

1 Response Paper – Policy S5

Purpose of Policy S5 - Creating a Network of Aggregate Recycling Facilities

- 1.1 This policy ensures that the sustainable re-use and recycling of Construction, Demolition and Excavation (CDE) waste makes an important contribution to the Essex economy and helps reduce the amount of re-usable materials which are unnecessarily disposed to landfill. Such an approach subsequently reduces the need for primary mineral extraction and the environmental and social disturbance that this entails.
- 1.2 The policy aims to ensure that a network of aggregate recycling facilities is established and safeguarded across the County to promote the recycling of aggregates, wherever such waste arises from development and redevelopment projects.

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

- Amendments to align the policy and supporting text with the NPPF/PPG around strategic and non-strategic sites
- Proposed removal of reference to growth locations
- Amendments to make it clear that the approach to mineral infrastructure safeguarding is now the preserve of Policy S9
- Minor amendments are also required to Paragraph 3.74 to note that the WLP is now adopted and contains information relating to CDE arisings and management capacity
- To include information around the need for new applications to demonstrate that they would not have adverse effects on the integrity of internationally or nationally important wildlife sites, as a result of the HRA assessment

Impact of Revisions to NPPF 2021

- 1.3 None of the amendments made to the NPPF in July 2021 had an effect on Policy S5.

Summary of Issues Raised through March 2021 Reg 18 Consultation

- 1.4 A number of responses indicated that they agreed with the proposed amendments to Policy S5 and the supporting text, although no further detail as provided. A number of objections, clarifications and other proposed amendments were suggested through the raising of the following issues:
 - The adverse impact of mineral workings on the environment
 - The need for new mineral sites when the policy promotes recycling and reuse

- The location of future mineral workings and new Aggregate Recycling Facilities
- Consideration should be given to the use and reuse of substitutes for new and recycled aggregates
- The need for sufficient aggregate recycling sites to reduce the chances of a 'capacity gap'
- ECC should run (aggregate) recycling centres in order to collect data and ensure a strong supply of materials
- Reducing reliance on the road network and ensuring aggregate recycling sites are closer to new development
- Clarification around what is meant by 'Higher quality recycled aggregate'
- Proposals causing unacceptable impacts and/or harm to neighbouring land uses e.g., noise, smell, dust, vibration, light pollution, and/or heavy traffic
- There should be an increase in the total amount of reused and recycled aggregate
- Inclusion of information around the need to avoid adverse effects on the integrity (AEIOI) of Habitats Sites
- Landbank calculations should be reconsidered as there are already enough open mineral workings
- Policy wording should be amended to incorporate reference to environmental suitability and sustainability
- EU Waste Framework Directive

Addressing Issues Arising Out of March 2021 Reg 18 Consultation

1.5 This section acts to address the issues raised through the March 2021 Regulation 18 Consultation in relation to this policy, as set out above, and subsequently details any changes in approach made through their consideration. These changes of approach will be incorporated within The Draft Essex Minerals Local Plan 2025-2040 Regulation 18 document which will again be subjected to a Regulation 18 public consultation.

1.6 There now follows a discussion of each of the main issues raised in relation to this Plan section:

The adverse impact of mineral workings on the environment

1.7 Through the Regulation 18 Consultation 2021 it was stated that mineral extraction has an adverse impact on the landscape as restoration is not immediate. The MWPA notes that mineral working is normally not a quick process, however, the development is a temporary use of land. Minerals development differs from other forms of development because minerals can only be worked where they occur. Following proposed amendments, Policy S12 - 'Mineral Site Restoration and After-Use' 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.”. All sites are restored within the agreed restoration timescales for the site.

- 1.8 The representation received also made specific reference to a potential proposal in Coggeshall, which it is believed is the proposed joint venture between industry and the Environment Agency to deliver a flood alleviation scheme. Whilst the MWPA notes the comments received, at the point of the Regulation 18 Consultation in 2021, this was not a site that was being proposed for allocation through the MLP Review. However, land pertaining to a very similar area was submitted through the Call for Sites exercise in March 2022 as a candidate site for future sand and gravel extraction. The site will therefore be assessed under the site selection methodology that all sites received through the March 2022 Call for Sites exercise will be subjected to, and the outcome of that assessment will form part of a second Regulation 18 consultation in 2023 where the Plan end date will be extended to 2040. It is further noted that the evidence supporting this submission states that a ‘planning application for the flood alleviation scheme will come forward during 2022’. This would pre-date the adoption of any new Preferred Site allocations through the MLP Review and the site would therefore be considered to be a proposal on a non-Preferred Site, irrespective of the outcome under the site assessment.
- 1.9 Any application submitted to work a site that is not allocated as a Preferred Site in the MLP will be assessed against the relevant policy framework in the adopted MLP, particularly Policy S6, at the point of any application being submitted. The issues raised in the responses to the Regulation 18 Consultation 2021 would be required to be considered, particularly under Policy DM1. A specific public consultation exercise on any future application would subsequently form part of the determination process for that application, irrespective of whether it was a Preferred Site or not. As of August 2022 an application has yet to be submitted and therefore there is no application before the MWPA to determine.

The need for new mineral sites when the policy promotes recycling and reuse

- 1.10 A response received through the Regulation 18 consultation questioned the need for future mineral workings if Policy S5 promotes the re-use and recycling of CDE waste. It was further suggested that this will release land earmarked for future extraction to be used in other ways (re-wilding etc), and that selected sites near to long-term operations close to communities can be sterilised without affecting the planning of the seven-year aggregate landbank as there will be a concerted effort by ECC to have less reliance on new minerals.
- 1.11 The MWPA notes that it is required to allocate land to allow for the provision of aggregate to the market at a rate which provides for the need for aggregate, with ‘need’ established through a prescribed methodology set out in NPPF Paragraph 213. Whilst an MWPA can create a policy framework which encourages the minimisation of aggregate waste and the development of additional recycling capacity, the MWPA cannot suppress mineral demand by not

making sufficient provision for that 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 Central Government. However, by aiming to make recycled alternatives as readily available to the market as possible, this should reduce the need, and therefore the sales, of primary aggregate.

Aggregate sales are tracked through annual monitoring and this data informs future recalculations of the landbank and the rate of current sales, which are both used as an indicator of the future need for new allocations. It is further noted that following a consideration of consultation responses received as part of the Regulation 18 consultation in March 2021 and the informal Engagement on Policy S6 in March 2022, it is now considered appropriate to re-base the MLP to 2040 and therefore an additional Call for Sites exercise to support this revised timescale will be undertaken in September 2022.

- 1.12 This is recognised as a major amendment to the approach put forward at the Regulation 18 consultation in March 2021 and as such, a revised Regulation 18 consultation will be undertaken, to include all further Plan amendments and the interim assessment results arising from the assessment of candidate sites received through the Call for Sites process. Whilst the MLP will continue to promote the use of recycled alternatives as part of this Review, this will not be enough to remove the need for additional sites. The demand for aggregate outstrips that which can be provided through only recycled and re-used sources, which is only generated through re-development and regeneration sites. As such, whilst it is correct to state that increasing re-use and recycling will reduce the future requirement for primary mineral extraction, it will not replace the need for it entirely. New extraction sites will still need to be allocated in the future, and these will be decided through a site assessment methodology undertaken as part of revising the Plan to 2040.
- 1.13 Justification for the proposed rate of provision will be set out as part of the evidence base for the MLP Review at the next Regulation 18 consultation
- 1.14 To aid in the reduction of mineral use, Policy S4 of the Minerals Local Plan (2014), as proposed to be amended, requires that it is demonstrated through a planning application that mineral waste is minimised and that minerals on development/ redevelopment sites are re-used and recycled. It further requires the application of procurement policies which promote sustainable design and construction in proposed development and the maximum possible recovery of minerals from construction, demolition and excavation wastes produced at development or redevelopment sites. Further, Policy S9 ensures the safeguarding of aggregate recycling sites such that they remain able to provide recycled material to the market.
- 1.15 With regards to the point raised with regards to allowing sites to be sterilised, it is noted that a reduction in overall need for sand and gravel will not influence the policy approach to mineral sterilisation. The NPPF sets out at Paragraph 210 that appropriate policies should be adopted so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided. These provisions will

continue to guide local policy making regardless of any fluctuation in future need as these finite resources are required to be conserved.

