

1 Response Paper – Policy S2: Strategic Priorities for Mineral Development

Purpose of Policy S2

- 1.1 The purpose of this policy is to set out the strategic priorities to achieve the 'Strategy of the Plan' as defined in Paragraph 3.12 of the MLP. The plan strategy is:

To provide for the best possible geographic dispersal of sand and gravel across the County, accepting that due to geographic factors the majority of sites will be located in the central and north eastern parts of the County (to support key areas of growth and development and to minimise mineral miles) with a focus on extending existing extraction sites with primary processing plant, and reducing reliance on restoration by landfill.

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

- Policy S2 was considered to be in conformity with the objectives of the NPPF/PPG. However, a number of modifications were considered to be required to accommodate those amendments that are proposed to be made to other policies within the Plan. These include the addition of a reference to 'wellbeing' in Strategic Priority 3 to reflect the incorporation of mental health into Policy S12, removal of references to 'strategic infrastructure' in Strategic Priority 5 in recognition of the removal of this distinction from Policy S5 and the removal of reference to specific growth locations from Strategic Priority 7. This also reflects the proposed removal of reference to specific growth locations from the Plan as a whole due to the uncertainty of their location in the future due to the move towards joint planning at the district level.
- Policy S2 was noted as being a list of strategic priorities that are predominantly given life through other policies in the Plan. As such it was questioned whether Policy S2 was required. Much of Policy S2 is also already captured within the Spatial Vision and the Aims and Strategic Objectives as previously set out in the Plan. However, monitoring information collated since the MLP was adopted has shown that this is the 6th most cited policy in planning application decisions, and it provides the function of consolidating the myriad aims of the MLP into a single policy.
- Through Duty to Cooperate engagement, it was suggested that Policy S2 be amended to include a statement setting out that the Council requires all new development, where relevant, to accord with the principles listed in this policy. It was also requested that Strategic Priority 2 be amended to add the words 'historic and natural' before the term 'environment' to better clarify what is meant by this term. However, to avoid repetition, the term 'environment' was defined in the glossary to this effect.

Impact of Revisions to NPPF 2021

- 1.2 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. Although it is recognised that there are elements of Policy S2 which relate to amendments made as part of the revised NPPF, such as with regards to the impacts of development on the historic environment and flooding, Policy S2 is comprised of a number of high-level 'Strategic Priorities' such that the specific amendments made in the NPPF do not impact on the articulation of these priorities.
- 1.3 It is noted that amendments to NPPF Paragraph 98 add that 'Access to a network of high-quality open spaces and opportunities for sport can deliver wider benefits for nature and support efforts to address climate change', which strengthens the linkages between Strategic Priorities 1, 2 and 8.

Summary of Issues Raised through March 2021 Reg 18 Consultation

- 1.4 Support was received for Strategic Priority 4 which states a priority of improving access to, and the quality and quantity of recycled/ secondary aggregates, by developing and safeguarding a well distributed County-wide network of strategic and non-strategic aggregate recycling sites.
- 1.5 Through the consultation, a number of objections, clarifications and other proposed amendments were suggested. The following issues were raised:
 - Ensuring the delivery of the Strategic Priorities (All, Strategic Priority 2)
 - The scope of applications to which Policies S2, S3 and S4 should relate
 - Ensuring a geographic dispersal of sites (Strategic Priority 7)
 - Issues relating to the provision of public access (Strategic Priority 2 and 8)
 - The need to reduce or halt landfilling (Strategic Priority 8)
 - Placing a time limit on minerals development (Strategic Priority 4 and 8)
 - Using mineral extraction as an opportunity to further geological knowledge
 - Other proposed amendments to align Strategic Priorities more closely with the NPPF (Strategic Priority 2 and 5)

Addressing Issues Arising Out of March 2021 Reg 18 Consultation

- 1.6 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:

Ensuring the delivery of the Strategic Priorities (All Strategic Priorities)

A representation received through the Regulation 18 consultation stated that whilst the Strategic Priorities seemed to be appropriate, there was concern with regards to whether they would really be delivered. It was considered that the Strategic Priorities didn't echo their experiences of mineral development and that some, whilst well meaning, were very vague. An example of a spatial priority considered vague was Strategic Priority 3 which sets out intentions to reduce the quantity of minerals used and encourage the re-use and recycling of construction materials.

However, the MWPA contends that Policy S2 sets out a list of Strategic Priorities for mineral development as a whole. As set out in Paragraph 4.51 of the Rationale Report 2021, Policy S2 is a list of strategic priorities that are predominantly given life through other policies in the Local Plan. As a schedule of high-level ambitions, they are necessarily vague, with the detail being contained in more detailed policies which address one or two Strategic Priorities as set out in Table 1 of the Rationale Report. Of the issues covered by Strategic Priority 3 referenced above that were considered to be well meaning but vague, these largely apply to Policy S4 which seeks to ensure that best use is made of minerals, particularly in non-mineral developments. The Strategic Priority is not intended to be strongly linked to determining a specific application for mineral extraction, rather the policy as a whole articulates the strategic direction, with the detail provided through other linked policies.

