 'compromise' in relation to mineral 'interests', thereby conflating resources with infrastructure. This will be clarified.</p> <p>It is also noted that amendments have unintentionally led to existing uses of the word 'compromise' being used in relation to mineral resources when references to mineral infrastructure have been removed from a paragraph. This will be addressed through amendments prior to Regulation 18.</p>	
<p>Table 8, Appendix 2 sets out that a MRA may still be required for applications for development on land which is already allocated in an adopted Local Plan 'unless appropriately addressed through previous engagement during formation of the relevant Development Plan Document'. It needs to be clear and provide evidence to support what the MPA will consider is 'appropriately addressed' and how this test can be met. CCC would want assurances this will not affect any of its allocated Local Plan sites going forward in the current adopted Local Plan.</p>	<p>The amendment has been proposed to address the fact that longstanding allocations made in plans adopted prior to the MLP being adopted fell outside of mineral safeguarding provisions. It is considered that all local plan allocations should initially be scoped in to ensure a level playing field across the County.</p> <p>It is however accepted that <i>'unless appropriately addressed through previous engagement during formation of the relevant Development Plan document'</i> is ambiguous. The statement is intended to relate to whether previous conversations have taken place with regards to mineral resource and infrastructure safeguarding between the MPA, LPA and</p>	<p>Would welcome site of this as part of formal consultation to ensure CCC sites are appropriately included.</p> <p>Agreed, just want to be sure of the status of CCC Local Plan sites.</p> <p>CCC just want to be clear that those allocated sites which have gone through the MRA process have satisfied this already and the goal posts won't be moved for these sites where they have done their MRA already. Others which are yet to carry out a MRA obviously still need to under the most up to date policy at</p>

	<p>promoters with regards to the allocations that have been made in local plans. It aims to address the fact that safeguarding matters can be addressed earlier in the Plan making process or could be addressed at any point between allocation and an application coming forward through pre-application discussion.</p> <p>The MPA now proposes to maintain a schedule of all sites that are either allocated or proposed to be allocated jointly as relevant to each district. This schedule can be periodically updated to include progress made with regard to addressing any mineral safeguarding issues. An amendment to reflect this proposed approach can be made to Table 8. 'Evidence' that issues have been 'appropriately assessed' would likely be through a competent MRA. It is not considered that there is merit in prescribing a definitive list of what evidence could be provided, but the agreed position of each authority can be progressed through the Duty to Cooperate and published for transparency.</p> <p>If such sites were excluded from the out-set, there is the potential that sites could be inappropriately excluded from addressing mineral safeguarding issues through a failure to address this issue appropriately during pre-allocation.</p> <p>With regards to impacts on CCC's allocations, it</p>	<p>that point in time.</p>
--	--	----------------------------

	<p>is not understood what is meant by ‘will not affect’. The MPA consider that the sites in the adopted Chelmsford Local Plan have been ‘appropriately assessed’ as the relevant allocation policies contain informatives requiring an MRA to be undertaken ‘to assess if the site contains a viable minerals resource that would require extraction prior to development’. As such, mineral safeguarding provisions have been appropriately integrated.</p> <p>The MPA would welcome further discussion on this issue to better understand CCCs comments.</p>	
<p>CCC welcome the inclusion of table 9 in Appendix 2 which clearly sets out what a MRA should include but considers the inclusion of <i>‘effect on viability of non-minerals development including through delays and changes to landform and character’</i> is inappropriate. CCC cannot see how this would be able to be assessed as there is not an appropriate mechanism to in place to do so.</p> <p>For example, that level of detail is unlikely to be known at the Local Plan site allocation stage as the layout and design of a site will not have been worked up to a fully designed scheme. Furthermore, who would determine this,</p>	<p>The proposed MRA requirement to consider the ‘effect on viability of non-minerals development including through delays and changes to landform and character’ was taken directly from recent safeguarding guidance⁵.</p> <p>It is accepted that this level of detail may not be understood at the site allocation stage. This is not considered to be a showstopping issue as, whilst the MPA would encourage an MRA to be carried out as early as possible such that its conclusions can be factored into the design of a scheme, it is understood that it is unlikely that a developer will commit to such an assessment</p>	<p>Noted – having read the guidance in full the context of this is now understood and no issue taken with this wording, although the status of this guidance is not national guidance.</p> <p>This practice guidance does also set out in para 4.24 the things which should be in a MRA and it is noted that it only includes the economic value and viability of the mineral itself. It also, in annex 1 does not set out anything re economic viability and testing this as part of the wider</p>

⁵ Minerals Safeguarding Practice Guidance – The Minerals Products Association and Planning Officers’ Society, April 2019 – Annex I

<p>assuming it is the MPA and then this is for the LPA to then consider as a material consideration as part of a planning application? But this then suggests a MRA would be needed at Local Plan level and then again at planning application stage?</p>	<p>until after a site is allocated.</p> <p>For clarification, the reference to ‘viability’ here is meant in a more general sense rather than being explicitly financial, though a financial element is implicit. It is however recognised that the use of ‘viability’ in this manner introduces confusion and will be substituted with ‘practicality’ to more closely match wording in the NPPF.</p> <p>That aside, the concept allows the MRA to consider the implications of site restoration as part of the wider assessment of the practicality of prior extraction, in terms of phasing of delivery and topography. The MRA would be expected to comment on how much mineral could potentially be extracted from a particular site before there became ‘viability/practicality’ issues in relation to restoration e.g. a high-water table, steep gradients etc. Where land is subject to an MSA, it is not necessarily the case that the entirety of the resource that is present would be expected to be extracted.</p> <p>The conclusions would be set out in the MRA, which the MPA would then consider as part of its assessment into whether the MRA is competent. This consideration would be presented in light of the test set out by Policy S8 of the MLP – ‘<i>The Mineral Planning Authority will object to proposals that unnecessarily sterilise a</i></p>	<p>proposed use as is being suggested by the proposed policy amendments. Yes there are other factors which contribute to viability e.g. the extraction of minerals could lead to a housing development site not being viable due to the fact it would need backfilling after to get an appropriate land form etc (as in the Tiptree appeal) but not that the two should be mixed together in terms of the financial viability testing – this would seem to support the issue CCC raise that this is its own viability and not that of the wider viability of the site for non-mineral uses. This is how the inspector in the Tiptree appeal above considered it too, yes economic viability of the mineral is only one aspect of whether it is practical to extract or not but this seems to clearly set out this is its own viability when talking about financial viability testing.</p> <p>CCC does not want to be in the position of going against a statutory consultee which is why these issues are being raised now. CCC wishes to be clear from the outset on the approach the MPA are taking and this</p>
---	--	---