The location of future mineral workings and new Aggregate Recycling Facilities

- 1.16 As above, through the consultation a representation received made specific reference to a potential proposal in Coggeshall and questioned this location. Whilst the MWPA notes the comments received, at the point of the Regulation 18 Consultation in 2021, this was not a site that was being proposed for allocation through the MLP Review. However, land pertaining to a very similar area was submitted through the Call for Sites exercise in March 2022 as a candidate site for future sand and gravel extraction. The site will therefore be assessed under the site selection methodology that all sites received through the March 2022 Call for Sites exercise will be subjected to, and the outcome of that assessment will form part of a second Regulation 18 consultation in 2023 where the Plan end date will be extended to 2040. It is further noted that the evidence supporting this submission states that a 'planning application for the flood alleviation scheme will come forward during 2022'. This would pre-date the adoption of any new Preferred Site allocations through the MLP Review and the site would therefore be considered to be a proposal on a non-Preferred Site, irrespective of the outcome under the site assessment.
- 1.17 Any application submitted to work a site that is not allocated as a Preferred Site in the MLP will be assessed against the relevant policy framework in the adopted MLP, particularly Policy S6, at the point of any application being submitted. The issues raised in the responses to the Regulation 18 Consultation 2021 would be required to be considered, particularly under Policy DM1. A specific public consultation exercise on any future application would subsequently form part of the determination process for that application, irrespective of whether it was a Preferred Site or not. As of August 2022 an application has yet to be submitted and therefore there is no application before the MWPA to determine.
- 1.18 Through the consultation a representation received states that the requirement for all new Aggregate Recycling Facilities to be located on the main road network is questioned as, while this may be preferred, it is considered opportunities may come forward in locations deemed suitable (as assessed by other policies of the MLP) which are not on the main road network and so this requirement could unduly hinder the development of such important capacity.
- 1.19 The MLP supports the use of recycled aggregate by seeking to establish and maintain a County wide network of aggregate recycling facilities. It is recognised (MLP Paragraph 3.59) that new facilities will be needed to achieve sufficient aggregates recycling capacity in the County up to the end of the plan period to accommodate the latest CDE forecasts. It is however accepted that requiring new facilities to be directly on the main road network may hinder the delivery of otherwise suitable locations. As such, it is proposed to re-word Policy S5 as follows: "Proposals for new aggregate recycling facilities, ~~whether non-strategic~~

~~or in the form of SARS, should~~ shall be in accordance with Policy S11 and, where intended to be permanent, be located in proximity to the main road network and not cause any unacceptable highway impact."

Consideration should be given to the use and reuse of substitutes for new and recycled aggregates

- 1.20 Comments received through the consultation state that ECC waste teams should consider the use of bone fide substitutes for new and recycled aggregates and the reuse of bitumen products combined with waste materials that would otherwise be incinerated. However, Essex County Council as the Waste Disposal Authority and Waste Planning Authority for the administrative area of Essex has prescribed responsibilities with respect to those functions. In terms of being the Waste Disposal Authority, this means it has the responsibility of facilitating the management of municipal waste collected by local councils as far up the waste hierarchy as possible. With regards to its function as the Waste Planning Authority, it is required to set a policy framework within which commercially produced waste, including construction and demolition waste, can be managed by waste management companies, again in accordance with the waste management hierarchy and the proximity principle. Therefore, whilst both functions have a responsibility to seek a reduction in waste and increase recycling and re-use in accordance with the waste hierarchy, commercially promoting alternatives to primary mineral is outside of the jurisdiction of the authority.
- 1.21 The MPWA can have a positive influence through, for example, Policy S4 of the Minerals Local Plan (2014) which seeks to reduce the use of mineral resources and Policy S5 which aims to establish a network of aggregate recycling facilities to make recycled aggregate as accessible and therefore as financially viable as possible.
- 1.22 Another comment received suggested that Table 3 (Comparison of Essex Sand and Gravel Landbank Remaining 2018 – 2029 under Different Provision Scenarios, Assuming Sales of 4.31mtpa, October 2019) in the Rationale Report needs to include recovered and reconstituted gravel and bulk construction materials that would otherwise be sent to incineration and have a year-on-year target increase with a corresponding reduction in minerals extraction. However, the NPPF requires that a steady and adequate supply of aggregate is planned for based on a rolling average of 10 years' sales data and other relevant local information.
- 1.23 Through Policy S5 the MLP creates a framework through which additional aggregate capacity can be developed. If there is additional recycling capacity, then the assumption is that additional recycled aggregate is produced. If there is additional recycled aggregate within the market, then it is assumed that this would reduce the need for primary aggregate, which in turn, reduces the 10-year sales average data from which future mineral provision is based on. Therefore, the contribution made by recycling and re-use is taken into

consideration in a way considered to be more appropriate than assuming the future delivery of additional recycling capacity for which there is no evidence. The latest market, as set out in 'Aggregates demand and supply in Great Britain: Scenarios to 2035' is that the limited current availability of secondary and recycled resources suggests that the potential for these to significantly increase will be limited. Primary aggregates are projected to supply between 68% and 72% of total demand by 2035. As the Minerals and Waste Planning Authority, ECC can only set a policy framework through which aggregate recycling facilities can come forward, as set out in Policy S5. It is for the market to bring the facilities forward.

- 1.24 The National Planning Policy Framework (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 require the use of recycled material or reduce demand, or artificially suppress demand by failing to provide for the assessed need. It is important to note that a failure to maintain landbanks to the level set out in the NPPF will not stop mineral applications being made, it will result in a loss of the Plan-led system and an inability of the MWPA to ensure that mineral sites are bought forward in the most sustainable locations.

The need for sufficient aggregate recycling sites to reduce the chances of a 'capacity gap'

- 1.25 Through the consultation a comment was received which stated that the Rationale Report identifies that the market will not establish and sustain sufficient recycling centres. It was further referenced that Paragraph 3.61 (3.60) of the MLP states that a 'capacity gap' is estimated to arise during the plan period, and although it is difficult to gauge when this will occur, this will be monitored through the Authority Monitoring Report.
- 1.26 The MWPA notes that it is not being stated through the consultation that the market will not establish and sustain sufficient recycling centres. The primary driver for any capacity gap in the provision of recycling capacity is due to the expiration of temporary planning permissions. Historically, these are replaced by either extensions of time where this is justified, or new temporary planning permissions in different locations due to commercial drivers such as new growth locations and new extraction sites where this is appropriate.

ECC should run (aggregate) recycling centres in order to collect data and ensure a strong supply of materials

- 1.27 A comment received through the consultation suggested that ECC should run aggregate recycling centres in order to collect data and ensure a strong supply of materials that would otherwise be incinerated goes into the local and regional construction supply chain (until a market lead solution can be found).
- 1.28 In its capacity as the Waste Disposal Authority, ECC operates household waste recycling centres which receive local authority collected waste. Dealing with

waste that is not collected by local authorities is outside of the jurisdiction of a County Council and therefore ECC does not operate CDE waste facilities which receive construction and demolition waste from commercial development. However, each facility is required to have an environmental licence through the EA in which, as part of maintaining their license, they are required to provide data regarding throughput and capacity. This data is collected and included in the EA Waste Data Interrogator which is used by ECC and reported on through the Authority Monitoring Report. Therefore, although ECC do not collect this data itself, the data is used by ECC.

