

1 Response Paper – Appendix One: Site Profiles for Preferred Sites (Site Profiles for Preferred and Reserve Sites)

Purpose of Appendix One

- 1.1 This Appendix contains a complete set of individual Site Profiles for each of the proposed Preferred and Reserve Sites subject to Policy P1. Each Site Profile covers the site location, site boundaries, site characteristics, and any detailed development requirements associated with mineral working at each site.

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

- Amendments are proposed to recognise the re-allocation of Reserve Sites to Preferred Sites.
- It is noted that the information presented in each Site Profile is reflective of their characteristics at the point of adoption of the MLP and that a number of these sites have since been permitted and/or are being extracted. In recognition of the fact that the planning history with respect to these sites has the potential to change one or more times as the MLP emerges, these Site Profiles were not amended to reflect the interim position as existed in March 2021. They will however be updated ahead of a further public consultation.
- An exception to the above is to accommodate an amendment requested through the Habitats Regulation Assessment. Through this assessment it was requested that a new criterion was added to the Site Profile for A31 Maldon Road, Birch to note the need for consideration to be given to the design, layout and phasing of works and restoration in order to protect the proximal watercourse from pollution and avoid adverse effect on the integrity of the Colne Estuary SPA and Ramsar site.

Impact of Revisions to NPPF 2021

- 1.2 None of the amendments made to the NPPF in July 2021 had an effect on Appendix One.

Addressing Issues Arising Out of March 2021 Reg 18 Consultation

- 1.3 Where support was received for the proposed amendments, no further detail was submitted. Through the consultation, a number of objections, clarifications and other proposed amendments were suggested through the raising of the following issues:
 - The requirement to update maps and other information in Section 4 and Appendix One of the MLP

- Potential impacts on residential dwellings in proximity to allocated and/ or active quarry sites
- Issues relating to a proposed flood scheme in proximity to Coggeshall
- Issues relating to Site A5 and Site A7, Bradwell Quarry, Rivenhall Airfield

Addressing Issues Arising out of March 2021 Reg 18 Consultation

- 1.4 This section acts to address the issues raised through the March 2021 Regulation 18 Consultation in relation to this policy, as set out above, and subsequently details any changes in approach made through their consideration. These changes of approach will be incorporated within The Draft Essex Minerals Local Plan 2025-2040 Regulation 18 document which will again be subjected to a Regulation 18 public consultation.
- 1.5 There now follows a discussion of each of the main issues raised during the March – April 2021 Reg18 Consultation in relation to this Plan section:

The requirement to update maps and other information in Section 4 and Appendix One of the MLP

- 1.6 Through the consultation it was noted that Section 4 of the MLP seeks to identify mineral sites for primary mineral extraction for the remainder of the planned period until 2029. It was recognised that the content is based on retaining Policies P1 and P2 of the adopted plan however it was considered that by simply copy and pasting the list of Preferred Sites originally adopted under the emerging plan, a clear picture was not provided with regards to where sand and gravel will be extracted for the remainder of the plan period. It was considered that the sites identified in MLP Table 5 needed to be subject to a review that indicates where these sites have already been granted consent, where they have been worked and restored or were in the process of such. It was further suggested that if Table 5 was not updated then it was suggested that Appendix One could be. It was considered that such a review would provide greater transparency and a clearer picture of where preferred sites will be developed for the remainder of the plan period.
- 1.7 It is agreed that Section 4 and Appendix One of the MLP would not give a clear picture with regards to the planning context as will exist at the point that the amended MLP is adopted if they are not updated. With the revised decision to re-base the Plan to 2040, these sections will receive full updates, with delivered allocations removed.
- 1.8 It is additionally recognised that Paragraphs 4.1 – 4.7 will also be required to be updated such that they are reflective of the revised provision made through the amended Plan.

