



**Essex Minerals Local Plan
Review 2021 – Report setting out
the Rationale behind the
Proposed Amendments - 2021**



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1 Introduction

- 1.1 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 to ensure high-quality site restoration, all in the pursuit of sustainable development. The final chapter of the MLP specifies the monitoring framework for the plan. This identifies the extent to which the plan and policies are performing and is reported upon annually within the Authority Monitoring Report (AMR).

Scope of this Paper

- 1.2 Having been adopted in July 2014, the effectiveness of the policies within the MLP are required to be formally reviewed. Reviews of Local Plans are a legal requirement¹. Regulations 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.
- 1.3 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.
- 1.4 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. In line with National policy, an update to the [Mineral and Waste Development Scheme](#) was also published which sets out a timetable for the Review. This report documents the Review of the MLP as required by planning regulations and provides a justification for the decision to propose amendments, or not, to each policy and section of the MLP.

This report sets out:

- Details of the obligations for the review itself and how the MLP review has been carried out,
- A broad overview of changes to the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) since the MLP was adopted,
- The review of the Plan, mirroring the structure of the MLP. Consideration will be given to both the continued appropriateness of each policy and its associated supporting text. Paragraphs of supporting text will be highlighted by exception, meaning that if a paragraph is not explicitly commented on, it is considered to be compliant with the NPPF and extant guidance.

¹ As set out in Regulation 10A of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017

- 1.5 In each case, a conclusion will be drawn with regard to whether each aspect of the Plan remains fit for purpose or requires formal modification. The assessment takes the form of two parts; firstly, the review will establish whether each plan component remains compliant with extant national policy following the 2019 revisions to the NPPF and considerations in PPG. The outcome of this test is summarised in the report under each policy, with the detailed justification presented policy-by-policy in Appendix One. The second part of the assessment will determine whether the plan component otherwise remains fit for purpose, based on a consideration of its deliverability, viability, relevant monitoring data, the success of its implementation, the conclusions reached by the Sustainability Appraisal, Habitats Regulations Assessment and Health Impacts Assessment, and the outcome of early engagement under the Duty to Co-operate, as appropriate.
- 1.6 Following adoption of the MLP in 2014, a future review of the MLP was specifically required to assess the Plan's approach to building sand (sometimes referred to as soft sand) and the contribution of marine-won aggregate to overall aggregate provision. The independent Planning Inspector who conducted the Examination in Public (EiP) of the MLP in November 2013, requested that the Mineral Planning Authority (MPA) continue to monitor the need and potential for a separate landbank for building sand as part of a future review of the Plan. Such a review was to conclude whether ECC would be required to revise site allocations for sand and gravel, such that they provided for building sand and concreting sand separately, and monitor on this basis, or whether the continuation of a combined landbank for these resources remained the most appropriate approach. The Planning Inspector also requested that the Mineral Planning Authority (MPA) consider the future potential for increasing the proportion of marine-won sand and gravel contributing to the future overall County requirement as a means to reduce the future demand for land-won sand and gravel. These issues form part of the assessment of Policy S6, which addresses the need to supply a particular quantum of aggregate from within the Plan area across the Plan period. These issues are also informed by bespoke reports that can be found within the evidence base supporting this Review.
- 1.7 This report is an evolving document and has gone through a number of iterations as the plan making process progressed. The purpose of this report is to provide the rationale behind the decision to either amend or preserve the wording of each element of the MLP. The current iteration of this report incorporates the outcomes from two engagement exercises held under the Duty to Cooperate, the outcomes from Sustainability Appraisal (SA), Habitats Regulations Assessment (HRA) and Health Impact Assessment, as well as the conclusions from internal assessments. This report supports the public consultation held in compliance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.8 **Please note** – where paragraph references relating to the MLP are given in this report, these relate to the currently adopted version of the MLP. In the consultation version of the MLP, which shows the proposed amendments as ~~strikethroughs~~ for deletions and *underlined italics* for additions, where there are two paragraph numbers given for a single paragraph (old and new), the paragraph references in this report relate to the 'old' paragraph numbers i.e. those shown by ~~strikethrough~~.

2 Legislative Context & Format for Review

Legislative Context

- 2.1 Paragraph 33 of the National Planning Policy Framework (NPPF) states (inter-alia) that *“Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan and should take into account changing circumstances affecting the area, or any relevant changes in national policy.”* Undertaking a local plan review every five years is a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017)
- 2.2 The Essex MLP was adopted in July 2014 and therefore a review of this Plan was required to be completed by July 2019.
- 2.3 National Planning Practice Guidance (PPG) states that *“The review process is a method to ensure that a plan and the policies within remains effective.”* (Reference ID: 61-064-20190315). The PPG also sets out (Reference ID: 61-065-20190723) what authorities should consider when determining whether a Plan or policies should be updated. Information relevant to this MLP Review include:
- conformity with national planning policy,
 - changes to local circumstances,
 - whether issues have arisen that may impact on the deliverability of key site allocations,
 - success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report (AMR),
 - plan-making activity by other authorities,
 - significant economic changes that may impact on viability, and
 - whether any new social, environmental or economic priorities may have arisen.
- 2.4 Following this review, a local planning authority must conclude either that:
- They do not need to update their policies and publish the reasons for this decision within five years of the adoption date of the plan; or
 - That one or more policies of the plan need revising and that the Local Development Scheme is updated setting out the proposed timetable for the revision(s) to the Plan.
- 2.5 It is noted that a local planning authority will not necessarily need to revise their entire plan in whole and may publish a list of which policies they will update and which policies they consider do not need updating (Reference ID: 61-070-20190315). Updates to the plan or certain policies within it must follow the plan-

making procedure; including preparation, publication, and examination by the Planning Inspectorate on behalf of the Secretary of State (Reference ID: 61-069-20190723)

- 2.6 The PPG further notes that new evidence may be required to inform the Plan review, and that proportionate, relevant and up-to-date evidence should be used to justify a decision to not update policies (Reference ID: 61-068-20190723). The PPG is also clear that any proposed amendments must be subject to the Duty to Co-operate, both in terms of the amendments proposed and whether any aspect of the Plan requires amending in the first instance, as follows: “Given the direct implications of plan reviews in enabling such matters to be addressed through the updating of policies, it is important that the bodies subject to the Duty to Co-operate have an opportunity to engage in both how plan reviews are undertaken and the review of the plan. Engagement with neighbouring authorities and prescribed bodies needs to occur before a final decision on whether to update policies in a plan is made, as such engagement may influence that decision.” (Reference ID: 61-075-20190723).
- 2.7 An early iteration of this document was developed to allow ECC officers to test the continued appropriateness of each of the policies that make up the MLP. Early conclusions arising out of that process then informed the production of a document entitled ‘Proposed Scope of the Review of the Essex Minerals Local Plan 2014 - Draft findings’. This was a scoping document which, for each policy, set out whether it was proposed to amend that policy or not. Where policies were proposed for amendment, a brief rationale setting out the reasons for that conclusion were set out. The scoping report did not propose any actual amendments themselves but discussed the revised direction for the policy that the amendments would take. This scoping report informed Duty to Cooperate engagement between September 2019 and February 2020. The outcomes of that engagement are captured in the ‘*Duty to co-operate engagement report in relation to preparation of the Review of the Minerals Local Plan Review – engagement on the scope October 2020*’ report which can be found in the evidence base supporting this Review. In parallel, in November 2019 ECC published on its website that following a review of the MLP and as a result of early engagement under the Duty to Cooperate, there was indeed scope to review its policies, and that a formal plan review would be undertaken.
- 2.8 The outcomes of the Duty to Cooperate engagement on the scope of the MLP review, and further internal assessment, led to a subsequent iteration of this rationale report. That iteration informed a second round of engagement under the Duty to Cooperate held between October 2020 – January 2021. Alongside the detailed assessment provided through the rationale report, those bodies subject to the Duty to Cooperate were also provided with the proposed wording for all amendments as considered appropriate at the time. The outcomes of that engagement are captured in the ‘*Duty to co-operate engagement report in relation to preparation of the Review of the Minerals Local Plan Review – engagement on proposed amendments March 2021*’ report which can also be found in the evidence base supporting this Review.
- 2.9 This iteration of the rationale report captures the results of additional internal assessment as well as the outcomes of the Duty to Cooperate engagement on both the scope and the detail of the MLP review process. It also reports on the outcomes from Sustainability Appraisal (SA), Habitats Regulations Assessment (HRA) and

Health Impact Assessment (HIA) where these documents requested amendments to the Plan. Where amendments that were originally proposed have been superseded through successive engagement, this report has been updated to detail the revised approach. This report now supports the public consultation held in compliance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Essex Minerals Local Plan (2014)

2.10 The Essex MLP contains planning policies for minerals development in Essex until 2029 and also allocates sites for future mineral extraction and associated infrastructure. The Plan includes mechanisms aimed at reducing the demand for primary mineral use, recycling more aggregate and safeguarding mineral resources, reserves and important facilities.

2.11 The Essex MLP includes the following:

- The Minerals Core Strategy, setting out the long-term direction for minerals development and the policies to deliver this strategy,
- Development Management Policies specifically for assessing planning applications,
- Site Allocations for mineral extraction, transshipment facilities and other related activities,
- Eleven Mineral Monitoring Indicators (MMIs) against which the policies can be 'tested' to ensure that they are performing as intended, and
- The Policies Map.

2.12 In support of the Essex MLP, a Supplementary Planning Guidance (SPG) document providing additional information regarding opportunities to promote biodiversity through mineral site restoration was published in June 2016². Further, performance under the monitoring indicators set out in the MLP framework is published in Authority Monitoring Reports (AMR) annually throughout the plan period.