Not all of these Strategic Priorities will be relevant to the determination process or working practices of a single mineral site, and this was noted in the representation which stated that whilst all were important, some aspects of those themes set out in the Strategic Priorities impacted them more than others, and there were other potential impacts such as noise and traffic which were not explicitly set out within the Strategic Priorities. It was raised that mineral development would likely be in conflict with the aspiration set out in the Strategic Priorities.

As previously stated, Policy S2 is a list of high-level strategic priorities that are predominantly given life through other policies in the Local Plan. Issues such as noise and traffic which were highlighted as being potentially omitted are captured by Strategic Priority 2 which seeks to ensure, amongst other things, that there are no significant adverse impacts arising from proposed minerals development on safety, amenity, and the quality of life of nearby communities. Issues relating to traffic are however explicitly addressed through Policy S11 – Access and Transportation, whilst noise associated with mineral working is addressed within Policy DM1 – Development Management Criteria.

The MWPA further notes that whilst it is recognised that mineral development has the potential to impact on its surrounding area, this is mitigated to acceptable levels through planning policy, planning permissions (conditions) and environmental permitting. Planning applications are determined in accordance with policies in the Development Plan, including the Minerals Local Plan. The Strategic Priorities of the Minerals Local Plan will therefore be delivered by applying the other policies in this plan to planning applications and ensuring that the development subject to the planning application remains in conformity with those policies. Conditions can subsequently be placed on the

award of planning permission, with reasons, to ensure that there is ongoing conformity with plan policies throughout the lifetime of the development.

The scope of applications to which Policies S2, S3 and S4 should relate

It was noted through the Regulation 18 consultation that Section 3 of the MLP sets out a number of strategic policies which, as written, are potentially too broad in scope. It was considered that whilst Policy S2 to S4 inclusive were appropriate to apply to new development proposals and extensions to mineral operations, they should not necessarily relate to ancillary development normally consented through permitted development provisions, and nor should they apply to applications for non-compliance with planning conditions.

The MWPA notes that where development is ancillary and is capable of being consented through permitted development rights, there is no express need for planning permission and therefore policies in the MLP, including those listed, would not be applied to the proposed development in any event.

It is however considered appropriate that policies in the MLP should apply to applications for non-compliance with planning conditions. Planning conditions are placed on planning permissions to ensure that the development permitted through the permission is in conformity with the Development Plan, and as such they would have relevance to the determination of an application for non-compliance with these conditions.

Ensuring a geographical dispersal of sites (Strategic Priority 7)

Strategic Priority 7 of Policy S2 seeks to provide 'for the best possible geographic dispersal of sand and gravel across the County to support key areas of growth and development, infrastructure projects and to minimise mineral miles'. It was however noted through a representation to the consultation that the availability of mineral is restricted due to its location, and therefore it is north, east and centre of the county where the majority of minerals development takes place. It was considered that this would lead to extensions of existing sites which was of local concern as if this policy is followed, it was contended that more areas around Coggeshall, and especially to its south, would be 'destroyed' by the impacts of mineral development. Impacts to the conservation corridor in Coggeshall were also raised.

It is agreed that the overriding principle of mineral development is that they can only be worked where they are found, and that this will naturally result in some areas of the County being worked for mineral more than others. However, this does not necessarily lead to existing mineral sites being perennially extended. Mineral extraction will only be permitted when in accordance with the Development Plan, including those policies which protect local amenity and provide restoration benefits such as MLP Policy S12 and Policy DM1. MLP Policy DM1 also address the impacts of cumulative working, which ensures that the impacts of mineral extraction are assessed as a whole, including across multiple sites, both mineral and non-mineral if relevant, whilst also restricting the extraction of extension sites before completion of extraction at the parent site. MLP Policy S6 also acts to give primacy to those sites which are allocated for extraction

within the Plan, with extraction on non-Preferred Sites (including non-preferred extensions) having to satisfy a number of criteria.

An amendment is however proposed to clarify that where 'dispersal' is mentioned in the Strategic Priority, this is intended to refer to the ability to disperse a steady and adequate amount of sand and gravel around the County through a dispersed pool of mineral sites, such that mineral miles are reduced, rather than seeking to supply through a more restricted pool. As noted by the respondent however, it is accepted that the ability to fully disperse sand and gravel allocations across the County is impacted by where sand and gravel is present.

Issues relating to the provision of public access (Strategic Priority 2 and 8)

Through the Regulation 18 consultation it was requested that Strategic Priority 8 be amended to insert a new clause e), which would state the need to ensure high-quality restoration so as to 'provide beneficial after-uses that improve and enhance outdoor recreational opportunities, public rights of way and public access for all users in keeping with the Equality Act.'

Within Table 2, the MLP currently sets out that a key feature of the social dimension for sustainable mineral development in Essex is to use 'mineral proposals, site restoration and aftercare schemes to deliver benefits to local communities, including outdoor recreation, environmental assets, biodiversity, green and blue infrastructure and landscape enhancements.'

