

# **1 Response Paper – Informal Engagement on Policy S6: General Principles for Sand and Gravel Provision (Policy S6: Provision for sand and gravel extraction), February – March 2022**

## **The Scope of this Response Paper**

- 1.1 The purpose of this response paper is to assess the responses received through the Informal Engagement on Policy S6: Provision for sand and gravel extraction which took place between February and March 2022. It also provides a summary of progress to date on the Essex Minerals Local Plan 2014 (MLP) Review.
- 1.2 Through the responses set out in this topic paper, it is often stated that a new mineral provision figure will need to be calculated to support the emerging MLP based on the revised plan end date of 2040. Mention is also made within the responses contained within this paper to a site assessment process, a Call for Sites that was undertaken in parallel with the informal engagement on Policy S6 and a future Call for Sites that is intended to take place in recognition of the re-basing of the Plan to 2040. Details of these will be found in future evidence base papers which will be produced and submitted as additional evidence to support a future Regulation 18 consultation on the emerging MLP. To clarify, this paper seeks to summarise progress on the MLP Review up to August 2022 and respond to the issues raised through the informal engagement held between February and March 2022. Where appropriate, these responses will set out any proposed amendments to the future intended direction for the Review, or justify why the current direction is considered to remain relevant. This report will form one of a number of evidence papers supporting a revised Regulation 18 MLP.

## **Purpose of Policy S6**

- 1.3 The purpose of the currently adopted Policy S6 is to set out the amount of sand and gravel that has been calculated as being required to provide a 'steady and adequate' supply of this aggregate on an annual basis. Policy S6 also ensures the maintenance of a landbank of at least seven years for sand and gravel and preserves a plan-led approach by acting to resist applications outside of sites allocated in the MLP unless certain criteria are met.

## **The Role of the Essex Minerals Local Plan and Progress with its Review**

### The Role of the Essex Minerals Local Plan

- 1.4 The Essex Minerals Local Plan (MLP) was adopted in July 2014 by Essex County Council (ECC) and contains planning policies for minerals development in Essex until 2029. It sets a policy framework within which the best possible use of finite resources can be made and allocates sites for future mineral extraction and associated development. The MLP contains policies promoting recycling and secondary processing, the safeguarding of resources and facilities, and high-

quality site restoration. In combination, the suite of policies ensure that mineral development is as sustainable as possible. The final chapter of the MLP specifies the monitoring framework for the plan. Monitoring across appropriate indicators assists in assessing the extent to which the plan and policies are performing. Information is reported upon annually within the Authority Monitoring Report (AMR).

### Progress with the Minerals Local Plan Review

- 1.5 Having been adopted in July 2014, the effectiveness of the policies within the MLP are required to be formally reviewed as a legal requirement. Regulations<sup>1</sup> state that in respect of a local plan, a review must be completed every five years, starting from the date of adoption of the local plan.
- 1.6 National Planning Practice Guidance (PPG) sets out what is required from such a review. Reviewing a plan is defined as undertaking an assessment to determine whether its policies need updating, and subsequently concluding either that the policies do not need updating and publishing the reasons for this, or that one or more policies do need updating and to update their Local Development Scheme to set out the timetable for this revision.
- 1.7 In November 2019, Essex County Council published on its website that following an internal assessment of the MLP, there was scope to review its policies. Draft amendments were duly made to the adopted Plan, and these took into account conformity with national planning policy, changes to local circumstances, whether issues have arisen that may impact on the deliverability of key site allocations, the success of policies against indicators in the Development Plan as set out in the Authority Monitoring Report (AMR), issues arising out of the Duty to Cooperate (DtC) and any other social, environmental or economic priorities that may have arisen. The proposed amendments to the MLP were also subjected to Sustainability Appraisal (SA), Habitats Regulations Assessment (HRA), Health Impact Assessment (HIA) and Equality Impact Assessment (EqIA).
- 1.8 A Regulation 18 consultation was subsequently undertaken on the proposed amendments between March – April 2021, which, in relation to Policy S6, tested the below principles.

### *Summary of Policy Position regarding Policy S6 Prior to March 2021 Regulation 18 (Reg 18) Consultation*

- 1.9 As previously set out, Policy S6 of the MLP quantifies the amount of sand and gravel considered to amount to a steady and adequate supply over the plan period to service the development needs of the County.
- 1.10 The below list sets out a summary of the MWPA's Position with regards to Policy S6 prior to the 2021 Regulation 18 (Reg 18) Consultation. Where a position statement has been underlined, this represents where there has subsequently been a change in approach since the first public consultation.

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<sup>1</sup> Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017

- 4.31mtpa of sand and gravel remains an appropriate plan provision figure.
- The NPPF derived requirement to ensure the maintenance of a landbank of at least seven years of sand and gravel remains in place and therefore it is appropriate to retain this requirement in the policy.
- There is no inherent tension between the plan-led approach set out by Policy S6 of resisting mineral extraction outside of Preferred Sites in principle, and the encouragement of prior extraction at non-allocated sites to avoid mineral sterilisation as set out in Policy S8.
- Reserve Site allocations should be re-designated as Preferred Sites.
- A Call for Sites does not need to be initiated as part of this MLP Review due to the level of existing and future permitted reserves, and the cumulative savings realised due to the difference between current sale rates and the plan apportionment.
- It continues to be appropriate to make no assumed provision from windfall sites when forecasting mineral need.
- The approach of basing sand and gravel provision on the maintenance of a combined sand and gravel landbank rather than maintaining separate landbanks of building sand and concreting sand remains appropriate.
- That it is appropriate to continue to place no quantitative reliance on marine-sourced aggregate.

*Subsequent Informal Engagement on Policy S6 and Call for Sites, February – March 2022*

- 1.11 An assessment of responses received at the Regulation 18 Consultation March – April 2021 in relation to Policy S6 are set out in Minerals Local Plan Review Topic Paper, Policy S6: Provision for Sand and Gravel Extraction, 2022.
- 1.12 Following a consideration of the responses received to that consultation, the latest extant data, and in recognition of the length of time it has currently taken to progress the MLP Review, it was assessed that a major change in strategic direction was required. This related to the accepted requirement for additional sand and gravel site allocations to be made through the Review. This was required to allow for the maintenance of a Plan-led approach to the provision of a steady and adequate supply of sand and gravel in Essex to the end of the Plan period, which was then scoped to 2029. The need to consider allocations during the Review rather than delaying this to after the review led to a renewed focus on the annual plan provision figure as any final figure would be used as the basis of any future allocations.
- 1.13 This change was considered to be too significant to allow for a progression to Regulation 19 of the MLP Review and therefore a single-issue informal engagement took place on a revised Policy S6, of which there were two major changes in direction. The first of these was to reduce the annual plan provision figure for sand and gravel from 4.31million tonnes per annum(mtpa) to a provision figure equating to an average of the previous ten years of annual sales, as is required to be the starting point of mineral provision calculations as set out in the NPPF, plus an additional 20%. The sales data used for this calculation

covers the period 2011 – 2020. The need to revise the plan provision figure in the first instance was that the currently adopted figure of 4.31mtpa was derived from national guidelines<sup>2</sup> which have now expired. The extra 20% on top of the ten-year rolling sales average was intended to imbue the emerging Plan with sufficient flexibility to respond, without additional amendment, to any increase in sales above the ten-year average. It is important that the Plan is resilient to any potential suppression of the ten-year rolling sales average as a result of market downturns caused by the recent pandemic affecting historic sales values used in the calculation. It is considered that the significantly lower sales of sand and gravel reported in 2020 and 2021 are potentially masking the true need for sand and gravel to facilitate development in the County, particularly in light of the future growth agenda.

- 1.14 The second major change in approach was to initiate a parallel Call for Sites to ensure that sufficient mineral was allocated within the Plan to allow for the provision of a seven-year landbank at the end of the Plan period as part of the current Review, rather than to postpone this exercise to afterwards.
- 1.15 The engagement also presented the opportunity for the Minerals and Waste Planning Authority to acknowledge that mineral provision is not just about satisfying a quantified need, the final revised Plan will need to address issues relating to productive capacity, any potential over-reliance on site extensions and the spatial distribution of sites across the County. The informal nature of the engagement meant that proposed amendments to Policy S6 were not subjected to additional assessment through Sustainability Appraisal (SA), Habitats Regulations Assessment (HRA), Health Impact Assessment (HIA) and Equality Impact Assessment (EqIA). Engagement did however take place through the Duty to Cooperate (DtC).

#### *Conclusion arising from the Informal Engagement on Policy S6*

- 1.16 A response to every representation received through the informal engagement on Policy S6 which closed in March 2022 is set out in Appendix One of this paper. For the purposes of reporting in the main body of this report, individual representations have been summarised under a number of issues as set out in Paragraph 1.19 below.
- 1.17 Following an assessment of the representations received, best practice advice and a re-consideration of the revised scope of the Review within the context of national planning policy, it is now considered that in order for the plan to meet the Tests of Soundness (NPPF, Paragraph 35), it is prudent to identify future sites based on a new 15-year plan period, rather than maintain the current plan period of 2029, and to also set that process in place now rather than postpone to a later date. Site allocations and revisions to the plan provision rate are strategic matters, and on this point NPPF Paragraph 22 Is clear that “Strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising

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<sup>2</sup> National and sub-national guidelines to aggregate provision, 2009 – 2020

from major improvements in infrastructure...”. By accepting the need for new sand and gravel sites as part of this Review, and consequently assessing that it was appropriate to amend the rate of Plan provision as this was based on expired Guidelines, the strategic direction of the Plan was being amended which subsequently required the establishment of a new Plan period.

- 1.18 Setting a new Plan period, and considering amendments to policies in this new context, is again considered to be too significant a change in direction to enable the Plan to move towards a Regulation 19 consultation. As such, and as mentioned in the responses to the informal engagement below, a revised MLP will now be prepared, with a revised end date of 2040, and consulted on through Regulation 18 in early 2024.

### **Summary of Issues Raised through the Informal Engagement on Policy S6:**

#### **Provision for sand and gravel extraction**

- 1.19 The informal engagement to which this paper responds took the form of a topic paper which sought to provide responses to all of the relevant issues arising from the Regulation 18 Consultation March – April 2021 and set a proposed future sand and gravel provision figure from which to quantify need over the Plan period. The informal nature of the engagement meant that proposed amendments to Policy S6 were not subjected to additional assessment through SA, HRA, HIA and EqIA. Engagement did however take place through the Duty DtC.
- 1.20 The new approach advocated amending the 2014 plan provision rate of sand and gravel from 4.31mtpa, which was derived from now expired national guidelines<sup>3</sup> to a rate calculated as per the methodology set out in NPPF Paragraph 213a. Recognising that the adoption of a new Plan takes a number of years, and that rolling averages of sales fluctuate, it was proposed to set a Plan provision rate of sand and gravel based on the sum of an average of ten year rolling sales plus 20%, with the final figure to be fixed closer to submission of the Plan to the Secretary of State. The 20% uplift aimed to imbue the Plan with flexibility as well as accommodate the suppression of mineral markets caused by the pandemic from weighing down a ‘true’ averaged reflection of mineral need. At the point of the informal engagement, this would have resulted in a Plan sand and gravel provision figure of 3.74mtpa<sup>4</sup>, which was considered to more accurately match the need for this mineral across the Plan period than the apportionment value of 4.31mtpa. The topic paper included forecasts setting out how much additional sand and gravel would be required to be allocated for extraction to enable a landbank of sand and gravel equating to seven years to be in place at the end of the Plan period, based on serving a need of 3.74mtpa over a number of different provision scenarios. A Call for Sites intended to result in candidate sites to supply this need was run in parallel to the informal engagement.

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<sup>3</sup> National and sub-national guidelines to aggregate provision, 2009 – 2020

<sup>4</sup> Based on a ten-year rolling sales value calculated for period 2011 – 2020.

- 1.21 The informal engagement was structured around the following four questions:
- Do you agree with the proposal to adopt a plan provision calculation methodology of 10yr sales + 20% to set the new plan provision figure?
  - Do you agree or disagree that the need for any additional site allocations for sand and gravel extraction should be based on Scenario 4 of the Topic Paper i.e., all allocations already adopted in the existing MLP should continue to count towards reducing the future need requirement for sand and gravel (this would include sites pending determination as well as Preferred and Reserve Site allocations in the adopted MLP where applications have not yet come forward)?
  - At this stage of the plan period do you agree that the plan should make provision for an NPPF compliant landbank of at least seven years at the end of the Plan Period?
  - Do you have any further comments or observations in relation to Policy S6 of the MLP or the themes set out in the Topic Paper?
- 1.22 Due to the subsequent decision to re-base the Plan to 2040, the posed questions and a number of representations made are no longer specifically relevant. However, a number of issues that arose through the engagement remain specifically relevant or otherwise raise principles that still apply in a general sense. As such, all representations across the four questions are reported on through this Response Paper such that the continued evolution of the approach to mineral provision is captured and justified. As set out above, an actual revised quantification of mineral need is outside of the scope of this paper but the responses to representations set out in this paper will inform a future paper which will seek to re-quantify an appropriate mineral provision strategy.

### **Summary of Issues Raised through the Informal Engagement on Policy S6: Provision for sand and gravel extraction**

- 1.23 Support was received for a number of aspects of the approach put forward through the informal engagement. The recognition that the Plan should set a plan provision rate that could flexibly respond to an uplift in sales through a percentage-based uplift to the ten-year rolling sales average rather than relying on the ten-year sales average alone was welcomed. This was particularly in light of recognising that the aftermath of the recession in 2008-2013 and the recent pandemic were suppressing mineral sales and therefore suppressing a true indication of market need in more 'normal' times, which was identified as a relatively flat line of sales between 2015-2018 and which represents a period of time post-recession and pre-pandemic<sup>5</sup>. Basing the quantified need on ensuring a seven-year landbank at the end of the Plan period was also supported, as was the decision to carry out a Call for Sites as part of the Review rather than postponing this to after the Review. Not seeking to reduce the amount of mineral that needed to be planned for by assuming a quantified provision to come from

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<sup>5</sup> Sales data for a given period is collected the following year, so data collation to provide the 2019 sales value took place in 2020 and this was hampered by restrictions caused by the pandemic

windfall sites was also welcomed. It was noted that the MWPA had sought to forecast mineral need by quantifying when outstanding allocations were likely to be delivered in the remainder of the Plan period. It was also welcomed that the MWPA are aware that whilst allocations can be made on the basis of a quantified need across the Plan period, there is also a need to understand the productive capacity of sites such that mineral can be provided at the appropriate annual rate across the Plan period.

- 1.24 Further support was given with regards to preserving a Plan-led approach, with applications on Preferred Sites give clear preference, with extraction on non-Preferred Sites requiring the demonstration of an overriding justification or benefit. Objections were also received in relation to this intended approach, and these are set out in this paper under the relevant heading. With further respect to the need to set out overriding justifications for extraction on non-Preferred sites, support was also given to the provision of a non-exclusive list of potential overriding justifications for extraction on non-allocated sites on the basis that there are a number of potential justifications, and these should be left to the potential operator to attempt to justify.
- 1.25 Across the four questions, a large number of issues and objections were raised. These are summarised by heading below and then explored throughout the rest of this Response Paper.
- The intention to revise the Plan end date to 2040.
  - Specific proposed changes to Policy S6.
  - The need for the planning system to balance social, environmental and economic issues.
  - Quantifying sand and gravel provision on the basis of a calculation methodology of 10yr sales + 20% rather than continuing to base mineral provision on the National and Sub-National Guidelines for aggregate provision, 2005 – 2020
  - Issues with regards to Table 1 of the Topic Paper: Policy S6 2022<sup>6</sup> and Table 3 of the Rationale Report, 2001<sup>7</sup>.
  - The impacts of incorporating 2019 and 2020 sales data into a calculation of future provision is not justified due to the pandemic.
  - Calculating future mineral provision needs to consider Nationally Significant Infrastructure Projects (NSIPs) and commercial projects, not just housing.
  - Whether it is appropriate to re-allocate sites in the existing MLP that have yet to come forward to contribute to the need for mineral across the new Plan period.
  - The importance of productive capacity and striking a balance between extensions and new sites in ensuring a steady and adequate supply of minerals.

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<sup>6</sup> Comparison of Essex Sand and Gravel Landbank Remaining 2020 – 2029 under Different Provision Scenarios, Assuming Sales of 4.31mtpa, July 2021

<sup>7</sup> Comparison of Essex Sand and Gravel Landbank Remaining 2018 – 2029 under Different Provision Scenarios, Assuming Sales of 4.31mtpa, October 2019

- The resistance to applications outside of preferred or reserve site allocations is not appropriate and there should instead be support for applications for extensions to existing operations as a means to increase plan flexibility.
- Bringing forward non-Preferred Sites under the auspices of the currently adopted MLP 2014.
- Providing greater clarity with regards to the lifetime of mineral workings.
- How the intention to reduce annual mineral provision has still resulted in a call for additional sites
- Whether there is a requirement to ensure a seven-year landbank remains at the end of the Plan period.
- The need to engage local planning authorities on any candidate sites being promoted in their administrative area.
- The Plan approach to windfall sites.
- Setting a maximum threshold for windfall sites so as to not undermine the Plan-led approach to mineral provision.
- Ensuring that sufficient reserves of building/soft sand provision will have planning permission during the plan period.
- Assessing the cumulative impact of working sites
- Assessing impact on the historic environment
- Assessing impacts on the Strategic Transport Network and appropriate routing of mineral traffic
- Issues relating to the interim Essex Authority Monitoring Report and Greater Essex Local Aggregate Assessment
- Issues relating to the overlap between Marine Plans and Local Plans and the treatment of marine aggregates.
- Issues specific to the Tendring Colchester Borders Garden Community.
- Issues specific to the proposed Flood Alleviation Scheme at Coggeshall
- Issues specific to Elsenham Quarry, Uttlesford.
- Issues specific to sites submitted within the administrative area of Colchester.

### **Addressing Issues Arising Out of March 2021 Reg 18 Consultation**

- 1.26 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.
- 1.27 There now follows a discussion of each of the main issues raised during the informal engagement on revisions to Policy S6:

#### The intention to revise the Plan end date to 2040



- 1.28 A number of responses were received which questioned the appropriateness of maintaining the 2029 end date of the MLP as part of the Review. It was noted through the engagement that PPG states that 'The National Planning Policy Framework is clear that strategic policies should be prepared over a minimum 15 year period and a local planning authority should be planning for the full plan period. Policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years. The review process is a method to ensure that a plan and the policies within remains effective'<sup>8</sup>. In addition, the PPG notes that the purpose of a Review is to ensure that a Plan is up to date<sup>9</sup>. It was considered through representation that the tone of the Review is one of attempting to 'buy time' until the end of the Plan period - 2029 - where a full Review will take place. Although the NPPF builds in provision for Reviews of a Plan and even specific policies within the Plan, in accordance with the above, it was considered that the Plan should still be planning for a Plan period of 15 years and not simply seeking to make good deficiencies in allocations within the current Plan period end date. Another representation noted that the Review does not appear to consider beyond the 2029 end date of the Plan which is not appropriate as by the time this review is concluded, only a few years of the current plan period, and therefore landbank, will remain. This was stated as not according with the need for Plan Reviews to consider a period up to 15 years ahead and as such was not a positive approach, and therefore unsound.
- 1.29 The MWPA accepts these points and it is noted that the current Review will now extend the Plan period to 2040. An additional Call for Sites is planned to take place such that the submission of candidate sites on the basis of the revised Plan end date can take place. The previous Call for Sites requested only those potential sites capable of being started during the current Plan period, so up to 2029. The practicalities of getting a new Plan in place in sufficient time based on the previously articulated approach to the Review is also acknowledged.
- 1.30 It was further noted through the engagement that the partial nature of this review, which is not extending the current 2029 end date of the Plan, is effectively topping up anticipated reserves through allocations within the existing Plan Period. It was stated that this does not increase the landbank, which can only be calculated on permitted reserves. It was stated that the essential point in positively planning for an effective strategy for mineral provision is ensuring there are sufficient allocations to provide the framework within which Planning Applications will be made. The fact that there are only a small number of sites that have previously been allocated remaining to come forward as allocations indicates that the market conditions within Essex are likely to secure applications for the continuation of working to meet existing markets and demand.
- 1.31 With regard to topping up anticipated reserves not increasing the landbank, the MWPA notes that no number of allocations across any given Plan period would act to increase the landbank. The landbank can only be increased by lowering the rate of demand or through permitting additional mineral extraction. It is also

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<sup>8</sup> (PPG – Plan Making - Paragraph: 064 Reference ID: 61-064-20190315)

<sup>9</sup> (PPG – Plan Making - Paragraph: 062 Reference ID: 61-062-20190315).

noted that the initial aim of the Review was not to simply make good an earlier deficiency in allocations. Allocations in the previous MLP were made on the basis of the landbank being zero years at the end of the Plan period. As such it was known that a Call for Sites would need to take place at some point during the Plan period in any event. The MWPA therefore initially considered that the most appropriate route through this Review in relation to allocations was to designate new areas for extraction up to the end of the current Plan period, and then begin work on a longer-term Plan. However, as part of assessing the need for minerals over the remaining Plan period, there was a requirement to recalculate the rate of mineral provision. This is acknowledged as being a revision to a strategic policy. The NPPF at Paragraph 22 is clear that 'Strategic policies should look ahead over a minimum 15 year period from adoption'. As the reviewed Plan will need to be re-adopted, the MWPA accepts that it is not appropriate to pursue a Review with a 2029 end date and as such has extended the Plan period to 2040, which represents 15 years from the anticipated adoption date of 2025.

#### Specific proposed changes to Policy S6

- 1.32 Representations were received which stated that a number of changes were required to Policy S6 to ensure that it facilitated a more positive and sustainable planning approach and that it was more reflective of extant planning policy and guidance.
- 1.33 The opening sentence of the policy states that 'The Mineral Planning Authority shall endeavour to ensure reserves of land won sand and gravel are available until 2029, sufficient for at least seven years extraction or such other period as set out in national policy'. Representations noted that the Mineral Planning Authority is required (emphasis added) to maintain at least a 7-year landbank and as such the words 'shall endeavour' do not reflect the NPPF and are therefore unsound.
- 1.34 The MWPA notes that the NPPF states at Paragraph 213f that MWPAs 'should plan for a steady and adequate supply of aggregates by maintaining landbanks of at least 7 years for sand and gravel...'. It is further noted that whilst the MWPA can allocate and permit sufficient land for mineral extraction such that a seven-year landbank is achievable across the Plan period, it is the mineral industry who ultimately add to the landbank by virtue of submitting planning applications that are capable of subsequently being approved. The use of the term 'endeavour' is to recognise that the MWPA will act to achieve an on-going seven-year landbank to the extent possible within the remit of its responsibilities, by allocating and subsequently permitting, where possible, sufficient land to be bought forward for mineral extraction. As such, the current wording is considered to be appropriate as the MWPA cannot be 'required' to ensure that the minimum landbank is achieved when it is not entirely within its remit to be able to ensure it.
- 1.35 A proposed amendment was then suggested with regards to the Policy S6 statement that 'Mineral extraction outside Preferred or Reserve Sites will be resisted by the Mineral Planning Authority unless the applicant can

demonstrate...'. It was stated that the use of the word 'supported' instead of 'resisted' would be a positive planning approach as opposed to the negative approach as currently proposed. This is accepted and an amendment is proposed in Table 2 of this report to accommodate this.

- 1.36 It was further requested that Paragraph b) of the policy should be deleted as this was also not considered to be planning positively. The MWPA notes that clause b)<sup>10</sup> in the context of Policy S6 currently states that *'Mineral extraction outside Preferred or Reserve Sites will be resisted by the Mineral Planning Authority unless the applicant can demonstrate... (Clause b): The scale of the extraction is no more than the minimum essential for the purpose of the proposal'*, It was noted in the representation that there is no requirement to demonstrate need for mineral extraction, and furthermore it implies that the seven-year landbank is a maximum which the PPG makes clear is not the case<sup>11</sup>.
- 1.37 The MWPA accepts this point although this is in the context of a lack of clarity in the policy behind the intention of Clause b). Clause b) is only intended to apply to mineral extraction proposals being made on non-allocated sites in order to facilitate the creation of an agricultural reservoir or where mineral extraction is permitted as a borrow pit to serve a specific development.
- 1.38 Where sites are permitted outside of Preferred Site allocations with the overriding benefit being to serve a specific purpose, the amount of mineral to be extracted should be limited to the facilitation of that purpose. Removing this clause may result in the establishment of traditional quarries outside of Preferred Site allocations, thereby weakening the Plan-led system and increasing uncertainty with regards to where mineral development is to take place. It is also clarified that where mineral extraction is permitted to facilitate the delivery of a specific project, and therefore the extraction of mineral is not the primary purpose, the current level of the landbank is not material to the decision made. An amendment is proposed in Table 2.
- 1.39 Further representations suggested an additional Paragraph d) which was considered to be a positive and sustainable approach to supporting mineral site extensions. The proposed additional paragraph/ clause was proposed to state *'Mineral extraction outside Preferred or Reserve Sites will be supported by the Mineral Planning Authority providing the Applicant can demonstrate... (Clause d<sup>12</sup>): 'The proposal is an extension to an existing permitted sand and gravel site that is required to maintain production from that site or is needed to meet an identified shortfall in the landbank.'*
- 1.40 It was further stated that the previous comments ECC (as MWPA) made on the proposed additional paragraph were noted but not accepted. It was also stated through the representation that any proposed extension will be subject to Plan

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<sup>10</sup> Intended to refer to Paragraph b as set out in the representation

<sup>11</sup> PPG Reference ID 27-084-20140306

<sup>12</sup> Intended to refer to Paragraph d as set out in the representation

policies, which will determine the suitability or otherwise of the extension in land use terms.

- 1.41 The MWPA however considers that its previous response to this issue remains appropriate. This was set out in Paragraph 1.134 of the Topic Paper: Policy S6 2022. There, the MWPA stated that there could be a number of reasons as to why an extension to an existing permitted sand and gravel site would not automatically be the most preferable means of accommodating any shortfall in the landbank compared to a new site, particularly those that have been allocated as a Preferred Site. Therefore, where non-allocated sites are submitted due to an identified shortfall in the landbank or other over-riding justification or benefit, it is considered that the MWPA must treat these on their individual merits and not give automatic preference to extensions. Policy support for granting permission on non-allocated sites if it is 'needed to meet an identified shortfall in the landbank' is considered to already be captured in the supporting text to Policy S6 (Paragraph 3.108 in the adopted Plan), as something that could constitute an overriding justification or benefit for extracting at non-Preferred Sites. This approach was previously considered sound and is expected to be preserved in the revised Plan.
- 1.42 With regards to the need to maintain production at a specific site, the MWPA does not consider that the individual commercial business needs of a mineral operator to continue production at a particular mineral extraction site to be relevant or material to its decisions in respect of non-Preferred Sites. Such extensions should be submitted to the MWPA to be assessed for Preferred Site allocation in the emerging MLP. Where mineral is at risk of sterilisation, if an extension is not permitted during the lifetime of the parent site, the risk of sterilisation will be assessed against the Development Plan and any other material considerations at that time.
- 1.43 One representation stated that Policy S6 should be worded more flexibly in general to allow for the provision of additional sand and gravel reserves/resources. However, the MWPA intends to retain the approach of a presumption against working non-allocated sites in order to maintain a Plan-led system. Flexibility is however recognised as important, and as such it is intended to retain the opportunity for over-riding justifications and benefits to be presented in support of an application to extract on non-allocated sites. Examples include extraction at borrow pits, to form agricultural reservoirs, where the landbank has dropped below seven years as well as prior extraction to prevent sterilisation. Such applications will however still be required to conform to the wider Development Plan, including where there are issues of cumulative impact.
- 1.44 A representation also raised an issue in relation to Paragraph 3.79 of the adopted MLP, which is supporting text to Policy S6. Attention was drawn to the statement that referred to the NPPF providing 'guidance' on the minimum length of the sand and gravel landbank. It was requested that this be altered and as it currently implies that the maintenance of landbanks is optional. The MWPA notes that the highlighted concern with Paragraph 3.79 relates to wording that is already in the adopted MLP. However, the unintended inference is understood.

An amendment is proposed through Table 2 which will make clear that the NPPF provides 'instruction' on the length of the landbank.

- 1.45 Reference was also made to the need to improve clarity within Paragraph 3.82<sup>13</sup> which is also supporting text to Policy S6. As read, it could be inferred as meaning that if the sand and gravel landbank falls below seven years then ECC will undertake a full review to maintain a seven-year landbank unless there are mitigating circumstances. It was stated that this use of mitigating circumstances is not clear and that the approach appears contrary to the NPPF which does not allow for such exceptions. It was also considered that there was tension in Paragraph 3,82 which also states that 'The plan will be monitored annually and reviewed every five years to ensure that the Essex sand and gravel landbank is maintained to at least seven years throughout the plan period to 2029'. It was stated in the representation that this strategy highlights the obligation that, should it be identified that the landbank is likely to be deficient, action should be taken as part of a review to correct the position. It was also considered that if a plan is being produced then supply should be considered for the whole plan period otherwise a scenario is reached where there is a shortfall and then it is at the discretion of the planning authority to have a review or not.
- 1.46 The MWPA notes the comments made but does not consider there to be any conflict between the statement at MLP Paragraph 3.82 and NPPF Paragraph 213f, which requires (inter-alia) 'maintaining landbanks of at least 7 years.
- 1.47 It is considered appropriate that the MWPA is able to explicitly consider mitigating circumstances with regards to whether a review of the MLP is required when the landbank falls below seven years. For example, and as set out at Paragraph 5.7 of the Rationale Report 2021, the Greater Essex LAA 2020 found that the sand and gravel landbank had fallen below seven years at 31st December 2019, but also at that point one application for new extraction was permitted but awaiting legal agreement, and a further three planning applications for extraction were due to be determined. Combined, these applications would have added two years of supply onto the landbank, bringing it back above the seven-year requirement. It is considered that this is an example of an appropriate 'mitigating circumstance' that would avoid the need for a full Plan review (irrespective of the fact that this review was ongoing at the time). A discretionary approach based on a consideration of available data is considered reasonable.
- 1.48 The above is not however intended to mean that the MWPA will not look to fulfil its requirement of ensuring that a steady and adequate supply of minerals is provided for to the extent of its ability. In the absence of mitigating circumstances that wont return the landbank above its minimum requirement, a review would very likely be required, which could include re-assessing the deliverability of existing allocations and consequently the need for additional allocations.
- 1.49 It is noted that since this representation was submitted, the MWPA has reconsidered its position with regards to the scope of the Review and is now

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<sup>13</sup> Paragraph 3.84 in the currently adopted Plan, Paragraph 3.82 in the MLP draft Admendments, 2021 document

looking to re-base the Plan to 2040 and carry out Call for Sites exercises to allow for new allocations to meet a future revised need across the revised plan period. As such, mineral supply is now being considered for the whole plan period as requested by the representation.

Quantifying sand and gravel provision on the basis of a calculation methodology of 10yr sales + 20% rather than continuing to base mineral provision on the National and Sub-National Guidelines for aggregate provision, 2005 – 2020

- 1.50 A number of representations supported the change in direction which led to a Call for Sites taking place and in terms of the provision calculation methodology, acknowledged and supported the need for a flexible approach to be taken by ECC MWPA to ensure a steady and adequate supply of aggregates, as required by national policy.
- 1.51 Objections were however received with regards to the proposal to amend the plan provision figure from 4.31mtpa to a new plan provision figure based on a rolling average of ten-year sales plus an uplift of 20% as presented through the Minerals Local Plan Review Topic Paper: Policy S6 2022: Provision for Sand and Gravel Extraction, 2022, which supported the informal engagement to which this paper responds. The uplift of 20% was intended to imbue the Plan with a degree of flexibility to respond to fluctuations in market demand. Based on the data available at the time, this would have resulted in a new plan provision of 3.74mtpa and therefore a provision rate below that currently adopted. There was surprise that the MWPA was seeking to move away from its position of continuing to use the National and Sub National Guidelines for aggregate provision 2005-2020 and therefore retain its allocated apportionment of 4.31mtpa as expressed just a year ago<sup>14</sup>, despite there being recognition that future sales may rise following the Covid 19 pandemic.
- 1.52 It was further noted through representation that ECC MWPA currently holds the Chair of the East of England Aggregate Working Party and will therefore be aware that the Department of Levelling Up, Housing and Communities (DLUHC) are actively looking at renewing the Guidelines and that the most recent iteration of the NPPF still refers to the Guidelines. Reference was made to comments sent by the same representee through the Regulation 18 Consultation, March – April 2021 in relation to the Rationale Report 2021 which recognised that sales are increasing. This fact along with the acknowledged significant increase in house numbers looking forward, and infrastructure builds, suggested that the previously advocated approach to retain the current rate of Plan provision taken by Essex was sensible to ensure a steady and adequate supply of aggregate. It was accepted through the representation that mineral planning authorities are in a difficult position with the current Guidelines being out of date, but notwithstanding the comprehensive analysis in the topic paper, the respondent was not convinced that a good reason has been put forward to move away from the guideline figure for Essex. Other representations echoed these comments,

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<sup>14</sup> As set out through the Regulation 18 Consultation, March – April 2021

stating that there was not a need to depart from the current apportionment rate<sup>15</sup> given the increasing trend for sales in the county. It was considered that the Topic Paper: Policy S6 2022 does not justify a deviation on the position that the MWPA was taking a year ago which was to retain the apportionment figure as set out in the Rationale Report 2021. Whilst representations accepted that the national guidelines only ran until 2021, and there have been no further figures produced or guidance offered by government, it was not accepted that this is was therefore a reflection that the approach from government is no longer supported.

- 1.53 The MWPA accepts that the proposed intention to move away from the apportionment of 4.31mtpa as derived from the National and Sub-National guidelines for aggregate provision 2005 – 2020, is a change in approach to that set out in consultation material which supported the Regulation 18 Consultation, March – April 2021.
- 1.54 In the Rationale Report 2021 which supported the Regulation 18 consultation in April 2021, it was stated at Paragraph 4.136 that *'In light of the Government's continued support for the current Guidelines implied by their continued inclusion in the NPPF, even though they have now expired, and the intention to review the approach to guidelines and provision forecasts in the future, it would seem inappropriate to revise the current apportionment set out in the MLP when the forecasting methodology set out in the NPPF has already been acknowledged as being under consideration for revision.'* It is important to note that the stance reflected a time when it was not proposed to carry out a Call for Sites as part of the current Review and as such for plan making purposes the plan provision rate was not going to set a long-term future strategic approach, not least as it was also not intended to amend the Plan period from 2029 to 2040.
- 1.55 This issue was picked up in the MLP Review Topic Paper: Policy S6 2022: Provision for Sand and Gravel Extraction 2022, which informed the informal engagement to which the representations set out in this Response Paper relate. At Paragraph 1.66 of that document, it is stated that *'as of November 2021, it remains the case that no new Guidelines have been put in place. Just as crucially, and as noted through the Regulation 18 consultation<sup>16</sup>, there has been no indication that the figures in the expired Guidelines are to be 'rolled forward' or re-issued, despite there having been ample opportunity to do so.'*
- 1.56 At the time of writing in August 2022, the 2005 – 2020 Guidelines have still not been replaced, and with the intention to re-base the Plan between the dates of 2025 – 2040, the latest Guidelines are now considered to be increasingly inappropriate as a basis for future mineral provision. Whilst the MWPA acknowledges that the PPG still refers to the Guidelines, these are only ever referred to as an indicator or guideline of need, with the basis of need being that derived through the Local Aggregate Assessment which itself is subject to the

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<sup>15</sup> Current apportionment rate is 4.31mtpa, the Informal Engagement suggested a revised mineral provision rate of ten-year rolling sales plus 20%, which at the time of the consultation would have equated to 3.74mtpa.

<sup>16</sup> March – April 2021

provisions of the NPPF. A calculation of need must be ‘supported by robust evidence and be properly justified, having regard to local and national need’ (PPG Ref Paragraph: 070 Reference ID: 27-070-20140306). The robustness of the Guidelines as an indicator of local need are considered to decrease as the time since their expiry increases. Further, the NPPF refers to ‘Guidelines’ in a general sense rather than a specific set of Guidelines. With the last set of Guidelines having expired, they can no longer be considered to be extant.

- 1.57 The MWPA also accepts that references to Guidelines remain in the NPPF and confirms that it is aware that DLUHC are actively looking at renewing the Guidelines. The MWPA will factor any new Guideline figures into any future plan provision figures should they become available during the Plan making process. Until such a time, the MWPA will re-calculate mineral need on the basis of the methodology set out in the NPPF for the revised Plan period. The MWPA will revise its evidence, including that based on growth projections, and consult on this figure at the next Regulation 18 stage expected in 2023. Should new Guidelines be issued after plan production, these will factor into annual monitoring and a future Review.
- 1.58 Through the informal engagement, it was also stated that the NPPF continues to seek to ensure ‘plans are flexible enough to respond to change’, there is emphasis on the essentiality of ‘sufficient supply’ and in determining applications, ‘great weight’ is to be given ‘to the benefits of mineral extraction including to the economy’. In ascertaining anticipated demand requirements, it was noted that the MWPA must ‘forecast future demand’.
- 1.59 It was also stated that the NPPF has been through iterations in the knowledge that the current Guidelines had an end date of 2021<sup>17</sup>, but nevertheless, reference to the Guidelines remains in NPPF. In addition, the Rationale report of 2021 justified the use of the national guideline figures because of rising sales (pre-effects of the pandemic) and the extent of housing and infrastructure growth that is to be provided. The ‘other local relevant information’ has not changed since consultation on the rationale document in 2021.
- 1.60 The MWPA clarifies that the NPPF refers to the use of ‘any published National and Sub-National Guidelines’<sup>18</sup> rather than the explicit use of a specific set and does not agree that moving away from the last set of Guidelines means that the MWPA is moving away from the above stated NPPF requirements by not forecasting future demand. The NPPF is clear that a rolling average of the last ten-year sales is to now be taken as the basis for future mineral provision, before factoring in local evidence. It is the factoring in of local evidence, which includes an assessment of future planned growth rates, which assists in determining the need or otherwise for a proportional uplift in the ten-year sales average. This proportional uplift is what creates plan flexibility and consequently contributes to a supply of aggregates that equates to being steady and adequate as required by NPPF Paragraph 213. It was proposed that this uplift be 20% in previous

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<sup>17</sup> Latest set of National Guidelines expired in 2020.

<sup>18</sup> NPPF Para 213d



consultation material, and an appropriate proportional uplift will be recalculated as part of re-basing the Plan to 2040. With respect to the stated Guidelines, and putting aside whether the expired Guidelines should be considered extant or otherwise, the NPPF is clear that these are now only to be used as a guideline, and not the basis for mineral provision. With a new Plan intended to be adopted in 2025, five years after the end-date of the current Guidelines, the NPPF do not consider these to be a sufficiently robust guideline.

- 1.61 The same representation stated that using the end date of the latest guidelines to justify less reserves to be allocated and a consequential arithmetic increase in the landbank is not 'positive plan preparation'. Reference was also made to Paragraph 1.74 of the Topic Paper: Policy S6 2022. Whilst the MWPA accepts that the opening statement of that paragraph<sup>19</sup> is a planning judgement and has not been explicitly stated by Government, the MWPA considers that the remainder of the paragraph, as set out below, is still appropriate.

*'A future Plan provision figure will be used to determine the amount of sand and gravel that needs to be sourced from additional site allocations. This elevates the importance of giving additional scrutiny to the plan provision figure now that it is concluded that additional sites are required. Through the earlier stage of the Review, it was considered that no new allocations were required to be made as part of this review period and therefore the plan provision figure was used to calculate the existing landbank for reporting purposes but had little other practical application provided supply didn't drop below seven years. Now that the plan provision figure is to be directly used to determine and justify an amount of sand and gravel to be allocated, and the underlying document upon which the 4.31mtpa figure was derived has expired, it is considered that the MWPA is required to calculate a revised plan provision figure. The methodology for doing so is set out in NPPF Paragraph 213.'*

- 1.62 As such, the MWPA is not using the end date of the latest guidelines to justify less reserves to be allocated, rather it is using a rolling ten-year sales average as the basis of mineral provision, as required by the NPPF, before considering other relevant information. Mineral provision guidelines that would have expired five years after the anticipated adoption of the MLP are not considered to be a robust platform upon which to base mineral provision. It is noted that the MWPA previously consulted on the principle of increasing the ten-year average by 20% to ensure flexibility in light of projected increases in future growth rates. How this was derived is set out in Topic Paper: Policy S6 2022. It is also noted that the current Essex apportionment value of 4.31mtpa was not reached across the 10-year period required to be assessed by the NPPF, with the highest number of sales recorded in a year, at 4.13mt, being an outlier. Through Topic Paper: Policy S6 2022, it can be seen that 3.31-3.42mtpa is a more reflective sales rate, with

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<sup>19</sup> "...with Government support no longer in place for the current set of National and sub-national Guidelines, the MWPA considers that they can no longer be used as an indicator or justifier of mineral need."

sales dropping below 3mt in three of the previous ten years, although this is considered to be a suppression of real demand due to other economic influences including the pandemic and Brexit.

- 1.63 It was also stated through the engagement that it was not considered that an approach using the national guidelines will result in an early call for sites as the 7-year supply is eroded, as set out in Paragraph 1.68 of the Topic Paper: Policy S6 2022). It would simply ensure that the overall provision to be made in the current review is set high enough to accommodate flexibility to respond to change and the projected increase in demand anticipated by the Rationale Report 2021. It was further stated that allocations to meet that demand within the Plan provide the certainty to residents on where mineral extraction will happen over the course of the Plan period. By the same token operators require allocations within the Plan to provide the secure framework by which sites can be brought forward as Planning Applications.
- 1.64 The MWPA notes that the point of view expressed in Paragraph 1.68 of the Topic Paper: Policy S6 2022 was that of a respondent rather than being reflective of the views of the MWPA. Whilst it is recognised that allocating land for mineral extraction based on increasing levels of provision will increase flexibility for operators, it acts to reduce certainty with regards to where sites may come forward over the Plan period, including whether they come forward in the plan period at all, as well as potentially timescales associated with their working and restoration. The role of the MWPA is to ensure a steady and adequate supply of aggregates and to accommodate land on the basis of that need. Closely matching provision with need would create the most certainty in terms of where mineral sites will come forward as essentially all the allocated mineral would be required over the Plan period. The need for flexibility above that figure is as much to do with ensuring a Plan-led system can be maintained by being able to accommodate an increase in sales above that forecasted as it provides flexibility for the market. Further, allocating demonstrably above need at this juncture, when accommodating the need for flexibility, may also reduce the ability to respond to new, more sustainable opportunities for mineral extraction in the future.
- 1.65 Following the decision to rebase the MLP to 2040, a re-quantification of Plan need will now be reassessed as part of a future Topic Paper on mineral provision.

Issues with regards to Table 1 of the Topic Paper: Policy S6 2022<sup>20</sup> and Table 3 of the Rationale Report, 2001<sup>21</sup>

- 1.66 A representation was received which disputed the approach or conclusions drawn with regards to Table 1 of the Topic Paper: Policy S6 2022. This table

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<sup>20</sup> : Comparison of Essex Sand and Gravel Landbank Remaining 2020 – 2029 under Different Provision Scenarios, Assuming Sales of 4.31mtpa, July 2021

<sup>21</sup> Comparison of Essex Sand and Gravel Landbank Remaining 2018 – 2029 under Different Provision Scenarios, Assuming Sales of 4.31mtpa, October 2019

offered a comparison of theoretical Essex sand and gravel landbank levels remaining up to the then end of the Plan period in 2029 under different provision scenarios, Assuming sales of sand and gravel at 4.31mtpa. The provision scenarios related to whether one should include the mineral contribution from permitted sites only, or a combination of permitted, pending, allocated Preferred Sites where planning applications had not yet come forward and allocated Reserve Sites where planning applications had not come forward. A further representation was received with respect to Table 3 in the Rationale Report 2021 which was similar in nature albeit produced earlier.

- 1.67 It is noted that it is now intended to re-base the MLP to 2040 and to support this process with two Call for Sites exercises. As such a new evidence paper will be required which will set out the need for allocations for primary aggregate over the period 2025 – 2040. There is therefore not considered to be merit in setting out the detail of these representations in the main body of this report as they relate to a now superseded approach, although the representations and responses are provided in the appendix.

#### The need for the planning system to balance social, environmental and economic issues

- 1.68 The MWPA notes that to ensure a Plan-led system, and to provide certainty to local communities, allocations need to be made on the basis of mineral need, as far as is possible, to ensure that allocations are needed in the Plan period and will therefore be worked and restored as originally envisaged at the point of allocation. Making too low a provision will essentially be allowing for applications to be permitted on land that is not allocated, which cannot be said to provide communities with assurance as to where mineral development is going to occur which is, in part, why there must be a clear, over-riding justification or benefit for that extraction to take place. Further, designating Preferred Sites above the required need also cannot be said to provide communities with assurance as to when and where mineral development is going to occur as allocations may sit undelivered for long periods of time. Such over-allocation may also impact on active mineral supply elsewhere and potentially extend the social and environmental impacts felt in areas with active quarries, as a consequence of lower rates of sale at individual sites and subsequent delays to restoration schemes.
- 1.69 Paragraph 1.86 of the Topic Paper: Policy S6 2022 sets out the above point in relation to over-allocating, stating that ‘it is also the case that the apportionment must be appropriately set such that it isn’t unnecessarily high as this will potentially translate into a larger number of allocations being made than is necessary, which may lead to the working of mineral in less sustainable locations than what would have been achieved with a lower plan apportionment figure, whilst also creating uncertainty as to when and where these allocations will come forward as they are not all necessarily required over the plan period.’ It was however stated in a representation that should allocations of reserves substantially exceed the future demand for sand and gravel over the remaining

plan period, then the price mechanism and market forces will act to ensure that minerals are won and sold from sites which are the most competitive and economically sustainable. By virtue of the cost of overburden movement, and haulage costs from sites distant to markets, this will also see minerals worked at the most environmentally sustainable locations. The most sustainable locations for mineral supply throughout the County will evolve over the course of the plan period as demand shifts spatially around the County over time in line with construction activity in different areas. Through representation it was also considered that the allocation of sites, even if that is above the requirement generated by sales averages, does provide assurance to the local community on where, 'in principle', mineral development may be acceptable.

- 1.70 However, whilst the MWPA notes the points in relation to the commercial benefits of over-allocation, the MWPA is specifically required to make provision for a steady and adequate supply of aggregates on the basis of a mineral provision methodology set out in the NPPF. Whilst Practice Guidance is clear that 'there is no maximum landbank level and each application for minerals extraction must be considered on its own merits' (Paragraph: 084 Reference ID: 27-084-20140306), landuse planning is a balance between economic, environmental and social concerns. Whilst there is a requirement for local plans, including the MLP, to be flexible and therefore be able to accommodate increases in demand over a plan period, where allocations are made, it is important that there is reasonable certainty that they will come forward and be worked within the time frames originally envisaged i.e. within the plan period, based on a quantified need for those allocations over the same plan period. This avoids issues of planning blight that may occur through over-allocation and provides certainty to local communities over where and when mineral development is expected to take place, including the delivery of any after-uses which provide added value to the communities hosting the extraction sites. Allocating on the basis of need at any given moment also allows future opportunities to be more readily taken as they arise, rather than over-allocate at a single point in time and allocate sites that may be less sustainable and unable to take account of spatial changes in growth over time. With regards to the spatial shifting of mineral demand, the MWPA notes that any allocation strategy will need to ensure that allocations are geographically dispersed such that they can meet the needs of different areas of the County to the extent that the distribution of resources allows.
- 1.71 The MWPA notes that over-allocation allows the market to be flexible in following the patterns of demand around the County to minimise haulage distances in relation to sources of supply local to demand at a given time. It is however reiterated that landuse planning is a balance between a significant number of economic, environmental and social concerns. A representation stated that failing to identify reserves substantially over and above forecasted demand was to undermine the working of market forces to deliver sustainable aggregates supplies both environmentally and financially. The wording of Paragraph 1.86 of the Topic Paper: Policy S6 2022 seems to suggest that the MWPA regards allocated sites not coming forward as detrimental to the plan or in some sense a "failure" on their part to allocate appropriately whereas in reality this is merely the

market working to leave reserves in the ground which, at that point in time, are not economic to work compared to alternative sources of supply. The rationing effect on supplies of failing to allocate adequate sites over and above expected demand imposes hidden costs on the construction industry by compelling them to source aggregates from sites which, whilst being deemed suitable at the time of allocation but, owing to changes in circumstances in the intervening period, might not represent the most suitable potential future sources of supply.

- 1.72 The MWPA agrees that it is required to assess and forecast expected demand over the plan period at a single point in time. However, forecasted demand is then compared annually to actual demand through tracking sales against the remaining provision made within the Plan. Should actual demand be demonstrably above the demand that the Plan makes provision for, the MWPA can elect to review its plan at any point, and increase the allocations made within the Plan.
- 1.73 With regards to Paragraph 1.86 of the Topic Paper: Policy S6 2022 and the notion that allocated sites not coming forward indicates a 'failure', this is not an intended inference and is not agreed with. As stated with regards to over-allocation, Paragraph 1.86 sets out that over-allocation may lead to the working of mineral in less sustainable locations<sup>22</sup> than what would have been achieved with a lower plan apportionment figure leading to the need to make less allocations in the first instance such that only the most sustainable sites are allocated. Over-allocation also acts to increase uncertainty as to when and where these allocations will come forward as they are not all necessarily required over the plan period. Making allocations on the basis of need rather than deliberately over-allocating means that additional allocations through Call for Site submissions can be considered more regularly and potentially assist in allocations being made on the basis of known future locational needs for the mineral as projections aren't being made as far ahead. Whilst there are clear and obvious economic benefits for over-allocation with respect to increasing market flexibility and choice, the role of the MWPA is also to ensure that the total suite of allocations made at a point of time is as reflective of the future spatial need for the mineral across the County as possible, within a defined time period, whilst taking into account, through a site assessment methodology, the potential impacts of working the mineral on the local natural, historic and built environment, including the impact on local residents. The MWPA is required to ensure that the impacts of working can be mitigated, that mineral is worked, and that restoration and aftercare are all carried out to high environmental standards at the earliest opportunity. A proliferation of sites may act to reduce the rate of sales at any given site, meaning that its impacts are felt for longer.

The impacts of incorporating 2019 and 2020 sales data into a calculation of future provision is not justified due to the pandemic

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<sup>22</sup> To clarify, this could mean in environmentally, economically, socially or a combination of all three.

- 1.74 The NPPF requires that the rate of mineral provision is based, in the first instance, on a rolling average of ten-year sales for that mineral which is then supplemented by other local information and trend analysis.
- 1.75 A representation to the informal engagement supported the start point of the review being based on an average of the ten-year sales figure subject to taking into account the financial crash and its' aftermath in 2008-2013, and the more recent effects of the covid pandemic. Support was given to the MWPA's recognition that events can have the artificial effect of suppressing sales and output in certain parts of the plan period. Concerns were however raised with regards to more detailed aspects of the proposed approach to calculating future provision.
- 1.76 Whilst the assessment of the 2015-2018 figures as being representative of "normal" sales figures for Essex was supported, as set out in the Topic Paper: Policy S6 2022, it was considered that the buffer of 20% above ten-year rolling sales that is being proposed to be applied is inadequate. It was suggested that a 25% or 30% buffer over and above the ten-year rolling sales average would be much more appropriate and result in a more realistic and positive figure on which to base site allocations, being either 15% or 18% above the 2015-2018 sales figures respectively. These buffers were stated as being a more appropriate basis for sound and positive planning than the 11% buffer on those years that would be the result of the proposal to use the +20% buffer on the ten-year average. This value of 11% was not considered to provide sufficient headroom to allow for ordinary annual fluctuations and growth in the market.
- 1.77 On a similar theme, the representation further stated that the ten-year average sales figure is flawed in that it encompasses the effects of two extremely rare demand shocks (being the pandemic and the aftermath of the global financial crisis in 2008/2009). As such, the +20% provision figure of 3.74Mtpa is unlikely to achieve the objective of this review of achieving an NPPF compliant seven-year landbank at the end of the current plan period, owing to likely strong demand from sustained increases in housebuilding, commercial development and infrastructure projects within the County in the intervening period which will consume the landbank at a faster than anticipated rate. It was stated that this is reflected in the underlying increase in sales across the 10-year period assessed, namely 2011-2021.
- 1.78 The MWPA notes the support for the identification of the period 2015–2018 as representing a 'normal' stable period of sales. The MWPA agrees that a straight ten-year average sales figure as being the sole basis for aggregate provision would be flawed in that it encompasses the effects of two market suppression events. With regards to whether a 25% or 30% buffer over and above the ten-year sales would be a more appropriate buffer to ensure a steady and adequate supply of aggregates rather than the 20% the MWPA currently proposes, the issues raised, including the comparative with the 2015–2018 figures, are noted. From a consideration of the last ten-year sales however, it can be seen that the previously proposed figure of 3.74mtpa would exceed each of the ten sale years other than for one, with that one year considered to be an outlier in the sequence

and not reflective of normal need. As such, there would have only been one year of deficit, with the actual landbank essentially increasing relative to the forecasted landbank in nine of the ten years. At the end of the ten-year period, 2011–2020, a saving of 6.2mt, or 1.66 years of sand and gravel would have been made at a provision rate of 3.74mtpa. The need and extent of any proposed proportional uplift from the ten-year sales average will be re-calculated following the decision to re-base the Plan to 2040, and this will factor in the latest aggregate sales and growth projections.