Potential impacts on residential dwellings in proximity to allocated and/ or active quarry

sites

- 1.9 A representation was received which stated that the respondent lived in close proximity to the 'preferred sites' at Bradwell Quarry and concern was raised with respect to the potential disruption of their quality of life that development of sites A6 and A7 may have. It was requested that assurances were given that the noise and dust and any pollution from the works and associated traffic is kept to a minimum and managed in a way that does not impact on their right to peace and quiet and enjoyment of their home and garden. It was also stated that they were mindful that the proposed works to A6 & A7 will also have a detrimental impact of the value of their home and therefore assurances were requested that any work would be planned to minimise any disfigurement on the landscape whilst the work is in progress as well as once the sites have been restored.
- 1.10 The MWPA notes that Sites A6 and A7 were allocated as Reserve Sites through the adoption of the MLP in 2014. As such, they were assessed as being suitable for mineral extraction in principle. Site A7 has since been granted permission for mineral extraction under ESS/12/20/BTE. It was further proposed to re-allocate Site A6 as a Preferred Site, as there was an evidenced need for the mineral over the Plan period, the principle of extraction has already been established through previous Hearings, and no information has been submitted which would question its deliverability. With the subsequent decision to re-base the Plan to 2040, all existing allocations in the MLP 2014 that have not come forward will be re-assessed under the new site selection methodology and an assessment made of their continued appropriateness.
- 1.11 As is the case for all sites, whilst allocation through the adoption of the MLP sets the principle of mineral extraction, it is only through more detailed assessment at the planning application stage where permission to extract can actually be granted. An application is assessed against its conformity with the policies in the Development Plan. For example, Policy DM1 – Development Management Criteria seeks to mitigate against impact during mineral working and Policy S12 – Mineral Site Restoration and After-use ensures that planning applications demonstrate that the land is capable of being restored at the earliest opportunity to an acceptable environmental condition to support beneficial after-uses. Conditions are placed on planning permissions to ensure that policies remain complied with, and these are enforceable. The MWPA includes an enforcement service who can respond to any issues raised by local communities.

Issues relating to a proposed flood scheme in proximity to Coggeshall

- 1.12 Through the Regulation 18 Consultation 2021, it was stated that Appendix One did not include the extension to the quarry to the south of Coggeshall. It was stated that this should be in the MLP with all the details to explain the size of the area and the environmental implications which were considered to juxtapose the statements expressed in this document.

- 1.13 It is presumed that references in relation to the extension to the quarry to the south of Coggeshall relates to a proposed flood alleviation venture between a private company and the Environment Agency which will involve the establishment of an extension at Bradwell Quarry to facilitate the creation of flood defences. Whilst the MWPA notes the comments received, at the point of the Regulation 18 Consultation in 2021, this was not a site that was being proposed for allocation through the MLP Review. However, land pertaining to the same area was submitted through the Call for Sites exercise in March 2022 as a candidate site for future sand and gravel extraction. The site was assessed under the site selection methodology that all sites received through the March 2022 Call for Sites exercise were subjected to, and the outcome of that assessment can be found in evidence supporting the Regulation 18 Consultation in 2023. The results of this initial site assessment will be consulted upon as part of that consultation. If, following public consultation, it is considered appropriate for this site to be allocated, then it will be subject to a pro-forma in Appendix One as is the case for any other preferred site allocation. It is however further noted that the evidence supporting this submission states that a 'planning application for the flood alleviation scheme will come forward during 2022'. This would pre-date the adoption of any new Preferred Site allocations through the MLP Review and the site would therefore be considered to be a proposal on a non-Preferred Site, irrespective of the outcome under the site assessment.
- 1.14 Any application submitted to work a site that is not allocated as a Preferred Site in the MLP will be assessed against the relevant policy framework in the adopted MLP, particularly Policy S6, at the point of an application being submitted. The issues raised in the responses to the Regulation 18 Consultation 2021 would be required to be considered. A specific public consultation exercise on any future application would subsequently form part of the determination process for that application, irrespective of whether it was a Preferred Site or not. As of August 2022 an application has yet to be submitted and therefore there is no application before the MWPA to determine.
- 1.15 Mitigation of any potential site-specific adverse impacts of the proposed development would therefore be addressed through the planning application process, including those impacts which are cumulative. This includes landuse matters which would be determined by the MWPA and environmental matters regulated by the Environment Agency. Evidence of their consideration would be published as evidence for public consultation. Those policies of particular relevance are Policy DM1 – Development Management Criteria and Policy S12 – Mineral Site Restoration and After-use.
- 1.16 Further, conditions attached to the granting of planning permission would be expected to be complied with. Failure to adhere to these conditions can result in enforcement action against the operator.

