

1 Response Paper – Associated Evidence Base

Purpose of Associated Evidence Base

- 1.1 The proposed amendments set out in the Minerals Local Plan: Draft Amendments – 2021 document, which was subjected to public consultation through the March 2021 Regulation 18 Consultation, were informed by an associated evidence base which provided additional justification for a number of those amendments in conjunction with the wider ‘Rationale Report’¹.
- 1.2 The documents comprising the associated evidence base of the March 2021 Regulation 18 Consultation were as follows:
 - Essex Minerals Local Plan Review 2021 – Report setting out the Rationale behind the Proposed Amendments – 2021
 - Sustainability Appraisal, Habitats Regulation Assessment, Health Impact Assessment, Equality Impact Assessment
 - Aggregate provision in Essex 2012-2029, 2021
 - A Review of Building Sand Supply in Essex, 2013
 - A Re-examination of Building Sand Provision in Essex 2019
 - Report to Determine Whether Marine-Won Aggregate Supply Can Offset the Demand for Land-Won Aggregates in Essex, 2020
 - Strategic Flood Risk Assessment
 - Analysis of 'Windfall' Mineral Extraction Sites, 2020
 - Duty to Co-operate Report 2020 and 2021

Impact of Revisions to NPPF 2021

- 1.3 The revisions to the February 2019 NPPF which resulted in the latest iteration published in July 2021 are not considered to specifically impact on the need and extent of the associated evidence base.

Summary of Issues Raised through March 2021 Reg 18 Consultation

- 1.4 Through the Regulation 18 consultation, respondents were presented with the following question – ‘All documents supporting the Essex Minerals Local Plan Review 2021 can be found on the Essex County Council website. Whilst they are not specifically consultation documents in their own right, we are welcoming any comments that you may wish to make on these’. The following issues were raised in relation to this question:
 - Ensuring biodiversity net gain is secured as part of mineral development
 - How mineral extraction relates to net zero carbon by 2050
 - Issues relating to the Reserve Sites at Bradwell Quarry (Sites A6 and A7)

¹ Essex Minerals Local Plan Review 2021 – Report setting out the Rationale behind the Proposed Amendments - 2021

- Issues relating to a proposed flood scheme near Coggeshall
- Recording geological information as it is revealed through mineral extraction

Addressing Issues Arising Out of March 2021 Reg 18 Consultation

- 1.5 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.
- 1.6 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:

Ensuring biodiversity net gain is secured as part of mineral development

- 1.7 Through the consultation the importance of biodiversity and geological conservation was raised, with reference to priority species with statutory protection such as UK BAP species including dragon fly, frogs, fish , bats, owls, deer, rabbit and hares. It was also stated that there have been terrifying crashes in invertebrate populations, the scale and rate of which genuinely makes Covid look like a minor blip). References were also made to the Government’s 25-Year Environment Plan and how the MLP reflected this.
- 1.8 The MWPA notes that since the Regulation 18 consultation closed, the Environment Bill received Royal Assent and became the Environment Act in November 2021. This created a number of mandatory requirements around delivering ‘Biodiversity Net Gain’ as part of all developments, including the use of a metric which will supply quantifiable data relating to development-led net gains in biodiversity which can be monitored and reported. As temporary development, mineral extraction has significant potential to grow biodiversity through site restoration. This is considered to reflect the Government’s 25-Year Environment Plan target of creating or restoring 500,000 hectares of wildlife-rich habitat outside the protected site network, focusing on priority habitats as part of a wider set of land management changes providing extensive benefits. As mandated by the Environment Act 2021, the MWPA will require at least 10% Biodiversity Net Gain to be demonstrated in relevant planning applications, to be demonstrated through adherence to the extant Government supported metric at the time, and this will be monitored and reported as also required by the Environment Act 2021.
- 1.9 Further, since the consultation took place, ECC is part of a Local Nature Partnership (LNP) which includes a Local Nature Recovery Working Group and Biodiversity Net Gain Working Group. ECC are awaiting Local Nature Recovery Strategies (LNRS) guidance from Defra , although this is not likely to be received until April 2023. It is currently being assessed as to how the priorities set out in

the LNP can influence the site assessment methodology for candidate sites as part of the MLP review.