	<p><i>nationally or locally important mineral resource when it would be practical and environmentally feasible to extract it’.</i></p> <p>As set out previously, any objection made on safeguarding grounds by the MPA will be a statutory objection and a material consideration for the determination of a proposal, but the LPA is the determining authority.</p>	<p>is the main reason for raising the issue re how viability of extraction is to be considered by the MPA.</p>
<p>The difficulty in the suggested approach is that the LPA now has to consider viability at a Local Plan stage and does so through site typologies and not individual sites so such issues, which are very site specific, will not be considered (and as set out above the level of detail required would not be known at this stage in any event). As the LPA will not be inviting or looking to carry out individual viability assessments as part of planning applications where is the opportunity for this to be considered as suggested?</p>	<p>The viability section of the PPG with regards to contributions states that contributions should be considered alongside ‘...<i>a proportionate assessment of viability that takes into account all relevant policies, and local and national standards</i>’⁶. Safeguarding policy is part of the Development Plan and land designated as an MSA should be seen as a planning constraint in light of the strong protection given to making the best use of minerals in the NPPF. The need for an MRA to be carried out as part of development proposals on relevant sites was communicated to CCC and this is acknowledged in relevant allocation policies.</p> <p>Whilst the MPA is now seeking to be more prescriptive with regards to how the practicality of prior extraction can be assessed to make the process more clear and transparent, the NPPF requirement to ensure ‘<i>that known locations of specific minerals resources of local and national</i></p>	<p>We take no issue with this and as stated this is what we have done in the Local Plan.</p> <p>This would obviously be too late for the current Plan (which in part is why the above is raised - re wanting clarity that existing allocations have met the necessary requirements where the sites have done the MRA).</p> <p>That’s how it used to be done but the PPG says it should now be done at Local Plan stage and not revisited unless circumstances have changed so it is not something CCC are looking to do going forward unless it is required to be done and fulfils the tests set out in our Planning Obligations SPD.</p>

⁶ Paragraph: 001 Reference ID: 10-001-20190509
176

	<p><i>importance are not sterilised by non-mineral development where this should be avoided</i> has not changed. Instances where this ‘should be avoided’ are taken to be those where it is ‘practical and environmentally feasible⁷’.</p> <p>Amendments to Policy S8 are considered to align the policy with these national provisions.</p> <p>Land covered by an MSA could potentially be considered to be a site typology of the nature described by CCC that are used in its broad viability assessments. We would welcome discussions with CCC officers regarding this concept and further work will be carried out by the MPA to ascertain this potential, which will form part of the evidence base for the emerging MLP.</p> <p>Aside from this possibility, with regards to the LPA not inviting or looking to carry out individual viability assessments as part of planning applications, it is noted that viability issues are frequently negotiated as part of planning applications in more detail than at the site allocation stage.</p> <p>The MPA does not intend to stymie housing development though its application of mineral safeguarding, but the NPPF/PPG is clear regarding the mutual responsibility for mineral</p>	<p>Welcomed and CCC would wish to continue to work closely with the MPA at an early stage of any Local Plan work. CCC can find no guidance that asks either MPA or LPA to factor mineral extraction into the financial viability tests of proposed non-mineral development.</p>
--	---	---

⁷ NPPF Paragraph 204d
177

	<p>safeguarding.</p> <p>NPPF Paragraph 206 states that <i>‘Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.’</i> This would extend to making allocations in MSAs but the MPA is attempting to adopt a pragmatic approach given the amount of MSA coverage in some local planning areas.</p> <p>This is why the MPA is stating through plan amendments that it is open to conversations at early plan making stages, and that prior extraction is factored into the viability of the proposed non-mineral development at the earliest possible opportunity, with the role and information requirements of an MRA made clearer.</p>	
<p>CCC also has concerns with the implication of the following wording on page 227 and 228:</p> <p><i>Mineral safeguarding is a conservation measure. Conservation measures are typically assessed in the context of the viability of the development being proposed as a whole and are not required in of themselves to be profit making. Where prior extraction is considered by the MPA to be incidental to the non-mineral development and therefore capable of being</i></p>	<p>Justifications for why mineral safeguarding is considered to be a safeguarding measure, and that the practicality of prior extraction should be a consideration of viability as part of the development as a whole are set out above.</p> <p>References to prior extraction as being ‘enabling development’ in the emerging MLP will be substituted with ‘ancillary development’. It is accepted that ‘enabling development’ has a specific meaning in planning law which is not appropriate to this matter.</p>	<p>As above CCC still need convincing on this.</p> <p>Welcomed.</p> <p>All of the below is exactly why CCC have concerns with this approach as it is so ambiguous and this approach does not appear to be supported by guidance anywhere. CCC assess ‘viability’ differently. Under the guidance you have stated (MPA POS Minerals Safeguarding Guidance</p>

