

1 Response Paper – Policy S1

Purpose of Policy S1

- 1.1 As noted in the MLP, at the heart of the National Planning Policy Framework (NPPF) is a ‘presumption in favour of sustainable development’. The purpose of this policy is to state that this presumption is carried through into the MLP. However, following the Regulation 18 consultation, it is now proposed to remove Policy S1 from the MLP as the retention of this policy is a repetition of National Policy, which is discouraged.

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

- The MWPA decided to retain Policy S1 in the MLP as it is one of the most referenced by Development Management officers when making decisions on planning applications.
- Paragraph 3.8 was amended to reflect the updated NPPF.

Impact of Revisions to NPPF 2021

- 1.2 None of the amendments made to the NPPF in July 2021 had an effect on Policy S1 and supporting text.

Summary of Issues Raised through March 2021 Reg 18 Consultation

- Mineral extraction will go ahead regardless of sustainability
- Planning permissions will be approved without delay regardless of whether they accord with policies in the Local Plan that are considered out of date
- Any adverse impacts of granting planning permission for mineral extraction at Coggeshall outweighs the benefits
- Policy S1 is too restrictive
- Environmental and social concerns around mineral workings in Essex
- Disagreement around the spatial distribution of aggregate recycling facilities in Essex

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 March 2021 Reg18 Consultation in relation to this Plan section:

Mineral extraction will go ahead regardless of sustainability

It was suggested through the consultation that areas will be developed, even if it is not considered sustainable, so that minerals can be extracted. However, the MWPA notes that sites allocated in the adopted MLP (2014) were assessed using a site selection methodology which ensured that the most sustainable sites were selected for allocation. A more detailed assessment is then carried out at the planning application stage before permission is granted. Policy DM1 of the MLP is designed to manage the variety of issues that may arise on a site-by-site basis during the working of a site and requires appropriate consideration of their impacts based on local circumstances, including in combination with other existing development where relevant. All planning applications for extraction are also required to demonstrate conformity with Policy S12 which requires that sites are restored with positive benefits to the environment, biodiversity and/ or local communities. Policy S6 sets out the MWPA's consideration of non-allocated sites which sets out circumstances in which mineral extraction may occur. Nonetheless, mineral extraction on these non-allocated sites would still have to comply to each policy in the MLP, including Policy DM1 and S12. Therefore, mineral extraction would only be approved if the development was considered sustainable, in accordance with the NPPF, and that any unacceptable impacts can be mitigated.

A representation further stated that strategies expressed should be shown to be in favour of sustainable development, and the action of extending Bradwell Quarry would go against everything expressed in the Plan. The MWPA notes that in relation to the extension of Bradwell Quarry, which relates to Reserve Site A6 and Reserve Site A7, Reserve Site A7 has been granted permission to be extracted over the course of the Review. In any event, by virtue of their allocation in the MLP as an extraction site, the principle of extraction has been accepted by an independent Planning Inspector, although more detailed assessment would be required at the planning application stage ahead of any extraction activities being undertaken. Site A6 and Site A7 form part of a Masterplan for Bradwell Quarry which ensures that working and restoration is carried out in a strategic manner to maximise benefits.

Planning permission will be approved without delay regardless of if they accord with policies in the Local Plan that are considered out of date

Comments received through the consultation raised concerns around planning permission being approved even if Local Plan policies appear out of date. However, it is noted that when policies are considered out of date, recourse is made to the National Planning Policy Framework. Policy S1 states, "Planning applications that accord with the site allocations and policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise." Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Policy DM1 in the MLP is designed to manage the variety of issues that may arise on a site-by-site basis and requires appropriate consideration of their impacts based on local circumstances, including in combination with other existing development where relevant. Therefore, if the policies were to appear out of date, the fallback position is to consider applications against the

policies in the NPPF and permission would be unlikely to be granted if the proposal was inconsistent with the NPPF, unless other material considerations indicated otherwise. Any adverse impacts of granting planning permission for mineral extraction at Coggeshall outweighs the benefits

Through the Regulation 18 consultation 2021 it was suggested that any adverse impacts of granting further planning permissions at Bradwell Quarry would grossly outweigh the benefits when assessed. This is not agreed with as the comment relates to the consideration of any future planning applications at Bradwell Quarry. Any future applications would need to be determined on their own merits at that time. Any adverse impacts would be considered against the development plan (MLP) and any other material considerations (such as the NPPF).

