

Response Paper – Policy S7

Purpose of Policy S7

- 1.1 This policy sets out the approach with regard to the provision of industrial minerals that exist in the Plan area. Industrial minerals are those which are worked to support industrial and manufacturing processes, and which are not fuel (fuel minerals or mineral fuels), sources of metals (metallic minerals) or covered under the definition of aggregates.

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

- Proposed amendments to remove restrictions around limiting the extraction of chalk at Newport Quarry to that used for agricultural and pharmaceutical uses and permitting extraction at Newport Quarry only.
- Amendments are proposed to Policy S7 such that it doesn't act to limit extraction of other types of industrial mineral to specific sites, whilst still recognising the contribution that existing sites are making.
- The reference to 'non-Preferred Sites' amended to read 'non-allocated sites'.
- A proposed amendment to state that an allocation has been made to address what would otherwise be a shortfall in silica sand provision over the Plan period, where previously this was proposed to be made.

Impact of Revisions to NPPF 2021

- 1.2 None of the amendments made to the NPPF in July 2021 had an effect on Policy S7.

Summary of Issues Raised through March 2021 Reg 18 Consultation

- Silica sand and brick clay should not be extracted due to the scarcity
- Site extensions should require new planning permission
- The use of sustainable materials needs to be encouraged

Addressing Issues Arising Out of March 2021 Reg 18 Consultation

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

There now follows a discussion of each of the main issues raised during the Match 2021 Reg18 Consultation in relation to this Plan section:

Silica sand and brick clay should not be extracted due to the scarcity

It has been suggested through the consultation that silica sand and brick clay should not be extracted due to their scarcity. It is however noted that the MWPA is required to maintain landbanks for silica sand (10 years) and brick clay in conformity with the NPPF to plan for a steady and adequate supply of industrial minerals.

The MWPA does not provide industrial minerals for a specific use, it is provided to the market. The National Planning Policy Framework (NPPF) requires MWPA's to provide for the need for aggregate, with 'need' established through a prescribed methodology. As the MWPA we have no ability to ensure the use of recycled material or reduce demand. Ensuring that longer term landbanks are provided places a greater emphasis on protecting land that contains industrial minerals and therefore 'scarcity' of such minerals is controlled through longer-term land allocation and planned provision, rather than the prevention of extraction. Merely preventing extraction would not be NPPF compliant.

The role of the MLP is to set out a range of policies guiding minerals development in the County. Whilst it contains policies that act to facilitate additional aggregate recycling capacity and encourage the sustainable use of minerals, including minimising mineral waste, it cannot require that aggregates are not used in construction.

Site extensions should require new planning permission

Through the consultation it was stated that mineral site extensions are damaging to communities and extensions should require a new application. Policy DM1 sets out a criterion that proposals for minerals development will be subject to which ensures "that the development would not have an unacceptable impact, including cumulative impact with other developments". One of the criteria listed includes the health and wellbeing of residents, as well as the wider community, who could be impacted by the operation of the development. All new proposals are subject to a public consultation at both the local plan allocation and planning application stages, and the representations considered ahead of the application being determined. Site extensions therefore do require a new planning permission and are also subject to a public consultation at planning application stages ahead of determination.

The use of sustainable materials needs to be encouraged

It was suggested through the consultation that the MLP should consider the use of sustainable materials such as timber. It is not however considered appropriate for the MLP to provide information on self-build/custom-build housing, as this is something that would be found in district/borough/city Local Plans. Policy S4 of the Minerals Local Plan (2014) advocates reducing the use of mineral resources through reusing and recycling minerals generated because of development/ redevelopment. As the MWPA we have no ability to ensure the use of recycled material or reduce demand. There is a requirement for us to provide for the need for aggregate as established through the methodology set out in the NPPF. As the MWPA we have no ability to ensure the use of

recycled material or reduce demand beyond making provision for the production of recycled aggregate such that it becomes a viable alternative.

Conclusion

Respondents were broadly in agreement with the proposed amendments to Policy S7. The only comments received around area of disagreement were around the extraction of silica sand and brick clay, and that the MWPA should be promoting alternative, more sustainable building materials. On these points it is noted that the MWPA does not provide aggregate for a specific use, it is provided to the market. There is a requirement for us to provide for the need for minerals as established through the methodology set out in the NPPF. As the MWPA we have no ability to suppress demand by not making provision for it.