How mineral extraction relates to net zero carbon by 2050

- 1.10 A representation was received which stated that mineral resource extraction doesn't help us towards net-zero by 2050, or reduction of 78% (of carbon) by 2035. With regards to net zero by 2050 commitments, the MWPA does not dispute that the minerals industry is an overall emitter of carbon, and the Government's Net Zero Strategy: Build Back Greener recognises the impact that construction has on the environment and is seeking means to regulate this activity. Approaches include decarbonising the supply chain and considering the full life cycle of new buildings to reduce waste associated with demolition.
- 1.11 With regards to the strategy of sand and gravel provision, the role of the MLP is to make sustainable provision for a steady and adequate supply of minerals, and this amount is determined by the market through its sales. The MLP does however have a stated aim of seeking to 'reduce reliance on primary mineral resources', which the MWPA is able to do by making alternative recycled materials more readily available and economically attractive by promoting a network of aggregate recycling facilities and subsequently safeguarding them (Policy S5, Policy S8/ emerging Policy S9), such that the 'demand' for new extraction is reduced through the provision of economically viable recycled alternatives.
- 1.12 It is also noted that Policy S3: Climate Change includes a number of proposed amendments which seek to better realise the potential climatic benefits from site restoration and after-use schemes, including those set out in relevant Local Plans and Green Infrastructure Strategies, for biodiversity and habitat creation, flood resilience, countryside enhancement, green and blue infrastructure and the provision of living carbon sinks. It is also proposed to be stated that the Mineral Planning Authority will support minerals development which increases the resilience of communities and infrastructure to climate change impacts and require minerals development to consider the use of decentralised, low and zero carbon energy technologies generation, where feasible and viable, in order to reduce the consumption of energy and natural resources.
- 1.13 That said, and as set out in NPPF Paragraph 209, it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. The MLP cannot artificially suppress mineral demand by not making sufficient provision for the demand or banning the use of certain minerals in construction or requiring the use of certain technologies. Such interventions would be required to be mandated by Central Government.

Issues relating to the Reserve Sites at Bradwell Quarry (Sites A6 and A7) and the proposed flood scheme near Coggeshall

- 1.14 A representation raised the issue of a number of potential cumulative impacts in Coggeshall created due to the combined pressures of the proposed Flood

Alleviation Scheme (FAS) and the Integrated Waste Management Facility (IWMF) alongside the allocation of Minerals Local Plan Sites A6 and A7. It was stated that the FAS is not mentioned at all in the MLP and the IWMF, referred to as a "strategic waste management facility" is referred to only in the context of how it would affect the operation/masterplanning of the Bradwell Quarry site. The point that the cumulative impacts of sites A6/7, the IWMF and FAS are disproportionate given the already considerable impact on our area/community, and that combined impact of the IWMF/FAS absolutely should be factored into any assessment of suitability for sites A6/7.

- 1.15 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 following the submission of a planning application. It was then proposed to re-allocate Site A6 as a Preferred Site, as there was 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. This will include any potential relevant cumulative impacts as highlighted in the representation.
- 1.16 The Integrated Waste Management Facility (IWMF) is an allocation in the adopted Essex and Southend-on-Sea Waste Local Plan 2017 and is not a significant contributor to the mineral policy framework that is the subject of the Minerals Local Plan Review. Its presence and any associated impacts will however be considered as part of the assessment of the potential cumulative impacts of development through the MLP site selection methodology as part of any future MLP site allocation process, as well as any future planning applications within the locality. The same principle is true should the FAS be submitted as a planning application.
- 1.17 With respect to the referenced FAS specifically, this is a 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 will therefore be assessed under the site selection methodology that all sites received through the March 2022 Call for Sites exercise will be subjected to, and the outcome of that assessment will form part of a second Regulation 18 consultation in 2023 where the Plan end date will be extended to 2040. It is further noted that the evidence supporting this submission states that a 'planning application for the FAS 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.