Policy S1 is too restrictive

Comments received through the consultation suggested that Policy S1 is too restrictive and that it may benefit from including for more flexibility than just the identification of site allocations, especially as some of the allocations show no sign of being brought forward in the plan period. The MWPA notes that Policy S1 provides primacy to site allocations to maintain a Plan-led system, which is considered to be part of ensuring sustainable development. It reads “Planning applications that accord with the site allocations and policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.” Policy S1 doesn’t preclude sites on non-allocated areas either, it states that applications that also accord with the “policies in this Local Plan will be approved without delay”. Policy S6 sets out the criteria through which non-allocated sites can come forward.

Environmental and social concerns around mineral workings in Essex

It was suggested through the consultation that minerals development in Essex, specifically Coggeshall, does not adhere to policies in the NPPF that indicate when development should be restricted. This is not agreed with. Each policy in the MLP has been compared to the NPPF to consider whether it is compliant with the NPPF and extant guidance. The findings of this research can be found in the Essex Minerals Local Plan Review 2021 – Report setting out the Rationale behind the Proposed Amendments – 2021. All development proposals should be in conformity with the NPPF and therefore no development would be carried out if the NPPF indicated that it should be restricted.

It was further noted through the consultation that Essex having extensive deposits of sand and gravel minerals development leads to the residents of Essex suffering as a result of quarrying to serve other areas, although it was recognised that minerals development differs from other forms of development because minerals can only be worked where they occur.

The MWPA notes that minerals travel across the country, as individual places are rarely self-sufficient with respect to their mineral needs. As shown in the latest data currently available, of the total sand and gravel extracted within Greater Essex (Essex, Southend and Thurrock) in 2019, 81% was used within this same area. The remaining 19% was exported beyond the sub-regions’ boundaries, of which the majority (12%) is exported to

the East of England. Only 7% of the total sand and gravel extracted within the Greater Essex sub-region is exported to other regions, such as Greater London or the South East,

Further, not only does Greater Essex also import sand and gravel, at over 1 million tonnes in 2019, it is entirely reliant on other regions for hard rock resources. In 2019, 1.58 million tonnes of hard rock was imported into Greater Essex from regions such as the East Midlands and the South West

It is also important to remember that mineral workings are temporary in nature. Policy DM1 of the MLP is designed to manage the variety of issues that may arise on a site-by-site basis and ensure the appropriate consideration of their impacts based on local circumstances, including in combination with other existing development where relevant. A consultation takes place prior to any minerals development to ensure that local communities are consulted, and their views considered during the development of minerals proposals and in the determination of planning applications for minerals development. Therefore, ensuring that the impacts on amenity of those people living in proximity to minerals developments are rigorously controlled, minimised and mitigated. Once mineral workings are complete, Policy S12 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.”. The final restoration of each site will be decided on a case-by-case basis.

Disagreement around the spatial distribution of aggregate recycling facilities in Essex

Through the consultation it was noted that there should be recycling facilities at every quarry to reduce mineral miles and reduce traffic impacts. Policy S5 aims to facilitate an effective network of aggregate recycling facilities/sites across the County to meet demand. It is not appropriate for there to be recycling facilities at every quarry. For example, for high quality Construction Demolition and Excavation (CDE) recycled aggregate, it must be economical to install such processing and washing equipment.