Format of the Rationale Report

2.13 This report is an evolving document and has gone through a number of iterations as the plan making process progressed. The purpose of this report is to provide the rationale behind the decision to either amend or preserve the wording of each element of the MLP. Early internal drafts of the report provided the detail for an initial scoping document for the MLP Review, which was subject to formal Duty to Cooperate engagement between September 2019 and February 2020. An updated version incorporating further internal assessment and the outcomes of the Duty to Cooperate engagement informed a second formal period of Duty to Cooperate engagement between October 2020 and January 2021. That version of this report was again updated into this current version, which incorporates the outcomes from this second round of engagement under the Duty to Cooperate, the outcomes from

² Mineral Site Restoration for Biodiversity, June 2016

Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA), as well as additional internal assessment. This report will now support the public consultation held in compliance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012

- 2.14 The first part of this rationale report presents a broad overview of the relevant changes to the NPPF and National Guidance since the MLP was adopted in 2014. The Review of the Plan itself begins with an assessment of the continued appropriateness of the Spatial Vision, Aims, Strategic Objectives and spatial priorities for mineral development. There then follows an assessment of the 19 policies and their supporting text which make up the MLP. Paragraphs of supporting text are generally highlighted by exception, meaning that if a paragraph is not commented on through this assessment, it is considered to be compliant with the NPPF and extant guidance. It is noted that this Rationale Report does not provide commentary on proposed amendments set out in MLP Chapter 1: Introduction or Chapter 2: Legislative Context & Format for Review. Amendments are considered to be factual in nature and primarily act to update statistics and planning context. The proposed amendments to these chapters will however be subject to consultation as part of the public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.15 In each case, conclusions have been made with regard to whether each aspect of the Plan remains fit for purpose or whether it is appropriate to propose a modification. Some proposed amendments act to update and/or remove historic references, including via signposting to more appropriate sources, whereas others provide additional contextual information. Such amendments may not be specifically highlighted in this report where they do not result in material changes to the operation of the relevant policy. All amendments can be found in the Essex Minerals Local Plan Review Schedule of Proposed Amendments 2021.
- 2.16 This Review was specifically required to assess the Plan's approach to building (soft) sand and the contribution of marine-won aggregate to overall aggregate provision. The independent Planning Inspector who conducted the Examination in Public of the MLP in November 2013 requested that the Mineral Planning Authority (MPA) continue to monitor these issues and conclusions are presented within this report under the assessment of Policy S6 which addresses the need to supply a particular quantum of aggregate from within the Plan area across the Plan period. These issues are also informed by bespoke reports that can be found within the evidence base supporting this Review.

Structure of the Document

- 2.17 This report is split into several chapters. Chapter 1 provides the introduction, with Chapter 2 providing the legal framework to the review. Chapter 3 presents a brief overview of changes in national policy since the adoption of the MLP, with Chapter 4 being the Review of the MLP.
- 2.18 Chapter 4 is split into several sections, each pertaining to one of the constituent components of the MLP with each section of Chapter 4 following the same format. Each section introduces the component of the MLP being reviewed before providing an assessment of that component's compliance with the NPPF/PPG as extant in

October 2019. At that time, the extant NPPF was the NPPF February 2019, and this remains the case. A consultation on proposed amendments to the NPPF was initiated in January 2021 and some amendments are suggested to the Minerals section. Those of relevance to this plan review act to confirm the purpose of Mineral Consultation Areas as currently set out in the PPG. The proposed amendments in the emerging MLP which seek to redesignate Mineral Consultation Areas around the safeguarded mineral resource rather than mineral infrastructure is in conformity with the proposed NPPF amendments.

- 2.19 Following a review of the NPPF, considerations are then given as to whether each element of the plan component being assessed is compliant with the NPPF and/or the PPG. This is presented by way of a brief summary in the main report and in full in Appendix One. Reference is made to the PPG if any particular element of the MLP cannot be appropriately justified through a reference to an appropriate paragraph of the NPPF. Each table set out in Appendix One does not pertain to be a comprehensive record of relevant parts of the NPPF and PPG as they relate to that particular component of the MLP. Instead, the table provides sufficient detail such that the relevant component of the MLP is justified against the provisions of the NPPF and PPG.
- 2.20 **Please note** – where paragraph references relating to the MLP are given in this report, these relate to the currently adopted version of the MLP. In the consultation version of the MLP, which shows the proposed amendments as ~~strikethroughs~~ for deletions and *underlined italics* for additions, where there are two paragraph numbers given for a single paragraph (old and new), the paragraph references in this report relate to the ‘old’ paragraph numbers i.e. those shown by ~~strikethrough~~.

3 Changes in National Policy and Guidance since the Adoption of the Essex Minerals Local Plan (2014)

The National Planning Policy Framework

- 3.1 Since the adoption of the Essex Minerals Local Plan (MLP) in 2014, there have been changes in planning policy at the national level. In July 2018, a revised National Planning Policy Framework (NPPF) was published, replacing the first iteration of the NPPF which was published in March 2012. Further revisions to the NPPF were published in February 2019, and additional amendments have been proposed through a public consultation initiated in January 2021. This has yet to conclude.
- 3.2 Despite being adopted in 2014, a significant amount of work was carried out on the MLP prior to the publishing of the first iteration of the NPPF in 2012. The MLP was however considered to be compliant with the NPPF as extant at the time of adoption as evidenced in the concluding remarks of the Inspector's Report issued to Essex County Council (as MPA) in June 2014. This states that subject to Main Modifications (which were duly made by the MPA) the document that became the MLP upon its adoption "meets the criteria for soundness in the National Planning Policy Framework."³
- 3.3 In terms of policy compliance, this Review must concern itself with whether the MLP (2014) is in conformity with the revised NPPF (2019) and is also reflective of extant Guidance. The revisions to the NPPF (2012) which have led to the publication of the revised NPPF (2019) were numerous and it is considered to be outside of the scope of this Review to specifically detail each of these revisions. In the first instance, many of these changes, particularly those focussed on housing provision, have little to no direct relevance to mineral planning policies. More importantly however, this Review must establish whether the MLP (2014) is in compliance with the NPPF (2019) as it now stands, irrespective of whether any part was modified or not since the MLP was adopted.
- 3.4 Those NPPF revisions which focus on plan production and liaison with other local planning authorities (including other County Councils) are relevant given that this assessment concludes that some elements of the MLP require amendment. As stated in national Planning Practice Guidance (PPG) "*Updates to the plan or certain policies within it must follow the plan-making procedure; including preparation, publication, and examination by the Planning Inspectorate on behalf of the Secretary of State.*" (Reference ID: 61-069-20190723). As such, any NPPF revisions to plan making, consultation and engagement practices will be adhered to as part of any plan amendments. There is however no requirement to retrospectively apply any changes made as part of the revision of the NPPF, meaning that there is no requirement to assess whether previous consultation events and the adoption of the MLP in 2014 was compliant with the current version of the NPPF.
- 3.5 One notable addition to the NPPF which was not present in the first iteration is that which is currently detailed under Paragraph 21 of the extant version. This states that "*Plans should make explicit which policies are strategic policies. These should be*

³ Para 167, Report on the Examination of the Essex County Council Replacement Minerals Local Plan – January 2013

limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any nonstrategic policies that are needed. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies.” Policies in the extant MLP are denoted by a prefix. These are to be interpreted as follows:

Prefix	Definition
S	Strategic
P	Preferred Sites
DM	Development Management
IMR	Implementation, Monitoring and Review

- 3.6 As such it is considered that this current NPPF requirement was already met in the MLP 2014 and as such no amendment is required.

National Planning Practice Guidance

- 3.7 With respect to the PPG, updates were published alongside the revisions to the NPPF in 2018 and 2019, although these were primarily concerned with viability and providing further detail around housing and economic need. Numerous further updates have also been made to a number of PPG sections outside of the publication of revised iterations of the NPPF and these will all need to be taken into account where relevant, particularly the July 2019 updates relating to plan reviews and how they apply to the Duty to Co-operate and Statements of Common Ground. It is noted that the Mineral section of the PPG has received no updates since April 2015 and therefore currently remain unchanged since the publication of the revised NPPF in 2018 and 2019. Although these updates post-date the adoption of the MLP in 2014, they are not specifically relevant to the Essex MLP. These revisions are concerned with the extraction of hydrocarbons and whether a periodic review of planning conditions should cover ancillary mining development. Neither of these issues are relevant to the county of Essex.
- 3.8 For the purposes of clarification, this review is based on the PPG as extant in October 2019.

4 Review of the Essex Minerals Local Plan (2014)

Introduction

- 4.1 As previously stated, this review mirrors the structure of the MLP itself. Policies will be assessed individually with associated paragraphs of supporting text highlighted by exception. This means that if a paragraph is not commented on through this assessment, it is considered to be compliant with the NPPF and extant guidance. A conclusion will then be drawn with regard to whether each aspect of the Plan remains fit for purpose or requires modification. Where it is concluded that a policy, supporting text or other plan element requires amending, this will be stated alongside what the nature of that amendment is intended to be. References will be given to where the proposed amendment can be found, with the consultation version of the MLP showing proposed amendments as *underlined italics* for proposed additions and ~~strikethroughs~~ for proposed deletions. To better facilitate the ability of the participant to view the proposed amendment in context, another version of the MLP has been produced which shows the proposed amendments as having been made.
- 4.2 Separate reports focussing on the issues of maintaining a separate building sand landbank and the potential to increase provision of sand and gravel from the marine environment, as requested by the independent Planning Inspector who conducted the Examination in Public (EiP) Hearings in November 2013, are referred to in this report and have been published separately within the evidence base supporting this Review. They provide the assessment leading to the conclusions of relevant matters addressed through the assessment of Policy S6. The evidence base supporting this consultation also includes other documents which are referred to as part of the consideration of policies through this Review

Spatial Vision

(A) Sustainable Development

Minerals development will make a positive contribution to Essex through a plan-led, collaborative approach which promotes the sustainable use, re-use, recycling and extraction of minerals. Sustainable mineral and mineral-related development will be approved without delay when in accordance with this Plan.