As such, the proposed amendment is broadly in keeping with an overarching theme of the MLP. However, it will not always be the case that securing public access of a site following extraction would be appropriate or be welcomed by the landowner. This will in part be linked to the proposed after-use. As such, it is considered appropriate to maintain the references to amenity, the quality of life of nearby communities and long-lasting community benefits in Strategic Priorities 2 and 8, which the plan defines as including outdoor recreation, rather than making specific references to public rights of way or access as being a Strategic Priority requirement. However, an amendment to Policy S12 is proposed to insert an additional clause which will state that, where appropriate, 'community benefits are delivered, including new or improved corridors or linkages for open space, natural areas, biodiversity and Public Rights of Way, as well as new or improved opportunities for outdoor recreation.' It is considered that this proposed amendment ensures that Policy S12 is more reflective of the Strategic Priorities and the points made in the representation and allows the appropriateness of increasing public access to be considered on a case-by-case basis.

An additional representation was made on a similar theme. It was requested that Public Rights of Way and public access be added to the list of criteria set out in Priority 2 upon which it must be ensured that there are no significant adverse impacts upon as a result of proposed minerals development. However, as previously set out, Policy S2 is intended to be a high-level list of priorities, with details left to other policies with tighter scope. It is considered that the criteria set out in the representation are adequately covered at a high-level within the Strategic Priorities through references to the need to ensure no adverse impacts on public health and well-being, amenity and quality of life. It

is however noted that Policy DM1 requires mineral development to not have an 'unacceptable impact' upon 'the definitive Public Rights of Way network and outdoor recreation facilities'. As such the issue raised is considered to be already captured within the MLP.

It is however noted that where public access is not designated as part of the Public Rights of Way network, this access is typically offered at the landowner's discretion. As such, it cannot be explicitly required that these be maintained or enhanced. However, the maintenance or enhancement of non-designated access during and following mineral extraction can form part of negotiations on restoration schemes where securing such provision would result in a beneficial after-use to local communities. As such however, explicit reference to the need to enhance non-designated public access routes cannot be explicitly required through policy, but the proposed amendment to Policy S12 as set out above is considered to strengthen the ability for the MWPA to negotiate their provision.

It was further requested that Strategic Priority 8 be amended to include improved access to public spaces and the Public Rights of Way network outside of the site. However, leaving aside issues of whether land outside of the boundary of extraction sites would be in the same ownership, any requirement for works outside of the immediate boundary of a planning application can only be conditioned as part of issuing planning permission on the basis that they would make the development being proposed acceptable in planning terms. Improvements to public access in areas surrounding a proposed extraction site would fail this test and therefore this is not something that the MWPA can request through policy.

The need to reduce or halt landfilling (Strategic Priority 8)

Strategic Priority 8 states, inter-alia, the requirement to ensure the progressive phased working and the high-quality restoration of mineral extraction developments so as to significantly reduce reliance upon the use of landfill materials. Through the Regulation 18 consultation it was stated that this must be changed to stating that landfill must stop. Instead, recycling must take priority and the use of incinerators must be avoided. Reference was subsequently made to the Energy from Waste facility being built in Rivenhall in the district of Braintree. It was considered convenient on both sides that material which cannot now go to landfill could feed the incinerator, but at what cost to the land and the atmosphere.

The MWPA notes that it is not possible to state that landfilling (or the use of energy from waste facilities) will be stopped as currently there is waste generated in society that cannot be re-used and/ or recycled. Waste planning is however driven by the Waste Hierarchy, which seeks to ensure that waste is managed as 'high' up the hierarchy (meaning 'as sustainably') as possible. The extant Waste Local Plan has policies that support this approach. Inert waste, such as demolition material, can also be beneficially used where it aids in the restoration of a mineral void should it be considered more sustainable and beneficial to return land to original or intermediate land levels, such as for agricultural restoration for example. Provision is made for this as part of Policy S12, where an amendment has been proposed in relation to mineral voids requiring to be

restored through inert landfill. The proposed amendment now states that mineral voids can be 'infilled with imported materials only at a scale necessary to achieve a beneficial restoration that outweighs any harm caused'. This amendment replaces a hierarchical preference which first required mineral voids to be restored with the lowest amount of landfilled material possible, including where this would result in the creation of water bodies. It is considered that the amendment would facilitate the delivery of more beneficial after-uses for local communities.

Placing a time limit on minerals development (Strategic Priority 4 and 8)

A representation was received requesting the inclusion of a limit on the duration of extraction and primary and secondary processing facilities operations to avoid communities never seeing an end to operations and HGV movements. It is however noted by the MWPA that this is already the case. Planning permissions for mineral extraction will always set out a date whereby restoration is expected to have taken place, with permissions also typically setting out a date for when extraction is expected to cease. These dates can only be subsequently amended through the planning system, where they would be subject to additional public consultation. Further, planning permissions for primary and secondary processing facilities at extraction sites are time limited and linked to the working and restoration timescales of the parent mineral extraction site that provides the justification for the processing facilities being located there.

Policy DM3 – Mineral Development Incorporating Primary Processing Plant and Policy DM4 – Mineral Development Incorporating Secondary Processing Plant both include the requirement, with regards to these processing facilities, that 'In all cases permission will only be granted for a temporary duration so as not to delay or compromise restoration of the site.'