Issues relating to Site A5 and Site A7, Bradwell Quarry, Rivenhall Airfield

- 1.17 A further representation received through the consultation noted the progression of aggregate quarrying in the locality of Rivenhall Airfield and questioned how they would impact the projected Kings Dere proposal and the future of the Kings Seeds business.
- 1.18 It is noted that Site A7 has since been granted permission for mineral extraction under Application Reference ESS/12/20/BTE following the submission of a planning application. For permission to have been granted, any impact of extraction on existing receptors would have been assessed as being acceptable when factoring in any required mitigation. In the Decision Notice relating to ESS/12/20/BTE it is stated that Monk's Farm Cottages (Listed Building), from which Kings Seeds operate, is located just beyond the southeast corner of the site and that this would require protection, including retention of existing trees to the northwest and provision of additional screening. It is not expected that the activity of seed growing would be impacted. With respect to the Kings Dere proposal, Braintree District Council are the determining authority and the MWPA are a consultee. ECC in its capacity as the MWPA has responded to a public consultation on the application submitted in relation to the Kings Dere proposal (21/03579/OUT) and as the determining authority, Braintree District Council will assess this response.

Conclusion

- 1.19 Where support was received for the proposed amendments, no further detail was submitted. In relation to a representation which stated that Appendix One and Section 4 require updating ahead of the adoption of the revised MLP, this is accepted and in any event the re-basing of the Plan to 2040 will require full updates to the list of proposed allocations, with those allocations already delivered intended to be removed. It is additionally recognised that Paragraphs 4.1 – 4.7 will also be required to be updated such that they are reflective of the revised provision made through the amended Plan. With respect to the other representations received, these do not strictly relate to Appendix One as it currently stands and therefore are not considered to result in the need for any further amendments to this Plan section.

Table 1: Schedule of Proposed Additional Amendments to Policy IMR1 – Monitoring and Review following Regulation 18 Consultation 2021 on MLP Review

Old Ref	New Ref	Proposed Amendment
Appendix One	Appendix One	An update will act to remove those sites listed as allocated preferred sites which have been granted planning permission since the MLP was adopted. Sites allocated but where planning permission has yet to be granted will

		be retained, provided the allocation is carried forward into the future Plan, and the Appendix will be supplemented with pro-formas for additional sites that are proposed for allocation.
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Table 2: April 2021 Regulation 18 Consultation Responses to Appendix One – Preferred Sites for Mineral Extraction

ORGANISATION	ON BEHALF OF	APPENDIX ONE	APPENDIX ONE	ECC RESPONSE
Name of Organisation	Are you responding on behalf of another individual or organisation? - If Yes, Who?	1.Do you agree or disagree with the rationale behind the amendments proposed in this section of the emerging Minerals Local Plan? (see Rationale Report)	Please provide any comments below:	
Runwell Parish Council (631132323)	Runwell Parish Council	Agree	N/a	N/A
W H Collier Limited (769297167/ 942768790)		Agree		N/A
Blackwater Aggregates (623162177)		Agree		N/A
CEMEX (982058282)		Agree		N/A
Gent Fairhead Aggregates		Agree		N/A

