

1 Response Paper – Policy P2 – Preferred Site for Silica Sand Extraction (Preferred Sites for Silica Sand Extraction)

Purpose of Policy P2

- 1.1 Policy P2 acts to grant permission to extract at the Preferred Site allocated in Table 6 of the MLP and shown on the Policies Map, subject to the application satisfying the requirements of the wider Development Plan, including the site-specific requirements set out in Appendix One of the MLP.

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

- One amendment to update a reference to an appendix.
- The definition of ‘Development Plan for Essex’ has been updated in the Glossary to clarify that this term does not relate to one overall plan.

Impact of Revisions to NPPF 2021

- 1.2 None of the amendments made to the NPPF in July 2021 had an effect on Policy P2.

Summary of Issues Raised through March 2021 Reg 18 Consultation

- The use of sustainable materials and minimising the need for mineral extraction needs to be encouraged.
- Material projections shows in Table 5.

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:

The use of sustainable materials and minimising the need for mineral extraction needs to be encouraged

Through the consultation comments received state that this should be targeted for reduction in favour of recovered or reconstituted gravel and bulk construction materials. The MWPA does not provide aggregate for a specific use, it is provided to the market.

The NPPF requires MWPA's 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. 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, and Policy S5 sets a framework within which aggregate recycling facilities can come forward to aid in the supply of recycled aggregate. The MLP cannot however 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.

Material projections shows in Table 5

It is assumed that comments received through the consultation are in relation to Table 5 under Policy P1. However, because the questions were raised under Policy P2 in the planning portal, the comments will be addressed under Policy P2.

Comments received through the consultation note that some of the sites in Table 5 have a very large area (Area (ha)) with small material projections (Approx. tonnage). Minerals development differs from other forms of development because minerals can only be worked where they occur. The sites in Table 5 are sites which were submitted by the mineral industry and are considered commercially viable. This viability was assessed during the original site selection process. Therefore, although it may seem that the area of some sites is too large for the material projections, this has been taken into consideration and mineral extraction is considered viable.

It was suggested through the consultation that it would help to include projected years of development (since opening), the percentage by road, rail etc. and the use of Strategic Lorry routes. When a planning permission is granted, it will have an end date for when operations are expected to cease. It is not possible to update the MLP annually as this would require a lengthy statutory process to be undertaken. The Authority Monitoring Report does however contain information relating to mineral planning permissions.

The percentage of mineral transported by road, rail etc. is entirely dependent on what sites are operating at the time, so the figure will constantly be changing and would not hold much weight in a strategic plan. Further, mineral extracted from a site in Essex and destined for markets further away will likely travel by road before reaching a rail transshipment site, and mineral imported into Essex will arrive at a rail or marine based transshipment site before entering the road network for more local distribution. It is noted that there are no marine based mineral import sites in Essex. As such, the same mineral may use more than one mode of transport.

Proposed amendments to paragraph 3.173 (3.188) of the MLP makes it clear that "The transportation of minerals over long distances is more sustainable by rail" and that the

safeguarding rail head facilities will enable the long-distance haulage of aggregate imported to and exported from Essex to continue. There are however a very small number of railheads in Essex that can be used to transport minerals. Further, approximately 80% of sand and gravel extracted in Essex is used in Essex and these shorter distances are more economic to be carried out by road due to an absence of rail facilities and the avoidance of double handling.

With regard to the use of specific lorry routes, once the mineral is on the road network the MWPA cannot control the route to market but can enter a unilateral undertaking with the operator. Proposed new Paragraph 3.197 states that “The operator may also enter into a unilateral agreement to ensure acceptable routeing of its HGVs.” Therefore, the most appropriate route will be assessed on a case-by-case basis in accordance with the route hierarchy.

Another comment received through the consultation suggested to update Table 5 (and/or Appendix One) so that it indicates where 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. The MWPA agree with this but considers that the Authority Monitoring Report provides the best mechanism for updating progress with individual sites, as this document can be updated on an annual basis. A note to that effect will be placed in the future Plan. In any event, the decision to re-base the MLP to 2040 means that Table 5, or its equivalent, will be updated to remove those allocations that have since come forward as a planning application

Conclusion

People generally agreed or wished to make no comment on Policy P2 and the supporting text. It was suggested through the consultation that Policy P2 should be targeted for reduction in favour of recovered or reconstituted gravel and bulk construction materials to suppress the demand for excavating new material. However, as the MWPA we have to supply the market based on a NPPF methodology and this demand cannot be suppressed by requiring the use of alternative materials.

Comments in relation to Table 5 in Policy P1 have been dealt with under Policy P2 as the questions were raised under Policy P2 in the planning portal. It was suggested through the consultation that the sites in Table 5 have a very large area (Area (ha)) with small material projections (Approx. tonnage) but as discussed above, these sites were submitted by the mineral industry and are considered commercially viable, and this viability was assessed during the original site selection process.

Through the consultation it was suggested that Table 5 should include projected years of development (since opening), the percentage by road, rail etc and the use of Strategic Lorry routes. When a planning permission is granted, it will have an end date for when operations are expected to cease. It is not possible to update the MLP annually as this would require a lengthy statutory process to be undertaken. The Authority Monitoring Report does however contain information relating to mineral planning permissions. In relation to the percentage by road, rail etc., the percentage of mineral transported by road, rail etc., is entirely dependent on what sites are operating at the time, so the figure will constantly be changing and would not hold much weight in

a strategic plan. With regards to the use of strategic lorry routes, once the mineral is on the road network the MWPA cannot control the route to market but can enter a unilateral undertaking with the operator. Details of this have been discussed above.

Through the consultation no comments were received which resulted in any further proposed amendments to Policy P2 and the supporting text.