- 1.79 It was further stated through the engagement that in respect of the ability to maintain the seven-year landbank, sales data for 2019 and 2020 has been acknowledged by the MWPA as being unrepresentative of run rate demand due to issues in data collection for 2019 (with industry responses being affected by furlough in 2020) and with 2020 (and also 2021) sales figures being lower than a reflection of true demand due to being in the heart of the COVID pandemic. The representation states that the pandemic is a once in a century event and therefore the sales figures for these two years should be excluded from supply planning. This would have a marked effect on trends and be more in keeping with the long-term increase in sales/ capacity indicated over the ten-year period, that is noted elsewhere in the consultation documents. The representation was summarised by expressing the opinion that basing decision making when including data from 2019 and 2020 is not justified as it is not based on representative evidence.
- 1.80 Whilst the MWPA agrees that sales data collection in 2020 was hampered by mineral staff being on furlough, and that actual sales for 2020 and potentially 2021 were suppressed by the pandemic, it is noted that the NPPF does not explicitly enable the exclusion of sales data in its forecasting methodology. That said, when it comes to preparing evidence in relation to setting a new sand and gravel annual plan provision figure, the MWPA will continue to assess both whether sales data is a true reflection of need over their representative period, and whether an average of historic sales figures will meet future demand. On that basis, the MWPA will not be specifically 'excluding' historic figures from its future needs analysis but will be considering them in context based on local information and attributing weight accordingly. A proportional uplift, as consulted on through the informal engagement, is considered to be the most efficient way of achieving this. Whilst the MWPA could attempt to select some years in a given period as being more reflective of need, reject others for not, and amend any proportional uplift accordingly, this is not expressly supported within the NPPF and is therefore not considered to be a justified approach.
- 1.81 Further with respect to the assessment of the previous ten-year rolling sales average being used as a basis for future mineral provision, it was noted through a representation that caution should be further applied to utilising the average sales figure for planning purposes given that the years 2011 and 2012 reflect the aftermath (and subsequent austerity) resulting from the historically unprecedented global financial crisis of 2008/2009. The MWPA notes the point made. As part of changes to the plan making timetable as a result of re-basing

the Plan to 2040, a revised 10-year time period in any event will be used as the basis for the future assessment on mineral provision. As stated above, factors influencing the rate of provision on any given year will be considered as part of the requirement to consider 'other relevant local information' when defining the annual provision rate of mineral as required by NPPF Paragraph 213a. However, it should also be noted that ten year rolling sales averages are used to calculate future mineral provision as they are intended to reflect a period of time, or an economic cycle, where there will be periods of higher and lower output. The key issue for the MWPA is setting mineral provision at such a rate that the Plan can accommodate any additional increases without the need for an unplanned early review.

### Calculating future mineral provision needs to consider Nationally Significant Infrastructure Projects (NSIP) and commercial projects, not just housing

- 1.82 Paragraph 3.4 of the 'Other Relevant Local Information to Justify Aggregate Provision in Essex 2012-2029, 2021' report states that '*Growth is expected to be driven by private housing, (the largest subsector in the region) with some additional support from public sector construction in the housing and non-housing subsectors.*' This was referred to in Paragraph 1.61 of the Topic Paper: Policy S6 2022, with Paragraph 1.62 noting that major infrastructure projects are also a significant consumer of aggregates. A representation was received stating that whilst appropriate reference has been made to the supply of aggregates to housing and Nationally Significant Infrastructure Projects (NSIP), there is no apparent reference to serving the needs of the delivery of built commercial development required to support sustainable economic growth in the employment sector in the plan period.
- 1.83 The MWPA notes that the examples given through the Topic Paper were highlighted to recognise that the rate of development is forecasted to increase relative to historic rates, not least given that the current rate of development has been suppressed due to the pandemic. This was information that was being used by the MWPA qualitatively to justify a percentage uplift above the standard 10-year average rolling sales rate that the NPPF sets out as being the basis for mineral provision. That said, the references raised in the representation is considered to be valid and the need for housing delivery to be accompanied by supporting commercial development to create a sustainable economy is recognised.
- 1.84 It was further started through the representation that Paragraphs 1.56 and 1.62 of the Topic Paper: Policy S6 2022 may want to list in full the range of NSIPs that could be in place in the plan period. It was questioned why the A12 Boreham to A120 widening scheme had not been identified, when it has such a close bearing to the corridor of sand and gravel in that part of Essex. It was considered that the likely needs of this project should be considered seeing as this Nationally Significant Infrastructure Scheme is expected to be constructed during the current plan period. The path of this project passes through an area of known mineral reserves and additional allocations to support its' construction should be



considered accordingly. It was also noted that other infrastructure schemes mentioned such as Bradwell B power station are far less advanced than the A12 scheme which further warrants its inclusion for mineral planning purposes.

- 1.85 The MWPA clarifies that the Topic Paper: Policy S6 2022 was not attempting to provide a full list of NSIPs, nor use any partial list to set out a justification for a future annual mineral provision rate. Paragraph 1.56 of the Topic Paper highlights two NSIPs to make the point that there are a number of proximate NSIPs planned which could create a significant increase in demand which the MLP will need to respond to.
- 1.86 With respect to Paragraph 1.62, this was making reference to a specific briefing paper in relation to the Lower Thames Crossing NSIP. The briefing paper was highlighted to demonstrate that it is not possible to specifically quantify the impact that major infrastructure projects will have on local mineral supply as where minerals for projects are eventually obtained from are matters for the mineral supply market and not matters that an MWPA can control.
- 1.87 With regards to mineral supply for NSIPs, the representation stated that the absence of nearby wharves or sites with suitable access to other transport modes (unlike the Lower Thames Crossing) suggests that terrestrial aggregates supply will be key to the delivery of some major infrastructure projects in Essex, such as the A12 scheme. The representation accepted that the MWPA recognises that an increase in development locally will likely result in an increase in local mineral need, even if that increase cannot be quantified. The MWPA additionally notes that with NSIPs not being required to complete Supply Audits, listing all proximate infrastructure projects as the representation suggests will actually be of limited value to quantifying mineral need, but a future provision paper justifying the plan provision to be made in the MLP will nonetheless scope those projects to be delivered in the Plan period, as their intended future provision would be justification to ensure that the most recent period of suppressed sales should not significantly influence future mineral provision. A full list will also avoid any unintentional inferences being made behind the inclusion of a project or otherwise. Such a list is already prepared for the annual Greater Essex Local Aggregate Assessment.

Whether it is appropriate to re-allocate sites in the existing MLP that have yet to come forward to contribute to the need for mineral across the new Plan period.

- 1.88 Through documents associated with the informal engagement, potential respondents were explicitly asked whether they agreed or disagreed that the need for any additional site allocations for sand and gravel extraction should be based on Scenario 4 of the accompanying Topic Paper<sup>23</sup>, which was that all allocations already adopted in the existing MLP should continue to count towards reducing the future need requirement for sand and gravel, which would include sites pending determination as well as Preferred and Reserve Site allocations in the adopted MLP where applications have not yet come forward. As of August

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<sup>23</sup> Minerals Local Plan Review Topic Paper Policy S6: Provision for Sand and Gravel Extraction, 2022

2022, this would be to continue to assume the delivery of Sites A6, A22, A23, A31 and part of A40.

- 1.89 A number of representations expressed disagreement with this approach. One representation stated that whilst it is normal and reasonable to expect that permissions for extensions will be sought to enable the continued working at a site once existing reserves are exhausted, the currently allocated sites which are yet to be granted consent and, it was stated, are very unlikely to come forward should therefore not contribute to consideration of supply in the plan period. It was noted in the representation that there has now been some eight years since the adoption of the current MLP and where sites which are not extensions have not come forward in this period, it was suggested that it would be unlikely that they will now do so. It was considered that the MWPA should plan for a scenario where these sites do not come into production during the plan period and allocate additional reserves accordingly. Should they eventually come forwards then it was considered that they would serve to further reinforce the landbank.
- 1.90 A further representation stated that the Topic Paper: Policy S6 2022 is contradictory in acknowledging that the current allocations and reserve sites may not make a contribution within the Plan and extended landbank period (para 1.122), but it then argues that it is nonetheless appropriate to include the yield from these sites in the calculation of future requirements, and hence the modest requirement derived from 'scenario 4'. This was not considered to be an appropriate approach. It was argued that the current allocations and reserve sites need to be re-promoted as candidate sites and re-evaluated against the candidate site selection methodology, and that it is incorrect for the MWPA to simply assume that these sites will score more favourably than other sites yet to be promoted, and which have not yet been assessed. It was further stated that the Review needs to adopt 'scenario 2<sup>24</sup>' as a base position for calculating future requirements. Other representations noted the need for the MWPA to proactively contact site promoters of undelivered allocations to ensure that interest was maintained in their delivery.
- 1.91 The MWPA does not consider that there is a contradiction in the stated approach. Paragraph 1.122 of Topic Paper: Policy S6 2022 is a quote from a representation received through the Regulation 18 Consultation April 2021 and therefore does not represent the views of the MWPA. The MWPA notes that with respect to the appropriateness of using Scenario 4, it is accepted that this Scenario imbues the process with the greatest level of risk as it assumes the delivery of all remaining allocation in the MLP. At Paragraph 1.123, the MWPA acknowledges '*the wider point of potentially being over-reliant on allocations that have yet to come forward and whose availability is otherwise contingent on other extraction taking place. It is accepted that three of the five allocations which have yet to come forward are extensions to existing sites which could impact on their ability to come forward.*' It is noted that the representation highlighted above considered that extensions were more likely to come forward, when the parent

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<sup>24</sup> Including only the permitted landbank and the contribution of sites pending consideration ie no reliance placed on allocations where no planning application has been received.

site has been exhausted, rather than a new site coming forward. On this matter, the MWPA notes that the key issue is whether a site, extension or otherwise, is capable of being worked within the Plan period, so the increased likelihood of an extension being worked is secondary to whether it can come forward in the Plan period.

- 1.92 Whether extension or otherwise, at this point of the Review it is not agreed that those sites remaining in the Plan are ‘very unlikely to come forward’ as suggested through the representation, although it is accepted that this was in the context of a Plan end date of 2029. As set out in Paragraph 1.124 of Topic Paper S6, ‘Operators of sites allocated in the MLP which have yet to come forward as a planning application have been contacted throughout the Plan Review, with the latest confirmation of intention to work in the Plan period secured prior to consultation being undertaken in March – April 2021 at the Regulation 18 stage’. It is further noted in the Topic Paper that with the MLP expiring in 2029 as then intended, it is not considered surprising that some allocations in the Plan have not come forward at the point of writing that paper in 2021.
- 1.93 However, following the decision to re-base the MLP to 2040 and allocate sites across this period based on a new selection strategy, allocations in the adopted MLP that have yet to come forward will be put through the same site assessment exercise as all new sites received through the two Call for Sites exercises that are supporting the MLP Review to assess their continued appropriateness for re-allocation. As part of that process, re-confirmation of the intention to deliver the sites within the revised Plan period will also be sought. The pro-forma supporting the previous Call for Sites asks ‘Is there confirmed mineral operator interest in working the site?’ and ‘Please provide evidence that the landowner is aware of, and supports, this submission in response to the ‘Call for Sites’ for the Essex Minerals Local Plan Review’. These questions are proposed to be retained for the second Call for Sites pro-forma, and this pro-forma will also be required to be completed by promoters with existing allocations in the current MLP to aid in demonstrating an interest in deliverability.
- 1.94 As part of a sustainable approach to allocation, the MWPA notes that it should only allocate sites where there is confidence in their delivery, and that they will indeed contribute to the meeting of an assessed need. The revised MLP should not include sites where delivery is uncertain, and if they do come forward, as set out in the representation above, would act to ‘reinforce’ the landbank beyond what is quantified as being required over the Plan period. With the extension of the Plan to 2040, it is considered appropriate to re-assess all sites and therefore the provision strategy in terms of quantifying need is in effect now based on Scenario 2 as suggested by representation, as existing allocations are not proposed to be automatically included within the emerging iteration of the MLP.
- 1.95 A further representation noted that the Topic Paper: Policy S6 2022 is concerned that the allocation of too many sites would result in mineral extraction in less sustainable locations. The point was then made that without full consideration of all sites put forward it is not possible to conclude that the existing reserves sites are still the most appropriate and acceptable for future extraction. It was further

stated that although they were considered at the time of Plan adoption in 2014 to be acceptable, site circumstances and working from other sites may now indicate that there are other more appropriate, sustainable and deliverable areas of working. As previously stated, the MWPA now intends for all existing allocations to be re-assessed under the same methodology as all newly submitted candidate sites.

The importance of productive capacity and striking a balance between extensions and new sites in ensuring a steady and adequate supply of minerals

- 1.96 When allocating mineral sites to satisfy the quantified need for sand and gravel across the Plan period, there is also the requirement to understand the productive capacity at any one time. Productive capacity is the term given to the amount of mineral that can leave a mineral site, taking into account the rate of production and any restrictions that might be placed on a site through planning conditions, such as limiting the hours of working or the number of daily transport movements. Very broadly speaking, allocating more individual mineral sites means a potentially greater total productive capacity as it means more sites are capable of being worked at any one time versus a small number of sites and a multitude of extensions, where mineral within future extension sites cannot be worked until work has ceased at the parent site. There is also a need to understand productive capacity over the length of the Plan period. Sites are required throughout the Plan period, so if a range of sites are allocated that cannot start production until the back end of the Plan period, there may be mineral supply issues at the start of the Plan period.
- 1.97 One representation noted that whilst the Topic Paper: Policy S6 2022 supporting the informal engagement sets out commentary on productive capacity, it does not appear to identify a situation where there can be a change in productive capacity at existing sites. It was stated that this applies both currently and in future decision making. Reference was made to an existing operation at Colemans Farm that has an allocated run rate of 150,000 tpa under the 2014 MLP, which was the basis upon which the consent was initially granted. However, since the original grant of consent, increases in production capacity have been secured and this has demonstrated an ability to sell in excess of 225,000 tonnes per annum - some 50% higher than the original run rate.
- 1.98 The MWPA recognises that the annual productive capacity of a site may change due to successive planning applications made following an initial permission. It is considered that productive capacity at a site would be more likely to increase than decrease, which will not have an immediate negative impact on the ability to meet annual need as exists at the time. It is however recognised that increases in productive capacity may result in reserves being used up at a greater rate than the Plan originally makes provision for, though this is likely to be as a result of an increase in market demand for the mineral, and therefore sales, as a result of increases in the rate of growth and development. Mineral sales are assessed annually through the mineral survey and reported on through the AMR, and where sales exceed the plan provision rate, the MWPA will be aware of this and

will be able to consider the need for additional allocations through a further Plan review. As part of the current Plan Review, the MWPA will be required to quantify a new plan provision figure which will have the flexibility to allow the Plan to accommodate increases in demand.

- 1.99 It was further stated through the representation that in a forward planning context, developers may be able to increase their productive capacity at a given site in light of the security of additional allocations. A larger reserve allocation at a particular site would support the viability of investments to increase the productive capacity and the potential output of a given site. This is in supply terms, equivalent to, and in many ways advantageous to, the provision of additional productive capacity via equivalent greenfield allocations as associated impacts on noise, dust, transport, and visual impact can be more effectively mitigated at existing locations where management systems are established and proven effective.
- 1.100 The MWPA recognises that there are commercial reasons as to why site operators would value the allocation of numerous extensions or sites in proximity, including where such satellite sites can be served by centralised processing facilities of a scale greater than could be justified by smaller, unsupported sites. However, there is also a requirement for the MWPA to not over-allocate, consider the cumulative impact of allocating and working a number of sites in the same locality, ensuring that the spatial coverage of sites reflects need across the County so far as is possible and, as per NPPF Paragraph 213g, ensure that large landbanks bound up in very few sites do not stifle competition. It is considered that little weight can be given to the statement that the impacts of mineral working, including dust and noise, can be more effectively mitigated at existing locations where management systems are established and proven effective. Such management systems are often well understood and regularly implementable at new sites. Extensions can also bring working progressively closer to sensitive receptors which can make mitigation more problematic or existing processes no longer effective.
- 1.101 A further point brought up with regards to extensions was that there is a certainty of additional supply from existing sites whereas greenfield allocations typically take lengthy periods of time to come forwards (if at all) owing to the complexities inherent in quarry development, and/ or the availability of capital at any one time for prospective developers. The MWPA however notes that those sites allocated in the MLP that have not yet currently come forward as a planning application are a mix of extensions and new sites. It is further noted that extension sites have their own inherent delivery risks. The deliverability of extensions may, for example, be hindered by operations at the parent site not progressing as originally intended.
- 1.102 Through a representation, it was stated that there was a contradiction in the Topic Paper: Policy S6 2022. It was stated that the Paper accepts that productive capacity and the amount of mineral available in the Plan period will be considered as part of the site selection methodology (with references made to paragraphs 1.43, 1.45 and 1.48), but that this is inconsistent with the conclusion

that existing allocations and reserve sites will be carried forward, in effect, irrespective of the contribution their reserves will make during the Plan and landbank period. It was stated that this re-enforces the need for the existing allocations and reserve sites to be re-assessed both in terms of their land use merits compared to the new candidate sites to be promoted, and the real productive capacity contribution which they can make to requirements within the Plan and landbank period.

- 1.103 The MWPA again notes the importance of productive capacity with respect to the supply of minerals and site assessment process. The pro-forma that supported the first Call for Sites included the following question: 'Estimated potential annual output after processing (production rate, Mtpa) of mineral, if known, assuming no restrictions.' It is intended to preserve this question as part of the second Call for Sites pro-forma, which will also be sent to site promoters with currently undelivered allocations. This information will be used to quantify whether the total annual productive capacity of the schedule of preferred sites would equate to the identified annual need. It is accepted that future planning conditions may impact on that production rate, and that therefore actual productive capacity at a site may be lower, but as already pointed out in representation, productive capacities can be increased through amendments to extant planning permissions. In any event, at the allocation stage, any quantification of productive capacity will be an estimate due to the absence of sufficient detail that would be derived through a planning application.
- 1.104 There is therefore not considered to be any contradiction in approach. Any carrying forward of existing allocations that have yet to be delivered will be done so in the knowledge of their contribution to the total productive capacity and contribution to allocated reserves made through the new pool of allocations. Where any allocation, existing or otherwise, is part of an extension, the impact that this will make on total productive capacity will be acknowledged.
- 1.105 It is however also noted that the MWPA cannot require that a site begins operating at any one time and therefore the productive capacity as part of Plan making can only be considered to be indicative at the site allocation stage and this will be required to be monitored. In this regard, the MWPA will be reliant on industry submissions to annual surveys.
- 1.106 Another related issue raised through the informal engagement was that whilst it was noted that the current reserve site allocations had been through the previous site selection process, it was assumed that these sites became reserve sites as they were presumably those considered to be the least sustainable or deliverable option during the Plan period. It was further noted that whilst reserve sites promoted to allocations would numerically boost the flexibility in the Plan, in practical terms the sites are unlikely to be fully worked within the Plan and landbank period since they would represent extensions to existing sites which already have consented reserves. It was considered that it was not always the case that additional permitted reserves – particularly extensions – would increase sales. The benefit of extensions is continuity of production and existing sales, but this will be of no real value within the Plan and landbank period if existing sites

already have sufficient reserves to allow for production and sales within the Plan and landbank period. It is the contribution which extensions can make to real supplies which is the key.

- 1.107 The MWPA agrees with the points raised in terms of a reliance on extensions and notes that issues with regards to the likelihood of deliverability within the Plan period are no longer considered to be as relevant due to the intention to increase the Plan end date from 2029 to 2040.
- 1.108 It is further noted that the current iteration of the MLP includes a schedule of sites, split into 'Preferred Sites' and 'Reserve Sites'. It was the case that all allocations in the MLP were originally proposed as Preferred Sites in the pre-submission draft of the MLP which was submitted to the Planning Inspectorate for examination. The delineation was however recommended by the Inspector who conducted the Examination in Public of the MLP. This recommendation was made on the basis of a potential over-allocation of sites as a result of total provision being made on the basis of the apportionment figure derived from the Sub-National Guidelines (40.67mt) rather than the ten-year rolling sales value (29.13mt).
- 1.109 Paragraph 46 of the Inspectors Report in the Essex MLP states in relation to this issue that:
- “The appropriate solution is for the Plan to continue to identify sufficient new or extended sites for sand and gravel extraction in the order of 40.67mt but only to allocate Preferred Sites sufficient to yield an amount of sand and gravel close to the 29.13mt based on sales data. However, to allow for the possibility of economic recovery, and thus maintain an appropriate degree of flexibility, the Plan should identify further sites to bring the supply up to the full sub-regional apportionment, if need arises. This would be indicated by the landbank, based on permitted reserves compared with the full requirement of 4.31mtpa, falling below the requisite 7 years. This change is achieved by allocating Reserve Sites.”*
- 1.110 Sites A6 and A7, both part of Bradwell Quarry, Rivenhall Airfield were selected as Reserve Sites. This was not linked to their performance under the site selection methodology but the fact they were extensions to a larger mineral working and were planned to be worked in the latter stages of the MLP.
- 1.111 Of those allocations in the MLP that have not been subject to a planning application, three would in effect be extensions and two are standalone sites. Following the decision to re-base the MLP to 2040 and allocate sites across this period based on a new selection strategy, allocations in the adopted MLP that have yet to come forward will be put through the same site assessment exercise as all new sites received through the two Call for Sites exercises that are supporting the MLP Review to assess their continued appropriateness for re-allocation.
- 1.112 The issues raised in this response are considered to relate to ones of ensuring that it is recognised that over-reliance on site extensions has the potential to

reduce productive capacity across the County as other sites close as well as delaying the ability of the mineral locked within extensions being able to come forward as a planning application and subsequently add to the landbank until potentially the latter end of the Plan period when the parent site is exhausted. As set out above, the MWPA is aware of this issue and will address it through its future schedule of preferred sites.

The resistance to applications outside of preferred or reserve site allocations is not appropriate and there should instead be support for applications for extensions to existing operations as a means to increase plan flexibility.

- 1.113 A representation noted that increased sales can be assisted by an increase in operating units, but that this is currently stifled by the 'resistance' to applications outside of preferred or reserve site allocations, including applications for extension to existing operations. It was considered that the volume of planning applications and the delivery of the sites already allocated within the Plan period is a good indication of a buoyant aggregate market within Essex.
- 1.114 Representations were also received which sought to explicitly amend Policy S6 such that this resistance was removed. It was suggested that Policy S6 should be re-worded to allow for flexibility in the provision of additional sand and gravel resources. It was further stated that the criteria by which applications would be tested need to be less categoric and introduce an element of flexibility to support delivery including the circumstances by which non allocated sites would be acceptable.
- 1.115 The MWPA notes that Policy S6 of the MLP acts to ensure that future sand and gravel extraction is clearly focused on the Spatial Strategy and the identified Preferred Sites in this Plan, such that other proposals for sand and gravel extraction at locations situated outside of the areas identified for future working will normally be resisted by the MPA. A plan-led approach requires this resistance of working outside of preferred allocations unless there is an overriding justification or benefit.
- 1.116 Flexibility is recognised as important, and it is considered that this is already currently accommodated through Policy S6. Paragraph 3.98 of the MLP, which is supporting text to Policy S6, states that permitting extraction in non-allocated locations may however be appropriate if there is an 'over-riding justification', which could be a reducing landbank position due to market demand meaning that sales are outstripping the rate of Plan provision. It is currently considered that maintaining this approach is appropriate. It is intended to retain the opportunity for over-riding justifications and benefits to be presented in support of an application to extract on non-allocated sites. Other stated examples include borrow pits, agricultural reservoirs and prior extraction to prevent sterilisation. It is recognised that there could be a number of other circumstances that may lead to an over-riding benefit or justification, and therefore the list of what constitutes an over-riding benefit or justification is not intended to be an exclusive list. An amendment to the MLP is proposed to clarify this. Such applications on non-



allocated sites will however still be required to conform to the wider Development Plan, including where there are issues of cumulative impact.

- 1.117 The MWPA does not however consider that information about the individual commercial business need of a mineral operator to continue production at mineral extraction sites to be relevant or material to its decisions in respect of applications coming forward on non-allocated sites. This would not qualify as an over-riding benefit or justification in isolation. The need for mineral extraction is based first on the needs of the County for the mineral rather than the needs of a commercial operator.
- 1.118 It was also stated through representation that Policy S6 should demonstrate support for extensions to existing sites and to give confidence to industry that sufficient reserves of building sand will be provided for. However, the MWPA considers that there could be a number of reasons as to why an extension to an existing permitted sand and gravel site would not automatically be the most preferable means of accommodating any shortfall in the landbank compared to a new site. Therefore, where sites are submitted off-plan due to an identified shortfall in the landbank or other over-riding justification or benefit, it is considered that the MWPA must treat these on their individual merits and not give automatic preference to extensions. With regards to the need to allocate sufficient reserves of building sand specifically, please see the section of this Paper headed 'Ensuring that sufficient reserves of building/soft sand provision will have planning permission during the plan period'.
- 1.119 It was also noted through a representation that whilst the policy constraints of the NPPF were understood, there is little distinction in practical and/ or commercial terms as to whether additional allocated reserves are brought forward in one large site, or in several smaller sites provided that they are all deliverable and follow one another sequentially. It was considered that the proposed Policy S6 as it was drafted artificially excludes such sites or a strategy based on logical extensions of a more modest scale, at the expense of single, larger allocations. This was considered contradictory to the stated intention to allocate sites on their individual merits, as well as an approach incongruous with the relatively modest additional tonnage being sought for allocation by the Call for Sites exercise.
- 1.120 With the decision to rebase the MLP to 2040, the quantity of mineral required to be allocated will be more than that which would have been required to the previous Plan end date of 2029. The MWPA considers that Paragraph 1.139 of Topic Paper: Policy S6 2022 provides adequate explanation of the proposed approach at that point in the Review process, and this is repeated here as the general principles will still be required to guide site allocation in the emerging Plan, which are productive capacity and spatial distribution:
- 'In terms of this Review, additional site allocations are currently recognised as being required on the basis of there being a need to provide additional mineral within this Plan period. Being approximately half-way through the Plan period and noting that a number of allocations in the MLP that are yet to come forward are tied to the completion of*

*working at a parent extraction site, the MWPA recognises the need to ensure that any sites permitted for extraction through the current Call for Sites are capable of being commenced in the remainder of the Plan period, preserve spatial distribution and don't act to concentrate allocated mineral in a small number of large sites. This is not to preclude the allocation of extensions to existing sites. All sites will initially be assessed on their individual merits. However, and as set out in a number of representations, the MWPA is aware of the need to consider productive capacity as part of site allocation rather than focus purely on the numerical amount of mineral that is assessed as being required to be allocated to satisfy the remainder of the Plan period. This is not considered to be contrary to the Plan Strategy's focus on site extensions as throughout the Plan period there has demonstrably been a focus on site extensions as borne out in the total suite of allocations made.'*

- 1.121 The MWPA broadly accepts that there is little distinction in practical terms with regards to allocating a single large site or several smaller sites, provided that they are all capable of being permitted within the plan period and have been considered holistically in terms of working and restoration. Multiple extensions could however potentially require a sequence of individual planning applications which could increase the risk in their deliverability due to unforeseen circumstances.
- 1.122 Regarding the strategy of site allocation, the impact of smaller extensions would not be assessed any differently against the relevant site assessment criteria than if the individual extensions were assessed as a single site. As such it is considered that in both cases, the site(s) would be assessed on their individual merits no matter how they were submitted. It is however noted that where a single large site is sub-divided into multiple sections, each individual section may show less potential impact individually than if the site was assessed as a whole (subject to phasing and the resultant assessment of cumulative impact). The issue then is whether any individual impact is mitigatable or would act to make that particular section non-deliverable. This could be applied to both a sub-section and the site as a whole, where a sub-section with an impact not capable of being mitigated is either not allocated as an individual parcel, or is removed from the larger site with the remainder capable of allocation. It should also be noted that the selection of sites will take into account potential cumulative impacts which will be more of a consideration where several small sites are proposed and where these are working in tandem. However, if several small sites would cumulatively have the same lifespan as a single large site, then ongoing impacts, such as those related to transport to and from the site(s) would likely be assessed as the same assuming all else is equal.
- 1.123 At the allocation stage, as well as performance under the site assessment criteria, the MWPA must ensure an appropriate spatial distribution of sites, the maintenance of productive capacity and that allocations are capable of being delivered during the revised planning period. These considerations all feed into a site's relative merits. Without prejudice, and ahead of the completion of Call for

Sites exercises and the resulting interim site assessment results, relying on multiple chains of smaller extensions in increasing proportions of the total need relative to individual sites, may act to increasingly compromise maintaining an appropriate spatial distribution and productive capacity across the Plan period.

#### Providing greater clarity with regards to the lifetime of mineral workings

- 1.124 It was noted through representation that the active sand and gravel sites identified in Table 4 of the Topic Paper: Policy S6 2022 was helpful in illustrating the spatial distribution of operations and the number of different operators. It was however considered that it would be helpful if a clearer portrait of the life of mineral workings was included, which should include permission end dates. It was noted that there are only five operations with permission end dates beyond the current Plan period (2029), and that those active operations would not be able to sustain the annual production requirements of the County at the end of the Plan period themselves. In addition, it was noted that with respect to Colchester Quarry, additional reserves would be needed to maintain continuity in supply post 2024 and yet Table 4 indicates that these operations could take place until 2042.
- 1.125 A further representation provided feedback on Table 4, noting that Colemans Quarry is consented until 2036 but this was based on an original application to extract at a rate of 150,000tpa. It was stated that the planning permission has since been varied upwards to permit extraction at a rate of 225,000tpa and at the current rates of extraction, the site will exhaust its' reserves in 2028.
- 1.126 The MWPA notes that information used to inform Table 4 was taken from planning permission end dates as understood at the time of its compilation. Where the end date for Colchester Quarry is stated as 2042, this is likely to be due to the issuing of an Interim Development Order. Records will be updated accordingly. Whilst the MWPA will seek to understand when sites with the potential to be allocated in the revised MLP may begin and cease mineral production, the MWPA cannot specifically require that a site begins operating at any one time outside of timescales agreed through the planning application process, which would come after any allocation. Any timescales set out through the allocation process can only be indicative, non-binding and subject to market forces. Extraction and restoration completion dates will be required to be secured by planning permission, and future variations to planning permissions may act to lengthen or shorten those dates originally proposed, as in the Colemans Farm example. This serves to highlight the difficulty that the MWPA has when forecasting an appropriate spatial distribution of sites and being overly prescriptive around productive capacity. Table 4 and the associated Figure 2 were solely intended to indicate the reduction in active mineral sites from the base date of 2020 and the end of the current Plan period in 2029, thus providing a visual representation of the need for more allocations.
- 1.127 A further representation stated that as a village, Rayne has been concerned about the imposition of a 'Gravel Pit' on the village for over 12 years. Reference

was made to suffering a drawn out process with zero to minimal communication on those delays.

- 1.128 On this matter, the MWPA have no control over when a planning application may be submitted on an allocation made within the MLP 2014. The only control is that the allocation will expire either at the end of the plan period, or if the MLP is replaced earlier and the allocation is not carried through into a revised plan. Following the grant of planning permission, the permission is required to be implemented within three years of that grant otherwise the permission expires.

#### Bringing forward non-Preferred Sites under the auspices of the currently adopted MLP 2014

- 1.129 Through the informal engagement it was proposed that sites which are deliverable and are demonstrably likely to be brought forward to secure planning consent within the current plan period, though perhaps for working in the early stages of the next plan period, could be favoured equally alongside sites which are expected to enter production within the current plan period. This was considered to represent positive policymaking and provide contingency in the event that there is slippage in the timeline for the next plan process. It was noted that provided that allocations are brought forward to secure planning consent in the current plan period then these will support the MWPA's objective of achieving a 7 year landbank at the end of the current plan period and should not be discounted on the basis of expected production dates which, for promoted sites, are in any event estimates and could themselves move forwards or backwards in their commencement of production date depending on market conditions and each operator's particular and evolving circumstances (as indeed a number of sites have slipped in the current plan). Such an approach was considered to be consistent with Paragraph 213 of the NPPF, which states:- "Minerals planning authorities should plan for a steady and adequate supply of aggregates by.... F) maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised".
- 1.130 It was suggested that this could particularly be the case for proposed sites which are extensions to existing operations where such extensions would sustain the operations and productive capacity of sites with a proven sustainable means of operation, which might otherwise deplete just beyond the end of the current plan period. It was noted that such sites may have been considered as reserve sites under previous iterations of the plan, but it is understood that the MWPA are no longer carrying this type of site forwards.
- 1.131 The MWPA notes that with the decision being taken to revise the Plan period to 2040 and to make sufficient allocations on that basis, this statement is no longer considered to be as relevant to this stage of plan making as allocations will now have 15 years to come forward as opposed to four or five years. However, in general, where allocations are made, it is agreed that these are expected to be capable of being permitted in the Plan period as the allocation will expire when

the plan ceases to be the adopted version. Sand and gravel is added to the landbank at the point of planning permission being granted so there is not the expectation that all allocations would have completed extraction by the end of the Plan period or potentially even started. It is noted that Policy S6 already allows for non-allocated sites to come forward and gain permission for extraction when there is a demonstrable overriding justification or benefit for permission to be granted. One such justification would be if the non-allocated site would address a landbank below the NPPF required minimum of seven years.

- 1.132 With regards to extensions to existing operations to sustain mineral production at that site, the MWPA does not consider the individual commercial business need of a mineral operator to continue production at mineral extraction sites to be relevant or material to its decisions in respect of applications coming forward on non-allocated sites. The need for mineral extraction is based first on the needs of the County for the mineral rather than the needs of a commercial operator. There could also be a number of reasons why an extension to an existing permitted sand and gravel site would not automatically be the most preferable means of accommodating any shortfall in the landbank compared to a new site. Therefore, where sites are submitted off-plan due to an identified shortfall in the landbank or other over-riding justification or benefit, it is considered that the MWPA must treat these on their individual merits, on a case-by-case basis, and not give automatic preference to extensions.
- 1.133 Another representation stated that to continue the working of Colchester Quarry, where there is not an extension currently allocated, a planning application will need to be made before the end date of the current Plan. An application will be required to be submitted around 2024, with permission required by 2025. It was noted that this is before the Plan end date of 2029. Without an allocation, it was noted that the application would need to be tested against policy as a windfall site. It was subsequently stated that all future extensions to existing operations would be tested against Policy S6 where there is a firm presumption against, and therefore resistance to, sites – even sustainable extensions – outside of the preferred areas/allocations. The terminology and reference to resistance is not a positive strategy to support mineral development. It was also considered that this leaves an operator exposed to significant risk without any ‘in principle’ acceptable of working as an allocation.
- 1.134 As previously stated, the MWPA does not consider that information about the individual commercial business need of a mineral operator to continue production at a particular mineral extraction site to be relevant or material to its decisions in respect of applications coming forward on non-allocated sites. The need for mineral extraction is based on the needs of the County for the mineral rather than the needs of a commercial operator. Although the MLP Spatial Strategy does include ‘a focus on extending existing extraction sites with primary processing plant’, this is in the context of a site allocation process and there being an established forecasted mineral need in the County as a whole that requires future facilitation. This is not the same as an extension to fulfil an individual business need in the context of sufficient alternative sites having already been allocated to

service the needs of the County. Any submitted site would not be treated as a windfall, rather it would be assessed against the requirement to demonstrate that there is an overriding benefit or justification for why permission should be granted on land outside of allocations. Policy S6 is intended to be amended to set out those cases where mineral extraction outside of Preferred Sites will be supported by the MWPA rather than resisted such that the policy is written more positively, but it is still the case that an overriding benefit or justification will be required to be made.

How the intention to reduce annual mineral provision has still resulted in a call for additional sites

- 1.135 A representation was received through the informal engagement questioning a potential contradiction in the letter they received informing them of the informal engagement. The letter stated that there is a proposed reduction in the overall amount of sand and gravel that the Minerals and Waste Planning Authority needs to plan for in the future but then subsequently stated that additional sites would be needed. To clarify, the reason why a reduction in future mineral provision still led to a call for additional sites is because even with a proposed reduction in assumed annual need, there are insufficient sand and gravel allocations within the Plan to serve that reduced need across the remainder of the Plan period.
- 1.136 When the MLP was adopted, it was adopted on the basis of sand and gravel allocations being exhausted at the Plan end date in 2029, such that additional allocations were always understood as being required in principle before that time. With the intention to now extend the Plan end date to 2040, further additional allocations are required to meet the additional need created through the Plan extension.

Whether there is a requirement to ensure a seven-year landbank remains at the end of the Plan period.

- 1.137 The Topic Paper: Policy S6 2022 discussed whether there was an explicit requirement to allocate mineral sites to the extent that there was capable of being a seven-year landbank at the end of the Plan period. Through the informal engagement, it was also asked whether 'At this stage of the plan period do you agree that the plan should make provision for an NPPF compliant landbank of at least seven years at the end of the Plan Period?'
- 1.138 A representation stated that by definition, if there is not provision for a seven-year landbank at the end of the plan period then within (at most) the last seven years of the plan there will not be an NPPF compliant seven-year landbank (assuming in the extreme case that the landbank is zero on the last day on the plan). It was therefore the case that the requirement to have a seven-year landbank at the end of the plan period is implicit within the NPPF. A further representation stated that they would support a landbank of at least a seven -years at the end of the Plan period as this is in our view Government policy and as such there is a requirement to maintain at least seven-year landbank during the Plan period. It

was noted that the last day of the Plan period is still part of the Plan period and therefore on that day there should be at least a seven-year landbank. It was stated that to suggest otherwise is disingenuous and absurd.

- 1.139 Reference was also made to an Inspector letter sent to the authorities of Cambridgeshire and Peterborough following their Examination into the Mineral and Waste Plan. It was stated that this made it clear that there was a need to have a seven-year land bank at the end of the Plan period. The relevant paragraphs of the letter are set out in full in Appendix One of this report. To summarise, the Inspector notes that Policy 2 of the Cambridge and Peterborough Minerals and Waste Plan identifies that a steady and adequate supply of sand and gravel will be facilitated over the plan period but does not clearly identify a need to maintain a seven years landbank. In this regard, the Plan is not consistent with paragraph 207 of the NPPF. The Inspector then notes that Main Modification 7 provides for an addition to the opening sentence of Policy 2 to reflect that the facilitation of a steady and adequate supply also includes the need to maintain a landbank of seven years.
- 1.140 The same representation noted Paragraph 1.113 of the Topic Paper: Policy S6 2022 which dismisses what is stated as being the Inspector's unequivocal view that a seven-year landbank needs to be maintained, with the representation disagreeing with the MWPAs interpretation.
- 1.141 The MWPA does not disagree that it is a requirement to maintain a seven-year landbank at all times. The MWPA accepts that NPPF Paragraph 217f sets out the need to maintain 'landbanks of at least 7 years for sand and gravel'. The means of achieving this are not however made explicit. This requirement is viewed by the MWPA as being applicable in perpetuity, and to be monitored annually, rather than just calculated at the end of the Plan period at the point the Plan is adopted. Being able to demonstrate a seven-year landbank at the end of the Plan period based on forecasts at the point of adoption of a Plan would not guarantee accordance with this NPPF requirement in any event, as demonstrated below.
- 1.142 An MLP with an annual plan provision rate of, for example, 2mtpa, may seek to allocate for seven years beyond its horizon. Provision would therefore need to be made on the basis of having (7 years \* 2mtpa) 14 years of sand and gravel remaining at the end of the Plan period. However, if sales equated to 2.5mtpa over a sustained period of time, then the provision made in that Plan would eventually not be able to satisfy the seven-year landbank requirement, and certainly not by the end of the Plan period. Due to what transpired to be an underestimation of need, a Plan Review would be required to allocate additional sites in the Plan to make up for the shortfall. The need for such a review is monitored annually as part of the MWPAs function, and a review needs to take place within five years of adoption in any event.
- 1.143 If annual monitoring concluded on a need to Review due to a forecasted shortfall, and an amended Plan was adopted ahead of the annual cumulative shortfall resulting in a landbank that couldn't be maintained at seven years across the

Plan period based on the allocations in the previous iteration of the Plan, then compliance with the NPPF landbank requirement would continue to be achieved providing applications are submitted on those allocations which are then capable of approval.

- 1.144 As such, allocating sufficient supply equating to a landbank of seven years at the end of the Plan period at the point of adoption based on a forecast undertaken at that time does not automatically convey accordance with this NPPF requirement of maintaining a seven-year supply in perpetuity over the lifetime of the Plan, and therefore not doing so cannot mean that the Plan is in conflict with the requirement. The landbank position is monitored annually, and it is this annual figure that needs to always be at least seven years, with forecasts used to calculate any potential shortfall over the Plan period.
- 1.145 However, allocating supply over the end of the Plan period clearly imbues the adopted Plan with greater flexibility in terms of being able to respond to sales increasing above the plan's forecasted provision rate and therefore contributes to maintaining a steady and adequate supply of minerals. The MWPA also notes the time taken to complete Plan reviews, including the period required for examination and adoption. On that basis, making provision for an amount of sand and gravel outside of the Plan period is considered to accord with the Tests of Soundness of planning positively and being justified, effective and consistent with national policy as it provides flexibility within the Plan.
- 1.146 With respect to the quoted paragraphs of the Topic Paper, Paragraphs 1.111 – 1.113, these directly address the Cambridgeshire and Peterborough Minerals Local Plan highlighted in the representation. For convenience, these are repeated:

*1.111 It is also noted that whilst NPPF Paragraph 213f requires a MWPA to maintain 'landbanks of at least 7 years for sand and gravel', the NPPF does not state that such provision needs to be shown to be capable of being maintained outside of a Plan period i.e., at the end of the MLP Plan period in 2029, as a requirement of the Plan being capable of adoption. Therefore, there is no requirement to ensure that there will be a seven-year land bank (or at least make sufficient allocations that would allow for a seven-year landbank to be maintained) at the end of the Plan period. The NPPF requires that local development plans are reviewed every five years, and this mechanism allows a MWPA to allocate additional sites that would be required to service this landbank requirement through cyclic reviews rather than all at once. These points were also noted in a representation made to the Reg18 Consultation on the MLP Review.*

*1.112 As such, where representations were received which stated that it was considered that the MWPA is unable to demonstrate that there exists, or will exist, a landbank of at least 7 years provision of sand and gravel for the remainder of the Plan period, the MWPA does not consider that this requirement is set out in the NPPF.*



*1.113 On the same matter, a further representation noted comments made by a Planning Inspector which were set out in their report on the Cambridgeshire and Peterborough's Minerals and Waste Local Plan (CAPMLP) 2021. Reference was made to an Inspector's request that made it clear that there is a need to have a seven-year land bank at the end of the Plan period. This is not the MWPA's interpretation. Paragraph 3.23 of the CAPMLP 2021 states that the proposed allocations made in the Plan will provide 17.625Mt over the plan period, leaving a potential surplus of 10.575Mt above calculated need when the existing permitted reserve was taken into account. Whilst this provides an additional margin of flexibility, it equates to just over 4 years supply at the end of the Plan period at the adopted provision rate of 2.6Mtpa. Therefore, the CAPMLP was found sound and adopted without having a seven-year landbank at the end of the Plan period. This was also the case with the current Essex MLP, which made no provision for sand and gravel at the end of the Plan period.*

- 1.147 It is considered that the Inspector's requirement for the CAPMLP to 'clearly identify a need to maintain a seven years landbank' relates to the need to maintain this in perpetuity, not to demonstrate it at the end of the Plan period, based on a provision forecast that is required to be monitored annually for accuracy. There is no mention of a Plan period in the modification and therefore the requirement exists in perpetuity.
- 1.148 With respect to the Essex MLP making no provision for sand and gravel at the end of the Plan period, the representation notes that 'The landbank is projected to be under 2 years at the end of the plan period in 2029.' The MWPA notes that if mineral sales in Essex had equalled the forecasted provision every year from the start of the Plan, a NPPF compliant landbank would have ceased being achievable in 2023 and the landbank would be 0 in 2029. However, a monitoring of sales since the Plan was adopted, which was presented in the Topic Paper: Policy S6 2022, forecasted that an NPPF compliant landbank would cease being achievable between 2026 – 2027 based on the allocations that have yet to come forward. It is therefore not the allocation of supply at the end of the plan period which denotes existing and on-going compliance with NPPF Paragraph 213f, it is the results of annual monitoring comparing permitted reserves, actual annual sale rate and the plan provision rate.
- 1.149 The MWPA will consider the appropriateness of allocating for seven years after the end of the Plan period as a means of increasing plan flexibility. This consideration will, in part, be based on the suitability of submitted sites.
- 1.150 It was also noted through the informal engagement that Paragraph 3.82 of the emerging Plan should be updated to reflect the MWPA's intention to maintain a landbank of at least seven years at the end of the Plan period as it currently refers to the 2029 Plan end date. The MWPA notes the point but it is clarified that the stated paragraph states that the 'Plan will be monitored annually and reviewed every five years to ensure that the Essex sand and gravel landbank is

maintained to at least seven years throughout the plan period to 2029.’ An appropriate amendment will however be made as part of revising the Plan to its new end date of 2040, which will include a reference to the requirement to endeavour to ensure the maintenance of a seven year landbank across the revised Plan period, recognising that the MWPA can aim to ensure that sufficient allocations are made but that it is reliant on the industry to submit suitable allocations and subsequently submit applications to ensure that the landbank remains above seven years.

The need to engage local planning authorities on any candidate sites being promoted in their administrative area.

- 1.151 Responses from a number of local planning authorities in Essex requested that in the event that the Call for Sites gives rise to a site or sites being promoted within their administrative areas, that the respective councils would be engaged early in the assessment of the suitability of that site or sites to ensure that there is no conflict with any other land use designations, allocations, objectives and/ or existing development in their administrative areas. Reference was made to emerging Local Plans in those local planning authority areas who are also actively plan making, and for consultation to take place with local planning authorities ahead of the next MLP consultation.
- 1.152 The MWPA notes that it is intended to subject all sites to an independent interim site assessment and then present the findings to relevant local planning authorities for comment under the Duty to Co-operate ahead of a Regulation 18 consultation in late 2023.

The Plan approach to windfall sites

- 1.153 A representation was received supporting a Plan-led approach that resists approval of windfall sites, and that mineral extracted through approval of windfall sites is counted as contributing towards meeting the County’s mineral need. The response further noted that the anticipated Coggeshall flood alleviation scheme is not allocated in the plan and would be judged as a windfall site were an application to be received. The previous responses on this matter given by the MWPA were welcomed, as was the intention to further strengthen windfall policy to ensure that windfall’s are only allowed in the most exceptional of circumstances and that then the cumulative impact is fully considered.
- 1.154 The MWPA intends to retain the approach of a presumption against working non-allocated sites in order to maintain a Plan-led system. Flexibility is however recognised as important, and as such it is intended to retain the opportunity for over-riding justifications and benefits to be presented in support of an application to extract on non-allocated sites. Examples include borrow pits, agricultural reservoirs, where the landbank has dropped below seven years and prior extraction to prevent sterilisation. Such applications will however still be required to conform to the wider Development Plan, including where there are issues of cumulative impact. Should permission be granted for extraction at a windfall site,

at that point the saleable sand and gravel that would be permitted to be excavated would be added to the 'Permitted Reserve' and at that point be counted within future calculations assessing supply and demand.

- 1.155 The MWPA notes that the referenced flood alleviation scheme is a venture between a private company and the Environment Agency which will involve the establishment of an extension at Bradwell Quarry to facilitate the creation of flood defences. The Environment Agency is a non-departmental public body with responsibilities relating to the protection and enhancement of the environment in England, including flood protection.
- 1.156 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 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 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 and the site would therefore be considered to be a proposal on a non-Preferred Site, irrespective of the outcome under the site assessment. Should permission be granted for this flood scheme outside of a Preferred Site allocation, then it would indeed be treated as a windfall site, with its contribution to the County's mineral need informing all relevant calculations. As of August 2022 an application has yet to be submitted and therefore there is no application before the MWPA to determine.
- 1.157 It was also stated that details on the contribution of 'windfall' sites has always been vague, and have always been thought of as an ECC 'fiddle factor' which was reinforced by the lack of openness on the topic. To enable effective comment on this topic relevant information is considered essential. However, the representation stated that it is important to distinguish between quality and quantity. Referring to a report titled 'Analysis of 'Windfall' Mineral Extraction Sites July 2020', it was stated that producing a 236 page report is not an effective communication, it is simply another case of bulking out a Public Consultation to deter the community from the task of responding.
- 1.158 The MWPA notes that the primary purpose of the 'Analysis of 'Windfall' Mineral Extraction Sites July 2020' report referred to in the representation was to assess the efficacy of Policy S6 of the current MLP. The report looked across all windfall sites since 1943 and concluded on whether authorising mineral extraction to take place at non-allocated sites has resulted in the delivery of the overriding justification or benefit that was originally set out in the permitted application to allow permission to be granted on that non-allocated site in the first place. From evidence gathered to inform that report, it was assessed that the total contribution of windfall sites over the last 40 years to overall sand and gravel

provision was small and considered to not be significant enough to assume a guaranteed quantum of supply from windfall sources. This report is 56 pages long with the remaining pages being records of the planning permissions since 1943 required to evidence the report.

- 1.159 It is recognised that given the intention to re-base the Plan to 2040, there would be merit in re-examining the amount of mineral excavated through windfall sites historically to understand whether it remains appropriate to not include an amount of mineral assumed to come forward through windfall sites. It is noted that data used to inform the Windfall report will be approaching five years old at the point of the next public consultation and would merit updating. This report will be re-focused to comment on the amount of sand and gravel excavated through windfall sites rather than the focus of the current report which was to assess whether the applied for use to justify mineral extraction on non-allocated sites has been delivered and maintained.

Setting a maximum threshold for windfall sites so as to not undermine the Plan-led approach to mineral provision

- 1.160 Through a representation it was stated that the continuation of the need for applications involving non-allocated sites to meet all of the conditions in Policy S6 was supported. However, concern was expressed that - despite the fact that, historically, windfall sites tend to be small and relatively rare - it would appear that there is nothing to prevent large non-allocated sites coming forward as windfalls. To address this weakness, it was suggested that an appropriate low level upper threshold on the size of site (either in terms of area or tonnage or both) needs to be identified. Without this specification, the strategic objectives and spatial strategy provided by the MLP could be seriously undermined.
- 1.161 The MWPA have previously responded to this issue in the Topic Paper: Policy S6 2022, stating that “it is not considered to be appropriate to select an arbitrary maximum threshold that windfall sites must not exceed as such a threshold may prohibit them from providing the ‘overriding justification and/or overriding benefit’ that creates the need for working these non-allocated sites in the first place. Policy S6 instead requires the application to ensure that ‘the scale of the extraction is no more than the minimum essential for the purpose of the proposal’. This acts to minimise the level of extraction at non-allocated sites to that explicitly required for the purpose that allows them to come forward”.
- 1.162 Noting the above, the representation then questioned how there might be a consistent and transparent interpretation of both ‘overriding justification’ and ‘overriding benefit’ as well as a realistic calculation of what would constitute ‘the minimum essential for the purpose of the proposal’. In the absence of this interpretation, there are on-going concerns and therefore it is still considered that the absence of a cap on the size of a non-allocated site being approved would act to weaken the Plan-led system and increase uncertainty as to where mineral extraction may occur.

- 1.163 The MWPA notes that with regards to what constitutes an overriding benefit or justification, this would be based on planning judgement on a case-by-case basis, with impacts and benefits weighed in accordance with the Development Plan. It is noted that a windfall site would need to be in general conformity with the Development Plan, including with Policy S12 – Restoration and After-care and Policy DM1 – Development Management Criteria, which require it to be demonstrated that the development and its restoration would not have an unacceptable impact, including cumulative impact with other developments, across a range of stated criteria and be, on balance, a more sustainable approach to deriving mineral than importing it from further afield.
- 1.164 The MWPA notes that significant windfall sites have the potential to weaken the Plan-led system but it is reiterated that to place an arbitrary cap on a windfall site through a policy may prohibit them from providing the ‘overriding justification and/or overriding benefit’ that creates the need for working these non-allocated sites in the first place. For example, where the windfall site is a borrow pit, this is providing mineral for the exclusive use of a proximal specific construction project such as for a specific road scheme, where such an approach is demonstrated as being more sustainable than bringing in mineral from further afield. As the mineral is intended for use within a single project, the MWPA considers that the appropriate cap is that required for the specific project, and this can only be determined on a case-by-case basis. As part of permitting extraction at a borrow pit, the MWPA can, by way of conditions attached to the planning permission, restrict the mineral derived from the borrow pit for use in a particular development or developments i.e., it cannot be sold on the open market. This ensures that the amount of mineral derived from the borrow pit is limited to that required for specific projects and is therefore the minimum required for the overriding benefit allowing for the extraction.
- 1.165 It is also noted that borrow pits, by their nature, will often be associated with significant development projects, including those considered to be nationally significant, and these may create a ‘greater than normal’ requirement for locally derived mineral. In that respect, borrow pits preserve the plan-led strategy by ensuring that local mineral supply isn’t drained at a quicker rate than envisaged by the need to service significant one-off projects.
- 1.166 Where a windfall site is extracted to avoid mineral sterilisation, the amount of mineral to be extracted is that which would be unnecessarily sterilised, rather than an arbitrary cap.
- 1.167 A representation provided a specific example of how the absence of a cap for the amount of mineral derived from a windfall site would diminish the MLP’s spatial strategy, meaning that the whole concept of a meaningful Plan-led approach would be undermined. This example was the proposed flood alleviation scheme in Coggeshall, which would involve the extraction of 13m tonnes of aggregates over a 20-year period that extends beyond the time frame of the Minerals Plan. It was questioned how this could be approved despite not being identified and allocated as a Preferred Site in the MLP.

