

1 Response Paper – Policy DM2

Purpose of Policy DM2

- 1.1 The purpose of Policy DM2 is to make clear that as part of the granting of planning permission, the MPA may impose conditions and/or legal agreements, which may act to modify any aspect of the activity originally applied for, to either mitigate the impact of carrying out that activity or ensure that there are no negative legacy impacts of that activity.

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

- Policy DM2 was considered fit for purpose prior to the Reg 18 consultation.
- Paragraphs 5.61 - 5.63 of the MLP, which are currently associated with Policy DM1, have been moved to Policy DM2 as they relate to the provisions of this policy.

Impact of Revisions to NPPF 2021

- 1.2 None of the amendments made to the NPPF in July 2021 had an effect on Policy DM2.

Summary of Issues Raised through March 2021 Reg 18 Consultation

- A quarry cannot enhance the environment before during or after operation.
- What key targets are to be imposed through Planning Conditions and Legal Agreements? (Use of recovered and reconstituted gravel and bulk construction materials)

Addressing Issues Arising Out of March 2021 Reg 18 Consultation

- 1.3 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.

There now follows a discussion of each of the main issues raised during the Match 2021 Reg18 Consultation in relation to this Plan section:

A quarry cannot enhance the environment before during or after operation

Through the consultation it was suggested that quarries cannot enhance the environment before during or after operation. The MWPA notes that Policy DM1 sets out a criteria that proposals for minerals development will be assessed against to ensure “that the development would not have an unacceptable impact, including

cumulative impact with other developments”. It is also important to note that mineral workings are temporary in nature and therefore, the quarry is not a permanent feature of the environment. Restoration and after-use schemes are integral to site selection and the consideration of planning applications, with progressive working and restoration schemes expected. Policy S12 ensures ‘mineral site restoration and after use’ which requires proposals for minerals development to demonstrate “that the land is capable of being restored at the earliest opportunity to an acceptable environmental condition to support Local Plan objectives and/or other beneficial after-uses, with positive benefits to the environment, biodiversity and/ or local communities.”.

Therefore, mitigation measures are put in place to ensure no adverse effects on the environment and the ongoing measures ensure enhancement during the restoration phase. These restoration schemes can be secured by planning conditions and/ or legal agreement as set out in Policy DM2. Policy DM2 states that “When granting planning permission for minerals developments, the Minerals Planning Authority will impose conditions and/ or require legal agreements to mitigate and control the effects of the development and to enhance the environment”.

What key targets are to be imposed through Planning Conditions and Legal Agreements? (Use of recovered and reconstituted gravel and bulk construction materials)

Through the consultation it was questioned what key targets are to be included, with a further statement stating ‘Use of recovered and reconstituted gravel and bulk construction materials’.

As the MWPA we have no ability to require the use of recycled material or reduce demand. Nonetheless, the MLP Monitoring Framework contains a Mineral Monitoring Indicator (MMI) 4 (2) which, following a proposed amendment, aims to ensure that “there is enough permitted capacity within the county to satisfy demand” for the production of recycled aggregates.

Policy S4 of the Minerals Local Plan (2014) advocates reducing the use of mineral resources through reusing and recycling minerals generated because of development/ redevelopment. The MWPA does not provide aggregate for a specific use, it is provided to the market. The National Planning Policy Framework (NPPF) requires MWPAs to provide for the need for aggregate, with ‘need’ established through a prescribed methodology. As the MWPA we have no ability to ensure the use of recycled material or reduce demand. The role of the MLP is to set out a range of policies guiding minerals development in the County. Whilst it contains policies that act to facilitate additional aggregate recycling capacity and encourage the sustainable use of minerals, including minimising mineral waste, it cannot require that aggregates are not used in construction.

ECC are bound by the Waste Management Plan for England and this states that “England and the UK have been comfortably meeting the 2020 target of recovering at least 70% of non-hazardous C&D waste throughout the calculated time-series, with recovery rates of 90% and above since 2010.”.

Conclusion

People were broadly in agreement or had no comment with the proposed amendments to Policy DM2. Through a representation it was suggested that quarries cannot enhance the environment before during or after operation, however, mitigation measures are put in place to ensure no adverse effects on the environment and the ongoing measures ensure enhancement during the restoration phase.