- 1.18 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 any 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 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.
- 1.19 A further argument made through the application was with regards to the perceived lack of regional, landscape-scale masterplanning, given the sheer scale of the combined but disparate, separately planned, changes planned around Coggeshall: Reference was made to Minerals Planning, the A120 re-routing, housing, the IWWMF and FAS. It was suggested that local people will not be able to imagine at this stage how awful it could be for the changes which could come to Coggeshall let alone the surrounds. It was argued that it will be hit from all sides by the quarry the incinerator, the road congestion, house building, loss of countryside and increased use of HGVs . A further reference was made to the need to hit carbon targets despite all of this development.
- 1.20 With respect to the lack of Masterplanning, the MWPA would be the determining authority for minerals planning, the potential flood scheme, the IWWMF and the A120 re-routeing. As such, while it is true that these developments are planned separately, as could be expected when there are different site promoters and timings involved, it is considered that cumulative impact would normally be addressed through the planning application process, and that relevant District and County Council departments are aware of each of the above mentioned projects as required. With regards to the use of HGVs and increases in congestion specifically, it is noted that a number of the highlighted developments are temporary in nature and, where related to quarrying, vehicle movements will be no higher in terms of the volume of HGV movements than that which exists currently due to a phased approach to mineral development. Planning conditions are in place that ensure that one delineated part of the site is extracted whilst other previous extraction areas are being restored.
- 1.21 Following cessation of mineral development and the construction of the flood scheme, associated land would be likely to be returned to countryside other than where the land has permission for the development of the IWWMF.
- 1.22 With respect to carbon targets, it will be for those promoting the schemes to demonstrate that their proposals adhere to carbon targets to the extent required through planning and any other legislation.

Recording geological information as it is revealed through mineral extraction

- 1.23 Through the Regulation 18 Consultation April 2021 it was stated that sustainable development should include the logging and sampling of workings as they progress, to record them for posterity as a record for future geological research which would include the further understanding of climate change in the past to elucidate current and future effects. It was noted that geological deposits are destroyed by being taken away as mineral resource.
- 1.24 The MWPA notes that when a site is considered for allocation, part of requested supporting information is a schedule of borehole logs taken from across the site. These borehole logs would be publicly available. In addition, when a mineral planning application is made the application would also often be supported by borehole log data taken from across the application site, which would also be publicly available. However, once works begin on a site, this is by way of a commercial operation, and the MWPA has no authority to request such information is recorded as part of the public record as it is commercially sensitive. The MWPA is also unable to grant public access to commercial operations. Whether members of the public would be allowed on site to provide the opportunity to log and sample the mineral deposits as they are revealed during working would be a business decision made by the operator. Such requests would be required to be made to them.

Conclusion

- 1.25 There were two responses to this question and neither related directly to the associated evidence base documents that supported the Regulation 18 April 2021 consultation on the Essex Minerals Local Plan. One of the received representations was focussed more on local planning issues and how they then demonstrated accordance, or otherwise, with wider planning goals. The other representation focussed on the potential to further geological knowledge through mineral extraction. However, in the case of the latter, this would require the logging of quarry faces as they are exposed and this is outside of jurisdiction of the MWPA.

Table 1: April 2021 Regulation 18 Consultation Responses to the Associated Evidence Base

ORGANISATION	ON BEHALF OF	ASSOCIATED EVIDENCE BASE	ECC RESPONSE
Name of Organisation	Are you responding on behalf of another individual or organisation? - If Yes, Who?	<p>All documents supporting the Essex Minerals Local Plan Review 2021 can be found on the Essex County Council website. Whilst they are not specifically consultation documents in their own right, we are welcoming any comments that you may wish to make on these.</p> <p>Please provide comments below:</p>	
Thurrock Borough Council (97704900)	Thurrock borough Council	No additional comment.	Noted
Coggeshall Parish Council (598729813)	Coggeshall parish council	<p>Cumulative impact in Coggeshall combined pressures of the Flood Alleviation Scheme (FAS) and the IWMF alongside the allocation of sites A6 and A7. The FAS is not mentioned at all in the MLP and the IWMF, referred to as a "strategic waste management facility" is referred to only in the context of how it would affect the operation/masterplanning of the Bradwell Quarry site. The point that the cumulative impacts of sites A6/7, the IWMF and FAS are disproportionate given the already considerable impact on our area / community, and that combined impact</p>	<p>The referenced flood alleviation scheme is a 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 though the Call for Sites exercise in March 2022 as a candidate site for future sand and gravel extraction. The site will therefore be assessed under the site selection methodology that all sites</p>