(B) Primary Mineral Provision

Essex will continue to be a major producer and user of sand and gravel, with the majority of that produced being used within the County itself. This will enable the planned growth within district/ borough/ city authority plans to occur and facilitate the maintenance of existing infrastructure. A steady and adequate supply of sand and gravel will be provided, having regard to the Local Aggregate Assessment and the targets agreed with the East of England Aggregates Working Party. Phasing has been introduced so as to avoid over-supplying in order to protect Essex's environment and our finite mineral resources. Plan provision will also be made for silica sand and brick clay.

(C) Co-ordinating the Supply of Minerals into Essex

Sources of aggregate, whether primary, secondary or recycled, will be planned to serve the whole of the county and wherever possible located in proximity to the County's main growth centres - Basildon, Chelmsford, Colchester, and Harlow, and the South Essex Thames Gateway, Haven Gateway and West Essex Alliance (formerly M11 corridor) growth areas, to maintain an appropriate match between mineral supply and demand. The lack of primary aggregate resources in the south and west of the County will be addressed to ensure that planned urban growth can take place without unnecessarily long transport distances. The existing infrastructure of rail depots and marine landing wharves in Essex and neighbouring Thurrock, in particular, will be important in this regard. The long distance importation of aggregates will be maintained to ensure provision of non-indigenous minerals.

(D) Protecting Amenities and Communities

All minerals development will be well-designed to afford protection to local communities and to contribute to the enhancement of the built, natural and historic environment. Mineral developers will engage with communities to create the most appropriate local solutions.

(E) Climate Change

Ensuring all minerals development is located, operated and managed whilst having regard to climate change mitigation and adaptation, so the County plays its part in reducing greenhouse gas emissions and is resilient to potentially more extreme future weather conditions.

(F) Reduce, Re-use and Recycling of Minerals

Minerals previously extracted from the ground will be put to better use. The recycling and reuse of construction, demolition and excavation waste will be maximised, by safeguarding existing Strategic Aggregate Recycling Sites (SARS) and locating new facilities in proximity to the key centres of Basildon, Chelmsford, Colchester and Harlow. The Council promotes

sustainable procurement and construction techniques and the use of alternative building materials in accordance with national and local policies.

(G) Protecting Mineral Resources and Facilities

The needless sterilisation of mineral resources by development will be avoided by 29 designating 'Minerals Safeguarding Areas' (MSA's) for sand and gravel, chalk, brick clay and brickearth. 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.

(H) Restoration and After-use

Mineral workings are temporary in nature. Restoration and after-use schemes will continue to be integral to site selection and the consideration of planning applications, with progressive working and restoration schemes expected. The focus of after-use will shift from purely agricultural uses, important though they remain, towards enhancement of the local environment by means of increased provision for biodiversity, geodiversity, climate change adaptation and outdoor recreation, including Public Rights of Way.

(I) Communities

Collaborative working arrangements will forge stronger links with communities, stakeholders and local planning authorities, as well as neighbouring and more distant planning authorities on whom we rely for non-indigenous minerals. Collectively we will address the sustainable long-term supply of primary aggregates and the protection of public amenity.

(J) Economy and Long Term High Quality Environment and Landscape

As well as bringing economic advantage, effective collaborative working will ensure minerals development makes a positive contribution to our environment and biodiversity, through the protection and creation of high quality habitats and landscapes that contribute to a high quality of life for present and future generations.

Introduction

4.3 The Spatial Vision for the Essex Minerals Local Plan (MLP) provides a picture of how mineral and mineral related development will be delivered in the County during the plan period, which extends to 2029. It is the MPAs view of sustainable mineral development in Essex. Planning policies, as articulated through the MLP, are designed to contribute to the achievement of the Spatial Vision.

Spatial Vision Compliance with the NPPF/PPG

4.4 Through the assessment provided in Table A1 (Appendix One), it is considered that the Spatial Vision is reflective of both the NPPF's general presumption in favour of sustainable development and the more detailed requirements of NPPF Chapter 17 – Facilitating the sustainable use of minerals. It is further considered that there are no omissions within the Spatial Vision that result in any issues of non-compliance with national policy.

- 4.5 It is noted that the NPPF places importance on establishing landbanks of relevant minerals through which mineral supply could be monitored, and that this is not explicitly articulated in the Spatial Vision. However, this is not considered to be an omission that requires addressing for reasons of non-compliance with policy. The Spatial Vision makes clear that ‘A steady and adequate supply of sand and gravel will be provided, having regard to the Local Aggregate Assessment (LAA) and the targets agreed with the East of England Aggregates Working Party.’ The PPG notes (Reference ID 27-062-20140306) that an LAA should contain ‘an analysis of all aggregate supply options, as indicated by landbanks, mineral plan allocations and capacity data’. By having regard to the LAA, it is considered that the Spatial Vision acknowledges the establishment of landbanks as being a fundamental approach to minerals planning.

Further Considerations

- 4.6 It is considered that the Spatial Vision could be more reflective of current practise with regards to green and blue infrastructure provision. This is defined in the NPPF as a “*network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.*”
- 4.7 Mineral extraction provides a unique opportunity to ‘start again’ with regards to land use and landform at a site of former extraction. It is considered that the Vision as it relates to restoration and after-use could better articulate the cross-cutting benefits of green and blue infrastructure, including those positive outcomes relating to climate change, healthy lifestyles, flood defence and sustainable transport. At this current time, the Spatial Vision states that restoration could result in an “*increased provision for biodiversity, geodiversity, climate change adaptation and outdoor recreation, including Public Rights of Way*” without specifically noting that well designed green and blue infrastructure can facilitate all these benefits, and more. The current draft of the Spatial Vision therefore captures potential benefits, but Section H could be redrafted to include reference to emerging green and blue infrastructure strategies being developed at the county and district level, and promote such benefits being bought forward in an integrated way by respecting the wider Development Plan. This would align the MLP more closely with the NPPF, and particularly those provisions made in Paragraphs 20, 91, 171 and 181.
- 4.8 Further, ‘[A Green Future: Our 25 Year Plan](#)’ (Defra, 2018) is predicated on the notion of enhancing natural capital, defined as the sum of our air, water, soil, minerals, species and ecosystems that support all forms of life. The 25 Year Plan states that enhancing natural capital is an essential basis for economic growth and productivity over the long term. Whilst a minerals local plan is perhaps not the best vehicle to promote detailed approaches relating to the growth of natural capital, recognising the importance of this in the Spatial Vision creates the scope for a policy to act as a hook into existing and emerging approaches to natural capital growth in other local authority published strategies, including those of this Council.
- 4.9 A further section of the Spatial Vision which it is proposed to update is that which makes reference to the local context. Since the adoption of the MLP, district authorities across Essex have formed partnerships through which joint plans are being produced alongside individual Local Plans. The Strategic Plan for North Essex

covers the administrative areas of Braintree, Colchester and Tendring whilst the South Essex Joint Strategic Plan covers the administrative areas of Basildon, Brentwood, Castle Point and Rochford within Essex, and the unitary authorities of Southend-on-Sea and Thurrock.

- 4.10 These plans aim to deliver growth in a more co-operative, strategic manner. One such approach being considered to better accommodate the growing population in Essex as a whole is the establishment of new garden communities across Essex to accommodate multiple district's needs. This is a step-change from the traditional approach of each local authority making provision for their own needs on a broadly individual basis. The current Spatial Vision states at *Section C - Co-ordinating the Supply of Minerals into Essex* that "*Sources of aggregate, whether primary, secondary or recycled, will be planned to serve the whole of the county and wherever possible located in proximity to the County's main growth centres*" before listing those areas which were planned to be the main growth centres at the time the MLP was drafted. Given the move towards more collaborative working and the subsequent revisions in approach to delivering strategic growth at the district level, those growth centres identified may not now be reflective of those growth locations that will emerge in future years.
- 4.11 At the time of writing, the key urban centres in Essex remain as listed in the MLP but moving forward it is considered that these may be supplemented by significant growth at new garden communities, some of which will be located in reasonable proximity to the key centres of Harlow, Colchester and Chelmsford. Emerging proposals state that there will also be growth at new communities away from these centres at Easton Park, North Uttlesford, West of Braintree and Dunton Hills (Basildon/Brentwood), amongst other potential locations, which could impact on the need for mineral resources.
- 4.12 However, it must be noted that neither the North Essex nor South Essex plans are adopted, with the South Essex Plan in particular being at a very early stage of development. As such, any change in expected growth locations cannot at this point be qualified with absolute certainty. Paragraph 2.16 of the MLP will be updated to reflect the current situation, setting out the new indicative approach to growth that the MLP must be able to flexibly respond to. Section C of the Spatial Vision will subsequently be amended to state that wherever possible, mineral infrastructure will be located in proximity to main growth centres as set out within existing or future adopted Local Plans and/ or Joint Strategic Plans. This distinction may become relevant in any future need to allocate new sites, which will require an assessment of existing and future growth locations as understood at that time as part of any site allocation process. A similar amendment is proposed under Section F of the Spatial Vision. A further minor amendment can be made to Section C of the Spatial Vision to make it clear that there are no marine landing wharfs within the Plan area and that borrow pits may contribute to mineral supply in Essex, with proposals assessed on a case-by-case basis.
- 4.13 Through the Duty to Cooperate it was suggested that due to the way Paragraph 2.16 was originally proposed to be amended, it appeared as though significant growth was only being directed towards Basildon, Colchester, Braintree and Chelmsford, with the implication being that there will be limited growth directed to other towns. It was suggested that this isn't the case for Harlow and Gilston Garden Town, where

significant levels of development are also proposed. The original proposed amendment has been re-drafted so as to make clear that references to 'significant growth' are based on Figure 1 in the MLP which details indicative housing growth. Figure 1 shows that Basildon, Colchester, Braintree and Chelmsford are those administrative areas expected to receive the most growth. A further amendment is proposed to note that 'additional growth' rather than 'more limited growth' will be focussed on the market and coastal towns elsewhere in the County.