(871678397)				
Resident (850344129)		Agree		N/A
Resident (751906667)		Agree (but wish to clarify)	<p>As one of the nearest residents to the planned 'preferred sites' at Bradwell Quarry I am naturally very concerned about the disruption to my quality of life any development of sites A6 and A7 may have. My house is situated less than 250 meters from site A6 and approximately 800 meters from A7 therefore I would like all assurances that the noise and dust and any pollution from the works and associated traffic is kept to a minimum and managed in a way that does not impact my right to peace and quiet and enjoyment my home and treasured garden.</p> <p>I am mindful that the proposed works to A6 & A7 will also have a detrimental impact of the value of my home and again would like assurances that any work would be planned to minimise any disfigurement on the landscape whilst the work is in</p>	<p>Sites A6 and A7 were allocated as Reserve Sites through the adoption of the MLP in 2014. As such, they were assessed as being suitable for mineral extraction in principle. Site A7 has since been granted permission for mineral extraction under ESS/12/20/BTE. It was further proposed to re-allocate Site A6 as a Preferred Site, as there was an evidenced need for the mineral over the Plan period, the principle of extraction has already been established through previous Hearings, and no information has been submitted which would question its deliverability. With the subsequent decision to re-base the Plan to 2040, all existing allocations in the MLP 2014 that have not come forward will be re-assessed under the new site selection methodology and an assessment made of their continued appropriateness.</p> <p>Whilst allocation through the adoption of the MLP sets the principle of mineral extraction, it is only through more detailed</p>

			progress as well as once the sites have been restored.	assessment at the planning application stage where permission to actually extract can be granted. An application is assessed against its conformity with the policies in the Development Plan. For example, Policy DM1 – Development Management Criteria seeks to mitigate against impact during mineral working and Policy S12 – Mineral Site Restoration and After-use ensures that planning applications demonstrate that the land is capable of being restored at the earliest opportunity to an acceptable environmental condition to support beneficial after-uses. Conditions are placed on planning permissions to ensure that policies remain complied with, and these are enforceable. The MWPA includes an enforcement service who can respond to any issues raised by local communities.
David L Walker Ltd (559449615)	Brice Aggregates	Disagree (please clarify)		N/A
RPS (707875084)	Indaver	No comment		N/A
GeoEssex (538324742)		No comment	no comment	Noted
Coggeshall Parish Council	Coggeshall parish council	No comment		N/A

(598729813)				
Suffolk County Council (549043477)		No comment	No comment.	Noted

ORGANISATION	ON BEHALF OF	APPENDIX ONE	APPENDIX ONE	ECC RESPONSE
Name of Organisation	Are you responding on behalf of another individual or organisation? - If Yes, Who?	2.Do you agree or disagree with the proposed amendments as set out in this section of the emerging Minerals Local Plan?	Please provide any comments and/or alternative wording for this section of the Plan below:	
Runwell Parish Council (631132323)	Runwell Parish Council	Agree	N/a	N/A
W H Collier Limited (769297167/ 942768790)		Agree		N/A
Blackwater Aggregates (623162177)		Agree		N/A
CEMEX (982058282)		Agree		N/A
Gent Fairhead Aggregates (871678397)		Agree		N/A

Resident (850344129)		Agree		N/A
Coggeshall Parish Council (598729813)	Coggeshall parish council	Agree (but wish to clarify)	All the quarries listed do not include the extension to the quarry to the south of Coggeshall. Surely this should be on the policy document with all the details to explain the size of the area and the environmental implications which juxtapose the statements expressed in this document .	It is presumed that references in relation to the extension to the quarry to the south of Coggeshall relates to a proposed flood alleviation venture between a private company and the Environment Agency which will involve the establishment of an extension at Bradwell Quarry to facilitate the creation of flood defences. Whilst the MWPA notes the comments received, at the point of the Regulation 18 Consultation in 2021, this was not a site that was being proposed for allocation through the MLP Review. However, land pertaining to the same area was submitted through the Call for Sites exercise in March 2022 as a candidate site for future sand and gravel extraction. The site was assessed under the site selection methodology that all sites received through the March 2022 Call for Sites exercise were subjected to, and the outcome of that assessment will be reported as part of the Regulation 18 Consultation in 2023 which seeks to re-base the Plan to 2040. If