Reducing reliance on the road network and ensuring aggregate recycling sites are closer to new development

- 1.29 Through the consultation a comment received stated that the reliance on the road network to attract maximum recycling is flawed as rail and water transport are less environmentally damaging. They also said that aggregate recycling sites can be situated anywhere with the best transport options as they do not rely on the proximity of minerals, but instead on bulk supply of CDE and waste that would otherwise be incinerated and/or sent to landfill.
- 1.30 The MWPA notes however that the availability of water transport within Essex is very limited. There are limited rail heads in Essex and limited rail capacity. Also, the construction of rail heads is prohibitively expensive with regards to where a permanent aggregate recycling facility may be appropriate. Waste is typically managed as close to the source as possible and therefore, these shorter distances are more economic to be carried out by road due to an absence of rail and water opportunities.

Clarification around what is meant by 'Higher quality recycled aggregate'

- 1.31 A response received through the consultation stated that it would be useful for the MLP to clarify what is meant by higher quality recycled aggregate. It was further suggested that it would be useful to be more specific or clarify whether recycled aggregate is suitable for all end uses. The MWPA believe that paragraph 3.57 (3.56) provides enough information around the reference to "Higher quality recycled aggregate". In most circumstances this would be considered to be washed secondary aggregate as part of the recycling process. Therefore, paragraph 3.57 (3.56) states "...on larger aggregate recycling sites where it is more economical to install such processing and washing equipment." The MWPA recognises that recycled aggregate may not be able to be used as a substitute for all end uses and it is not considered that this is being suggested through the Plan.

Proposals causing unacceptable impacts and/or harm to neighbouring land uses e.g., noise, smell, dust, vibration, light pollution, and/or heavy traffic

- 1.32 Through the consultation it was suggested that certain mineral infrastructure such as mobile screening and crushing plants will cause unacceptable impacts and/or harm to neighbouring land uses.
- 1.33 The MWPA notes that Policy DM1 states that proposals for minerals development will be permitted subject to it being demonstrated that the development would not have an unacceptable impact, including cumulative impact with other developments. Policy DM3 ensures that proposals for minerals development incorporating primary processing do not have any unacceptable impact on local amenity and/or the surrounding environment. Policy DM4 ensures that proposals for the secondary processing and/or treatment of minerals will only be permitted at mineral sites where it can be demonstrated that there would be no unacceptable impact upon amenity and/or the local environment and/or the safety, efficiency and capacity of the road network. Criteria associated with Policy S5, which act to set a policy framework for the establishment of aggregate recycling facilities also states that proposals for new aggregate recycling facilities shall be permitted on current mineral workings and landfill sites provided the development does not unduly prejudice the agreed restoration timescale for the site and the use ceases prior to the completion of the site. This further acts to protect amenity in the long-term.
- 1.34 All mineral development proposals are subject to Policies S5, DM1, DM3 and DM4 as relevant, and therefore proposals will not be permitted where unacceptable impacts and/or harm to neighbouring land uses are created.

There should be an increase in the total amount of reused and recycled aggregate

- 1.35 A respondent raised the fact that Paragraph 3.55 (3.54) of the MLP states that the latest 'National and Sub-National Guidelines for Aggregate Provision in England 2005-2020' (DCLG, June 2009) propose that the East of England region should provide 117 million tonnes (mt.) of alternative aggregate materials from 2005-2020 (at 7.8 mt. per year). This is equivalent to 31% of the region's total aggregate supply, so the re-use of recycled and secondary aggregate is a major feature of mineral supply. It was further suggested that this has to increase to 90% if it is to cover the intentions of Policy S5.
- 1.36 However, the MWPA notes that the latest market, as set out in 'Aggregates demand and supply in Great Britain: Scenarios to 2035' is that the limited current availability of secondary and recycled resources suggests that the potential for these to significantly increase will be limited. Primary aggregates are projected to supply between 68% and 72% of total demand by 2035. The demand for aggregate outstrips that which can be provided through only recycled and re-used sources, with opportunities for recycled aggregate use only being generated through re-development and regeneration sites. Whilst an MWPA can create a policy framework which encourages the minimisation of aggregate waste and the development of additional recycling capacity, the

MWPA has no ability to ensure the use of recycled material or reduce demand for aggregate. 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 S9 ensures the safeguarding of mineral sites and infrastructure, including the site allocations within the plan.

- 1.37 Another comment received through the consultation suggested that the use of the facility at Rivenhall would assist with meeting the National and Sub-National Guideline targets.
- 1.38 The MWPA notes the comments received, although the National and Sub-National Guidelines for Aggregate Provision in England 2005-2020 (DCLG, June 2009) have since expired, are therefore no longer applicable, and are yet to be replaced. As part of re-basing the Plan to 2040, any replacement Guidelines will factor into the provision made within the Plan.

Inclusion of information around the need to avoid adverse effects on the integrity (AEOI) of Habitats Sites

- 1.39 It was suggested through the consultation that reference to the 'need to avoid adverse effects on the integrity (AEOI) of Habitats Sites' should be included in the text of Policy S5 as it was stated in its supporting text. The MWPA do not however consider that it is necessary to update the policy wording as the MLP is to be read as a whole.
- 1.40 Policy DM1, which applies to all mineral developments states that "It must be ensured that there will be no adverse effect on the integrity of Habitats Sites either alone or in combination with other plans and projects. This must be demonstrated through a project level Habitat Regulations Assessment, which will be required for any future proposals requiring a decision under the MLP, which fall within a IRZ." As such, the issue raised in the representation is addressed through an existing plan policy.
- 1.41 To avoid the impression that this requirement only relates to aggregate recycling sites which are subject to Policy 5, it is proposed to remove "Any new aggregate recycling sites should avoid causing adverse effects on the integrity of internationally or nationally important wildlife sites, either alone or in combination with other plans and projects. This must be demonstrated through a project level Habitat Regulations Assessment, which will be required for any new aggregate recycling sites which fall within a Impact Risk Zone (IRZ)." from the supporting text of Policy S5 and include this in the over-arching Policy DM1.
- 1.42 Policy DM1 is therefore proposed to be updated as follows, "It must be ensured that there will be no adverse effect on the integrity of Habitats Sites (internationally or nationally important wildlife sites) either alone or in combination with other plans and projects in relation to all minerals development. This must be demonstrated through a project level Habitat Regulations Assessment, which will be required for any future proposals requiring a decision under the MLP, which fall within a IRZ."

Policy wording should be amended to incorporate reference to environmental suitability and sustainability

- 1.43 It was noted through the consultation that the wording of Policy S5 does not feel sufficiently robust given the statutory obligation on Competent Authorities to avoid AEOI of Habitat Sites. It is proposed that Policy S5 will be updated to make reference to environmental suitability and sustainability whilst making it clear that proposals must also be consistent with the relevant policies set out in the Development Plan for Essex.
- 1.44 Policy S7 is also proposed to be amended to reflect this. As MLP Policy DM1 applies to all mineral developments, this ensures that the requirement to avoid AEOI of Habitat Sites is clear.

EU Waste Framework Directive

- 1.45 Through the consultation it was questioned whether the EU Waste Framework Directive is still operation and relevant following the UK's exit from the EU. The MWPA confirms that the EU Waste Framework Directive still applies but this will remain under review as the Plan emerges.

Conclusion

- 1.46 A number of responses indicated that they agreed with the proposed amendments to Policy S5 although no further detail was provided. With respect to the issues raised the wording of the policy is proposed to be amended to include reference to environmental suitability and sustainability.
- 1.47 The need for future mineral workings if Policy S5 promotes the re-use and recycling of CDE waste was questioned and whilst the MWPA can create a policy framework which encourages the minimisation of aggregate waste and the development of additional recycling capacity, the MWPA cannot suppress mineral demand by not making sufficient provision for that demand or banning the use of minerals in construction or requiring the use of certain technologies. It should also be noted that the MWPA cannot suppress mineral demand by not making sufficient provision for that demand or banning the use of minerals in construction or requiring the use of certain technologies.
- 1.48 It was suggested that ECC should run aggregate recycling centres in order to collect data however, ECC does not operate CDE waste facilities which receive construction and demolition waste from commercial development. Nonetheless, This data is collected and included in the EA Waste Data Interrogator which is used by ECC and reported on through the Authority Monitoring Report. Therefore, although ECC do not collect this data itself, the data is used by ECC.
- 1.49 Another representation proposed that reference to the 'need to avoid adverse effects on the integrity (AEOI) of Habitats Sites' should be included in the text of Policy S5 as it was stated in its supporting text. Therefore, wording around

AEOI of Habitat Sites is proposed to be collated into Policy DM1, such that is clear that this applies to all mineral development.