It is additionally noted that the appropriateness of locations for mineral processing facilities is assessed under Policy S5, which, with regards to locating such facilities on minerals (and waste sites), requires that such development 'does not unduly prejudice the agreed restoration timescale for the site and the use ceases prior to the completion of the site. As such, it is considered that the issues raised in this representation as they relate to timescales are adequately covered in other areas of the MLP and therefore no additional amendments are required.

Using mineral extraction as an opportunity to further geological knowledge

A representation was received requesting that an additional clause be added to Strategic Priority 8 to enable access to log and sample sections as they are exposed by quarrying to ensure that geological information revealed by the working of minerals is not lost to science before it is destroyed by quarrying operations. 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 and therefore an amendment is not considered appropriate as it would be an arrangement made outside of the planning system and not something the MWPA could require.

Other proposed amendments to align Strategic Priorities more closely with the NPPF

Strategic Priority 2

Through a representation, reference was made to Strategic Priority 2 which required that "...there are *no significant adverse* impacts arising from proposed minerals development for public health and wellbeing, public safety, amenity, the quality of life of nearby communities, and the environment" (emphasis added). It was stated that this level of impact is inconsistent with the National Planning Policy Framework (NPPF, Para. 204f) which states that planning policies should set out criteria or requirements to ensure that permitted or proposed minerals operations do not have "...unacceptable adverse impacts on the natural and historic environment or human health..." It was argued that the significance impact level for draft Policy S2 is therefore inconsistent with the NPPF and should be amended accordingly.

It was also noted that the proposed change would also ensure consistency with draft Policy S10 ('Protecting and Enhancing the Environment and Local Amenity') that refers to 'no unacceptable adverse impacts' and draft Policy DM1 ('Development Management Criteria') that refers to development "...not having an unacceptable impact..." on local amenity and the health and wellbeing of local residents. It was subsequently requested that draft Policy S2 is amended to ensure consistency with the NPPF and that reference to 'no significant adverse impacts' be amended to 'no unacceptable adverse impacts'. The MWPA accepts the proposed amendment.

Strategic Priority 5

Through the Regulation 18 consultation, it was also stated that Strategic Priority 5 required modification to better reflect the provisions of the NPPF. It was requested that an amendment was made such that the phrase 'all known' was added to the requirement to safeguard mineral resources of national and local importance. The MWPA accepts the proposed amendment.

Strategic Priority 6

A representation received through the Regulation 18 consultation requested that references to maintaining the landbank at 'appropriate levels' be amended to state 'required levels'. The MWPA accepts the proposed amendment,

It was further requested that the opening sentence of Policy S2 be amended in light of the provisions of Strategic Priority 6. This strategic priority identifies the need to make 'planned provision through preferred site allocations for a steady and adequate supply of aggregates and industrial minerals to meet identified national and local mineral needs in Essex during the Plan period...' It was therefore considered that the opening sentence of Policy S2 should be reworded to set out that the strategic policies are meeting the mineral demand needs *for* Essex rather than *of* Essex. It was argued that

this would better reflect the duty to cooperate and recognition that approximately 20% of Essex sales meet demand from outside of the Essex area.

The MWPA accepts the proposed amendment as Strategic Priority 6 recognises that Essex has a role in assisting with the meeting of mineral need in other mineral planning areas, just as Essex relies on other mineral planning areas for the same.

Map 4 – Key Diagram

It was requested that the key diagram should remain and be updated to provide the industry with a picture of potential aggregate supply areas, key sensitivities and the strategic growth (town) aspirations. It was stated that the industry can then concentrate efforts in these areas to meet ECC’s aims. This is noted. The information presented within the Key Diagram presented at Map 4 is proposed to be moved to an earlier section of the plan, at Paragraph 2.20, rather than be deleted. This means that it will be associated with the section of the MLP which details the mineral resources present in the County.

Conclusion

Following an assessment of the representations made under Policy S2, it is considered appropriate to make a number of amendments. An amendment is proposed to Strategic Priority 7 in order to improve clarity, whilst further amendments are proposed to Strategic Priorities 2, 5 and 6 such that wording in the MLP better reflects the NPPF. Further amendments were requested, including the requirement to deliver access improvements both within and outside of extraction sites, to use mineral extraction to improve geological knowledge and to halt landfilling. In each case, amendments were not considered to be required, either due to the requests falling outside of what the planning system can deliver or because the issue are considered to already be adequately addressed by other policies in the Plan. Proposed amendments will be incorporated prior to further public 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
Policy S2, first sentence	Policy S2, first sentence	The strategic priorities for minerals development are focused primarily on meeting the mineral supply needs of <u>for</u> Essex whilst achieving sustainable development.
Policy S2, Strategic Priority 2	Policy S2, Strategic Priority 2	Ensuring there are no significant <u>unacceptable</u> adverse impacts arising from proposed minerals development for public health...