At extraction sites, there will therefore typically only be aggregate recycling facilities where inert material is being used for infilling the void as part of restoration. Where site restoration does not involve infilling, there would be nowhere to dispose of non-recyclable elements such as silts and clays, which are a residue left after aggregate recycling, and these would then require exportation out of a site which would actually increase HGV movements.

Policy S5 sets out the criteria through which proposals for new aggregate recycling facilities will be located. Further, Policy S11 is proposed to be amended to state that ‘Where the movement of minerals are by road, HGV movements shall not generate unacceptable impacts on highways safety’, and that “Planning applications for new minerals development proposals or proposals that generate traffic impact and/or an increase in traffic movements, shall be accompanied by a Transport Assessment or Transport Statement”. Further amendments are intended to state that these assessments are required to demonstrate any mitigation required to ensure that there

are no 'Unacceptable impacts on the efficiency and/or capacity of the highway network (including the trunk road network)'.

Conclusion

People were broadly in agreement with the proposed amendments to Policy S1 and supporting text. Where concerns were raised, these related to the consideration that minerals development was not being pursued sustainably, or that the definition of sustainable development was too restrictive. In the case of the latter, it was considered that the Plan may benefit from including for more flexibility than just the identification of site allocations, especially as some of the allocations show no sign of being brought forward in the plan period. This is not agreed with as Policy S1 provides primacy to site allocations to maintain a Plan-led system which is considered to be part of ensuring sustainable development.

With respect to development itself not being pursued sustainably, a number of comments were received based on the environmental and social concerns around mineral workings in Essex. Whilst it is accepted that mineral working has the potential to create localised impact, unacceptable impacts are mitigated through Policy DM1, with Policy S12 ensuring that land is restored 'with positive benefits to the environment, biodiversity and/ or local communities'.

Through the consultation no comments were received which resulted in any further proposed amendments to Policy S1 and the supporting text.

Table 1 - April 2021 Regulation 18 Consultation Responses to Policy S1

ORGANISATION	ON BEHALF OF	POLICY S1	POLICY S1	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 to NOT make any amendments to 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 (871678397)		Agree		N/A
Resident (850344129)		Agree		N/A

CPRE Essex (665562826)		Agree		N/A
David L Walker Ltd (559449615)	Brice Aggregates	Agree (but wish to clarify)		N/A
Coggeshall Parish Council (598729813)	Coggeshall parish council	Agree (but wish to clarify)	The same rationale is being expressed that means sustainability however they still want to secure areas to be developed if it means they can get access to the minerals needed	Allocated sites in the adopted MLP (2014) were assessed using a site selection methodology which ensured that the most sustainable sites were selected for allocation. A more detailed assessment is then carried out at the planning application stage before permission is granted. Policy DM1 of the MLP is designed to manage the variety of issues that may arise on a site-by-site basis during the working of a site and ensures appropriate consideration of their impacts based on local circumstances, including in combination with other existing development where relevant. All planning applications for extraction are also required to demonstrate conformity with Policy S12 which requires that sites are restored with positive benefits to the environment, biodiversity and/ or local communities. Policy S6 sets out the MWPAs consideration of non-allocated

				<p>sites which sets out circumstances in which mineral extraction may occur. Nonetheless, mineral extraction on these non-allocated sites would still have to comply to each policy in the MLP, including Policy DM1 and S12.</p>
			<p>. 3.8 states if planning appears to match the site allocation and policies in the local plan then it will be approved without delay. If these policies appear out of date the Minerals Planning Authority will grant permission anyway. In our view :</p>	<p>When policies are considered out of date, recourse is made to the National Planning Policy Framework. Policy S1 states “Planning applications that accord with the site allocations and policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.”. Therefore, if the policies were to appear out of date, the fallback position is to consider applications against the policies in the NPPF and permission would be unlikely to be granted if the proposal was inconsistent with the NPPF, unless other material considerations indicated otherwise. Any adverse impacts of granting planning permission for mineral extraction at Coggeshall outweighs the benefits</p>
			<p>- any adverse impacts of</p>	<p>The MWPA do not agree with as</p>