				<p>following public consultation it is considered appropriate for this site to be allocated, then it will be subject to a pro-forma in Appendix One as is the case for any other preferred site allocation. It is however further noted that the evidence supporting this submission states that a 'planning application for the flood alleviation scheme will come forward during 2022'. This would pre-date the adoption of any new Preferred Site allocations through the MLP Review and the site would therefore be considered to be a proposal on a non-Preferred Site, irrespective of the outcome under the site assessment.</p> <p>Any application submitted to work a site that is not allocated as a Preferred Site in the MLP will be assessed against the relevant policy framework in the adopted MLP, particularly Policy S6, at the point of an application being submitted. The issues raised in the responses to the Regulation 18 Consultation 2021 would be required to be considered, particularly under Policy DM1. A specific public consultation</p>
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				<p>exercise on any future application would subsequently form part of the determination process for that application, irrespective of whether it was a Preferred Site or not. As of March 2022 an application has yet to be submitted and therefore there is no application before the MWPA to determine.</p> <p>Mitigation of any potential site-specific adverse impacts of the proposed development would therefore be addressed through the planning application process, including those impacts which are cumulative. This includes landuse matters which would be determined by the MWPA and environmental matters regulated by the Environment Agency. Evidence of their consideration would be published as evidence for public consultation. Those policies of particular relevance are Policy DM1 – Development Management Criteria and Policy S12 – Mineral Site Restoration and After-use.</p> <p>Further, conditions attached to the granting of planning permission would be expected to be complied with. Failure to adhere to these</p>
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				conditions can result in enforcement action against the operator.
David L Walker Ltd (559449615)	Brice Aggregates	Disagree (please clarify)	<p>Section 4 of the document seeks to identify mineral sites for primary mineral extraction for the remainder of the planned period until 2029. It is recognised that the content is based on retaining Policies P1 and P2 of the adopted plan however it is considered that by simply copy and pasting the list of Preferred Sites originally adopted under the emerging plan this does not provide a clear picture of where sand and gravel will be for the remainder of the plan period. It is considered that the sites identified in Table 5 need to be subject to a review that indicates where these sites have already been granted consent; where they have been worked and restored, and where they are in the process of being worked and restored.</p> <p>If Table 5 is not updated perhaps Appendix One could? Such a review would provide</p>	<p>It is agreed that Section 4 and Appendix One of the MLP would not give a clear picture with regards to the planning context as will exist at the point that the amended MLP is adopted if they are not updated. With the revised decision to re-base the Plan to 2040, these sections will receive full updates, with delivered allocations removed.</p> <p>It is additionally recognised that Paragraphs 4.1 – 4.7 will also be required to be updated such that they are reflective of the revised provision made through the amended Plan.</p>

			<p>greater transparency and a clearer picture of where preferred sites will be developed for the remainder of the plan period.</p> <p>BAL would offer no comments on the Development Management Policies.</p>	
<p>Kelvedon & Feering Heritage Society (677892382)</p>		<p>Disagree (please clarify)</p>	<p>Appendix 1 - Site profiles pg 168 Bradwell A5/A7 We note the progression of aggregate mining in these areas. How will they impact the projected Kings Dere proposal? Will the future of Kings Seeds be assured?</p>	<p>It is noted that Site A7 has since been granted permission for mineral extraction under Application Reference ESS/12/20/BTE following the submission of a planning application. For permission to have been granted, any impact of extraction on existing receptors would have been assessed as being acceptable when factoring in any required mitigation. In the Decision Notice relating to ESS/12/20/BTE it is stated that Monk's Farm Cottages (Listed Building), from which Kings Seeds operate, is located just beyond the southeast corner of the site and that this would require protection, including retention of existing trees to the northwest and provision of additional screening. It is not expected that the activity of seed growing would be impacted. With</p>

				respect to the Kings Dere proposal, Braintree District Council are the determining authority and the MWPA are a consultee. ECC in its capacity as the MWPA has responded to a consultation in relation to an application submitted in relation to the Kings Dere proposal (21/03579/OUT) and as the determining authority, Braintree District Council will assess this response.
Strutt & Parker (891506607)	G&B Finch	No comment		N/A
GeoEssex (538324742)		No comment	no comment	Noted
Suffolk County Council (549043477)		No comment	No comment.	Noted