- 4.14 The current spread of active and allocated sites is, in any event, considered to have the ability to adequately serve the Essex market irrespective of changes in any particular growth location, or the addition of new locations. This position will however be kept under review as the joint strategic plans move to adoption and any potential new large growth schemes, such as garden communities, emerge.
- 4.15 It will also be necessary to remove references to 'Reserve Sites' in Section G as a result of the proposed changes to Policy S6 as discussed through paragraphs 4.137 to 4.150. Section G is further required to be supplemented with additional references relating to the re-designated Mineral Consultation Areas and introduction of Mineral Infrastructure Consultation Areas as set out in Policy S8 and Policy S9. Further amendments to Section G arose out of Duty to Cooperate engagement and have resulted in proposed amendments around the safeguarding of mineral infrastructure to ensure that sensitive or inappropriate development that would conflict with the effective operation of these sites is not located in close proximity. Proposed amendments are considered to more closely match the provisions of the PPG.
- 4.16 Lastly, Paragraphs 4.96 to 4.97 of this Review comment on the continued applicability of making a distinction between those aggregate recycling facilities with a throughput of more than 100,000tpa (Strategic Aggregate Recycling Facilities) and other smaller, non-strategic facilities within Policy S5. It is proposed within the assessment of that policy that the distinction between strategic and non-strategic facilities be removed, and therefore Section F of the Spatial Vision will require a minor amendment to accommodate this change.
- 4.17 Through internal engagement, it was highlighted that references to climate change only focussed on coastal flooding and so could be misleading. As such, Paragraph 2.15 is proposed to be amended to note that Essex is likely to face other challenges arising from future climatic changes. Predicted increases in rainfall intensities will make surface water and fluvial flooding increasing likely. However, as well as increasing rainfall intensities and sea level rise, there will also be longer spells of dry weather which could conversely lead to water scarcity across the county.

Conclusions

- 4.18 The Spatial Vision is considered to be in general conformity with the specific mineral requirements set out in NPPF Chapter 17 - Facilitating the sustainable use of minerals. It is also considered to be in conformity with the general presumption in favour of sustainable development and the broader remit of the NPPF and associated guidance as they relate to mineral planning.
- 4.19 It is therefore not considered that the Spatial Vision is materially deficient in light of the current iterations of the NPPF and PPG such that it is an inappropriate Spatial

Vision for the area. It is however assessed that the Spatial Vision could be amended to better reflect desirable outcomes and proposed changes to policies suggested elsewhere in this Review. For example, it is proposed that Section H is redrafted to include references to emerging green and blue infrastructure strategies and promote such benefits being brought forward in an integrated way by requiring restoration schemes to reflect the wider Development Plan. A further amendment to Section H is required to highlight the importance of enhancing natural capital as an essential basis for economic growth and productivity over the long term, reflecting the provisions of the A Green Future: Our 25 Year Plan, 2018.

- 4.20 It is also recognised that the Spatial Vision could be slightly amended for clarity, to accommodate a change of planning context as well as further revisions required due to proposals set out within Policy S5 and Policy S8. A further amendment derived from internal engagement is proposed to expand on climatic impacts that Essex may face in the future.
- 4.21 With regards to the former, there is an ongoing step-change from the traditional approach of each local authority making provision for their own growth needs on a broadly individual basis to that of a more collaborative approach. This may impact on where the main growth centres are located in the future, and as such the Vision now aims to support main growth areas as set out within existing or future adopted Local Plans and/ or Joint Strategic Plans, rather than state explicitly where these might be. With regards to the revisions required as part of Policy S8, these recognise the re-designation of Mineral Consultation Areas and the introduction of Mineral Infrastructure Consultation Areas. Amendments are also required to remove references to Strategic Aggregate Recycling Facilities due to the proposed removal of this designation as assessed through Policy S5.
- 4.22 Further amendments to Section G arose out of Duty to Cooperate engagement and have resulted in proposed amendments around the safeguarding of mineral infrastructure to ensure that sensitive or inappropriate development that would conflict with the effective operation of these sites is not located in close proximity. Proposed amendments are considered to more closely match the provisions of the PPG.

Aims and Strategic Objectives

Aims	Strategy Objectives
<p>1. To promote sustainable development.</p>	<p>1. To ensure sustainable minerals development can be approved without delay in accordance with the presumption in the National Planning Policy Framework.</p> <p>2. To ensure minerals development supports the proposals for sustainable economic growth, regeneration, and development outlined in adopted Local Plans/ LDFs prepared by Essex district/ borough/ city councils.</p> <p>3. To ensure that minerals development in the County fully promotes sustainable development.</p> <p>4. To ensure certainty for both developers and the public.</p> <p>(economic, social, and environmental)</p>
<p>2. To promote a reduction in greenhouse gas emissions including carbon, and to ensure that new development is adaptable to changes in climatic conditions.</p>	<p>5. To ensure that minerals and associated development provides for,</p> <ul style="list-style-type: none"> • The minimisation of greenhouse gas emissions during the winning, working and handling of minerals. • Sustainable patterns of minerals transportation. • The integration of features which promote climate change mitigation and adaptation into the design of minerals restoration and after-care proposals. <p>(environmental)</p>

<p>3. To promote social inclusion, human health and well-being.</p>	<p>6. To ensure that local communities are consulted and their views considered during the development of minerals proposals and in the determination of planning applications for minerals development.</p> <p>7. To ensure that the impacts on amenity of those people living in proximity to minerals developments are rigorously controlled, minimised and mitigated.</p> <p>(social)</p>
<p>4. To promote the efficient use of minerals by using them in a sustainable manner and reducing the need for primary mineral extraction.</p>	<p>8. To reduce reliance on primary mineral resources in Essex, firstly through reducing the demand for minerals and minimising waste, and secondly, by the re-use and use of recycled aggregates.</p> <p>(economic, social, and environmental)</p>
<p>5. To protect and safeguard existing mineral reserves, existing permitted mineral sites and Preferred and Reserve Sites for mineral extraction, as well as existing and proposed sites for associated mineral development.</p>	<p>9. To identify and safeguard the following mineral resources in Essex:</p> <ul style="list-style-type: none"> • Sand and gravel, silica sand, brickearth, brick clay and chalk reserves which have potential future economic and/ or conservation value. Unnecessary sterilisation should be avoided. • Existing and potential secondary processing and aggregate recycling facilities that are of strategic importance for future mineral supply to ensure that these are not compromised by other non- mineral development. <p>(economic, social, and environmental)</p>
<p>6. To provide for a steady and adequate supply of primary minerals to meet future requirements.</p>	<p>10. To provide for a steady and adequate supply of primary aggregates and industrial minerals by:</p> <ul style="list-style-type: none"> • Safeguarding transshipment sites for importing and exporting mineral products. • Meeting the mineral provision targets agreed by the East of England Aggregates Working Party, or as indicated by the Local Aggregate Assessment. • Identifying suitable mineral extraction sites through site allocations in the Plan <p>(economic)</p>

<p>7. To protect and enhance the natural, historic and built environment in relation to mineral extraction and associated development.</p>	<p>11. To provide protection from minerals development to designated areas of landscape, biodiversity, geodiversity, cultural and heritage importance, in a manner which is commensurate with their importance.</p> <p>12. To secure high quality restoration of extraction sites with appropriate after-care to achieve new after-uses which are beneficial and enhance the local environment.</p> <p>13. To maintain and/or enhance landscape, biodiversity and residential amenity for people living in proximity to minerals development.</p> <p>(environmental, social)</p>
<p>8. To reduce the impact of minerals extraction and associated development on the transport system.</p>	<p>14. To achieve more sustainable patterns of minerals transportation by:</p> <ul style="list-style-type: none"> • Giving preference to identifying local sources of aggregate as close as reasonably possible to urban growth areas and growth centres. • Optimising how mineral sites gain access to the strategic road network. • Mitigating the adverse traffic impacts of mineral extraction and associated development by appropriate traffic management measures. • Increasing the use and availability of rail and water facilities for the long haul movement of mineral products. <p>(economic, social, and environmental)</p>

Introduction

4.23 To deliver the Spatial Vision, the MLP contains eight aims which are supported by 14 Strategic Objectives. Each aim seeks to address and mitigate potential economic, environmental and/or social impacts of different aspects of mineral development in recognition of the fact that sustainable development requires a balance of these three interdependent dimensions.

Aims and Strategic Objectives Compliance with the NPPF/PPG

4.24 Through the assessment provided in Table A2 (Appendix One, it is considered that the Aims and Strategic Objectives are in conformity with the objectives of the NPPF/PPG, both as they relate to mineral planning specifically and the wider remit of

planning. It is further considered that there are no omissions within the Aims and Strategic Objectives which result in any issues of non-compliance with national policy.

- 4.25 One area where a change could be made relates to Strategic Objective 10. The purpose of Strategic Objective 10 is '*To provide for a steady and adequate supply of primary aggregates and industrial minerals by...*' before listing a number of means by which this objective will be fulfilled, including by '*Meeting the mineral provision targets agreed by the East of England Aggregates Working Party, or as indicated by the Local Aggregate Assessment*'. It is noted that the list as included in the MLP (2014) is not as comprehensive as that included in the NPPF. Further means by which to secure Strategic Objective 10 as stated in the NPPF include '*taking account of any published National and Sub National Guidelines on future provision*' and means by which landbanks should be used to maintain an adequate supply and security of provision. It is considered that this Strategic Objective could be re-drafted to better accommodate those provisions of the NPPF and more accurately reflect the approach taken by the MPA with regard to providing a steady and adequate supply of mineral.