<p><i>permitted through a single application, it is held that assessments of the practicability of prior extraction should be considered holistically as part of the nonmineral development.</i></p> <p><i>As such, any conclusion as to the practicality of prior extraction within an MRA is to be made in the context of the viability of the non-mineral development that is creating the sterilisation risk. Assessing the practicality of prior extraction as a standalone operation is to assess a false premise, particularly when specific restoration costs required to deliver the primary development are factored into the prior extraction balance.</i></p> <p><i>Prior extraction of the mineral cannot be ruled out on viability grounds because it does not in itself turn a profit. The test required by national policy of whether prior extraction should take place is not linked to a financial profitability test in either the NPPF or PPG. Whilst it is recognised that cost clearly has viability impacts, such costs would have to have a significant viability impact on the primary development itself for this to be accepted as a reason that it is not ‘practical’ to prior extract mineral.</i></p>	<p>With regards to issues around the responsibility for determination:</p> <p>There is limited guidance on the issue of whether an application can be ruled as being a district matter or a county matter. However, the court has held that where a scheme contains a substantial element which is a county matter (i.e. mineral extraction), this determined the overall nature of the application and that in these cases, the County Council is the appropriate planning authority.</p> <p>Each case will need to be considered on its own merits. Cases where limited extraction is carried out to remove some mineral but which ensure that the site remains appropriate in terms of landform and topography, for the non-mineral development (i.e. housing) are highly likely to be viewed as being ancillary to the housing development. The substantial element of the application would remain the non-mineral/residential development. Accordingly, the determining authority would be the city/district/borough.</p> <p>To determine whether a separate planning application would need to be dealt with by the Mineral Planning Authority would be a matter of judgement. Factors such as quantity/volume, time period, size and scale would be factors to consider. Imposing a threshold would be</p>	<p>April 2019) whether a site is ‘viable’ to extract is considered by all the elements of a MRA as set out in Annex 1. This does not include any reference to the future use of the site needing to be considered from a financial viability point. It is however correct that a LPA would need to consider if minerals can be prior extracted on a relevant site. 4.24 of the guidance states that it is only the economic value and viability of the <u>mineral</u> not the future use of the site which should be considered in a MRA. Annex 1 then sets out, as you have included reference to above, that in terms of considering the practicability and acceptability of prior extraction, the effect of prior extraction on the viability of the non-mineral development should be considered, but it is suggested that is not the same as the non-mineral development having to factor in financial viability of mineral development, this refers to the practicality of extraction due to large holes that need to be filled etc making a future use unviable due to landform etc.</p>
--	--	---

<p><i>Mitigation measures required to make the primary non-mineral development appropriate may also facilitate prior extraction at that locality. As such, mitigation measures required to facilitate the primary development should not be attributed to the cost balance of prior extraction. Supporting evidence for any application will need to be clear what environmental impact, that demonstrably couldn't be mitigated, would occur from the mineral working alone.</i></p> <p><i>The MPA will not always require prior extraction to take place across the full extent of the development site, nor to the full depth of the resource. However, the maximum amount of extraction considered viable in the context of the development is encouraged to minimise the amount of resource sterilised.</i></p> <p><i>It is reiterated that as a conservation measure, the viability of prior extraction is to be assessed in the context of the development as a whole, with a negative impact on cost as a standalone operation not in of itself justification that it is not practical as part of the wider development to prior extract. Best use of an essential mineral, as required by the NPPF, cannot be demonstrated to have been made if it is sterilised when it was practical and environmentally feasible, in the context of the</i></p>	<p>difficult as every application would be different, for example with regards to the number of residential units, depth, volume and timing of extraction. Above all, applications that are proposed with prior extraction that would not jeopardise the delivery of the non-mineral development in the short/medium-term are highly likely to be city/district/borough matters. Extraction schemes that are deemed to be stand-alone and not related or ancillary to the non-mineral development, would be county matters.</p> <p>It would be for the developer to submit details on the prior extraction/site preparation works within the fuller application. Such details will be considered by the LPA in consultation with the MPA that can advise where appropriate whether it was a county or district matter, and subsequently if required, advise on the imposition of appropriate conditions and monitoring as part of consultation procedures.</p> <p>When non-mineral schemes are being implemented following local plan allocations, the City/District/Borough LPA is best positioned to consider the planning merits of the proposal, holistically, when considering the wider impact.</p> <p>This would still be the case were minerals to be extracted that would be a by-product to prevent</p>	
---	---	--

<p><i>development as a whole, to prior extract it.</i></p> <p><i>It is reiterated that the MRA must demonstrate that it was carried out at such a time that its conclusions were capable of shaping the associated proposal.</i></p> <p>This sets out that where there is small scale mineral extraction which is considered as enabling development that the LPA will determine the application and would be responsible for conditioning the development and monitoring it. CCC does not consider that this is workable in practice. The LPA does not have the expertise, nor is it within its remit to, in effect, approve and monitor a minerals application and associated conditions concerning mineral extraction.</p> <p>Furthermore, who and when would determine if it is enabling development or development in its own right? From the wording contained in Appendix 2 it would appear that if it is enabling development then it could be assessed as part of the sites viability, but if deemed to be development in its own right then its viability would be assessed in its own right separately and not as part of the longer term 'wider' development of the site for another use?</p> <p>As set out above, viability is to be carried out at</p>	<p>unnecessary sterilisation.</p> <p>It is considered that it would not always be clear whether the scale of the activity would constitute development (i.e. be non-ancillary) in its own right, judgement on fact and degree as well as the primary purpose of the development (being, for example mineral extraction or residential) would need to be made. Again, determining the presence of a separate mineral element of a proposal should be the subject of consultation between the City/District/Borough and the County Council.</p> <p>Where any proposed mineral extraction would be of a scale that a separate operation would be created in its own right, this would require a separate application to the County Council, as Mineral Planning Authority.</p> <p>Any stand-alone application under these circumstances must be capable of being restored to a beneficial after-use other than the non-mineral development, as any planning permission for stand-alone extraction could not force the subsequent implementation and build out of the non-mineral development, hence prior extraction should be primarily viewed as being ancillary to the non-mineral (e.g. residential) development to ensure that the delivery of the non-mineral development remains achievable. Applications for proposals for the after-use of</p>	
--	--	--