- 1.50 A response received states that the requirement for all new Aggregate Recycling Facilities to be located on the main road network is questioned. The MWPA accepts that requiring new facilities to be directly on the main road network may hinder the delivery of otherwise suitable locations and as such, it is proposed to re-word Policy S5.
- 1.51 It was stated that ECC waste teams should consider the use of substitutes for new and recycled aggregates that would otherwise be incinerated. However, Essex County Council has prescribed responsibilities with respect to its waste functions. Whilst it has a responsibility to seek a reduction in waste, commercially promoting alternatives to primary mineral is outside of the jurisdiction of the authority.
- 1.52 The MWPA note representations that reliance on the road network should be reduced, however, there are limitations to this which have been addressed above. Comments received around landbank calculations are noted, however, it is now considered appropriate to re-base the MLP to 2040 and therefore two Call for Sites exercises to support this revised timescale were undertaken. The MWPA notes all comments received, although the National and Sub-National Guidelines for Aggregate Provision in England 2005-2020 (DCLG, June 2009) have since expired and are yet to be replaced. The MWPA also feel that in response to comment received, the supporting text to Policy S5 appropriately defines higher quality recycled aggregate'.

Schedule of Amendments to Plan Introduction following March 2021 Regulation 18 Consultation on MLP Review

Table 1 - Schedule of Proposed Amendments to Policy S5 following March 2021 Regulation 18 Consultation on MLP Review

Old Ref	New Ref	Proposed Amendment
3.75	3.75	Remove “Any new aggregate recycling sites should avoid causing adverse effects on the integrity of internationally or nationally important wildlife sites, either alone or in combination with other plans and projects. This must be demonstrated through a project level Habitat Regulations Assessment, which will be required for any new aggregate recycling sites which fall within a Impact Risk Zone (IRZ).”.
Policy S5, Criteria 3	Policy S5	Proposals for new aggregate recycling facilities, whether non-strategic or in the form of SARS, should <i>shall be in accordance with Policy S11 and, where intended to be permanent, be located in proximity to the main road network and not cause any unacceptable highway impact.</i>
Policy S5, Criteria 3	Policy S5	Such proposals shall be permitted in the following preferred locations, provided they do not cause unacceptable highway harm, are environmentally acceptable and <i>when the proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan in accordance with other policies in the Development Plan for Essex:</i>

Table 2 - March 2021 Regulation 18 Consultation Responses to Policy S5

ORGANISATION	ON BEHALF OF	POLICY S5	POLICY S5	ECC RESPONSE
Name of Organisation	Are you responding on behalf of another individual or	1.Do you agree or disagree with the rationale behind the amendments proposed in this	Please provide any comments and/or alternative wording for this section of the Plan below.	

	organisation? - If Yes, Who?	section of the emerging Minerals Local Plan? (see Rationale Report)	DELETE COLUMN IF NOT NECESSARY	
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		N/A
Coggeshall Parish Council (598729813)	Coggeshall parish council	Disagree (please clarify)	Minerals are an essential resource which sand and gravel is very important and is needed in the construction industry. The	Noted.

			<p>policy suggests they want to get to 90%plus recycling of resources. This has got to be good and will benefit all within the extraction and building sector.</p>	
			<p>Mineral extraction has an adverse impact on the landscape if a child of 5 used to play on the field south of the river at the top of the hill towards Kelvedon which is a field designated for a quarry she or he will be approximately 45 before they see their field again. It is a dilemma for the extraction companies.</p>	<p>Minerals development differs from other forms of development because minerals can only be worked where they occur. Following proposed amendments, Policy S12 - 'Mineral Site Restoration and After-Use' requires proposals for minerals development to demonstrate "that the land is capable of being restored at the earliest opportunity to an acceptable environmental condition <u>to support Local Plan objectives and/or other</u> beneficial after-uses, with positive benefits to the environment, biodiversity and/ or local communities.". The proposal for Coggleshall is believed to be a reference to the proposed joint venture between industry and the</p>

				<p>Environment Agency to deliver a flood alleviation scheme. Whilst the MWPA notes the comments received, at the point of the Regulation 18 Consultation in 2021, this was not a site that was being proposed for allocation through the MLP Review. However, land pertaining to a very similar area was submitted through the Call for Sites exercise in March 2022 as a candidate site for future sand and gravel extraction. The site will therefore be assessed under the site selection methodology that all sites received through the March 2022 Call for Sites exercise will be subjected to, and the outcome of that assessment will form part of a second Regulation 18 consultation in 2023 where the Plan end date will be extended to 2040. It is further noted that the evidence supporting this submission states that a 'planning application for the flood alleviation scheme will</p>
--	--	--	--	---

				<p>come forward during 2022'. This would pre-date the adoption of any new Preferred Site allocations through the MLP Review and the site would therefore be considered to be a proposal on a non-Preferred Site, irrespective of the outcome under the site assessment.</p> <p>Any application submitted to work a site that is not allocated as a Preferred Site in the MLP will be assessed against the relevant policy framework in the adopted MLP, particularly Policy S6, at the point of any application being submitted. The issues raised in the responses to the Regulation 18 Consultation 2021 would be required to be considered, particularly under Policy DM1. A specific public consultation exercise on any future application would subsequently form part of the determination process for that application,</p>
--	--	--	--	---

				irrespective of whether it was a Preferred Site or not. As of August 2022 an application has yet to be submitted and therefore there is no application before the MWPA to determine.
			If the policy to recycle and reuse is going to be part of their plan then they do not need to destroy this field.	The MWPA is required to allocate land to allow for the provision of aggregate to the market at a rate which provides for the need for aggregate, as determined by the mineral provision methodology set out in Paragraph 213. Whilst an MWPA can create a policy framework which encourages the minimisation of aggregate waste and the development of additional recycling capacity, the MWPA has no ability to require the use of recycled material or reduce demand for aggregate by not making provision at an appropriate market rate. Further, the demand for aggregate outstrips that which can be provided through only recycled and

				<p>re-used sources. Recycled aggregate is only generated through re-development and regeneration sites.</p> <p>As such, whilst it is correct to state that increasing re-use and recycling will reduce the future requirement for primary mineral extraction, it will not replace the need for it entirely. New extraction sites will still need to be allocated in the future, and these will be decided through a site assessment methodology undertaken as part of revising the Plan to 2040, as set out further below.</p> <p>To aid in the reduction of mineral use, Policy S4 of the Minerals Local Plan (2014), as proposed to be amended, requires that it is demonstrated through a planning application that mineral waste is minimised and that minerals on development/ redevelopment sites are re-</p>
--	--	--	--	---

				<p>used and recycled. It further requires the application of procurement policies which promote sustainable design and construction in proposed development and the maximum possible recovery of minerals from construction, demolition and excavation wastes produced at development or redevelopment sites. Further, Policy S9 ensures the safeguarding of aggregate recycling sites such that they remain able to provide recycled material to the market.</p> <p>At the point of the March 2021 Regulation 18 consultation, this was not a site that was being proposed for allocation through the MLP Review. However, land pertaining to the same area was submitted through the Call for Sites exercise in March 2022 as a candidate site for future sand and gravel extraction. The site will therefore be assessed</p>
--	--	--	--	---