Assessment of Associated Supporting Text (MLP Paragraphs 3.3 – 3.7)

- 4.26 Paragraph 3.4 states that the NPPF defines 'sustainable' as 'ensuring that better lives for ourselves don't mean worse lives for future generations', with 'development' defined as meaning 'growth'. These definitions were given in the Ministerial foreword of the NPPF (2012). These definitions have not been carried forward into the NPPF (2019) and therefore should be removed from the MLP as part of any review as a minor amendment.
- 4.27 With regard to Paragraph 3.6 and the associated MLP Table 2, the 'Key Features' of sustainable mineral development in Essex are primarily a repetition of the Spatial Vision and the Aims and Strategic Objectives, assessed through Table A1 and Table A2 in Appendix One to this report. As such they have not been subjected to separate assessment through this report other than to state that they are considered to be compliant with the NPPF and make minor amendments to reflect changes in terminology.

Further Considerations

- 4.28 The review process allows for Aims and Strategic Objective to be re-listed - numerically for the Aims and alphabetically for the Strategic Objectives - for the purposes of more simplistic referencing.
- 4.29 A number of other amendments are proposed for reasons of clarity and to accommodate changes in approach in relation to amendments made with regards to other sections of the Plan.
- 4.30 Alongside other minor updates to text, an amendment is suggested for Strategic Objective 2 to recognise that Joint Strategic Plans may be adopted in the future which will set out areas for development and regeneration. Strategic Objective 4 has been redrafted to clarify what is meant by 'certainty' in the context of the Plan although this doesn't change the intention of the relevant objective. Strategic Objective 5 has been amended to highlight how sustainable mineral transport

patterns promote a reduction in greenhouse gases. Strategic Objective 9 has been updated to make reference to the need to consider prior extraction when non-mineral development may sterilise mineral still in the ground, as well as to remove references to recycling facilities of 'strategic importance', due to proposals to remove this distinction as set out in Policy S5. Further amendments to Strategic Objective 9 arose out of Duty to Cooperate engagement and have resulted in proposed amendments around the safeguarding of mineral infrastructure to ensure that sensitive or inappropriate development that would conflict with the effective operation of these sites is not located in close proximity. Proposed amendments are considered to more closely match the provisions of the PPG.

- 4.31 A further amendment is proposed to Strategic Objective 12 to capture the new intention to promote multifunctional green and blue infrastructure alongside natural capital growth to reflect the shift in focus to such provision since the MLP was adopted.
- 4.32 Based on the conclusions drawn in paragraphs 4.137 through to 4.143 in relation to Policy S6, it will also be necessary to remove the reference to Reserve Sites in Aim 5.

Conclusions

- 4.33 The Aims and Strategic Objectives of the MLP are considered to be in conformity with the specific mineral requirements set out in NPPF Chapter 17 - Facilitating the sustainable use of minerals. They are also considered to be in conformity with the general presumption in favour of sustainable development and the broader remit of the NPPF and associated guidance as they relate to mineral planning and are not otherwise considered to be materially deficient. On this basis, no significant amendments are proposed but the review does allow for the aims and spatial objectives to be re-listed to aid in any future referencing. It is also noted that references to Reserve Sites would be required to be removed as a result of the assessment of Policy S6. Relatively minor amendments are however proposed for a number of Strategic Objectives to better reflect the NPPF and accommodate revised terminology and approaches in the remainder of the MLP.
- 4.34 With regard to the associated supporting text, Paragraph 3.4 require references to the NPPF to be updated.

Policy S1 – Presumption in favour of sustainable development

The Minerals Planning Authority will take a positive approach to minerals development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure minerals development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the site allocations and policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are demonstrably out-of-date at the time of making the decision, the Minerals Planning Authority will grant permission unless material conditions indicate otherwise – taking into account whether:

Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or

Specific policies in the National Planning Policy Framework indicate that development should be restricted.

Purpose of Policy S1

4.35 As noted in the MLP, at the heart of the National Planning Policy Framework (NPPF) is a 'presumption in favour of sustainable development'. The purpose of this policy is to state that this presumption is carried through into the MLP.

Compliance with the NPPF/PPG

4.36 Through the assessment provided in Table A3 (Appendix One), it is considered that Policy S1 fully captures the presumption in favour of sustainable development as articulated in the NPPF. It is further considered that there are no omissions within Policy S1 that result in any issues of non-compliance with national policy.

Further Considerations

4.37 Policy S1 and those similarly drafted were often referred to as 'the model policy' through which the presumption in favour of sustainable development was to be addressed. The Planning Inspectorate published this model wording which it considered would be an appropriate way of meeting the expectation for sustainable development within Local Plans.

4.38 The Planning Portal, established by the UK Government in 2002, had previously stated on its Local Plans page that 'The Planning Inspectorate considers that this model wording will, if incorporated into a draft Local Plan submitted for examination, be an appropriate way of meeting this expectation' for sustainable development. The content of this page of the Planning Portal has now been amended with the

above wording no longer present. It now states that 'Local plans must be positively prepared, justified, effective and consistent with national policy in accordance with section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and the National Planning Policy Framework.' and is no more prescriptive as to how that should be carried out.

- 4.39 Further, the PPG states that 'Paragraph 11 of the National Planning Policy Framework indicates that Local Plans should reflect the presumption in favour of sustainable development. This should be done by identifying and providing for objectively assessed needs and by indicating how the presumption will be applied locally. However, there is no need for a plan to directly replicate the wording in paragraph 11 in a policy. (Reference ID: 61-036-20190723). The NPPF itself states at Paragraph 16 Clause f) that Plans should avoid 'unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)'.
- 4.40 Whilst Policy S1 is not a direct copy of NPPF Paragraph 11, its purpose is solely to capture the approach articulated in the paragraph. As such, it is assessed that this policy need not explicitly be included, provided that the MLP otherwise addresses the provision of its objectively assessed needs and indicates how the presumption of sustainable development will be applied.
- 4.41 With regard to mineral local plans, 'objectively assessed needs' primarily relate to the provision of a 'steady and adequate supply of minerals', and this is addressed through Policy S6 – *Provision for sand and gravel extraction*. This policy quantifies the level of provision of sand and gravel, with supporting text justifying the level of provision by noting that it was derived from a combination of the findings of the LAA, the sub-national aggregate apportionment figure extant at the time of the Plan's production, and was also agreed by the East of England Aggregates Working Party. Policy S7 – *Provision for industrial minerals* sets out that the Plan will meet its objectively assessed provision requirement for silica sand and brick clay whilst also permitting chalk extraction at a particular site.
- 4.42 With regard to how the presumption in favour of sustainable development will be applied locally, Policy P1 – Preferred and Reserve Sites for Sand and Gravel Extraction states that '*In the case of Preferred Sites for sand and gravel extraction, the principle of extraction has been accepted and the need for the release of mineral proven.... The Mineral Planning Authority will grant planning permission for sand and gravel workings within the Preferred and Reserve Sites, listed in Table 5 (Preferred Sites) for land won Sand and Gravel Provision) and as shown on the Policies Map, subject to the proposal meeting the detailed development requirements set out in Appendix 1, other relevant policies of the Development Plan for Essex and any other material considerations*'
- 4.43 The site assessment and site selection process for identifying the location of Preferred Sites and Reserve Sites was set out in the emerging Minerals Development Document: Preferred Approach 2010 Appendix G. The final methodology was based on an extensive programme of testing and evaluation of the merits of potential alternative sites and an analysis of the findings of public consultation and stakeholder engagement during several stages of plan preparation. This ensured that those sites considered most sustainable were allocated in the

MLP. Further policies in the MLP act to ensure that the working of the primary material is itself inherently as sustainable as possible by introducing safeguarding provisions to mitigate against the risk of unnecessary sterilisation and ensuring that a network of processing facilities remain operable around the County to extract the best value from primary and recycled sources. Additional policies assess the environmental and social impacts of mineral extraction, both during the extraction phase itself as well as during restorative phases.

- 4.44 The Plan's Spatial Vision also notes that 'Sustainable mineral and mineral-related development will be approved without delay when in accordance with this Plan.' whilst the first stated Aim of the MLP is 'To promote sustainable development'. The first Strategic Objective is 'To ensure sustainable minerals development can be approved without delay in accordance with the presumption in the National Planning Policy Framework.'
- 4.45 A number of comments were received through the Duty to Cooperate which suggested the removal of this policy for the reasons articulated above. Nonetheless, it was found that Policy S1 was one of the most referred to policies by ECC Development Management officers when assessing planning applications, so it is currently considered that the Policy will be retained.

Assessment of Associated Supporting Text (MLP Paragraphs 3.8 – 3.10)

- 4.46 Paragraph 3.8 of the MLP states that wording of the presumption in favour of sustainable development is set out in Paragraph 14 of the NPPF. Following the revisions to the NPPF, the wording is now set out in Paragraph 11. Paragraph 3.8 will require amending accordingly.

Conclusion

- 4.47 It is recognised that the inclusion of this policy is no longer required as the Plan incorporates its objectives throughout the remainder of its suite of policies, Aims and Strategic Vision. By virtue of a plan being adopted it must be consistent with national policy and there is no requirement to repeat national policy unless it specifically aids in the understanding of local level policies. At this stage however, as the policy is one of the most referenced by Development Management officers when making decisions on planning applications, it is considered that it will be retained.
- 4.48 With regard to the associated supporting text, Paragraph 3.8 will require references to the NPPF to be updated.