		<p>of the IWMF/FAS absolutely should be factored in to any assessment of suitability for sites A6/7.</p> <p>biodiversity and geological conservation" - priority species with statutory protection such as UK BAP species - from the river insects eg dragon fly , frogs, fish , bats, owls, deer, rabbit, hare etc</p> <p>There are also terrifying crashes in invertebrate populations (the scale and rate of which genuinely makes Covid look like a minor blip). Also resource extraction doesn't help us towards net-zero by 2050, or reduction of 78% by 2035, or whether it meshes with the Govt's 25 Year Environment Plan.</p> <p>There's an argument to be made about the lack of regional, landscape-scale masterplanning, given the sheer scale of the combined but disparate, seperately planned, changes coming our way: Minerals Planning, A120 re-route, housing (unpredictable with spec developments due to BDC's LP mess), IWMF, Flood Alleviation Scheme, etc.</p> <p>Local people will not be able to imagine at this stage how awful it could be for the changes which could come to Coggeshall let alone the surrounds. It will be hit from all sides</p>	<p>received through the March 2022 Call for Sites exercise will be subjected to, and the outcome of that assessment will form part of a second Regulation 18 consultation in 2023 where the Plan end date will be extended to 2040. It is further noted that the evidence supporting this submission states that a 'planning application for the FAS 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 any 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 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</p>
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		<p>the quarry the incinerator, the road congestion, house building, loss of countryside, increased use of HGVs . All of this and trying to reduce the carbon imprint.</p>	<p>MWPA to determine.</p> <p>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 following the submission of a planning application. It was then proposed to re-allocate Site A6 as a Preferred Site, as there is was 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. This will include any potential relevant cumulative impacts as highlighted in the representation.</p> <p>The Integrated Waste Management Facility (IWMF) is an allocation in the adopted Essex and Southend-on-Sea Waste Local Plan 2017 and is not a significant contributor to the mineral policy</p>
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			<p>framework that is the subject of the Minerals Local Plan Review. Its presence and any associated impacts will however be considered as part of the assessment of the potential cumulative impacts of development through the MLP site selection methodology as part of any future MLP site allocation process, as well as any future planning applications within the locality. The same principle is true should the FAS be submitted as a planning application.</p> <p>With regards to net zero by 2050 commitments, the MWPA does not dispute that the minerals industry is an overall emitter of carbon, and the Government's Net Zero Strategy: Build Back Greener recognises the impact that construction has on the environment and is seeking means to regulate this activity. Approaches include decarbonising the supply chain and considering the full life cycle of new buildings to reduce waste associated with demolition. With regards to the strategy of sand and gravel provision, the role of the MLP is to make sustainable provision for a steady and adequate supply of minerals, and this amount is determined by the market through its sales. The MLP does however have a stated aim of seeking to 'reduce reliance on primary mineral resources',</p>
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			<p>which the MWPA is able to do by making alternative recycled materials more readily available and economically attractive by promoting a network of aggregate recycling facilities and subsequently safeguarding them (Policy S5, Policy S8/ emerging Policy S9), such that the 'demand' for new extraction is reduced through the provision of economically viable recycled alternatives.</p> <p>It is also noted that Policy S3: Climate Change includes a number of proposed amendments which seek to better realise the potential climatic benefits from site restoration and after-use schemes, including those set out in relevant Local Plans and Green Infrastructure Strategies, for biodiversity and habitat creation, flood resilience, countryside enhancement, green and blue infrastructure and the provision of living carbon sinks. It is also proposed to be stated that the Mineral Planning Authority will support minerals development which increases the resilience of communities and infrastructure to climate change impacts and require minerals development to consider the use of decentralised, low and zero carbon energy technologies generation, where feasible and viable, in order to reduce the consumption of energy and natural resources.</p>