				<p>under the site selection methodology that all sites received through the March 2022 Call for Sites exercise will be subjected to, and the outcome of that assessment will form part of a second Regulation 18 consultation in 2023. It is further noted that the evidence supporting this submission states that a 'planning application for the flood alleviation scheme will come forward during 2022'. This would pre-date the adoption of any new Preferred Site allocations through the MLP Review.</p> <p>Any application submitted to work a site that is not allocated as a Preferred Site in the MLP will be assessed against the relevant policy framework in the adopted MLP, particularly Policy S6, at the point of an application being submitted. A specific public consultation exercise on that application would subsequently form part of</p>
--	--	--	--	---

				<p>the determination process. As of August 2022, an application has yet to be submitted and therefore there is no application before the MWPA to determine.</p>
			<p>The policy emphasises 1.10, 1.12, 1.15 they point at positive steps to protect and enhance the country's unique natural, historic and environmental assets , despite this they want to use Coggeshall. They emphasise that there is a balance between what is needed use and recycled. Unfortunately Essex is a fast growing county which needs building resources therefore there is a dilemma but I feel the quarry which has been considered for Coggeshall is a wrong move when recycling is a main part of the policy document.</p>	<p>The demand for aggregate outstrips that which can be provided through only recycled and re-used sources. Recycled aggregate is only generated through re-development and regeneration sites.</p> <p>As such, whilst it is correct to state that increasing re-use and recycling will reduce the future requirement for primary mineral extraction, it will not replace the need for it entirely. New extraction sites will still need to be allocated in the future, and these will be decided through a site assessment methodology undertaken as part of revising the Plan to 2040.</p> <p>With regards to the site</p>

				<p>specific comment, this is believed to be a reference to the proposed joint venture between industry and the Environment Agency to deliver a flood alleviation scheme. Whilst the MWPA notes the comments received, at the point of the Regulation 18 Consultation in 2021, this was not a site that was being proposed for allocation through the MLP Review. However, land pertaining to a very similar area was submitted through the Call for Sites exercise in March 2022 as a candidate site for future sand and gravel extraction. The site will therefore be assessed under the site selection methodology that all sites received through the March 2022 Call for Sites exercise will be subjected to, and the outcome of that assessment will form part of a second Regulation 18 consultation in 2023 where the Plan end date will be extended to 2040. It is</p>
--	--	--	--	--

				<p>further noted that the evidence supporting this submission states that a 'planning application for the flood alleviation scheme will come forward during 2022'. This would pre-date the adoption of any new Preferred Site allocations through the MLP Review and the site would therefore be considered to be a proposal on a non-Preferred Site, irrespective of the outcome under the site assessment.</p> <p>Any application submitted to work a site that is not allocated as a Preferred Site in the MLP will be assessed against the relevant policy framework in the adopted MLP, particularly Policy S6, at the point of any application being submitted. The issues raised in the responses to the Regulation 18 Consultation 2021 would be required to be considered, particularly under Policy DM1. A specific public</p>
--	--	--	--	--

				<p>consultation exercise on any future application would subsequently form part of the determination process for that application, irrespective of whether it was a Preferred Site or not. As of August 2022 an application has yet to be submitted and therefore there is no application before the MWPA to determine.</p>
			<p>ECC should task its waste teams to identify and make commercially available bone fide substitutes for new and recycled aggregates.</p>	<p>Essex County Council is the Waste Disposal Authority and Waste Planning Authority for the administrative area of Essex and has prescribed responsibilities with respect to those functions. In terms of being the Waste Disposal Authority, this means it has the responsibility of facilitating the management of municipal waste collected by local councils as far up the waste hierarchy as possible. With regards to its function as the Waste Planning Authority, it is required to set a policy framework within which</p>

				<p>commercially produced waste, including construction and demolition waste, can be managed by waste management companies, again in accordance with the waste management hierarchy. Therefore, whilst both functions have a responsibility to seek a reduction in waste and increase recycling and re-use in accordance with the waste hierarchy, commercially promoting alternatives to primary mineral is outside of the jurisdiction of the authority.</p> <p>The MWPA can have a positive influence through, for example, Policy S4 of the Minerals Local Plan (2014) seeks to reduce the use of mineral resources and Policy S5 aims to establish a network of aggregate recycling facilities to make recycled aggregate as accessible and therefore as financially viable as possible.</p>
--	--	--	--	--

			<p>The report identifies that the market WILL NOT establish and sustain sufficient recycling centres and ECC should run these in order to collect data and ensure strong supply of materials that would otherwise be incinerated goes into the local and regional construction supply chain (until a market lead solution can be found).</p>	<p>Paragraph 3.61 (3.60) states that a 'capacity gap' is estimated to arise during the plan period, and although it is difficult to gauge when this will occur, this will be monitored through the Authority Monitoring Report.</p> <p>It is not being stated through the consultation that the market will not establish and sustain sufficient recycling centres. The primary driver for any capacity gap in provision of recycling capacity is due to the expiration of temporary planning permissions. Historically, these are replaced by either extensions of time where this is justified, or new temporary planning permissions in different locations due to commercial drivers such as new growth locations and new extraction sites where this is appropriate</p> <p>In its capacity as the Waste</p>
--	--	--	--	--

				<p>Disposal Authority ECC operates household waste recycling centres which receive local authority collected waste. Dealing with waste that is not collected by local authorities is outside of the jurisdiction of a County Council and therefore ECC does not operate CDE waste facilities which receive construction and demolition waste from commercial development. However, each facility is required to have an environmental licence through the EA in which as part of maintaining a licence they are required to provide data regarding their throughput and capacity. This data is collected and included in the EA Waste Data Interrogator which is used by ECC and reported on through the Authority Monitoring Report. Therefore, although ECC do not collect this data itself, there is data available to be used by ECC.</p>
--	--	--	--	---

			<p>The reuse of bitumen products with small aggregates is not called out in this section. These can be combined with waste materials that would otherwise be incinerated to be reused without all the CO2 impact of incineration within the local and regional construction supply chains.</p>	<p>Policy S4 of the Minerals Local Plan (2014) advocates reducing the use of mineral resources through reusing and recycling minerals generated because of development/ redevelopment. Policy S5 aims to establish a network of aggregate recycling facilities to make recycled aggregate as accessible and therefore as financially viable as possible. The MWPA does not provide aggregate for a specific use, it is provided to the market. The National Planning Policy Framework (NPPF) requires MWPAs to provide for the need for aggregate, with 'need' established through a prescribed methodology. As the MWPA we have no ability to require the reuse of recycled aggregate.</p> <p>The MLP cannot suppress mineral demand by not making sufficient provision for the demand or banning</p>
--	--	--	--	--

				<p>the use of minerals in construction or requiring the use of certain technologies. Such interventions would be required to be mandated by Central Government</p>
			<p>The reliance on the road network to attract maximum recycling is flawed as rail / water transport are less environmentally damaging AND the sites can be situated anywhere with the best transport options as they do not rely on the proximity of minerals but instead on bulk supply of CDE AND also waste that would otherwise be incinerated / sent to landfill.</p>	<p>The availability of water transport within Essex is very limited. There are limited rail heads in Essex and limited rail capacity. Also, the construction of rail heads is prohibitively expensive with regards to where a permanent aggregate recycling facility may be appropriate.</p> <p>Waste is typically managed as close to the source as possible and therefore, these shorter distances are more economic to be carried out by road due to an absence of rail and water opportunities.</p>
			<p>Minerals landbank calculations can be revisited and modified as ECC drives the increased use of mineral substitutes. This will release land earmarked for future extraction to be used</p>	<p>Policy S4 of the Minerals Local Plan (2014) advocates reducing the use of mineral resources through reusing and recycling minerals generated because of</p>