			granting permission would grossly outweigh the benefits when assessed.	the comment relates to the consideration of any future planning applications at Bradwell Quarry. Any future applications would need to be determined on their own merits at that time. Any adverse impacts would be considered against the development plan (MLP) and any other material considerations (such as the NPPF).
			- specific policies in the National planning policy framework indicate that development should be restricted. This should be adhered to when considering the impact so far on Coggeshall and how much worse it could become.	Each policy in the MLP has been compared to the NPPF to consider whether it is compliant with the NPPF and extant guidance. The findings of this research can be found in the Essex Minerals Local Plan Review 2021 – Report setting out the Rationale behind the Proposed Amendments – 2021. All planning decisions are therefore taken in conformity with the NPPF.
			- strategies expressed should be shown to be in favour of sustainable development , the action of extending this quarry would go against everything expressed in this document	Policy S1 ensures that a presumption in favour of sustainable development is carried through the MLP. With respect to the extension of Bradwell Quarry, which relates to Reserve Site A6 and Reserve Site A7, Reserve Site A7 has

				since been granted permission to be extracted over the course of the Review. In any event, by virtue of their allocation in the MLP as an extraction site, the principle of extraction has been accepted by an independent Planning Inspector, although more detailed assessment would be required at the planning application stage ahead of any extraction activities being undertaken. Site A6 and Site A7 form part of a Masterplan for Bradwell Quarry which ensures that working and restoration is carried out in a strategic manner to maximise benefits.
Thurrock Borough Council (97704900)	Thurrock borough Council	No comment	No additional comment.	Noted.
Strutt & Parker (891506607)	G&B Finch	No comment		N/A
Kelvedon & Feering Heritage Society (677892382)		No comment		N/A
Suffolk County Council (549043477)		No comment	No Comment.	Noted.

ORGANISATION	ON BEHALF OF	POLICY S1	POLICY S1	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 proposal to NOT amend this section of the emerging MLP	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
CPRE Essex (665562826)		Agree		N/A
David L Walker Ltd (559449615)	Brice Aggregates	Agree (but wish to clarify)	Policy S1 retains the presumption in favour of sustainable development that	Policy S1 provides primacy to site allocations to maintain a Plan-led system which is

			<p>was provided for in the adopted plan and again this is generally supported by BAL. However, the policy may benefit from including for more flexibility than just the identification of site allocations, especially as some of the allocations show no sign of being brought forward in the plan period.</p>	<p>considered to be part of ensuring sustainable development. Policy S1 doesn't preclude sites on non-allocated areas either, it states that applications that also accord with the "policies in this Local Plan will be approved without delay". Policy S6 sets out the criteria through which non-allocated sites can come forward.</p>
<p>Coggeshall Parish Council (598729813)</p>	<p>Coggeshall parish council</p>	<p>Disagree (please clarify)</p>	<p>This document must be amended as in many aspects of it, it has juxtaposed itself . Naturally ,resources where located have to be mined or quarried as they are only available in certain areas (industrial inertia). Unfortunately for Essex we have the only large expanse of sand and gravel in the Uk due to geological events. Does this mean we have to suffer whilst they quarry everything there is and then leave having re landscaped in a fashion . From start to finish this is generations where the person will only see the true effects if they live in an area the whole of</p>	<p>Minerals travel across the country, as places are rarely self-sufficient with respect to their mineral needs. As shown in the latest data currently available, of the total sand and gravel extracted within Greater Essex (Essex, Southend and Thurrock) in 2019, 81% was used within this same area. The remaining 19% was exported beyond the sub-regions' boundaries, of which the majority (12%) is exported to the East of England. Only 7% of the total sand and gravel extracted within the Greater Essex sub-region is exported to other regions, such as Greater London or the South East,</p>