Policy S2, Strategic Priority 5	Policy S2, Strategic Priority 5	Safeguarding <u>all known</u> mineral resources of national and local importance...
Policy S2, Strategic Priority 6	Policy S2, Strategic Priority 6whilst maintaining landbanks at appropriate <u>required</u> levels;
Policy S2, Strategic Priority 7	Policy S2, Strategic Priority 7	Providing for the best possible geographic dispersal of sand and gravel <u>sites</u> across the County to support key areas of growth and development, infrastructure projects and to minimise mineral miles;

Table 2: March 2021 Regulation 18 Consultation Responses to Policy S2 – Strategic Priorities for Mineral Development

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
Blackwater Aggregates (623162177)		Agree		N/A
CEMEX (982058282)		Agree		N/A
Gent Fairhead Aggregates (871678397)		Agree		N/A
Resident		Agree		N/A

(850344129)				
CPRE Essex (665562826)		Agree		N/A
David L Walker Ltd (559449615)	Brice Aggregates	Agree		N/A
Thurrock Borough Council (97704900)	Thurrock borough Council	Agree	No additional comment.	Noted
Feering Parish Council (671847412)	Feering Parish Council	Agree (but wish to clarify)	<p>Policy 8b. Includes long-lasting community & environmental benefits including net-gain in biodiversity. 8c references blue & green infrastructure strategies 8d protects BMV agricultural land</p> <p>PROPOSE ADD to policy 8 8. Ensuring progressive phased working and the high quality restoration of mineral extraction developments so as to: 8e: provide beneficial after-uses that improve and enhance outdoor recreational opportunities, public rights of way and public access for all users in keeping with the Equality Act.</p>	<p>The MLP currently sets out that a key feature of the social dimension for sustainable mineral development in Essex is to use 'mineral proposals, site restoration and aftercare schemes to deliver benefits to local communities, including outdoor recreation, environmental assets, biodiversity, green and blue infrastructure and landscape enhancements.'</p> <p>As such, the proposed amendment is broadly in keeping with an overarching theme of the MLP. However, it will not always be the case that securing public access of a site following extraction would be appropriate or be welcomed by the landowner. This will in part be linked to</p>

				<p>the proposed after-use. As such, it is considered appropriate to maintain the references to amenity, the quality of life of nearby communities and long-lasting community benefits in Strategic Priorities 2 and 8, which the plan defines as including outdoor recreation, rather than making specific references to public rights of way or access as being a Strategic Priority requirement. However, an amendment to Policy S12 is proposed to insert an additional clause which will state that, where appropriate, community benefits are delivered, including new or improved corridors or linkages for open space, natural areas, biodiversity and Public Rights of Way, as well as new or improved opportunities for outdoor recreation.' It is considered that this proposed amendment ensures that Policy S12 is more reflective of the Strategic Priorities and the points made in the representation, and allows</p>
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				<p>the appropriateness of increasing public access to be considered on a case-by-case basis.</p> <p>It is further noted that Policy DM1 requires mineral development to not have an 'unacceptable impact' upon 'the definitive Public Rights of Way network and outdoor recreation facilities'.</p>
<p>Coggeshall Parish Council (598729813)</p>	<p>Coggeshall parish council</p>	<p>Disagree (please clarify)</p>	<p>This I have already mentioned above (see respondents comment under the Spatial Vision Q2) however the 8 points mentioned are very relevant but will they be followed? Eg the mineral site should be well situated for access to all of Essex but reduce transport miles. However they are restricted due to material location , therefore it is North, East and Centre of the county who are worst hit. Their aim is to extend their existing sites. This is worrying as if this policy is followed they will destroy more area around Coggeshall especially to its south. This is also the conservation corridor</p>	<p>Policy S2 sets out a list of Strategic Priorities for mineral development as a whole. As set out in Paragraph 4.51 of the Rationale Report 2021, Policy S2 is a list of strategic priorities that are predominantly given life through other policies in the Local Plan.</p> <p>Principle 7 of Policy S2 is to provide 'for the best possible geographic dispersal of sand and gravel across the County to support key areas of growth and development, infrastructure projects and to minimise mineral miles'. Where 'dispersal' is</p>

			<p>for Coggeshall. It states it will reduce its reliance on landfill for restoring the site. This must also change to stating landfill must stop. Recycling must take priority and avoid incinerators. One is under threat of being built here to the South West. This would be very convenient on both sides as material which can not now go to landfill could feed the incinerator, at what cost to the land and the atmosphere.</p> <p>2. Including a limit on the duration of extraction and primary and secondary processing facilities operations should be included to avoid communities never seeing an end to operations and HGV movements.</p>	<p>mentioned in the Strategic Priority, this is intended to refer to the ability to disperse a steady and adequate amount of sand and gravel around the county through a dispersed pool of mineral sites, such that mineral miles are reduced, rather than seeking to supply through a more restricted pool. As noted by the respondent however, it is accepted that the ability to fully disperse sand and gravel allocations across the County is impacted by where sand and gravel is present.</p> <p>There are policies in the MLP, such as Policy S12 and Policy DM1, which act to ensure that there are no unacceptable local impacts related to mineral extraction and that restoration schemes reflect community priorities.</p> <p>It is not possible to state that landfilling (or energy from waste facilities) will be stopped as currently there is waste generated in society</p>
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				<p>that cannot be re-used and/or recycled. Waste planning is however driven by the Waste Hierarchy, which seeks to ensure that waste is managed as 'high' up the hierarchy (meaning 'as sustainably') as possible. The extant Waste Local Plan has policies that support this approach. Inert waste, such as demolition material, can also be beneficially used where it aids in the restoration of a mineral void should it be considered more sustainable and beneficial to return land to original or intermediate land levels, such as for agricultural restoration for example. Provision is made for this as part of Policy S12.</p> <p>With regards to limiting the duration of extraction sites and both primary and secondary processing facilities on extraction sites, planning permissions for such developments are always time limited and linked to the working and restoration</p>
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				<p>timescales of the parent mineral extraction site that provides the justification for the processing facilities being located there. Further, the appropriateness of locations for mineral processing facilities is assessed under Policy S5 which only allows non-temporary facilities to come forward on certain land-use types.</p>
			<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>Policy S2 sets out a list of Strategic Priorities for mineral development as a whole. As set out in Paragraph 4.51 of the Rationale Report 2021, Policy S2 is a list of strategic priorities that are predominantly given life through other policies in the Local Plan. As a schedule of high-level ambitions, they are necessarily vague, with the detail being contained in more detailed policy as set out in Table 1 of the Rationale Report. Not all of these will be relevant to the determination process or working practices of a single mineral site. Of the Strategic Priorities referenced, these</p>