			<p>in other ways (re-wilding etc). Selected sites near to long-term operations close to communities can be sterilised without affecting the 7 year aggregate plan as there will be a concerted effort by ECC to have less reliance on new minerals.</p>	<p>development/ redevelopment. The MWPA does not provide aggregate for a specific use, it is provided to the market. The National Planning Policy Framework (NPPF) requires MWPA 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.</p> <p>The MLP cannot suppress mineral 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 Central Government.</p> <p>However, by aiming to make recycled alternatives as readily available to the market as possible, this should reduce the need, and therefore the sales, of</p>
--	--	--	---	--

				<p>primary aggregate. Aggregate sales are tracked through annual monitoring and this data informs future recalculations of the landbank and the rate of current sales, which are both used as an indicator of the future need for allocations.</p> <p>It is further noted that a reduction in overall need for sand and gravel will not influence the policy approach to mineral sterilisation. The NPPF sets out at Paragraph 210 that appropriate policies should be adopted so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided. These provisions will continue to guide local policy making regardless of any fluctuation in future need as these finite resources are required to</p>
--	--	--	--	---

				be conserved.
			<p>The table below now needs to include a new column recovered and reconstituted gravel and bulk construction materials that would otherwise be sent to incineration and have a year on year target increase with a corresponding reduction in minerals extraction</p>	<p>It is assumed that the table referred to below is Table 3 (Comparison of Essex Sand and Gravel Landbank Remaining 2018 – 2029 under Different Provision Scenarios, Assuming Sales of 4.31mtpa, October 2019) in the Rationale Report.</p> <p>The NPPF requires that a steady and adequate supply of aggregate is planned for based on a rolling average of 10 years' sales data and other relevant local information.</p> <p>Through Policy S5 the MLP creates a framework through which additional aggregate capacity can be developed. If there is additional recycling capacity, then the assumption is that additional recycled aggregate is produced. If there is additional recycled aggregate within the market, then it is assumed that this would reduce the</p>

				<p>need for primary aggregate, which in turn, reduces the 10-year sale average data from which future mineral provision is based on. Therefore, the contribution made by recycling and re-use is taken into consideration in a way considered more appropriate than assuming the future delivery of additional recycling capacity for which there is no evidence. The latest market indicator, as set out in 'Aggregates demand and supply in Great Britain: Scenarios to 2035' is that the limited current availability of secondary and recycled resources suggests that the potential for these to significantly increase will be limited. Primary aggregates are projected to supply between 68% and 72% of total demand by 2035. As the Minerals and Waste Planning Authority, ECC can only set a policy framework through which</p>
--	--	--	--	---

				<p>aggregate recycling facilities can come forward, as set out in Policy S5. It is for the market to bring the facilities forward.</p> <p>The National Planning Policy Framework (NPPF) requires MWPA to provide for the need for aggregate, with 'need' established through a prescribed methodology. As the MWPA we have no ability to require the use of recycled material or reduce demand, or artificially surprises demand by failing to provide for the assessed need. It is important to note that a failure to maintain landbanks to the level set out in the NPPF will not stop mineral applications being made, it will result in a loss of the Plan-led system and an inability of the MWPA to ensure that mineral sites are bought forward in the most sustainable locations.</p>
			<p>The plans for 41 million tonnes should be revisited</p>	<p>The 41mt figure is assumed to be a reference to the</p>

			<p>as recovered and reconstituted gravel and bulk construction materials that would otherwise be sent to incineration begin to enter the supply chain and reduce the need for minerals extraction. Different schemes will be able to utilise varying volumes of recovered and reconstituted gravel and bulk construction materials that would otherwise be sent to incineration e.g. road schemes and maintenance projects may be the highest.</p>	<p>total provision of sand and gravel that was identified as being required to made through the MLP adopted in 2014. It is noted that with the decision to re-base the Plan to 2040, a new provision figure is required to be calculated. This will be set out through the next Regulation 18 consultation in 2023.</p> <p>Policy S4 of the Minerals Local Plan (2014) advocates reducing the use of mineral resources through reusing and recycling minerals generated because of development/ redevelopment. The MWPA does not provide aggregate for a specific use, it is provided to the market. The National Planning Policy Framework (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</p>
--	--	--	--	---

				<p>ensure the use of recycled material or reduce demand , or artificially surprises demand by failing to provide for the assessed need.</p> <p>The latest market indicator, as set out in 'Aggregates demand and supply in Great Britain: Scenarios to 2035' is that the limited current availability of secondary and recycled resources suggests that the potential for these to significantly increase will be limited. Primary aggregates are projected to supply between 68% and 72% of total demand by 2035. As the Minerals and Waste Planning Authority, ECC can only set a policy framework through which aggregate recycling facilities can come forward, as set out in Policy S5. It is for the market to bring the facilities forward.</p> <p>It is important to note that a failure to maintain</p>
--	--	--	--	--

				landbanks to the level set out in the NPPF will not stop mineral applications being made, it will result in a loss of the Plan-led system and an inability of the MWPA to ensure that mineral sites are bought forward in the most sustainable locations
Suffolk County Council (549043477)		No comment	No Comment.	Noted.
GeoEssex (538324742)		No comment	no comment	Noted.
Strutt & Parker (891506607)	G&B Finch	No comment		N/A
Kelvedon & Feering Heritage Society (677892382)		No comment		N/A

ORGANISATION	ON BEHALF OF	POLICY S5	POLICY S5	ECC RESPONSE
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
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	BAL have no comments on the policy content related to aggregate recycling facilities and support the objective of promoting aggregate recycling and believe that active mineral sites provide some of the most	Noted.

			sustainable locations for recycling which we welcome the support of in planning policy.	
RPS (707875084)	Indaver	Agree	Paragraph 3.49 outlines that the sustainable re-use and recycling of CDE waste makes an important contribution to the Essex economy and avoids the unnecessary use of primary mineral extraction. Indaver support this approach and the secondary aggregate created at their facility will assist in limiting unnecessary primary mineral extraction and the disturbance it entails across the County.	Noted.
			Paragraph 3.55 of the 'Minerals Local Plan 2014: Amendments Made – 2021' sets out that the 'latest 'National and Sub-National Guidelines for Aggregate Provision in England 2005-2020 (DCLG, June 2009) propose that the East of England region should provide 117 million tonnes (mt.) of alternative aggregate materials from 2005-2020 (at 7.8 mt. per year). This is equivalent to 31% of the region's total aggregate supply, so the re-use of recycled and secondary aggregate is a major feature of mineral supply.'	The MWPA notes the comments received, although the National and Sub-National Guidelines for Aggregate Provision in England 2005-2020 (DCLG, June 2009) have since expired, are therefore no longer applicable, and are yet to be replaced. As part of re-basing the Plan to 2040, any replacement Guidelines will factor into the provision made within the Plan.

			<p>The facility at Rivenhall would assist with meeting these targets as it will provide a large quantity of secondary aggregate which can be reused each year, the aggregate would form a consistent source of mineral supply.</p>	
			<p>Paragraph 3.63 outlines that new and improved facilities are needed to achieve sufficient aggregate recycling capacity in the County upto 2029. One of the specific targets is to increase the general availability of recycled aggregate products. Indaver support this approach as it will provide more facilities in which their produce can be recycled whilst assisting with increasing the general availability of recycled aggregate products.</p>	<p>Noted.</p>
			<p>Paragraph 3.64 outlines that the 'opportunity for the provision of larger, more sophisticated aggregate recycling facilities is considered feasible in areas where the volume of CDE waste arisings will be greatest.' Once again, Indaver support this approach as larger more sophisticated facilities will provide greater recycling</p>	<p>Noted.</p>

			opportunities to process the secondary aggregate produced at Rivenhall.	
			Paragraph 3.70 outlines that general characteristics of an aggregate recycling site which includes a compatibility with existing and permitted neighbouring land-uses and good road connections to the main road network in the County. Indaver greatly support these characteristics as a site being well connected to the existing main road network in the County will ensure that the secondary aggregate that Indaver produces can be easily delivered to these locations and the compatibility with the neighbouring land-uses will ensure that Indaver are using a facility that does not cause any amenity issues.	Noted.
			Paragraph 3.73 sets out that the background evidence indicates that there is a need for the provision of more aggregate recycling sites in Essex to 2029. The most appropriate locations for locating aggregate recycling sites are then listed which include: <ul style="list-style-type: none"> • Within permanent waste 	Noted.