			<p>their lives and actually remember what the landscape looked like before.</p>	<p>Further, not only does Greater Essex also import sand and gravel, at over 1 million tonnes in 2019, it is entirely reliant on other regions for hard rock resources. In 2019, 1.58 million tonnes of hard rock was imported into Greater Essex from regions such as the East Midlands and the South West</p> <p>Policy DM1 of the MLP is designed to manage the variety of issues that may arise on a site-by-site basis and ensures appropriate consideration of their impacts based on local circumstances, including in combination with other existing development where relevant. Policy S12 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.”. The final restoration of each site will be</p>
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				decided on a case-by-case basis.
			<p>Policy 3.8 states some very good points but already most of these facts do not and will not correspond with the activities that will change the area around Coggeshall for eternity. There are 9 points it talks about in 3.8 all of which are appropriate and correct but are not happening and some of which are very vague eg reducing quantity of minerals used and generate waste, promote good practice, encourage to reuse and recycle construction materials.</p>	<p>Assuming this is in relation to Policy S2, the purpose of this policy is to set out the strategic priorities through which it is intended to achieve the 'Strategy of the Plan' as a whole. These priorities will largely be delivered by permitting mineral applications in accordance with the policies set out in this Plan.</p> <p>Planning applications are assessed on a case-by-case basis and all applications that accord with the site allocations, and policies in this Local Plan will be approved without delay unless material considerations indicate otherwise. Therefore, all applications must accord with the relevant strategic priorities listed in Policy S2.</p> <p>It is not the case however that every planning application will be relevant to every strategic policy, or even that one type of planning application will be relevant to every strategic policy. For example, the priority</p>

				<p>which states the intention to reduce 'the quantity of minerals used and waste generated through appropriate design and procurement, <i>promoting</i> good practices and encouraging the re-use and the recycling of construction materials containing minerals, is linked to the requirement for Site Waste Management Plans and the requirement to adhere to the principles of the Circular Economy in all major developments as requested by the MWPA in its responses to planning consultations held by the districts.</p>
			<p>In Coggeshall there are 2 aggregate recycling facilities out of 28 1 out of 8 soil screening and 1 out of 5 unclassified aggregate recycling facilities. There should be recycling facilities at every quarry to avoid transportation in and out of the site where it is only recycling materials. Add to this the full lorries of quarried</p>	<p>Policy S5 aims to facilitate an effective network of aggregate recycling facilities/sites across the County to meet demand. It is not appropriate for there to be recycling facilities at every quarry. For example, for high quality Construction Demolition and Excavation (CDE) recycled aggregate, it must be economical to install such processing and washing</p>

			<p>materials and the numbers of HGVs added to the route networks will be a nightmare.</p>	<p>equipment. At extraction sites, there will therefore typically only be aggregate recycling facilities where inert material is being used for infilling the void as part of restoration. Where site restoration does not involve infilling, there would be nowhere to dispose of non-recyclable elements such as silts and clays, which are a residue left after aggregate recycling, and these would then require exportation out of a site which would actually increase HGV movements. Policy S5 sets out the criteria through which proposals for new aggregate recycling facilities will be located.</p> <p>Further, Policy S11 is proposed to be amended to state that 'Where the movement of minerals are by road, HGV movements shall not generate unacceptable impacts on highways safety', and that "<u>Planning applications for new minerals development proposals or proposals that generate traffic impact and/or an increase in traffic movements, shall be</u></p>
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				<u>accompanied by a Transport Assessment or Transport Statement.</u> Further amendments are intended to state that these assessments are required to demonstrate any mitigation required to ensure that there are no 'Unacceptable impacts on the efficiency and/or capacity of the highway network (including the trunk road network)'.
GeoEssex (538324742)		No comment	no comment or see comment under Aims, Strategic Objectives and Spatial Priorities.	Noted.
Thurrock Borough Council (97704900)	Thurrock borough Council	No comment	No additional comment.	Noted.
Strutt & Parker (891506607)	G&B Finch	No comment		N/A
Suffolk County Council (549043477)		No comment	No Comment.	Noted.