- 1.168 The MWPA notes that land pertaining to the same area was submitted though 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. If the allocation is selected as a Preferred Site and remains so through examination, then following adoption of the MLP, the site will be a made allocation in the MLP, and its mineral contribution would form part of the plan-led strategy for mineral provision.
- 1.169 It is further noted that the evidence supporting this Call for Sites 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. Under this route, the application would function as a windfall site. There is no strong justification at this point of the MLP Review for the MWPA to refuse determination<sup>25</sup> of a potential application prior to the new MLP being adopted given that the MLP review is at an early stage and that the primary purpose of the application would be the facilitation of a flood alleviation scheme rather than mineral extraction
- 1.170 Should permission be granted, the mineral would enter the wider market, and the contribution made by that site would likely reduce the need for additional allocations in the future. It would not be logical to cap the amount of mineral leaving the site under an inflexible strategic policy as its extraction is needed to create the space for the flood alleviation scheme. By capping the mineral by way of a quantified policy, a sufficiently sized void may not be able to be created which would compromise the delivery of the flood alleviation scheme itself. The amount of mineral to leave the site can be capped by a condition attached to the planning permission, however. This would be in conformity with Policy S6 clause b) which as stated requires the scale of the extraction to be no more than the minimum essential for the purpose of the proposal, which in this case is the creation of the flood alleviation space.
- 1.171 As of August 2022, an application has yet to be submitted and therefore there is no application before the MWPA to determine. Should permission be granted, the quantity of mineral to be extracted would be added to the permitted reserve for the County and not taken as a separate or additional figure.

Ensuring that sufficient reserves of building/soft sand provision will have planning permission during the plan period

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<sup>25</sup> The determination of an application is to come to a decision as to whether to approve or refuse. It does not infer either outcome.

- 1.172 A representation received through the informal engagement stated in reference to the two evidence papers on buildings sand<sup>26</sup> that the term 'Building Sand' has no status in national policy and appears to be an expensive smoke-screen. The MWPA however notes that whilst the term is not specifically mentioned in national policy, NPPF Paragraph 213h requires that 'Minerals planning authorities should plan for a steady and adequate supply of aggregates by...calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.' Building sand and concreting sand are widely accepted as being two different types of the sand and gravel resource of which separate provision for each is made in some mineral planning areas.
- 1.173 The two evidence papers mentioned in the representation were commissioned on the basis of ascertaining whether 'building sand' has a distinct and separate market within Essex that could be supplied by Essex reserves, such that separate landbanks or some other distinction may be required. The first of these reports, dated 2013, was commissioned in light of consultation responses received as part of the adoption of the MLP 2014 and the other report in 2019 was commissioned to update the position as part of this Review
- 1.174 The reports conclude that whilst it is recognised that the specifications for concreting and building sand overlap, building sand is an aggregate which has a distinct and separate market. However, the two topic papers highlighted present the case that Essex has no commercially significant bedrock sand resources. Where split landbanks are maintained in mineral planning areas, this is mainly on the basis of a split by geological units rather than products. Sales of building sand in Essex are dominantly from superficial sand with gravel. These deposits can also produce concreting sand, which is another type of sand with a distinct market. The report argues that it is impossible to split the reserves in Essex into that proportion only suitable for use as building sand from that proportion only suitable for use as concreting sand and therefore the MWPA intends to continue planning on the basis of a single sand and gravel landbank.
- 1.175 Representations received through the informal engagement expressed disagreement with Paragraph 3.80 of the MLP which states that 'It is considered unnecessary and impractical to maintain separate landbanks for County sub-areas or to distinguish between building sand and concreting aggregates.'
- 1.176 With respect to these comments, the MWPA notes that allocating a single sand and gravel landbank is the position that the MWPA adopted through the MLP in 2014, as justified through the 2013 report highlighted above, and the disputed text set out in the representation is wording adopted in the current Plan. The only proposed amendment in relation to this paragraph is the removal of the following words 'although further monitoring of building sand will be undertaken to establish whether this situation needs to be reviewed.' Representations were also received which explicitly objected to the proposed removal of this phrase.

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<sup>26</sup> A Review of Building Sand Supply in Essex 2013 and A Re-examination of Building Sand Provision in Essex 2019

- 1.177 It was stated through representation that the MWPA must maintain an ongoing review of building sand as recommended by the Inspector, in which he requested that the Plan contain a commitment to continue to review its approach to combining the provision of building sand and concreting sand into a single landbank, as part of annual monitoring and as highlighted in NPPF paragraph 207 (h) (maintaining separate landbanks for any aggregate type or quality which have a distinct separate market).
- 1.178 The MWPA notes that whilst accepting the position of a single landbank, the Inspector presiding over the Examination in Public on the MLP in 2013 stated at Paragraph 68 of their [report](#) into the examination of the MLP that 'the Plan should contain a commitment to continue to review the situation, as part of annual monitoring, should a shortage of building sand arise which could be addressed by way of a separate landbank in a future review of the Plan'.
- 1.179 To address this requirement, the MWPA commissioned a report titled 'A Re-examination of Building Sand Provision, 2019' as an update to a similar report published in 2013. Both were available as part of the evidence base to the Regulation 18 Consultation on the MLP Review in April 2021 and both will be made available again at the next Regulation 18 consultation in 2023. The 2019 Re-examination report states '*This re-examination has confirmed that the conclusions of the 2013 report that a split landbank to provide separately for building sand and concreting sand, and possibly to split the building sand landbank into 'dry' screened or washed sand, is neither practical nor justified in Essex.*' (Paragraph 5.1 of that report). The same report states, at Paragraph 5.6, that '*There therefore seems no practical value in looking at the point again in another future review of the Plan. The question as to 'soundness' may be a matter for debate. It would be clearly 'unsound' if the new Plan sought separate landbanks.*'
- 1.180 The MWPA therefore considers that it has complied with the Inspector's request, and that following a commitment to re-examine the issue, that additional re-assessment in the future is not required and that its current and proposed position should remain unchanged. The Inspector required the issue to be re-examined to understand whether a shortage of building sand has occurred and that Greater Essex is unduly relying on imports when it could provide the mineral from within the County.
- 1.181 Putting aside the impracticality of maintaining separate landbanks due to the geology of Essex as concluded by the two commissioned reports, building sand sales and import/ export information can be gathered through the annual regional mineral survey. However, within Greater Essex with regards to import/ export data, it is often the case that too few operators of transshipment sites in Greater Essex fill in export/ import information such that, due to commercial confidentiality, this information cannot be reported upon. Outside of this survey operated by the East of England Aggregates Working Party, the MWPA has no other mechanism to require such import/ export data to be submitted other than voluntarily through public consultation, and in Duty to Cooperate discussions with other MWPA's whose own data may substantiate any imbalance in building sand



provision. The MWPA has, to date, received no evidence following the adoption of the MLP 2014 that there is an unfulfilled need for building sand that is currently required to be met by import into the County that could be met through a different approach to site allocations.

- 1.182 With regards to capturing building sand data, the sales at Greater Essex sites are captured through the same annual mineral survey carried out at the regional level referenced above. Through the survey, operators are requested to disaggregate the different types of sand and gravel sold at their sites. There is however a degree of variance with regards to the level of detail in the information that operators provide within their returns. Some survey returns can take the form of a single figure for 'sand and gravel' which does not differentiate between the two commodities, let alone the different types of sand. As such, placing reliance on any building sand figure derived from this process would only be a rough estimate and accentuate any inaccuracy in the data that already exists. With the ability to process sand and gravel reserves to building or concreting sand in any event, trying to establish a need for each type as part of overall provision based on data upon which there is limited confidence is not considered appropriate, even if the geology of Essex would allow such a distinction to be made in the first instance.
- 1.183 Returning to the practicalities of maintaining separate landbanks in Essex, a further representation disagreed that it was not necessary or practical to maintain separate landbanks for County sub-areas or to distinguish between building sand and concreting aggregates. In terms of soft/building sand, it was argued that ECC is not providing a landbank for this material and relies upon sand and gravel sites producing a fine washed sand to meet the requirement. No assessment of reserves of such sand exists and therefore it was questioned how industry can be confident that sufficient reserves of soft sand exist within the county during the plan period. It was noted that there are sites within the county that process sand and gravel and produced a fine washed sand for Dry Silo Mortar, but this doesn't meet the need for traditional mortar sand (dry screened etc) that builders prefer and such soft sand is being imported from surrounding counties. As such a mechanism for monitoring soft sand needs to be established by Essex and a separate provision made in the Plan.
- 1.184 In another representation, reference was made to evidence presented to support a split in the landbank at the Examination in Public of what led to the adopted MLP 2014, and it remained the view that, as with other Counties, there is a need for a separate landbank given gravel, sharp sand and soft sand have distinct and separate markets. for the following reasons:
- gravel, sharp sand or recycled aggregates cannot be used in the manufacture of mortar or dry silo mortar products. As ECC does not calculate separate landbanks for soft sand it is not able to demonstrate that the county is making a sufficient provision for them. Whilst soft sand is produced at sites in Essex (as a washed fine sand), it has been demonstrated that there does not currently exist a soft sand landbank in Essex of at least 7 years.

- Confidence is required that sufficient soft sand is being allocated for working to meet the needs of the industry.
- It has been recognised by the mineral planning authorities including Kent, Surrey, Bedfordshire, and Hampshire that soft sand is a distinct type of mineral that has a separate market to sharp sand and gravel and warrants a specific landbank. Essex should be no different in this respect as the markets and mineral types involved are very much the same. Soft sand is being produced in Essex and consequently a separate landbank is required (see para. NPPF 207 (h) – ‘calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market’).

- 1.185 As stated through the representation, these issues were raised at the Examination in Public which led to the adoption of the MLP 2014. In their [report](#) on the Replacement Minerals Local Plan, the Inspector presiding over the Examination in Public on the MLP stated at Paragraph 64 that ‘It is noted that, in a minority of cases, separate building sand landbanks are identified in mineral local plans elsewhere. However, this is usually in response to a high reserve of bedrock sands, as opposed to superficial sand and gravel deposits such as occur widely in Essex. The latter give rise to a wide variety of sand products for which the separate end uses in relation to physical characteristics are difficult to identify.’
- 1.186 Paragraph 1.7 of the ‘A Review of Building Sand supply in Essex: Consideration of a Separate Building Sand Landbank Topic Paper 2013’ states ‘The evidence in this report demonstrates that the landbank issue for some authorities, and the operation of a separate landbank for ‘soft sand’, does not in fact relate to end use (as required by national policy), but to the dominance of sand (which is suitable for either concreting sand or building sand) in the landbank due to permissions to work bedrock sands. Such bedrock sand units can produce large quantities of fine aggregate for use in building sand and/or concreting sand. Paragraph 1.8 of the same report provides further detail on this matter. It states that ‘as demonstrated in Bedfordshire, Dorset, Hampshire, Kent, etc, it is generally impossible to split reserves of bedrock sand in the ground into (i) that component suitable only for building sand, and (ii) that component suitable only for concreting sand. Paragraph 5.9 states that where there is a split landbank, ‘in many cases this is a split by geological units and not a split by product potential. That has created a situation where the two elements of the split landbank can both produce building sand and concreting sand’. There are no significant deposits of bedrock sands in Essex and all building sand production is derived from the various superficial deposits.’ As set out through the ‘Re-examination of Building Sand Provision in Essex 2019’, it is further stated ‘that the resources and reserves in the ground in Essex are not capable of being identified separately and unambiguously and therefore a separate landbank cannot be calculated.

- 1.187 It was also raised through representation that if a separate landbank for building/soft sand is not being proposed, then additional policies are required to ensure that sufficient reserves of building/soft sand provision will have planning permission during the plan period. The representation continued by stating that it was not considered sufficient to conclude that falling sales of building/soft washed sand, in a growing market, means that there is less demand. It needs to be demonstrated that sufficient quantities of building/soft washed sand exist with planning permission, to correct qualities, within existing (and proposed allocations) of reserves of sand and gravel. Other factors could be influencing sales profiles including whether remaining reserves of sand and gravel have sufficient soft washed sand potential. It is against a backdrop of imports of building sand into the county from other counties to meet a shortfall in indigenous supply. It was stated that industry will need to have confidence that sufficient quantities of building/soft sand will continue to be available during the plan period. It was also noted that soft washed sand currently being produced in the county is held by a small number of operators which ultimately stifles competition and is therefore contrary to advice set out in para 207. (g) of the NPPF.
- 1.188 As set out previously above, the MWPA notes that mineral sales data is obtained annually through a survey completed by mineral site operators. Within the survey returns, the different types of sand excavated are not always listed separately by the operator, nor are the unexcavated reserves. Some returns do not differentiate between that dug which is sand and that which is gravel. As an aside, the figure provided also doesn't necessarily represent the mineral type excavated, as the resource can be processed into different classifications of sand prior to sale. As such there is no evidence in front of the MWPA that demonstrates that building sand cannot be sourced by operators of sand and gravel quarries through processing, in response to market need. Further, 'building sand' is not a category used in the annual monitoring survey, and the MWPA do not have the authority to make this change. It is acknowledged that what is considered to be 'building sand' can be calculated by adding sales of 'soft sand' and 'mortar sand' together but the resulting figure would only give an indication of what sold material was potentially 'building sand' that year. It would not aid in making specific provision for a 'building sand' landbank that could inform site allocations, and in any event Essex geology does not allow for such a distinction to be made at the allocation stage as set out in the Building Sand Reviews present in the evidence base.
- 1.189 Further, and as set out in Topic Paper: Policy S6 2022, an interrogation of collated Annual Mineral Survey data by the MWPA has concluded that in Essex in 2014, nine of the 18 active sites in Essex sold both building/mortar sand and concreting/silica sands/gravel whereas in 2020, using the same criteria, five of the 20 active sites supplied the market with building/mortar sand from mixed sand and gravel deposits by the same selective processing. It has therefore been concluded that although there has been a reduction in sites overall, it is known that a total of 12 sites during the previous seven years have been capable of processing both building sand and concreting sand from a single resource by varying the method of production. It is therefore demonstrated that single mineral resources in Essex can produce to the two different specifications, and therefore

there is no need to make separate provision for building sand and concreting sand as they do not necessarily appear as distinct resources in Essex, as confirmed within the Inspector's report quoted earlier. The production of each is held to be primarily a decision made by the operator as a response to market demand.

- 1.190 As also previously stated, no further information has been presented to the MWPA to demonstrate that there is an unfulfillment of market need for 'soft' or 'building' sand, including through engagement under the Duty to Cooperate with other Mineral Planning Authorities and public consultation. The MWPA therefore considers its current and proposed position to continue to plan on the basis of a single sand and gravel landbank to be appropriate, as it is the processing of mixed deposits that allows sand and gravel extracted in Essex to serve distinct markets, rather than sand and gravel in different parts of Essex only having the capability of serving a distinct market which wouldn't otherwise be served. It is this latter case where the NPPF requires separate provision to be made. With the allocation of a single sand and gravel landbank being in place since at least the last two MLPs, it has previously been considered to be a sound approach, and therefore it is considered that it is implicit that there has not been a demonstrable market need that could, or is required to be, met through Essex deposits. No information has since been presented to demonstrate otherwise.
- 1.191 It is further noted that under the terms of the regional survey upon which the MWPA relies for much of its data, the MWPA must delete all individual returns once they have been compiled for the East of England Aggregates Working Party Annual Monitoring Report and therefore cannot refer to individual historic submissions.
- 1.192 Please also note that a number of elements discussed here are also relevant to issues highlighted under the report section addressing Issues specific to Elsenham Quarry, .

#### Assessing the cumulative impact of working sites

- 1.193 A response from Braintree District Council stated that the Council wished to reiterate its concerns made in earlier comments regarding the number and distribution of minerals extraction sites already within in its area and the possibility of further such sites arising from the Call for Sites. It was noted that the draft Minerals Local Plan 2014 continued to indicate that over 50% of the sand and gravel for the whole of Essex was coming from Braintree District, and more specifically from a small area in the District. This was considered to be having a disproportionate impact on the Council's local communities, infrastructure and environment. Whilst the Council notes that the minerals can clearly only be dug where they are located, it was requested that no further allocations are made within Braintree District.
- 1.194 On a similar theme, a representation was received from Rivenhall Parish Council which, consistent with the views expressed by Braintree District Council, stated that they would strongly object to any new sites being opened up in or near the

Parish. One large site is already in the parish and one very close to it. It was also stated that the southern part of the District is already subject to a disproportionate amount of the total Essex sand and gravel extraction, and is thus experiencing a disproportionate level of impact including quarry HGVs, large areas of countryside being dug up, other developments being put forward in conjunction with quarrying and environmental impacts including dust and light pollution. Specific reference was made to strong pressure for major developments of housing, commercial development and a large solar farm, which are also impacting nearby parishes. The rerouting of the A12 and possible new A120 will also be major developments locally. It was considered that to date the County Council has disregarded the cumulative impact of so much development on rural communities and that this must change

- 1.195 The MWPA notes the comments received and re-iterates the fundamental principle noted in one of the above representations that minerals can only be worked where they are found. It is also the case that allocations can only be made where landowners offer sites for consideration. However, with a view of supplying minerals across the County, it is not appropriate to discount parts of the county from the consideration of future supply as a matter of principle. Allocations will be made on the basis of the site selection methodology and other sustainability principles and is required to be guided by where the resource is available and can be most sustainably accessed at a county level.
- 1.196 The MLP Review has, to date, been supported by a Call for Sites which closed in March 2022 and it is intended for another Call for Sites to be undertaken to address the re-basing of the Plan to 2040. It is intended to subject all sites received through this engagement to an independent interim site assessment and then present the findings to relevant local planning authorities for comment under the Duty to Co-operate ahead of a Regulation 18 consultation in late 2023. The site assessment methodology for mineral sites includes a criterion in relation to cumulative impact, from both mineral and non-mineral developments, although it is noted that the MWPA is not the determining authority for residential or commercial development.
- 1.197 Whilst it is accepted that a number of allocations were made in the current Plan within Braintree District, and several extensions to a single site were allocated, these extensions either have, or are planned, to be worked sequentially rather than in one go, and to a Masterplan to ensure that these works and their after-uses are delivered in a joined-up manner. This acts to reduce impact on local communities. The potential cumulative impact of development, including cumulative impacts as a result of site extensions, is a factor at both the allocation and planning application stage. Policy DM1 – Development Management Criteria in particular specifically requires this consideration. It is not the case that the 50% of the County’s mineral needs identified as being allocated within a single district is being extracted at the same time. Mineral development is temporary and where allocations are extensions to existing sites, the permission is generally conditioned to ensure that extensions are worked and restored sequentially such that the overall rate and impact of development remains constant, although it is

recognised that the location of the development changes as works are progressed.

### The policy approach to assessing impact on the historic environment

- 1.198 A representation was received from Historic England which stated that as the Government's adviser on the historic environment, Historic England is keen to ensure that the protection of the historic environment is fully considered at all stages and levels of the local planning process. Whilst no specific comments were received at this stage, it was requested that the MWPA reviewed extant Guidance in relation to the importance of protecting the historic environment in plan making. It was considered important to note that the historic environment encompasses more than only streets and buildings – it includes non-designated heritage assets such as local listed buildings, sites of archaeological importance, local green spaces, and undiscovered/unknown heritage assets. It also includes less tangible aspects of cultural heritage which contribute to local traditions and sense of place. It was also requested that appropriate references were made to protecting the setting of heritage assets, which is not just a matter of proximity or immediate visibility.
- 1.199 It was also stated that the forthcoming Local Plan should also recognise the interrelationship between the historic environment and landscape, and that it would be helpful to acknowledge that the landscape itself constitutes part of the historic environment and is not a separate entity to it, as it can demonstrate how the land used to function. It was further recommended that any forthcoming historic environment policies provide reference to how proposals should address technical archaeological matters, and that the forthcoming Local Plan includes a focused section or chapter on the landscape, heritage and design within the consultation document.
- 1.200 Reference was made to Paragraph 190 of the NPPF which requires Local Plans to set out a positive and clear strategy for the conservation, enjoyment and enhancement of the historic environment and the need for the MLP to be informed by an appropriate evidence base. It was also stated that in preparation of the forthcoming Minerals Local Plan, it was encouraged that the MWPA sought the input of local conservation officers, the county archaeologist and local heritage groups.
- 1.201 The MWPA notes the advice in this response, with the above being a summary of a more detailed response available in the Appendix. It is noted that Paragraph 194 of the NPPF requires that 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance...Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.

- 1.202 The site selection methodology that is being used to assess the suitability of candidate sites received through the Call for Sites recognises that the landscape and setting of a heritage asset itself constitutes part of the historic environment and is not a separate entity to it. It also recognises the importance of non-designated heritage assets. MLP Policy DM1 – Development Management Criteria of the extant MLP transposes the requirements of NPPF Paragraph 194 into the MLP and states the need for proposals to not have an unacceptable impact on the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness, as well as the historic environment including heritage and archaeological assets. The historic environment element of the site selection methodology is being carried out by historic environment specialists.
- 1.203 Further, MLP Policy S12 – Mineral Site Restoration and After-Use states that best available techniques are required to enhance the form, quality of local character, and local distinctiveness of the landscape. A currently proposed amendment sets out that ‘Any loss of, or harm to, the significance of a heritage asset (from development within its setting, or from its destruction or alteration) has a clear and convincing justification’.
- 1.204 With respect to the explicit reference to guidance, the principles within will guide the emerging policy approach to ensuring the protection of the historic environment. Whilst it is noted that the representation expects references to the historic environment in the local plan vision, the inclusion of a policy or policies for the historic environment and character of the landscape and built environment, and various other references to the historic environment through the plan relating to the unique characteristics of the area, these requests are considered to be more appropriate for a district Local Plan rather than a county-wide Minerals Local Plan. The area covered by the MLP is too large and diverse to be able to focus on areas of historic importance, although the requirement for mineral extraction to respect the historic environment more generally is captured through Policy DM1, Policy S12 and the site assessment methodology. It is further noted that the historic impact of housing, retail and transport (where not mineral related transport) is outside of the remit of the MLP. However, all mineral-related planning decisions are made in accordance with the Development Plan and therefore district-level local plan policies relating to the protection of the historic environment are taken into account as relevant.

Assessing impacts on the Strategic Transport Network and appropriate routing of mineral traffic

- 1.205 National Highways noted that they have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and that they are the highway authority, traffic authority and street authority for the strategic road network. The strategic road network was noted as being a critical national asset and as such National Highways works to ensure that it operates and is managed in the public interest, both in

respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

- 1.206 National Highways stated that they would be concerned with any proposals which have the potential to impact the strategic road network across Essex, including (but not limited to) the M25, M11, A12, A13 (part) and A120 and associated junctions, as well as any proposals which may impact committed or future National Highways projects within Essex. It was however noted that they had no specific comments on Policy S6 of the Minerals Local Plan or the Call for Sand & Gravel Extraction Sites, however as further details come forward for particular sites they would expect to be consulted on individual proposals. Any future planning applications submitted for these individual sites identified should be accompanied by a Transport Statement/Assessment detailing the impacts of trips generated and distributed onto the strategic road network, and a Travel Plan detailing measures to reduce the numbers of these trips. There should also be consideration given to the cumulative impact of any sites. That said, based on the information currently available, National Highways were satisfied that the two consultations above will not materially affect the safety, reliability and / or operation of the strategic road network (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and MHCLG NPPF2019, particularly paragraphs 108 and 109).
- 1.207 The MWPA confirms that National Highways will be consulted at the Regulation 18 stage in late 2023. This will include consultation on all candidate sites received, including the interim scoring under the site selection methodology and the methodology itself. This includes cumulative impacts.
- 1.208 The requirement for planning applications to be submitted with a Transport Statement/Assessment is proposed to be made clear through an amendment to Policy S11 – Transport and Access. With regards to the reference to a Travel Plan, a proposed amendment sets out the requirement to demonstrate ‘Appropriate measures to reduce car travel to the site, by workers and visitors and encourage walking, cycling and use of public transport, thus minimising carbon dioxide and methane emissions’ which is considered to meet this requirement.
- 1.209 Away from the strategic road network, representations were received which expressed concerns with the use of more local road networks, including mineral traffic being routed inappropriately through towns. Amenity issues were also raised in relation to ensuring that mineral traffic was appropriately sheeted to prevent spillage.
- 1.210 On the matter of routing mineral traffic, the MWPA has little administrative authority in this regard. With regards to the public highway, the MWPA is only able to administrate on matters relating to the access and exit of mineral sites. The MWPA can also articulate a clear policy preference for sites which are able to access the main road network as quickly and efficiently as possible. With regards to mandating an actual route, this is not possible. All road users are taxed through Vehicle Excise Duty (VED), which increases depending on the size



and weight of the vehicle whose use is being applied for. Payment of this tax then entitles the road user to use the public highway freely, other than needing to comply with any locally imposed width, height or weight restrictions. A proposed amendment to the MLP within the supporting text to Policy 11: Access and Transportation is however proposed to state that the operator and the MWPA may enter into a unilateral agreement to ensure acceptable routing of its HGVs.

- 1.211 With regards to the sheeting of mineral traffic, the MWPA has a standard condition relating to this which is attached to relevant planning permissions. This reads as follows:

*No loaded vehicles (HGVs) shall leave the site unsheeted (except those carrying any materials other than washed stone in excess of 500mm in diameter).*

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP Policies: S1, S11, DM1*

#### Issues relating to the interim Essex Authority Monitoring Report and Greater Essex Local Aggregate Assessment

- 1.212 A representation noted that the MWPA have been delayed in producing their 'Authority Monitoring Report (AMR) (which was previously known as the Annual Monitoring Report). It was stated that the old AMR was a useful source of data that was used comprehensively in the Examination in Public (EIP) in 2013/14. It was noted that the last AMR was published in 2021, covering the period 2018/19 to 2020/21, and it was noted that a new AMR will be produced but no commitment was yet available.
- 1.213 The MWPA notes that work is on-going to produce a full AMR covering the period 2018 – 2021. This is expected to be published in early 2023. The current AMR, reporting on the years 2018-20, contains reporting against mineral monitoring indicators only and was produced in advance of a full AMR such that it could support early public engagements on the MLP Review.
- 1.214 With regards to the Greater Essex Local Aggregate Assessment, it was stated through representation that it is difficult to justify the effort to differentiate when Essex forms 97% of the gross demand for Greater Essex. This comment is not understood. Due to the need to maintain commercial confidentiality, the MWPA is not able to report on data in such a way that any information presented is able to be related to a single operator. Where three returns or less are received in relation to a particular data point, these are not able to be published, even in an amalgamated form.
- 1.215 The 97% figure set out in the representation is assumed to be the proportional share that Essex takes of the total mineral apportionment of Greater Essex, which included Southend-on-Sea and Thurrock, although Southend-on-Sea has no apportionment so the remaining 3% is attributable to Thurrock. However, whilst this is a proportional split based on forecasted mineral provision set out in local plans, it does not necessarily translate to where actual sales take place

between the two authority areas. For reasons of commercial confidentiality, this cannot be specified. It is not a matter of trying to justify not doing so based on effort.

- 1.216 A number of additional detailed comments were received in relation to the AMR. Due to their nature, responding to these is considered to be most practical by way of the following table:

**Table 1: Detailed Comments in Relation to the Interim Authority Monitoring Report, 2018 – 2020**

<b>Issue Raised through Representation</b>	<b>MWPA Response</b>
<p>In the Executive Summary it states that this document was produced to support the ‘review of the Essex Minerals Plan (2014). The concern is that this review should have been carried out within 5 years, i.e. 2019. This is well before the pandemic, and I wonder what caused the delay and how was this delay communicated.</p> <p>The maintaining of relevance was a key aspiration and on examination of the size and scope of this consultation one has to question the degree of success!</p> <p>There is a section in this interim AMR that goes on to explain the impact of the COVID pandemic, whereas if the review was timely this would not be an issue.</p>	<p>National Planning Practice Guidance (PPG) sets out what is required from a Review of a Local Plan such as the MLP. Reviewing a plan is defined as undertaking an assessment to determine whether the policies in a plan need updating every five years from adoption, and subsequently concluding either that the policies do not need updating and publishing the reasons for this, or that one or more policies do need updating and to update the Local Development Scheme to set out the timetable for this revision.</p> <p>In November 2019, Essex County Council published on its website that following an internal assessment of the MLP 2014, there was scope to review its policies.</p> <p>In line with National policy, an update to the Mineral and Waste Development Scheme was also published which set out a timetable for the Review. Proposed amendments to the policies were developed internally before being consulted on between March – April 2021, with further informal engagement taking place in March 2022. It is not the case that the review of policies, all public</p>

	<p>consultations and re-adoption needs to have taken place within five years of adoption. The timeframe applies to the initial review only, the results of which Essex published in November 2019.</p>
<p>There is a table in the Executive Summary which shows a summary of the key findings and the comments below relate to that table:</p> <p>On the first row it states that across 2018 and 2019 sales of sand and gravel totalled 6.59 mt. whilst the targeted total output for those two years was 8.9 mt, a 35% excess, assuming the plan was achieved.</p>	<p>The MLP is based on contributing to a need for aggregates equating to 4.45mtpa for Greater Essex. The 'excess', or provision not taken up, is rolled into future years, which essentially means that the allocations made in the Plan will meet the needs of the Plan area for longer than originally forecasted. The Plan provision rate is not a 'target', indeed if the target is met then there is a risk that the Plan could begin undersupplying, which risks the Plan-led system.</p>
<p>In the second row of that table there is a comment about the separation of building sand indices. This need, as highlighted earlier, needs a lot of work to carefully define what building sand is. The approach should have been to report on history in a consistent manner to provide continuity.</p>	<p>Building sand is defined through the 'A Re-Examination of Building Sand Provision in Essex 2019' report.</p> <p>The purpose of the reference referred to in the representation was to partly refer to the arguments set out in the above referenced report although it is accepted that this should have been clearer in the summary. The above report concludes that the resources and reserves in the ground in Essex are not capable of being identified separately and unambiguously between building sand and concreting sand due to their source geology.</p> <p>In addition, mineral sales data is obtained annually through a survey completed by mineral site operators. Within the survey, the different types of sand excavated are not always listed separately by the operator, nor are the unexcavated reserves. Some returns do not differentiate between that dug which is sand and that which</p>

	<p>is gravel. As an aside, the figure provided also doesn't necessarily represent the mineral type excavated, as the resource can be processed into different classifications of sand prior to sale. Further, 'building sand' is not a category used in the annual monitoring survey, and the MWPA do not have the authority to make this change.</p> <p>These issues combine to mean that it is not possible for Essex to maintain separate landbanks for building sand and concreting sand. The Executive Summary is therefore justifying why the indicator is not capable of being used and it is therefore proposed to remove it.</p>
<p>In row 3 of that table there is reference to 'Marine-won' sources. Comment has already to be made but further reading identified an EOEAWP AMR that shows wharfage development at Purfleet, Thurrock, Tilbury, Fingringhoe and Harwich. This uncovering raises more questions.</p> <p>(the reference to comments being already made refers to those comments made by this respondent which are set out in the next section of this report which assesses comments in relation to marine aggregates)</p>	<p>As set out in Section 20 of the Inspector's report into the EiP of the currently adopted MLP, it was requested that '<i>ECC should initiate further consideration of whether an increase in the proportion of marine-won aggregate use in Essex could be reliably quantified.</i>' The AMR 2018 – 2020 updates this position, stating that the MWPA was not able to obtain sufficient information to allow the indicator to be monitored. It was noted that there is no statutory requirement for wharf operators to provide what is commercially sensitive information to the MWPA that would allow the operation of Mineral Monitoring Indicator 3. The MWPA have consistently reported on the wharf facilities highlighted since 2013 following the requirement to produce a Local Aggregates Assessment.</p>
<p>Row 5 of the table relates to the size of the landbank and questions the increase in the size of the landbank</p>	<p>Row 5 provides the landbank value over the period covered by the AMR. The landbank is primarily impacted by</p>

<p>from 2018 to 2019. This is a very simple case that states when sales reduce, stocks rise!</p>	<p>the rate of sales versus the rate of replenishment. Essentially, when sales are below the rate of expected annual provision, the length of time that total plan provision would last is increased irrespective of whether new reserves are added in that year. The comment in Row 5 notes that whilst the Greater Essex landbank was below the statutory requirement of seven years, which could necessitate earlier plan review or tilt the balance of permitting sites off-Plan, the landbank has since recovered such that the Plan-led system can be maintained.</p>
<p>It would appear that the comment in row 7 of the table relates to a 'windfall-site' and I refer to my earlier comments.</p> <p>(Reference to comments being made are set out in 'The Plan approach to windfall sites' section of this report)</p>	<p>This is correct. Extraction was justified at Sheepcotes in Little Waltham due to the requirement for an agricultural reservoir to provide a source of irrigation for agricultural land. The mineral sourced from excavating this windfall site is then factored into Essex supply calculations.</p>
<p>The comment in row 8 of the table needs further explanation.</p>	<p>Further explanation is provided within the AMR itself, but it is accepted that more detail is required in the summary.</p> <p>The indicator seeks to ensure that permitted minerals infrastructure is not lost due to an incompatibility with development bought forward on proximal land after the mineral infrastructure was permitted. For example, residential development being permitted next to an aggregate recycling site can lead to noise complaints leading to the closure of the aggregate recycling site, even though it was there first. This is then recycling capacity lost to the County.</p>
<p>Regarding row 9 of the table, it talks of</p>	<p>Essex County Council is the</p>

<p>land sterilised by other developments. To my knowledge ECC get to consider all planning applications, why was this not picked up?</p>	<p>determining planning authority for County Matters, which include minerals, waste and school applications. Applications for the majority of other developments are determined by local planning authorities. Whilst ECC is a consultee on applications determined by local planning authorities and can raise the potential for mineral and waste impacts, this is on the basis of ECC being a stakeholder whose views are considered in the overall planning balance alongside the views of other stakeholders.</p> <p>The indicator is proposed to be amended to make the distinction between minerals sterilised contrary to MWPA advice and mineral sterilised where no objection was maintained by the MWPA.</p>
<p>Regarding Paragraph 1.2.4 – how much ‘Marine-won’ sand and gravel is transported by road into Essex?</p>	<p>The Greater Essex Local Aggregate Assessment 2021 sets out at Paragraph 4.4.7 that there is 7.34mt of marine-won aggregate landed at ports in London, Thurrock, Kent, and Suffolk that have the potential to supply Greater Essex in 2020. However, as noted in Paragraph 4.5.2, this resource has the potential to serve markets other than Greater Essex, with the market destination being a commercial decision, and therefore this figure cannot be taken to equate to a marine supply for Greater Essex, with Greater London likely to be a significant consumer. The MWPA is only permitted to monitor mineral sales from land-based mineral sites within the administrative borders of Greater Essex, although this mineral could then be subsequently exported, as well as that mineral bought in by transshipment sites (wharf and rail)</p>

	located in Greater Essex, which again could then be sold to a location outside of Essex. The Collation of the results of the 2019 Aggregate Minerals survey, published in 2021, states that 1.19mt of marine-won sand and gravel was imported into Greater Essex in 2019, either through wharf or rail. This does not however mean that this marine-sourced mineral was used in Greater Essex as it could have been sold for use elsewhere. There is no way of capturing marine mineral transported into Greater Essex from outside of Greater Essex by road as there is no requirement for them to report this.
Essex also has a border with Southend	The AMR with respect to mineral monitoring indicators is based on the monitoring tier of 'Greater Essex' for sand and gravel and therefore the area being monitored is inclusive of Southend-on-Sea
Regarding Paragraph 1.3.1 second bullet – when will full data collection be fully back in place? What will be done to restore public confidence in ECC who need to define, in absolute clarity, that they have regained control, after many years without that full control.	Work is on-going to produce a full AMR covering the period 2018 – 2021. This is expected to be published in early 2023. A revised approach to producing the AMR, reflective of the resources available, is being actively considered and this will be in place to guide subsequent iterations.
In Section 1.4.5 a table is presented showing information on major infrastructure projects. It is both disappointing and of great concern that projects have been delayed with the widening of the A12 now back to 2027/28 and consequentially the new A120 (significantly important to Braintree) is now defined as '2028 or	The delivery of major infrastructure, outside of the requirement to consider the delivery of such infrastructure when forecasting future mineral provision, is outside of the remit of the MWPA. A contact email for enquiries is footnoted <sup>27</sup> .

<sup>27</sup> <https://infrastructure.planninginspectorate.gov.uk/projects/>

<p>beyond'. What action is being taken by all, up to Secretary of State level, to ensure promises/commitments are kept this time round. We live in hope!</p>	
<p>Regarding Paragraph 2.1.2 – many organisations would be very content with a 92% response to a 'survey' of this information. The outcome of the survey could have been published with the necessary caveats, which would have been more positive.</p>	<p>All data resulting from the survey with the 92% response rate has been published. The point being made in the AMR is that it cannot be subsequently inferred that any figures presented represent 92% of their true value. For example, production rates vary significantly across individual extraction sites and, due to reasons of commercial confidentiality, it would not be appropriate to speculate on those values which may have been derived from those sites where surveys were not returned. As such, any trend analysis factoring in the latest data must be treated with caution. By way of example, if mineral sales were being monitored and one site within the 8% of sites which was missing from the dataset contributed 20% of total sales, the reported figure would be an under-representation, and an under-representation greater than the 8% proportion of sites that are not included in the dataset.</p>
<p>Regarding Paragraph 2.1.15 – comment has already been made about 'Marine-won' sources. I look forward to seeing the final outcome of the revised MLP.</p>	<p>Paragraph 2.1.15 makes reference to the report of the Examination in Public on what became the Essex Minerals Local Plan 2014 (MLP), within which the Planning Inspector holding the Examination Hearings stated that Essex County Council (ECC) should initiate further consideration of whether an increase in the proportion of marine-won aggregate use in Essex could be reliably quantified. This may then reduce the need to allocate sites for aggregate extraction in the terrestrial environment.</p>



	<p>Subsequent paragraphs 2.1.16 – 2.1.18 refer to a report<sup>28</sup>, available during the consultation, where it was assessed that an increase in the proportion of marine-won aggregate use in Essex could not be reliably quantified. No information has been submitted to the MWPA to question those findings and therefore the intended approach currently remains.</p> <p>Marine aggregates are discussed in more detail below.</p>
<p>This response does not focus on extraction of minerals other than sand and gravel (owing to local interest).</p>	<p>Noted. The AMR does not focus on the extraction of other minerals as in the first instance, all the indicators in the monitoring framework relate to sand and gravel. Brick earth is extracted in the plan area as well as silica sand, but these are only extracted by two operators and a single operator respectively and therefore sales cannot be published due to commercial confidentiality. The remaining mineral extracted in Greater Essex is chalk and this is not extracted as an aggregate and therefore there is no requirement to monitor this. It is further noted that chalk is also extracted by as single operator which again means that sales are not able to be published in any event due to commercial confidentiality.</p>
<p>This response also does not relate to the Waste Management Plan and will not as long as the strategy of a rotational extract and fill scheme stays in place for the Broadfields Farm site</p>	<p>The Waste Local Plan is a separate document that is not currently undergoing review.</p>

<sup>28</sup> 'Report to Determine Whether Marine-Won Aggregate Supply Can Offset the Demand for Land-Won Aggregates in Essex, October 2020'

<p>It is noted that that the definition of the AMR has been changed but that change should not detract from the need to produce this annually (re MMI 8).</p>	<p>The need to produce an AMR annually is acknowledged. A revised approach to producing the AMR, reflective of the resources available is being actively considered and this will be in place to guide subsequent iterations.</p>
<p>During 2018/20 (2.1.54) it is noted that the Site at Rayne was approved. It is disturbing that we are now in 2022 and work on site extraction has not started. Clarification will also be sought on who is legally responsible for the site, is it Tarmac or IVL. This is especially important in the event an issue has to be escalated in the event of a dispute.</p>	<p>Noted. The MWPA have no control over when a planning application may be submitted on an allocation made within the MLP 2014, or when a permission may be implemented beyond requiring commencement three years from permission being granted. It is understood that works at this site are now underway.</p> <p>Planning permission runs with the land and the applicant, and therefore Tarmac, are ultimately responsible for the site.</p>

Issues related to the overlap between Marine Plans and Local Plans and the treatment of marine aggregates.

- 1.217 The Marine Management Organisation (MMO) responded to the consultation, stating that under delegation from the Secretary of State for Environment, Food and Rural Affairs (the marine planning authority), the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the Mean High Water Springs (MHWS) mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of MHWS, there will be an overlap with terrestrial plans, which generally extend to the Mean Low Water Springs (MLWS) mark. To work together in this overlap, the Department of Environment, Food and Rural Affairs (Defra) created the Coastal Concordat. This is a framework enabling decision-makers to co-ordinate processes for coastal development consents. It is designed to streamline the process where multiple consents are required from numerous decision-makers, thereby saving time and resources. It was also noted that under Section 58(3) of Marine and Coastal Access Act (MCAA) 2009 all public authorities making decisions capable of affecting the UK marine area (but which are not for authorisation or enforcement) must have regard to the relevant marine plan and the UK Marine Policy Statement.
- 1.218 With regards to potential issues relating to an overlap between Marine Plan and terrestrial plans, which in this case is the Minerals Local Plan, this is acknowledged but is not considered to be relevant at the current stage of Plan

making as to date, no mineral development has been proposed which would be located in land designated within both the MLP and the South East Marine Plan. The points raised here, and the wider detail in the full response available in the Appendix, are however noted.

- 1.219 The same representation recommends reference to marine aggregates be made in emerging mineral local plans and that references are made to the Marine Policy Statement (MPS), Section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK's) construction industry. References were also requested to the NPPF, minerals planning practice guidance and the guidelines for aggregate provision 2005 – 2020. It was also noted that Local Aggregate Assessments must consider the opportunities and constraints of all mineral supplies into their planning regions – including marine sources, noting that even land-locked counties may have to consider the role that marine-sourced supplies (delivered by rail or river) have – particularly where land-based resources are becoming increasingly constrained.
- 1.220 The MWPA intends that the revised MLP will continue to include information relating to marine aggregates and will note that their contribution to overall supply in the plan area may increase over the plan period. Specific reference to the MPS will be made as appropriate in the policy context section. However, and as set out in the 'Report to Determine Whether Marine-Won Aggregate Supply Can Offset the Demand for Land-Won Aggregates in Essex 2020' background document, it is not considered appropriate to seek to reduce land-won provision of aggregate by assuming a quantified contribution from marine-based aggregate. The MWPA is not able to directly facilitate an increase in marine aggregate provision into Greater Essex as this is a commercial decision to be made by the operators of such providing facilities.
- 1.221 Figure 9 of the Greater Essex Local Aggregate Assessment 2021 shows that nearly 7.12Mt of sand and gravel was landed within the Thames Estuary area during 2020, which is significantly more than the total removed from the marine environment in that area (1.35Mt). This means that 5.77Mt was extracted from other licenced areas (such as the East Coast and East English Channel) and subsequently landed within the Thames Estuary Area, presumably to assist with development within Greater London and surrounding areas.
- 1.222 Additionally, the Collation of the results of the 2019 Aggregate Minerals survey, published in 2021, states that 1.19mt of marine-won sand and gravel was landed in Greater Essex but this does not equate to the sale destination.
- 1.223 Further, whilst ECC as MWPA could look to reduce land-won provision as a means to encourage the diversion of marine aggregate into Essex, minerals planning policy is clear that any deficiency in land-won allocations versus the established need can be met through sites coming forward off-plan if the shortfall was to cause the sand and gravel landbank to fall below seven years. Such a reduction could therefore create a scenario which encourages the permitting of additional terrestrial sites which are not allocated through the Plan-making process rather than an intended uplift to the supply of marine aggregates filling

the gap. Quantitatively reducing provision based on an assumed increase in provision from other sources outside of the MWPA's control could therefore result in a weakening of the Plan-led system, and a specific figure is not considered to be able to be justified.

- 1.224 The above should not however be inferred as meaning that the MWPA are 'ignoring' the potential of an increase in marine provision reducing the need for land-won allocations. Marine landings in Greater Essex are monitored annually through data obtained from the Crown Estate and this can be compared to annual land-won mineral sales.
- 1.225 Paragraph 4.5.1 of the Greater Essex Local Aggregate Assessment 2021 states that Greater Essex has the potential to be served from further afield but is most likely to receive aggregate from the Thames and East Coast dredging regions, due to the prohibitive costs of long-haul road transport of mineral. Licenses have been granted such that 3.6 million tonnes (Mt) and 7.33Mt (respectively) can be extracted from these two regions annually. This would total 10.93Mt per annum from the two regions combined. It is stated by the Crown Estate that at this rate, current estimates suggest there are 26 years of primary marine aggregate production permitted in the Thames Estuary and 12 years within the East Coast region. This could be increased through the current Licence applications, of which there are a total of five between the two regions. These could contribute a further 3.1Mt, according to the Crown Estate.
- 1.226 There has been a fluctuating amount of marine-won aggregate landed at ports considered to have the potential to supply Greater Essex between 2011 and 2020, although across the period there has been a general increase, from 7.05Mt to 7.34Mt, representing an increase of 4%. Despite this general increase however, 2020 had a 11.2% decrease in tonnes landed when compared to 2019 figures. When ports are analysed by administrative region, since 2011 there has been an overall increase in the marine-won aggregate coming into London ports, (16%). Kent has seen a decrease of 15.6% since 2011, as did Thurrock (37.5%), whilst during the same period, Suffolk has had a 49.6% increase in the amount of aggregate landed. These general decreases are considered likely to be due to impacts of the pandemic on construction rather than a true reflection of any market reduction in marine aggregate.
- 1.227 Should marine aggregate therefore indeed arrive in the Plan area in increasing quantities in the future, then through the mineral provision methodology set out in the NPPF, this actual increase in the proportion of marine aggregate would be reflected in the projections for future land-won aggregate need as part of a later Plan review. If marine aggregate is used in greater volumes, there would be a consequent reduction in primary aggregate sales, which would then reduce the ten-year sales average that is the base calculation for future mineral need. This is considered to be a more appropriate approach to considering the potential for marine aggregate to supply Essex than reducing land-won provision based on an assumed marine contribution that cannot be guaranteed or evidenced.

- 1.228 The MWPA further notes that reliance is no longer being placed on the national and sub-national guidelines for aggregates provision in England 2005-2020 as they have now expired. This should be removed from the MMO's standing guidance.
- 1.229 A further representation was received which provided comment on the study<sup>29</sup> published by the MWPA in 2020 which assessed the possible role of marine-won sand and gravel to offset land-won sources. It was noted that the question of a marine-won supply was raised at the EIP by both Rayne Parish Council and Braintree District Council. These suggestions were never pursued owing to a lack of wharfage and to the knowledge of the representation author, the situation has not changed. It was further noted that following comment by the Inspector, the MWPA were urged to an ongoing review and a possible solution utilising London and Suffolk have been discussed. Referring to the report, it was noted that it has been nigh on impossible to quantify what the impact might be, and that it was interesting to observe that it took 32 pages to say this.
- 1.230 The MWPA clarifies that through the Inspector's report into the Essex MLP EIP 2013, the Inspector requested that the MWPA 'Include a commitment to continue to monitor the potential for increasing the proportion of marine-won sand and gravel contributing to the future overall County requirement' (Summary, p2). This commitment was made by the MWPA through Mineral Monitoring Indicator 3 - Contribution of marine dredged sources towards overall aggregate provision. That set a trigger of if marine imports come within 90% of wharf capacity in Greater Essex, then a review is to be undertaken to determine whether wharf capacity is constraining the landing of marine dredged aggregate and whether there was then the potential for increasing capacity at either existing or new transshipment sites.
- 1.231 However, as set out in the 'Report to Determine Whether Marine-Won Aggregate Supply Can Offset the Demand for Land-Won Aggregates in Essex 2020', it was found that it cannot be assessed whether wharf capacity is above or below the 90% of throughput threshold set by Mineral Monitoring Indicator 3. This was largely due to the fact that obtainable data is insufficient to come to a conclusion. The report sets out that attempts were made to have direct discussions with wharf operators to collect primary data with regard to marine aggregate landings. However, commercial confidentiality is a significant issue and the MWPA have no statutory ability to obtain the necessary data. The report also looked into issues around substitution and responsibilities of the MWPA to provide terrestrial sources of aggregate. It is noted that the report is 20 pages long and supported with evidence by way of appendices.
- 1.232 Further, in its recent report 'Aggregates demand and supply in Great Britain: Scenarios for 2035', the Mineral Products Association notes that whilst marine sources are expected to substitute to some degree for terrestrial based sand and gravel, this will be driven by sand and gravel planning permissions dwindling and

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<sup>29</sup> Report to Determine Whether Marine-Won Aggregate Supply Can Offset the Demand for Land-Won Aggregates in Essex 2020'

substitutions having to be found. This driver is not applicable to Essex which has significant sand and gravel reserves. The report further notes that wharf and dredger capacity are two notable barriers with regards to significantly boosting supply from the marine environment. It is outside of the ability of the MWPA to develop additional wharf and dredger capacity itself.

- 1.233 A further representation on the topic of marine aggregates was received from the Port of Tilbury London Limited (PoTLL). It was stated that their interest in planning for the future supply of minerals within the County arises from the recent development of the Tilbury2 Construction Materials and Aggregates Terminal (CMAT). Work on the CMAT has been on-going since the Secretary of State granted consent for the terminal as part of a Nationally Significant Infrastructure Project Development Consent Order (DCO) in February 2019. The Terminal is operated by Tarmac and is the largest facility of its kind in the UK. It includes aggregate processing and manufacturing facilities, including an asphalt and ready-mix concrete plant, supported by a deep water berth that has capacity for self-discharging vessels up to 100,000 metric tonnes. The facility will act as a hub for materials required across London and the southeast with its riverside location enabling the easy import of raw materials and the use of the River Thames as an onward delivery route.
- 1.234 The relevance of the Tilbury CMAT was stated as being that the quantity of imported or marine won aggregates in Essex is likely to significantly increase in future years. The CMAT capacity is likely to be circa 2 million tonnes p.a. Much of this is likely to be directed to major infrastructure or development projects either locally (such as the potential Lower Thames Crossing) or further afield along the Thames in both Essex and elsewhere.
- 1.235 Reference was then made to the consultation material which states that the landbank required for maintaining future sand and gravel supply assumes no increase in marine capacity to compensate for any reduction in terrestrial reserves, with reference then made to the proposed provision requirement being based on a new plan provision figure of an average of the last ten years of rolling sales within Essex plus 20% to provide flexibility.
- 1.236 It was stated that PoTLL would highlight that marine won and imported aggregate through the Tilbury2 CMAT will constitute a significant and certain contributor to sand and gravel provision in the wider Essex area and further afield now that the facility is fully operational. The CMAT was stated as being a highly sustainable facility, with the ability to barge materials to development sites via other Thameside wharves and with its own railhead for onward transfer by rail, as well as the ability to process materials on-site. The reserves brought in through Tilbury will therefore help to reduce the potential environmental impact of transporting aggregate by road. In this context it was considered that there is a case for factoring in this source of sand and gravel to the wider consideration of the need for sites in the County, given the environmental impact of sand and gravel extraction and given that the majority of terrestrial sites will not have the sustainability advantages of the CMAT at Tilbury. It was stated that ignoring it seems to risk allowing mineral extraction within the countryside when it is not

necessarily needed. Whilst the need for resilience and flexibility in supply is not disputed, it was considered that greater consideration should be given to marine won and imported material in the overall supply picture.