<p>a Local Plan level now so this would not be able to be applied in this manner.</p>	<p>mineral/landfill sites which are not related to agriculture, forestry or amenity are generally not county matters and should be the subject of a separate planning application to the relevant District/City/Borough in whose area the site falls.</p> <p>Should the MPA and LPA not agree which authority has the responsibility to determine the application, as with any other such planning dispute, it would be for the courts to decide.</p>	
<p>Appendix 2, page 229, then goes on to say:</p> <p><i>Nonetheless, there may be occasions when large-scale built developments, such as garden towns, may not be planned to come forward for a number of years, providing the opportunity for mineral extraction to take place well in advance of such development. Such extraction proposals are likely to be County matters in two-tier areas given that any application would need to be a standalone minerals application – not being linked to any primary built development proposal. As with any planning applications, such applications may be refused or granted permission. In addition, consideration should be given to whether planning permission is required for the acceptance of the mineral at a processing plant should this be located at an existing quarry as receipt of this material may</i></p>	<p>For the reasons set out above, it is not considered that a defensible threshold could be set out due to the number of competing variables. Whether prior extraction would be ancillary or standalone development would be subject to the tests set out above and planning judgement between the MPA and relevant LPA.</p> <p>It is not considered to be impossible to apply robustly or fairly. The decision-making process will need to be transparent and potentially involve all three parties – the MPA, LPA and promoter. The decision does not have to be left to the planning application stage. Whether there are safeguarding issues associated with an allocation will be known prior to the relevant Local Plan being adopted, and from adoption, if not before, procedural issues could be addressed.</p>	<p>There are no clear tests set out which is why CCC has concerns and as above the approach is too ambiguous. CCC comments are still applicable.</p>

extend the life of the quarry.

Schedule 1, Section 1 (Local Planning Authorities: Distribution of Functions) of the Town and Country Planning Act 1990 (1) defines the winning and working of minerals as a “county matter”²³. With respect of this, and unlike within the aforementioned guidance, there is no breakdown in the Act of when and/ or if any kind of mineral extraction can, or should, be classed as enabling development.

Appendix 2 goes on further to state that: The MPA are keen to avoid putting a threshold on when prior extraction may need to be considered as a separate development application rather than as enabling works, as this would need to be considered on a case by case basis. The MRA may however conclude on this matter. Where prior extraction of minerals is considered incidental to that of the main non-mineral development i.e. it is assessed as being enabling development, the Local Planning Authority would be the determining authority. In these instances, the MPA would provide comment on the mineral extraction proposals through the statutory consultation process.

Given the issues with applying the above CCC considers a threshold needs to be established and this needs to be based on robust evidence. To avoid uncertainty and confusion and

<p>disagreement it is considered that the only practical way this can be resolved and clearly applied would be to have a threshold. This would need to be included in the MLP and be supported by clear evidence to support it. Without this it will be impossible to apply robustly and fairly by all parties.</p>		
<p>The section on conditions in Appendix 2 also appears to be confusing regarding who is responsible for what. CCC question how this would work. It appears to set out that the LPA would determine such a planning permission which may or may not include prior extraction. The LPA would consult ECC who may require conditions relating to mineral extraction to be attached by the LPA. As set out above the LPA would not be in a position to monitor or determine such conditions as it does not have the expertise or remit to do so, but this suggests it would be the LPA's responsibility to do. CCC would welcome clarity on how this would work in practice.</p>	<p>The MPA's can advise, where appropriate, on the merits of any application and imposition of appropriate conditions and monitoring, including assisting with site monitoring, if necessary. The MPA understands that it has a statutory responsibility for minerals planning, however when prior extraction is considered to be ancillary to the non-mineral development, the MPA is able to advise and assist CCC and make recommendations accordingly.</p>	<p>CCC would be looking for the MPA to monitor the sites as it is outside of CCC remit and expertise.</p>
<p>Appendix 2 states that where prior extraction is considered by the MPA to be incidental to the non-mineral development and therefore capable of being permitted through a single application (e.g. in this case it would be determined as part of a planning application to the LPA), it is held</p>	<p>References to prior extraction as being 'incidental development' will be replaced with 'ancillary development' to ensure consistency throughout the emerging MLP.</p> <p>As set out previously, land covered by an MSA</p>	<p>Welcomed</p> <p>Each site is so unique regarding the cost of prior extraction that the level of detail can only be established by a MRA which would consider all these</p>