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			<p>That said, and as set out in NPPF Paragraph 209, it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. The MLP cannot artificially suppress mineral demand by not making sufficient provision for the demand or banning the use of certain minerals in construction or requiring the use of certain technologies. Such interventions would be required to be mandated by Central Government.</p> <p>On matters related to biodiversity, since the Regulation 18 consultation closed, the MWPA notes that the Environment Bill received Royal Assent and became the Environment Act in November 2021. This created a number of mandatory requirements around delivering 'Biodiversity Net Gain' as part of all developments, including the use of a metric which will supply quantifiable data relating to development-led net gains in biodiversity which can be monitored and reported. As temporary development, mineral extraction has significant potential to grow biodiversity through site restoration. This is considered to reflect the Government's 25-Year Environment Plan target of creating or restoring 500,000 hectares of wildlife-rich habitat</p>
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			<p>outside the protected site network, focusing on priority habitats as part of a wider set of land management changes providing extensive benefits. As mandated by the Environment Act 2021, the MWPA will require at least 10% Biodiversity Net Gain to be demonstrated in relevant planning applications, to be demonstrated through adherence to the extant Government supported metric at the time, and this will be monitored and reported as also required by the Environment Act 2021</p> <p>Since the consultation took place, ECC is part of a Local Nature Partnership (LNP) which includes a Local Nature Recovery Working Group and Biodiversity Net Gain Working Group. ECC are awaiting Local Nature Recovery Strategies (LNRS) guidance from Defra, although this is not likely to be received until April 2023. It is currently being assessed as to how the priorities set out in the LNP can influence the site assessment methodology for candidate sites as part of the MLP review</p> <p>With respect to the lack of Masterplanning, the MWPA would be the determining authority for minerals planning, the potential flood scheme, the IWMF and the A120 re-routeing. As such, while it is true that these developments are planned separately, as could be expected when</p>
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			<p>there are different site promoters and timings involved, it is considered that cumulative impact would normally be addressed through the planning application process, and that relevant District and County Council departments are aware of each of the above mentioned projects as required. With regards to the use of HGVs and increases in congestion specifically, it is noted that a number of the highlighted developments are temporary in nature and, where related to quarrying, vehicle movements will be no higher in terms of the volume of HGV movements than that which exists currently due to a phased approach to mineral development. Planning conditions are in place that ensure that one delineated part of the site is extracted whilst other previous extraction areas are being restored.</p> <p>Following cessation of mineral development and the construction of the flood scheme, associated land would be likely to be returned to countryside other than where the land has permission for the development of the IWMMF.</p> <p>With respect to carbon targets, it will be for those promoting the schemes to demonstrate that their proposals adhere to carbon targets to the extent required through planning and any other legislation.</p>
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<p>GeoEssex (538324742)</p>		<p>Sustainable development should include the logging and sampling of workings as they progress, to record them for posterity as a record for future geological research which would include the further understanding of climate change in the past to elucidate current and future effects. Geological deposits are destroyed by being taken away as mineral resource.</p>	<p>when a site is considered for allocation, part of requested supporting information is a schedule of borehole logs taken from across the site. These borehole logs would be publicly available. In addition, when a mineral planning application is made the application would also often be supported by borehole log data taken from across the application site, which would also be publicly available. However, once works begin on a site, this is by way of a commercial operation, and the MWPA has no authority to request such information is recorded as part of the public record as it is commercially sensitive. The MWPA is also unable to grant public access to commercial operations. Whether members of the public would be allowed on site to provide the opportunity to log and sample the mineral deposits as they are revealed during working would be a business decision made by the operator. Such requests would be required to be made to them.</p>
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