- 1.237 The MWPA notes the ability of this facility to contribute to the overall supply of aggregate available to the market in Essex and to reduce land-won supply pressures on the local environment. However, and as set out in the 'Report to Determine Whether Marine-Won Aggregate Supply Can Offset the Demand for Land-Won Aggregates in Essex 2020' background document, it is not considered appropriate to seek to reduce land-won provision of aggregate by assuming a quantified contribution from marine-based aggregate. The MWPA is not able to directly facilitate an increase in marine aggregate provision as ultimately the destination of this mineral is a commercial decision to be made by the operators of such providing facilities. It is considered more appropriate to allow for an increase in marine aggregates to demonstrably off-set terrestrial sales before broadly unevidenced quantified reductions are made to land-won provision. Whilst it is acknowledged that there is a general presumption that marine-won minerals will substitute for land-won minerals in the future, reference is again made to the Mineral Products Association's 'Aggregates demand and supply in Great Britain: Scenarios for 2035' report which states that whilst marine sources are expected to substitute to some degree for terrestrial based sand and gravel, this will be driven by sand and gravel planning permissions dwindling and substitutions having to be found. This driver is not applicable to Essex which has significant sand and gravel reserves. Under the scenarios set out in the MPA's document, the substitution of marine aggregate is at least in part driven by necessity due to an absence of terrestrial opportunity. Should the MWPA place reliance on this facility, or others, and reduce terrestrial allocations accordingly, applications will still be able to be submitted on terrestrial sites in Essex which the MWPA may have to approve if sand and gravel supplies are being increasingly constrained.
- 1.238 As set out previously, the above should not be inferred as meaning that the MWPA are 'ignoring' the potential of an increase in marine provision reducing the need for land-won allocations. Marine landings in Greater Essex are monitored annually through data obtained from the Crown Estate and published in the Local Aggregate Assessment. If marine aggregate is used in greater volumes, there would be a consequent reduction in primary aggregate sales, which would then reduce the ten-year sales average which is the base methodology for quantifying future mineral need.

#### Issues specific to the Tendring/Colchester Borders Garden Community (TCBGC)

- 1.239 A representation was received which set out the background to this significant development in north Essex, noting that the promoters have engaged with ECC with the aim of agreeing a pragmatic strategy for taking the maximum opportunity to use the minerals resource at the TCBGC site but without compromising the delivery of a new garden community. It was noted that the first delivery of homes is required by March 2025 but it was recognised that it could take several

decades to build out. It is confirmed that the MWPA wishes to ensure the best use of sand and gravel reserves that would otherwise be sterilised, whilst being cognisant of the wider delivery aims of the TCBGC. It is noted that it is important for mineral investigation to be undertaken sufficiently ahead of detailed planning of the TCGBC to ensure that opportunities for prior extraction can be pursued.

- 1.240 The representation further stated that given the prevalence of sand and gravel across the County, it is anticipated that the Call for Sites process will be productive and avoid the need to sterilise any parts of the TCBGC land for minerals extraction. Further, given the strategic importance of the allocated TCBGC site to delivering the new garden community, thousands of homes and wider development needs across Tendring and Colchester Districts along with the associated HIF trajectory for anticipated housing delivery, it was requested that any Preferred Sites for extraction identified within the MLP review to meet minerals need are not within the TCBGC site. It was further stated that mineral allocation sites would more sensibly be located elsewhere in the County on alternative sites that are promoted and submitted via the current minerals Call for Sites process.
- 1.241 It was further argued that by way of a legacy, the Government supported garden community at Tendring /Colchester Borders must focus on place making, with high standards of design and layout drawing on its context and the considerable assets within its boundaries such as woodland, streams and changes in topography. High quality design, place-making and delivery of new homes must be the key driver for this site. The site is therefore not appropriate for allocation as a 'Preferred Site' for extraction in the Minerals Local Plan.
- 1.242 The MWPA notes that the pro-forma associated with the Call for Sites which took place in March 2022, and that which will be used for the additional Call for Sites planned in late 2022, both request confirmation that the land subject to the red line boundary (i.e. the proposed mineral site) is not allocated or proposed to be allocated for any other form of development in existing and/ or emerging Local Plans. Whilst an allocation for a different use would not be grounds to remove the site for consideration as a minerals site in isolation, it is recognised that this would raise questions around its delivery.
- 1.243 With respect to where the representation states that 'High quality design, place-making and delivery of new homes must be the key driver for this site', the MWPA notes that mineral extraction is not necessarily incompatible with these aspirations, and there are examples in both Essex and further afield where long-term housing projects are being delivered or will be delivered following the prior extraction of the mineral underneath. Masterplanned effectively, prior extraction ahead of non-mineral development has the potential to significantly contribute to the holistic notion of sustainable development. From a sustainability standpoint, there is considerable value in first extracting a resource that could be turned into the homes that will be placed on the land currently containing the mineral, rather than transporting vast quantities of mineral to the same site, building homes, and consequently sterilising mineral of the same nature.



- 1.244 It is important to note that this representation was received in March 2022 and since then, the MWPA and promoters of the TCBGC are in the process of refining a mineral strategy which will assess the potential for prior extraction across the TCBGC site without compromising the overarching goals and contractual delivery obligations of the Garden Community itself.

Issues specific to the proposed Flood Alleviation Scheme at Coggeshall

- 1.245 A representation was made which stated concern that in the Topic Paper: Policy S6 2022, specific mention is made of the potential for the huge proposed additional quarry (being described as a flood alleviations scheme) at nearby Coggeshall to be considered as a windfall site. This would be a further extension of the Bradwell Quarry and in addition to the already consented and very large Site A7, which was originally a Reserve Site in the Minerals Plan. It was stated that any further extensions to Bradwell Quarry should only be considered in a future Plan as an allocated site and not as a “reserve” or “windfall” site. It was not believed that the “flood alleviation” scheme has been justified and that it is being used as a vehicle for an even larger area of quarrying to extend Bradwell Quarry. It was considered that more sustainable measures need to be considered for flood alleviation along the valley of the River Blackwater to avoid further major industrial impacts on the countryside and local villages.
- 1.246 The MWPA notes that the referenced flood alleviation scheme is a venture between a private company and the Environment Agency which will involve the establishment of an extension at Bradwell Quarry to facilitate the creation of flood defences. The Environment Agency is a non-departmental public body with responsibilities relating to the protection and enhancement of the environment in England, including flood defence.
- 1.247 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 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 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.
- 1.248 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. There is no strong justification for the MWPA to refuse determination of any application prior to the new MLP being adopted given both that the MLP review is at an early stage and that the primary purpose of the application would be the facilitation of a flood alleviation scheme rather than mineral extraction

- 1.249 As of August 2022 an application has yet to be submitted and therefore there is no application before the MWPA to determine. Should permission be granted, the quantity of mineral to be extracted would be added to the permitted reserve for the County and not taken as a separate or additional figure, in line with the approach taken to windfall sites.

#### Issues specific to Bradwell Quarry, Braintree

- 1.250 A representation from Rivenhall Parish Council stated that the overall impact of the Bradwell Quarry and Waste Site on the local countryside and ecology are already very significant. However, a further matter of concern to the Parish Council is the previous consent from the MWPA to use the unclassified and narrow Woodhouse Lane for some quarry traffic and the more recent attempt by the Waste Site developers Indaver to open up the same lane for waste site traffic, including heavy abnormal loads. These pressures were considered to be happening for two main reasons:
- Because the bridges over the River Blackwater do not have the capacity to take all the waste and quarry site traffic.
  - Because the quarry extensions and waste site are at ever longer distances from the A120.
- 1.251 It was stated that it has been a principle from the start of the long planning history that the sole access for all quarry and waste site traffic should be from the A120 trunk road, a stance which is supported by the Minerals Plan policy. It is clearly for the quarry and/or waste site operators to ensure that the bridges which serve the haul road are fully capable of safely taking all the loads they may require and that the haul road is built to the length and standard necessary to do the same. It was reiterated that no quarry or waste site traffic should use Woodhouse Lane, which can be accessed only via the villages of Kelvedon, Silver End or Rivenhall over unclassified roads.
- 1.252 The MWPA notes that any change in development that has been permitted through an earlier planning permission, including a desired non-compliance with extant conditions attached to that permission, has to be separately applied for by submitting an application. Any application would be considered against national and local planning policy.
- 1.253 It is clarified that access via Woodhouse Lane has been permitted for staff and visitors only to the Rivenhall IWMF Information Hub (ESS/01/22/BTE). In addition, a non-material amendment to the planning permission to the Rivenhall IWMF has been given to allow ten abnormal loads to bring in construction plant via Woodhouse Lane. No application has been made to allow HGV traffic bringing waste to access the site via Woodhouse Lane and this would be strongly resisted by the MWPA should an application be made.
- 1.254 More generally, the same representation states that in recent years there has been a major increase in quarry and development site tipper HGVs coming through local villages, including Rivenhall, often at speed and sometimes

ignoring local weight restrictions. It was considered essential that the revised policy S6 contains much stronger consideration of the need to avoid disproportionate clustering of minerals sites in one area.

- 1.255 The MWPA notes that it is proposed to amend supporting text to Policy S11 – Access and Transport to make clear that the operator and the MWPA may enter into a unilateral agreement to ensure acceptable routing of its HGVs. However, all road users are taxed through Vehicle Excise Duty (VED). Payment of this tax then entitles the road user to use the public highway freely, other than needing to comply with any locally imposed width, height or weight restrictions. Evidence of mineral traffic ignoring local weight restrictions can be submitted to the MWPA who have an enforcement function. The administrative authority of the MWPA primarily extends to being able to control access into and out of mineral sites.
- 1.256 Policy DM1 – Development Management Criteria is the relevant MLP policy with regards to assessing the potential for cumulative impact at the planning application stage when mineral allocations are in close proximity to each other.

#### Issues specific to Colemans Farm, Braintree

- 1.257 Through their representation, Rivenhall Parish Council also raised great concerns about any further enlargement or intensification of Colemans Quarry, which has taken a large area of former farmland in the south of the parish and where the operators are submitting further applications to the MWPA to extend the quarry and import waste or waste infill with what was described as much higher HGV traffic movements. It was further stated that the Parish Council and its residents seek the earliest possible finish and restoration of the quarry alongside the earliest possible completion and landscaping of the new route for the A12, with these two matters being inextricably linked.
- 1.258 The MWPA notes that the MLP Review has, to date, been supported by a Call for Sites which closed in March 2022 and it is intended for another Call for Sites to be undertaken to address the re-basing of the Plan to 2040. It is intended to subject all sites received through this engagement to an independent interim site assessment and then present the findings to relevant local planning authorities for comment under the Duty to Co-operate ahead of a Regulation 18 consultation in late 2023. Extensions to Colemans Farm have been submitted through this exercise and their performance under the site assessment methodology will be made available for public consultation as part of a future Regulation 18 consultation.
- 1.259 As is the case for all future allocations that would be made through this process, each allocation would still be subject to a detailed planning application before any works can begin. Applications received are required to go through the consultation process so consultee comments are taken on board at the planning stage as well.
- 1.260 It is noted that where extraction is permitted as an extension to an existing quarry, these extensions are worked sequentially rather than in one go, and often to a Masterplan to ensure that these works, restoration and their subsequent

after-uses are delivered in a joined-up manner which seeks to reduce the time and magnitude of impact on local communities. Potential cumulative impact with both mineral development and other forms of development is a factor at both the allocation and planning application stage, including those for site extensions.

#### Issues specific to Elsenham Quarry, Uttlesford

- 1.261 A detailed representation was received from the promoter of a potential allocation at Elsenham Quarry setting out a number of justifications for the allocation of the site. The detail of that response can be found in Table 3. In relation to these points, the MWPA notes that where comments are made specifically with regards to the nature of the resource at Elsenham, it is not disputed that there is sufficient confidence in the nature of the mineral at that particular location. However, it is noted that the majority of issues set out in the representation have already been heard by an Inspector at the Examination in Public on the Essex Minerals Local Plan in 2013 and were not considered, on their own, to amount to a justification to allocate the site in question. On this point, it is noted that the suitability of a site for mineral extraction does not rest solely on the particular quality of mineral, but also on its performance under the site selection methodology which takes its lead from conformity with the wider Development Plan.
- 1.262 The representation further stated that since the adoption of the MLP, guidance and legislation, including in the NPPF, continue to bring the carbon agenda forward as a priority and with this in mind it was considered that there is a strong case for the production of building sand at Elsenham, which is supported by the need to reduce carbon footprint.
- 1.263 The MWPA notes that this site has been submitted for consideration as a potential allocation for future sand and gravel extraction as part of the March 2022 Call for Sites exercise. The site will therefore be assessed under the site selection methodology that all sites received through the March 2022 Call for Sites exercise were subjected to, and the outcome of that assessment will be published alongside the second Regulation 18 in 2023.
- 1.264 At this stage it can be said that the allocation of any single mineral site is contingent on the need for the mineral, their contribution to a wider supply strategy, the ability to mitigate against unacceptable potential impacts during site working, and the relative degree of severity of any potentially negative residual impacts that may remain following extraction across a wide range of planning criteria. This will be set out within the Site Selection Methodology document accompanying the second Regulation 18 consultation, where each site will be assessed alongside all other sites considered for allocation. Climatic impacts are only one consideration and, without prejudice, given the scale of operations at a single, temporary mineral site, potentially not as locally significant as other potential amenity impacts.

#### Issues specific to sites submitted within the administrative area of Colchester

- 1.265 A detailed representation was received from a promoter of potential allocations at Heckerford Bridge setting out a number of justifications for the allocation of the site. It was stated that to ensure a continuity of supply for the relevant mineral company to existing markets, an extension to Colchester Quarry will be required within the current Plan period (up to 2029). Given that the Plan Review will not be adopted until circa 2024, it will be necessary to twin track a Planning Application and Local Plan promotion to support an allocation.
- 1.266 On this point the MWPA notes that following the decision to re-base the MLP to 2040, it is currently considered that the revised MLP will be adopted in 2025. Any planning application to work a site submitted to the MWPA that is not allocated through the iteration of the MLP extant at the point of submission will be treated as an application on a non-preferred site for the purposes of the Development Plan.
- 1.267 The representation then presents details with regards to two potential allocations as well as an application for prior extraction adjacent to Colchester Zoo. These are noted by the MWPA. With regards to the sites for potential allocation, these sites will be assessed as part of the site assessment process and the interim results consulted on as part of a Regulation 18 consultation in 2023. An application for prior extraction will be subject to the provisions of Policy S6 of the adopted MLP which requires the demonstration of an over-riding justification or benefit for extraction on non-allocated sites.
- 1.268 The representation provides further information with regards to the importance of the site in relation to being able to maintain supply to a Dry Silo Mortar plant, which is described as a strategic, expensive piece of plant and one of approximately 20 in the United Kingdom. It was noted that a key business strategy of the mineral company is to maintain continuity of supply to sustain and meet future demands for a growing national housing market. However, with regards to the need to maintain production at a specific site, the MWPA does not consider that the individual commercial business need of a mineral operator to continue production at a particular mineral extraction site to be relevant or material to its decisions. All extensions and new sites are treated on their own merit and allocated on the basis of servicing an assessed County need.

### Conclusion

- 1.269 Despite being effectively a single-issue consultation on Policy S6, whose purpose is to set out the amount of mineral that has been calculated as being required to equate to the provision of a 'steady and adequate' supply of minerals on an annual basis, confirm compliance with the need to ensure the maintenance of a landbank of at least seven years for sand and gravel, and embed a Plan-led approach to mineral extraction by giving primacy to the allocations made in the MLP, the representations received to the informal engagement covered a wide range of issues that respondents wished to bring to the attention of the MWPA.
- 1.270 As such, a significant number of the issues covered in this paper, whilst linked to the provision and working of minerals in general, were not directly related to the

wording of Policy S6. As they are not directly related, they were not strictly relevant to the proposed draft wording of Policy S6 itself and therefore resulted in no amendments being made. The MWPA however considers it appropriate to directly address all issues raised and therefore all representations have been responded to through this paper.

- 1.271 Representations of support were received across a number of proposed policy intentions either set out through Policy S6 or in relation to it, particularly with regards to extending the Plan period to 2040, initiating Call for Sites exercises, recognising the need for flexibility in the Plan provision figure and requiring that mineral extraction proposals coming forward in areas that are not allocated are required to demonstrate an overriding benefit that justifies extraction at that site.
- 1.272 With regards to direct amendments to Policy S6, the policy is proposed to be rearticulated such that it sets out situations where extraction on non-allocated sites would be supported rather than being resisted. This was requested to ensure that Policy S6 presented a more positive approach to planning in line with the expectations made with regards to the drafting of planning policies. Clause b of Policy S6 was specifically requested to be redrafted as it was considered to not be planning positively as it sought to limit the volume of material that could be extracted at a site. This point was accepted although this is due to a lack of clarity in the policy behind the intention of clause b. Clause b is only intended to apply to mineral extraction proposals being made in order to facilitate the creation of an agricultural reservoir or where mineral extraction is permitted as a borrow pit to serve a specific development. An amendment has been proposed to clarify this. It is not intended that the amount of mineral to be extracted from made allocations in the Plan is to be restricted in terms of the amount which can leave the site. Additional amendments have been proposed to supporting text to clarify an unintended suggestion that the NPPF provides instruction rather than guidance, and to clarify that the examples of what may constitute an overriding benefit to satisfy Policy S6 with respect to extraction at non-Preferred sites is not an exhaustive list.
- 1.273 Of most significance to the operation of Policy S6, objections were received with regards to the proposal to amend the plan provision figure from 4.31mtpa to a new plan provision figure based on a rolling average of ten-year sales plus an uplift of 20%. It was questioned why the MWPA were seeking to move away from its previous position of continuing to use the National and Sub National guidelines for aggregate provision 2005-2020 and therefore retain its allocated apportionment of 4.31mtpa, particularly in recognition at the time that future sales are likely to rise.
- 1.274 Whilst the MWPA accepts that there has been a change in approach, as of August 2022, it remains the case that no new Guidelines have been put in place to replace the latest Guidelines that are now expired. Just as crucially, and as noted through the Regulation 18 consultation in April 2021, there has been no indication that the figures in the expired Guidelines are to be 'rolled forward' or re-issued, despite there having been ample opportunity to do so. With the intention to re-base the Plan between the dates of 2025 – 2040, the expired

Guidelines are considered to be increasingly inappropriate as a basis for future mineral provision. The MWPA is however not committed to a provision based on a rolling ten-year sales average plus 20%. Mineral provision will be re-assessed and published as part of a Regulation 18 consultation in late 2023.

- 1.275 Representations were received from the minerals industry which questioned the MWPA's concerns with respect to the potential of an 'over-allocation' of mineral sites by setting the annual rate of plan provision too high. The MWPA however notes that to ensure a Plan-led system, and to provide certainty to local communities, allocations need to be made on the basis of economic need, as far as is possible, to ensure that allocations are needed in the Plan period and will therefore be worked and restored as originally envisaged.
- 1.276 Making too low a provision will essentially be allowing for applications to be permitted on land that is not allocated, which cannot be said to provide communities with assurance as to where mineral development is going to occur, which is why there must be a clear, over-riding justification or benefit for extraction to take place on non-allocated sites. Further, designating Preferred Sites above the required need also cannot be said to provide communities with assurance as to when and where mineral development is going to occur as allocations may sit undelivered for long periods of time or have restoration schemes compromised by the working out of these sites being slower than originally planned. In relation to these points, the MLP must also respond to social and environmental concerns in order to deliver development that is as sustainable as possible.
- 1.277 A number of objections were received with regards to basing mineral provision on the assumption of the continuation of interest in delivering existing allocations in the MLP 2014. With the extension of the Plan to 2040 and a new Call for Sites, it is now the intention that allocations made in the MLP 2014 that remain undelivered will be required to be re-assessed to ensure that they are still appropriate. Promoters of those sites will also be contacted to ensure that there remains interest in their delivery. Existing allocations are no longer proposed to be automatically included within the emerging iteration of the MLP which reduces an element of risk in the mineral supply strategy.
- 1.278 Further in relation to the provision of minerals, the importance of flexibility, productive capacity, the role of extensions and bringing forward un-allocated sites were all highlighted as having impacts on the steady and adequate supply of minerals. In relation to these aspects, the MWPA is conscious that mineral provision made through the MLP is not simply an exercise of providing for an amount of mineral in isolation. There is a need to consider the spatial distribution of sites as well as the rate and when they are likely to be able to disseminate mineral into the market. Again though, this is required to be within the context of development that respects environmental and social issues, including providing as much certainty as possible to local communities.
- 1.279 A number of representations have resulted in amendments to other policies, or otherwise raise issues that were previously intended to be captured by such

amendments to other policies. An example is the expansion of Policy S11 – Access and Transportation to make clear the requirement for Transport Assessment or a Transport Statement, what these should contain and the ability of the MWPA to enter into a unilateral agreement with regards to the routing of mineral traffic.

**Table 2: Schedule of Proposed Amendments to Policy S6 following the Informal Engagement in March 2022**

MLP 2014 Reference	New Ref	Proposed Amendment
Whole Plan	Whole Plan	All plan references to a plan apportionment of 4.31mtpa in Policy and supporting text will require amending to a revised plan provision covering the period to 2040.
Whole Plan	Whole Plan	There is a requirement to amend all sections around plan need as calculated for the current adopted Plan and remove references to the Sub-national apportionment and the historic approach.
Policy S6, Third Paragraph		<p>Mineral extraction outside Preferred or Reserve Sites will be <del>resisted</del> <u>supported</u> by the Mineral Planning Authority <del>unless</del> <u>providing</u> the applicant can demonstrate:</p> <ul style="list-style-type: none"> <li>a) An overriding justification and/ or overriding benefit for the proposed extraction, and</li> <li>b) The scale of the extraction is no more than the minimum essential for the purpose of the proposal, or and</li> <li>c) The proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan</li> </ul>
Policy S6, Clause b)		<p>b) <u>That where mineral extraction is ancillary to another development, except in the case of prior extraction to avoid sterilisation, the</u> The scale of the extraction is no more than the minimum essential for the purpose of the proposal,</p>
3.79		<p>To ensure that the need to maintain a landbank of at least seven years of sand and gravel is appropriately articulated, the following amendment is proposed:</p> <p>‘The NPPF provides <del>guidance</del> <u>instruction</u> on the minimum length of mineral <u>the sand and gravel</u> landbanks, as follows...’</p>



3.106		<p>To ensure that it is clear that the list of overriding justification and benefits set out in highlighted paragraph are not exhaustive, the following amendment is proposed:</p> <p><del>Proposals</del> <i><u>A potential overriding justification or benefit</u></i> for mineral extraction on these <del>'non-Preferred Sites'</del> <u>non-allocated sites</u> may occur in relation <i><u>include, but is not limited,</u></i> to:</p>
3.108		<p>To clarify the difference between non-Preferred Sites (sites which were submitted to the MWPA but not selected) and non-allocated sites (any site coming forward that was not allocated), the following amendment is proposed:</p> <p>The MPA does not consider that information about <del>mineral supply in specific County sub-areas,</del> or the individual commercial business need of a mineral operator to continue production at a particular mineral extraction site, to be relevant or material to its decisions in respect of non-Preferred Sites <u>allocated sites</u>.</p>
Various		<p>Appropriate references to marine aggregates, including reference to Marine Policy Statement Section 3.5</p>

**Table 3: Responses to Informal Engagement on Policy S6: Provision for Sand and Gravel Extraction, November 2022**

ORGANISATION	ON BEHALF OF	AGREE/ DISAGREE	COMMENTS	ECC RESPONSE
Name of Organisation	Are you responding on behalf of another individual or organisation? - If Yes, Who?			
Vincent Gorbing	Yes – another organisation. Port of Tilbury London Limited	Disagree (please provide comment below)	<p>Port of Tilbury London Limited (PoTLL) has received your letter regarding the above consultation.</p> <p>Our interest in planning for the future supply of minerals within the County arises from the recent development of our Tilbury2 Construction Materials and Aggregates Terminal (CMAT).</p> <p>Work on the CMAT has been on-going since the Secretary of State granted consent for the terminal as part of a Nationally Significant Infrastructure Project Development Consent Order (DCO) in February 2019. The Terminal is operated by Tarmac and is the largest facility of its kind in the UK. It includes aggregate processing and manufacturing facilities, including an asphalt and ready</p>	<p>The ability of this facility to contribute to the overall supply of aggregate available to the market in Essex and to reduce land-won supply pressures on the local environment are noted. However, and as set out in the ‘Report to Determine Whether Marine-Won Aggregate Supply Can Offset the Demand for Land-Won Aggregates in Essex 2020’ background document, it is not considered appropriate to seek to reduce land-won provision of aggregate by assuming a quantified contribution from marine-based aggregate. The MWPA is not able to directly facilitate an increase in marine aggregate provision as ultimately the destination of this mineral is a commercial decision to be made by</p>

			<p>mix concrete plant, supported by a deep water berth that has capacity for self-discharging vessels up to 100,000 metric tonnes. The facility will act as a hub for materials required across London and the south east with its riverside location enabling the easy import of raw materials and the use of the River Thames as an onward delivery route.</p> <p>The relevance of the Tilbury CMAT is that the quantity of imported or marine won aggregates in Essex is likely to significantly increase in future years. The CMAT capacity is likely to be circa 2 million tonnes p.a. Much of this is likely to be directed to major infrastructure or development projects either locally (such as the potential Lower Thames Crossing) or further afield along the Thames in both Essex and elsewhere.</p> <p>It is noted that your consultation material assumes that the landbank required for maintaining future sand and gravel supply assumes no increase in marine capacity to</p>	<p>the operators of such providing facilities. It is considered more appropriate to allow for an increase in marine aggregates to demonstrably off-set terrestrial sales before broadly unevidenced quantified reductions are made to land-won provision. Whilst it is acknowledged that there is a general presumption that marine-won minerals will substitute for land-won minerals in the future, reference is again made to the Mineral Products Association's 'Aggregates demand and supply in Great Britain: Scenarios for 2035' report which states that whilst marine sources are expected to substitute to some degree for terrestrial based sand and gravel, this will be driven by sand and gravel planning permissions dwindling and substitutions having to be found. This driver is not applicable to Essex which has significant sand and gravel reserves. Under the scenarios set out in the MPA's document, the substitution of marine aggregate is</p>
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			<p>compensate for any reduction in terrestrial reserves. Your proposed requirement is based on a new plan provision figure of an average of the last ten years of rolling sales within Essex plus 20% to provide flexibility.</p> <p>PoTLL would highlight that marine won and imported aggregate through the Tilbury2 CMAT will constitute a significant and certain contributor to sand and gravel provision in the wider Essex area and further afield now the facility is fully operational. The CMAT is a highly sustainable facility, with the ability to barge materials to development sites via other Thameside wharves and with its own railhead for onward transfer by rail, as well as the ability to process materials on-site. The reserves brought in through Tilbury will therefore help to reduce the potential environmental impact of transporting aggregate by road.</p> <p>In this context we consider that there is a case for factoring in this source of sand and gravel</p>	<p>at least in part driven by necessity due to an absence of terrestrial opportunity. Should the MWPA place reliance on this facility, or others, and reduce terrestrial allocations accordingly, applications will still be able to be submitted on terrestrial sites in Essex which the MWPA may have to approve if sand and gravel supplies are being increasingly constrained.</p> <p>Figure 9 of the Greater Essex Local Aggregate Assessment 2021 shows that nearly 7.12Mt of sand and gravel was landed within the Thames Estuary area during 2020, which is significantly more than the total removed from the marine environment in that area (1.35Mt). This means that 5.77Mt was extracted from other licenced areas (such as the East Coast and East English Channel) and subsequently landed within the Thames Estuary Area, presumably to assist with development within Greater London and surrounding areas. Additionally, the Collation of the results of the</p>
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			<p>to your wider consideration of the need for sites in the County, given the environmental impact of sand and gravel extraction and given that the majority of terrestrial sites will not have the sustainability advantages of the CMAT at Tilbury. Ignoring it seems to us to risk allowing mineral extraction within the countryside when it is not necessarily needed. Whilst we do not dispute the need for resilience and flexibility in supply we do consider that greater consideration should be given to marine won and imported material in the overall supply picture.</p> <p>We would be happy to discuss this further with you and should you need any further information regarding the new CMAT at Tilbury, do not hesitate to contact me. We would appreciate being kept informed of the progress of the review.</p>	<p>2019 Aggregate Minerals survey, published in 2021, states that 1.19mt of marine-won sand and gravel was landed in Greater Essex but this does not equate to the sale destination.</p> <p>Further, whilst ECC as MWPA could look to reduce land-won provision as a means to encourage the diversion of marine aggregate into Essex, minerals planning policy is clear that any deficiency in land-won allocations versus the established need can be met through sites coming forward off-plan if the shortfall was to cause the sand and gravel landbank to fall below seven years. This could create a scenario which encourages the permitting of additional terrestrial sites which are not allocated through the Plan-making process rather than an intended uplift to the supply of marine aggregates filling the gap. This would result in a weakening of the Plan-led system and reduce the resilience and flexibility that the representation recognises as</p>
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				<p>important by placing explicit reliance on a single, privately managed facility.</p> <p>The above should not however be inferred as meaning that the MWPA are 'ignoring' the potential of an increase in marine provision reducing the need for land-won allocations. Marine landings in Greater Essex are monitored annually through data obtained from the Crown Estate but as set out in Paragraph 4.4.1 of the <a href="#">Greater Essex Local Aggregate Assessment 2022</a>, these statistics relate to marine-won mineral landed at its ports, and do not define the mineral's final destination. The MWPA has no way of monitoring how much marine-won mineral arrives by road, only that which arrives at transshipment sites. Due to reasons of commercial confidentiality, which do not allow the reporting of data when it is compiled from three submissions or less, the MWPA often cannot publish this dataset.</p> <p>However, should marine aggregate</p>
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				indeed arrive in the Plan area in increasing quantities, then through the mineral provision methodology set out in the NPPF, this actual increase in the proportion of marine aggregate would be reflected in the projections for future land-won aggregate need as part of a later Plan review. If marine aggregate is used in greater volumes, there would be a consequent reduction in primary aggregate sales, which would then reduce the ten-year sales average. This is considered to be a more appropriate approach than reducing land-won provision based on an assumed marine contribution that cannot be guaranteed or evidenced.
Colchester Borough Council	No	Agree (but wish to provide comment)	Agree – it is considered appropriate to include a buffer in the calculation to set the new plan provision figure as this allows for flexibility in terms of allocations not delivering their full anticipated quantum of mineral and for any unprecedented delays to deliverability. This will also help enable the Council to maintain the seven year landbank.	Noted
Castlepoint Borough Council	No	Agree (but wish to	I refer to your email of 10 February 2022 inviting	Noted.



		provide comment)	<p>comments on proposals to amend the wording of policy S6 of the Minerals Local Plan.</p> <p>It is understood that these changes are being made to reflect amendments to the National Planning Policy Framework (NPPF) that require a local assessment of sand and gravel requirements to be made in accordance with a set methodology. It is understood that whilst this calculation identifies a slight fall in the requirement compared to the previous methodology, that the Minerals Local Plan must identify specific sites to meet this requirement to 2029 to accord with the NPPF. The Council has no specific objections to the amendments made to policy S6 in this regard.</p>	
Mineral Products Association	No	Agree (but wish to provide comment)	<p>We certainly support and welcome the flexible approach that Essex CC is proposing to ensure that a steady and adequate supply of aggregates as required by national policy. We are also pleased to see that following the last consultation</p>	<p>The support for flexibility in the approach to the plan provision figure is noted.</p> <p>With regards to the proposal to move away from the apportionment of 4.31mtpa as derived from the National and Sub-National</p>

			<p>response that a call for sites has been made.</p> <p>However, we are surprised that Essex CC is moving away from their position of just a year ago of using the National and Sub National guidelines for aggregate provision 2005-2020 (the guidelines) and allocated apportionment of 4.31mtpa and in recognition at the time of rising sales</p> <p>As Essex CC currently Chair the East of England Aggregate Working Party, they will be aware that DLUHC are actively looking at renewing the guidelines and the most recent iteration of the NPPF still refers to the guidelines.</p> <p>As noted in our response last year to this topic the Rationale report of 2021 supporting this plan review, recognised that sales are increasing. This fact along with the acknowledged significant increase in house numbers looking forward, and infrastructure build suggest that the approach taken by Essex</p>	<p>guidelines for aggregate provision 2005 – 2020 (The Guidelines), in the Rationale Report 2021 which supported the Regulation 18 consultation in April 2021, it was stated at Paragraph 4.136 that <i>‘In light of the Government’s continued support for the current Guidelines implied by their continued inclusion in the NPPF, even though they have now expired, and the intention to review the approach to guidelines and provision forecasts in the future, it would seem inappropriate to revise the current apportionment set out in the MLP when the forecasting methodology set out in the NPPF has already been acknowledged as being under consideration for revision.’</i> It is however considered to be important to note that the stance consulted on in March – April 2021 reflected a time when it was not proposed to carry out a Call for Sites as part of the current Review and as such for plan making purposes the plan provision rate was not going to set a long-term future strategic approach, not least as it was also not intended to amend the Plan period from 2029 to 2040.</p>
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			<p>was sensible to ensure a steady and adequate supply of aggregate. It is accepted that mineral planning authorities are in a difficult position with the current guidelines being out of date but notwithstanding the comprehensive analysis in the topic paper we are not convinced that a good reason has been put forward to move away from the guideline figure for Essex.</p>	<p>This issue was picked up in the MLP Review Topic Paper Policy S6: Provision for Sand and Gravel Extraction 2022, which informed the informal engagement to which this representation relates. At Paragraph 1.66 of that document, it is stated that <i>'as of November 2021, it remains the case that no new Guidelines have been put in place. Just as crucially, and as noted through the Regulation 18 consultation, there has been no indication that the figures in the expired Guidelines are to be 'rolled forward' or re-issued, despite there having been ample opportunity to do so.'</i></p> <p>At the time of writing in September 2022, the 2005 – 2020 Guidelines have still not been replaced, and with the intention to re-base the Plan between the dates of 2025 – 2040, the Guidelines are now considered to be increasingly inappropriate as a basis for future mineral provision. Whilst the PPG still refers to the Guidelines, these are only ever referred to as an indicator or guideline of need, with the basis of need being that derived through the Local Aggregate</p>
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				<p>Assessment which itself is subject to the provisions of the NPPF. A calculation of need must be 'supported by robust evidence and be properly justified, having regard to local and national need' (PPG Ref Paragraph: 070 Reference ID: 27-070-20140306). The value of the Guidelines as an indicator are considered to decrease as the time since their expiry increases. Further, the NPPF refers to 'Guidelines' in general rather than a specific set of Guidelines. With the last set of Guidelines having expired, they can no longer be considered to be extant.</p> <p>The MWPA does however note that references to Guidelines remain in the NPPF and confirms that it is aware that DLUHC are actively looking at renewing the guidelines. The MWPA will factor these into any future plan provision figures should they become available during the Plan making process. Until such a time, the MWPA will re-calculate mineral need on the basis of the methodology set out in the NPPF for the revised Plan period. The MWPA will revise its evidence, including that based on growth projections,</p>
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				and consult on this figure at the next Regulation 18 stage.
Brett Group	No	Agree	<p>Following the 2021 consultation exercise, we are pleased that a call for sites process has been commenced. In terms of the provision calculation methodology, Brett acknowledges welcomes the flexible approach taken by Essex County Council to ensure a steady and adequate supply of aggregates as required by national policy. However, we do not see a need to depart from the current apportionment rate given the increasing trend for sales in the county.</p>	<p>The support in relation to carrying out a Call for Sites and for seeking flexibility in the approach to the plan provision figure is noted.</p> <p>With regards to the proposal to move away from the apportionment of 4.31mtpa as derived from the National and Sub-National guidelines for aggregate provision 2005 – 2020 (The Guidelines), in the Rationale Report 2021 which supported the Regulation 18 consultation in April 2021, it was stated at Paragraph 4.136 that <i>‘In light of the Government’s continued support for the current Guidelines implied by their continued inclusion in the NPPF, even though they have now expired, and the intention to review the approach to guidelines and provision forecasts in the future, it would seem inappropriate to revise the current apportionment set out in the MLP when the forecasting methodology set out in the NPPF has already been acknowledged as being under consideration for revision.’</i> It is however considered to be important to note that the stance consulted on in March – April</p>

				<p>2021 reflected a time when it was not proposed to carry out a Call for Sites as part of the current Review and as such for plan making purposes the plan provision rate was not going to set a long-term future strategic approach, not least as it was also not intended to amend the Plan period from 2029 to 2040.</p> <p>This issue was picked up in the MLP Review Topic Paper Policy S6: Provision for Sand and Gravel Extraction 2022, which informed the informal engagement to which this representation relates. At Paragraph 1.66 of that document, it is stated that <i>'as of November 2021, it remains the case that no new Guidelines have been put in place. Just as crucially, and as noted through the Regulation 18 consultation, there has been no indication that the figures in the expired Guidelines are to be 'rolled forward' or re-issued, despite there having been ample opportunity to do so.'</i></p> <p>At the time of writing in September 2022, the 2005 – 2020 Guidelines have still not been replaced, and</p>
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				<p>with the intention to re-base the Plan between the dates of 2025 – 2040, the Guidelines are now considered to be increasingly inappropriate as a basis for future mineral provision. Whilst the PPG still refers to the Guidelines, these are only ever referred to as an indicator or guideline of need, with the basis of need being that derived through the Local Aggregate Assessment which itself is subject to the provisions of the NPPF. A calculation of need must be ‘supported by robust evidence and be properly justified, having regard to local and national need’ (PPG Ref Paragraph: 070 Reference ID: 27-070-20140306). The value of the Guidelines as an indicator are considered to decrease as the time since their expiry increases. Further, the NPPF refers to ‘Guidelines’ in general rather than a specific set of Guidelines. With the last set of Guidelines having expired, they can no longer be considered to be extant.</p> <p>The MWPA does however note that references to Guidelines remain in the NPPF and confirms that it is aware that DLUHC are actively</p>
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				<p>looking at renewing the guidelines. The MWPA will factor these into any future plan provision figures should they become available during the Plan making process. Until such a time, the MWPA will re-calculate mineral need on the basis of the methodology set out in the NPPF for the revised Plan period. The MWPA will revise its evidence, including that based on growth projections, and consult on this figure at the next Regulation 18 stage.</p>
David L Walker	Yes – another organisation. Brice Aggregates	Disagree (please provide comment below)	<ul style="list-style-type: none"> <li>• Brice Aggregates Limited (BAL) supports the start point of the review being based on an average of the ten year sales figure subject to taking into account the financial crash and its' aftermath in 2008 - 2013, and the more recent effects of the covid pandemic. It is recognised that the council identifies events as having an artificial effect of suppressing sales and output in certain parts of the plan period throughout the consultation document.</li> <li>• BAL would however question the four scenarios presented in Table 1, as this takes no</li> </ul>	<p>The support for recognising that the aftermath of the recession in 2008-2013 and the pandemic are having an artificial suppressing impact on mineral sales is noted, as is the identification of the period 2015 – 2018 representing a 'normal' stable period of sales.</p> <p>Before addressing the detailed points in this representation, it is noted that it is now intended to re-base the MLP to 2040 and as such a new evidence paper will be required which will set out the need for allocations for primary aggregate over the period 2025 – 2040. Nonetheless, the issues raised are addressed as they are still considered relevant to the process.</p>



			<p>account of remaining allocated and/or reserve sites not being brought forward in the plan period. The consultation document consistently identifies concerns about sites at Birch, Bradwell and/or Shellow Cross being delivered in the plan period. This further highlights the need for the prompt action advocated through the topic paper.</p>	<p>It is not agreed that Table 1 within the MLP Review Topic Paper Policy S6 takes no account of remaining allocated and/or reserve sites not being brought forward in the plan period. Table 1 is comprised of four scenarios, increasing in risk, with Scenario 1 forecasting the landbank in a scenario where no additional contributions are made through to Scenario 4 forecasting the landbank in a scenario where all allocations made in the Plan come forward and are approved by the end of the Plan period in 2029. Both Scenario 1 and Scenario 2 place no reliance on remaining allocated and reserve sites coming forward but it is noted that future plan provision was based on Scenario 4 which did assume this contribution. This is returned to later.</p>
			<ul style="list-style-type: none"> <li>• In respect of Paragraph 1.99, BAL have some concerns. The assessment of the 2015-2018 figures as being representative of “normal” sales figures for Essex is supported, but the buffer applied above this is inadequate. A 25% or 30% buffer over and above the 10 year sales would be much</li> </ul>	<p>Regarding Paragraph 1.99 of Topic Paper S6, support for the identification of the period 2015 – 2018 representing a ‘normal’ stable period of sales is noted. The MWPA agrees that a straight 10-year average sales figure as being the sole basis for aggregate provision would be flawed in that it encompasses the effects of two</p>

			<p>more appropriate and result in a more realistic and positive figure on which to base site allocation being either 15% or 18% above the 2015-2018 sales figures respectively. These buffers would be a more appropriate basis for sound and positive planning whereas the 11% buffer proposed in using the +20% buffer on the 10 year average does not provide sufficient headroom to allow for ordinary annual fluctuations and growth in the market.</p> <ul style="list-style-type: none"> <li>• It is submitted that the 10-year average sales figure is flawed in that it encompasses the effects of two extremely rare demand shocks (being the pandemic and the aftermath of the global financial crisis). The +20% provision figure of 3.74Mtpa is unlikely to achieve the objective of this review of achieving an NPPF compliant 7-year landbank at the end of the current plan period owing to likely strong demand from sustained increases in housebuilding, commercial development and infrastructure projects within the County in</li> </ul>	<p>demand shocks in the pandemic and the aftermath of the 2008 – 2013 global financial crisis. With regards to whether a 25% or 30% buffer over and above the 10-year sales would be a more appropriate buffer to ensure a steady and adequate supply of aggregates rather than the 20% the MWPA currently proposes, the issues raised, including the comparative with the 2015 – 2018 figures, are noted. The need and extent of any proposed proportional uplift from the 10-year sales average will be re-calculated following the decision to re-base the Plan to 2040, and this will factor in the latest aggregate sales and growth projections.</p>
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			<p>the intervening period which will consume the landbank at a faster than anticipated rate. This is reflected in the underlying increase of the 10 year period.</p>	
			<ul style="list-style-type: none"> <li>• In respect of Paragraphs 1.111 and 1.112, BAL disagree with the commentary provided. By definition, if there is not provision for a 7 year landbank at the end of the plan period then within (at most) the last 7 years of the plan there will not be an NPPF compliant 7 year landbank (assuming in the extreme case that the landbank is zero on the last day on the plan). i.e. the requirement to have a 7 year landbank at the end of the plan period is implicit within the NPPF.</li> </ul>	<p>The MWPA maintains its previous stance as set out in the Policy S6 Topic Paper.</p> <p>This is not supported by the MWPA as it ignores the mechanism of Plan Review. The NPPF requires, at Paragraph 213f, the need to maintain 'landbanks of at least 7 years for sand and gravel'. This requirement is viewed by the MWPA as being applicable in perpetuity, rather than just at the end of the Plan period at the point the Plan is adopted.</p> <p>As noted in the Policy S6 Topic Paper 2022 at Paragraph 1.111, the NPPF requires that local development plans are reviewed every five years, and this mechanism allows the MWPA to allocate additional sites that would be required to service the sand and</p>

				<p>gravel landbank requirement through cyclic reviews of a Plan rather than all at once. This is the case with the current MLP which was adopted in 2014. By virtue of the plan being adopted it must be consistent with the NPPF.</p> <p>That aside, the adopted Plan made provision for sand and gravel on the basis of the landbank being zero in 2029, on the year that the Plan expired. If mineral sales in Essex had equalled the forecasted provision every year from the start of the Plan, a NPPF compliant landbank would have ceased being achievable in 2023 and there would be a landbank of 0 at the end of the Plan period. However, a monitoring of sales since the Plan was adopted, which was presented in the Policy S6 Topic Paper, forecasted that an NPPF compliant landbank would cease being achievable between 2026 – 2027 based on the allocations that have yet to come forward. Through this Review, it is intended that additional allocations will be made and then adopted through this Plan in 2025 to provide a Plan-led means to enable the sand and gravel landbank to be</p>
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			<p>‘at least 7 years for sand and gravel’, until at least the Plan is subjected to another Review. Provided the sand and gravel landbank does not fall below seven years at any point in time, the approach is considered to be in accordance with the NPPF.</p> <p>However, allocating supply over the end of the plan period clearly imbues the adopted Plan with greater flexibility in terms of being able to respond to sales increasing above the plan’s forecasted provision rate and therefore contributes to maintaining a steady and adequate supply of minerals.</p>
			<ul style="list-style-type: none"> <li>• In respect of Paragraph 1.126, BAL disagree with the approach of using Scenario 4. Whilst it is normal and reasonable to expect that permissions for extensions will be sought to enable the continued working at a site once existing reserves are exhausted, the currently allocated sites which are yet to be granted consent and are very unlikely to come forward should therefore not contribute</li> </ul>
			<p>With respect to the appropriateness of using Scenario 4 (forecasting landbank need on the basis of assuming a contribution from Permitted/ Pending &amp; All Remaining Allocated &amp; Reserve Sites), it is accepted that this Scenario imbued the process with the greatest level of risk. However, at this point of the Review it is not agreed that those sites remaining in the Plan are ‘very unlikely to come forward’ as suggested through the representation. As set out in</p>

			<p>to consideration of supply in the plan period in any way. It has now been some 8 years since the adoption of the current MLP and where sites which are not extensions have not come forward in this period, it seems unlikely that they will now do so. The MWPA should plan for a scenario where these sites do not come into production during the plan period and allocate additional reserves accordingly. Should they eventually come forwards then they can serve to further reinforce the landbank.</p>	<p>Paragraph 1.124 of Topic Paper S6, ‘Operators of sites allocated in the MLP which have yet to come forward as a planning application have been contacted throughout the Plan Review, with the latest confirmation of intention to work in the Plan period secured prior to consultation being undertaken in March – April 2021 at the Regulation 18 stage. It is further noted that with the MLP expiring in 2029, it is not considered surprising that some allocations in the Plan have not come forward at the point of writing in September 2022. The intention to deliver existing allocations in the MLP will again be confirmed ahead of the next Regulation 18 consultation.</p> <p>As part of a sustainable approach to allocation, the MWPA should only allocate sites where there is confidence in their delivery. The revised MLP should not include sites where delivery is uncertain, and if they do come forward, would act to ‘reinforce’ the landbank.</p> <p>Following the decision to re-base the MLP to 2040 and allocate sites across this period based on a new</p>
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				<p>selection strategy, allocations in the adopted MLP that have yet to come forward will be put through the same site assessment exercise as all new sites received through the two Call for Sites exercises that are supporting the MLP Review to assess their continued appropriateness for re-allocation.</p> <p>The pro-forma supporting the previous Call for Sites asks 'Is there confirmed mineral operator interest in working the site?' and 'Please provide evidence that the landowner is aware of, and supports, this submission in response to the 'Call for Sites' for the Essex Minerals Local Plan Review'. These questions are proposed to be retained for the second Call for Sites and aid in demonstrating deliverability of any type of candidate site that may be put forward.</p>
Heatons	Yes – another organisation. Tarmac	Agree (but wish to provide comment)	Whilst the MPA's approach to seeking to provide flexibility is supported, it is considered that the Plan calculations should remain as per the previous Draft Plan iterations and reflect the National and Sub National	<p>Support for seeking flexibility in the approach to the plan provision figure is noted.</p> <p>Before addressing the detailed points in this representation, it is noted that it is now intended to re-base the MLP to 2040 and as such</p>

			<p>guidelines for aggregate provision 2005-2020 (the guidelines) and allocate apportionment of 4.31mtpa. The Topic Paper does not justify a deviation on the position the MPA was taking a year ago to retain the apportionment figure (ref 'Rationale Report 2021').</p> <p>It is accepted that the national guidelines only ran until 2021 and there have been no further figures produced or guidance offered by government. Notwithstanding, it is not accepted that this is therefore a reflection that the approach from government is no longer supported.</p>	<p>a new evidence paper will be required setting out the need for allocations for primary aggregate over the period 2025 – 2040. Nonetheless, the issues raised are addressed as they are still considered relevant to the process.</p> <p>With regards to the proposal to move away from the apportionment of 4.31mtpa as derived from the National and Sub-National guidelines for aggregate provision 2005 – 2020 (The Guidelines), in the Rationale Report 2021 which supported the Regulation 18 consultation in April 2021, it was stated at Paragraph 4.136 that <i>'In light of the Government's continued support for the current Guidelines implied by their continued inclusion in the NPPF, even though they have now expired, and the intention to review the approach to guidelines and provision forecasts in the future, it would seem inappropriate to revise the current apportionment set out in the MLP when the forecasting methodology set out in the NPPF</i></p>
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				<p><i>has already been acknowledged as being under consideration for revision.</i> It is however considered to be important to note that the stance consulted on in March – April 2021 reflected a time when it was not proposed to carry out a Call for Sites as part of the current Review and as such for plan making purposes the plan provision rate was not going to set a long-term future strategic approach, not least as it was also not intended to amend the Plan period from 2029 to 2040.</p> <p>This issue was picked up in the MLP Review Topic Paper Policy S6: Provision for Sand and Gravel Extraction 2022, which informed the informal engagement to which this representation relates. At Paragraph 1.66 of that document, it is stated that <i>‘as of November 2021, it remains the case that no new Guidelines have been put in place. Just as crucially, and as noted through the Regulation 18 consultation, there has been no</i></p>
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				<p><i>indication that the figures in the expired Guidelines are to be 'rolled forward' or re-issued, despite there having been ample opportunity to do so.'</i></p> <p>This remains the case and therefore it is the view of the MWPA that no reliance can be placed on these Guidelines.</p>
			<p>The NPPF continues to seek to ensure 'plans are flexible enough to respond to change', there is emphasis on the essentiality of 'sufficient supply' and in determining applications, 'great weight' is given 'to the benefits of mineral extraction including to the economy'. In ascertaining anticipated demand requirements, Mineral Planning Authority' must 'forecast future demand'.</p> <p>The NPPF has been through iterations in the knowledge that the current guidelines had an end date of 2021, but nevertheless, reference to the</p>	<p>Moving away from the Guidelines is not considered to mean that the MWPA is moving away from the NPPF requirements to seek to ensure 'plans are flexible enough to respond to change', ensure the essentiality of 'sufficient supply', give 'great weight' 'to the benefits of mineral extraction including to the economy' or in anticipated demand requirements by not forecasting future demand. The NPPF is clear that a rolling average of the last ten-year sales is to now be taken as the basis for future mineral provision, before factoring in local evidence. It is the factoring in of local evidence, which includes a look forward to future planned growth rates, which assists in determining the need or</p>

			<p>guidelines remains in NPPF. In addition, the Rationale report of 2021 justified the use of the national guideline figures because of rising sales (pre-effects of the pandemic) and the extent of housing and infrastructure growth that is to be provided. The 'other local relevant information' has not changed since consultation on the rationale document in 2021.</p>	<p>otherwise for a proportional uplift in the ten-year sales average. This proportional uplift is what creates plan flexibility and consequently contributes to a supply of aggregates that equates to being steady and adequate as required by NPPF Paragraph 213. It was proposed that this uplift be 20% in previous consultation material, and an appropriate proportional uplift will be recalculated as part of re-basing the Plan to 2040. With respect to the stated Guidelines, and putting aside whether the expired Guidelines should be considered extant or otherwise, the NPPF is clear that these are now only to be used as a guideline, and not the basis for mineral provision. With a new Plan intended to be adopted in 2025, five years after the end-date of the current Guidelines, the NPPF do not consider these to be a sufficiently robust guideline.</p> <p>At the time of writing in September 2022, the 2005 – 2020 Guidelines have still not been replaced, and</p>
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				<p>with the intention to re-base the Plan between the dates of 2025 – 2040, the Guidelines are now considered to be increasingly inappropriate as a basis for future mineral provision. Whilst the PPG still refers to the Guidelines, these are only ever referred to as an indicator or guideline of need, with the basis of need being that derived through the Local Aggregate Assessment which itself is subject to the provisions of the NPPF. A calculation of need must be ‘supported by robust evidence and be properly justified, having regard to local and national need’ (PPG Ref Paragraph: 070 Reference ID: 27-070-20140306). The value of the Guidelines as an indicator are considered to decrease as the time since their expiry increases. Further, the NPPF refers to ‘Guidelines’ in general rather than a specific set of Guidelines. With the last set of Guidelines having expired, they can no longer be considered to be extant.</p>
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				<p>The MWPA does however note that references to Guidelines remain in the NPPF and confirms that it is aware that DLUHC are actively looking at renewing the guidelines. The MWPA will factor these into any future plan provision figures should they become available during the Plan making process. Until such a time, the MWPA will re-calculate mineral need on the basis of the methodology set out in the NPPF for the revised Plan period. The MWPA will revise its evidence, including that based on growth projections, and consult on this figure at the next Regulation 18 stage.</p>
			<p>Using the end date of these guidelines to justify less reserves to be allocated and a consequential arithmetic increase in the landbank is not 'positive plan preparation' (paragraph 1.74 of the Topic paper – reference to 'importance of additional scrutiny to plan provision now it is concluded that additional sites are required').</p>	<p>The end date of the previous Guidelines have not been used to justify less reserves being allocated. Whilst the MWPA accepts that the opening statement of that paragraph is a planning judgement and has not been explicitly stated, the MWPA considers that the remainder of the paragraph, is still appropriate</p> <p>The reduction of annual need from the expired Guidelines derived value of 4.31mtpa to the then proposed annual provision of 3.74mtpa was reached by taking the 10-year sales average and then considering other</p>

				<p>local information, as required by NPPF Paragraph 213a, which resulted in a 20% uplift to the average. How this was derived is set out in Topic Paper Policy S6 2022. It is noted that the apportionment value of 4.31mtpa was not reached across the 10-year period required to be assessed by the NPPF, with the highest number of sales recorded in a year, at 4.13mt, being an outlier. Through Topic Paper Policy S6 2022, it can be seen that 3.31-3.42mt is a more reflective sales rate, with sales dropping below 3mt in three of the previous ten years, although this is considered to be a suppression of real demand due to other economic influences.</p>
			<p>It is not considered that an approach using the national guidelines will result in an early call for sites as the 7-year supply is eroded (para 1.68 of the topic paper). It would simply ensure that the overall provision to be made in the current review is set high enough to accommodate flexibility to respond to change</p>	<p>The point of view expressed in Paragraph 1.68 of the Topic Paper Policy S6 was that of a respondent to the informal engagement rather than being reflective of the views of the MWPA. Whilst it is recognised that allocating land for mineral extraction based on increasing levels of provision will increase flexibility for operators, it reduces certainty with regards to where sites</p>

			<p>and the projected increase in demand anticipated by the Rationale Report 2021. The allocations to meet that demand within the Plan provide the certainty to residents on where mineral extraction will happen over the course of the Plan period. By the same token operators require allocations within the Plan to provide the secure framework by which sites can be brought forward as Planning Applications.</p>	<p>may come forward over the Plan period, including whether they come forward in the plan period at all, as well as timescales associated with their working and restoration. The role of the MWPA is to ensure a steady and adequate supply of aggregates and to accommodate land on the basis of that need. The need for flexibility is as much to do with ensuring a Plan-led system can be maintained by being able to accommodate an increase in sales above that forecasted as it is flexibility for the market. Allocating demonstrably above need at this juncture, even when considering the need for flexibility, may also reduce the ability to respond to new, more sustainable opportunities for mineral extraction in the future.</p>
			<p>The permitted landbank in 2021 is 29.70mt. Based on national guidelines of 4.31mtpa, the Plan should provide for 64.65 mt over the next 15 years to</p>	<p>The points with regards to the previous intention to not extend the Plan period are noted. It is now intended to re-base the MLP to 2040, re-calculate the Plan need</p>

			<p>cover a full Plan period.</p> <p>It is noted that the intent of the Review is not to extend the current 2029 end date of the Plan, but to merely top-up provision within the existing Plan Period and seeking to provide a 7 year landbank at the end of the 2029 Plan Period. With a possible Plan Review adoption in 2024, this exercise will do no more than deal with deficiencies within the current Plan period rather than being a meaningful 15 year Plan review. The outcome will be a circa 5 year residual plan period (or less) with a 7 year landbank beyond. That is not positive forward planning.</p> <p>Whilst it is noted that it is the intention of ECC to produce a new Plan from 2029, unless that Plan is in place by 1st January 2029 (which is unlikely without immediate commencement upon adoption of the current Review), then the</p>	<p>over this period, and allocate new sites accordingly.</p>
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			start position will be a landbank of less than 7 years, which again is not an appropriate approach to ensuring a 'steady and adequate supply'.	
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<b>ORGANISATION</b>	<b>ON BEHALF OF</b>	<b>AGREE/ DISAGREE</b>	<b>COMMENTS</b>	<b>ECC RESPONSE</b>
Name of Organisation	Are you responding on behalf of another individual or organisation? - If Yes, Who?			
Witham Town Council	No	Disagree (please provide comment)	Thank you for your letter of 11th February 2022 which was recently considered by the Town Council's Planning and Transport Committee. Members were puzzled with the contradictions in the letter which explained that there would be a proposed reduction in the overall amount of sand and gravel that the Minerals and Waste Planning Authority needs to plan for the future but then called for additional sites.	The reason why a reduction in future mineral provision still led to a call for additional sites is because even with a proposed reduction in assumed annual need, there are insufficient sand and gravel allocations within the Plan to serve that reduced need across the remainder of the Plan period. When the MLP was adopted, it was adopted on the basis of sand and gravel allocations being exhausted at the Plan end date in 2029, such that additional allocations were always understood as being required in principle before that time. With the intention to now extend the Plan end date to 2040, further additional allocations are required to meet the additional need created through the Plan extension.
Colchester Borough Council	No	Agree (but wish to provide comment)	Agree in principle – it should be confirmed that those existing allocations without planning permission continue to be	Following the decision to re-base the MLP to 2040 and allocate sites across this period based on a new selection strategy, allocations in the

			<p>deliverable in the Plan period before identifying if any additional sites are required.</p>	<p>adopted MLP that have yet to come forward will be put through the same site assessment exercise as all new sites received through the two Call for Sites exercises that are supporting the MLP Review to assess their continued appropriateness for re-allocation. The need for Local Plan allocations to be deliverable is acknowledged and the continued intention to deliver outstanding allocations will be confirmed with site promoters as part of this process.</p> <p>The pro-forma supporting the previous Call for Sites asks 'Is there confirmed mineral operator interest in working the site?' and 'Please provide evidence that the landowner is aware of, and supports, this submission in response to the 'Call for Sites' for the Essex Minerals Local Plan Review'. These questions are proposed to be retained for the second Call for Sites and aid in demonstrating deliverability of any type of candidate site that may be put forward.</p>
Historic England	No	Agree (but	SITES	Noted.