			<p>management sites,</p> <ul style="list-style-type: none"> • In commercial areas used for general industrial or storage purposes (subject to compatibility with existing neighbouring land-uses), • On previously developed land, • At mineral extraction sites (on a temporary basis linked to the approved timescale of the mineral extraction operation), • At landfill sites (on a temporary basis providing they do not delay or compromise restoration, linked to the approved timescale of the landfill operation), • Within major planned development areas. <p>Indaver support locating aggregate recycling facilities within all of the locations outlined above in particular within permanent waste management site as that way the aggregate produced by waste management facilities would be able to be processed on site, furthermore a facility in this location would be in keeping with surrounding land-uses.</p>	
			<p>Policy S5 'Creating a Network of Aggregate Recycling Facilities'</p>	<p>Noted.</p>

			sets out that 'the increased production and supply of recycled/secondary aggregates in the County is supported to reduce reliance on land-won and marine-won primary aggregates'. Indaver fully supports this approach as their activities on site will lead to an increase in the production of secondary aggregates within the County and therefore will reduce the requirement existing reliance on land-won and marine-won primary aggregates.	
			Policy S5 also outlines that proposals for new aggregate facilities shall be permitted on preferred locations which includes under criterion b) within permanent management sites. Indaver consider this would be a practical and pragmatic approach to take as waste management sites produce a considerable amount of secondary aggregate therefore it would be sensible to locate the recycling facilities in close proximity to the source of the aggregate as it will reduce the needs for transportation.	Noted.
Bretts (203253168)		Agree (but wish to	Para. 3.57 'Higher quality recycled	The MWPA believe that paragraph 3.57 (3.56) provides

		clarify)	<p>aggregate can be produced on larger aggregate recycling sites where it is more economical to install such processing and washing equipment.'</p> <p>It would be useful for ECC to clarify what they mean by higher quality recycled aggregate can be produced from CDE waste where suitable processing exists. It would be useful to be more specific or clarify whether recycled aggregate is suitable for all end uses.</p>	<p>enough information around the reference to “Higher quality recycled aggregate”. In most circumstances this would be considered to be washed secondary aggregate as part of the recycling process. Therefore, paragraph 3.57 (3.56) states “...on larger aggregate recycling sites where it is more economical to install such processing and washing equipment.”.</p> <p>It is recognised that recycled aggregate may not be able to be used as a substitute for all end uses and it is not considered that this is being suggested through the Plan.</p>
Coggeshall Parish Council (598729813)	Coggeshall parish council	Agree (but wish to clarify)	<p>The policy emphasises to recycle. Policy points 3.46, 3.49, 3.50, 3.51, 3.53, 3.55 these points all emphasise reuse and recycle. There are mobile screening and crushing plants which are often used on site as in Coggeshall this saves money, transportation and carbon emissions. The proposal should not cause unacceptable impacts or harm to neighbouring land uses eg noise, smell, dust,</p>	<p>Policy DM1 states that proposals for minerals development will be permitted subject to it being demonstrated that the development would not have an unacceptable impact, including cumulative impact with other developments. Policy DM3 ensures that proposals for minerals development incorporating primary processing do not have any unacceptable impact on local</p>

			<p>vibration, light pollution or heavy traffic. This does not bode well for Coggeshall.</p>	<p>amenity and/or the surrounding environment. Policy DM4 ensures that proposals for the secondary processing and/or treatment of minerals will only be permitted at mineral sites where it can be demonstrated that there would be no unacceptable impact upon amenity and/or the local environment and/or the safety, efficiency and capacity of the road network. Criteria associated with Policy S5, which act to set a policy framework for the establishment of aggregate recycling facilities, also states that proposals for new aggregate recycling facilities shall be permitted on current mineral workings and landfill sites provided the development does not unduly prejudice the agreed restoration timescale for the site and the use ceases prior to the completion of the site. This further acts to protect amenity in the long-term.</p>
			<p>The recycling and re use will help protect the resources we have got for the future and Essex economy therefore do we need to open an other Quarry to the</p>	

			<p>South of Coggeshall.</p> <p>3.55 proposes East of England states 117 m tonnes of alternative aggregates materials 2005 to 2020 that means 7.8 m tonnes a year that means 31% if the regions total aggregate is reused or recycled. This has to increase to 90% if it is to cover the policy here.</p>	<p>The demand for aggregate outstrips that which can be provided through only recycled and re-used sources. Recycled aggregate is only generated through re-development and regeneration sites</p> <p>The latest market indicator, as set out in 'Aggregates demand and supply in Great Britain: Scenarios to 2035' is that the limited current availability of secondary and recycled resources suggests that the potential for these to significantly increase will be limited. Primary aggregates are projected to supply between 68% and 72% of total demand by 2035..</p> <p>Whilst an MWPA can create a policy framework which encourages the minimisation of aggregate waste and the development of additional recycling capacity, the MWPA has no ability to require the use of recycled material or reduce</p>
--	--	--	--	---

				<p>demand for aggregate by artificially suppressing that demand by not making sufficient provision. 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</p> <p>Policy S5 seeks to establish a network of aggregate recycling facilities. It is for the market to bring the facilities forward however as it is outside of the remit of a Waste Planning Authority/ Waste Disposal Authority to manage such facilities.</p> <p>With regards to the figures quoted, it is noted that these have been taken from the now expired 2005 – 2020 Guidelines for Sub-National Apportionment in the East of England and are therefore no longer relevant.</p>
			<p>3.57,3.58, 3.60, explains the recycled resources concrete, brick rubble, soils and in smaller proportion wood, plastics, metals. However 3.60 states that these</p>	<p>Paragraph 3.61 (3.60) states that a 'capacity gap' is estimated to arise during the plan period, and although it is difficult to gauge when this will occur, this</p>

			<p>recycling facilities will be reduced up to 2029 as permissions expire this means a capacity gap will open up and slot of resources will go to landfill. This is not right. The policy should be encouraging so many sites to have recycling facilities as Coggeshall does but this puts pressure on the local quarries with all the noise and problems. Obviously to avoid travel to take recycling materials is a good idea , how can they not do so but more quarries need to have recycling facilities in larger numbers in areas where they affect the surrounding environment less. If this recycling of all out natural and unnatural resources are collected together this should mean ' no ' to opening up of more quarries(eg Coggeshall)</p>	<p>will be monitored through the Authority Monitoring Report.</p> <p>It is not being stated through the consultation that the market will not establish and sustain sufficient recycling centres. The primary driver for any capacity gap in provision of recycling capacity is due to the expiration of temporary planning permissions. Historically, these are replaced by either extensions of time where this is justified, or new temporary planning permissions in different locations due to commercial drivers such as new growth locations and new extraction sites where this is appropriate.</p>
			<p>Policy S5 states that aggregate recycling means less reliance on land won aggregates. These recycling areas should be located nearer new developments like Chelmsford.</p>	<p>The MLP supports the use of recycled aggregate by seeking to establish and maintain a County wide network of aggregate recycling facilities. It is recognised (MLP Paragraph 3.59) that new facilities will be needed to achieve sufficient aggregates recycling capacity in</p>

