

1 Response Paper – Policy DM3: Mineral Development Incorporating Primary Processing Plant (Policy DM3: Primary Processing Plant)

Purpose of Policy DM3

- 1.1 Primary processing enables a higher value use of aggregates. Technological improvements in recent years allow smaller and more mobile plant to be brought onto relatively small mineral sites and importing material to an extraction site could enable the blending of minerals to produce a broader range of construction products. This can be considered a way of making more efficient use of extracted mineral and encouraging such on-site processing reduces the number of lorry movements on the road network.
- 1.2 However, the importation of non-indigenous material can increase vehicle movements and extend the overall life of a quarry and therefore there is a need to regulate this activity through an appropriate planning policy.

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

- Policy DM3 is considered to be compliant with the NPPF and PPG and therefore it is assessed that no aspect of this policy needs to be modified for reasons of compliance with national policy.
- The title of the policy has been amended to ‘Mineral development incorporating primary processing plant’ as the policy relates to both primary processing plant and the wider development to which it relates.
- A further amendment seeks to add the requirement that restoration of the mineral site should not be compromised in addition to the existing need to not delay restoration through operation of primary processing plant.

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 impact on the issues raised in this report.

Summary of Issues Raised through March 2021 Reg 18 Consultation

- 1.4 The majority of responses received supported the amendments to the policy although a number of clarifications leading to proposed amendments were suggested. The following broad issues were raised:
 - Any quarrying and activity should be contained within its boundary and any recycling activity should take place as near to the quarry area as possible.
 - Clarifications regarding the terminology used in Policy DM3

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.

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:

Any quarrying and activity should be contained within its boundary and any recycling activity should take place as near to the quarry area as possible

Through the consultation it was stated that it is obvious that any quarrying activity should be contained within its boundary and any recycling activities should go on as near to the quarry area as possible. This would reduce the need to transport minerals, thus preventing pollution and the need to improve roads.

The MWPA notes that whilst these are sound principles, as set out in Policy DM3, where it is demonstrated that the positioning of primary processing plant within the boundary of a mineral site is not feasible, the exportation of mineral from that site to another site for processing may be appropriate if it can be demonstrated that this can be carried out in conformity with the Development Plan and does not delay or compromise restoration of either site. This can be regulated through planning conditions. For example, a processing plant may be granted with conditions stating that no material will be imported to the site or that all aggregates available for exportation/sale shall originate only from the workings on the granted site itself. An applicant would need to apply to remove or vary those conditions and present the justification for doing so.

With regard to material needing recycling, recovered aggregate from, for example, demolition activities, may need to be removed from a non-mineral development site for recycling/ processing elsewhere, which could be at quarries or permanent aggregate recycling facilities. For economic reasons, this will likely be at a facility in close proximity. The MWPA has no jurisdiction as to where this material is sent specifically as this is a commercial matter, but it can regulate the source of material that permitted recycling facilities can receive.

Clarifications regarding the terminology used in Policy DM3

A representation was received which stated that Paragraph 5.51 (5.64) and Paragraph 5.53 (5.66) were too restrictive and did not reflect all circumstances that already exist in the County. In relation to Paragraph 5.51 (5.64) it was noted that sustainable processing options need not be exclusively 'neighbouring' and that the continued operation of an established protocol of extraction and removal of aggregate for processing the as-dug material elsewhere (but near-by) may, on balance, be environmentally preferable to the establishment of a second processing plant.

With regards to Paragraph 5.53 (5.66), a representation noted that the paragraph seeks to prevent the use of a mineral processing plant to process exclusively imported aggregates becoming established on a permanent basis. This was agreed as a concept but it was considered that such importation may be appropriate on a temporary basis such as where mineral extraction at a site has ceased but where restoration through infilling of mineral extraction voids continues.

The MWPA considers that that the proposed amendments received through the consultation act to clarify the original intentions of the policy. It is accepted that ‘neighbouring’ may be interpreted as meaning ‘next-door’ when the original intention was to mean proximate. It is also accepted that making an explicit reference to ‘restoration’ rather than ‘working timetable’ better clarifies the original intention of the supporting text to Policy DM3. On that basis, amendments are proposed to Paragraph 5.51 (5.64) and Paragraph 5.53 (5.66) as set out in Table 1 below.

Conclusion

The majority of responses received in relation to this policy were in support. Following an assessment of all comments received through the March – April 2021 Regulation 18 consultation, a limited number of additional amendments are proposed which relate to clarifying the original intentions of the policy. These amendments are proposed through the table below and will be incorporated prior to further consultation where they remain relevant to the re-based Plan.

Table 1: Schedule of Proposed Amendments to Aims, Strategic Objectives and Spatial Priorities following March 2021 Regulation 18 Consultation on MLP Review

Old Ref	New Ref	Proposed Amendment
Paragraph 5.64, second sentence	Paragraph 5.51, second sentence	Where there is an existing neighbouring <u>proximate</u> processing plant which could process the additional material without impacting on its own working <u>and restoration</u> timetable, nor result in unacceptable adverse impacts, this too may be considered a sustainable option.
Paragraph 5.66, second sentence	Paragraph 5.53, second sentence	The primary plant is at that location by virtue of the mineral extraction that is taking place there and it will be required to be removed upon completion of the <u>restoration of</u> mineral workings.