<p>that assessments of the practicability of prior extraction should be considered holistically as part of the non-mineral development.</p> <p>Figure 2 in Appendix 2 and the above seem to be a sensible approach in principle, but where is Local Plan viability factored in? Earlier areas of the MLP appear to want the viability of a site to consider prior extraction as part of the wider development of an allocation site. As set out above by the planning application stage this is too late as LPAs will not be assessing viability at application stage anymore. The LPA will have carried out its viability testing before this point and will not be opening up viability at a planning application stage. To do so would undermine the Local Plan viability work and risk the loss of other items such as affordable housing and other infrastructure requirements which have been factored into the Local Plan viability work.</p>	<p>could be considered to be a site typology of the nature described by CCC that are used in its broad viability assessments. We would welcome discussions with CCC officers regarding this concept and further work will be carried out by the MPA to ascertain this potential, which will form part of the evidence base for the emerging MLP.</p> <p>It is understood that such an approach wasn't undertaken at the CCC local plan allocation stage as the Development Plan did not explicitly set out this requirement, but this is naturally not a reason why changes in the Development Plan cannot be made. Any changes would need to be considered as part of allocations in future local plans. It is noted that the CCC Local Plan has clearly set out the need for Mineral Resource Assessments, the conclusion of which may require the extraction of a 'viable mineral resource'. There is therefore already the requirement to assess the viability of prior extraction as part of the non-mineral development proposal embedded in the Local Plan.</p> <p>Aside from this, with regards to the LPA not inviting or looking to carry out individual viability assessments as part of planning applications, it is noted that viability issues are frequently negotiated as part of planning applications in more detail than at the site allocation stage</p>	<p>costs. Most developers will not go to such expense ahead of allocation and as long as the Local Plan requires a MRA to be carried out in accordance with the MLP it has fulfilled this duty/consideration to satisfy if prior extraction is feasible.</p> <p>Any CCC allocation sites which require prior extraction have that as a policy requirement. CCC are just trying to ensure sites are not going to have to do anymore than as set out in the Local Plan and that the way viability is assessed is correct and robust. The schedule of sites proposed will likely assist in this issue.</p> <p>As above re viability assessments – no longer encouraged at application stage by national guidance.</p>
--	--	--

	<p>following more detailed assessments carried out by the site promoter than were available at the allocation stage.</p>	
<p>In summary, CCC support the principle of the need for prior extraction ahead of any other forms of development set out in Policy S8, but it needs to be clearly set out how this will work, what the requirements for determining if prior extraction is viable are, including but not limited to economic viability, as well as a clear justification to the approach taken. It remains unclear where the need for viability testing for mineral extraction being part of another form of development comes from, rather than being a standalone viability test for the mineral extraction itself? There still remains a lack of evidence or justification through national policy or guidance to support this approach, and the issues with the application of such an approach highlights the reasons why this approach is not supported in its current form. The mechanics for how this would work in practice is still unclear, particularly at how it could be considered as part of viability testing for allocated sites given that this is now done at Local Plan level and not application stage and much of what its being asked in terms of the MRA requires greater design/masterplan level of information not available at Local Plan allocation stage.</p>	<p>Support of the principles is welcomed and the MPA would further welcome ongoing discussions to shape the final approach in recognition of the important role that LPAs play in the safeguarding of mineral resources.</p> <p>To provide summary responses to the summary points raised:</p> <p>The requirements for determining if prior extraction is viable are set out in Appendix 2, Table 9 of the emerging MLP which relates to the information expected to inform an MRA.</p> <p>In terms of mechanics, prior extraction will likely often be viewed as ancillary development, with the MPA supporting the LPA.</p> <p>Regarding a holistic consideration, the NPPF states that the there is a need to ‘set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place’. The non-mineral development is creating the need for prior extraction, and therefore assessments of practicability and environmental feasibility are within the context of the non-mineral development.</p> <p>To assess prior extraction as a standalone activity would be to assess it under a false</p>	<p>As set out in the summary above.</p>

	<p>premise. Prior extraction is being undertaken as a safeguarding measure, ancillary to the non-mineral development, to avoid the sterilisation of minerals. Prior extraction is not being carried out as development in its own right. Non-mineral development sterilises land within the site and in proximity and therefore negates standalone extraction potential as a fully commercial operation which might otherwise have been realised over this larger area.</p> <p>Where prior extraction is applied for as standalone development, viability would then not need to be demonstrated in the context of the non-mineral development, as the purpose of considering viability holistically is to demonstrate whether prior extraction is 'practical and environmentally feasible'. By virtue of it forming a separate application, the development would be considered practical and environmentally feasible by the promoter.</p>	
<p>While CCC supports the MPA in its aim to prevent the unnecessary sterilisation of mineral resources there remains concerns from CCC regarding the application of Policy S8. It would seem that the MRA needs to clearly establish if extraction is enabling development or stand-alone development in the first instance and the MPA would have to determine that as they assess the MRA. If it is determined that it is stand-alone minerals extraction, then the MPA</p>	<p>References to prior extraction as being 'enabling development' in the emerging MLP will be substituted with 'ancillary development'. 'Enabling development' has a specific meaning in planning law which is not appropriate to this matter.</p> <p>The MRA would advise on whether prior extraction is practicable and environmentally feasible. Where the MRA assesses that prior</p>	<p>Welcomed</p> <p>Agree with this approach</p> <p>It is the manner in which viability is being proposed to be tested which causes concerns.</p> <p>Agreed, but as above re the manner in which it is being proposed to be</p>

<p>would require a separate planning application to be submitted to them and they can determine it. An LPA cannot in effect determine a minerals application as part of a local development application. This muddles the two authorities' functions and is asking an LPA to determine a minerals application, albeit that it may be 'enabling' extraction. As set out above an LPA does not have the power or expertise to do this. It appears that this process just does not work in practice, which again highlights the issue with trying to assert that a wider development should consider mineral extraction as part of its viability testing, when the mineral extraction is not in itself sufficient to require its own planning application to the MPA.</p>	<p>extraction is practical and environmentally feasible, ideally this would inform pre-application discussions. Here, the LPA, MPA and promoter would discuss whether prior extraction would be as part of a standalone application or treated as ancillary development. It is noted that the need for MRA is known before sites are formally allocated at the adoption stage, as well as before an application is put together irrespective of whether the site is allocated in a plan or not.</p> <p>Where mineral extraction is ancillary, the MPA would be a consultee and could advise the LPA accordingly.</p> <p>If extraction was found to be viable as part of an application silent on prior extraction, then the opinion of the MPA would be that a fresh or amended application should be brought forward for consideration and consultation. As such it is crucial that an MRA is carried out as early in the planning process as practical.</p> <p>If an application which meets safeguarding thresholds as set out in Policy S8 does not include a competent MRA, then this would give rise to a material objection from the MPA as the application is not in conformity with the Development Plan.</p>	<p>tested.</p>
<p>CCC would also welcome site of the policies map to check the consultation areas as</p>	<p>Noted. The MPA are happy to carry out this assessment upon receipt of CCC's LP</p>	<p>CCC can supply this. Please advise who to send necessary layers to.</p>