A further response noted that site extensions are very damaging to communities nearby and a truthful dialogue should be held in the initial planning stage. All new proposals are subject to a public consultation at both the local plan allocation and planning application stages, and the representations considered ahead of the application being determined

Through comments received under Policy S5, it is proposed to amend Policy S7 to include reference to environmental suitability and sustainability. There are no further amendments proposed to Policy S7 as a result of comments received during the consultation.

Schedule of Proposed Amendments to Policy S7 following March 2021 Regulation 18 Consultation on MLP Review

Old Ref	New Ref	Proposed Amendment
Policy S7	Policy S7, third bullet point	<ul style="list-style-type: none"> <u>The proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan</u>

Table 2 - March 2021 Regulation 18 Consultation Responses to Policy S7

ORGANISATION	ON BEHALF OF	POLICY S7	POLICY S7	ECC RESPONSE
Name of Organisation	Are you responding on behalf of another individual or organisation? - If Yes, Who?	1.Do you agree or disagree with the rationale behind the amendments proposed in this section of the emerging Minerals Local Plan? (see Rationale Report)	Please provide any comments below:	
Runwell Parish Council (631132323)	Runwell Parish Council	Agree	N/a	N/A
W H Collier Limited (769297167/		Agree		N/A

942768790)				
Blackwater Aggregates (623162177)		Agree		N/A
CEMEX (982058282)		Agree		N/A
Gent Fairhead Aggregates (871678397)		Agree		N/A
Resident (850344129)		Agree		N/A
Coggeshall Parish Council (598729813)	Coggeshall parish council	Agree (but wish to clarify)	Silica sand and chalk were being extracted with a land bank of 10 yrs and 25 yrs for each . It is shown that there is a limited amount of both .	Noted.
			Brick clay was to be processed only in Marks Tey and for chalk in the chemical industry at Newport.	Policy S7 currently limits extraction of these minerals at those locations. However, it is no longer considered appropriate to limit future opportunities in this manner as such a restrictive policy would essentially protect commercial interests and be anti- competitive. Instead extractions for chalk and brick clay will be supported in principle where there is a justification or benefit for the release of the site and the proposal would be in conformity with the wider

				<p>Development Plan.</p> <p>it was noted through Duty to Cooperate engagement that the proposed extension of the extraction of chalk to uses such as aggregate, fill material or for engineering was considered to very likely impact on valuable groundwater resources and as such, this proposed amendment should be avoided. However, it is held that every application must be determined on it's own merits. Should an application be made that was then found to be environmentally unacceptable, even when considering mitigation measures, then permission would not be granted. Any application would also be subject to separate licensing that would need to be obtained from the Environment Agency. Without such a licence, extraction would not be allowed to occur irrespective of any planning permission being granted. This is considered to provide sufficient protection for the</p>
--	--	--	--	--

				aquifer without implementing a prejudicial policy.
Thurrock Borough Council (97704900)	Thurrock borough Council	No comment	No additional comment.	Noted.
CPRE Essex (665562826)		No comment		N/A
David L Walker Ltd (559449615)	Brice Aggregates	No comment		N/A
Suffolk County Council (549043477)		No comment	No comment.	Noted.
GeoEssex (538324742)		No comment	no comment	Noted.
Strutt & Parker (891506607)	G&B Finch	No comment		N/A

ORGANISATION	ON BEHALF OF	POLICY S7	POLICY S7	ECC RESPONSE
Name of Organisation	Are you responding on behalf of another individual or organisation? - If Yes, Who?	2.Do you agree or disagree with the proposed amendments as set out in this section of the emerging Minerals Local Plan?	Please provide any comments and/or alternative wording for this section of the Plan below:	
Runwell Parish Council (631132323)	Runwell Parish Council	Agree	N/a	N/A
W H Collier		Agree		N/A

Limited (769297167/ 942768790)				
Blackwater Aggregates (623162177)		Agree		N/A
CEMEX (982058282)		Agree		N/A
Gent Fairhead Aggregates (871678397)		Agree		N/A
Resident (850344129)		Agree		N/A
Kent County Council (266388168)		Agree	The policy addresses the need to maintain a steady and adequate supply of industrial minerals. They are being silica sand, brick clay and Chalk (agricultural and industrial uses). The policy follows the requirements set out in Section 208 a) to d).	Noted.
			The County Council is of the view that modification of the policy is not required at this time.	Proposed amendments to Policy S7 and supporting text have been made to update planning context, remove historic references, maintain flexibility, remove restrictions, and justify why a chalk landbank is not required. Each of these amendments are considered necessary.