Policy S2 – Strategic priorities for minerals development

The strategic priorities for minerals development are focused primarily on meeting the mineral supply needs of Essex whilst achieving sustainable development. The strategy will promote this by:

- 1) Ensuring minerals development makes a contribution towards reducing greenhouse gas emissions, is resilient and can demonstrate adaptation to the impacts of climatic change,
- 2) Ensuring there are no significant adverse impacts arising from proposed minerals development for public health and safety, amenity, quality of life of nearby communities, and the environment,
- 3) Reducing the quantity of minerals used and waste generated through appropriate design and procurement, good practices and encouraging the re-use and the recycling of construction materials containing minerals,
- 4) Improving access to, and the quality and quantity of recycled/ secondary aggregates, by developing and safeguarding a well distributed County-wide network of strategic and non-strategic aggregate recycling sites,
- 5) Safeguarding mineral resources of national and local importance, mineral transshipment sites, Strategic Aggregate Recycling facilities and coated roadstone plants, so that non-minerals development does not sterilise or compromise mineral resources and mineral supply facilities,
- 6) Making planned provision through Preferred and Reserve Site allocations for a steady and adequate supply of aggregates and industrial minerals to meet identified national and local mineral needs in Essex during the plan-period whilst maintaining landbanks at appropriate levels,
- 7) Providing for the best possible geographic dispersal of sand and gravel across the County to support key areas of growth and development, infrastructure projects and to minimise mineral miles,
- 8) Ensuring progressive phased working and the high-quality restoration of mineral extraction developments so as to:
 - a) Significantly reduce reliance upon the use of landfill materials and,
 - b) Provide beneficial after-use(s) that secure long lasting community and environmental benefits, including biodiversity, and,
 - c) Protect the best and most versatile agricultural land.
- 9) Maintaining and safeguarding transshipment sites within the County to provide appropriate facilities for the importation and exportation of minerals.

Purpose of Policy S2

4.49 The purpose of this policy is to set out the strategic priorities to achieve the ‘Strategy of the Plan’ as defined in Paragraph 3.12 of the MLP.

Compliance with the NPPF/PPG

4.50 Through the assessment provided in Table A4 (Appendix One) it is considered that Policy S2 is in conformity with the objectives of the NPPF, both as they relate to mineral planning specifically and the wider remit of planning. It is further considered that there are no omissions within Policy S2 which result in any issues of non-compliance with national policy. However, a number of modifications would be required to accommodate those amendments that are proposed to be made to other policies within the Plan.

Further Considerations

4.51 Policy S2 is a list of strategic priorities that are predominantly given life through other policies in the Local Plan. As such it is questioned whether Policy S2 is required. Much of Policy S2 is also already captured within the Spatial Vision and the Aims and Strategic Objectives as previously set out in the Plan. The table below sets out how each priority is already captured by an extant policy or is otherwise already addressed:

Table 1: Accommodation of Policy S2 Strategic Priorities for Mineral Development in other Policies in the Minerals Local Plan (2014)

Strategic Priority	Existing Policy in the Minerals Local Plan (2014)
1. Ensuring minerals development makes a contribution towards reducing greenhouse gas emissions, is resilient and can demonstrate adaptation to the impacts of climatic change,	Policy 3 - Climate Change
2. Ensuring there are no significant adverse impacts arising from proposed minerals development for public health and safety, amenity, quality of life of nearby communities, and the environment,	Policy S10 - Protecting and enhancing the environment and local amenity Policy DM1 - Development Management Criteria
3. Reducing the quantity of minerals used and waste generated through appropriate design and procurement, good practices and encouraging the re-use and the recycling of construction materials containing minerals,	Policy S4 - Reducing the use of mineral resources Policy S5 - Creating a network of aggregate recycling facilities

Strategic Priority	Existing Policy in the Minerals Local Plan (2014)
4. Improving access to, and the quality and quantity of recycled/ secondary aggregates, by developing and safeguarding a well distributed County-wide network of strategic and non-strategic aggregate recycling sites,	Policy S5 - Creating a network of aggregate recycling facilities
5. Safeguarding mineral resources of national and local importance, mineral transshipment sites, Strategic Aggregate Recycling facilities and coated roadstone plants, so that non-minerals development does not sterilise or compromise mineral resources and mineral supply facilities,	Policy S8 - Safeguarding mineral resources and mineral reserves Policy S9 - Safeguarding mineral transshipment sites and secondary processing facilities
6. Making planned provision through Preferred and Reserve Site allocations for a steady and adequate supply of aggregates and industrial minerals to meet identified national and local mineral needs in Essex during the plan-period whilst maintaining landbanks at appropriate levels,	Policy S6 - Provision for Sand and Gravel Extraction
7. Providing for the best possible geographic dispersal of sand and gravel across the County to support key areas of growth and development, infrastructure projects and to minimise mineral miles,	Policy P1 - Preferred Sites for Sand and Gravel Extraction Policy P2 - Preferred Sites for Silica Sand Extraction
8. Ensuring progressive phased working and the high-quality restoration of mineral extraction developments so as to: a) significantly reduce reliance upon the use of landfill materials and, b) provide beneficial after-use(s) that secure long lasting community and environmental benefits, including biodiversity, and, c) protect the best and most versatile agricultural land.	Policy S12 - Mineral Site Restoration and After-Use
9. Maintaining and safeguarding transshipment sites within the County to provide appropriate facilities for the importation and exportation of minerals.	Policy S9- Safeguarding mineral transshipment sites and secondary processing facilities

4.52 From the table above, it can be seen that all Strategic Priorities within Policy S2 are accommodated within an existing policy, with the supporting text associated with each relevant policy providing further context, justification and detail of its operation.

- 4.53 Through Duty to Cooperate engagement, it was suggested that Policy S2 be amended to include a statement setting out that the Council requires all new development, where relevant, to accord with the principles listed in this policy. This was as a consequence of PINS advice received by another authority in relation to a similar approach they intended to take. This suggestion has been incorporated through a proposed amendment to the second paragraph of the policy.
- 4.54 Reflecting on the Strategic Priorities, it is considered that the MPA can have limited impact on Strategic Priority 3 - 'Reducing the quantity of minerals used and waste generated through appropriate design and procurement, good practices and encouraging the re-use and the recycling of construction materials containing minerals'. The majority of land use planning decisions are taken by the Local Planning Authority rather than the MPA. Nonetheless, the stance is one supported by national policy, and the MPA can support this priority by ensuring that concepts of sustainable design, as they relate to the use of resources, are captured in district Local Plans. By being supportive of applications for aggregate recycling and safeguarding existing facilities, the MPA can also passively encourage the recycling of construction materials.
- 4.55 It has been assessed that Strategic Priority 2 should be amended to include 'wellbeing' amongst its considerations such that mental health is captured alongside other indicators of health, and provides support for the increased recognition of health and wellbeing as proposed to be set out in the supporting text to Policy S12. It is also proposed to remove references to strategic infrastructure from Strategic Priority 5 as a result of the proposal to remove this designation following the review of Policy S5. A further proposed amendment is to remove the term 'compromise' as this term is used in relation to mineral infrastructure rather than the resource. References to Reserve sites will be required to be removed from Strategic Priority 6 as a result of the assessment of Policy S6.
- 4.56 It has been further assessed that Strategic Priority 7 should be amended to remove any attempted specificity in potential future growth locations as these are not currently known with certainty across the County for the MLP plan period. Strategic Priority 8 is proposed to be amended to include an additional clause setting out that restoration proposals should reflect objectives in Green and Blue Infrastructure Strategies to recognise the increasing importance of such strategies. Finally, Strategic Priority 9 is proposed to be amended to include processing facilities and state that safeguarding provisions are linked to the length of mineral operations at the host site, where relevant.
- 4.57 It is additionally noted that Strategic Priorities 4, 5 and 9 could be revised as there is an element of overlap between them. As such, amendments have been proposed for Strategic Priorities 4, 5 and 9 such that Strategic Priority 4 solely focuses on aggregate recycling, Strategic Priority 5 focuses on safeguarding the mineral resource and Strategic Priority 9 addresses the safeguarding of mineral infrastructure.
- 4.58 Through the Duty to Co-operate, it was requested that Strategic Priority 2 was amended to add the words 'historic and natural' before the term 'environment' to better clarify what is meant by this term. The principle of the amendment is agreed but to reduce repetition, it is proposed to define the 'environment' in the glossary

such that it encompasses the natural and historic environment. Therefore, all reference to the environment throughout the plan will include both the natural and historic environment.

- 4.59 Finally, this review has considered the potential for Policy S2 to be removed entirely. As all of the Strategic Priorities in Policy S2 are given life by other policies existing within the Plan, there is the suggestion that Policy S2 amounts to repetition and has little purpose itself. However, monitoring information collated since the MLP was adopted has shown that this is the 6th most cited policy in planning application decisions, and it provides the function of consolidating the myriad aims of the MLP into a single policy. It can also be said that each Strategic Priority is appropriately represented through one or more associated policies. It is also noted that as this policy is not out of conformity with the NPPF, it is considered that there is no fundamental reason to remove it.

Assessment of Associated Supporting Text (MLP Paragraphs 3.11 – 3.13)

- 4.60 The supporting text is considered to remain fit for purpose. The Key Diagram presented at Map 4 is recognised as a simplification of aggregate movements around and outside Essex but is also still considered to be fit for purpose as the general movement patterns that are illustrated remain relevant. However, the map is proposed to be moved to an earlier section of the plan such that it is associated with the section of the MLP which details the mineral resources present in the County which begins at Paragraph 2.20.

Conclusion

- 4.61 Although Policy S2 takes the form of a list of strategic priorities that are predominantly given life through other policies in the Local Plan, it does consolidate the aims of the Plan into a single policy and it was the 6th most cited policy in planning application decisions since the adoption of the MLP. As such it is considered that there is merit in keeping the policy within the Plan.
- 4.62 Whilst the policy is considered to still reflect the NPPF, it is assessed that the policy needs to go through a number of minor amendments to reflect changes in approach arising from the detailed assessment of other policies and comments received through the Duty to Co-operate. These changes do not however have a major impact on the aims of the strategic priorities themselves.