				<p>the County up to the end of the plan period to accommodate the latest CDE forecasts and replace capacity lost through the expiration of temporary permissions.</p> <p>It is further noted that the opportunity for the provision of larger, more sophisticated aggregate recycling facilities is thought feasible in areas where the volume of CDE waste arisings will be greatest. This is considered to be where major regeneration/ redevelopment is planned and therefore proximity and appropriate road access to the future areas of growth is important, as is the incorporation of flexibility within the plan to be able to respond to any changes in the pattern of growth across the County.</p> <p>Such a stance closely mirrors NPPF Paragraph 11a which requires that 'plans should positively seek opportunities to meet the development needs of their area' and NPPF Paragraph 103 as previously mentioned, which requires that 'significant</p>
--	--	--	--	--

				development should be focused on locations which are or can be made sustainable, through limiting the need to travel'.
			<p>3.77,3.78,3.84 state land banks created assessing what we have in reserves up to 2029. 3.84 states the planned provision for future sand and gravel extraction 4.31m tonnes per annum of sand and gravel which means 77.58 m tonnes over 18 yr planned period, landscaping around the extraction site eg tree planting carbon catcher. There are enough quarries without opening up areas of land so close to a rural , historically important community</p>	<p>Noted, although these figures pertain to the need for mineral at the point of adoption of the MLP in 2014. Most of the sites allocated in the MLP have now either been worked and are in the process of being restored, or are actively being worked.</p> <p>Following a consideration of consultation responses received as part of the Regulation 18 consultation in 2021 and the informal Engagement on Policy S6 in March 2022, it is now considered appropriate to re-base the MLP to 2040 and an additional Call for Sites exercise to support this revised timescale will be undertaken in September 2022.</p> <p>This is recognised as a major amendment to the approach put forward at the Regulation 18 consultation in March 2021 and as such, a revised Regulation 18 consultation will be undertaken, to include all further</p>

				<p>Plan amendments and the interim assessment results arising from the assessment of candidate sites received through the Call for Sites process.</p> <p>Minerals development differs from other forms of development because minerals can only be worked where they occur and where landowners have submitted land for consideration. When sites are submitted for consideration, they then have to go through a site selection methodology process. Future allocations will be made following a revised quantification of need across the revised Plan period to 2040, and the results of the site assessments carried out on candidate sites submitted through the Call for Sites process.</p>
Medway Council (496262423)		Agree (but wish to clarify)	Support for the removal of a distinction between strategic and non-strategic Aggregate Recycling Facilities in Policy S5. This change will ensure that all Aggregate Recycling Facilities are safeguarded from redevelopment instead of just those deemed to be strategic. As	Noted.

			<p>all Aggregate Recycling Facilities have a role to play in the supply of non primary aggregates it is important that all such facilities are safeguarded. It is noted that other changes to Policy S5 are proposed which will improve the effectiveness and extent of its application and, for the reasons set out above these changes are also supported.</p>	
			<p>However, the requirement for all new Aggregate Recycling Facilities to be located on the main road network is questioned as, while this may be preferred, it is considered opportunities may come forward in locations deemed suitable (as assessed by other policies of the MLP) which are not on the main road network and so this requirement could unduly hinder the development of such important capacity.</p>	<p>The MLP supports the use of recycled aggregate by seeking to establish and maintain a County wide network of aggregate recycling facilities. It is recognised (MLP Paragraph 3.59) that new facilities will be needed to achieve sufficient aggregate recycling capacity in the County up to the end of the plan period to accommodate the latest CDE forecasts.</p> <p>It is however accepted that requiring new facilities to be directly on the main road network may hinder the delivery of otherwise suitable locations. As such, it is proposed to re-word Policy S5 as follows:</p> <p>“Proposals for new aggregate</p>

				recycling facilities, whether non-strategic or in the form of SARS, <i>should shall be <u>in accordance with Policy S11 and, where intended to be permanent, be located <u>in proximity to</u> the main road network <u>and not cause any unacceptable highway impact.</u></u></i>
Natural England (792269846)		Agree (but wish to clarify)	<p>At paragraph 3.75 the Review Plan text states that “any new aggregates recycling site should avoid causing adverse effects on the integrity of internationally or nationally important wildlife sites, either alone or in combination with other plans or projects. This must be demonstrated through a project level HRA which will be required for any new aggregate recycling site which falls within an Impact Risk Zone (IRZ).”</p> <p>This addition reflects the statutory requirements of the Conservation of Habitats and Species Regulations 2017 (in relation to Habitat Sites) but the need to avoid adverse effects on the integrity (AEOI) of Habitat Sites does not appear within the text of the relevant policy (S5 - Creating a Network of Aggregate Recycling Facilities) and it is</p>	<p>The MWPA do not consider that it is necessary to update the policy wording as the MLP is to be read as a whole, and therefore, this would create duplication throughout the plan. Policy DM1, which applies to all mineral developments, states that “<u>It must be ensured that there will be no adverse effect on the integrity of Habitats Sites either alone or in combination with other plans and projects. This must be demonstrated through a project level Habitat Regulations Assessment, which will be required for any future proposals requiring a decision under the MLP, which fall within a IRZ.</u>”. As such, the issue raised in the representation is addressed through an existing plan policy.</p>

			<p>recommended that this requirement is reproduced within the policy text to ensure conformity with NPPF requirements.</p>	
			<p>Moreover, the need to avoid AEOI of Habitat Sites does not apply solely to new aggregates recycling sites; it would apply to all forms of new minerals-related development (mineral extraction; site restoration etc) and this would indicate that the text should be reproduced or cross-referenced in all relevant policies, such as S6 – General Principles for Sand and Gravel Provision, S7 – Provision for Industrial Minerals.</p>	<p>Policy DM1, which applies to all mineral development, sets out a criterion that states that “It must be ensured that there will be no adverse effect on the integrity of Habitats Sites either alone or in combination with other plans and projects. This must be demonstrated through a project level Habitat Regulations Assessment, which will be required for any future proposals requiring a decision under the MLP, which fall within a IRZ.”. All development proposals are subject to Policy DM1.</p> <p>To avoid the impression that this requirement relates only relates to aggregate recycling sites which are subject to Policy S5, it is proposed to remove “Any new aggregate recycling sites should avoid causing adverse effects on the integrity of internationally or nationally important wildlife sites, either alone or in combination with other plans</p>

			<p>The existing policies require that such development is “environmentally suitable” (S6) and “environmentally acceptable” (S7) but given the statutory</p>	<p>and projects. This must be demonstrated through a project level Habitat Regulations Assessment, which will be required for any new aggregate recycling sites which fall within a Impact Risk Zone (IRZ).” from the supporting text of Policy S5 and include this in the over-arching Policy DM1.</p> <p>Policy DM1 is therefore proposed to be updated as follows, <u>“It must be ensured that there will be no adverse effect on the integrity of Habitats Sites (internationally or nationally important wildlife sites) either alone or in combination with other plans and projects in relation to all minerals development. This must be demonstrated through a project level Habitat Regulations Assessment, which will be required for any future proposals requiring a decision under the MLP, which fall within a IRZ.”</u></p> <p>It is proposed that Policy S5 will be updated as follows, “Such proposals shall be permitted in the following preferred locations, provided they do not cause</p>
--	--	--	---	---

			obligation on Competent Authorities to avoid AEOI of Habitat Sites, these terms don't seem sufficiently robust and may not be entirely consistent with paragraph 177 of the National Planning Policy Framework.	<p>unacceptable highway harm, are environmentally acceptable and <i>when the proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan</i> in accordance with other policies in the Development Plan for Essex.”</p> <p>Policy S7 is also proposed to be amended to reflect this.</p> <p>As MLP Policy DM1 applies to all mineral developments, this ensures that the requirement to avoid AEOI of Habitat Sites is clear.</p>
Suffolk County Council (549043477)		No comment	No comment.	Noted.
GeoEssex (538324742)		No comment	no comment	Noted.
Strutt & Parker (891506607)	G&B Finch	No comment		N/A
Epping Forest District Council (465807458)		Not Answered	Paragraph 3.50 which references the EU Waste Framework Directive. Is this Directive still operational and relevant following on from the UK's exit from the EU?	Yes, the EU Waste Framework Directive is still operational and relevant.