<p>proposed to check any potential implications for the area.</p>	<p>allocations.</p>	
<p>CCC would ask for further reassurance about existing Local Plans which are in place not being impacted by this Policy. Policy S9 says ‘when preparing a Local Plan’. Can the MPA confirm to CCC that this does not apply to existing allocations in its adopted Local Plan?</p>	<p>Policy S9 states that ‘<i>The determining Planning Authority shall consult the Mineral Planning Authority and take account of its views before making planning decisions on all developments within Mineral Infrastructure Consultation Areas.</i>’ There is no change in approach from the current plan other than a name change from Mineral Consultation Areas to Mineral Infrastructure Consultation Areas.</p> <p>The policy further states that ‘The Local Planning Authority <u>should also</u> consult the Mineral Planning Authority on any land-use policy, proposal or allocation relating to land within a Mineral Infrastructure Consultation Area that is being considered as part of preparing a Local Plan.’ (emphasis added). This occurs through DtC engagement and formal consultation.</p> <p>The policy approach, both current and that proposed, is considered to be in conformity with NPPF Paragraph 182 – the Agent of Change Principle.</p> <p>Further clarification is requested with regards to what reassurances are being sought by CCC. That new development cannot conflict with an existing use is a principle in the national policy</p>	<p>CCC is seeking clarification as to whether this would apply to existing allocations in CCCs adopted Local Plan or not? As the policy says ‘when preparing a Local Plan’ CCC reads that as it adopted its Plan this policy will not be applicable until CCC reviews its Plan?</p>

	framework.	
Under Policy S9 where it says ' <i>new mineral infrastructure will be safeguarded</i> ' CCC assume the MPA will regularly update the LPA to ensure our mapping is kept up to date so we are aware if any applications we get may impact any new consultation areas etc which may arise through new permissions. CCC would welcome a commitment to doing this within a certain timeframe.	<p>Yes, it is recognised that there is an obligation to provide LPAs with the necessary information to ensure that their mapping is up to date.</p> <p>It is considered that updates should be provided whenever new permission is granted that results in the designation of an MCA.</p>	It would be good to get an agreed protocol in place for this to ensure layers come over in a timely manner and are updated by CCC quickly as well.

Policy S3 – Climate Change

CCC welcome the amendments to this policy to include further requirements and reference to the inclusion of standards set out in Local Plans and Green Infrastructure Plans under criterion 7 regarding restoration schemes. It is noted in previous DtC discussions that the MPA were looking at setting the baseline for emissions through a range of methods and trying to line this up with the districts and boroughs. CCC would welcome clarity on if any progress has been made on this?

Response of the Authorities/Impact on the next stage of the Plan

To clarify, the MPA specifically are not looking at establishing the baseline for Essex emissions, this is being assessed by the wider ECC authority in partnership with the District/Borough/City Councils. ECC are working with the District/Borough/City Councils on air quality issues and are currently considering how best to manage air quality and greenhouse gas emissions across the county. Further, through the Habitats Regulations Assessment on the MLP, consultants acting on behalf of the MPA are also engaging with Natural England on this issue.

Full list of DtC responses

The following bodies were contacted and subsequently notified the Council that they had no comment to make on the emerging MLP at this stage:

- Southend-On-Sea Borough Council
- Bedfordshire Authorities
- Norfolk County Council
- Castle Point Borough Council
- South Cambridgeshire District Council
- Suffolk Coastal District Council (East Suffolk Council)
- Transport for London
- Thurrock Highways
- The London Borough of Redbridge

The following bodies were contacted and subsequently no response was made on the emerging MLP at this stage:

Hertfordshire County Council
Tendring District Council
Epping Forest District Council
Braintree District Council
Brentwood Borough Council
Maldon District Council
Broxbourne Borough Council
East Hertfordshire District Council
Babergh District Council
North Hertfordshire District Council
Kent County Council
Medway Council
The London Borough of Havering
The London Borough of Enfield
The London Borough of Waltham Forest
South East Local Enterprise Party
Homes England
Southend CCG
Mid Essex CCG
West Essex CCG
Castlepoint & Rochford CCG
Basildon & Brentwood CCG
Thurrock CCG
Office of Rail & Road
Essex Highways
Southend Highways
Thames Gateway
ECC Internal

ECC Internal
ECC Internal
Affinity Water
Veolia Water
Thames Water
Essex & Suffolk Water

Appendix Four

The email that was sent to consultees

Dear Sir/Madam,

You may recall that we previously invited your views regarding an early scoping exercise informing the Essex Minerals Local Plan (MLP) 2014 review under the Duty to Co-operate (DtC). Please see below.

Your comments and further internal assessment have been taken into consideration and we now invite further comments, under the DtC, on the proposed wording to inform a future Regulation 18 Consultation.

Attached to this email are the core draft documents for the MLP review. We recognise that there are some formatting issues, although we thought it was most appropriate to not let this delay this round of DtC.