		<p>wish to provide comment)</p>	<p>We understand that the Council has identified that new sand and gravel sites are required to be allocated as part of the Plan review, and that no allocation decisions have been made at this stage. It is unlikely that we will have the capacity to consider all of your sites (given our resources and the 6 counties that we cover), although we may be able to provide focused comments on a selection of sites, depending on our capacity at the time.</p> <p>Heritage Impact Assessments In order to help refine which allocations to take forward, we would suggest that a Heritage Impact Assessment (HIA) is undertaken for all potential sites. This should be proportionate (both to the scale of the site and the assets affected). Our Advice Note 3 'The Historic Environment and Site Allocations in Local Plans', sets out a suggested approach to assessing sites and their impact on heritage assets. The aim is to identify the heritage assets that may be sensitive to</p>	<p>All candidate sites will be subjected to a site assessment methodology which will include a historic environment criterion.</p>
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			<p>change, and to assess the potential impact caused by development on the Site to the significance of the heritage assets.</p> <p>We recommend that the appraisal approach should avoid merely limiting assessment of impact on a heritage asset to its distance from, or inter-visibility with, a potential site.</p> <p>Site allocations which include a heritage asset (for example a site within a Conservation Area) may offer opportunities for enhancement and tackling heritage at risk, while conversely, an allocation at a considerable distance away from a heritage asset may cause harm to its significance, rendering the site unsuitable. Cumulative effects of site options on the historic environment should be considered too.</p> <p>The following broad steps might be of assistance in terms of assessing sites:</p> <ul style="list-style-type: none"><li>• Identification of any designated or non-designated</li></ul>	
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			<p>heritage assets potentially affected by future development, including those which may be affected by development within their setting. Historic England's National Heritage List and review of the Essex Historic Environment Record (HER), and Local Lists where relevant, should be consulted;</p> <ul style="list-style-type: none"><li>• Assessment of the potential for known and any as yet unknown archaeological remains to survive within the Site;</li><li>• Assessment of the heritage significance of the identified heritage assets, including the contribution made by setting to significance;</li><li>• Assessment of the potential impacts, both direct and indirect (due to change within an asset's setting) that development (as known) will have on the significance of the heritage assets; and</li><li>• Production of recommendations for additional field investigations or mitigation in line with statutory requirements and best practice guidelines</li></ul>	
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			<ul style="list-style-type: none"><li>• Consider how any enhancements could be achieved and maximised; and</li><li>• Consider and set out the public benefits where harm cannot be removed or reduced</li></ul> <p>The HIAs should assess the suitability of each area for development and the impact on the historic environment. Should the HIA conclude that development in the area could be acceptable and the site be allocated, the findings of the HIA should inform the Local Plan policy including development criteria, and we would expect to see reference in the policy and supporting text to the need to conserve and seek opportunities to enhance the significance of on-site or nearby heritage assets (noting that significance can be harmed by development within the setting of an asset), the need for high quality design and any other factors relevant to the historic environment and the site in question. Indeed, on this point paragraph 16d of the NPPF states that policies should provide a clear</p>	
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			<p>indication of how a decision maker should react to a development proposal with the Planning Practice Guidance stating “where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interests about the nature and scale of development (addressing the ‘what, where, when and how’ questions)” (Paragraph: 002 Reference ID: 61-002-20190315 Revision date: 15 03 2019). Conservation of the historic environment is a part of the key overarching environment objective (Paragraph 8c) and Local Plans should set out a positive strategy in this respect (Paragraph 190).</p>	
Braintree District Council	No	Disagree (please provide comment)	<p>Braintree District Council wishes to express disappointment that new sites will now need to be allocated prior to the end of the plan period. The amount of land allocated should be kept to a minimum. However, the reduction in the amount of mineral needed for extraction</p>	Noted.



			from 4.31 million tonnes per annum (mtpa) to 3.74mtpa is welcomed.	
Castlepoint Borough Council	No	Agree (but wish to provide comment)	It is however noted that to ensure a sufficient supply, a Call for Sites is underway to ensure a sufficient supply of sand and gravel. In the event that the Call for Sites gives rise to a site or sites being promoted within the Castle Point administrative area, the Council would ask to be engaged in the assessment of the suitability of that site or sites to ensure that there is no conflict with any other land use designations, allocations or objectives.	Noted.  It is intended to subject all sites to an independent interim site assessment and then present the findings to relevant local planning authorities for comment under the Duty to Co-operate ahead of a Regulation 18 consultation in late 2023.
Brett Group	No	Disagree (please provide comment)	We agree that there is a pressing need for additional sites to be allocated to meet the identified shortfall. However we do not consider that all existing allocations, as yet not having permission, should count towards the requirement. The call for sites exercise should ascertain whether such allocations are still deliverable for the remainder of the plan period.	Following the decision to re-base the MLP to 2040 and allocate sites across this period based on a new selection strategy, allocations in the adopted MLP that have yet to come forward will be put through the same site assessment exercise as all new sites received through the two Call for Sites exercises that are supporting the MLP Review to assess their continued appropriateness for re-allocation.

				<p>The need for Local Plan allocations to be deliverable is acknowledged and the continued intention to deliver outstanding allocations will be confirmed with site promoters as part of this process.</p> <p>The pro-forma supporting the previous Call for Sites asks 'Is there confirmed mineral operator interest in working the site?' and 'Please provide evidence that the landowner is aware of, and supports, this submission in response to the 'Call for Sites' for the Essex Minerals Local Plan Review'. These questions are proposed to be retained for the second Call for Sites and aid in demonstrating deliverability of any type of candidate site that may be put forward.</p>
David L Walker	Yes – another organisation. Brice Aggregates	Disagree (please provide comment)	<ul style="list-style-type: none"> <li>• In respect of the ability to maintain the seven year landbank, Brice Aggregates Limited (BAL) would support the content of Paragraphs 1.38 and 1.42 of the consultation paper. As part of Paragraphs 1.34 and 1.35, sales data for 2019 / 2020 is acknowledged by the MPA as being unrepresentative of run rate</li> </ul>	<p>Comments with respect to the highlighted paragraphs are noted although since the decision to re-base the Plan to 2040, they refer to issues that are predominantly historic. That said, when it comes to preparing evidence in relation to setting a new sand and gravel annual plan provision figure, the MWPA will continue to assess both whether sales data is a true</p>

			<p>demand due to issues in data collection for 2019 (with industry responses being affected by furlough) and 2020 (and also 2021) sales figures being suppressed in the heart of the COVID pandemic. This is a once in a century event and BAL supports that the sales figures for these two years should be excluded from supply planning. This would have a marked effect on trends, and be more in keeping with the long term increase in sales/capacity indicated over the ten year period, that is noted elsewhere in the consultation documents. In short BAL are of the opinion that basing decision making when including data from 2019 and 2020 is not justified as it is not based on representative evidence</p>	<p>reflection of need over their representative period, and whether an average of historic sales figures will meet future demand. On that basis, the MWPA will not be explicitly 'excluding' historic figures from its future needs analysis but will be considering them in context based on local information, and attributing weight accordingly.</p> <p>A proportional uplift, as consulted on through the informal engagement, is considered to be the most efficient way of achieving this. Whilst the MWPA could attempt to select some years in a given period as being more reflective of need, reject others for not, and amend any proportional uplift accordingly, this is not expressly supported within the NPPF and is therefore not considered to be a justified approach.</p>
			<ul style="list-style-type: none"> <li>• Paragraph 1.43 sets out commentary on productive capacity. The commentary does not appear to identify situations where there has been a change in productive capacity at existing sites. This applies both currently and in</li> </ul>	<p>The importance of productive capacity with respect to the supply of minerals is noted. The pro-forma that supported the first Call for Sites in March 2022 included the following question: 'Estimated potential annual output after</p>

			<p>future decision making. In the current context BAL would offer up the evidence of its own operation at Colemans Farm, that has an allocated run rate of 150,000 tpa under the 2014 MLP, and indeed it was upon this basis that consent was initially granted, However since the original grant of consent, BAL have secured consent of increases in production capacity and have demonstrated an ability to sell in excess of 225,000 tonnes per annum - some 50 % higher than the original run rate.</p>	<p>processing (production rate, Mtpa) of mineral, if known, assuming no restrictions.' It is intended to preserve this question as part of the second Call for Sites. This information will be used to assist in quantifying whether the total annual productive capacity of the schedule of preferred sites would equate to the identified annual need across the Plan period.</p> <p>It is recognised that the annual productive capacity of a site may change due to successive planning applications made following an initial permission. It is considered that productive capacity at a site would be more likely to increase than decrease, which will not have an immediate negative impact on the ability to meet annual need as exists at the time. It is however recognised that increases in productive capacity may result in reserves being used up at a greater rate than the Plan originally makes provision for. Mineral sales are however assessed annually</p>
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				<p>through the mineral survey, and where sales exceed the plan provision rate, the MWPA will be aware of this and will be able to consider the need for a Plan review.</p> <p>It is however also noted that the MWPA cannot require that a site begins operating at any one time and therefore the productive capacity as part of Plan making can only be considered to be indicative at the site allocation stage and this will be required to be monitored. In this regard, the MWPA will be reliant on industry submissions to annual surveys.</p>
			<ul style="list-style-type: none"> <li>• In a forward planning context, BAL would highlight an example whereby developers may be able to increase their productive capacity at a given site in light of additional allocations e.g. where a larger reserve allocation at a particular site would support the viability of investments to increase the productive capacity and the</li> </ul>	<p>Please see above.</p> <p>It is recognised that there are commercial reasons as to why site operators would value the allocation of numerous extensions or sites in proximity, including where such satellite sites can be served by centralised processing facilities of a scale greater than</p>

			<p>potential output of a given site. This is in supply terms, equivalent to, and in many ways advantageous to the provision of additional productive capacity via equivalent greenfield allocations as associated impacts on noise, dust, transport, and visual impact can be more effectively mitigated at existing locations where management systems are established and proven effective.</p>	<p>could be justified by smaller, unsupported sites. However, there is also a requirement for the MWPA to not over-allocate, consider the cumulative impact of allocating and working a number of sites in the same locality, ensure that the spatial coverage of sites reflects need across the County so far as is possible and, as per NPPF Paragraph 213g, ensure that large landbanks bound up in very few sites do not stifle competition.</p> <p>It is considered that little weight can be given to the statement that the impacts of mineral working, including dust and noise, can be more effectively mitigated at existing locations where management systems are established and proven effective. Such management systems are often well understood and regularly implementable at new sites. Extensions can also bring working progressively closer to sensitive receptors which can make mitigation more problematic or existing processes no longer effective.</p>
			<ul style="list-style-type: none"> <li>• There is also the certainty of additional supply from existing</li> </ul>	<p>It is noted that those sites allocated in the MLP that have not yet</p>

			<p>sites whereas greenfield allocations typically take lengthy periods of time to come forwards (if at all) owing to the complexities inherent in quarry development, and/or the availability of capital at any one time for prospective developers.</p>	<p>currently come forward as a planning application are a mix of extensions and new sites. Extension sites have their own inherent delivery risks. The deliverability of extensions may, for example, be hindered by operations at the parent site not progressing as originally intended, or the extension having a demonstrable impact on sensitive receptors that the parent site does not.</p> <p>The pro-forma supporting the previous Call for Sites asks 'Is there confirmed mineral operator interest in working the site?' and 'Please provide evidence that the landowner is aware of, and supports, this submission in response to the 'Call for Sites' for the Essex Minerals Local Plan Review'. These questions are proposed to be retained for the second Call for Sites and aid in demonstrating deliverability of any type of candidate site that may be put forward.</p>
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			<ul style="list-style-type: none"> <li>• Re Paragraph 1.44, BAL agrees strongly with this observation.</li> </ul>	<p>This paragraph related to the need for the MWPA to be aware that falling sales may be due to a reduction in productive capacity as the ability for mineral to reach the market in the first place is constrained. As set out above, the pro-formas seek to capture information with regards to productive capacity.</p>
			<ul style="list-style-type: none"> <li>• Regarding Paragraph 1.47, BAL would have concerns that this presents a very simplistic assessment of activity in the sector, and has no regard for the wide range in potential outputs / productive capacity of aggregate production sites within the County. These can range from small scale operations or reservoirs under construction serving very local markets (e.g. on the Dengie and Tendring peninsulas) to large, nationally significant “super” quarries serving the regional and London markets (e.g. Bulls Lodge) and not necessarily substantially the needs of the county. Operators are required to submit their theoretical maximum annual</li> </ul>	<p>Through the Regulation 18 April 2021 consultation, a representation stated that ‘We find that many mineral planning authorities do not identify that what they see as falling sales, and therefore demand, is in fact operations closing or slowing production to conserve reserves and market, or in other words productive capacity. If this is not acknowledged for what it is, and proper mineral provision made for future demand then further sites go offline, and perceived decline in sales/demand become a self-fulfilling prophecy’.</p> <p>It is agreed that Paragraph 1.47 of the Topic Paper Policy S6 2022 presents, on its own, a simplistic</p>



			<p>outputs and annual sales figures to the MWPA on their annual returns. It is submitted that these figures could be assessed in total without compromising commercial confidentiality as a more accurate assessment of productive capacity (i.e actual run rates) year to year.</p>	<p>assessment of activity in the sector. Its inclusion however was to demonstrate the understanding that the reduction in sales set out for the years 2019 to 2020 in Greater Essex was not due to a reduction in the number of quarries active within Greater Essex. It is however accepted that a numerical count of quarries masks the fact that mineral operations can be very different to each other. However, the scale in the reduction in sales is clearly recognised through the assessment as being one of demand being impacted by the pandemic rather than a true reflection of decreasing demand. Any future mineral provision figure will therefore demonstrate caution with respect to the use of pandemic affected figures. It is accepted that issues around productive capacity need to play a part in understanding the delivery of future aggregate supply.</p>
			<ul style="list-style-type: none"> <li>• With respect to Paragraph 1.50 and the accompanying Figure 2 and table 4 below the paragraph. BAL would wish to point out that Colemans Quarry is consented until 2036 but this was based on an original application to extract at a rate</li> </ul>	<p>Noted. Paragraph 1.50, Figure 2 and Table 4, which showed those sites that were currently operating and those still expected to be operating in 2029, were indicative at that point in time and acted to demonstrate the need for future</p>

			<p>of 150,000tpa. The planning permission has since been varied upwards to permit extraction at a rate of 225,000tpa and at current rates of extraction, the site will exhaust its' reserves in 2028. The site employs some 25 people directly and hosts a processing plant and readymix concrete plant, distributing a wide range of high quality construction materials to markets in mainly the South, Centre and West of the County along the A12, A130, A414, and A120 corridors. In respect of Paragraph 1.51, it should also be noted that the site is a well located site relative to these markets in the south and west of the county.</p>	<p>allocations to ensure that minerals can be supplied around the County.</p> <p>Any new allocations will be subject to a site selection methodology which will assess their relevant merits.</p> <p>The need for new allocations will be made on the basis of the newly derived annual need for mineral up to 2040 minus the total reserve that is already permitted at the point of time that the Plan is intended to be adopted. The actual rate of sales as reported each year will be compared to the forecasted rate as set out in the Plan annually, and any need for early Plan Review, which may include additional allocations, considered on the basis of ensuring a steady and adequate supply of minerals to the Plan area.</p> <p>With regards to the need to maintain production at a specific site, the MWPA does not consider that the individual commercial business need of a mineral operator to continue production at a particular mineral extraction site to be relevant or material to the site allocation process.</p>
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				<p>The variation in productive capacity and consequently the forecasted lifetime of a site serves to highlight the difficulty that the MWPA has when forecasting an appropriate spatial distribution of sites and being overly prescriptive around productive capacity. Table 4 and the associated Figure 2 were solely intended to indicate the reduction in active mineral sites from the base date of 2020 and the end of the current Plan period in 2029, thus providing a visual representation of the need for more allocations.</p>
			<ul style="list-style-type: none"> <li>• For appropriate context, BAL would suggest that Paragraphs 1.56 and 1.62 may want to list in full the range of NSIPs that could be in place in the plan period. For example, why has the A12 Boreham to A120 widening scheme not been identified, when it has such a close bearing to the corridor of sand gravel in this part of the county. The likely needs of this project should also be considered seeing as this Nationally Significant Infrastructure Scheme is expected to be constructed</li> </ul>	<p>Topic Paper Policy S6 2022 was not attempting to provide a full list of NSIP projects, nor use any partial list to set out a justification for a future annual mineral provision rate. Paragraph 1.56 of the Topic Paper highlights two NSIPS to make the point that there are a number of proximate NSIPs planned which could create a significant increase in demand which the MLP will need to respond to.</p> <p>With respect to Paragraph 1.62, this was making reference to a</p>

			<p>during the current plan period. The path of this project passes through an area of known mineral reserves (including BAL's site at Colemans Quarry) and additional allocations to support its' construction should be considered accordingly.</p>	<p>specific briefing paper in relation to the Lower Thames Crossing NSIP. The briefing paper was highlighted to demonstrate that it is not possible to specifically quantify the impact that major infrastructure projects will have on local mineral supply as where minerals for projects are eventually obtained from are matters for the mineral supply market and not matters that an MWPA can control. The MWPA does recognise however that an increase in development locally will likely result in an increase in local mineral need, even if that increase cannot be quantified. With NSIPs not being required to complete Supply Audits, listing proximate infrastructure projects as the representation suggests will actually be of limited value to quantifying mineral need, but a future provision paper justifying the plan provision to be made in the MLP will nonetheless scope those projects to be delivered in the Plan period, as their intended future provision would be justification to ensure that the most recent period of suppressed sales should not significantly influence future mineral provision. A full list will also avoid</p>
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				any unintentional inferences being made behind the inclusion of a project or otherwise.
			<ul style="list-style-type: none"> <li>• The absence of nearby wharves or sites with suitable access to other transport modes (unlike the Lower Thames Crossing) suggests that terrestrial aggregates supply will be key. Other infrastructure schemes mentioned such as Bradwell B power station are far less advanced than the A12 scheme further warranting its inclusion for mineral planning purposes.</li> </ul>	As set out above, NSIPs included in the Topic Paper Policy S6 2022 document were being given as examples to justify a point, rather than being used as an indicator of a specific quantified rate of mineral provision. On that basis, the exclusion of the A12 scheme, or any other NSIP, from the examples given should not be taken as an indicator that they are not being considered as important for mineral planning purposes.
			<ul style="list-style-type: none"> <li>• BAL would also note that whilst appropriate reference has been made to the supply of aggregates to housing and NSIP, there is no apparent reference to serving the needs of the delivery of built commercial development required to support sustainable economic growth in the employment sector in the plan period.</li> </ul>	Noted. Again however, the examples given through the Topic Paper were highlighted to recognise that the rate of development is forecasted to increase relative to historic rates, not least given that the current rate of development has been suppressed due to the pandemic. This was information that was being used by the MWPA qualitatively to justify a percentage uplift above the standard 10-year average rolling sales rate that the NPPF sets out as being the basis for mineral provision. That said, the

				reference made in the representation is considered to be valid and the need for housing delivery to be accompanied by supporting commercial development to create a sustainable economy is recognised.
			<ul style="list-style-type: none"> <li>• In respect of Paragraph 1.85, BAL agrees with the need to identify a provision figure that is “sufficiently flexible to adapt to rapid change”, and are generally supportive of the text of this paragraph.</li> </ul>	Noted.
			<ul style="list-style-type: none"> <li>• However, in respect of Paragraph 1.86, BAL disagree with the conclusions of what would result from over allocation. Should allocations of reserves substantially exceed the future demand for sand and gravel over the remaining plan period, then the price mechanism and market forces will act to ensure that minerals are won and sold from sites which are the most competitive and economically sustainable. By virtue of the cost of overburden movement, and haulage costs from sites distant to markets, this will also see</li> </ul>	<p>Whilst the points in relation to the commercial benefits of over-allocation are noted, the MWPA is specifically required to make provision for a steady and adequate supply of aggregates on the basis of a mineral provision methodology set out in the NPPF. Whilst Practice Guidance is clear that ‘there is no maximum landbank level and each application for minerals extraction must be considered on its own merits’ (Paragraph: 084 Reference ID: 27-084-20140306), landuse planning is a balance between economic, environmental and social concerns. Whilst there is a requirement for</p>

			<p>minerals worked at the most environmentally sustainable locations. The most sustainable locations for mineral supply throughout the County will evolve over the course of the plan period as demand shifts spatially around the County over time in line with construction activity in different areas.</p>	<p>local plans, including the MLP, to be flexible and therefore be able to accommodate increases in demand over a plan period, where allocations are made, it is important that there is reasonable certainty that they will come forward and be worked within the time frames originally envisaged ie the plan period, based on a quantified need for those allocations over the plan period. This avoids issues of planning blight that may occur through over-allocation and provides certainty to local communities over where and when mineral development is expected to take place, including the delivery of any after-uses which provide added value to the communities hosting the extraction sites. Allocating on the basis of need at any given moment also allows future opportunities to be more readily taken as they arise, rather than over-allocate at a single point in time and allocate sites that may be less sustainable and unable to take account of spatial changes in growth over time. With regards to the spatial shifting of mineral demand, the MWPA notes that any allocation strategy will need to</p>
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				<p>ensure that allocations are geographically dispersed such that they can meet the needs of different areas of the County to the extent that the distribution of resources allows</p>
			<ul style="list-style-type: none"> <li>• Over-allocation allows the market to be flexible in following the patterns of demand around the County to minimise haulage distances in relation to sources of supply local to demand at a given time. In contrast the MWPA is required to assess and forecast expected demand over the plan period at the single point in time of their conducting a review. Failing to identify reserves substantially over and above forecast demand, undermines the working of market forces to deliver sustainable aggregates supplies both environmentally and financially. The wording of Paragraph 1.86 seems to suggest that the MWPA regards allocated sites not coming forward as detrimental to the plan or in some sense a “failure” on their part to allocate appropriately whereas in reality this is merely the market</li> </ul>	<p>It is agreed that the MWPA is required to assess and forecast expected demand over the plan period at a single point in time. However, forecasted demand is then compared annually to actual demand through tracking sales against the remaining provision made within the Plan. Should actual demand be demonstrably above the demand that the Plan makes provision for, the MWPA can elect to review its plan at any point, and increase the allocations made within the Plan.</p> <p>With regards to Paragraph 1.86 and the notion that allocated sites not coming forward indicates a ‘failure’, this is not stated. Paragraph 1.86 echoes the points made previously with regards to over-allocation, which is that it ‘may lead to the working of mineral in less sustainable locations than</p>



			<p>working to leave reserves in the ground which, at that point in time, are not economic to work compared to alternative sources of supply. The rationing effect on supplies of failing to allocate adequate sites over and above expected demand imposes hidden costs on the construction industry by compelling them to source aggregates from sites which, whilst being deemed suitable at the time of allocation but, owing to changes in circumstances in the intervening period might not represent the most suitable potential future sources of supply.</p>	<p>what would have been achieved with a lower plan apportionment figure, whilst also creating uncertainty as to when and where these allocations will come forward as they are not all necessarily required over the plan period.’ Making allocations on the basis of need rather than deliberately over-allocating means that additional allocations through Call for Site submissions can be considered more regularly and potentially assist in allocations being made on the basis of known future locational needs for the mineral as projections arent being made as far ahead. Whilst there are clear and obvious economic benefits for over-allocation with respect to increasing market flexibility and choice, the role of the MWPA is also to ensure that the total suite of allocations made at a point of time is as reflective of the future spatial need for the mineral across the County as possible, within a defined time period, whilst taking into account, through a site assessment methodology, the potential impacts of working the mineral on the local natural, historic and built environment, including the impact</p>
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				<p>on local residents. The MWPA is required to ensure that the impacts of working can be mitigated, that mineral is worked, and that restoration and aftercare are all carried out to high environmental standards at the earliest opportunity. A proliferation of sites may act to reduce the rate of sales at any given site, meaning that its impacts are felt for longer.</p>
			<ul style="list-style-type: none"> <li>• When considering Paragraph 1.92, BAL support the interpretation of the years 2015-2018 as being representative of the typical sales level of the Essex market under normal circumstances. Caution should be applied to utilising the 10 year average sales figure for planning purposes given that the years 2011 / 2012 reflect the aftermath (and subsequent austerity) resulting from the historically unprecedented global financial crisis of 2008/2009, and also the acknowledged once in a century effects of the Covid pandemic on the 2019 /2020 sales figures.</li> </ul>	<p>Noted. As part of changes to the plan making timetable as a result of re-basing the Plan to 2040, a revised 10-year time period will be used as the basis for the assessment. Factors influencing the rate of provision on any given year will be considered as part of the requirement to consider 'other relevant local information' when defining the annual provision rate of mineral as required by NPPF Paragraph 213a. However, it should also be noted that ten year rolling sales averages are used to calculate future mineral provision as they are intended to reflect a period of time, or an economic cycle, where there will be periods of</p>

				higher and lower output. The key issue for the MWPA is setting mineral provision at such a rate that the Plan can accommodate any additional increases without the need for an unplanned early review.
Heatons	Yes – another organisation. Tarmac	Disagree (please provide comment)	The Policy S6 Topic Paper is contradictory in acknowledging that the current allocations and reserve sites may not make a contribution within the Plan and extended landbank period (para 1.122), but it then argues that it is nonetheless appropriate to include the yield from these sites in the calculation of future requirements, and hence the modest 8.67mt requirement derived from ‘scenario 4’. This is not a correct approach. The current allocations and reserve sites need to be re-promoted as candidate sites and re-evaluated against the candidate site selection methodology. It is incorrect for ECC to simply assume that these sites will score more favourably than other sites yet to be promoted, and which have not yet been assessed.	<p>it is noted that it is now intended to re-base the MLP to 2040 and as such a new evidence paper will be required setting out the need for allocations for primary aggregate over the period 2025 – 2040. Whilst detailed comments with regards to Scenario 2 and 4 are no longer considered relevant, the broader issues raised are addressed as they are still considered relevant to the process.</p> <p>It is not considered that there is a contradiction in the stated approach. Paragraph 1.122 of Topic Paper Policy S6 2022 is a quote from a representation received through the Regulation 18 Consultation April 2021 and therefore does not represent the views of the MWPA. However, at</p>

			<p>In that context, the Review needs to adopt 'scenario 2' as a base position for calculating future requirements and the need to make provision for a minimum of 19.19m tonnes (ref Topic Paper para 1.117 and Table 8). If it is subsequently concluded that the currently allocated and reserve sites remain suitable for re-allocation, then this would be a transparent conclusion based upon applying the site selection methodology to both the existing allocations and reserve sites and to the newly promoted candidate sites.</p>	<p>Paragraph 1.123, the MWPA acknowledges 'the wider point of potentially being over-reliant on allocations that have yet to come forward and whose availability is otherwise contingent on other extraction taking place. It is accepted that three of the five allocations which have yet to come forward are extensions to existing sites which could impact on their ability to come forward.'</p> <p>As further set out in Paragraph 1.124 of Topic Paper Policy S6 2022, 'Operators of sites allocated in the MLP which have yet to come forward as a planning application have been contacted throughout the Plan Review, with the latest confirmation of intention to work in the Plan period secured prior to consultation being undertaken in March – April 2021 at the Regulation 18 stage. It is further noted that with the current MLP expiring in 2029, it is not considered surprising that some allocations in the Plan have not</p>
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				<p>come forward at the point of writing in September 2022. The intention to deliver existing allocations in the MLP will again be confirmed ahead of the next Regulation 18 consultation.'</p> <p>It is noted that as part of a sustainable approach to allocation, the MWPA should only allocate sites where there is confidence in their delivery.</p> <p>Following the decision to re-base the MLP to 2040 and allocate sites across this period based on a new selection strategy, allocations in the adopted MLP that have yet to come forward will be put through the same site assessment exercise as all new sites received through the two Call for Sites exercises that are supporting the MLP Review to assess their continued appropriateness for re-allocation. The need for Local Plan allocations to be deliverable is acknowledged and the continued intention to deliver outstanding allocations will be confirmed with site promoters as part of this process.</p>
			<p>However, there is a further contradiction in the Policy S6</p>	<p>The importance of productive</p>

			<p>Topic Paper. The Paper accepts that productive capacity and the amount of mineral available in the Plan period will be considered as part of the site selection methodology (ref paras 1.43, 1.45 and 1.48), but this is inconsistent with the conclusion that existing allocations and reserve sites will be carried forward, in effect, irrespective of the contribution their reserves will make during the Plan and landbank period. This re-enforces the need for the existing allocations and reserve sites to be re-assessed both in terms of their land use merits compared to the new candidate sites to be promoted, and the real productive capacity contribution which they can make to requirements within the Plan and landbank period.</p>	<p>capacity with respect to the supply of minerals is noted. The pro-forma that supported the first Call for Sites included the following question: 'Estimated potential annual output after processing (production rate, Mtpa) of mineral, if known, assuming no restrictions.' It is intended to preserve this question as part of the second Call for Sites pro-forma, which will also be sent to site promoters with currently undelivered allocations. This information will be used to quantify whether the total annual productive capacity of the schedule of preferred sites would equate to the identified annual need. It is accepted that future planning conditions may impact on that production rate, and that therefore actual productive capacity at a site may be lower, but productive capacities can be increased through amendments to extant planning permissions. In any event, at the allocation stage, any quantification of productive capacity will be an estimate due to the</p>
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				<p>absence of sufficient detail that would be derived through a planning application.</p> <p>There is therefore not considered to be any contradiction in approach. Any carrying forward of existing allocations that have yet to be delivered will be done so in the knowledge of their contribution to the total productive capacity and contribution to the allocated reserves made through the new pool of allocations. Where any allocation, existing or otherwise, is part of an extension, the impact that this will make on total productive capacity will be acknowledged.</p> <p>It is however also noted that the MWPA cannot require that a site begins operating at any one time and therefore the productive capacity as part of Plan making can only be considered to be indicative at the site allocation stage and this will be required to be monitored. In this regard, the MWPA will be reliant on industry submissions to annual surveys.</p>
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			<p>extensions can make to real supplies which is the key.</p>	<p><i>“The appropriate solution is for the Plan to continue to identify sufficient new or extended sites for sand and gravel extraction in the order of 40.67mt but only to allocate Preferred Sites sufficient to yield an amount of sand and gravel close to the 29.13mt based on sales data. However, to allow for the possibility of economic recovery, and thus maintain an appropriate degree of flexibility, the Plan should identify further sites to bring the supply up to the full sub-regional apportionment, if need arises. This would be indicated by the landbank, based on permitted reserves compared with the full requirement of 4.31mtpa, falling below the requisite 7 years. This change is achieved by allocating Reserve Sites.”</i></p> <p>Sites A6 and A7, both part of Bradwell Quarry, Rivenhall Airfield were selected as Reserve Sites. This was not linked to their performance under the site selection methodology but the fact they were extensions to a larger mineral working and planned to be worked in the latter stages of the</p>
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				<p>MLP.</p> <p>Of those allocations in the MLP that have not been subject to a planning application, three would in effect be extensions and two are standalone sites.</p> <p>Following the decision to re-base the MLP to 2040 and allocate sites across this period based on a new selection strategy, allocations in the adopted MLP that have yet to come forward will be put through the same site assessment exercise as all new sites received through the two Call for Sites exercises that are supporting the MLP Review to assess their continued appropriateness for re-allocation.</p> <p>The issues raised in this response are considered to relate to ones of ensuring that productive capacity is maintained and that significant amounts of reserve are not 'tied up' through being allocated as extensions to parent sites that would need to be exhausted ahead of that allocated mineral being able to be worked and delivered to the</p>
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				<p>market. The MWPA is aware of this issue and will address it through its future schedule of preferred sites.</p> <p>Further, it is recognised that over-reliance on site extensions has the potential impact of reducing productive capacity across the County as other sites close as well as delaying the ability of the mineral locked within extensions being able to come forward as a planning application and subsequently add to the landbank until potentially the latter end of the Plan period when the parent site is exhausted. Multiple sequential extensions to the same site can exacerbate this issue.</p>
			<p>Increased sales can also be assisted by an increase in operating units, but this is currently stifled by the 'resistance' to applications outside of preferred or reserve site allocations including applications for extension to existing operations. The volume of Planning Applications and delivery of the sites already allocated within the Plan period is a good indication of a buoyant aggregate market</p>	<p>Policy S6 of the MLP acts to ensure that future sand and gravel extraction is clearly focused on the Spatial Strategy and the identified Preferred Sites in this Plan, such that other proposals for sand and gravel extraction at locations situated outside of the areas identified for future working will normally be resisted by the Mineral Planning Authority. A plan-led approach requires this resistance of working outside of preferred</p>

			<p>within Essex.</p>	<p>allocations unless there is an overriding justification or benefit.</p> <p>Paragraph 3.98 of the MLP states that permitting extraction in non-allocated locations may however be appropriate if there is an 'overriding justification', which could be a reducing landbank position due to market buoyancy meaning that the rate of Plan provision is below the actual rate of sales. Without prejudice, it is currently considered that maintaining this approach is appropriate.</p> <p>The MWPA does not consider that information about the individual commercial business need of a mineral operator to continue production at mineral extraction sites to be relevant or material to its decisions in respect of applications coming forward on non-allocated sites. The need for mineral extraction is based first on the needs of the County for the mineral rather than the needs of a commercial operator.</p>
			<p>The Policy S6 topic paper is concerned that the allocation of too many sites would result in mineral extraction in less</p>	<p>The need for additional site allocations to be made now, part-way through the intended lifetime of the Plan, is allowing for the</p>

		<p>sustainable locations. However, without full consideration of all sites put forward it is not possible to conclude that the existing reserves sites are still the most appropriate/acceptable. Although they were considered at the time of Plan adoption, site circumstances and working from other sites may now indicate that there are other more appropriate, sustainable and deliverable areas of working.</p> <p>As a practical example as outlined above, to continue working of Colchester Quarry a Planning Application will need to be made before the end date of the current Plan (application required in circa 2024, permission required by 2025, before the Plan end date of 2029). Without an allocation, that application would need to be tested against policy as a windfall site. All future extensions to existing operations would be tested against Policy S6 where there is a firm presumption against/</p>	<p>consideration of more sustainable mineral extraction opportunities. This would not be the case if the MLP had 'over-allocated' at the point of adoption of the currently adopted Plan. It is agreed that site circumstances and working from other sites may indicate that there are other more appropriate, sustainable and deliverable areas of working than existed at a point of site allocation. By closely matching allocations with need, albeit with including an element of Plan flexibility, the MWPA is able to select both the minimal and most sustainable suite of sites at a given time. This is preferable than to over-allocate at a single point in time and allocate sites that may be less sustainable, be unable to respond to spatial changes in growth over time and be less able to accommodate new opportunities that may present themselves. Allocations on the basis of need provide a degree of certainty as to where mineral extraction is to take place within a certain timeframe but</p>
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			<p>resistance to sites – even sustainable extensions – outside of the preferred areas/allocations. The terminology and reference to resistance is not a positive strategy to support mineral development.</p> <p>That leaves an operator exposed to significant risk without any ‘in principle’ acceptance of working as an allocation. As advocated above, it is considered that the allocation of sites, even if that is above the requirement generated by sales averages does provide assurance to the local community on where ‘in principle’ mineral development may be acceptable.</p>	<p>it is also important to allow for sufficient allocations to be made based on a suitably long timeframe to provide industry with the certainty required to make appropriately long-term investment decisions.</p> <p>The MWPA does not consider that information about the individual commercial business need of a mineral operator to continue production at a particular mineral extraction site to be relevant or material to its decisions in respect of applications coming forward on non-allocated sites. The need for mineral extraction is based on the needs of the County for the mineral rather than the needs of a commercial operator. Although the MLP Spatial Strategy does include ‘a focus on extending existing extraction sites with primary processing plant’, this is in the context of a site allocation process and there being an established forecasted mineral need in the County as a whole that requires</p>
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				<p>future facilitation. This is not the same as an extension to fulfil an individual business in the context of sufficient alternative sites having already been allocated to service the needs of the County. Any submitted site would not be treated as a windfall, rather it would be assessed against the requirement to demonstrate that there is an overrising benefit or justification for why permission should be granted on land outside of allocations.</p> <p>To ensure a Plan-led system, and to provide certainty to local communities, allocations need to be made on the basis of need, as far as is possible, to ensure that allocations are needed in the Plan period and will therefore be worked and restored as originally envisaged. Making too low a provision will essentially be allowing for applications to be permitted on land that is not allocated, which cannot be said to provide communities with assurance as to where mineral</p>
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				<p>development is going to occur and therefore there must be a clear, over-riding justification or benefit for that extraction to take place.</p> <p>Further, permitting development above the quantified Plan-need may impact on active mineral supply elsewhere and potentially extend the social and environmental impacts felt in areas with active quarries, as a consequence of a lower rates of sale at individual sites and subsequent delays to restoration schemes. Allocations may also sit undelivered for long periods of time if they have been allocated above need.</p> <p>It is noted that Policy S6 makes provision for over-riding justifications and/ or overriding benefits which would allow the permitting of mineral extraction in non-allocated areas.</p> <p>Policy S6 is intended to be amended to set out those cases where mineral extraction outside of Preferred Sites will be supported by</p>
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				the MWPA rather than resisted such that the policy is written more positively, but it is still the case that an overriding benefit or justification will be required to be made.
			Finally, for the reasons set out above, it is maintained that productive capacity is an essential consideration in site selection. Notwithstanding the decision regarding the Plan apportionment and the amount of land to be allocated, the need to maintain production capacity from a number of units is essential to ensure that the County maintains annual production requirements.	As set out above, this is agreed. It is however also noted that the MWPA cannot require that a site begins operating at any one time and therefore the productive capacity as part of Plan making can only be considered to be indicative at the site allocation stage and this will be required to be monitored. In this regard, the MWPA will be reliant on industry submissions to annual surveys.

ORGANISATION	ON BEHALF OF	AGREE/ DISAGREE	COMMENTS	ECC RESPONSE
Name of Organisation	Are you responding on behalf of another individual or organisation? - If Yes, Who?			
Mineral Products Association	No	Agree (but wish to provide comment)	<p>Yes, we would support a landbank of at least a 7-years landbank at the end of the Plan period as this is in our view Government policy.</p> <p>The landbank is projected to be under 2 years at the end of the plan period in 2029. In support of this approach, it is important to note that the Inspector in his letter to the authorities, following the Cambridgeshire and Peterborough EiP into the Mineral and Waste Plan, made it clear that need to have a 7-year land bank at the end of the Plan period. The relevant paragraphs (52&amp;53) of his letter are set out below ;</p> <p>52. MM06 identifies that the allocations will provide 17.625Mt over the plan period leaving a potential surplus of 10.575Mt. Whilst Policy 2 of the Plan</p>	<p>It is accepted that NPPF Paragraph 217f sets out the need to maintain ‘ landbanks of at least 7 years for sand and gravel’. The means of doing this are not however made explicit. This requirement is viewed by the MWPA as being applicable in perpetuity, and to be monitored annually, rather than just calculated at the end of the Plan period at the point the Plan is adopted. Being able to demonstrate a seven-year landbank at the end of the Plan period based on a forecast at the point of adoption would not guarantee accordance with this NPPF requirement in any event, as demonstrated below.</p> <p>The maintenance of a seven-year landbank is required in perpetuity, and plan provision is based on a forecast of future need. An MLP with an annual plan provision rate of, for example, 2mtpa, may seek to allocate for seven years beyond its</p>

			<p>identifies that a steady and adequate supply of sand and gravel will be facilitated over the plan period, it does not clearly identify a need to maintain a seven years landbank. In this regard, the Plan is not consistent with paragraph 207 of the NPPF.</p> <p>53. MM07 provides for an addition to the opening sentence of Policy 2 to reflect that the facilitation of a steady and adequate supply also includes the need to maintain a landbank of seven years. In addition, this MM also proposes an amendment to the wording in the footnote to Policy 2 to require that planning applications submitted in respect of the allocated sites also consider whether any land affected by the proposed development is functionally linked to the Nene Washes Special Protection Area and Ramsar Site. This MM is necessary in order for the Plan to be consistent with national policy and legislation.</p> <p>It is noted that in paragraph 1.113 of the Topic paper you</p>	<p>horizon. However, if sales equated to 2.5mtpa over a sustained period of time, then the provision made in that Plan would eventually not be able to satisfy the seven-year landbank requirement. Due to what transpired to be an underestimation of need, a Plan Review would be required to allocate additional sites in the Plan to make up for the shortfall. If that Review was adopted ahead of the annual cumulative shortfall resulting in a landbank that couldn't be maintained at seven years across the Plan period based on the allocations in the Plan, then compliance with the NPPF landbank requirement can continue to be achieved providing applications are submitted on those allocations which are capable of being approved.</p> <p>As such, allocating sufficient supply equating to a landbank of seven years at the end of the Plan period at the point of adoption based on a forecast undertaken at that time does not automatically convey accordance with this NPPF requirement of maintaining a seven year supply in perpetuity over the</p>
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		<p>dismiss the Inspector's unequivocal view that a 7-year landbank needs to be maintained. We disagree with this.</p> <p>However, the key point is what figure should be used to calculate the 7-year landbank as per discussion on the previous question.</p> <p>Notwithstanding the above, the Review is not considering issues beyond the 2029 end date of the Plan, and looking only to provide a 7-year landbank at the end of the 2029 Plan Period.</p> <p>This will therefore only make good problems with the current plan in respect of mineral provision, and not be a 15-year plan review, which will lead to approximately 5 years left of the Plan period with a 7-year landbank at that time. It is unlikely that a new Plan beyond 2029 will be adopted to coincide with the end of the current Plan with the likelihood therefore, of a less than 7-year landbank. It is considered that this is not</p>	<p>lifetime of the Plan , and therefore not doing so cannot mean that the Plan is in conflict with the requirement. The landbank position is monitored annually, and it is this annual figure that needs to always be at least seven years.</p> <p>However, allocating supply over the end of the Plan period clearly imbues the adopted Plan with greater flexibility in terms of being able to respond to sales increasing above the plan's forecasted provision rate and therefore contributes to maintaining a steady and adequate supply of minerals.</p> <p>With respect to the quoted paragraphs of the Topic Paper, Paragraphs 1.111 – 1.113, these directly address the Cambridgeshire and Peterborough Minerals Local Plan highlighted in the representation. For convenience, these are repeated:</p> <p>1.111 It is also noted that whilst NPPF Paragraph 213f requires a MWPA to maintain 'landbanks of at least 7 years for sand and gravel', the NPPF does not state that such provision needs to be shown to be</p>
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			<p>planning positively and is an unsound approach.</p> <p>We also totally disagree with the comments at paragraph 1.111,1.112 and 1.113 of the topic paper. There is a requirement to maintain at least 7-year landbank during the Plan period. The last day of the Plan period is still part of the Plan period and therefore on that day there should be at least a 7-year landbank. To suggest otherwise is disingenuous and absurd.</p>	<p>capable of being maintained outside of a Plan period i.e., at the end of the MLP Plan period in 2029, as a requirement of the Plan being capable of adoption. Therefore, there is no requirement to ensure that there will be a seven-year land bank (or at least make sufficient allocations that would allow for a seven-year landbank to be maintained) at the end of the Plan period. The NPPF requires that local development plans are reviewed every five years, and this mechanism allows a MWPA to allocate additional sites that would be required to service this landbank requirement through cyclic reviews rather than all at once. These points were also noted in a representation made to the Reg18 Consultation on the MLP Review.</p> <p>1.112 As such, where representations were received which stated that it was considered that the MWPA is unable to demonstrate that there exists, or will exist, a landbank of at least 7 years provision of sand and gravel for the remainder of the Plan period, the MWPA does not consider that this requirement is set</p>
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				<p>out in the NPPF.</p> <p>1.113 On the same matter, a further representation noted comments made by a Planning Inspector which were set out in their report on the Cambridgeshire and Peterborough's Minerals and Waste Local Plan (CAPMLP) 2021. Reference was made to an Inspector's request that made it clear that there is a need to have a seven-year land bank at the end of the Plan period. This is not the MWPA's interpretation. Paragraph 3.23 of the CAPMLP 2021 states that the proposed allocations made in the Plan will provide 17.625Mt over the plan period, leaving a potential surplus of 10.575Mt above calculated need when the existing permitted reserve was taken into account. Whilst this provides an additional margin of flexibility, it equates to just over 4 years supply at the end of the Plan period at the adopted provision rate of 2.6Mtpa. Therefore, the CAPMLP was found sound and adopted without having a seven-year landbank at the end of the Plan period. This was also the case with the current Essex MLP, which made no provision for</p>
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				<p>sand and gravel at the end of the Plan period.</p> <p>It is considered that the Inspector's requirement for the CAPMLP to 'clearly identify a need to maintain a seven years landbank' relates to the need to maintain this in perpetuity, not to demonstrate it at the end of the Plan period, based on a provision forecast that is required to be monitored annually for accuracy. There is no mention of a Plan period in the modification and therefore the requirement exists in perpetuity.</p> <p>With respect to the Essex MLP making no provision for sand and gravel at the end of the Plan period, the representation notes that 'The landbank is projected to be under 2 years at the end of the plan period in 2029.' The MWPA notes that if mineral sales in Essex had equalled the forecasted provision every year from the start of the Plan, a NPPF compliant landbank would have ceased being achievable in 2023 and the landbank would be 0 in 2029. However, a monitoring of sales in Essex since the Plan was adopted,</p>
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				<p>which was presented in the Policy S6 Topic Paper, forecasted that an NPPF compliant landbank would cease being achievable between 2026 – 2027 based on the allocations that have yet to come forward. It is therefore not the allocation of supply at the end of the plan period which denotes existing and on-going compliance with NPPF Paragraph 213f, it is the results of annual monitoring comparing permitted reserves, actual annual sale rate and the plan provision rate.</p> <p>The MWPA will consider the appropriateness of allocating for seven years after the end of the Plan period as a means of increasing plan flexibility. This consideration will, in part, be based on the suitability of submitted sites.</p>
Lichfields	Yes – another organisation.	Agree (but wish to provide comment)	Latimer supports that ECC is undertaking a Call for Sites process alongside the focused consultation on Policy S6 of the Minerals Plan. This, along with the proposed amendments to S6 that would require the Minerals Plan to be monitored annually and regularly reviewed every five years, will assist ECC to ensure	Noted



			that the Essex sand and gravel landbank is maintained to at least seven years as is required by national policy. This is supported and will assist the County to continue to ensure minerals needs are met through the allocation of plan led preferred sties for extraction.	
Brett Group	No	Agree (but wish to provide comment)	As set out in our previous response (see Appendix 1 in Further Comments), the conclusion is that there will be a significant landbank shortage well before the MLP period comes to an end and that the landbank is projected to be under 2 years at the end of the plan period in 2029 at best, or a minus landbank at worst. This Review does not appear to consider beyond the 2029 end date of the Plan, as by the time this review is concluded, only a few years of the current plan period will remain. It is sensible however to be able to demonstrate that a fully compliant landbank will exist during the plan period including provision of a 7-year landbank at the end of the 2029 Plan Period. This will therefore only make	it is noted that the current Review will now extend the Plan end date to 2040. An additional Call for Sites is planned to take place such that the submission of candidate sites on the basis of the revised Plan end date can take place. With regard to topping up anticipated reserves not increasing the landbank, it is noted that no amount of allocations would increase the landbank, the landbank can only be increased by changing the rate of demand or through permitting additional extraction. It is also noted that the initial aim of the Review was not to simply make good an earlier deficiency in allocations. Allocations in the previous MLP were made on the basis of the landbank being 0 years at the end of the Plan period. As such it was known that a Call for Sites would need to take place at some point during the Plan period