				largely apply to Policy S4 which seeks to ensure that best use is made of minerals.
GeoEssex (538324742)		No comment	no comment or see below (see respondents comment under Policy S2 Q2)	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	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
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
Thurrock Borough Council (97704900)	Thurrock borough Council	Agree	No additional comment.	Noted

David L Walker Ltd (559449615)	Brice Aggregates	Agree (but wish to clarify)	Section 3 goes onto to set out a number of strategic policies in the scope of which as written are potentially too broad. It is agreed that policies S2 to S4 inclusive need to relate to new development proposals and extensions to mineral operations, however they should not necessarily relate to ancillary development normally consented through permitted development provisions nor should they apply to applications for non-compliance with planning conditions etc.	<p>Where development is capable of being consented through permitted development rights, there is no requirement to apply for planning permission and therefore policies in the MLP, including Policy S2, would not be applied to the proposed development in any event.</p> <p>It is however considered appropriate that policies in the MLP should apply to applications for non-compliance with planning conditions. Planning conditions are placed on planning permissions to ensure that the development permitted through the permission is in conformity with the Development Plan, and as such they would have relevance to the determination of an application for non-compliance with these conditions.</p>
Feering Parish Council (671847412)	Feering Parish Council	Agree (but wish to clarify)	Policy 8b. Includes long-lasting community & environmental benefits including net-gain in biodiversity. 8c references blue	Within Table 2, the MLP currently sets out that a key feature of the social dimension for sustainable

			<p>& green infrastructure strategies 8d protects BMV agricultural land</p> <p>PROPOSE ADD to policy 8 8. Ensuring progressive phased working and the high quality restoration of mineral extraction developments so as to: 8e: provide beneficial after-uses that improve and enhance outdoor recreational opportunities, public rights of way and public access for all users in keeping with the Equality Act.</p>	<p>mineral development in Essex is to use 'mineral proposals, site restoration and aftercare schemes to deliver benefits to local communities, including outdoor recreation, environmental assets, biodiversity, green and blue infrastructure and landscape enhancements.'</p> <p>As such, the proposed amendment is broadly in keeping with an overarching theme of the MLP. However, it will not always be the case that securing public access of a site following extraction would be appropriate or be welcomed by the landowner. This will in part be linked to the proposed after-use. As such, it is considered appropriate to maintain the references to amenity, the quality of life of nearby communities and long-lasting community benefits in Strategic Priorities 2 and 8, which the plan defines as including outdoor recreation, rather than making specific</p>
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				<p>references to public rights of way or access as being a Strategic Priority requirement. However, an amendment to Policy S12 is proposed to insert an additional clause which will state that, where appropriate, community benefits are delivered, including new or improved corridors or linkages for open space, natural areas, biodiversity and Public Rights of Way, as well as new or improved opportunities for outdoor recreation.' It is considered that this proposed amendment ensures that Policy S12 is more reflective of the Strategic Priorities and the points made in the representation, and allows the appropriateness of increasing public access to be considered on a case-by-case basis.</p> <p>It is further noted that Policy DM1 requires mineral development to not have an 'unacceptable impact' upon 'the definitive Public Rights of Way network and outdoor</p>
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				recreation facilities’.
Coggeshall Parish Council (598729813)	Coggeshall parish council	Agree (but wish to clarify)	<p>The Minerals policy document has shown that it is more aware of what quarry extraction is doing to the environment and it is inevitable that minerals have to be extracted. It states</p> <ol style="list-style-type: none"> 1. mineral development must contribute to reducing greenhouse gases, 2. ensure no conflict with public health, well being, public safety , amenity, quality of life, and quality of the environment 3 . Reduce quantity of minerals used, reduce waste, recycle 4. Improve access to recycling 5.safe guard minerals 6.make good planned provision of preferred site allocation for steady supply 7. Good infrastructure 8. Improve land restoration <p>All of these are relevant to Coggeshall as well as the whole county. Some aspects affect us far more. Air quality, traffic, noise, development of the sites, pressure on the land and quality of life and finally pressure on the bio diversity of this area .</p> <p>The policy states these are all important but I can not see if the</p>	<p>Policy S2 sets out a list of Strategic Priorities for mineral development as a whole. As set out in Paragraph 4.51 of the Rationale Report 2021, Policy S2 is a list of strategic priorities that are predominantly given life through other policies in the Local Plan.</p> <p>Planning applications are determined in accordance with policies in the Development Plan, including the Minerals Local Plan. The Strategic Priorities of the Minerals Local Plan will be delivered by applying the other policies in this plan to planning applications and ensuring that the planning application is in conformity with those policies.</p> <p>Conditions can subsequently be placed on the award of planning permission, with reasons, to ensure there is an ongoing conformity with plan policies throughout the lifetime of the development.</p>