1. MLP Review track changed (shows all additions as underlined italics, deletions as strikethroughs)
2. MLP Review changes implemented (clean version of the document with above changes made)
3. ECC Schedule of amendments (sets out every change and gives a very brief rationale)
4. ECC MLP Review Rationale Report - sets out MPAs reasoning behind all changes
5. ECC DtC Report (sets out the process undertaken during September 2019 – February 2020 to engage with those authorities which fall under the DtC arrangements)

The above documents are supported by a DtC report setting out all engagement to date, this includes responses to all comments received through the previous DtC engagement. Full supporting evidence documents will be made available at Regulation 18; however, they can be made available at your request. Please see full list below:

- Latest Local Aggregate Assessment
- Latest Authority Monitoring Report
- Building Sand Addendum (to Report originally presented at EIP 2013)
- Strategic Flood Risk Assessment Addendum (to Report originally presented at EIP 2013)
- Marine-Won Aggregate Supply Report
- Analysis of 'Windfall' Mineral Extraction Sites

You are welcome of course to take up the option of a 1:1 meeting on any aspect of our work to date, via video call. Involvement at this stage, and the means utilised to undertake any involvement, will not prejudice any further involvement in subsequent engagement.

An Sustainability Appraisal (SA), Habitats Regulations Assessment (HRA) and other relevant assessments are being carried out iteratively prior to Regulation 18 and as such it is requested that electronic responses (using the attached response form) are received by COP on 20th November 2020. This will allow for any amendments required through DtC to be fed back into these relevant assessments. Please feel free to get in touch to arrange a convenient meeting date.

Could I respectfully ask that all responses to this engagement and requests for meetings be directed to myself.

If you have any questions on the above, please get in contact with me using the details below. If there is a more appropriate contact at your authority to direct this email to, could you please forward on and update me.

Thank you.

The response template that was sent to consultees

Duty to Co-Operate Response Form

1. Do you agree to the proposal to amend the **Spatial Vision**?

Yes No No Comment

Do you agree with the proposed amendments?

Agree Agree with amendments Disagree

Please provide any comments below:

2. Do you agree to the proposal to amend the **Aims and Strategic Objectives**?

Yes No No Comment

Do you agree with the proposed amendments?

Agree Agree with amendments Disagree

Please provide any comments below:

3. Do you agree that **Policy S1** does not need amending?

Yes No No Comment

Please provide any comments below:

4. Do you agree to the proposal to amend **Policy S2**?

Yes No No Comment

Do you agree with the proposed amendments (supporting text and policy)?

Agree Agree with amendments Disagree

Please provide any comments below:

5. Do you agree to the proposal to amend **Policy S3**?

Yes No No Comment

Do you agree with the proposed amendments (supporting text and policy)?

Agree Agree with amendments Disagree

Please provide any comments below:

6. Do you agree to the proposal to amend **Policy S4**?

Yes No No Comment

Do you agree with the proposed amendments (supporting text and policy)?

Agree Agree with amendments Disagree

Please provide any comments below:

7. Do you agree to the proposal to amend **Policy S5**?

Yes No No Comment

Do you agree with the proposed amendments (supporting text and policy)?

Agree Agree with amendments Disagree

Please provide any comments below:

8. Do you agree to the proposal to amend **Policy S6**?

Yes No No Comment

Do you agree with the proposed amendments (supporting text and policy)?

Agree Agree with amendments Disagree

If you have any further comments on the more detailed amendments associated with Policy S6 please provide these below:

The Rate of Mineral Provision

- Agree Agree with amendments Disagree

Please provide any comments below:

The Plan Approach to Reserve Sites

- Agree Agree with amendments Disagree

Please provide any comments below:

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

- Agree Agree with amendments Disagree

Please provide any comments below:

The Proposed Continued Omission of Windfall Sites from Mineral Provision Calculations

Agree Agree with amendments Disagree

Please provide any comments below:

The Proposed Continuation of a Combined Landbank for Sand and Gravel

Agree Agree with amendments Disagree

Please provide any comments below:

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

Agree Agree with amendments Disagree

Please provide any comments below:

9. Do you agree to the proposal to amend **Policy S7?**

Yes No No Comment

Do you agree with the proposed amendments (supporting text and policy)?

Agree Agree with amendments Disagree

Please provide any comments below:

10. Do you agree to the proposal to amend **Policy S8?**

Yes No No Comment

Do you agree with the proposed amendments (supporting text and policy)?

Agree Agree with amendments Disagree

If you have any further comments on the more detailed amendments associated with Policy S8 please provide these below:

The Relationship between Policy S8 and Policy S9

Agree Agree with amendments Disagree

Please provide any comments below:

Minerals Local Plan Appendix 5

Agree Agree with amendments Disagree

Please provide any comments below:

Justification for the Extent of Mineral Safeguarding Areas

Agree Agree with amendments Disagree

Please provide any comments below:

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

Agree Agree with amendments Disagree

Please provide any comments below:

Requirements for a Compliant Minerals Assessment

Agree Agree with amendments Disagree

Please provide any comments below:

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

Agree Agree with amendments Disagree

Please provide any comments below:

11. Do you agree to the proposal to amend Policy S9?

Yes No No Comment

Do you agree with the proposed amendments (supporting text and policy)?

Agree Agree with amendments Disagree

If you have any further comments on the more detailed amendments associated with Policy S9 please provide these below:

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

Agree Agree with amendments Disagree

Please provide any comments below:

Requirements for a Compliant Mineral Infrastructure Assessment

Agree Agree with amendments Disagree

Please provide any comments below:

Mineral Consultation Areas as they relate to Mineral Infrastructure

Agree Agree with amendments Disagree

Please provide any comments below:

12. Do you agree that **Policy S10 does not need amending?**

Yes No No Comment

Please provide any comments below:

13. Do you agree to the proposal to amend **Policy S11?**

Yes No No Comment

Do you agree with the proposed amendments (supporting text and policy)?

Agree Agree with amendments Disagree

14. Do you agree to the proposal to amend Policy S12?

Yes No No Comment

Do you agree with the proposed amendments (supporting text and policy)?