			<p>good problems with the current plan in respect of mineral provision, and not be a 15-year plan review, which will lead to approximately 5 years left of the Plan period with a 7- year landbank at that time. It is unlikely that a new Plan beyond 2029 will be adopted to coincide with the end of the current Plan with the likelihood therefore, of a less than 7-year landbank. It is considered that this is not planning positively and is an unsound approach.</p>	<p>in any event. It was initially considered that the most appropriate route through the Review in relation to allocations was to designate new areas for extraction up to the end of the current Plan period, and then begin work on a longer-term Plan. However, as part of assessing the need for minerals over the remaining Plan period, there was a requirement to recalculate the rate of mineral provision. This is acknowledged as being a revision to a strategic policy. The NPPF at Paragraph 22 is clear that 'Strategic policies should look ahead over a minimum 15 year period from adoption'. As the reviewed Plan will need to be re-adopted, it is accepted that it is not appropriate to pursue a Review with a 2029 end date and as such the Plan period has been extended to 2040, which represents 15 years from the anticipated adoption date of 2025. The practicalities of getting a new Plan in place in sufficient time based on the previously articulated approach to the Review is also acknowledged.</p>
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			<p>In addition, if a separate landbank for building/soft sand is not being proposed, then additional policies are required to ensure that sufficient reserves of building/soft sand provision will have planning permission</p>	<p>The Inspector presiding over the Examination in Public on the MLP stated at Paragraph 64 of their <a href="#">report</a> into the Hearings that <i>'It is noted that, in a minority of cases, separate building sand landbanks are identified in mineral local plans elsewhere. However, this is usually</i></p>

			<p>during the plan period. It is not sufficient to conclude that falling sales of building/soft washed sand, in a growing market, means that there is less demand. It needs to be demonstrated that sufficient quantities of building/soft washed sand exist with planning permission, to correct qualities, within existing (and proposed allocations) of reserves of S&amp;G. Other factors could be influencing sales profiles including whether remaining reserves of S&amp;G have sufficient soft washed sand potential. It is against a backdrop of imports of building sand into the county from other counties to meet a shortfall in indigenous supply. Industry will need to have confidence that sufficient quantities of building/soft sand will continue to be available during the plan period.</p>	<p><i>in response to a high reserve of bedrock sands, as opposed to superficial sand and gravel deposits such as occur widely in Essex. The latter give rise to a wide variety of sand products for which the separate end uses in relation to physical characteristics are difficult to identify.'</i></p> <p>Further, and as set out in an Topic Paper Policy S6 2022, an interrogation of collated Annual Mineral Survey data by the MWPA has concluded that, in Essex since 2014, there have been a number of sites serving both building and concreting sand markets. This monitoring showed that in 2014, nine of the 18 active sites in Essex sold both building/mortar sand and concreting/silica sands/gravel whereas in 2020, using the same criteria, five of the 20 active sites supplied the market with building/mortar sand from mixed sand and gravel deposits by the same selective processing. It has therefore been concluded that although there has been a reduction in sites overall, it is known that a total of 12 sites during the previous seven years have been capable of processing both building sand and concreting sand from a single resource by varying the method of</p>
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				<p>production. It is therefore demonstrated that single mineral resources in Essex can produce to the two different specifications, and therefore there is no need to make separate provision for building sand and concreting sand as they do not necessarily appear as distinct resources in Essex. The production of each is held to be primarily a decision made by the operator as a response to market demand.</p> <p>No further information has been presented to the MWPA to demonstrate that there is an unfulfillment of market need for 'soft' or 'building' sand, including through engagement under the Duty to Cooperate with other Mineral Planning Authorities. The MWPA therefore considers its current and proposed position to continue to plan on the basis of a single sand and gravel landbank to be appropriate, as it is the processing of mixed deposits that allows sand and gravel extracted in Essex to serve distinct markets, rather than sand and gravel in different parts of Essex only having the capability of serving a distinct market which wouldn't otherwise be served. It is this latter case where the NPPF requires separate provision to be made. With the allocation of a</p>
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				single sand and gravel landbank being in place since at least since the last two MLPs, it is considered to be a sound approach,
Heatons	Yes – another organisation. Tarmac	Agree (but wish to provide comment)	<p>The Planning Practice Guidance states, 'The National Planning Policy Framework is clear that strategic policies should be prepared over a minimum 15 year period and a local planning authority should be planning for the FULL PLAN PERIOD. Policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years. The review process is a method to ensure that a PLAN AND THE POLICIES WITHIN REMAINS EFFECTIVE (my emphasis PPG – Plan Making - Paragraph: 064 Reference ID: 61-064-20190315). In addition, the purpose of a Review is to ensure that a Plan is up to date PPG – Plan Making - Paragraph: 062 Reference ID: 61-062-20190315).</p> <p>Currently, the tone of the Review is one of attempting to 'buy time' until the end of the Plan period - 2029 - where a full Review will</p>	<p>The main points raised are accepted and it is noted that the current Review will now extend the Plan end date to 2040. An additional Call for Sites is planned to take place such that the submission of candidate sites on the basis of the revised Plan end date can take place. With regard to topping up anticipated reserves not increasing the landbank, it is noted that no amount of allocations would increase the landbank, the landbank can only be increased by changing the rate of demand or through permitting additional extraction. It is also noted that the initial aim of the Review was not to simply make good an earlier deficiency in allocations. Allocations in the previous MLP were made on the basis of the landbank being 0 years at the end of the Plan period. As such it was known that a Call for Sites would need to take place at some point during the Plan period in any event. It was initially considered that the most appropriate route through the</p>

		<p>take place. Although the NPPF builds in provision for Reviews of a Plan and even specific policies within the Plan, in accordance with the above, it is our view that the Plan should still be planning for a Plan period of 15 years and not simply seeking to make good deficiencies in allocations within the current Plan period end date.</p> <p>The partial nature of this review, which is not extending the current 2029 end date of the Plan, is effectively topping up anticipated reserves through allocations within the existing Plan Period. That does not increase the landbank. The landbank can only be calculated on permitted reserves. The essential point in positively planning for an effective strategy for mineral provision is ensuring there are sufficient allocations to provide the framework within which Planning Applications will be made. The fact that there are only a small number of sites that have previously been allocated remaining to come forward as allocations indicates that the market conditions within Essex</p>	<p>Review in relation to allocations was to designate new areas for extraction up to the end of the current Plan period, and then begin work on a longer-term Plan. However, as part of assessing the need for minerals over the remaining Plan period, there was a requirement to recalculate the rate of mineral provision. This is acknowledged as being a revision to a strategic policy. The NPPF at Paragraph 22 is clear that 'Strategic policies should look ahead over a minimum 15 year period from adoption'. As the reviewed Plan will need to be re-adopted, it is accepted that it is not appropriate to pursue a Review with a 2029 end date and as such the Plan period has been extended to 2040, which represents 15 years from the anticipated adoption date of 2025.</p>
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			<p>are likely to secure applications for the continuation of working to meet existing markets and demand.</p>	
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			<p>Notwithstanding comments made on overall aggregate requirement, based on the above, it is considered that to ensure a landbank at the end of the Plan period, scenario two – permitted only landbank (table 10) shows the minimum amount of mineral that needs to be planned for through the allocation of sufficient sites.</p>	<p>With respect to the appropriateness of using Scenario 4 (forecasting landbank need on the basis of assuming a contribution from Permitted/ Pending &amp; All Remaining Allocated &amp; Reserve Sites) rather than Scenario 2 (only including permitted sites and those pending decision), it is accepted that Scenario 4 imbued the process with the greatest level of risk. However, at this point of the Review it is not agreed that those sites remaining in the Plan are ‘very unlikely to come forward’ as suggested through the representation. As set out in Paragraph 1.124 of Topic Paper S6, ‘Operators of sites allocated in the MLP which have yet to come forward as a planning application</p>

				<p>have been contacted throughout the Plan Review, with the latest confirmation of intention to work in the Plan period secured prior to consultation being undertaken in March – April 2021 at the Regulation 18 stage. It is further noted that with the current MLP expiring in 2029, it is not considered surprising that some allocations in the Plan have not come forward at the point of writing in 2021. The intention to deliver existing allocations in the MLP will again be confirmed ahead of the next Regulation 18 consultation.’ As part of a sustainable approach to allocation, the MWPA should only allocate sites where there is confidence in their delivery. The revised MLP should not include sites where delivery is uncertain, and if they do come forward, would act to ‘reinforce’ the landbank.</p> <p>Following the decision to re-base the MLP to 2040 and allocate sites across this period based on a new selection strategy, allocations in the adopted MLP that have yet to come</p>
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				<p>forward will be put through the same site assessment exercise as all new sites received through the two Call for Sites exercises that are supporting the MLP Review to assess their continued appropriateness for re-allocation. Pro-formas matching those issued as part of the second Call for Sites will be required to be completed for those undelivered allocations in the MLP to confirm the intention to bring them forward. The need for Local Plan allocations to be deliverable is acknowledged and the continued intention to deliver outstanding allocations will be confirmed with site promoters as part of this process.</p>
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<b>ORGANISATION</b>	<b>ON BEHALF OF</b>	<b>ANY FURTHER COMMENTS ?</b>	<b>COMMENTS</b>	<b>ECC RESPONSE</b>
Name of Organisation	Are you responding on behalf of another individual or organisation ? - If Yes, Who?			
Transport for London	No	Yes (Please provide comment)	Thank you for consulting Transport for London (TfL). I can confirm that we have no comments	Noted.
Office for Product Safety and Standards	No	Yes (Please provide comment)	Thank you for your email. The details have been saved on our system for reference.	Noted.
Affinity Water	No	Yes (Please provide comment)	At this stage we have no comments to make. Please do keep us up to date with the progress of the Plan and future consultations so we can comment where necessary. We are particularly interested in any proposed sites located within or in proximity to Source Protection Zone 1, both within the Local Plan and planning application context.	Noted.
Cambridgeshire County Council	No	Not Answered	Thank you for consulting Cambridgeshire County Council (CCC), in its role as Minerals and Waste Planning Authority (MWPA)	Noted.

			<p>on the above proposed alterations to Policy S6 - Provision for sand and gravel extraction. It is understood that the proposed alterations to Policy S6 will bring the policy in line with the current NPPF. However, to maintain the required landbank, additional sites are required, hence the call for sites being undertaken. CCC has no specific comments on the proposed amendments to Policy S6 at this time and will await the publication of a further draft of the Plan, before commenting further.</p>	
Springfield Parish Council	No	Yes (Please provide comment)	<p>The item was added to the Planning Committee agenda on 21st February at Springfield Parish Council and I confirm 'that no comments were made.'</p>	Noted.
Natural England	No	Yes (Please provide comment)	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Natural England does not require consultation on call for sites as we</p>	Noted.

			do not put forward sites. Once further work develops on which sites will be taken forward for allocation please consult Natural England so we can offer advice on their suitability with regard to impacts on and opportunities for the natural environment.	
Hertfordshire County Council	No	Yes (Please provide comment)	Thank you for consulting Hertfordshire County Council on the engagement event concerning the proposed changes to Policy S6. I can confirm that the county council supports the proposed changes to Policy S6, including the proposed change to the Annual Provision Rate and the proposal to ensure a 7-year landbank at the end of the plan period. The county council wishes to be consulted at the next stage of plan preparation.	Noted, although the changes put forward will be revised further due to the intention to re-base the Plan to 2040. These changes will be re-consulted upon under Regulation 18.
Canal & River Trust	No	Yes (Please provide comment)	Thank you for your consultation on the Policy S6 engagement and Call for Sites exercise. Whilst the Trust have no comments to make on the amendments proposed to Policy S6 we would welcome further consultation as your plan progresses and on any proposed site allocations that may come forward.	Noted.
Witham Town	No	Yes (Please	Members were mindful of the	The MWPA has little

Council		provide comment)	importance of ensuring that aggregate lorries would not be routed through the town and must be properly sheeted to prevent spillage.	administrative authority in this regard. With regards to the public highway, the MWPA is only able to administrate on matters relating to the access and exit of mineral sites. The MWPA can also articulate a clear policy preference for sites which are able to access the main road network as quickly and efficiently as possible . With regards to mandating an actual route, this is not possible. All road users are taxed through Vehicle Excise Duty (VED), which increases depending on the size and weight of the vehicle whose use is being applied for. Payment of this tax then entitles the road user to use the public highway freely, other than needing to comply with any locally imposed width, height or weight restrictions. A proposed amendment to the MLP within the supporting text to Policy 11: Access and Transportation is however proposed to state that the operator and the MWPA may enter into a unilateral agreement to ensure acceptable routeing of its HGVs. With regards to the sheeting of mineral traffic, the MWPA has a
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				<p>standard condition relating to this, as follows:</p> <p>No loaded vehicles (HGVs) shall leave the site unsheeted (except those carrying any materials other than washed stone in excess of 500mm in diameter).</p> <p>Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP Policies: S1, S11, DM1</p>
Rochford District Council	No	Yes (Please provide comment)	<p>Rochford District Council (the Council) thanks Essex County Council for the opportunity to respond to this focused consultation.</p> <p>The Council has no detailed observations to make at this stage regarding the proposed changes to Policy S6. Whilst the Council understands that no current preferred (or reserve) sand and gravel sites fall within its boundary, the Council would reiterate the need for early and continuous dialogue should the County Council identify opportunities for sand and gravel extraction in or close to Rochford District through this or any</p>	<p>The MLP Review has, to date, been supported by a Call for Sites which closed in March 2022 and it is intended for another Call for Sites to be undertaken to address the re-basing of the Plan to 2040. It is intended to subject all sites received through this engagement to an independent interim site assessment and then present the findings to relevant local planning authorities for comment under the Duty to Co-operate ahead of a Regulation 18 consultation in late 2023.</p>



			<p>subsequent plan review. This is particularly the case where opportunities for extraction coincide with existing residential areas or new residential allocations that may emerge through the Council's development plan.</p> <p>If you had any questions or clarifications on those comments, please do get in touch at any time.</p>	
Redbridge Council	No	Yes (Please provide comment)	Thank you for giving Redbridge Council the opportunity to respond to your Minerals Local Plan Review and Call for Sites exercise. We have no comments to make at this time.	Noted.
Kelvedon Parish Council	No	Yes (Please provide comment)	Having considered the above documentation, the Parish Council has agreed not to make any comment.	Noted.
Colchester Borough Council	No	Yes (Please provide comment)	<p>In the event that additional sites or extension/verification of existing sites are required outside of those already identified as preferred and reserve sites in the Minerals Local Plan, CBC would require further engagement via the Duty to Cooperate.</p> <p>Can all future consultation notifications be sent to</p>	The MLP Review has, to date, been supported by a Call for Sites which closed in March 2022 and it is intended for another Call for Sites to be undertaken to address the re-basing of the Plan to 2040. It is intended to subject all sites received through this engagement to an independent interim site assessment and then present the findings to relevant local planning

			Planning.Policy@colchester.gov.uk	authorities for comment under the Duty to Co-operate ahead of a Regulation 18 consultation in late 2023.
Chelmsford City Council	No	Yes (Please provide comment)	<p>Chelmsford City Council (CCC) welcomes the opportunity to comment on the Minerals Local Plan Review (MLP) focused consultation on Policy S6 and the call for sites.</p> <p>CCC has previously raised detailed concerns and comments, particularly regarding the approach to the viability assessment of safeguarded sites under Policy S8 of the MLP. However, this consultation relates solely to amendments to Policy S6 which deals with the provision for sand and gravel extraction. CCC welcomes these proposed changes to ensure that the Minerals and Waste Planning Authority has a suitable supply of sand and gravel throughout the Plan period.</p> <p>CCC is commencing a formal review of its adopted Local Plan and would wish to continue on-going discussions with the Minerals and Waste Planning Authority, under the Duty to Cooperate, ahead of further</p>	<p>The MLP Review has, to date, been supported by a Call for Sites which closed in March 2022 and it is intended for another Call for Sites to be undertaken to address the re-basing of the Plan to 2040. It is intended to subject all sites received through this engagement to an independent interim site assessment and then present the findings to relevant local planning authorities for comment under the Duty to Co-operate ahead of a Regulation 18 consultation in late 2023.</p> <p>The request for further Duty to Co-operate meetings around both candidate sites and wider Plan issues are noted, including in reference to CCC's formal review of their Local Plan.</p> <p>CCC's ongoing objections with regards to the emerging mineral safeguarding approach are noted. The MWPA is still considering its approach with regards to the mineral safeguarding matters to</p>

			<p>formal consultation on the Minerals Local Plan. To ensure the two authorities Plans align CCC would wish to discuss the following matters ahead of the next Minerals Local Plan consultation:</p> <ul style="list-style-type: none"> <li>• Issues previously raised by CCC to the Minerals Local Plan</li> <li>• Any new potential sites or extensions to existing sites within CCC's administrative area which arise from this current Call for Sites.</li> </ul> <p>Whilst the proposed changes to Policy S6 are generally supported, CCC reaffirms its previous comments made on the MLP and on that basis continues to formally object to the proposed amendments to the MLP as a whole, until such time as these issues can be resolved.</p>	<p>which these relate and will engage under the Duty to Co-operate ahead of any further public consultation on this issue.</p>
Historic England	No	Yes (Please provide comment)	<p>Thank you for consulting Historic England on Essex Minerals Local Plan Review - Policy S6 engagement and Call for Sites. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully considered at all stages and levels of the local</p>	<p>The advice in this response is noted.</p> <p>Paragraph 194 of the NPPF requires that 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any</p>

		<p>planning process. While we do not have specific comments to make at this stage, we do have the following general comments which we hope you will find helpful as you progress with the preparation of the Essex Minerals Local Plan Review.</p> <p>Further Guidance We have produced several detailed Good Practice Advice and Advice Note documents. We recommend that you review the following as part of your plan preparation process: The Historic Environment in Local Plan - Good Practice Advice in Planning 1:  &lt;<a href="https://historicengland.org.uk/images-books/publications/gpa1-historic-environment-local-plans/">https://historicengland.org.uk/images-books/publications/gpa1-historic-environment-local-plans/</a>&gt;</p> <p>The Setting of Heritage Assets 2nd ed. - Good Practice Advice in Planning 3:  &lt;<a href="https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/">https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/</a>&gt;</p> <p>The Historic Environment and Site</p>	<p>contribution made by their setting. The level of detail should be proportionate to the assets' importance...Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.</p> <p>The site selection methodology that is being used to assess the suitability of candidate sites received through the Call for Sites recognises that the landscape and setting of a heritage asset itself constitutes part of the historic environment and is not a separate entity to it. It also recognises the importance of non-designated heritage assets.</p> <p>MLP Policy DM1 – Development Management Criteria of the extant MLP transposes the requirements of NPPF Paragraph 194 into the MLP and states the need for proposals to not have an unacceptable impact on the</p>
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		<p>less tangible aspects of cultural heritage which contribute to local traditions and sense of place.</p> <p>We expect to see appropriate references to setting in policies. Although setting itself is not a designated heritage asset, it can be a key aspect of a heritage asset's significance. As with assessing the impact of site allocations on setting, with a site specific allocation, it is important to understand the significance of any heritage asset/s, and their setting/s, that would be affected by the site allocation in order for the policy to reflect these considerations. This involves more than identifying known heritage assets within a given distance, but rather a more holistic process which seeks to understand their significance and value. Whilst a useful starting point, a focus on distance or visibility alone as a gauge is not appropriate. Site allocations which include a heritage asset may offer opportunities for enhancement and tackling heritage at risk, while conversely, an allocation at a considerable distance away from</p>	<p>to the historic environment in the local plan vision, the inclusion of a policy or policies for the historic environment and character of the landscape and built environment, and various other references to the historic environment through the plan relating to the unique characteristics of the area, these requests are considered to be more appropriate for a district Local Plan rather than a county-wide Minerals Local Plan. The area covered by the MLP is too large and diverse to be able to focus on areas of historic importance, although the requirement for mineral extraction to respect the historic environment more generally is captured through Policy DM1, Policy S12 and the site assessment methodology. It is further noted that the historic impact of housing, retail and transport (where not mineral related transport) is outside of the remit of the MLP. However, all mineral-related planning decisions are made in accordance with the Development Plan and therefore district-level local plan policies relating to the protection of the historic</p>
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		<p>a heritage asset may cause harm to its significance, reducing the suitability of the site allocation in sustainable development terms. We would expect to see this reflected in the policy wording and supporting text.</p> <p>The forthcoming Local Plan should also recognise the interrelationship between the historic environment and landscape. It would be helpful however to acknowledge that the landscape itself constitutes part of the historic environment and is not a separate entity to it. The position of hedgerows and field markings for example shows how the land was used in the past, and the position and siting of access points, tracks and footpaths often indicate the historical way people would access and travel through the landscape. These features can be a powerful visual remnant of more rural heritage and traditions. The layout of the landscape, its undulations and wider views can have historic significance as well as landscape significance, so it is important to acknowledge this in the Plan. The</p>	<p>environment are taken into account as relevant.</p>
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		<p>east of England is rich in the designed landscapes of parks and gardens, and the built and natural environments they contain; these are as important to national and indeed international culture as our buildings.</p> <p>The conservation and enhancement of the historic environment can bring a range of multi-faceted benefits which can help achieve spatial planning goals. Recognising the role the historic environment has to play in creating locally distinct places can help improve economic prospects for places within the Plan area through tourism for example or heritage-led regeneration. It can help improve well-being for local residents and promotes an understanding of local history and identity. It is important to see the opportunities that some developments may have in enhancing the historic environment through public realm improvement, allowing public access or better revealing significance. A coordinated appreciation of the historic environment which addresses</p>	
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			<p>both the heritage assets themselves and their setting will reinforce their integrity and therefore will help ensure that historic places and spaces continue to provide long term public benefits. An integrated approach to policy preparation which recognises the social, economic and environmental dimensions of the historic environment and which seek to conserve this irreplaceable resource maximise the effect heritage assets can have.</p> <p>It is recommended that any forthcoming historic environment policies reference to how proposals should address technical archaeological matters. We recommend the inclusion of a focused section or chapter within any forthcoming Local Plan on the landscape, heritage and design within the consultation document.</p> <p>A positive strategy for the Historic Environment Paragraph 190 of the NPPF requires Local Plans to set out a positive and clear strategy for the conservation, enjoyment and</p>	
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			<p>enhancement of the historic environment. Ideally the strategy should offer a strategic overview including overarching heritage policies to deliver the conservation and enhancement of the environment.</p> <p>A good strategy will offer a positive holistic approach throughout the whole plan whereby the historic environment is considered not just as a stand-alone topic but as an integral part of every aspect of the plan, being interwoven within the entire document. So, policies for housing, retail, and transport for example may need to be tailored to achieve the positive improvements that paragraph 8 of the NPPF demands. Site allocations may need to refer to the historic environment, identifying opportunities to conserve and enhance the historic environment, avoid harming heritage assets and their settings and may also be able to positively address heritage assets at risk. The plan may need to include areas identified as being inappropriate for certain types of development due to the impact</p>	
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			<p>they would have on the historic environment.</p> <p>A good strategy will also be spatially specific, unique to the area, describing the local characteristics of Essex and responding accordingly with policies that address the local situation. We would expect references to the historic environment in the local plan vision, the inclusion of a policy/ies for the historic environment and character of the landscape and built environment, and various other references to the historic environment through the plan relating to the unique characteristics of the area.</p> <p>Evidence based For a local plan we would expect to see a comprehensive and robust evidence base for the historic environment. Any evidence base should be proportionate. Sources include:</p> <ul style="list-style-type: none"><li>• National Heritage List for England.</li></ul> <p><a href="http://www.historicengland.org.uk/the-list/">www.historicengland.org.uk/the-list/</a> &lt;<a href="http://www.historicengland.org.uk/the-list/">http://www.historicengland.org.uk/the-list/</a>&gt;</p>	
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			<ul style="list-style-type: none"><li>• Heritage Gateway. <a href="http://www.heritagegateway.org.uk">www.heritagegateway.org.uk</a> &lt;<a href="http://www.heritagegateway.org.uk">http://www.heritagegateway.org.uk</a>&gt;</li><li>• Historic Environment Record.</li><li>• National and local heritage at risk registers. <a href="http://www.historicengland.org.uk/advice/heritage-at-risk">www.historicengland.org.uk/advice/heritage-at-risk</a> &lt;<a href="http://www.historicengland.org.uk/advice/heritage-at-risk">http://www.historicengland.org.uk/advice/heritage-at-risk</a>&gt;</li><li>• Non-designated or locally listed heritage assets (buildings, monuments, parks and gardens, areas)</li><li>• Conservation area appraisals and management plans</li><li>• Historic characterisation assessments e.g. the Extensive Urban Surveys and Historic Landscape Characterisation Programme or more local documents. <a href="http://www.archaeologydataservice.ac.uk/archives/view/EUS/">www.archaeologydataservice.ac.uk/archives/view/EUS/</a> &lt;<a href="http://www.archaeologydataservice.ac.uk/archives/view/EUS/">http://www.archaeologydataservice.ac.uk/archives/view/EUS/</a>&gt;</li><li>• Detailed historic characterization work assessing impact of specific proposals.</li><li>• Heritage Impact Assessments looking into significance and</li></ul>	
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			<p>setting.</p> <ul style="list-style-type: none"><li>• Green Belt studies.</li><li>• Visual impact assessments.</li><li>• Archaeological assessments.</li><li>• Topic papers</li></ul> <p>CONCLUSIONS</p> <p>In preparation of the forthcoming Minerals Local Plan, we encourage you to draw on the knowledge of local conservation officers, the county archaeologist and local heritage groups. Please note that absence of a comment on a policy, allocation or document in this letter does not mean that Historic England is content that the policy, allocation or document is devoid of historic environment issues. Finally, we should like to stress that this response is based on the information provided by the Council in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals, which may subsequently arise as a result of this plan, where we consider that these would have an adverse effect upon the historic</p>	
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			<p>environment.</p> <p>If you have any questions with regards to the comments made, then please do get back to me. I would be very happy to meet to discuss these comments further. In the meantime, we look forward to continuing to work with you and your colleagues. I would be grateful if you would confirm receipt of this letter.</p>	
Braintree District Council	No	Yes (Please provide comment)	<p>Whilst not formally part of this consultation, Braintree District would wish to reiterate its concerns made in earlier comments regarding the number and distribution of minerals extraction sites already within in its area and the possibility of further such sites arising from the call for sites. As you will be aware the draft Minerals Local Plan 2014 continued to indicate that over 50% of the sand and gravel for the whole of Essex was coming from Braintree District and much from a small area in the District, having a disproportionate impact on the Councils local communities, infrastructure and environment. Whilst the Council notes that the minerals can clearly only be dug where they are located, we would</p>	<p>Whilst these comments are noted, it is a matter of fact that minerals can only be worked where they are found, and allocations can only be made where landowners offer sites for consideration.</p> <p>The MLP Review has, to date, been supported by a Call for Sites which closed in March 2022 and it is intended for another Call for Sites to be undertaken to address the re-basing of the Plan to 2040. It is intended to subject all sites received through this engagement to an independent interim site assessment and then present the findings to relevant local planning authorities for comment under the Duty to Co-operate ahead of a Regulation 18 consultation in late 2023. With a view of supplying</p>

			<p>ask that no further allocations are made within Braintree.</p> <p>The District acknowledges that the position expressed in the Topic paper is an interim focussed one and looks forward to commenting more fully at a later stage in a future Regulation 18 consultation as well as during the Call for Sites procedure.</p>	<p>minerals across the County, it is not appropriate to discount parts of the county from consideration as a matter of principle. Allocations will be made on the basis of the site selection methodology and other sustainability principles, and is required to be guided by where the resource is available</p> <p>Whilst it is accepted that a number of allocations were made in the current Plan within Braintree District, and several extensions to a single site were allocated, these extensions either have, or are planned, to be worked sequentially rather than in one go, and to a Masterplan to ensure that these works and their after-uses are delivered in a joined-up manner. This acts to reduce the time and magnitude of impact on local communities. The potential cumulative impact of development, including cumulative impacts as a result of site extensions, is a factor at both the allocation and planning application stage. Policy DM1 – Development Management Criteria in particular specifically requires this</p>
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			<p>The plan led approach that resists approval of windfall sites and that mineral extracted through approval of windfall sites is counted as contributing towards meeting the County's mineral need is supported.</p> <p>It is noted that the anticipated Coggeshall flood alleviation scheme is not allocated in the plan and would be judged as a windfall site were an application to be received.</p> <p>The Council notes the Essex County Council response on this, and welcomes that policy will be strengthened and if necessary strengthened further, to ensure that windfall's are only allowed in the most exceptional of circumstances and then the cumulative impact is fully considered.</p>	<p>consideration. It is not the case that the 50% of the County's mineral needs identified as being allocated within a single district is being extracted at the same time. Mineral development is temporary and where allocations are extensions to existing sites, the permission is generally conditioned to ensure that extensions are worked and restored sequentially such that the overall rate and impact of development remains constant, although it is recognised that the location of the development changes as works are progressed.</p> <p>The MWPA intends to retain the approach of a presumption against working non-allocated sites in order to maintain a Planned system. Flexibility is however recognised as important, and as such it is intended to retain the opportunity for over-riding justifications and benefits to be presented in support of an application to extract on non-allocated sites. Examples include borrow pits, agricultural reservoirs, where the landbank has dropped below seven years and prior</p>
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				<p>extraction to prevent sterilisation. Such applications will however still be required to conform to the wider Development Plan, including where there are issues of cumulative impact. Should permission be granted for extraction at a windfall site, at that point the saleable sand and gravel that would be permitted to be excavated would be added to the 'Permitted Reserve' and at that point be counted within future calculations assessing supply and demand.</p> <p>The MWPA notes that the referenced flood alleviation scheme is a venture between a private company and the Environment Agency which will involve the establishment of an extension at Bradwell Quarry to facilitate the creation of flood defences. The Environment Agency is a non-departmental public body with responsibilities relating to the protection and enhancement of the environment in England, including flood protection.</p> <p>Whilst the MWPA notes the</p>
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				<p>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 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 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 and the site would therefore be considered to be a proposal on a non-Preferred Site, irrespective of the outcome under the site assessment. Should permission be granted for this flood scheme outside of a</p>
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				<p>Preferred Site allocation, then it would indeed be treated as a windfall site, with its contribution to the County's mineral need to the Plan end date being subtracted from that need..</p> <p>As of August 2022 an application has yet to be submitted and therefore there is no application before the MWPA to determine. Should permission be granted for this flood scheme outside of a Preferred Site allocation, then it would indeed be treated as a windfall site, with its contribution to the County's mineral need informing all relevant calculations.</p>
Natural England	No	Yes (Please provide comment)	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Natural England does not require consultation on call for sites as we do not put forward sites. Once further work develops on which sites will be taken forward for</p>	Noted.

			<p>allocation please consult Natural England so we can offer advice on their suitability with regard to impacts on and opportunities for the natural environment.</p> <p>Any queries please contact consultations@naturalengland.org .uk</p>	
ECC - SUDs team	No	Yes (Please provide comment)	<p>Thank you very much for sending the consultation over to SuDS. At this stage we are unable to provide comments</p>	Noted.
Marine Management Organisation	No	Yes (Please provide comment)	<p>Marine Management Organisation Functions  The MMO is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are: marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing grants. Marine Planning and Local Plan development  Under delegation from the Secretary of State for Environment, Food and Rural Affairs (the marine planning authority), the MMO is responsible</p>	<p>With regards to potential issues relating to an overlap between Marine Plan and terrestrial plans, which in this case is the Minerals Local Plan, this is acknowledged but is not considered to be relevant in this case as mineral development is not likely to be located in land designated within both the MLP and the South East Marine Plan.</p>

			<p>for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the Mean High Water Springs (MHWS) mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of MHWS, there will be an overlap with terrestrial plans, which generally extend to the Mean Low Water Springs (MLWS) mark. To work together in this overlap, the Department of Environment, Food and Rural Affairs (Defra) created the Coastal Concordat. This is a framework enabling decision-makers to coordinate processes for coastal development consents. It is designed to streamline the process where multiple consents are required from numerous decision-makers, thereby saving time and resources. Defra encourage coastal authorities to sign up as it provides a road map to simplify the process of consenting a development, which may require both a terrestrial planning consent and a marine licence. Furthermore, marine plans inform and guide decision-</p>	
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			<p>makers on development in marine and coastal areas.</p> <p>Under Section 58(3) of Marine and Coastal Access Act (MCAA) 2009 all public authorities making decisions capable of affecting the UK marine area (but which are not for authorisation or enforcement) must have regard to the relevant marine plan and the UK Marine Policy Statement. This includes local authorities developing planning documents for areas with a coastal influence. We advise that all marine plan objectives and policies are taken into consideration by local planning authorities when plan-making. It is important to note that individual marine plan policies do not work in isolation, and decision-makers should consider a whole-plan approach. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service: soundness self-assessment checklist. We have also produced a guidance note aimed at local authorities who wish to consider how local plans could have regard to marine plans. For any other information please contact your local marine</p>	
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		<p>planning officer. You can find their details on our gov.uk page.</p> <p>See this map on our website to locate the marine plan areas in England. For further information on how to apply the marine plans and the subsequent policies, please visit our Explore Marine Plans online digital service.</p> <p>The adoption of the North East, North West, South East, and South West Marine Plans in 2021 follows the adoption of the East Marine Plans in 2014 and the South Marine Plans in 2018. All marine plans for English waters are a material consideration for public authorities with decision-making functions and provide a framework for integrated plan-led management.</p> <p>Marine Licensing and consultation requests below MHWS Activities taking place below MHWS (which includes the tidal influence/limit of any river or estuary) may require a marine licence in accordance with the MCAA. Such activities include the construction, alteration or</p>	
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			<p>improvement of any works, dredging, or a deposit or removal of a substance or object. Activities between MHWS and MLWS may also require a local authority planning permission. Such permissions would need to be in accordance with the relevant marine plan under section 58(1) of the MCAA. Local authorities may wish to refer to our marine licensing guide for local planning authorities for more detailed information. We have produced a guidance note (worked example) on the decision-making process under S58(1) of MCAA, which decision-makers may find useful. The licensing team can be contacted at: marine.consents@marinemanagement.org.uk.</p> <p>Consultation requests for development above MHWS If you are requesting a consultee response from the MMO on a planning application, which your authority considers will affect the UK marine area, please consider the following points:</p> <ul style="list-style-type: none"><li>• The UK Marine Policy Statement and relevant marine plan are</li></ul>	
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			<p>material considerations for decision-making, but Local Plans may be a more relevant consideration in certain circumstances. This is because a marine plan is not a 'development plan' under the Planning and Compulsory Purchase Act 2004. Local planning authorities will wish to consider this when determining whether a planning application above MHWS should be referred to the MMO for a consultee response.</p> <ul style="list-style-type: none"> <li>• It is for the relevant decision-maker to ensure s58 of MCAA has been considered as part of the decision-making process. If a public authority takes a decision under s58(1) of MCAA that is not in accordance with a marine plan, then the authority must state its reasons under s58(2) of the same Act.</li> <li>• If the MMO does not respond to specific consultation requests then please use the above guidance to assist in making a determination on any planning application.</li> </ul>	
			Minerals and Waste Local Plans and Local Aggregate	It is intended that the revised MLP will continue to include information

			<p><b>Assessments</b></p> <p>If you are consulting on a minerals and waste local plan or local aggregate assessment, the MMO recommends reference to marine aggregates, and to the documents below, to be included:</p> <ul style="list-style-type: none"> <li>• The Marine Policy Statement (MPS), Section 3.5 which highlights the importance of marine aggregates and its supply to England’s (and the UK’s) construction industry.</li> <li>• The National Planning Policy Framework (NPPF), which sets out policies for national (England) construction mineral supply.</li> <li>• The minerals planning practice guidance which includes specific references to the role of marine aggregates in the wider portfolio of supply.</li> <li>• The national and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period, including marine supply.</li> </ul> <p>The minerals planning practice guidance requires local mineral planning authorities to prepare Local Aggregate Assessments.</p>	<p>relating to marine aggregates, and will note that their contribution to overall supply in the plan area may increase over the plan period. Specific reference to the MPS will be made as appropriate in the policy context section. However, and as set out in the ‘Report to Determine Whether Marine-Won Aggregate Supply Can Offset the Demand for Land-Won Aggregates in Essex 2020’ background document, it is not considered appropriate to seek to reduce land-won provision of aggregate by assuming a quantified contribution from marine-based aggregate. The MWPA is not able to directly facilitate an increase in marine aggregate provision into Greater Essex as this is a commercial decision to be made by the operators of such providing facilities.</p> <p>Figure 9 of the Greater Essex Local Aggregate Assessment 2021 shows that nearly 7.12Mt of sand and gravel was landed within the Thames Estuary area during 2020, which is significantly more than the total removed from the</p>
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			<p>These assessments must consider the opportunities and constraints of all mineral supplies into their planning regions – including marine sources. This means that even land-locked counties may have to consider the role that marine-sourced supplies (delivered by rail or river) have – particularly where land-based resources are becoming increasingly constrained.</p>	<p>marine environment in that area (1.35Mt). This means that 5.77Mt was extracted from other licenced areas (such as the East Coast and East English Channel) and subsequently landed within the Thames Estuary Area, presumably to assist with development within Greater London and surrounding areas. Additionally, the Collation of the results of the 2019 Aggregate Minerals survey, published in 2021, states that 1.19mt of marine-won sand and gravel was landed in Greater Essex but this does not equate to the sale destination.</p> <p>Further, whilst ECC as MWPA could look to reduce land-won provision as a means to encourage the diversion of marine aggregate into Essex, minerals planning policy is clear that any deficiency in land-won allocations versus the established need can be met through sites coming forward off-plan if the shortfall was to cause the sand and gravel landbank to fall below seven years. Such a reduction could therefore create a scenario which</p>
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				<p>encourages the permitting of additional terrestrial sites which are not allocated through the Plan-making process rather than an intended uplift to the supply of marine aggregates filling the gap. Quantitatively reducing provision based on an assumed increase in provision from other sources outside of the MWPAs control could therefore result in a weakening of the Plan-led system, and a specific figure is not considered to be able to be justified.</p> <p>The above should not however be inferred as meaning that the MWPA are 'ignoring' the potential of an increase in marine provision reducing the need for land-won allocations. Marine landings in Greater Essex are monitored annually through data obtained from the Crown Estate and this can be compared to annual land-won mineral sales.</p> <p>Paragraph 4.5.1 of the Greater Essex Local Aggregate Assessment 2021 states that Greater Essex has the potential to be served from further afield, but</p>
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				<p>is most likely to receive aggregate from the Thames and East Coast dredging regions, due to the prohibitive costs of long-haul road transport of mineral. Licenses have been granted such that 3.6 million tonnes (Mt) and 7.33Mt (respectively) can be extracted from these two regions annually. This would total 10.93Mt per annum from the two regions combined. It is stated by the Crown Estate that at this rate, current estimates suggest there are 26 years of primary marine aggregate production permitted in the Thames Estuary and 12 years within the East Coast region. This could be increased through the current Licence applications, of which there are a total of five between the two regions. These could contribute a further 3.1Mt, according to the Crown Estate.</p> <p>There has been a fluctuating amount of marine-won aggregate landed at ports considered to have the potential to supply Greater Essex between 2011 and 2020, although across the period there has been a general</p>
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			<p>increase, from 7.05Mt to 7.34Mt, representing an increase of 4%. Despite this general increase however, 2020 had an 11.2% decrease in tonnes landed when compared to 2019 figures. When ports are analysed by administrative region, since 2011 there has been an overall increase in the marine-won aggregate coming into London ports, (16%). Kent has seen a decrease of 15.6% since 2011, as did Thurrock (37.5%), whilst during the same period, Suffolk has had a 49.6% increase in the amount of aggregate landed. These general decreases are considered likely to be due to impacts of the pandemic on construction rather than a true reflection of any market reduction in marine aggregate.</p> <p>Should marine aggregate indeed arrive in the Plan area in increasing quantities in the future, then through the mineral provision methodology set out in the NPPF, this actual increase in the proportion of marine aggregate would be reflected in the projections for future land-won</p>
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				<p>aggregate need as part of a later Plan review. If marine aggregate is used in greater volumes, there would be a consequent reduction in primary aggregate sales, which would then reduce the ten-year sales average. This is considered to be a more appropriate approach to considering the potential for marine aggregate to supply Essex than reducing land-won provision based on an assumed marine contribution that cannot be guaranteed or evidenced.</p> <p>It is noted that reliance is no longer being placed on the national and sub-national guidelines for aggregates provision in England 2005-2020 as they have now expired. This should be removed from the MMO's standing guidance.</p>
Thurrock Council	No	Yes (Please provide comment)	<p>Thurrock Council has reviewed the draft amendments to Policy S6 documents (2022) and supporting evidence documentation that comprise part of the focussed engagement to Policy S6 of the Minerals Local Plan 2014.</p> <p>Thurrock Council generally</p>	<p>The MLP Review has, to date, been supported by a Call for Sites which closed in March 2022 and it is intended for another Call for Sites to be undertaken to address the re-basing of the Plan to 2040. It is intended to subject all sites received through this engagement</p>

			<p>supports the proposed approach to changes to Policy S6 and has no detailed comments to make on the proposed amendments at this stage.</p> <p>As an adjoining mineral planning authority Thurrock Council welcomes the opportunity to engage at the further Regulation 18 stage consultation on amendments to Policy S6 of the Essex Mineral Local Plan 2014 and as part of Duty to Cooperate arrangements.</p>	<p>to an independent interim site assessment and then present the findings to relevant local planning authorities for comment under the Duty to Co-operate ahead of a Regulation 18 consultation in late 2023.</p>
Rivenhall Parish Council	No	Yes (Please provide comment)	<p>The main issue that the Parish Council wishes to raise, consistent with the views expressed by Braintree District Council during the previous consultation, is that the southern part of the District is already subject to a disproportionate amount of the total Essex sand and gravel extraction, and is thus experiencing a disproportionate level of impact including quarry HGVs, large areas of countryside being dug up, other developments being put forward in conjunction with quarrying and environmental impacts including dust and light pollution.</p>	<p>Whilst these comments are noted, it is a matter of fact that minerals can only be worked where they are found, and allocations can only be made where landowners offer sites for consideration.</p> <p>The MLP Review has, to date, been supported by a Call for Sites which closed in March 2022 and it is intended for another Call for Sites to be undertaken to address the re-basing of the Plan to 2040. It is intended to subject all sites received through this engagement to an independent interim site assessment and then present the findings to relevant local planning</p>



				<p>authorities for comment under the Duty to Co-operate ahead of a Regulation 18 consultation in late 2023.</p> <p>Whilst it is accepted that a number of allocations were made in the previous Plan within Braintree District, and several extensions to a single site were allocated, these extensions are worked sequentially rather than in one go, to a Masterplan, to ensure that these works and their after-uses are delivered in a joined-up manner which seeks to reduce the time and magnitude of impact on local communities. The potential cumulative impact of development, including cumulative impacts as a result of site extensions, is a factor at both the allocation and planning application stage. Policy DM1 – Development Management Criteria in particular specifically requires this consideration.</p>
			<p>In recent years there has been a major increase in quarry and development site tipper HGVs coming through local villages, including Rivenhall, often at speed</p>	<p>It is proposed to amend supporting text to Policy S11 – Access and Transport to make clear that the operator and the MWPA may enter into a unilateral</p>

			<p>and sometimes ignoring local weight restrictions. It is essential that the revised policy S6 contains much stronger consideration of the need to avoid disproportionate clustering of minerals sites in one area.</p>	<p>agreement to ensure acceptable routing of its HGVs. However, all road users are taxed through Vehicle Excise Duty (VED), which increases depending on the size and weight of the vehicle whose use is being applied for. Payment of this tax then entitles the road user to use the public highway freely, other than needing to comply with any locally imposed width, height or weight restrictions. Evidence of mineral traffic ignoring local weight restrictions can be submitted to the MWPA who have an enforcement function. The administrative authority of the MWPA primarily extends to being able to control access into and out of mineral sites.</p> <p>Policy DM1 – Development Management Criteria is the relevant MLP policy with regards to assessing the potential for cumulative impact, 1.255 Policy DM1 – Development Management Criteria is the relevant MLP policy with regards to assessing the potential for cumulative impact, where this requirement is already stated.</p>
			<p>It is noted with concern that in the</p>	<p>The MWPA notes that the</p>

			<p>Topic Paper, specific mention is made of the potential for the huge proposed additional quarry (being described as a flood alleviations scheme) at nearby Coggeshall to be considered as a windfall site. This would be a further extension of the Bradwell Quarry and in addition to the already consented and very large Site A7, which was originally a reserve site in the Minerals Plan. Any further extensions to Bradwell Quarry should only be considered in a future Plan as an allocated site and not as a “reserve” or “windfall” site.</p> <p>The Parish Council does not believe that the “flood alleviation” scheme has been justified and that it is being used as a vehicle for an even larger area of quarrying to extend Bradwell Quarry. More sustainable measures need to be considered for flood alleviation along the valley of the River Blackwater to avoid further major industrial impacts on the countryside and local villages.</p>	<p>referenced flood alleviation scheme is a venture between a private company and the Environment Agency which will involve the establishment of an extension at Bradwell Quarry to facilitate the creation of flood defences. The Environment Agency is a non-departmental public body with responsibilities relating to the protection and enhancement of the environment in England, including flood protection.</p> <p>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 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 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</p>
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				<p>second Regulation 18 consultation in 2023.</p> <p>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. There is no strong justification at this point of the MLP Review for the MWPA to refuse determination of any application prior to the new MLP being adopted given both that the MLP review is at an early stage and that the primary purpose of the application would be the facilitation of a flood alleviation scheme rather than mineral extraction</p> <p>As of August 2022 an application has yet to be submitted and therefore there is no application before the MWPA to determine. Should permission be granted, the</p>
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				<p>quantity of mineral to be extracted would be added to the permitted reserve for the County and not taken as a separate or additional figure, in line with the approach taken to windfall sites.</p>
			<p>The overall impact of the Bradwell Quarry and Waste Site on the local countryside and ecology are already very significant. But a further matter of concern to the Parish Council is the previous consent from Essex County Council to use the unclassified and narrow Woodhouse Lane for some quarry traffic and the more recent attempt by the Waste Site developers Indaver to open up the same lane for waste site traffic, including heavy abnormal loads. These pressures are happening for 2 main reasons:</p> <ol style="list-style-type: none"> <li>1. Because the bridges over the River Blackwater do not have the capacity to take all the waste and quarry site traffic.</li> <li>2. Because the quarry extensions and waste site are at ever longer distances from the A120.</li> </ol> <p>It has been a principle from the start of the long planning history that the sole access for all quarry and waste site traffic should be</p>	<p>Any change in development that has been permitted through an earlier planning permission, including a desired non-compliance with extant conditions attached to that permission, has to be separately applied for by submitting an application. Any application would be considered against national and local planning policy.</p> <p>It is clarified that access via Woodhouse Lane has been permitted for staff and visitors only to the Rivenhall IWMF Information Hub (ESS/01/22/BTE). In addition, a non-material amendment to the planning permission to the Rivenhall IWMF has been given to allow ten abnormal loads to bring in construction plant via Woodhouse Lane. No application has been made to allow HGV traffic bringing waste to access the site via Woodhouse Lane and this would</p>

		<p>from the A120 trunk road, a stance which is supported by the Minerals Plan policy.</p> <p>It is clearly for the quarry and/or waste site operators to ensure that the bridges which serve the haul road are fully capable of safely taking all the loads they may require and that the haul road is built to the length and standard necessary to do the same.</p> <p>No quarry or waste site traffic should use Woodhouse Lane, which can be accessed only via the villages of Kelvedon, Silver End or Rivenhall over unclassified roads.</p>	<p>be strongly resisted by the MWPA should an application be made.</p>
		<p>The Parish Council would also have great concerns about any further enlargement or intensification of Colemans Quarry, which has taken a large area of former farmland in the south of the parish and the operators of which are even now trying via further applications to ECC to extend the quarry and import waste or waste infill and with much higher HGV traffic movements. The Parish Council and its residents seek the earliest possible finish and restoration of the quarry alongside the earliest</p>	<p>The MLP Review has, to date, been supported by a Call for Sites which closed in March 2022 and it is intended for another Call for Sites to be undertaken to address the re-basing of the Plan to 2040. It is intended to subject all sites received through this engagement to an independent interim site assessment and then present the findings to relevant local planning authorities for comment under the Duty to Co-operate ahead of a Regulation 18 consultation in late 2023. Extensions to Colemans Farm have been submitted</p>

			<p>possible completion and landscaping of the new route for the A12 – these 2 matters being inextricably linked.</p>	<p>through this exercise and their performance under the site assessment methodology will be made available for public consultation as part of a future Regulation 18 consultation.</p> <p>As is the case for all future allocations that would be made through this process, each allocation would still be subject to a detailed planning application before any works can begin. Applications received are required to go through the consultation process so consultee comments are taken on board at the planning stage as well.</p> <p>It is noted that where extraction is permitted as an extension to an existing quarry, these extensions are worked sequentially rather than in one go, and often to a Masterplan to ensure that these works, restoration and their subsequent after-uses are delivered in a joined-up manner which seeks to reduce the time and magnitude of impact on local communities. The potential cumulative impact of development, including cumulative</p>
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				<p>impacts as a result of site extensions, is a factor at both the allocation and planning application stage. Policy DM1 – Development Management Criteria in particular specifically requires this consideration.</p>
			<p>Finally, the Parish Council would strongly object to any new sites being opened up in or near the parish. One large site is already in the parish and one very close to it. Rivenhall parish is also seeing strong pressure for major developments of housing, commercial development and a large solar farm, as are nearby parishes. The rerouting of the A12 and possible new A120 will also be major developments locally.</p> <p>To date the County Council has disregarded the cumulative impact of so much development on our rural communities and this must change.</p>	<p>These development pressures are recognised but it is noted that an assessment of cumulative impacts is built into the site assessment methodology for mineral sites includes a criterion in relation to cumulative impact, from both mineral and non-mineral developments, although it is noted that the MWPA is not the determining authority for residential or commercial development.</p> <p>Cumulative impact is also considered during the planning application process through Policy DM1 – Development Management Criteria. It is further noted that mineral development is temporary and where allocations are extensions to existing sites, the permission is generally conditioned to ensure that</p>



				extensions are worked and restored sequentially such that the overall rate and impact of development remains constant, although it is recognised that the location of the development changes as works are progressed.
National Highways	No	Yes (Please provide comment)	<p>National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such National Highways works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.</p> <p>We would specifically be concerned with any proposals which have the potential to impact our network across Essex, including (but not limited to) the M25, M11, A12, A13 (part) and A120 and associated junctions, as well as any proposals which may</p>	<p>The MWPA confirms that National Highways will be consulted at the Regulation 18 stage in late 2023. This will include consultation on all candidate sites received, including the interim scoring under the site selection methodology and the methodology itself. This includes cumulative impacts.</p> <p>The requirement for planning applications to be submitted with a Transport Statement/Assessment is proposed to be made clear through an amendment to Policy S11 – Transport and Access. With regards to the reference to a Travel Plan, a proposed amendment sets out the requirement to demonstrate ‘Appropriate measures to reduce car travel to the site, by workers and visitors and encourage walking, cycling and use of public transport, thus minimising carbon dioxide and methane emissions’</p>

		<p>impact committed or future National Highways projects within Essex.</p> <p>We have no specific comments on Policy S6 of the Minerals Local Plan or the Call for Sand &amp; Gravel Extraction Sites, however as further details come forward for particular sites we would expect to be consulted on individual proposals. Any future planning applications submitted for these individual sites identified should be accompanied by a Transport Statement/Assessment detailing the impacts of trips generated and distributed onto the SRN, and a Travel Plan detailing measures to reduce the numbers of these trips. There should also be consideration given to the cumulative impact of any sites.</p> <p>Based on the information currently available we are satisfied at the moment that the two consultations above will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 &amp; 10, and MHCLG NPPF2019, particularly</p>	<p>which is considered to meet this requirement.</p>
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			paragraphs 108 and 109).	
Resident	No	Yes (Please provide comment)	<ul style="list-style-type: none"> <li>• This response comments upon the Public Consultation arising from the initial 2021 consultation after the five-year review of the existing Minerals Local Plan (2014). This relates to Regulation 18.</li> <li>• This consultation looks specifically at Policy S6 which outlines the County Council's responsibility to provision sand and gravel, amongst other minerals.</li> <li>• The County Council have been delayed in producing their 'Authority Monitoring Report (AMR) which was known as the Annual Monitoring Report (AMR). <ul style="list-style-type: none"> <li>o The old AMR was a useful source of data that was used comprehensively in the Examination in Public (EIP) in 2013/14.</li> <li>o The last AMR was under the new heading and was published in 2021 covering 2018/19 to</li> </ul> </li> </ul>	Work is on-going to produce a full AMR covering the period 2018 – 2021. This is expected to be published in early 2023. The current AMR, reporting on the years 2018-20, contains reporting against mineral monitoring indicators only and was produced in advance of a full AMR such that it could support early public engagements on the MLP Review.