				Justification behind each amendment is set out in the Essex Minerals Local Plan Review 2021 – Report setting out the Rationale behind the Proposed Amendments – 2021.
Coggeshall Parish Council (598729813)	Coggeshall parish council	Disagree (please clarify)	There are very few of these minerals therefore they should not be extracted anymore. The policy states they have a land bank of 10 and 25 years but they are running out and are of very little benefit and would be costly to extract below:	<p>The landbanks for silica sand and brick clay will be maintained in conformity with the NPPF to plan for a steady and adequate supply of industrial minerals.</p> <p>The MWPA does not provide aggregate for a specific use, it is provided to the market. The National Planning Policy Framework (NPPF) requires MWPA's to provide for the need for aggregate, with 'need' established through a prescribed methodology. As the MWPA we have no ability to ensure the use of recycled material or reduce demand. Ensuring that longer term landbanks are provided places a greater emphasis on protecting land that contains industrial minerals and therefore 'scarcity' of such minerals is controlled through</p>

			<p>longer-term land allocation and planned provision, rather than the prevention of extraction. Merely preventing extraction would not be NPPF compliant.</p> <p>The role of the MLP is to set out a range of policies guiding minerals development in the County. Whilst it contains policies that act to facilitate additional aggregate recycling capacity and encourage the sustainable use of minerals, including minimising mineral waste, it cannot require that aggregates are not used in construction.</p>
			<p>Never ending site extensions are very damaging to communities nearby and a truthful dialogue should be held in the initial planning stage – the ever moving goal posts of when a site may end is unfair and this practice should be stopped by ECC. Extension should require a new application.</p>
			<p>Policy DM1 sets out a criterion that proposals for minerals development will be subject to which ensures “that the development would not have an unacceptable impact, including cumulative impact with other developments”. One of the criteria listed includes the health and wellbeing of residents, as well as the wider community, who could</p>

				<p>be impacted by the operation of the development. All new proposals are subject to a public consultation at both the local plan allocation and planning application stages, and the representations considered ahead of the application being determined. Site extensions therefore do require a new planning permission and are also subject to a public consultation at planning application stages ahead of determination.</p>
			<p>ECC should consider the local planning requirements and promote / incentivise the use more sustainable building materials e.g. timber to reduce demand for minerals in Essex.</p>	<p>Policy S4 of the Minerals Local Plan (2014) advocates reducing the use of mineral resources through reusing and recycling minerals generated because of development/ redevelopment. The MWPA does not provide aggregate for a specific use, it is provided to the market. The National Planning Policy Framework (NPPF) requires MWPA's to provide for the need for aggregate, with 'need' established through a prescribed methodology. As the MWPA we have no ability</p>

				<p>to ensure the use of recycled material or reduce demand. Ensuring that longer term landbanks are provided places a greater emphasis on protecting land that contains industrial minerals and therefore 'scarcity' of such minerals is controlled through longer-term land allocation and planned provision, rather than the prevention of extraction. Merely preventing extraction would not be NPPF compliant.</p> <p>The role of the MLP is to set out a range of policies guiding minerals development in the County. Whilst it contains policies that act to facilitate additional aggregate recycling capacity and encourage the sustainable use of minerals, including minimising mineral waste, it cannot require that aggregates are not used in construction.</p>
Thurrock Borough Council (97704900)	Thurrock borough Council	No comment	No additional comment.	Noted.
CPRE Essex		No comment		N/A

(665562826)				
David L Walker Ltd (559449615)	Brice Aggregates	No comment		N/A
Suffolk County Council (549043477)		No comment	No comment.	Noted.
GeoEssex (538324742)		No comment	no comment	Noted.
Strutt & Parker (891506607)	G&B Finch	No comment		N/A