Table 1 - March 2021 Regulation 18 Consultation Responses to Policy P2

ORGANISATION	ON BEHALF OF	POLICY P2	POLICY P2	ECC RESPONSE	FURTHER WORK NEEDED/ DECISIONS MADE
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	
Blackwater Aggregates (623162177)		Agree		N/A	
CEMEX (982058282)		Agree		N/A	
Gent Fairhead Aggregates (871678397)		Agree		N/A	
Resident (850344129)		Agree		N/A	
W H Collier Limited		Agree (but wish to	2.26 "namely Bulmer Brickworks in north	Comment addressed under Spatial Portrait	

(769297167/ 942768790)		clarify)	Essex and Marks Tey, west of Colchester" - Should read namely Bulmer Brickworks in North Essex and Marks Tey Brickworks , west of Colchester OR namely Bulmer in North Essex and Marks Tey west of Colchester.	and Key Mineral Planning Issues.	
Coggeshall Parish Council (598729813)	Coggeshall parish council	Disagree (please clarify)	The mineral use demand could / should be significantly reduced by substitute materials recovered and reconstituted gravel and bulk construction materials which would otherwise go to incineration or landfill.	The MWPA does not provide aggregate for a specific use, it is provided to the market. The NPPF requires MWPA's 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	

				<p>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. 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, and Policy S5 sets a framework within which aggregate recycling facilities can come forward to aid in the supply of recycled aggregate. The MLP cannot however artificially suppress demand by not making sufficient provision for the demand or banning</p>	
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				the use of minerals in construction or requiring the use of certain technologies. Such interventions would be required to be mandated by Government.	
			There are some very large areas with some small material projections.	It is assumed that the following is in relation to Table 5 in Policy P1. Minerals development differs from other forms of development because minerals can only be worked where they occur. The sites in Table 5 are sites which were submitted by the mineral industry and are considered commercially viable. This viability was assessed during the original site selection process.	
			It would help to add projected years of development (since opening) % by Road, rail etc Use of Strategic Lorry routes	It is assumed that the following is in relation to Table 5 in Policy P1. The estimated life span of each site will be added as part of an update to Table 5.	Add to topic paper when decided

				<p>When a planning permission is granted, it will have an end date for when operations are expected to cease. It is not possible to update the MLP annually as this would require a lengthy statutory process to be undertaken. The Authority Monitoring Report does however contain information relating to mineral planning permissions.</p> <p>The percentage of mineral transported by road, rail etc. is entirely dependent on what sites are operating at the time, so the figure will constantly be changing and would not hold much weight in a strategic plan. Further, mineral extracted from a site in Essex and destined for markets further away will likely travel by road before</p>	
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				<p>reaching a rail transshipment site, and mineral imported into Essex will arrive at a rail or marine based transshipment site before entering the road network for more local distribution. It is noted that there are no marine based mineral import sites in Essex. As such, the same mineral may use more than one mode of transport.</p> <p>Proposed amendments to paragraph 3.173 (3.188) of the MLP makes it clear that “The transportation of minerals over long distances is more sustainable by rail” and that the safeguarding rail head facilities will enable the long-distance haulage of aggregate imported to and exported from Essex to continue. There are however a</p>	
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				<p>very small number of railheads in Essex that can be used to transport minerals. Further, approximately 80% of sand and gravel extracted in Essex is used in Essex and these shorter distances are more economic to be carried out by road due to an absence of rail facilities and the avoidance of double handling.</p> <p>With regard to the use of specific lorry routes, once the mineral is on the road network the MWPA cannot control the route to market but can enter a unilateral undertaking with the operator. Proposed new Paragraph 3.197 states that "The operator may also enter into a unilateral agreement to ensure acceptable routeing of its HGVs." Therefore, the most appropriate</p>	
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				route will be assessed on a case-by-case basis in accordance with the route hierarchy.	
Strutt & Parker (891506607)	G&B Finch	No comment		N/A	
David L Walker Ltd (559449615)	Brice Aggregates	No comment		N/A	
CPRE Essex (665562826)		No comment		N/A	
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.	
Kelvedon & Feering Heritage Society (677892382)		No comment		N/A	

ORGANISATION	ON BEHALF OF	POLICY P2	POLICY P2	ECC RESPONSE	FURTHER WORK NEEDED/ DECISIONS MADE
Name of Organisation	Are you responding on behalf of another individual or organisation? -	2. Do you agree or disagree with the proposed amendments as set out in	Please provide any comments and/or alternative wording for this section of the Plan below:		

	If Yes, Who?	this section of the emerging Minerals Local Plan?			
Runwell Parish Council (631132323)	Runwell Parish Council	Agree	N/a	N/A	
Blackwater Aggregates (623162177)		Agree		N/A	
CEMEX (982058282)		Agree		N/A	
Gent Fairhead Aggregates		Agree		N/A	
Resident (850344129)		Agree		N/A	
W H Collier Limited (769297167/ 942768790)		Agree		N/A	
David L Walker Ltd (559449615)	Brice Aggregates	Disagree (please clarify)	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	In relation to these points, the MWPA considers that the Authority Monitoring Report provides the best mechanism for updating progress with individual sites, as this document can be updated on an annual basis. A note to that effect will be placed in the future Plan. In any	

			<p>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 were 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 greater transparency and a clearer picture of</p>	<p>event, the decision to re-base the MLP to 2040 means that Table 5, or its equivalent, will be updated to remove those allocations that have since come forward as a planning application.</p>	
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			<p>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>		
Coggeshall Parish Council (598729813)	Coggeshall parish council	No comment		N/A	
Strutt & Parker (891506607)	G&B Finch	No comment		N/A	
CPRE Essex (665562826)		No comment		N/A	
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.	