			<p>2020/21.</p> <ul style="list-style-type: none"> <li>o A new AMR will be produced but no commitment is yet available.</li> </ul>	
			<ul style="list-style-type: none"> <li>• The Public Consultation on Policy S5 is supported by various documents: <ul style="list-style-type: none"> <li>o A topic paper on the provision of sand and gravel in 2021</li> <li>o A listing and detail of proposed amendments.</li> <li>o A listing of amendments made to the original 2014 Minerals Plan.</li> <li>o A schedule of amendments.</li> <li>o Other supporting documents: <ol style="list-style-type: none"> <li>1. A review of separating out controls on Building Sand.</li> <li>2. A re-examination of Building Sand provision in Essex (2019)</li> <li>3. A report on the possible role of Marine-won sand and gravel to offset Land-won sources.</li> </ol> </li> </ul> </li> </ul>	<p>Noted.</p>

			<p>4. An analysis of 'windfall' sites</p> <p>5. A Greater Essex aggregate assessment (2020).</p> <p>6. An interim Essex AMR (2021)</p> <p>7. The 2014 EIP's Inspector's report.</p>	
			<p>1. A review of separating out controls on Building Sand;</p> <p>The term 'Building Sand' has no status in national policy and appears to be an expensive smoke-screen.</p> <p>2. A re-examination of Building Sand provision in Essex (2019); Based upon the conclusion in 1, above, no comment can be made.</p>	<p>Whilst not specifically mentioned in national policy, NPPF Paragraph 213h requires that 'Minerals planning authorities should plan for a steady and adequate supply of aggregates by...calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.'</p> <p>Building sand and concreting sand are widely accepted as being two different types of the sand and gravel resource of which separate provision for each is made in some mineral planning areas.</p> <p>The two reports were commissioned on the basis of</p>

				<p>ascertaining whether 'building sand' has a distinct and separate market within Essex that could be supplied by Essex reserves, such that separate landbanks or some other distinction may be required. The first of these reports, dated 2013, was commissioned in light of consultation responses received as part of the adoption of the MLP 2014 and the other report in 2019 was commissioned to update the position as part of this Review</p> <p>The reports conclude that whilst it is recognised that the specifications for concreting and building sand overlap, building sand is an aggregate which has a distinct and separate market. However, the two topic papers highlighted present the case that Essex has no commercially significant bedrock sand resources. Where split landbanks are maintained in mineral planning areas, this is mainly on the basis of a split by geological units rather than products. Sales of building sand in Essex are dominantly from superficial sand with gravel. These deposits can also produce</p>
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				<p>concreting sand, which is another type of sand with a distinct market. The report argues that it is impossible to split the reserves in Essex into that proportion only suitable for use as building sand from that proportion only suitable for use as concreting sand and therefore the MWPA intends to continue planning on the basis of a single sand and gravel landbank.</p>
			<p>3. A report on the possible role of Marine-won sand and gravel to offset Land-won sources;</p> <p>The question of a Marine-won supply was raised at the EIP by both Rayne Parish Council and Braintree District Council.</p> <p>These suggestions were never pursued owing to a lack of wharfage and to my knowledge the situation has not changed.</p> <p>Following comment by the Inspector ECC were urged to an ongoing review and a possible solution utilising London and Suffolk have been discussed.</p>	<p>It is clarified that through their report into the Essex MLP EiP 2013, the Inspector requested that the MWPA 'Include a commitment to continue to monitor the potential for increasing the proportion of marine-won sand and gravel contributing to the future overall County requirement' (Summary, p2). This commitment was made through Mineral Monitoring Indicator 3 - Contribution of marine dredged sources towards overall aggregate provision. That set a trigger of if marine imports come within 90% of wharf capacity in Greater Essex, then a review is to be</p>

			<p>However it has been nigh on impossible to quantify what the impact might be.</p> <p>It is interesting to observe it took 32 pages to say this!</p>	<p>undertaken to determine whether wharf capacity is constraining the landing of marine dredged aggregate and whether there was then the potential for increasing capacity at either existing or new transshipment sites.</p> <p>However, as set out in the Report to Determine Whether Marine-Won Aggregate Supply Can Offset the Demand for Land-Won Aggregates in Essex 2020, it was found that it cannot be assessed whether wharf capacity is above or below the 90% of throughput threshold set by Mineral Monitoring Indicator 3. This was largely due to the fact that obtainable data is insufficient to come to a conclusion. The report sets out that attempts were made to have direct discussions with wharf operators to collect primary data with regard to marine aggregate landings. However, commercial confidentiality is a significant issue and the MWPA have no statutory ability to obtain</p>
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				<p>the necessary data. The report also looked into issues around substitution and responsibilities of the MWPA to provide terrestrial sources of aggregate. It is noted that the report is 20 pages long and supported with evidence by way of appendices.</p> <p>Further, in its recent report 'Aggregates demand and supply in Great Britain: Scenarios for 2035', the Mineral Products Association notes that whilst marine sources are expected to substitute to some degree for terrestrial based sand and gravel, this will be driven by sand and gravel planning permissions dwindling and substitutions having to be found. This driver is not applicable to Essex which has significant sand and gravel reserves. The report further notes that wharf and dredger capacity are two notable barriers with regards to significantly boosting supply from the marine environment. It is outside of the ability of the MWPA to develop additional wharf and dredger capacity itself.</p>
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			<p>4. An analysis of 'windfall' sites;</p> <p>As a village, Rayne has been concerned about the imposition of a 'Gravel Pit' on the village for over 12 years. We have suffered a drawn out process with zero to minimal communication on those delays.</p> <p>Details on the contribution of 'windfall' sites has always been vague. It has always been thought of as an ECC 'fiddle factor' which was reinforced by the lack of openness on the topic.</p> <p>To enable effective comment on this topic relevant information is considered essential.</p> <p>However it is important to distinguish between quality and quantity. Producing a 236 page report is not an effective communication, it is simply another case of bulking out a Public Consultation to deter the community from the task of responding.</p>	<p>The MWPA have no control over when a planning application may be submitted on an allocation made within the MLP 2014. The only control is that the allocation will expire either at the end of the plan period, or if the MLP is replaced earlier and the allocation is not carried through into a revised plan. Following the grant of planning permission, the permission is required to be implemented within three years of that grant otherwise the permission expires.</p> <p>The primary purpose of the 'Analysis of 'Windfall' Mineral Extraction Sites July 2020' report referred to in the representation was to assess the efficacy of Policy S6 of the current MLP. The report looked across all windfall sites since 1943 and concluded on whether authorising mineral extraction to take place at non-allocated sites has resulted in the overriding justification or benefit that was originally set out in the</p>
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				<p>permitted application to allow permission to be granted on that non-allocated site in the first place. From evidence gathered to inform that report, it was assessed that the total contribution of windfall sites over the last 40 years to overall sand and gravel provision was small and considered to not be significant enough to assume a guaranteed quantum of supply from windfall sources. This report is 56 pages long with the remaining pages being records of the planning permissions since 1943 required to evidence the report.</p> <p>It is recognised that given the intention to re-base the Plan to 2040, there would be merit in re-examining the amount of mineral excavated through windfall sites historically to understand whether it remains appropriate to not include an amount of mineral assumed to come forward through windfall sites. It is noted that data used to inform the Windfall report</p>
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				<p>will be approaching five years old at the point of the next public consultation and would merit updating. This report will be re-focused to comment on the amount of sand and gravel excavated through windfall sites rather than the focus of the current report which was to assess whether the applied for use to justify mineral extraction on non-allocated sites has been delivered and maintained.</p>
			<p>5. A Greater Essex aggregate assessment (2020);</p> <p>It is difficult to justify the effort to differentiate when Essex forms 97% of the gross demand for Greater Essex.</p>	<p>This comment is not understood. Due to the need to maintain commercial confidentiality, the MWPA is not able to report on data in such a way that any information presented is able to be related to a single operator. Where three returns or less are received in relation to a particular data point, these are not able to be published, even in an amalgamated form. The 97% figure set out in the representation is assumed to be the proportional share that Essex takes of the total mineral apportionment of Greater Essex, which included Southend-</p>

				<p>on-Sea and Thurrock, although Southend-on-Sea has no apportionment so the remaining 3% is attributable to Thurrock. However, whilst this is a proportional split based on forecasted mineral provision set out in local plans, it does not necessarily translate to where actual sales take place between the two authority areas. For reasons of commercial confidentiality, this cannot be specified. It is not a matter of trying to justify not doing so based on effort.</p>
			<p>6. An interim Essex AMR (2021);</p> <p>In the Executive Summary it states that this document was produced to support the 'review of the Essex Minerals Plan (2014). The concern is that this review should have been carried out within 5 years, i.e. 2019. This is well before the pandemic and I wonder what caused the delay and how was this delay communicated.</p> <p>The maintaining of relevance was a key aspiration and on</p>	<p>National Planning Practice Guidance (PPG) sets out what is required from a Review of a Local Plan such as the MLP. Reviewing a plan is defined as undertaking an assessment to determine whether the policies in a plan need updating every five years from adoption, and subsequently concluding either that the policies do not need updating and publishing the reasons for this, or that one or more policies do need updating and to update the Local Development Scheme to set out the timetable for this revision.</p> <p>In November 2019, Essex County Council published on its website</p>

			<p>examination of the size and scope of this consultation one has to question the degree of success!</p> <p>There is a section in this interim AMR that goes on to explain the impact of the COVID pandemic, whereas if the was timely this would not be an issue.</p> <p>There is a table which shows a summary of the key findings and the comments below relate to that</p>	<p>that following an internal assessment of the MLP 2014, there was scope to review its policies. In line with National policy, an update to the Mineral and Waste Development Scheme was also published which set out a timetable for the Review. Proposed amendments to the policies were developed internally before being consulted on between March – April 2021, with further informal engagement taking place in March 2022. It is not the case that the review of policies, all public consultations and re-adoption needs to have taken place within five years of adoption. The timeframe applies to the initial review only, the results of which Essex published in November 2019.</p> <p>The MLP is based on contributing to a need for aggregates equating to 4.45mtpa for Greater Essex. The ‘excess’, or provision not taken up, is rolled into future years, which essentially means that the allocations made in the Plan will meet the needs of the Plan area for longer than originally forecasted. The Plan provision rate is not a ‘target’, indeed if the target is met then there is a risk that the Plan</p>
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			<p>table:</p> <p>On the first row it states that across 2018 and 2019 sales of sand and gravel totalled 6.59 mt. whilst the targeted total output for those two years was 8.9 mt, a 35% excess, assuming the plan was achieved.</p> <p>In the second row there is a comment about the separation of building sand indices. This need, as highlighted earlier, needs a lot of work to carefully define what building sand is. The approach should have been to report on history in a consistent manner to provide continuity.</p>	<p>could begin undersupplying, which risks the Plan-led system.</p> <p>Building sand is defined through the 'A Re-Examination of Building Sand Provision in Essex 2019' report. The purpose of the second row referred to in the representation was to partly refer to the arguments set out in the above referenced report although it is accepted that this should have been clearer in the summary. The above report concluded that the resources and reserves in the ground in Essex are not capable of being identified separately and unambiguously between building sand and concreting sand due to their source geology and therefore a separate landbank cannot be calculated for building sand and concreting sand.</p> <p>In addition, mineral sales data is obtained annually through a survey completed by mineral site operators. Within the survey returns, the different types of sand excavated are not always listed separately by the operator, nor are the unexcavated reserves. Some returns do not differentiate</p>
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				<p>between that dug which is sand and that which is gravel. As an aside, the figure provided also doesn't necessarily represent the mineral type excavated, as the resource can be processed into different classifications of sand prior to sale. Further, 'building sand' is not a category used in the annual monitoring survey, and the MWPA do not have the authority to make this change. It is acknowledged that what is considered to be 'building sand' can be calculated by adding sales of 'soft sand' and 'mortar sand' together but the resulting figure would only give an indication of what sold material was potentially 'building sand'. It would not aid in making specific provision for a 'building sand' landbank that could inform site allocations as Essex geology does not allow for such a distinction to be made at the allocation stage as set out in the Building Sand Reviews present in the evidence base.</p> <p>Under the terms of the survey, the MWPA must delete all individual returns once they have been compiled for the East of England</p>
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				<p>Aggregates Working Party Annual Monitoring Report and therefore cannot refer to historic submissions.</p> <p>These issues combine to mean that it is not possible for Essex to maintain separate landbanks for building sand and concreting sand. The Executive Summary is therefore justifying why the indicator is not capable of being used and it is therefore proposed to remove it.</p> <p>As set out in Section 20 of the Inspector's report into the EiP of the currently adopted MLP, it was requested that 'ECC should initiate further consideration of whether an increase in the proportion of marine-won aggregate use in Essex could be reliably quantified.' The AMR 2018 – 2020 updates this position, stating that the MPA was not able to obtain sufficient information to allow the indicator to be monitored. It was noted that there is no statutory requirement for</p>
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			<p>In row 3 there is reference to 'Marine-won' sources. c comment has already to be made but further reading identified an EOEAWP AMR that shows wharfage development at Purfleet, Thurrock, Tilbury, Fingringhoe and Harwich. This uncovering raises more questions.</p>	<p>wharf operators to provide what is commercially sensitive information to the MPA that would allow the operation of Mineral Monitoring Indicator 3. The MWPA have consistently reported on the wharf facilities highlighted since 2013 following the requirement to produce a Local Aggregates Assessment.</p> <p>Row 5 provides the landbank value over the period covered by the AMR. The landbank is primarily impacted by the rate of sales versus the rate of replenishment. Essentially, when sales are below the rate of expected annual provision, the length of time that total plan provision would last is increased irrespective of whether new reserves are added that year. The comment in Row 5 notes that whilst the Greater Essex landbank was below the statutory requirement of seven years, which could necessitate earlier plan review or tilt the balance of permitting sites off-Plan, the landbank has since recovered such that the Plan-led system can be maintained.</p>
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			<p>Row 5 relates to the size of the landbank and questions the increase in the size of the landbank from 2018 to 2019. This is a very simple case that states when sales reduce, stocks rise!</p> <p>It would appear that the comment in row 7 relates to a 'windfall-site' and I refer to my earlier comments.</p>	<p>This is correct. Extraction was justified at Sheepcotes in Little Waltham due to the requirement for an agricultural reservoir to provide a source of irrigation for agricultural land. The mineral sourced from excavating this windfall site is then factored into Essex supply calculations.</p> <p>Further explanation is provided within the AMR itself, but it is accepted that more detail is required in the summary. The indicator seeks to ensure that permitted minerals infrastructure is not lost due to an incompatibility with development bought forward on proximal land after the mineral infrastructure was permitted. For example, residential development being permitted next to an aggregate recycling site can lead to noise complaints leading to the closure of the aggregate recycling site, even though it was there first. This is then recycling capacity lost to the County.</p> <p>Essex County Council is the determining planning authority for County Matters, which include minerals, waste and school applications. Applications for the</p>
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			<p>Re 1.1.2 – when will the full AMR be available?</p> <p>Re 1.2.4 – how much ‘Marine-won’ sand and gravel is transported by road into Essex?</p>	<p>market destination being a commercial decision, and therefore this figure cannot be taken to equate to a marine supply for Greater Essex, with Greater London likely to be a significant consumer. The MWPA is only permitted to monitor mineral sales from land-based mineral sites within the administrative borders of Greater Essex, although this mineral could then be subsequently exported, as well as that mineral bought in by transshipment sites (wharf and rail) located in Greater Essex, which again could then be sold to a location outside of Essex. The Collation of the results of the 2019 Aggregate Minerals survey, published in 2021, states that 1.19mt of marine-won sand and gravel was imported into Greater Essex in 2019, either through wharf or rail. This does not however mean that this marine-sourced mineral was used in Greater Essex as it could have been sold for use elsewhere. There is no way of capturing marine mineral transported into Greater Essex from outside of Greater Essex by road as there is no requirement for them to report this.</p>
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				<p>The AMR with respect to mineral monitoring indicators is based on the monitoring tier of 'Greater Essex' for sand and gravel and therefore the area being monitored is inclusive of Southend-on-Sea.</p> <p>Work is on-going to produce a full AMR covering the period 2018 – 2021. This is expected to be published in early 2023. A revised approach to producing the AMR, reflective of the resources available, is being actively considered and this will be in place to guide subsequent iterations.</p> <p>The delivery of major infrastructure, outside of the requirement to consider the delivery of such infrastructure when forecasting future mineral provision, is outside of the remit of the MWPA. Enquiries should be made to <a href="https://infrastructure.planninginspectorate.gov.uk/projects/">https://infrastructure.planninginspectorate.gov.uk/projects/</a></p>
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			<p>Essex .also has a border with Southend</p> <p>Re 1.3.1 second bullet – when will full data collection be fully back in place? What will be done to restore public confidence in ECC who need to define, in absolute clarity, that they have regained control, after many years without that full control.</p> <p>In 1.4.5 a table is presented showing information on major infrastructure projects. It is both disappointing and of great concern that projects have been</p>	<p>All data resulting from the survey with the 92% response rate has been published. The point being made in the AMR is that it cannot be subsequently inferred that any figures presented represent 92% of their true value. For example, production rates vary significantly across individual extraction sites and, due to reasons of commercial confidentiality, it would not be appropriate to speculate on those values which may have been derived from those sites where surveys were not returned. As such, any trend analysis factoring in the latest data must be treated with caution. By way of example, if mineral sales were being monitored and one site within the 8% of sites which was missing from the dataset contributed 20% of total sales, the reported figure would be an under-representation, and an under-representation greater than the 8% proportion of sites that are not included in the dataset.</p> <p>Paragraph 2.1.15 makes reference to the report of the Examination in Public on what</p>
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			<p>delayed with the widening of the A12 now back to 2027/28 and consequentially the new A120 (significantly important to Braintree) is now defined as '2028 or beyond'. What action is being taken by all, up to Secretary of State level, to ensure promises/commitments are kept this time round. We live in hope!</p> <p>Re 2.1.2 – many organisations would be very content with a 92% response to a 'survey' of this information. The outcome of the survey could have been published with the necessary caveats, which would have been more positive.</p>	<p>became the Essex Minerals Local Plan 2014 (MLP), within which the Planning Inspector holding the Examination Hearings stated that Essex County Council (ECC) should initiate further consideration of whether an increase in the proportion of marine-won aggregate use in Essex could be reliably quantified. This may then reduce the need to allocate sites for aggregate extraction in the terrestrial environment.</p> <p>Subsequent paragraphs 2.1.16 – 2.1.18 refer to a report<sup>30</sup>, available during the consultation, where it was assessed that an increase in the proportion of marine-won aggregate use in Essex could not be reliably quantified. No information has been submitted to the MWPA to question those findings and therefore the intended approach currently remains.</p> <p>Noted. The AMR does not focus on the extraction of other minerals</p>
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<sup>30</sup> 'Report to Determine Whether Marine-Won Aggregate Supply Can Offset the Demand for Land-Won Aggregates in Essex, October 2020'



			<p>Re 2.1.15 – comment has already been made about ‘Marine-won’ sources. I look forward to seeing the final outcome of the revised MLP.</p>	<p>as in the first instance, all the indicators in the monitoring framework relate to sand and gravel. Brick earth is extracted in the plan area as well as silica sand, but these are only extracted by two operators and a single operator respectively and therefore sales cannot be published due to commercial confidentiality. The remaining mineral extracted in Greater Essex is chalk and this is not extracted as an aggregate and therefore there is no requirement to monitor this. It is further noted that chalk is also extracted by as single operator which again means that sales are not able to be published in any event due to commercial confidentiality</p> <p>The Waste Local Plan is a separate document that is not currently undergoing review. The forthcoming full AMR will also report against all waste indicators, including for those years where up to now they haven’t been reported on.</p>
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			<p>This response does not focus on extraction of minerals other than sand and gravel (owing to local interest).</p>	<p>The need to produce an AMR annually is acknowledged. A revised approach to producing the AMR, reflective of the resources available is being actively considered and this will be in place to guide subsequent iterations.</p> <p>Regarding sterilisation, this is addressed above.</p> <p>Noted. The MWPA have no control over when a planning application may be submitted on an allocation made within the MLP 2014, or when a permission may be implemented beyond requiring commencement three years from permission being granted.</p> <p>Planning permission runs with the land and the applicant, and therefore Tarmac, are ultimately responsible for the site.</p>
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			<p>This response also does not relate to the Waste Management Plan and will not as long as the strategy of a rotational extract and fill scheme stays in place for the Broadfields Farm site.</p>	
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			<p>The issue of sterilisation is raised in 2.1.46 and comment has already been made. ECC have the scope, and in many instances do, review all Planning Applications. Possibly a need for closer co-ordination.</p> <p>During 2018/20 (2.1.54) it is noted that the Site at Rayne was approved. It is disturbing that we are now in 2022 and work on site extraction has not started. Clarification will also be sought on who is legally responsible for the site, is it Tarmac or IVL. This is especially important in the event an issue has to be escalated in the event of a dispute.</p> <p>For information:- SEE GRAPH IN ORIGINAL SUBMISSION SHOWING SAND &amp; GRAVEL SALES FROM 2000 - 2020.</p>	
			7. The 2014 EIP's Inspector's	Noted.

			<p>report;</p> <p>The output from the Inspector was considered fair and equitable although that reaction was not shared by all.</p>	
CPRE Essex	No	Yes (Please provide comment)	<p>In connection with Policy S6, the continuation of the need for applications involving non-allocated sites to meet all of the conditions in Policy S6 was supported. However, concern was expressed that - despite the fact that, historically, windfall sites tend to be small and relatively rare - it would appear that there is nothing to prevent large non-allocated sites coming forward as windfalls. To address this weakness, it was suggested that an appropriate low level upper threshold on the size of site (either in terms of area or tonnage or both) needs to be identified. Without this specification, the strategic objectives and spatial strategy provided by the MLP could be seriously undermined. The response to this - as indicated in the Policy S6 Topic Paper - is that "it is not considered to be appropriate to select an arbitrary maximum threshold that windfall</p>	<p>The MWPA notes that with regards to what constitutes an overriding benefit or justification, this would be based on planning judgement on a case-by-case basis, with impacts and benefits weighed in accordance with the Development Plan. It is noted that a windfall site would need to be in general conformity with the Development Plan, including with Policy S12 – Restoration and After-care and Policy DM1 – Development Management Criteria, which require it to be demonstrated that the development and its restoration would not have an unacceptable impact, including cumulative impact with other developments, across a range of stated criteria and be, on balance, a more sustainable approach to deriving mineral than importing it from further afield.</p> <p>The MWPA notes that significant</p>

			<p>sites must not exceed as such a threshold may prohibit them from providing the 'overriding justification and/or overriding benefit' that creates the need for working these non-allocated sites in the first place. Policy S6 instead requires the application to ensure that 'the scale of the extraction is no more than the minimum essential for the purpose of the proposal'. This acts to minimise the level of extraction at non-allocated sites to that explicitly required for the purpose that allows them to come forward". However, CPRE questions how there might be consistent and transparent interpretation of both 'overriding justification' and 'overriding benefit' as well as a realistic calculation of what would constitute 'the minimum essential for the purpose of the proposal'. CPRE would therefore take this opportunity to express its on-going concerns on this issue and reiterate the comments previously submitted in that the absence of a cap on the size of a non-allocated site being approved would act to weaken the Plan-led system and increase uncertainty as to where</p>	<p>windfall sites have the potential to weaken the Plan-led system but it is reiterated that to place an arbitrary cap on a windfall site may prohibit them from providing the 'overriding justification and/ or overriding benefit' that creates the need for working these non-allocated sites in the first place. For example, where the windfall site is a borrow pit, this is providing mineral for the exclusive use of a proximal specific construction project such as for a specific road scheme, where such an approach is demonstrated as being more sustainable than bringing in mineral from further afield. As the mineral is intended for the use within a single project, the MWPA considers that the appropriate cap is that required for the specific project, and this can only be determined on a case-by-case basis. As part of permitting extraction at a borrow pit, the MWPA can, by way of conditions attached to the planning permission, restrict the mineral derived from the borrow pit for use in a particular development or developments. This ensures that the amount of mineral derived</p>
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			<p>mineral extraction may occur.</p>	<p>from the borrow pit is limited to that required for specific projects. It is also noted that borrow pits, by their nature, will be associated with significant development projects, including those considered to be nationally significant, and these may create a 'greater than normal' requirement for locally derived mineral. In that respect, borrow pits preserve the plan-led strategy by ensuring that local mineral supply isn't drained at a quicker rate than envisaged by the need to service significant one-off projects.</p> <p>Where a windfall site is extracted to avoid mineral sterilisation, the amount of mineral to be extracted is that which would be unnecessarily sterilised, rather than an arbitrary cap.</p>
			<p>In this respect, citing a specific case - the proposed flood alleviation scheme in Coggeshall - the extraction of 13m tonnes of aggregates over a 20 year period that extends beyond the time frame of the Minerals Plan could be approved despite not being identified and allocated as a</p>	<p>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 under the site selection methodology that all sites received through the March</p>

			<p>Preferred Site in the MLP. In such a scenario, spatial strategy is diminished and the whole concept of a meaningful Plan-led approach would be undermined.</p>	<p>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. If the allocation is selected as a Preferred Site and remains so through examination, then following adoption of the MLP, the site will be a made allocation in the MLP, and its mineral contribution would form part of the plan-led strategy for mineral provision.</p> <p>It is further noted that the evidence supporting this Call for Sites 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. Under this route, the application would function as a windfall site. There is no strong justification at this point of the MLP Review for the MWPA to refuse determination of a</p>
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				<p>potential application prior to the new MLP being adopted given that the MLP review is at an early stage and that the primary purpose of the application would be the facilitation of a flood alleviation scheme rather than mineral extraction</p> <p>Should permission be granted, the mineral would enter the wider market, and the contribution made by that site would likely reduce the need for additional allocations in the future. In this instance it would not be logical to cap the amount of mineral leaving the site under an inflexible strategic policy as its extraction is needed to create the space for the flood alleviation scheme. By capping the mineral by way of a quantified policy, a sufficiently sized void may not be able to be created which would compromise the delivery of the flood alleviation scheme itself. The amount of mineral to leave the site can be capped by a condition attached to the planning permission however, in conformity with Policy S6 clause b) which as stated requires the scale of the extraction to be no more than the</p>
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				<p>minimum essential for the purpose of the proposal, which in this case is the creation of the flood alleviation space.</p> <p>As of August 2022 an application has yet to be submitted and therefore there is no application before the MWPA to determine. Should permission be granted, the quantity of mineral to be extracted would be added to the permitted reserve for the County and not taken as a separate or additional figure.</p>
Mineral Products Association	No	Yes (Please provide comment)	<p>We consider that the proposed policy S6 has not been prepared positively and needs to be reworded to allow flexibility for the provision of additional sand and gravel reserves/resources. The proposed wording is as follows;</p> <p>CURRENT TEXT:</p> <p>The Mineral Planning Authority shall endeavour to ensure reserves of land won sand and gravel are available until 2029, sufficient for at least seven years</p>	<p>The changes proposed through the representation are discussed in separate rows below.</p>

			<p>extraction or such other period as set out in national policy. The rate of plan provision is set at 3.74 mtpa.</p> <p>Policy P1 provides for the provision of sand and gravel through the allocation of Preferred Sites for extraction.</p> <p>Mineral extraction outside Preferred or Reserve Sites will be resisted by the Mineral Planning Authority unless the applicant can demonstrate:</p> <ul style="list-style-type: none"><li>a) An overriding justification and/ or overriding benefit for the proposed extraction,</li><li>b) The scale of the extraction is no more than the minimum essential for the purpose of the proposal, or and</li><li>c) The proposal is environmentally</li></ul>	
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		<p>suitable, sustainable, and consistent with the relevant policies set out in the Development Plan or</p> <p>PROPOSED CHANGES TO TEXT:</p> <p><i>The Mineral Planning Authority <del>shall endeavour to</del> <b>will</b> ensure reserves of land won sand and gravel are available until 2029, sufficient for at least seven years extraction or such other period as set out in national policy. The rate of plan provision is set at <del>3.74</del> <b>4.31</b> mtpa.</i></p> <p><i>Policy P1 provides for the provision of sand and gravel through the allocation of Preferred Sites for extraction.</i></p> <p><i>Mineral extraction outside Preferred <del>or Reserve</del> Sites will be</i></p>	
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			<p><del>resisted</del> <b>supported</b> by the Mineral Planning Authority <b>providing the Applicant</b> <del>unless the applicant can demonstrate:</del></p> <p>a) An overriding justification and/ or overriding benefit for the proposed extraction, <b>and</b></p> <p><del>b) The scale of the extraction is no more than the minimum essential for the purpose of the proposal, or and</del></p> <p>c) The proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan or</p> <p>d) <i>The proposal is an extension to an existing permitted sand and gravel site that is required to maintain production from that site or is needed to meet an identified shortfall in the landbank</i></p>	
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			<p>The reasoning for the proposed changes are as follows;</p>	
			<ul style="list-style-type: none"> <li>• The mineral Planning Authority is required to maintain at least a 7-year landbank and the words shall endeavour does not reflect the NPPF and is unsound.</li> </ul>	<p>The MWPA notes that the NPPF states at Paragraph 213 that MWPAs 'should plan for a steady and adequate supply of aggregates by maintaining landbanks of at least 7 years for sand and gravel...' It is further noted that whilst the MWPA can allocate and permit sufficient land for mineral extraction such that a seven-year landbank is achievable across the Plan period, it is the mineral industry who ultimately add to the landbank by virtue of submitting planning applications that are capable of subsequently being approved. The use of the term 'endeavour' is to recognise that the MWPA will act to achieve an on-going seven-year landbank to the extent possible within the remit of its responsibilities, by allocating and subsequently permitting, where possible, sufficient land to be bought forward for mineral extraction. As such, the current wording is considered to be appropriate as the MWPA cannot</p>

				ensure that the minimum landbank is achieved.
			<ul style="list-style-type: none"> <li>• The figure of 4.31 mtpa reflects our arguments that the Plan should be using the guideline figure for Essex.</li> </ul>	<p>With regards to the proposal to move away from the apportionment of 4.31mtpa as derived from the National and Sub-National guidelines for aggregate provision 2005 – 2020 (The Guidelines), in the Rationale Report 2021 which supported the Regulation 18 consultation in April 2021, it was stated at Paragraph 4.136 that <i>‘In light of the Government’s continued support for the current Guidelines implied by their continued inclusion in the NPPF, even though they have now expired, and the intention to review the approach to guidelines and provision forecasts in the future, it would seem inappropriate to revise the current apportionment set out in the MLP when the forecasting methodology set out in the NPPF has already been acknowledged as being under consideration for revision.’</i> It is however considered to be important to note that the stance consulted on in March – April 2021 reflected a time when it</p>

				<p>was not proposed to carry out a Call for Sites as part of the current Review and as such for plan making purposes the plan provision rate was not going to set a long-term future strategic approach, not least as it was also not intended to amend the Plan period from 2029 to 2040.</p> <p>This issue was picked up in the MLP Review Topic Paper Policy S6: Provision for Sand and Gravel Extraction 2022, which informed the informal engagement to which this representation relates. At Paragraph 1.66 of that document, it is stated that <i>'as of November 2021, it remains the case that no new Guidelines have been put in place. Just as crucially, and as noted through the Regulation 18 consultation, there has been no indication that the figures in the expired Guidelines are to be 'rolled forward' or re-issued, despite there having been ample opportunity to do so.'</i></p> <p>At the time of writing in September</p>
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				<p>2022, the 2005 – 2020 Guidelines have still not been replaced, and with the intention to re-base the Plan between the dates of 2025 – 2040, the Guidelines are now considered to be increasingly inappropriate as a basis for future mineral provision. Whilst the PPG still refers to the Guidelines, these are only ever referred to as an indicator or guideline of need, with the basis of need being that derived through the Local Aggregate Assessment which itself is subject to the provisions of the NPPF. A calculation of need must be ‘supported by robust evidence and be properly justified, having regard to local and national need’ (PPG Ref Paragraph: 070 Reference ID: 27-070-20140306). The value of the Guidelines as an indicator are considered to decrease as the time since their expiry increases.</p> <p>The MWPA does however note that references to the Guidelines remain in the NPPF and confirms that it is aware that DLUHC are actively looking at renewing the guidelines. The MWPA will factor</p>
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				<p>these into any future plan provision figures should they become available during the Plan making process. Until such a time, the MWPA will re-calculate mineral need on the basis of the methodology set out in the NPPF for the revised Plan period. The MWPA will revise its evidence, including that based on growth projections, and consult on this figure at the next Regulation 18 stage.</p>
			<ul style="list-style-type: none"> <li>• The use of the word supported instead of resisted is a positive planning approach as opposed to a negative approach as currently proposed.</li> </ul>	<p>This is accepted. So that Policy S6 is more positively worded, the following amendment is proposed:</p> <p>Mineral extraction outside Preferred <del>or</del> Reserve Sites will be <del>resisted</del> <i>supported</i> by the Minerals <u>and Waste</u> Planning Authority <i>providing the Applicant unless the applicant can demonstrate</i>:</p>
			<ul style="list-style-type: none"> <li>• Paragraph b) should be deleted as this is not planning positively. There is no requirement to show</li> </ul>	<p>The point is accepted although this is in the context of a lack of clarity in the policy behind the</p>

			<p>need, and furthermore it implies that the 7-year landbank is a maximum which the PPG makes clear is that the case (ID 27-084-20140306)</p>	<p>intention of clause b. Clause b is only intended to apply to mineral extraction proposals being made in order to facilitate the creation of an agricultural reservoir or where mineral extraction is permitted as a borrow pit to serve a specific development.</p> <p>Where sites are permitted outside of Preferred Site allocations with the overriding benefit being to serve a specific purpose, the amount of mineral to be extracted should be limited to the facilitation of that purpose. Removing this clause may result in the establishment of traditional quarries outside of Preferred Site allocations, thereby weakening the Plan-led system and increasing uncertainty with regards to where mineral development is to take place. Where mineral extraction is permitted to facilitate the delivery of a specific project, and the extraction of mineral is not the</p>
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			<p>primary purpose, the current level of the landbank is not material to the decision made.</p> <p>The following amendment is proposed:</p> <p>b) <u>That where mineral extraction is ancillary to another development, except in the case of prior extraction, the</u> The scale of the extraction is no more than the minimum essential for the purpose of the proposal,</p>
			<p>• Additional paragraph d) is proposed as it is clearly a positive and sustainable approach to support extensions. We note the comments Essex CC have made on this point when we proposed this in the last consultation but do not accept them. Any proposed extension will be subject to the Plan policies, and this will determine the suitability or otherwise of the extension in land use terms.</p>
<p>The MWPA considers that its previous response to this issue remains appropriate. This was set out in Paragraph 1.134 of the Topic Paper Policy S6 and repeated here:</p> <p>‘There could be a number of reasons why an extension to an existing permitted sand and gravel site would not automatically be the most preferable means of accommodating any shortfall in the landbank compared to a new</p>			

				<p>site. Therefore, where sites are submitted off-plan due to an identified shortfall in the landbank or other over-riding justification or benefit, it is considered that the MWPA must treat these on their individual merits and not give automatic preference to extensions. Policy support for granting permission on non-allocated sites if it is 'needed to meet an identified shortfall in the landbank' is considered to already be captured in the supporting text to Policy S6 (Paragraph 3.101 in the consultation document, Paragraph 3.108 in the adopted Plan) for what could constitute an overriding justification or benefit.</p> <p>With regards to the need to maintain production at a specific site, the MWPA does not consider that the individual commercial business need of a mineral operator to continue production at a particular mineral extraction site to be relevant or material to its decisions in respect of non-</p>
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				<p>Preferred Sites. Such extensions should be submitted to the MWPA to be assessed for Preferred Site allocation in the emerging MLP. Where mineral is at risk of sterilisation if an extension is not permitted during the lifetime of the parent site, the risk of sterilisation will be assessed in the balance of the Development Plan.</p>
			<p>Further to our submission yesterday find below additional comments in respect of the above consultation:</p> <p>In terms of soft/building sand, ECC is not providing a landbank for this material and relies upon S&amp;G sites producing a fine washed sand to meet the requirement. No assessment of reserves of such sand exists and therefore how can industry be confident that sufficient reserves of soft sand exist within the county during the plan period. There are sites within the county that process S&amp;G and produced a fine washed sand for DSM. But this doesn't meet the need for traditional mortar sand (dry</p>	<p>The Inspector presiding over the Examination in Public on the MLP stated at Paragraph 64 of their report into the Hearings that <i>'It is noted that, in a minority of cases, separate building sand landbanks are identified in mineral local plans elsewhere. However, this is usually in response to a high reserve of bedrock sands, as opposed to superficial sand and gravel deposits such as occur widely in Essex. The latter give rise to a wide variety of sand products for which the separate end uses in relation to physical characteristics are difficult to identify.'</i></p> <p>Paragraph 1.7 of the 'A Review of Building Sand supply in Essex: Consideration of a Separate</p>

		<p>screened etc) that builders prefer and such soft sand is being imported from surrounding counties.</p> <p>As such a mechanism for monitoring soft sand needs to be established by Essex and a separate provision made in the Plan.</p> <p>Our members are making more detailed comments on this issue which we support.</p>	<p>Building Sand Landbank Topic Paper 2013' states 'The evidence in this report demonstrates that the landbank issue for some authorities, and the operation of a separate landbank for 'soft sand', does not in fact relate to end use (as required by national policy), but to the dominance of sand (which is suitable for either concreting sand or building sand) in the landbank due to permissions to work bedrock sands. Such bedrock sand units can produce large quantities of fine aggregate for use in building sand and/or concreting sand.</p> <p>Paragraph 1.8 of the same report provides further detail on this matter. It states that 'as demonstrated in Bedfordshire, Dorset, Hampshire, Kent, etc, it is generally impossible to split reserves of bedrock sand in the ground into (i) that component suitable only for building sand, and (ii) that component suitable only for concreting sand. There are no significant deposits of bedrock sands in Essex and all building sand production is derived from the</p>
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				<p>various superficial deposits.'</p> <p>Further, and as set out in an Topic Paper Policy S6 2022, an interrogation of collated Annual Mineral Survey data by the MWPA has concluded that, in 2014, nine of the 18 active sites in Essex sold both building/mortar sand and concreting/silica sands/gravel whereas in 2020, using the same criteria, five of the 20 active sites supplied the market with building/mortar sand from mixed sand and gravel deposits by the same selective processing. It has therefore been concluded that although there has been a reduction in sites overall, it is known that a total of 12 sites during the previous seven years have been capable of processing both building sand and concreting sand from a single resource by varying the method of production. It is therefore demonstrated that mineral reserves in Essex can produce to the two different specifications, and therefore there is no need to make separate provision for building sand and concreting sand as they do not</p>
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				<p>necessarily appear as distinct resources in Essex nor is there a distinct market not being supplied that otherwise could. The production of each is held to be primarily a decision made by the operator as a response to market demand.</p> <p>Mineral sales data is obtained annually through a survey completed by mineral site operators. Within the survey returns, the different types of sand excavated are not always listed separately by the operator, nor are the unexcavated reserves. Some returns do not differentiate between that dug which is sand and that which is gravel. As an aside, the figure provided also doesn't necessarily represent the mineral type excavated, as the resource can be processed into different classifications of sand prior to sale. Further, 'building sand' is not a category used in the annual monitoring survey, and the MWPA do not have the authority to make this change. It is acknowledged that what is considered to be 'building</p>
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				<p>sand' can be calculated by adding sales of 'soft sand' and 'mortar sand' together but the resulting figure would only give an indication of what sold material was potentially 'building sand'. It would not aid in making specific provision for a 'building sand' landbank that could inform site allocations as Essex geology does not allow for such a distinction to be made at the allocation stage as set out in the Building Sand Reviews present in the evidence base.</p> <p>Under the terms of the survey, the MWPA must delete all individual returns once they have been compiled for the East of England Aggregates Working Party Annual Monitoring Report and therefore cannot refer to historic submissions.</p> <p>No further information has been presented to the MWPA to demonstrate that there is an unfulfillment of market need for 'soft' or 'building' sand, including through engagement under the Duty to Cooperate with other Mineral Planning Authorities and</p>
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				<p>public consultation. The MWPA therefore considers its current and proposed position to continue to plan on the basis of a single sand and gravel landbank to be appropriate, as it is the processing of mixed deposits that allows sand and gravel extracted in Essex to serve distinct markets, rather than sand and gravel in different parts of Essex only having the capability of serving a distinct market which wouldn't otherwise be served. It is this latter case where the NPPF requires separate provision to be made. With the allocation of a single sand and gravel landbank previously being considered to be a sound approach, it is considered that it was implicit that there was not a demonstrable market need that could be met through Essex deposits. No information has since been presented to demonstrate otherwise.</p> <p>The MWPA is open to reconsidering this position should evidence demonstrate that there is an explicit unfulfilled need, and a suitable allocation is received through the</p>
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				Call for Sites. It is noted that any proposed allocation would need to be suitable across a range of planning criteria and be in accordance with the Development Plan. Proof of any particular resource alone would not be sufficient to justify allocation.
Lichfields	Yes – another organisation. Latimer Developments. Latimer Developments	Yes (Please provide comment)	<p>We write on behalf of our client, Latimer Developments Limited ('Latimer'), in relation to the current consultation on Policy S6 of the Essex Minerals Local Plan, which was published by the County Council ('ECC') for consultation from 11th February 2022 to 25th March 2022. Latimer welcomes the opportunity to be involved in this important consultation.</p> <p>Background:</p> <p>Latimer, along with its development partner Mersea</p>	Noted. It is confirmed that the MWPA are working with the promoters of TCBGC to agree an appropriate mineral strategy which ensures the best use of sand and gravel reserves that would otherwise be sterilised, whilst being cognisant of the wider delivery aims of the TCBGC. It is noted that it is important for mineral investigation to be undertaken sufficiently ahead of detailed planning of the TCGBC to ensure that opportunities for prior extraction can be pursued.

		<p>Homes, have a significant land interest across Colchester Borough Council ('CBC') and Tendring District Council ('TDC'). The parties have an agreement to bring forward the land comprising the Tendring and Colchester Borders Garden Community ('TCBGC'). The TCBGC was allocated in the adopted North East Essex Section 1 Local Plan for a new garden community, which will deliver between 2,200 and 2,500 homes, 7 hectares of employment land and provision for gypsies and travellers within the Plan period (as part of an expected overall total of between 7,000 and 9,000 homes and 25 hectares of employment land to be delivered beyond 2033).</p> <p>Further, in 2019 the government awarded the Councils £99.9 million Housing Infrastructure Fund (HIF) investment to support the delivery of the TCBCG. This funding is contingent on several</p>	
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			<p>requirements being met, which includes the delivery of at least 100 homes at the site by March 2025. The housing trajectory expects a further 150 homes to be delivered by March 2026. Against this backdrop, Latimer is committed to working with the Councils to meet these milestones.</p> <p>Since adoption of the Section 1 Local Plan, Latimer and Mersea Homes have engaged with the three Councils (ECC, TDC and CBC) to support the preparation of the Development Plan Document (DPD) for the TCBGC strategic site, which is currently out for public consultation until the end of April. The DPD contains the policies setting out how the new community will be designed, developed and delivered in phases, in accordance with key listed principles. The Section 1 Local Plan stipulates that the DPD must be adopted before any</p>	
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			<p>planning application can be approved at the TCBGC.</p> <p>These representations to the Minerals Local Plan are made in this context.</p> <p>Minerals Safeguarding:</p> <p>The Essex Minerals Local Plan (EMLP) (Adopted July 2014) plan-period covers 18 years between the 1 Jan 2012 – 31 Dec 2029 inclusive. Policy S8 is associated with safeguarding mineral resources and mineral reserves.</p> <p>The EMLP currently sets out that: “The needless sterilisation of mineral resources by development will be avoided by designating ‘Minerals Safeguarding Areas’ (MSA’s) for sand and gravel, chalk, brick clay and brickearth.</p>	
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			<p>Existing, permitted, Preferred and Reserve mineral sites and mineral supply infrastructure will be safeguarded to ensure the effective operation of these sites is not compromised, and to prevent incompatible development taking place close to existing or planned minerals development to the potential detriment of existing or future occupants.”</p> <p>The TCBGC site is underlain by a covering layer of clays and silts overlying the Kesgrave Formation, with London Clay at depth. The Kesgrave Formation is identified as being a Safeguarded Mineral. Given the site lies within a Minerals Safeguarding area the site will require Minerals Resource Assessment (MRA) reports to be prepared to enable the economic importance and need of the resource to be evaluated.</p>	
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			<p>NEA Section 1 Plan, adopted by TDC on 26th January 2021 and CBC on 1st February 2021, has identified the site under Policy SP8 as a strategic area for development of a new garden community, it also refers to the requirement for a MRA:</p> <p>“The Garden Community is located within a Minerals Safeguarding Area. In line with the Essex Minerals Local Plan, the Mineral Planning Authority requires a Minerals Resource Assessment to be undertaken to assess if the sites contain a minerals resource that would require extraction prior to development. Should the viability of extraction be proven, the mineral shall be worked in accordance with the phased delivery of the non-mineral development.”</p>	
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			<p>Lichfields along with Latimer has engaged with ECC with the aim of agreeing a pragmatic strategy for taking the maximum opportunity to use the minerals resource at the TCBGC site but without compromising the delivery of a new garden community. Noting that the first delivery of homes is required by March 2025 and recognising that it could take several decades to build out.</p>	
			<p>General Comments:</p> <p>Essex has extensive sand and gravel deposits, which are identified as a safeguarded resource. It is noted that that the sand and gravel resources in Essex are significant in national, sub-national and local terms, with Essex being one of the largest producers in the UK. The most geographically extensive and significantly mixed resources are located within the centre and north</p>	<p>Noted.</p>

		<p>of Essex, namely the districts of Uttlesford, Braintree, Chelmsford, Colchester and Tendring.</p> <p>Policy S6 'General Principles for Sand and Gravel Provision' essentially quantifies mineral need and looks to maintain a landbank of sand and gravel sufficient for at least 7 years extraction as set out in national policy. It also seeks to preserve a plan-led approach to mineral provision by resisting applications for mineral extraction outside of sites allocated in the MLP, unless certain criteria are met.</p> <p>The current plan identifies 'Preferred' and 'Reserve Sites' to provide the identified mineral resource up to 2029. Currently, this is comprised of 16 allocations on 10 sites, of which 13 are extensions to existing quarries and 3 are new sites. Of these 16 allocations 2 would be Reserve Sites. None lie within the TCGBC</p>	
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			<p>site area. The proposed amendments to Policy S6 seek to remove reference to 'Reserve Sites' and refer only to Policy P1, which provides for the provision of sand and gravel through the allocation of Preferred Sites for extraction.</p>	
			<p>Paragraph 3 of Policy S6 states that minerals extraction outside Preferred Sites will be resisted by the Mineral Planning Authority, unless the applicant can demonstrate the criteria at a – c: an overriding justification/benefit for the proposed extraction; the scale of extraction is no more than the minimum essential for the purpose of the proposal; and, the proposal is environmentally suitable, sustainable and consistent with the relevant policies set out in the Development Plan. This approach is supported.</p>	<p>Noted.</p>
			<p>Given the prevalence of sand and gravel across the County, it is anticipated that the Call for Sites</p>	<p>The pro-forma associated with the Call for Sites which took place in March 2022 and the additional</p>

		<p>process will be productive and avoid the need to sterilise any parts of the TCBGC land for minerals extraction. Further, given the strategic importance of allocated TCBGC site to delivering the new garden community, thousands of homes and wider development needs across Tendring and Colchester Districts along with the associated HIF trajectory for anticipated housing delivery, Latimer request that any Preferred Sites for extraction identified within the MLP review to meet minerals need are not within the TCBGC site. Minerals allocation sites would more sensibly be located elsewhere in the County on alternative sites that are promoted and submitted via current Minerals Call for Sites process.</p> <p>By way of a legacy, the Government supported garden community at Tendring /Colchester Borders must focus</p>	<p>Call for Sites planned in late 2022 both requests confirmation that the land subject to the red line boundary (ie the proposed mineral site) is not allocated or proposed to be allocated for any other form of development in existing and/ or emerging Local Plans. Whilst an allocation for a different use would not be grounds to remove the site for consideration in isolation, it is recognised that this would raise questions around its delivery.</p> <p>With respect to where the representation states that ‘High quality design, place-making and delivery of new homes must be the key driver for this site’, the MWPA notes that mineral extraction is not necessarily incompatible with these aspirations, and there are examples in both Essex and further afield where long-term housing projects are being delivered or will be delivered following the prior extraction of the mineral underneath. Masterplanned effectively, prior extraction ahead of non-mineral development has the potential to</p>
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			<p>on place making, with high standards of design and layout drawing on its context and the considerable assets within its boundaries such as woodland, streams and changes in topography. High quality design, place-making and delivery of new homes must be the key driver for this site. The site is therefore not appropriate for allocation as a 'Preferred Site' for extraction in the Minerals Local Plan.</p>	<p>significantly contribute to the holistic notion of sustainable development. From a sustainability standpoint, there is considerable value in first extracting a resource that could be turned into the homes that will be placed on the land currently containing the mineral, rather than transporting vast quantities of mineral to the same site, building homes, and consequently sterilising mineral of the same nature</p> <p>It is important to note that this representation was received in March 2022 and since then, the MWPA and promoters of the TCBGC are in the process of refining a mineral strategy which will assess the potential for prior extraction across the TCBGC site without compromising the overarching goals and contractual delivery obligations of the Garden Community itself.</p>
Brett Group	No	Yes (Please provide comment)	<p>At para. 3.80 – in line with our comments made previously in 2021, we do not agree with the following statement:</p> <p>'It is considered unnecessary and</p>	<p>With respect to the comments made with regards to MLP Paragraph 3.82 (3.80) in relation to allocating separate building and concreting sand and gravel</p>

			<p>impractical to maintain separate landbanks for County subareas or to distinguish between building sand and concreting aggregates.’</p> <p>It is also noted that is proposed to delete the following text ‘further monitoring of building sand will be undertaken to establish whether this situation needs to be reviewed’.</p> <p>We consider that ECC must maintain an ongoing review of building sand as recommended by the Inspector, in which he requested that the Plan contain a commitment to continue to review its approach to combining the provision of building sand and concreting sand into a single landbank, as part of annual monitoring and as highlighted in NPPF paragraph 207 (h) (maintaining separate landbanks for any aggregate type or quality</p>	<p>landbanks, allocating a single sand and gravel landbank is the position that the MWPA adopted through the MLP in 2014, and the disputed text set out in the representation is wording adopted in the current Plan. The proposed amendment in relation to this paragraph is the removal of the following words ‘ although further monitoring of building sand will be undertaken to establish whether this situation needs to be reviewed.’</p> <p>Whilst accepting the position, the Inspector presiding over the Examination in Public on the MLP stated at Paragraph 68 of their <a href="#">report</a> into the examination of the MLP that ‘the Plan should contain a commitment to continue to review the situation, as part of annual monitoring, should a shortage of building sand arise which could be addressed by way of a separate landbank in a future review of the Plan’.</p>
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			<p>which have a distinct separate market).</p> <p>Please refer to Appendix 1 below, which sets out our previous comments in relation to the need to maintain an ongoing review of building sand and the need for a separate landbank for building sand.</p>	<p>To address this requirement, the MWPA commissioned a report titled 'A Re-examination of Building Sand Provision, 2019' as an update to a similar report published in 2013. Both were available as part of the evidence base to the Regulation 18 Consultation on the MLP Review in April 2021 and both will be made available again at the next Regulation 18 consultation in 2023. The 2019 Re-examination report states 'This re-examination has confirmed that the conclusions of the 2013 report that a split landbank to provide separately for building sand and concreting sand, and possibly to split the building sand landbank into 'dry' screened or washed sand, is neither practical nor justified in Essex.' (Paragraph 5.1 of that report). The same report states, at Paragraph 5.6, that 'There therefore seems no practical value in looking at the</p>
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				<p>point again in another future review of the Plan. The question as to 'soundness' may be a matter for debate. It would be clearly 'unsound' if the new Plan sought separate landbanks.'</p> <p>The MWPA therefore considers that it has complied with the Inspector's request, and that following a commitment to re-examine the issue, that additional re-assessment in the future is not required and that its current and proposed position should remain unchanged. The Inspector required the issue to be re-examined to understand whether a shortage of building sand has occurred and that Greater Essex is unduly relying on imports when it could provide the mineral from within the County. Putting aside the impracticality of maintaining separate landbanks due to the geology of Essex as concluded in the two commissioned reports, building sand sales and import/</p>
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				<p>export information can be gathered through the annual regional mineral survey. However, within Greater Essex with regards to import/ export data, it is often the case that too few operators of transshipment sites in Greater Essex fill in export/ import information such that, due to commercial confidentiality, this information cannot be reported upon. Outside of this survey operated by the East of England Aggregates Working Party, the MWPA has no other mechanism to require such import/ export data to be submitted other than voluntarily through public consultation, and in Duty to Cooperate discussions with other MWPAs whose own data may substantiate any imbalance in building sand provision. The MWPA has, to date, received no evidence following the adoption of the MLP 2014 that there is an unfulfilled need for building sand that is currently required to be met by import into the County that</p>
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				<p>could be met through a different approach to site allocations.</p> <p>Further with regards to capturing building sand data, the sales at Greater Essex sites are captured through the same annual mineral survey carried out at the regional level. Through the survey, operators are requested to disaggregate the different types of sand and gravel sold at their sites. There is however a degree of variance with regards to the level of detail in the information that operators provide within their returns. Some survey returns can take the form of a single figure for 'sand and gravel' which does not differentiate between the two commodities, let alone the different types of sand. As such, placing reliance on any building sand figure derived from this process would only be a rough estimate and accentuate any inaccuracy in the data that already exists. With the ability to process sand and gravel reserves to</p>
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				<p>building or concreting sand in any event, trying to establish a need for each type as part of overall provision based on data upon which there is limited confidence is not considered appropriate, even if the geology of Essex would allow such a distinction to be made in the first instance.</p>
			<p>Policy S6:  In respect of Policy S6, it is considered that this should be reworded to allow for flexibility for the provision of additional sand and gravel resources and to demonstrate support for extensions to existing sites and to give confidence to industry that sufficient reserves of building sand will be provided for.</p>	<p>The MWPA intends to retain the approach of a presumption against working non-allocated sites in order to maintain a Planned system. Flexibility is however recognised as important, and as such it is intended to retain the opportunity for over-riding justifications and benefits to be presented in support of an application to extract on non-allocated sites. Examples include borrow pits, agricultural reservoirs, where the landbank has dropped below seven years and prior extraction to prevent sterilisation. Such applications will however still be required to conform to the wider Development Plan,</p>