Table 2: March 2021 Regulation 18 Consultation Responses to Aims, Strategic Objectives and Spatial Priorities

Organisation	Responding on behalf of	Q1. Do you agree or disagree with the rationale behind the amendments proposed in this section of the emerging Minerals Local Plan? (see Rationale Report)	Responses received	Minerals and Waste Planning Authority Response
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	No comment		N/A
Thurrock Borough	Thurrock	No comment	No additional comment.	Noted

Council (97704900)	borough Council			
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	Responding on behalf of	2.Do you agree or disagree with the proposed amendments as set out in this section of the emerging Minerals Local Plan?	Responses received	Minerals and Waste Planning Authority Response
Runwell Parish Council (631132323)	Runwell Parish Council	Agree	N/a	N/A
W H Collier Limited (769297167/ 942768790)		Agree		N/A
David L Walker	Brice	Agree		N/A

Ltd (559449615)	Aggregates			
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)	It is obvious to state that any quarrying activity should be contained within its boundary and any recycling activities should go on as near to the quarry area . Reducing transport to prevent pollution , transport fumes having to improve on new roads and upgrades.	As set out in Policy DM3, where it is demonstrated that the positioning of primary processing plant within the boundary of a mineral site is not feasible, the exportation of mineral from that site to another site for processing may be appropriate if it can be demonstrated that this can be carried out in conformity with the Development Plan and does not delay or compromise restoration of either site. This can be regulated through planning conditions. For example, a processing plant may be granted with conditions stating that no material will be imported to the site or that all aggregates available for exportation/sale shall originate only from the workings on the granted site itself. An applicant would need to apply to remove or vary those conditions and present

				<p>the justification for doing so.</p> <p>Recovered aggregate from, for example, demolition, may need to be removed from a non-mineral development site for recycling/ processing elsewhere, which could be at quarries or permanent aggregate recycling facilities. For economic reasons, this will likely be at a facility in close proximity. The MWPA has no jurisdiction as to where this material is sent specifically as this is a commercial matter, but it can regulate the source of material that permitted recycling facilities can receive.</p>
<p>Matthews & Son (222048311)</p>	<p>Danbury Aggregates</p>	<p>Disagree (please clarify)</p>	<p>Mineral Processing and Aggregate Production:</p> <p>Paragraph 5.51:</p> <p>We disagree with the absence of a proposed amendment to this paragraph.</p> <p>The paragraph is too restrictive and does not reflect all circumstances that already exist in the County. Sustainable processing options need not be</p>	<p>It is considered that the proposed amendments act to clarify the original intentions of the policy.</p> <p>It is accepted that 'neighbouring' may be interpreted as meaning 'next-door' when the original intention was to mean proximate. It is also accepted that making an explicit reference to 'restoration' rather than 'working timetable' better clarifies the original intention.</p> <p>On that basis, the following amendments are proposed to Paragraph 5.51 (5.64)</p>

			<p>exclusively 'neighbouring'. Continued operation of an established protocol of extraction and removal of aggregate for processing the as-dug material elsewhere (but near-by) may, on balance, be environmentally preferable to the establishment of a second processing plant.</p> <p>The following wording is therefore proposed (text in capitals are Matthews and Son proposed additions):</p> <p><i>All applicants will be required to demonstrate how extracted mineral is to be used in an efficient way by making provision for on-site primary processing plant. Where there is an existing neighbouring <u>OR NEAR-BY</u> processing plant which could process the additional material without impacting on its own working <u>AND RESTORATION*</u> timetable, nor result in unacceptable adverse impacts, this too may be considered a</i></p>	<p>All applicants will be required to demonstrate how extracted mineral is to be used in an efficient way by making provision for on-site primary processing plant. Where there is an existing neighbouring <u>proximate</u> processing plant which could process the additional material without impacting on its own working <u>and restoration</u> timetable, nor result in unacceptable adverse impacts, this too may be considered a sustainable option.</p> <p>The following amendment is proposed for Paragraph 5.53 (5.66)</p> <p>Imports should continue to be justified on a site-by-site basis, and that, in all cases, the main use of the primary plant should be to continue to process the indigenous mineral that is extracted from within the site's boundary. The primary plant is at that location by virtue of the mineral extraction that is taking place there and it will be required to be removed upon completion of the <u>restoration of</u> mineral workings. <u>This is to ensure that any such use is not permitted on a permanent basis where this would otherwise</u></p>
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			<p><i>sustainable option.</i></p> <p>(* See comment in respect of paragraph 5.53 below)</p> <p>Paragraph 5.53:</p> <p>We disagree with the restricted extent of the proposed amendment.</p> <p>The paragraph seeks to prevent the use of a mineral processing plant to process exclusively imported aggregates becoming established on a permanent basis. We agree with this concept. However, this protocol may be appropriate on a temporary basis, for example, where mineral extraction has ceased but where restoration through infilling of mineral extraction voids continues.</p> <p>The following wording is therefore proposed (text in capitals are Matthews and Son proposed additions):</p> <p><i>Imports should continue to</i></p>	<p><u><i>be unacceptable.</i></u></p>
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			<p><i>be justified on a site by site basis, and that, in all cases, the main use of the primary plant should be to continue to process the indigenous mineral that is extracted from within the site's boundary. The primary plant is at that location by virtue of the mineral extraction that is taking place there and it will be required to be removed upon completion of the <u>RESTORATION OF</u> mineral workings. This is to ensure that any such use is not permitted on a permanent basis where this would otherwise be unacceptable.</i></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