Agree Agree with amendments Disagree

If you have any further comments on the more detailed amendments associated with Policy S12 please provide these below:

Recognising the wider Development Plan in Restoration Schemes

Agree Agree with amendments Disagree

Please provide any comments below:

The Continued Appropriateness of Section 3 of Policy S12

Agree Agree with amendments Disagree

Please provide any comments below:

The Delivery of Priority Habitat through Policy S12

Agree Agree with amendments Disagree

Please provide any comments below:

15. Do you agree to the proposal to amend Policy P1?

Yes No No Comment

Do you agree with the proposed amendments (supporting text and policy)?

Agree Agree with amendments Disagree

If you have any further comments on the more detailed amendments associated with Policy P1 please provide these below:

The Continued Deliverability of Sites allocated through the Minerals Local Plan

Agree Agree with amendments Disagree

Please provide any comments below:

16. Do you agree to the proposal to amend Policy P2?

Yes No No Comment

Do you agree with the proposed amendments (supporting text and policy)?

Agree Agree with amendments Disagree

Please provide any comments below:

17. Do you agree to the proposal to amend **Policy DM1**?

Yes No No Comment

Do you agree with the proposed amendments (supporting text and policy)?

Agree Agree with amendments Disagree

Please provide any comments below:

18. Do you agree that **Policy DM2** does not need amending?

Yes No No Comment

Please provide any comments below:

19. Do you agree to the proposal to amend **Policy DM3**?

Yes No No Comment

Do you agree with the proposed amendments (supporting text and policy)?

Agree Agree with amendments Disagree

Please provide any comments below:

20. Do you agree to the proposal to amend **Policy DM4**?

Yes No No Comment

Do you agree with the proposed amendments (supporting text and policy)?

Agree Agree with amendments Disagree

Please provide any comments below:

21. Do you agree to the proposal to amend **Policy IMR 1**?

Yes No No Comment

Do you agree with the proposed amendments (supporting text and policy)?

Agree Agree with amendments Disagree

If you have any further comments on the more detailed amendments associated with Policy IMR1 please provide these below:

MMI 1: Production of primary land won aggregates by the MPA

Agree Agree with amendments Disagree

Please provide any comments below:

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

Agree Agree with amendments Disagree

Please provide any comments below:

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

Agree Agree with amendments Disagree

Please provide any comments below:

MMI 4: Production of secondary & recycled aggregates

Agree Agree with amendments Disagree

Please provide any comments below:

MMI 5: Size of landbank

Agree Agree with amendments Disagree

Please provide any comments below:

MMI 6: Locations of new recycling facilities in accordance with spatial strategy

Agree Agree with amendments Disagree

Please provide any comments below:

MMI 7: Locations of new extractions in accordance with spatial strategy

Agree Agree with amendments Disagree

Please provide any comments below:

MMI 8: Number of safeguarded depots/ wharves lost to other uses

Agree Agree with amendments Disagree

Please provide any comments below:

MMI 9: Area of commercial mineral deposits sterilised by non-mineral development

Agree Agree with amendments Disagree

Please provide any comments below:

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

Agree Agree with amendments Disagree

Please provide any comments below:

MMI 11: Amount of land newly restored for habitat creation a) Anticipated provision within application details (and committed to through planning permission), b) Actual provision following restoration of site, prior to being placed in to aftercare

Agree Agree with amendments Disagree

Please provide any comments below:

Other documents sent to consultees

There were five documents that we sent out to consultees as attachments in the email with the response template (above).

The first document was the ECC DtC Report. This was the first DtC report produced in October 2020 which documented initial DtC engagement from September 2019 to October 2020. This report can be found online as part of the evidence base supporting the MLPR.

The second document was the ECC MLP Review Rationale Report. This report is split into several chapters. Chapter 1 provides the introduction, with Chapter 2 providing the legal framework to the review. Chapter 3 presents a brief overview of changes in national policy since the adoption of the MLP, with Chapter 4 being the Review of the MLP.

Chapter 4 is split into several sections, pertaining to the constituent components of the MLP with each section of Chapter 4 following the same format. Each section introduces the component of the MLP being reviewed before providing an assessment of that component's compliance with the NPPF/PPG as extant in October 2019.

Considerations are then given as to whether each element of the plan component being assessed is compliant with the NPPF and/or the PPG. This is presented by way of a brief summary in the main report and in full in Appendix One. Reference is made to the PPG if any particular element of the MLP cannot be appropriately justified through a reference to an appropriate paragraph of the NPPF. Each table set out in Appendix One does not pertain to be a comprehensive record of relevant parts of the NPPF and PPG as they relate to that particular component of the MLP. Instead, the table provides sufficient detail such that the relevant component of the MLP is justified against the provisions of the NPPF and PPG.

This report can be found online as part of the evidence base supporting the MLPR.

The third document was the ECC Schedule of amendments. This schedule documents every change that has been proposed to the MLP. There are three columns in the table with the first relating to the reference in the current adopted MLP 2014. The second column is relating to the reference in the new proposed MLP with all the amendments. The third column is a description of the nature of the amendments. This schedule can be found online as part of the evidence base supporting the MLPR.

The two final documents were the Essex Minerals Local Plan Review (track changes) and the Essex Minerals Local Plan Review (clean version). The track changes version of the plan is the current adopted MLP 2014 with all the amendments. Strikethroughs demonstrating text that is being proposed to be removed from the plan, and all new additional proposed text underlined and italic. The clean version of the plan is the plan will all the text that has been proposed to be removed, removed from the plan, and all new additional proposed text included. Both of these documents can be found online as part of the evidence base supporting the MLPR.

This document is published by

**Essex County Council
Minerals and Waste Planning**

Contact Us:
mandwpolicy@essex.gov.uk
www.essex.gov.uk/planning
03330 139 808

Freepost RTKH-XUBZ-CJZS
Essex County Council
Minerals Planning Consultation
County Hall
Chelmsford
Essex
CM1 1QH

The information contained in
this document can be translated
and/ or made available in alternative
formats, on request.

Published March 2021



Essex County Council