Policy S3 – Climate change

Applications for minerals development shall demonstrate how they have incorporated effective measures to minimise greenhouse gas emissions and to ensure effective adaptation and resilience to future climatic changes, having regard to:

- 1) Siting, location, design and transport arrangements,
- 2) On-site renewable and low carbon energy generation, where feasible and viable,
- 3) National and local principles/ design standards for Sustainable Drainage Systems, including measures to enhance on-site water efficiency and minimise flood impacts both on-site and in relation to adjacent land and 'downstream' land-uses,
- 4) On-site resilience to unexpected climatic events,
- 5) The implications of coastal change, where relevant, and,
- 6) The potential benefits from site restoration and after-use schemes for biodiversity and habitat creation, flood alleviation, and provision of living carbon sinks.

Purpose of Policy S3

4.63 Policy S3 provides the framework for the MPAs consideration and determination of minerals development proposals in relation to climate change issues.

Compliance with the NPPF/PPG

4.64 Through the assessment provided in Table A5 (Appendix One), it is considered that Policy S3 is in conformity with the NPPF. It is further considered that there are no omissions within Policy S3 which result in any issues of non-compliance with national policy.

Further Considerations

4.65 The first paragraph of the policy will be updated to make it clear that the policy related to all mineral development, not just new development sites, and to recognise that mitigation measures can be provided off-site. Through the Duty to Cooperate, further amendments were proposed to the first paragraph to clarify that effective adaptation and resilience to future climatic changes are to be for the lifetime of the development (including restoration and aftercare). A reference to site operation will be added to Criteria 1 as this is something that needs to be considered when minimising greenhouse gas emissions and ensuring effective adaptation and resilience to future climatic changes. Also, following a review of best practice, the requirement to consider landform, layout, building orientation, massing and landscaping to minimise energy consumption, maximising cooling and avoiding solar gain in the summer will be added to the policy to create a new criterion which must be regarded to the extent that they are relevant when considering applications for minerals development. This will form a new Criteria 2. Although opportunities may be

relatively low, it is considered important that all forms of development actively seek to contribute to the overall goal of carbon reduction.

- 4.66 Within Criteria 2 (now Criteria 3), references to decentralised energy and zero carbon technologies are proposed to be added alongside low carbon energy technologies so that applications are required to more fully consider how, where relevant, that the developments proposed can ensure a reduction in the consumption of energy and natural resources. It is also proposed that Criteria 6 (now Criteria 7) of Policy S3 is updated to make reference to the need for mineral related planning applications to consider relevant Local Plans and Green Infrastructure Strategies when considering restoration proposals. A final paragraph is proposed to be added which clarifies that the Minerals Planning Authority will support minerals development which increases the resilience of communities and infrastructure to climate change impacts. Through internal engagement it was further requested that references to 'flood alleviation' be amended to 'flood resilience' and 'mitigating flood impacts' to align with terminology used by the Environment Agency.
- 4.67 A final amendment is proposed to Policy S3 which acts to clarify that the Mineral Planning Authority will support minerals development which increases the resilience of communities and infrastructure to climate change impacts.

Assessment of Associated Supporting Text (MLP Paragraphs 3.14 – 3.29)

- 4.68 Supporting text to this policy sets out the key policy drivers which guide the planning response to mitigating against climate change, and what minerals planning can specifically accomplish to address climate change. It sets out what information is expected to be provided as part of a planning application, whilst noting that there is no need to duplicate information submitted as part of conforming with Environmental Impact Assessment Regulations. The supporting text further requests that applications consider the potential to utilise renewable energy sources, promote water efficiency, reduce greenhouse gas emissions and promote climate change resilience through site restoration.
- 4.69 It is considered that the supporting text is NPPF compliant and provides appropriate direction for Policy S3 but that a number of amendments are required to update planning context or would be beneficial to provide a little more detail and context. However, in terms of NPPF compliance or to correct material deficiency, no amendments are assessed as being required.
- 4.70 A paragraph is proposed to be added at the beginning of the supporting text which highlights the importance of adapting to climate change by ensuring that new developments do not increase vulnerability to these potential impacts and contribute to the future resilience of communities and infrastructure.
- 4.71 Paragraph 3.16 will be updated to reference the UK's target for 2050 bring all greenhouse gas emissions to net zero, to better reflect key policy drivers to reduce greenhouse gas emissions. Paragraph 3.18 will also be updated to promote reducing the use of minerals in order to possibly mitigate against negative climatic impacts. Further examples of renewable energy sources, in the form of wind turbines and ground source heat pumps will be added to Paragraph 3.20. A further amendment to the same paragraph will note that the move towards zero-carbon development

requires comprehensive monitoring of energy demand and carbon emissions to ensure that planning commitments are being delivered.

- 4.72 Paragraph 3.22 is required to be updated so that the plan is compliant with current planning procedures and terminology. Reference to SuDS Approval Bodies (SABs) will be removed from the paragraph as they no longer exist, and again, as a result of internal engagement, references to 'flood alleviation' will be replaced with 'flood resilience' in Paragraph 3.22 and Paragraph 3.26 to reflect current terminology used by the Environment Agency. Through the Duty to Cooperate, it was requested that reference be made to specific marine plans. As such, an amendment is proposed to be made to the emerging South East Marine Plan as this is the plan which pertains to the MLP plan area. This reference will be updated through further iterations of this review as appropriate. Through internal engagement a further request was made to add reference to the Thames Estuary 2100 Plan as the plan area for this overlaps with the MLP Plan area.
- 4.73 Further minor amendments will be made to improve clarity and legibility throughout the policy's supporting text, to better reflect key policy drivers and to be compliant with current planning procedures.
- 4.74 Through Duty to Cooperate engagement, it was further requested that references were made to promoting Green and Blue Infrastructure. Duty to Cooperate engagement highlighted that the policy could be refreshed to take account of the fact that more could be done to mitigate against climate change. Therefore, reference is now made to mitigating and adapting to climate change, considering the long-term implications for flood resilience, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.

Conclusion

- 4.75 It is considered that Policy S3 is compliant with the NPPF and is effective in promoting mitigation against climate change within the remit of minerals planning. A number of amendments are suggested to both the policy and supporting text, which primarily acts to supplement previous information, although the need for applications to consider landform, layout, building orientation, massing and landscaping to minimise energy consumption, including maximising cooling and avoiding solar gain in the summer so far as is relevant has been added to policy. Amendments were proposed through the Duty to Cooperate to make clear that the need to ensure effective adaptation and resilience to future climatic changes are for the lifetime of the development (including restoration and aftercare). Further amendments are proposed in order to update the planning context, such as removing references to SuDS Approval Bodies, whose responsibilities now fall within the remit of the Lead Local Flood Authority as well to make specific mentions to relevant marine plans and the Thames Estuary 2100 Plan. Another proposed amendment recognises that the move towards zero-carbon development requires comprehensive monitoring of energy demand and carbon emissions to ensure that planning commitments are being delivered.

Policy S4 – Reducing the use of mineral resources

All development proposals shall ensure that mineral waste is minimised and that minerals on development/ redevelopment sites are re-used and recycled. This is to ensure both a reduction in the need for primary minerals and the amount of construction, demolition, and excavation wastes going to landfill. This will be supported by joint working with strategic partners to ensure:

- 1) The use of best practice in the extraction, processing and transportation of primary minerals to minimise mineral waste,
- 2) The application of national and local standards for sustainable design and construction in proposed development,
- 3) The application of procurement policies which promote sustainable design and construction in proposed development, and
- 4) The maximum possible recovery of minerals from construction, demolition and excavation wastes produced at development or redevelopment sites. This will be promoted by on-site re-use/ recycling, or if not environmentally acceptable to do so, through re-use/ recycling at other nearby aggregate recycling facilities in proximity to the site.

Purpose of Policy S4

- 4.76 This policy aims to increase the rate of aggregate re-use and recycling in Essex and provide the necessary mineral facilities to help achieve these aims. The MLP is built around the concept of the Minerals Supply Hierarchy. The hierarchy aims firstly to reduce, as far as practicable, the quantity of mineral used and waste generated, then to use as much secondary and recycled mineral as possible, before finally securing the remainder of mineral needed through new primary extraction and safeguarding appropriate mineral facilities and resources.
- 4.77 Policy S4 therefore aims to reduce the demand for, and use of, primary mineral resources through minimising of the amount of mineral waste created from the extraction, processing and transportation of minerals, as well as through the construction process. It also promotes re-use and recycling as a means to minimise mineral waste.

Compliance with the NPPF/PPG

- 4.78 Through the assessment provided in Table A6 (Appendix One), it is considered that Policy S4 is in conformity with the NPPF. It is further considered that there are no omissions within Policy S4 which result in any issues of non-compliance with national policy.

Further Considerations

- 4.79 Although the policy is considered to be compliant, a number of amendments are proposed which are considered to improve its operation. An amendment is proposed to replace the need to 'ensure' that policy criteria will be met with a need to

'demonstrate' that they will be met, to clarify that evidence is expected to be submitted to confirm compliance with this policy. A further proposed amendment acts to remove justification text which is more appropriate to capture in supporting text as well as to remove text that would restrict how the policy could be applied.

Assessment of Associated Supporting Test (MLP Paragraphs 3.30 – 3.47)

- 4.80 The supporting text sets out the legislative context for seeking to reduce mineral waste and how this is in conformity with the now adopted Essex and Southend-on-Sea Waste Local Plan (2017), which was emerging at the time the MLP was adopted. The supporting text highlights a number of national schemes that seek to promote the sustainable use of primary minerals and also highlights local design standards. The supporting text also notes that all Essex planning authorities have an important role to play in promoting waste reduction, sustainable construction and re-use and recycling.
- 4.81 The supporting text further qualifies that Policy S4 applies to all development across Essex. It sets out conditions that might be imposed on planning consents to ensure the sustainable use of minerals on redevelopment sites, and states that on-site re-use and recycling practices should be promoted and supported where not impacted by environmental constraints.
- 4.82 The supporting text is considered to remain NPPF compliant. It appropriately articulates a sustainable approach to mineral use which echoes a host of national and local strategies and provides suitable justification and background to the policy. The supporting text has been amended to update the status of the Essex and Southend-on-Sea Waste Local Plan (2017), which is now adopted, and recognise that the Code for Sustainable Homes is now a voluntary undertaking, which has been largely substituted by the Home Quality Mark. These amendments do not however affect the operation of the policy.