			quarry extends in Coggeshall how it will not come in to conflict with all of these aspects it wants to improve.	
RPS (707875084)	Indaver	Agree (but wish to clarify)	<p>Policy S2 'Strategic Priorities for Minerals Development' outlines the strategic priorities for minerals development are focussed primarily on meeting the mineral supply need for Essex whilst achieving sustainable development. Criterion 4) of Policy S2 outlines that sustainable development will be promoted by 'improving access to, and the quality and quantity of recycled/secondary aggregates, by developing and safeguarding a well distributed County-wide network of aggregate recycling sites.'</p> <p>Indaver very much support this approach as their operations will lead to an increase in the quantity of high quality secondary aggregate within the region, the extension of the network of aggregate recycling sites will provide more opportunities for this secondary aggregate to be processed.</p>	Noted.
GeoEssex (538324742)		Agree (but wish to clarify)	Policy S2 Strategic Priorities for minerals Development	Once works begin on a site, this is by way of a

			<p>8 Enable access to log and sample sections as they are exposed by quarrying to ensure that geological information revealed by the working of minerals is not lost to science before it is destroyed by quarrying operations.</p>	<p>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>
<p>Essex Local Access Forum (504988967)</p>		<p>Agree (but wish to clarify)</p>	<p>Policy S2 - Strategic Priorities for Minerals Development:</p> <p>The following additions (in capitals) regarding public access are requested by ELAF in the Policies:</p> <p>Point 2 ADD public access: 2. Ensuring there are no significant adverse impacts arising from proposed minerals development for public health and wellbeing, public safety, amenity, THE PUBLIC RIGHTS</p>	<p>Within Table 2, the MLP currently sets out that a key feature of the social dimension for sustainable mineral development in Essex is to use 'mineral proposals, site restoration and aftercare schemes to deliver benefits to local communities, including outdoor recreation, environmental assets, biodiversity, green and blue infrastructure and landscape enhancements.'</p>

			<p>OF WAY NETWORK AND PUBLIC ACCESS, the quality of life of nearby communities, and the environment.</p> <p>Point 8 ADD PROWs and public access:</p> <p>8.b provide beneficial after-use(s) that secure long lasting community and environmental benefits, including improved net-gain in biodiversity AND IMPROVED PUBLIC ACCESS BOTH WITHIN A SITE AND, WHERE POSSIBLE, TO PUBLIC SPACES AND THE PUBLIC RIGHTS OF WAY NETWORK OUTSIDE THE SITE , and..</p>	<p>As such, the proposed amendment is broadly in keeping with an overarching theme of the MLP. However, it will not always be the case that securing public access of a site following extraction would be appropriate or be welcomed by the landowner. This will in part be linked to the proposed after-use. As such, it is considered appropriate to maintain the references to amenity, the quality of life of nearby communities and long-lasting community benefits in Strategic Priorities 2 and 8, which the plan defines as including outdoor recreation, rather than making specific references to public rights of way or access as being a Strategic Priority requirement. However, an amendment to Policy S12 is proposed to insert an additional clause which will state that, where appropriate, community benefits are delivered, including new or improved corridors or linkages for open</p>
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				<p>space, natural areas, biodiversity and Public Rights of Way, as well as new or improved opportunities for outdoor recreation.' It is considered that this proposed amendment ensures that Policy S12 is more reflective of the Strategic Priorities and the points made in the representation, and allows the appropriateness of increasing public access to be considered on a case-by-case basis.</p> <p>It is further noted that Policy DM1 requires mineral development to not have an 'unacceptable impact' upon 'the definitive Public Rights of Way network and outdoor recreation facilities'.</p> <p>With regards to requesting off-site improvements, and leaving aside issues of whether land outside of the boundary of extraction sites would be in the same ownership, any requirement for works outside of the immediate boundary of a</p>
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				<p>planning application can only be conditioned as part of issuing planning permission on the basis that they would make the development being proposed acceptable in planning terms.</p> <p>Improvements to public access in areas surrounding a proposed extraction site would fail this test and therefore this is not something that the MWPA can request through policy.</p>
<p>Mineral Products Association (339717535)</p>		<p>Agree (but wish to clarify)</p>	<p>The following changes need to be made to this policy to make it compliant with National Policy;</p> <p>Proposed Changes (deletions in strikethrough; new text in bold)</p> <p>5.Safeguarding all known mineral resources of national and local importance, mineral transshipment sites, Strategic Aggregate Recycling facilities and coated roadstone plants, so that non-minerals development does not sterilise or compromise mineral resources and mineral supply facilities for future use;</p>	<p>It is agreed that the proposed amendments would more closely align the Strategic Priority to the wording or intentions of the NPPF. The proposed amendments will be made as suggested.</p>