				<p>including where there are issues of cumulative impact. At least one overriding benefit should be demonstrated before it is appropriate to deviate from the Development Plan.</p> <p>With regards to demonstrating explicit support for extensions, there could be a number of reasons why an extension to an existing permitted sand and gravel site would not automatically be the most preferable means of accommodating any shortfall in the landbank compared to a new site. Therefore, where sites are submitted off-plan due to an identified shortfall in the landbank or other over-riding justification or benefit, it is considered that the MWPA must treat these on their individual merits and not give automatic preference to extensions. The MWPA does not consider that the individual commercial business need of a mineral operator to continue production at a particular mineral extraction site to be relevant or material to its decisions in respect of non-Preferred Sites.</p>
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			<p>CURRENT PLAN TEXT:</p> <p>The Mineral Planning Authority shall endeavour to ensure reserves of land won sand and gravel and building sand are available until 2029, sufficient for at least seven years extraction or such other period as set out in national policy. The rate of plan provision is set at 3.74 mtpa.</p> <p>Policy P1 provides for the provision of sand and gravel through the allocation of Preferred Sites for extraction.</p> <p>Mineral extraction outside Preferred or Reserve Sites will be resisted by the Mineral Planning Authority unless the applicant can demonstrate:</p> <ul style="list-style-type: none"> <li>a) An overriding justification and/ or overriding benefit for the proposed extraction,</li> <li>b) The scale of the extraction is no more than the minimum essential for the purpose of the proposal, or</li> </ul>	<p>The MWPA notes that the NPPF at Paragraph 213f states that MWPA's 'should plan for a steady and adequate supply of aggregates by maintaining landbanks of at least 7 years for sand and gravel...' It is further noted that whilst the MWPA can allocate and permit sufficient land for mineral extraction such that a seven-year landbank is achievable across the Plan period, it is the mineral industry who ultimately add to the landbank by virtue of submitting planning applications that are capable of subsequently being approved. The use of the term 'endeavour' is to recognise that the MWPA will act to achieve an on-going seven-year landbank to the extent possible within the remit of its responsibilities, by allocating and subsequently permitting, where possible, sufficient land to be bought forward for mineral extraction. As such, the current wording is considered to be appropriate as the MWPA cannot</p>
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			<p>and</p> <p>PROPOSED AMENDED TEXT:</p> <p>The Mineral Planning Authority will ensure reserves of land won sand and gravel and building sand are available until 2029, sufficient for at least seven years extraction or such other period as set out in national policy. The rate of plan provision is set at 4.31 mtpa.</p> <p>Policy P1 provides for the provision of sand and gravel through the allocation of Preferred Sites for extraction.</p> <p>Mineral extraction outside Preferred Sites will be supported by the Mineral Planning Authority providing the Applicant can demonstrate:</p> <p>a) An overriding justification and/ or overriding benefit for the proposed extraction, and</p> <p>b) The proposal is environmentally suitable, sustainable, and</p>	<p>ensure that the minimum landbank is achieved.</p> <p>With respect to the proposed removal of clause b), the suggestion is noted and it is accepted that an amendment is required due to a lack of clarity in the policy behind the intention of clause b. Clause b is only intended to apply to mineral extraction proposals being made in order to facilitate the creation of an agricultural reservoir or where mineral extraction is permitted as a borrow pit to serve a specific development.</p> <p>Where sites are permitted outside of Preferred Site allocations with the overriding benefit being to serve a specific purpose, the amount of mineral to be extracted should be limited to the facilitation of that purpose. Removing clause b) may result in the establishment of traditional quarries outside of Preferred Site allocations, thereby weakening the Plan-led system and increasing uncertainty with</p>
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			<p>consistent with the relevant policies set out in the Development Plan</p>	<p>regards to where mineral development is to take place. Where mineral extraction is permitted to facilitate the delivery of a specific project, and the extraction of mineral is not the primary purpose, the current level of the landbank is not material to the decision made.</p> <p>The following amendment is proposed:</p> <p>b) <u>Where the primary purpose of mineral extraction is the delivery of a specific proposal, the</u> The scale of the extraction is no more than the minimum essential for the purpose of the proposal, and</p>
			<p>APPENDIX 1:</p> <p>Brett Response</p> <p>Review of the Essex Minerals Local Plan 2014</p> <p>Provision of Primary Minerals (including Policy S6)</p> <p>1. Do you agree or disagree with the rationale behind the amendments proposed in this</p>	<p>For clarity, the remainder of this response largely repeats a representation submitted to the Regulation 18 consultation held in April 2022. The position of the MWPA has not currently changed on these matters and therefore the responses given echo those in the Topic Paper Policy S6 2022 report.</p>



			<p>section of the emerging Minerals Local Plan? (see Rationale Report)</p> <p>2. Question: Do you agree or disagree with the proposed amendments as set out in this section of the emerging Minerals Local Plan?</p> <p>Disagree</p> <p>COMMENT:</p> <p>Para. 3.79 - The text referring to the NPPF providing guidance should be altered and as currently drafted implies that the maintenance of landbanks is optional.</p>	<p>The highlighted concern with Paragraph 3.79 relates to wording that is already in the adopted MLP. However, the unintended inference is understood. The following amendment is proposed:</p> <p>‘The NPPF provides <del>guidance</del> <i>instruction</i> on the minimum length of <del>mineral</del> the sand and gravel landbanks, as follows...’</p>
			<p>At para. 3.80 - we do not agree with the following statement:</p> <p>‘It is considered unnecessary and impractical to maintain separate landbanks for County subareas or to distinguish between building</p>	<p>With respect to the comments made with regards to MLP Paragraph 3.82 (3.80) in relation to allocating separate building and concreting sand and gravel landbanks, allocating a single sand and gravel landbank is the</p>

			<p>sand and concreting aggregates.’</p> <p>We consider that ECC must maintain an ongoing review of building sand as recommended by the Inspector, in which he requested that the Plan contain a commitment to continue to review its approach to combining the provision of building sand and concreting sand into a single landbank, as part of annual monitoring and as highlighted in NPPF paragraph 207 (h) (maintaining separate landbanks for any aggregate type or quality which have a distinct separate market).</p>	<p>position that the MWPA adopted through the MLP in 2014, and the disputed text set out in the representation is wording adopted in the current Plan. The proposed amendment in relation to this paragraph is the removal of the following words ‘ although further monitoring of building sand will be undertaken to establish whether this situation needs to be reviewed.’</p> <p>Whilst accepting the position of a single landbank, the Inspector presiding over the Examination in Public on the MLP stated at Paragraph 68 of their <a href="#">report</a> into the examination of the MLP that ‘the Plan should contain a commitment to continue to review the situation, as part of annual monitoring, should a shortage of building sand arise which could be addressed by way of a separate landbank in a future review of the Plan’.</p>
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				<p>To address this requirement, the MWPA commissioned a report titled 'A Re-examination of Building Sand Provision, 2019' as an update to a similar report published in 2013. Both were available as part of the evidence base to the Regulation 18 Consultation on the MLP Review in April 2021 and both will be made available again at the next Regulation 18 consultation in 2023. The 2019 Re-examination report states 'This re-examination has confirmed that the conclusions of the 2013 report that a split landbank to provide separately for building sand and concreting sand, and possibly to split the building sand landbank into 'dry' screened or washed sand, is neither practical nor justified in Essex.' (Paragraph 5.1 of that report). The same report states, at Paragraph 5.6, that 'There therefore seems no practical value in looking at the</p>
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				<p>point again in another future review of the Plan. The question as to 'soundness' may be a matter for debate. It would be clearly 'unsound' if the new Plan sought separate landbanks.'</p> <p>The MWPA therefore considers that it has complied with the Inspector's request, and that following a commitment to re-examine the issue, that additional re-assessment in the future is not required and that its current and proposed position should remain unchanged. The Inspector required the issue to be re-examined to understand whether a shortage of building sand has occurred and that Greater Essex is unduly relying on imports when it could provide the mineral from within the County. Putting aside the impracticality of maintaining separate landbanks due to the geology of Essex as concluded in the two commissioned reports, building sand sales and import/</p>
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				<p>export information can be gathered through the annual regional mineral survey. However, within Greater Essex with regards to import/ export data, it is often the case that too few operators of transshipment sites in Greater Essex fill in export/ import information such that, due to commercial confidentiality, this information cannot be reported upon. Outside of this survey operated by the East of England Aggregates Working Party, the MWPA has no other mechanism to require such import/ export data to be submitted other than voluntarily through public consultation, and in Duty to Cooperate discussions with other MWPAs whose own data may substantiate any imbalance in building sand provision. The MWPA has, to date, received no evidence following the adoption of the MLP 2014 that there is an unfulfilled need for building sand that is currently required to be met by import into the County that</p>
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				<p>could be met through a different approach to site allocations.</p> <p>Further with regards to capturing building sand data, the sales at Greater Essex sites are captured through the same annual mineral survey carried out at the regional level. Through the survey, operators are requested to disaggregate the different types of sand and gravel sold at their sites. There is however a degree of variance with regards to the level of detail in the information that operators provide within their returns. Some survey returns can take the form of a single figure for 'sand and gravel' which does not differentiate between the two commodities, let alone the different types of sand. As such, placing reliance on any building sand figure derived from this process would only be a rough estimate and accentuate any inaccuracy in the data that already exists. With the ability to process sand and gravel reserves to</p>
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				<p>building or concreting sand in any event, trying to establish a need for each type as part of overall provision based on data upon which there is limited confidence is not considered appropriate, even if the geology of Essex would allow such a distinction to be made in the first instance.</p>
			<p>Para. 3.82 – the text reads IF the landbank falls below 7 years then ECC should have a full review to maintain a 7-year landbank unless there are mitigating circumstances. This use of mitigating circumstances is not clear and appears contrary to NPPF which does not allow for such exceptions (see para 207 (f)).</p> <p>Further, as part of Strategy 3.82 which reads ‘The plan will be monitored annually and reviewed every five years to ensure that the Essex S&amp;G landbank is maintained to at least seven years throughout the plan period to 2029’, this strategy highlights the</p>	<p>There is not considered to be any conflict between the statement at MLP Paragraph 3.82 (3.84) and the former NPPF Paragraph 207f (now 213f), which requires (inter-alia) ‘maintaining landbanks of at least 7 years’.</p> <p>It is considered appropriate that the MWPA is able to explicitly consider mitigating circumstances with regards to whether a review of the MLP is required when the landbank falls below seven years. For example, and as set out at Paragraph 5.7 of the Rationale Report 2021, the Greater Essex LAA 2020 found that the sand and gravel landbank had fallen below seven years at 31st December</p>

			<p>obligation that, should it be identified that the landbank is likely to be deficient, action should be taken as part of a review to correct the position.</p> <p>If the landbank is predicted to fall below 7 years then ECC should take action to correct this. Further clarity is needed on para. 3.82 with regards to the wording 'The plan will be monitored annually and reviewed every five years to ensure that the Essex S&amp;G landbank is maintained to at least seven years throughout the plan period to 2029'. It is considered that if a plan is being produced then supply should be considered for the whole plan period otherwise a scenario is reached where there is a shortfall and then it is at the discretion of the planning authority to have a review or not.</p>	<p>2019, but also at that point one application for new extraction was permitted but awaiting legal agreement, and a further three sites were being determined. Combined, these applications would have added two years of supply onto the landbank, bringing it back above the seven-year requirement. It is considered that this is an example of an appropriate 'mitigating circumstance' that would avoid the need for a full Plan review (albeit this review was ongoing at the time). A discretionary approach based on a consideration of available data is therefore considered reasonable.</p> <p>The above is not however intended to mean that the MWPA will not look to fulfil its requirement of ensuring that a steady and adequate supply of minerals is provided for to the extent of its ability. In the absence of mitigating circumstances that wont return the landbank above its minimum requirement, a review would very likely be required,</p>
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				<p>which could include re-assessing the deliverability of existing allocations and consequently the need for additional allocations.</p> <p>It is noted that since this representation was submitted, the MWPA has reconsidered its position with regards to the scope of the Review and is now looking to re-base the Plan to 2040 and carry out Call for Sites exercises to allow for new allocations to meet a future revised need across the revised plan period. As such, mineral supply is now being considered for the whole plan period</p>
			<p>Policy S6 should be reworded to allow flexibility for the provision of additional sand and gravel reserves/resources.</p>	<p>The MWPA intends to retain the approach of a presumption against working non-allocated sites in order to maintain a Planned system. Flexibility is however recognised as important, and as such it is intended to retain the opportunity for over-riding justifications and benefits to be presented in support of an application to extract on non-allocated sites. Examples include extraction at borrow pits, to form agricultural reservoirs, where the landbank has dropped below</p>

				<p>seven years as well as prior extraction to prevent sterilisation. Such applications will however still be required to conform to the wider Development Plan, including where there are issues of cumulative impact. At least one overriding benefit should be demonstrated before it is appropriate to deviate from the Development Plan.</p>
			<p><b>FURTHER COMMENTS - Landbank:</b></p> <p>It is considered that the County Council is unable to demonstrate that there exists, or will exist, a landbank of at least 7 years provision of sand and gravel for the remainder of the Plan period. Referring to Table 9 of the LAA (2019) the figures presented suggests that the landbank in 2019, was 8 years, and therefore, after deducting sales that have occurred since, it seems likely that this must have since fallen below the requirement.</p>	<p>Figure 6 of the <a href="#">Greater Essex Local Aggregate Assessment 2022</a>, which contains the latest data available at the time of writing, and was published the year after the first Regulation 18, shows the level of the landbank between 2011 and 2020. This shows that the sand and gravel landbank had fallen below seven years at 31st December 2019. However, at that point one application for new extraction had been permitted but was awaiting legal agreement, and a further three sites were being determined. Combined, these applications would have added two years of supply onto the landbank, bringing it back</p>

				<p>above the seven-year requirement. As can be seen from the landbank level in 2019 and 2020, applications that were being determined as of 31<sup>st</sup> December 2019 provided sufficient mineral to raise the landbank back above the seven year minimum requirement in the subsequent year.</p> <p>It is noted that since this representation was submitted, the MWPA has reconsidered its position with regards to the scope of the Review and is now looking to re-base the Plan to 2040 and carry out Call for Sites exercises to allow for new allocations to meet a future revised need across the revised plan period.</p>
			<p>Table 3 (Page 60) of the Rationale Report provides a comparison of the Essex Sand and Gravel Landbank remaining 2018-2029 under a number of different scenarios, whilst applying the apportionment figure of 4.31mtpa. From the figures provided, by 2024, the landbank will have dropped below the minimum 7 years even after all the permitted</p>	<p>It is noted that since this representation was submitted, the MWPA has reconsidered its position with regards to the scope of the Review and is now looking to re-base the Plan to 2040 and carry out Call for Sites exercises to allow for new allocations across the revised plan period. As part of the Review, the Plan provision rate will be re-assessed, particularly in light of the fact that</p>

		<p>reserves, pending applications, preferred sites and reserve sites are taken into account. The landbank is then described as dwindling on an annual basis to the end of the plan period.</p> <p>When taking into account scenario 4 which is presented as the 'best' case scenario, the MPA will only have 1.98 mt of consented reserves remaining by 2029. The Plan is therefore under-providing in relation to apportionment/landbank which is contrary to the NPPF (207 (f)). Measures must be taken as part of this review to ensure the landbank will be maintained through the remainder of the plan period.</p> <p>The current apportionment taken from the October 2020 LAA (Annex D P48) is 4.31 Mtpa (excluding Thurrock). Thereby in any given year it is considered that there should be at least 30.17 mt of reserves (7 years) which indicates that the MPA are already</p>	<p>the National and Sub-National Guidelines that underpin the currently adopted figure have expired and have not, to date, been replaced.</p>
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			<p>very close to going below that with 33.10 mt (+5.5 mt pending) (Annex D).</p> <p>Our calculations are therefore that, for the remainder of the plan period, the county will require:</p> <ul style="list-style-type: none"><li>• 73 mt of sand and gravel with planning permission from sites not identified in the plan</li><li>• Minus 2 mt from this from Scenario 4 giving a requirement of c71 mt.</li></ul> <p>Overall, all of the figures and information provided leads to the conclusion that there will be a significant landbank shortage well before the MLP period comes to an end and this would still be the case should the MPA choose to use the 3-year average sales (3.38mt).</p> <p>Whilst the Rationale Report, considers that a Call for Sites is not required as part of this Plan review, para. 4.151 does recognise that a Call for Sites will</p>	
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			<p>likely be required at some point before the Plan expires (in 2029), However it is our view that a Call for Sites is necessary sooner rather than later to ensure sites can be promoted, considered, assessed and identified and granted permission before 2024, when the landbank is predicted to drop below 7 years. This Plan review should therefore provide for a call for sites exercise and subsequent allocations being confirmed to ensure soundness and the deliverability of the Plan.</p>	
			<p>Separate Landbank for Building Sand:</p> <p>Paragraph 3.80 states that it is not necessary or practical to maintain separate landbanks for County sub-areas or to distinguish between building sand and concreting aggregates. We disagree for the following reasons:</p> <p>Brett presented evidence to support a split in the landbank at</p>	<p>With respect to the comments made with regards to MLP Paragraph 3.82 (3.80) in relation to allocating separate building and concreting sand and gravel landbanks, allocating a single sand and gravel landbank is the position that the MWPA adopted through the MLP in 2014, and the disputed text set out in the representation is wording adopted in the current Plan. The proposed</p>

			<p>the EiP and we remain of the view that, as with other Counties, the need for a separate landbank given gravel, sharp sand and soft sand have distinct and separate markets for the following reasons:</p> <ul style="list-style-type: none"><li>• gravel, sharp sand or recycled aggregates cannot be used in the manufacture of mortar or dry silo mortar products. As ECC does not calculate separate landbanks for soft sand it is not able to demonstrate that the county is making a sufficient provision for them. Whilst soft sand is produced at sites other than Elsenham in Essex (as a washed fine sand), it has been demonstrated above that there does not currently exist a soft sand landbank in Essex of at least 7 years.</li><li>• Confidence is required that sufficient soft sand is being allocated for working to meet the needs of the industry.</li><li>• It has been recognised by the mineral planning authorities</li></ul>	<p>amendment in relation to this paragraph is the removal of the following words ' although further monitoring of building sand will be undertaken to establish whether this situation needs to be reviewed.'</p> <p>In their <a href="#">report</a> on the Replacement Minerals Local Plan, the Inspector presiding over the Examination in Public on the MLP stated at Paragraph 64 that 'It is noted that, in a minority of cases, separate building sand landbanks are identified in mineral local plans elsewhere. However, this is usually in response to a high reserve of bedrock sands, as opposed to superficial sand and gravel deposits such as occur widely in Essex. The latter give rise to a wide variety of sand products for which the separate end uses in relation to physical characteristics are difficult to identify.'</p>
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		<p>including Kent, Surrey, Bedfordshire, and Hampshire that soft sand is a distinct type of mineral that has a separate market to sharp sand and gravel and warrants a specific landbank. Essex should be no different in this respect as the markets and mineral types involved are very much the same. Soft sand is being produced in Essex and consequently a separate landbank is required (see para. NPPF 207 (h) – ‘calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market’.</p> <ul style="list-style-type: none"> <li>• Furthermore, soft washed sand currently being produced in the county is held by a small number of operators which ultimately stifles competition and is therefore contrary to advice set out in para 207. (g) of the NPPF. Brett has customers that compete with these producers and require their own supplies of soft sand to</li> </ul>	<p>Paragraph 1.7 of the ‘A Review of Building Sand supply in Essex: Consideration of a Separate Building Sand Landbank Topic Paper 2013’ states ‘The evidence in this report demonstrates that the landbank issue for some authorities, and the operation of a separate landbank for ‘soft sand’, does not in fact relate to end use (as required by national policy), but to the dominance of sand (which is suitable for either concreting sand or building sand) in the landbank due to permissions to work bedrock sands. Such bedrock sand units can produce large quantities of fine aggregate for use in building sand and/or concreting sand.</p> <p>Paragraph 1.8 of the same report provides further detail on this matter. It states that ‘as demonstrated in Bedfordshire, Dorset, Hampshire, Kent, etc, it is generally impossible to split reserves of bedrock sand in the ground into (i) that component</p>
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			<p>sustain their business. At the EiP into the now adopted 2014 MLP, Brett provided evidence that Elsenham sand as being of special quality and which has particular properties relating to:</p> <ul style="list-style-type: none"> <li>• the distribution of size particles,</li> <li>• uniformity of the distribution across the reserve,</li> <li>• uniformity of colour,</li> <li>• ease of processing and</li> <li>• proximity to markets which give it, especially due to the existence and proximity of the Harlow mortar plant to Elsenham, a unique place in the production of high quality mortar.</li> </ul> <p>Conclusions of the Proofs of Evidence at EiP are summarised as follows:</p> <ul style="list-style-type: none"> <li>• Elsenham sand could be considered unique in its qualities albeit simply as a result of good geology for soft sands the good quality is recognised by</li> </ul>	<p>suitable only for building sand, and (ii) that component suitable only for concreting sand. There are no significant deposits of bedrock sands in Essex and all building sand production is derived from the various superficial deposits.'</p> <p>Further, and as set out in an Topic Paper Policy S6 2022, an interrogation of collated Annual Mineral Survey data by the MWPA has concluded that in Essex in 2014, nine of the 18 active sites in Essex sold both building/mortar sand and concreting/silica sands/gravel whereas in 2020, using the same criteria, five of the 20 active sites supplied the market with building/mortar sand from mixed sand and gravel deposits by the same selective processing. It has therefore been concluded that although there has been a reduction in sites overall, it is known that a total of 12 sites during the previous seven years have been capable of processing</p>
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			<p>tradesmen known for people to ask for “Elsenham type sand”. It has a distinct feel on the trowel and local bricklayers would all have heard of and prefer the sand from Elsenham.</p> <ul style="list-style-type: none"> <li>• The test requirement for a finished mortar is simply one of compressive strength and it is fair to say that this can be achieved with most other soft sands, but not without the significant added cost of more expensive raw materials none of which come from the local Essex area.</li> <li>• The environmental impact of continuing extra and extended vehicle movements for the sand and indeed additional raw material deliveries should also be considered (see carbon argument/point below).</li> <li>• A concern that all of the alternative sands at that time belonged to direct competitors in dry mortars</li> </ul>	<p>both building sand and concreting sand from a single resource by varying the method of production. It is therefore demonstrated that single mineral resources in Essex can produce to the two different specifications, and therefore there is no need to make separate provision for building sand and concreting sand as they do not necessarily appear as distinct resources in Essex. The production of each is held to be primarily a decision made by the operator as a response to market demand.</p> <p>Mineral sales data is obtained annually through a survey completed by mineral site operators. Within the survey returns, the different types of sand excavated are not always listed separately by the operator, nor are the unexcavated reserves. Some returns do not differentiate between that dug which is sand and that which is gravel. As an aside, the figure provided also</p>
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		<ul style="list-style-type: none"> <li>• Building sand is different to sharp sand and the two are not interchangeable. These are specific types of aggregate material for which there is a separate market.</li> <li>• Natural soft sand has the accredited specification of particle size distribution including the binding silt and clay fractions for use as a building sand. Sharp sand produced from sharp sand and gravel requires significant additional processing through the screening out of the fine sand grain sizes and the reintroduction of silts/clays which are removed through washing.</li> <li>• The impact of taking building sand from a mixed reserve can potentially leave the remaining concreting fine aggregates with an unsatisfactory grading, unless blended with other materials which will have to be brought in from another source. This material might not be available or be under the control of a competitor,</li> </ul>	<p>doesn't necessarily represent the mineral type excavated, as the resource can be processed into different classifications of sand prior to sale. Further, 'building sand' is not a category used in the annual monitoring survey, and the MWPA do not have the authority to make this change. It is acknowledged that what is considered to be 'building sand' can be calculated by adding sales of 'soft sand' and 'mortar sand' together but the resulting figure would only give an indication of what sold material was potentially 'building sand' that year. It would not aid in making specific provision for a 'building sand' landbank that could inform site allocations, and in any event Essex geology does not allow for such a distinction to be made at the allocation stage as set out in the Building Sand Reviews present in the evidence base.</p> <p>No further information has been presented to the MWPA to</p>
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			<p>thereby increasing costs of delivering the remainder of the quarry's reserve to the market. Alternatively, the residual concreting sand would need to be further processed to create the required grading, increasing production costs and leading to the waste of some coarser sand fractions. This all contributes towards the carbon footprint associated with such production and does not compare well with soft sand produced at Elsenham.</p> <ul style="list-style-type: none"><li>• Only where there is an excess of building sand will operators exploit this material. This further reduces the availability of the building sand reserve. Evidence showed that the availability of building sand within the confines of the permitted reserves landbank in Essex is highly constrained and it has been assessed that the building sand landbank is below 7 years.</li><li>• The quality and consistency of the building sand at Elsenham is</li></ul>	<p>demonstrate that there is an unfulfillment of market need for 'soft' or 'building' sand, including through engagement under the Duty to Cooperate with other Mineral Planning Authorities and public consultation. The MWPA therefore considers its current and proposed position to continue to plan on the basis of a single sand and gravel landbank to be appropriate, as it is the processing of mixed deposits that allows sand and gravel extracted in Essex to serve distinct markets, rather than sand and gravel in different parts of Essex only having the capability of serving a distinct market which wouldn't otherwise be served. It is this latter case where the NPPF requires separate provision to be made. With the allocation of a single sand and gravel landbank previously being considered to be a sound approach, it is considered that it was implicit that there was not a demonstrable market need that could be met through Essex deposits. No information has since</p>
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			<p>very high. It is a naturally occurring building sand, which can be produced by a simple dry screening process. This process retains the modest silt content within the product and reduces the need for expensive extra additives when using the sand to make mortar. The absence of any need for washing also means that less drying of the material is required when the sand is used in dry-mix products.</p> <ul style="list-style-type: none"> <li>• The availability of naturally occurring building sand provides security of supply of a high-quality material for which there is a separate market. Without a contribution to supply from Elsenham it is not possible to demonstrate that there is a secure and sufficient supply of building sand in Essex, because there are no comparable natural sand quarries within the landbank reserves.</li> </ul>	<p>been presented to demonstrate otherwise.</p> <p>It is further noted that under the terms of the survey, the MWPA must delete all individual returns once they have been compiled for the East of England Aggregates Working Party Annual Monitoring Report and therefore cannot refer to historic submissions.</p> <p>The MWPA is open to reconsidering this position should evidence demonstrate that there is an explicit unfulfilled need, and a suitable allocation is received through the Call for Sites. It is noted that any proposed allocation would need to be suitable across a range of planning criteria and be in accordance with the Development Plan. Proof of any particular resource alone would not be sufficient to justify allocation.</p> <p>Where comments are made specifically with regards to the nature of the resource at Elsenham, it is not disputed that there is sufficient confidence in</p>
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			<p>the nature of the mineral at that particular location. However, it is noted that all arguments set out have already been heard by an Inspector at the Examination in Public on the Essex Minerals Local Plan in 2013 and were not considered, on their own, to amount to a justification to allocate the site in question. On this point, it is noted that the suitability of a site for mineral extraction does not rest solely on the particular quality of mineral, but also on its performance under the site selection methodology which takes its lead from conformity with the wider Development Plan.</p> <p>It is noted that the site has been resubmitted through the Call for Sites exercise in March 2022 and it will therefore be assessed under the site assessment methodology supporting the site allocation process.</p>
			<p>Carbon Footprint:</p> <p>Since the adoption of the MLP, guidance and legislation (for example: NPPF, Government announcement: UK sets ambitious</p>
			<p>With respect to this particular site, this was submitted for consideration as a potential allocation for future sand and gravel extraction as part of the</p>

			<p>new climate target ahead of UN Summit UK sets ambitious new climate target ahead of UN Summit) continue to bring the carbon agenda forward as a priority and with this in mind we remain of the view that there is a strong case for the production of building sand at Elsenham, which is supported by the need to reduce carbon footprint. Benefits include:</p> <ul style="list-style-type: none"> <li>• building sand from Elsenham has a very low carbon footprint (as supported in paras. 8 (c), 148, 154 of the NPPF, February 2019). The product passes over a dry screen before being sold from the site. This product is the preferred choice for many builders given the properties it contains, but fundamentally, it compares most favourably to soft washed sand that, after being screened and washed subsequently passes through a drying process before being mixed with imported additives before leaving the site.</li> </ul>	<p>March 2022 Call for Sites exercise. The site will therefore be assessed under the site selection methodology that all sites received through the March 2022 Call for Sites exercise were subjected to, and the outcome of that assessment will be published alongside the second Regulation 18 in 2023.</p> <p>At this stage it can be said that the allocation of any single mineral site is contingent on the need for the mineral, their contribution to a wider supply strategy, the ability to mitigate against unacceptable potential impacts during site working, and the relative degree of severity of any potentially negative residual impacts that may remain following extraction across a wide range of planning criteria. This will be set out within the Site Selection Methodology document accompanying the second Regulation 18 consultation, where each site will be assessed alongside all other sites for their potential to be allocated. Climatic impacts are only one consideration and,</p>
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		<ul style="list-style-type: none"><li>• Elsenham is also closely located to a key customer involving short transportation distances. This customer's requirements are currently being satisfied through imports of soft sand from outside the county by HGV's.</li><li>• lower cost and energy used in drying,</li><li>• lower cost and quantity of cement,</li><li>• lower cost and avoidance of security of supply issues of chemical additives, as well as its natural properties preferred by users in the building trade leading to fewer contract delays, all amount to Elsenham sand having special and important beneficial qualities. The consequence is that negative economic impacts occur with alternatives, , together with negative environmental impacts associated with resource use and transport. All amount in planning terms to a preference for</li></ul>	without prejudice, given the scale of operations at a single, temporary mineral site, potentially not as locally significant as other potential amenity impacts.
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			<p>Elsenham sand.</p> <p>An allocation for building sand production at Elsenham should be made to meet a landbank requirement as part of this Plan review. Furthermore, since the adoption of the MLP, the Government has introduced robust requirements to reduce the carbon footprint of the country. Whilst the Plan does need to assess whether allocation sites are now favourable in terms of carbon production, it is clear that, with the Governments policy firmly in mind, production of building sand from Elsenham should be the clear preferred and first option for meeting needs.</p> <p>An allocation at Elsenham would also assist the county in meeting its strategy objectives set by The Vision for Essex whereby it is identified that there is a lack of aggregate in the west of the county. An allocation would also assist in the expected increase in demand for mortar products as a direct consequence of the</p>	
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			increase in house building that is being seen, a position that is expected to be sustained through the remainder of the Plan period.	
David L Walker	Yes – another organisation. Brice Aggregates. Brice Aggregates	Yes (Please provide comment)	<ul style="list-style-type: none"> <li>• We are instructed by Brice Aggregates Limited (“BAL”) to prepare and submit representations in relation to the Policy 6: Provision for Sand and Gravel Topic Paper dated 2022 (“the consultation document”) regarding the Essex Minerals Local Plan.</li> <li>• BAL promoted the site at Colemans Farm (A46) for allocation under the adopted plan, planning consent for which has been granted and the site is fully operational.</li> <li>• BAL made representations on previous iterations of this plan, at the evidence gathering phase, and the issue and options, both on general policy content and in specific support of the proposals to allocate site A46 and would offer the following comments on the consultation document,</li> </ul>	Noted.

			<p>supported by the completed questionnaire attached to this email.</p> <ul style="list-style-type: none"> <li>• In the first instance BAL wholly support the approach taken by the council in undertaking a comprehensive review of the provision figures, and how the site allocations identified in the Essex Mineral Local Plan (2014) have been delivered and brought into productive capacity.</li> </ul>	
			<ul style="list-style-type: none"> <li>• BAL agrees with scope and purpose of the document as set out in Paragraphs 1.8 – 1.20 inclusive.</li> </ul>	Noted.
			<ul style="list-style-type: none"> <li>• In respect of Paragraph 1.132, the inclusion of this wording would be supported as it would provide operators with greater foresight over the policy in relation so site extensions where the landbank is below 7 years (such as at present). This would help to support the productive capacity of</li> </ul>	The referred to Paragraph relates to a representation that was received as part of the Regulation 18 consultation in April 2021 rather than a statement representing the views of the MWPA. The representation stated that there is no flexibility built into the Plan Strategy of focussing on extending existing extraction sites with primary

			<p>the County as a whole. A possible alternative wording could be “The proposal is an extension to an existing permitted sand and gravel site that is required to maintain production from that site provided that it is needed to meet an identified shortfall in the landbank” which would perhaps align better with County wide policy.</p>	<p>processing plant whilst resisting applications on non-allocated sites, as most allocations have now been brought forward. In the absence of a Call for Sites being undertaken, it was requested that an additional Clause d) be added to Policy S6, as follows, to allow for flexibility in the deliverability of additional sites and maintain a preference towards extending existing sites:</p> <p><i>Mineral extraction outside Preferred or Reserve Sites will be supported by the Mineral Planning Authority providing the Applicant demonstrates....</i></p> <p><i>d)The proposal is an extension to an existing permitted sand and gravel site that is required to maintain production from that site or is needed to meet an identified shortfall in the landbank.</i></p> <p>This amendment is not supported by the MWPA. With regards to demonstrating explicit support for extensions, there could be a number of reasons why an extension to an existing permitted</p>
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				<p>sand and gravel site would not automatically be the most preferable means of accommodating any shortfall in the landbank compared to a new site. Therefore, where sites are submitted off-plan due to an identified shortfall in the landbank or other over-riding justification or benefit, it is considered that the MWPA must treat these on their individual merits and not give automatic preference to extensions. the MWPA does not consider that the individual commercial business need of a mineral operator to continue production at a particular mineral extraction site to be relevant or material to its decisions in respect of non-Preferred Sites.</p> <p>It is noted that since this representation was submitted, the MWPA has reconsidered its position with regards to the scope of the Review and is now looking to re-base the Plan to 2040 and carry out Call for Sites exercises to allow for new allocations to</p>
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			<p>• In respect of Paragraph 1.139, Whilst BAL understand the policy constraints of the NPPF, there is little distinction in practical and/or commercial terms as to whether additional allocated reserves are brought forward in one large site, or in several smaller sites provided that they are all deliverable and follow one another sequentially. The proposed policy as drafted artificially excludes such sites or a strategy based on logical extensions of a more modest scale, at the expense of single, larger allocations. This is contradictory to the stated intention to allocate sites on their individual merits, as well as an approach incongruous with the relatively modest additional tonnage being sought for allocation by the call for sites exercise.</p>	<p>meet a future revised need across the revised plan period.</p> <p>The MWPA considers that Paragraph 1.139 of Topic Paper Policy S6 2022 provides adequate explanation of the proposed approach at that point in the Review process, and this is repeated here as the general principles will still be required to guide site allocation in the emerging Plan, which are productive capacity and spatial distribution::</p> <p>‘In terms of this Review, additional site allocations are currently recognised as being required on the basis of there being a need to provide additional mineral within this Plan period. Being approximately half-way through the Plan period and noting that a number of allocations in the MLP that are yet to come forward are tied to the completion of working at a parent extraction site, the MWPA recognises the need to ensure that any sites permitted for extraction through the current Call</p>
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				<p>for Sites are capable of being commenced in the remainder of the Plan period, preserve spatial distribution and don't act to concentrate allocated mineral in a small number of large sites. This is not to preclude the allocation of extensions to existing sites. All sites will initially be assessed on their individual merits. However, and as set out in a number of representations, the MWPA is aware of the need to consider productive capacity as part of site allocation rather than focus purely on the numerical amount of mineral that is assessed as being required to be allocated to satisfy the remainder of the Plan period. This is not considered to be contrary to the Plan Strategy's focus on site extensions as throughout the Plan period there has demonstrably been a focus on site extensions as borne out in the total suite of allocations made.'</p> <p>It is broadly accepted that there is little distinction in practical terms with regards to allocating a single</p>
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				<p>large site or several smaller sites, provided that they are all capable of being permitted within the plan period and have been considered holistically in terms of working and restoration. Multiple extensions would however potentially require a sequence of individual planning applications which could increase the risk in their deliverability due to unforeseen circumstances.</p> <p>Regarding the strategy of site allocation, the impact of smaller extensions would not be assessed any differently against the relevant site assessment criteria than if the individual extensions were assessed as a single site. As such it is considered that in both cases, the site(s) would be assessed on their individual merits no matter how they were submitted. It is however noted that where a single large site is sub-divided into multiple sections, each individual section may show less potential impact individually than if the site was assessed as a whole (subject to phasing and the resultant</p>
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				<p>assessment of cumulative impact). The issue then is whether any individual impact is mitigatable or would act to make that particular section non-deliverable. This could be applied to both a sub-section and the site as a whole, where a sub-section with an impact not capable of being mitigated is either not allocated as an individual parcel, or is removed from the larger site with the remainder capable of allocation. It should also be noted that the selection of sites will take into account potential cumulative impacts which will be more of a consideration where several small sites are proposed and where these are working in tandem. However, if several small sites would cumulatively have the same lifespan as a single large site then ongoing impacts, such as those related to transport to and from the site(s) would likely be assessed as the same assuming all else is equal.</p>
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				<p>At the allocation stage, as well as performance under the site assessment criteria, the MWPA must ensure an appropriate spatial distribution of sites, the maintenance of productive capacity and that allocations are capable of being delivered during the revised planning period. These considerations all feed into a site's relative merits. Without prejudice, and ahead of the completion of Call for Sites exercises and the resulting interim site assessment results, relying on multiple chains of smaller extensions in increasing proportions of the total need relative to individual sites, may act to increasingly compromise maintaining an appropriate spatial distribution and productive capacity across the Plan period.</p>
			<ul style="list-style-type: none"> <li>• Where proposed sites are deliverable and are demonstrably likely to be brought forward to secure planning consent within the current plan period, though perhaps for working in the early stages of the next plan period, then these sites could be favoured equally alongside sites which are</li> </ul>	<p>It is noted that with the decision being taken to revise the Plan period to 2040 and to make sufficient allocations on that basis, this statement is no longer considered to be as relevant to this stage of plan making as allocations will now have 15 years to come forward rather than four or five. However, in general,</p>

			<p>expected to enter production within the current plan period. This could particularly be the case for proposed sites which are extensions to existing operations where such extensions would sustain the operations and productive capacity of sites with a proven sustainable means of operation, which might otherwise deplete just beyond the end of the current plan period. Such sites may have been considered as reserve sites under previous iterations of the plan, but it is understood that the MPA are no longer carrying this type of site forwards.</p> <ul style="list-style-type: none"> <li>• This would represent positive policymaking and provide contingency in the event that there is slippage in the timeline for the next plan process. Provided that allocations are brought forward to secure planning consent in the current plan period then these will support the MWPA's objective of achieving a 7 year landbank at the</li> </ul>	<p>where allocations are made, it is agreed that these are expected to be able of being permitted in the Plan period as the allocation will expire when the plan ceases to be the adopted version. Sand and gravel is added to the landbank at the point of planning permission being granted so there is not the expectation that all allocations would have completed extraction by the end of the Plan period, or potentially even started. Policy S6 allows for non-allocated sites to come forward and gain permission for extraction when there is a demonstrable overriding justification or benefit for permission to be granted. One such justification would be if the non-allocated site would address a landbank below the NPPF required minimum of seven years.</p> <p>It is not considered that information about the individual commercial business need of a mineral operator to continue production at mineral extraction sites is relevant or material to its decisions in respect of applications coming forward on non-allocated sites. The need for</p>
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			<p>end of the current plan period and should not be discounted on the basis of expected production dates which, for promoted sites, are in any event estimates and could themselves move forwards or backwards in their commencement of production date depending on market conditions and each operator's particular and evolving circumstances (as indeed a number of sites have slipped in the current plan). Such an approach is consistent with Para 213 of the NPPF, which states:- "Minerals planning authorities should plan for a steady and adequate supply of aggregates by.... F) maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised"</p>	<p>mineral extraction is based first on the needs of the County for the mineral rather than the needs of a commercial operator.</p> <p>It is considered that there could be a number of reasons why an extension to an existing permitted sand and gravel site would not automatically be the most preferable means of accommodating any shortfall in the landbank compared to a new site. Therefore, where sites are submitted off-plan due to an identified shortfall in the landbank or other over-riding justification or benefit, it is considered that the MWPA must treat these on their individual merits and not give automatic preference to extensions.</p> <p>It is noted that any dates with regards to when a site may begin production are indicative, non-binding and subject to external market pressures.</p>
			<ul style="list-style-type: none"> <li>• The policy of maintaining a</li> </ul>	<p>Noted.</p>

			single landbank of sand and gravel is supported by BAL, as opposed to separate product landbanks.	
			<ul style="list-style-type: none"> <li>• The policy of not including an annual allowance for the provision of supplies from windfall sites is also supported by BAL given the modest and unpredictable contribution to supply from such sources within the County.</li> </ul>	Noted.
			<ul style="list-style-type: none"> <li>• In respect of Paragraph 1.177, BAL support the retention of a non-exclusive list of over riding justification for extraction from a non-allocated site on the basis that there are a wide number of reasons which may provide this which the onus should be on the operator to identify.</li> </ul>	Noted
Heatons	Yes – another organisation. Tarmac	Yes (Please provide comment)	We are making representations to the Essex Minerals Local Plan consultation on Policy S6 relating to sand and gravel provision on	Noted.

			<p>behalf of our client Tarmac Trading Ltd (Tarmac). Tarmac has one active sand and gravel operation within the Essex Plan area - Colchester Quarry. Colchester Quarry produces circa 500,000tpa of sand and gravel supporting ancillary mineral infrastructure in the form of Dry Silo Mortar and Ready Mixed Concrete plants. At present, approximately 36% of aggregate is used as supply feed for the onsite Dry Silo Mortar (DSM) and Readymix (RMX) Operations, 60% into the general Essex market (supplying fixed outlets such as RMX Plants and other aggregate merchants) and 4% by rail via Marks Tey into the Greater London market. Prior to 2021 the exports by rail have been significantly higher as Colchester Sand is the principal product specified by both Heathrow and Gatwick Airports for construction purposes.</p>	
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			<p>Colchester Quarry has consented reserves to secure mineral extraction operations until 2024 at current extraction rates. Extraction is split into two distinctive areas separated by Warren Lane. In tandem with these representations, Tarmac have promoted land at Heckfordbridge as a sustainable extension to Colchester Quarry as part of the current 'call for sites' exercise being undertaken by the Mineral Planning Authority. To ensure a continuity of supply for Tarmac to existing markets an extension to Colchester Quarry will be required within the current Plan period (up to 2029). Given that the Plan Review will not be adopted until circa 2024 (noting that the current Plan Review Development Scheme does not seem to have been updated), it will be necessary to twin track a Planning Application and Local Plan promotion to support an allocation.</p>	<p>Noted.</p> <p>Following the decision to re-base the MLP to 2040, it is currently considered that the revised MLP will be adopted in 2025. Any planning application to work a site submitted to the MWPA that is not allocated through the iteration of the MLP extant at the point of submission will be treated as an application on a non-preferred site for the purposes of the Development Plan.</p>
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			<p>Further information is provided within the call for sites submission but two candidate sites have been put forward for consideration. Candidate Site 1 at Heckfordbridge is confined to a reserve of some 5 million tonnes, all of which would be capable of being worked within the Plan and landbank period (assuming commencement in 2026 and a continuation of a 500,000 tpa output at Colchester Quarry).</p>	<p>The site will be assessed as part of the site assessment process and the interim results consulted on as part of a Regulation 18 consultation in 2023.</p>
			<p>Candidate Site 2 at Heckfordbridge relates to the full potential extraction area (candidate site 1 and an additional southern phase), with a reserve of some 8.2 million tonnes. The promotion of that full area recognises that only some 5 million tonnes would be available within the Plan and landbank period but noting that the landbank period is a minimum. In both cases, it is proposed to</p>	<p>It is noted that since this representation was submitted, the MWPA has reconsidered its position with regards to the scope of the Review and is now looking to re-base the Plan from 2029 to 2040 and carry out Call for Sites exercises to allow for new allocations to meet a future revised need across the revised plan period. As such this point is no longer applicable.</p> <p>The site will be assessed as part</p>



			transport aggregate extracted within the extension area via field conveyor back to the existing processing facilities located at Colchester Quarry.	of the site assessment process and the interim results consulted on as part of a regulation 18 consultation in 2023.
			Tarmac is currently pursuing an application for a "Prior Extraction" scheme on land south of Colchester Quarry adjacent to the Colchester Zoo to extract circa 1 million tonnes of primarily sand as part of the proposed expansion of the Zoo. This scheme is yet to be agreed and requires a Zoo Masterplan to be agreed by Colchester Borough Council for the Zoo's proposed expansion prior to submission and therefore it is considered as a windfall site. If the scheme is approved, it will provide approximately 2 to 3 years of extraction, but the deposit lacks the courser elements to enable Tarmac to continue to supply its traditional market.	Noted. Any planning application to work a site submitted to the MWPA that is not allocated through the iteration of the MLP extant at the point of submission will be treated as an application on a non-preferred site for the purposes of the Development Plan.
			In addition to aggregate supply to	Noted.

		<p>local Essex markets, the sand from Colchester Quarry supplies the onsite DSM plant. The erection of a DSM plant requires significant financial investment and although identified as plant, they are substantial and not easily deconstructed and reconstructed at an alternative location. The current DSM plant is in good working order and has several years of life still remaining.</p> <p>The DSM plant is of national strategic importance. DSM is ideal for housing and commercial developments alike, particularly at larger sites which require larger mortar volumes produced under rigorous factory-controlled conditions. Use of traditional wet mix mortars is being phased out in favour of DSM in silos or bags. Such is the capital investment required there are understood to be only twenty DSM plants located within the entirety of the United Kingdom. Tarmac operate five of these plants in the following</p>	<p>With regards to the need to maintain production at a specific site, the MWPA does not consider that the individual commercial business need of a mineral operator to continue production at a particular mineral extraction site to be relevant or material to its decisions. All extensions and new sites are treated on their own merit and allocated on the basis of servicing an assessed County need.</p>
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			<p>strategic locations:</p> <ul style="list-style-type: none"><li>• Colchester, Essex;</li><li>• Meriden, Solihull;</li><li>• Glasgow, Scotland;</li><li>• Leeds, West Yorkshire; and</li><li>• Croxden, Staffordshire.</li></ul> <p>Tarmac supplies two of the top three UK housing developers, and a key business strategy of Tarmac is to maintain continuity of supply to sustain and meet future demands for a growing national housing market. The Plant at Colchester not only supplies into the Essex market but more generally into the South East, London and East Anglian markets. Both the RMX and DSM plants are supplied by sand exclusively from Colchester Quarry and they produce a distinctive and popular</p>	
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			<p>colour to the mortar.</p> <p>In addition, Tarmac have planning permission to work Wivenhoe Quarry – a 3.5 million tonne green field site (albeit the Permission is yet to be implemented) which has an output limit of 200,000 per annum. Rayne Quarry was promoted to the Minerals Plan and permission sought (ESS/19/17/BTE) by Tarmac but operations are now being progressed by Ingrebourne Valley Limited.</p>	
			<p>Set out below are Tarmac's comments in regard to the Draft Amendments proposed to Policy S6 of the Essex Minerals Local Plan.</p> <p>Paragraph 3.82 of the Policy S6 Draft Amendments should be updated to reflect the MPA intention to maintain a landbank of at least seven years at the end of the Plan period. Currently it refers</p>	<p>It is clarified that the stated paragraph states that the 'Plan will be monitored annually and reviewed every five years to ensure that the Essex sand and gravel landbank is maintained to at least seven years throughout the plan period to 2029.' An appropriate amendment will however be made as part of revising the Plan to its new end date of 2040, which will include a reference to the requirement to endeavour to ensure the</p>

			<p>to the 2029 Plan end date.</p>	<p>maintenance of a seven year landbank, recognising the MWPA is reliant on the industry to submit applications to ensure that the landbank remains above seven years.</p>
			<p>As per comments above, paragraph 3.85 and 3.86 of the Policy S6 Draft Amendments should be updated to maintain the National Guideline figures of 4.31mtpa.</p>	<p>The provision figure of 4.31mtpa was based on the National and Sub-National Guidelines to aggregate provision, 2005 – 2020, which have now expired. This issue was picked up in the MLP Review Topic Paper Policy S6: Provision for Sand and Gravel Extraction 2022, which informed the informal engagement to which this representation relates. At Paragraph 1.66 of that document, it is stated that <i>‘as of November 2021, it remains the case that no new Guidelines have been put in place. Just as crucially, and as noted through the Regulation 18 consultation, there has been no indication that the figures in the expired Guidelines are to be ‘rolled forward’ or re-issued, despite there having been ample opportunity to do so.’</i></p> <p>At the time of writing in September</p>

				<p>2022, the 2005 – 2020 Guidelines have still not been replaced, and with the intention to re-base the Plan between the dates of 2025 – 2040, the Guidelines are now considered to be increasingly inappropriate as a basis for future mineral provision. Whilst the PPG still refers to the Guidelines, these are only ever referred to as an indicator or guideline of need, with the basis of need being that derived through the Local Aggregate Assessment which itself is subject to the provisions of the NPPF. A calculation of need must be ‘supported by robust evidence and be properly justified, having regard to local and national need’ (PPG Ref Paragraph: 070 Reference ID: 27-070-20140306). The value of the Guidelines as an indicator are considered to decrease as the time since their expiry increases.</p> <p>The MWPA will consider its approach to addressing plan need in a future evidence paper to support the re-based Plan to 2040</p>
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				but does not consider it appropriate to base this figure on Guidelines that expired in previous years.
			<p>The active sand and gravel sites identified in table 4 is helpful in illustrating spatial distribution of operations and the number of different operators. What would be helpful is a clearer portrait of the life of mineral working as well as permission end dates. There are only a handful of operations with permission end dates beyond the Plan period. Those active operations would not be able to sustain annual production requirements at the end of the Plan period. In addition, taking Tarmac's own operation at Colchester Quarry, additional reserves are needed to maintain continuity in supply post 2024 and yet table 24 indicates that these operations could take place until 2042.</p>	<p>The information used to inform Table 4 was taken from planning permission end dates or, where the end date is stated as 2042 in this case, this is likely to be due to the issuing of an Interim Development Order. Records will be updated accordingly. Whilst the MWPA will seek to understand when sites with the potential to be allocated in the revised MLP may begin and cease mineral production, the timescales accrued through this process are only going to be indicative, non-binding and subject to market forces. Extraction and restoration completion dates will be required to be secured by planning permission, and future variations to planning permissions may act to lengthen or shorten those dates originally proposed. Table 4 and the associated Figure 2 were solely intended to indicate the reduction in active mineral sites from the base date of 2020 and the end of the current Plan period in 2029, thus providing a visual</p>

			<p>As per representations made to the draft amendments consultation in April last year, it is considered that the MPA approach to resist mineral development in Policy S6 is removed. It is suggested that the criteria by which applications would be tested need to be less categoric and introduce an element of flexibility to support delivery including the circumstances by which non allocated sites would be acceptable.</p> <p>I trust that the above comments are helpful. Should you have any queries or wish to discuss any of the matter raised in more detail please do not hesitate to contact us.</p>	<p>representation of the need for more allocations.</p> <p>The MWPA intends to retain the approach of a presumption against working non-allocated sites in order to maintain a Planned system. Flexibility is however recognised as important and it is considered that this is already currently accommodated through Policy S6. It is intended to retain the opportunity for over-riding justifications and benefits to be presented in support of an application to extract on non-allocated sites. Examples include borrow pits, agricultural reservoirs, where the landbank has dropped below seven years and prior extraction to prevent sterilisation.</p> <p>It is recognised that there could be a number of circumstances that may lead to an over-riding benefit or justification, and therefore the list of what constitutes an over-riding benefit or justification is not intended to be an exclusive list. An amendment is proposed to</p>
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				<p>clarify this.</p> <p>Such applications will however still be required to conform to the wider Development Plan, including where there are issues of cumulative impact.</p>
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