Comments were also received around what key targets are to be imposed through Planning Conditions and Legal Agreements? with a further statement stating 'Use of recovered and reconstituted gravel and bulk construction materials'. As the MWPA we have no ability to require the use of recycled material or reduce demand.

Through the consultation no comments were received which resulted in any further proposed amendments to Policy DM2 and the supporting text.

Table 1 – March 2021 Regulation 18 Consultation Responses to Policy DM2

ORGANISATION	ON BEHALF OF	POLICY DM2	POLICY DM2	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
David L Walker Ltd (559449615)	Brice Aggregates	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	Disagree (please clarify)	What key targets are to be included? Use of recovered and	As the MWPA we have no ability to require the use of recycled material or reduce

			<p>reconstituted gravel and bulk construction materials</p>	<p>demand. Nonetheless, the MLP Monitoring Framework contains a Mineral Monitoring Indicator (MMI) 4 (2) which, following a proposed amendment aims to ensure that “there is enough permitted capacity within the county to satisfy demand” for the production of recycled aggregates.</p> <p>Policy S4 of the Minerals Local Plan (2014) advocates reducing the use of mineral resources through reusing and recycling minerals generated because of development/ redevelopment. As the MWPA we do not provide aggregate for a specific use, we provide it to the market. There is a requirement for us to provide for the need for aggregate. The role of the MLP is to make sustainable provision for a steady and adequate supply of minerals, as required by the NPPF, and this amount is determined by the market and a provision methodology set out in the</p>
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				<p>NPPF. The MLP cannot artificially suppress demand by not making sufficient provision for the demand or banning the use of minerals in construction or requiring the use of certain technologies. Such interventions would be required to be mandated by Government.</p> <p>ECC are bound by the Waste Management Plan for England and this states that “England and the UK have been comfortably meeting the 2020 target of recovering at least 70% of non-hazardous C&D waste throughout the calculated time-series, with recovery rates of 90% and above since 2010.”.</p>
Thurrock Borough Council (97704900)	Thurrock borough Council	No comment	No additional comment.	Noted
Suffolk County Council (549043477)		No comment	No comment.	Noted
GeoEssex (538324742)		No comment	no comment	Noted
CPRE Essex (665562826)		No comment		N/A

Strutt & Parker (891506607)	G&B Finch	No comment		N/A
Kelvedon & Feering Heritage Society (677892382)		No comment		N/A

ORGANISATION	ON BEHALF OF	POLICY DM2	POLICY DM2	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
David L Walker Ltd (559449615)	Brice Aggregates	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
Coggeshall Parish Council (598729813)	Coggeshall parish council	Agree (but wish to clarify)	<p>This is very true - the mineral planning authority will impose conditions and / or require legal agreements to mitigate control of the effects of the development and to enhance the environment.</p> <p>A quarry can not enhance an environment before during or after the quarry has been operating for 20 years.</p>	<p>Policy DM1 sets out a criterion that proposals for minerals development will be subject to which ensures "that the development would not have an unacceptable impact, including cumulative impact with other developments". It is also important to note that mineral workings are temporary in nature and therefore, the quarry is not a permanent feature of the environment. Restoration and after-use schemes are integral to site selection and the consideration of planning applications, with progressive working and restoration schemes expected. Policy S12 ensures 'mineral site restoration and after use' which requires proposals for minerals development to demonstrate "that the land is capable of being restored at the earliest opportunity to an acceptable</p>

				environmental condition <u>to support Local Plan objectives</u> and/or other beneficial after-uses, with positive benefits to the environment, biodiversity and/ or local communities.”. Therefore, mitigation measures are put in place to ensure no adverse effects on the environment and the ongoing measurers ensure enhancement during the restoration phase. These restoration schemes can be secured by planning conditions and/ or legal agreement as set out in Policy DM2.
Thurrock Borough Council (97704900)	Thurrock borough Council	No comment	No additional comment.	Noted
Suffolk County Council (549043477)		No comment	No comment.	Noted
GeoEssex (538324742)		No comment	no comment	Noted
CPRE Essex (665562826)		No comment		N/A
Strutt & Parker (891506607)	G&B Finch	No comment		N/A