			<p>Making planned provision through Preferred and Reserve Site allocations for a steady and adequate supply of aggregates and industrial minerals to meet identified national and local mineral needs in Essex during the plan-period, whilst maintaining landbanks at required appropriate levels;</p>	
<p>Lichfields (62121849)</p>	<p>Bourne Leisure Limited</p>	<p>Disagree (please clarify)</p>	<p>Impact of Minerals Development:</p> <p>Draft Policy S2 ('Strategic Priorities for Minerals Development') requires new minerals development to ensure that "...there are no significant adverse impacts arising from proposed minerals development for public health and wellbeing, public safety, amenity, the quality of life of nearby communities, and the environment" (Lichfields' emphasis). This level of impact is inconsistent with the National Planning Policy Framework (NPPF, Para. 204f) which states that planning policies should set out criteria or requirements to ensure that permitted or proposed minerals operations</p>	<p>It is agreed that the proposed amendments would more closely align the policy to the NPPF. The proposed amendment will be made as suggested.</p>

			<p>do not have "...unacceptable adverse impacts on the natural and historic environment or human health..." (Lichfields' emphasis) The significance impact level for draft Policy S2 is therefore inconsistent with the NPPF and should be amended accordingly.</p> <p>This proposed change would also ensure consistency with draft Policy S10 ('Protecting and Enhancing the Environment and Local Amenity') that refers to 'no unacceptable adverse impacts' and draft Policy DM1 ('Development Management Criteria') that refers to development "...not having an unacceptable impact..." on local amenity and the health and wellbeing of local residents.</p> <p>We therefore request that draft Policy S2 is amended to ensure consistency with the NPPF and other draft policies in the Minerals Local Plan. The policy should read (see addition in bold and removal in strikethrough):</p> <p>"... 2. Ensuring that there are no</p>	
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			significant unacceptable adverse impacts arising from proposed minerals development...”	
Heatons (451589647)	Tarmac	Disagree (please clarify)	<p>Policy S2 – Strategic Priorities for Minerals Development</p> <p>The opening sentence of Policy S2, states that ‘the strategic priorities for minerals development are focused primarily on meeting the mineral supply needs of Essex whilst achieving sustainable development’. Principle 6 identifies ‘planned provision through preferred site allocations for steady and adequate supply of aggregates and industrial minerals to meet identified national and local mineral needs in Essex during the Plan period, whilst maintaining landbanks at appropriate levels’. It is considered in light of principle 6 that the opening wording of Policy S2 should be reworded to the strategic policies are ‘meeting, the mineral demand needs for Essex’ to better reflect the duty to cooperate and recognition that 20% of</p>	The proposed amendment to Policy S2 in light of the wording of Strategic Priority 6 is accepted, as Strategic Priority 6 recognises that Essex has a role in assisting with the meeting of mineral need in other mineral planning areas, just as Essex relies on other mineral planning areas for the same.

			<p>reserves meet demand outside of the Essex area.</p> <p>In addition, in light of comments on overall supply issues and the landbank position, there will need to be some flexibility built in to recognise the role of sites outside of allocations in assisting the County in meeting overall aggregate supply if a full Review inclusive of call for sites is not pursued. It is suggested that amendments to the list could include an additional principle to better reflect the Strategy of the Plan:</p> <p>‘Support for extensions to existing extraction sites with primary processing plant’</p>	<p>With regards to comments on overall supply issues and the landbank position, it has since been assessed that it is appropriate for the time horizon of the Plan to be extended to 2040 and that Call for Sites exercises are undertaken with the view to making additional allocations in the MLP to accommodate the need for mineral resources up to 2040. As such, the proposed amendment is not considered to be required.</p>
Strutt & Parker (891506607)	G&B Finch	No comment		N/A
Suffolk County Council (549043477)		No comment	No Comment.	Noted
Bretts (203253168)		Not Answered	<p>Para. 3.13 The map should remain and be updated to provide the industry with a picture of potential aggregate supply areas, key sensitivities and their strategic growth (town) aspirations. The</p>	<p>The information presented within the Key Diagram presented at Map 4 is proposed to be moved to an earlier section of the plan, at Paragraph 2.20, rather than be deleted. This means that it</p>

			<p>industry can then concentrate efforts in these areas to meet ECC's aims.</p> <p>As a general comment the Plan refers to carbon emissions, does this specifically mean carbon? In the context of some of the policies reference to greenhouse gas emissions may be more 'correct' in the context of what the council are trying to achieve.</p>	<p>will be associated with the section of the MLP which details the mineral resources present in the County.</p> <p>With regards to the usage of the word 'carbon' throughout the Plan, these will be reconsidered and amendments made where required.</p>
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