Conclusion

- 4.83 It is considered that Policy S4 is compliant with the NPPF. An amendment is however proposed to replace the need to 'ensure' that policy criteria will be met with a need to 'demonstrate' that they will be met, to clarify that evidence is expected to be submitted to confirm compliance with this policy. A further proposed amendment acts to remove text which either justifies the policy, which is better suited to supporting text, or which restricts policy application.
- 4.84 Minor amendments have been made to Paragraph 3.31 to update the status of the Waste Local Plan and Paragraph 3.33 in relation to the Code for Sustainable Homes. These amendments do not however affect the operation of the policy.

Policy S5 – Creating a network of aggregate recycling facilities

The increased production and supply of recycled/ secondary aggregates in the County is supported to reduce reliance on land-won and marine-won primary aggregates. The County's existing network of aggregate recycling facilities shall be maintained and expanded wherever appropriate. In addition:

- 1) Existing Strategic Aggregate Recycling Sites (SARS) identified on the Policies Map and defined in the map in Appendix 3 will be safeguarded from development that might result in their closure earlier than their permission. There is a general presumption that existing SARS should remain in operation for the life of the permission.
- 2) The Local Planning Authority shall consult the Minerals Planning Authority for its views and take them into account before determining development proposals that would compromise the continued operation and potential of an existing SARS.
- 3) Proposals for new aggregate recycling facilities, whether non-strategic or in the form of SARS, should be located on the main road network in proximity to the Key Centres of Basildon, Chelmsford, Colchester, and Harlow. Such proposals shall be permitted in the following preferred locations, provided they do not cause unacceptable highway harm, are environmentally acceptable and in accordance with other policies in the Development Plan for Essex:
 - a) On major demolition and construction sites (on a temporary basis);
 - b) Within permanent waste management sites;
 - c) In commercial areas used for general industrial or storage purposes, subject to compatibility with neighbouring land-uses;
 - d) On appropriate previously developed land;
 - e) On current mineral workings and landfill sites provided the development does not unduly prejudice the agreed restoration timescale for the site and the use ceases prior to the completion of the site; and
 - f) Within major allocated or permitted development areas (as set out in the Development Plan for Essex).

Purpose of Policy S5

- 4.85 The sustainable re-use and recycling of Construction, Demolition and Excavation (CDE) waste makes an important contribution to the Essex economy and helps reduce the amount of re-usable materials which are unnecessarily disposed to landfill. Such an approach subsequently reduces the need for primary mineral extraction and the environmental and social disturbance that this entails. Policy S5 aims to ensure that a network of aggregate recycling facilities is established and safeguarded across the County to promote the recycling of aggregates, wherever such waste arises from development and redevelopment projects.

Compliance with the NPPF/PPG

- 4.86 Through the assessment provided in Table A7 (Appendix One), it is considered that Policy S5 is largely in conformity with the NPPF. In particular, it is considered that the range of site typologies within which the Mineral Planning Authority would welcome applications for aggregate recycling, namely in proximity to key centres of growth and well located to the main transport network, strongly accords with NPPF Paragraph 103 which states that *'significant development should be focused on locations which are or can be made sustainable'*.
- 4.87 However, it is considered that there is an inconsistency between the approach of safeguarding 'strategic' aggregate recycling facilities and NPPF Paragraph 204 e) which states that planning policies should: 'safeguard existing, planned and potential sites for...the handling, processing and distribution of substitute, recycled and secondary aggregate material'. The NPPF does not set out a threshold at which to apply this policy and it is therefore assessed that it is appropriate to remove reference to strategic sites such that the approach applies to all recycling facilities. This also brings the approach into conformity with the Essex and Southend-on-Sea Waste Local Plan 2017 which makes no distinction between strategic and non-strategic sites in its safeguarding approach.

Further Considerations

- 4.88 A number of amendments are proposed for Policy S5 to accommodate operational matters in addition to the above. The final sentence of the first paragraph in Policy S5 is proposed to be deleted in order to remove reference to the fact that the County's existing network of aggregate recycling facilities shall be maintained and expanded wherever appropriate. This is to recognise that the MPA cannot itself 'maintain' or 'expand' facilities, its role can only extend to supporting applications where appropriate and safeguarding existing and allocated sites. A further amendment is proposed to reference the safeguarding provisions as set out in Policy S9 which would apply to the facilities of the type covered by Policy S5.
- 4.89 Part 2 of Policy S5 takes the form of a brief statement stating that LPAs are required to consult with the MPA before determining development proposals that would compromise the continued operation and potential of an existing SARS. Under the assessments of Policy S8 and Policy S9, it is suggested that Policy S9 is amended to set out the approach to safeguarding all forms of mineral infrastructure. As such it is assessed that this section can be omitted from the policy, with supporting text making clear that all mineral infrastructure safeguarding considerations are addressed by Policy S9 and its supporting text.
- 4.90 Part 3 is proposed to be amended to remove references to any specific Key Centre where development may take place. As previously stated in this review, with the move towards joint working at the district level, future growth locations in the County may not match the traditional areas where growth has previously taken place. As joint plans are at various stages of production, it is considered appropriate to state that the MLP will support aggregate facilities at areas of growth and development rather than attempt to specify where these might be.

4.91 Through Duty to Cooperate engagement, it was recommended that Clause f of the policy be removed. It was held that major development sites that come forward may not always be within an adopted Local Plan. These developments may however be of such a size as to justify the development of aggregate recycling facilities, but the clause as currently worded would act to automatically preclude the development of such a facility even though its primary aim is to facilitate them. This is accepted. It was further suggested that Clause f could be amended to specify a threshold relating to the size of the development which would denote it as being 'major' and therefore potentially appropriate to accommodate an aggregate recycling facility. The MPA however consider that it would be more practical to remove the clause entirely and allow the market to bring forward mineral infrastructure of this nature, subject to demonstrable compliance with the remaining criteria of the policy, and justify its need.

Assessment of Associated Text (MLP Paragraphs 3.48 – 3.75)

4.92 The supporting text opens by providing the legislative context for the recycling of aggregate. It notes that the EU Waste Framework Directive requires waste management authorities (including Essex County Council) to plan on the basis that over time there should be a significant reduction in the amount of CDE waste that is sent for disposal to landfill. It is also noted that recycled aggregate makes an important contribution to the County, both in terms of extracting additional value from mineral resources already extracted and minimising the impacts of further primary extraction.

4.93 The supporting text continues by defining what is meant by reused, recycled and secondary aggregates, as well as CDE Waste, before detailing a number of sources by which such aggregates are derived. The risk of a 'capacity gap' emerging with regard to aggregate recycling is set out, based on the capacity requirements as articulated in the 'National and Sub-National Guidelines for Aggregate Provision in England 2005-2020', which remains the latest iteration of the Guidelines. It is also noted that the capacity to manage this waste will reduce as temporary facilities reach the end of their planning permission.

4.94 The MLP supports the use of recycled aggregate by seeking to establish and maintain a County wide network of aggregate recycling facilities. It is recognised (MLP Paragraph 3.59) that new facilities will be needed to achieve sufficient aggregates recycling capacity in the County up to the end of the plan period to accommodate the latest CDE forecasts. It is further noted that the opportunity for the provision of larger, more sophisticated aggregate recycling facilities is thought feasible in areas where the volume of CDE waste arisings will be greatest. This is considered to be where major regeneration/redevelopment is planned and therefore proximity and appropriate road access to the future areas of growth is important, as is the incorporation of flexibility within the plan to be able to respond to any changes in the pattern of growth across the County. Such a stance closely mirrors NPPF Paragraph 11a which requires that '*plans should positively seek opportunities to meet the development needs of their area*' and NPPF Paragraph 103 as previously mentioned, which requires that '*significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel*'.

- 4.95 Paragraph 3.62 is proposed to be amended to remove reference to requiring to see a major step change in the quality of the output of aggregate recycling facilities as the MPA does not hold data which suggests that there needs to be such a step change in output quality.
- 4.96 Much of the remainder of the supporting text makes a distinction between different types of aggregate recycling facilities. Strategic Aggregate Recycling Sites (SARS) are defined in the first instance as static facilities with a capacity to recycle at least 100,000 tonnes per annum as a minimum (alongside other criteria). Non-strategic aggregate recycling sites are defined as those with a capacity of less than 100,000 tonnes per annum. The Plan does not currently safeguard these existing non-strategic aggregate recycling facilities in the County. These are said to be disparate in terms of their location, operational plant and activities, and relationship with neighbouring land-uses, including the main road network. Therefore, it was considered that a general safeguarding policy for all such facilities across the County in the Plan would be inappropriate and that they are best dealt with on a case by case basis having regard to Local Plan Reviews or the Development Management process.
- 4.97 This position has since been updated through the Essex and Southend-on-Sea Waste Local Plan 2017 (WLP). WLP Policy 2 - *Safeguarding Waste Management Sites and Infrastructure* is defined, through WLP Paragraph 6.7, as applying to 'all permitted waste developments'. However, the WLP also introduces a discretionary approach, as articulated in Paragraph 6.10. This paragraph states that '*In some cases, the potential adverse impact on a waste site or operation of a waste facility may not be contested by the WPAs. Such instances could include scenarios where it can be ascertained that there are wider social, environmental and/or economic benefits resulting from new development that may outweigh the retention of the waste use*'. By virtue of the adoption of this WLP policy, all aggregate recycling sites are now safeguarded but the Minerals and Waste Authority retains the option of whether to formally object to the application. It is also the case that the NPPF states that planning policies are required to safeguard existing, planned and potential sites for recycled and secondary aggregate material and makes no suggestion that sites should be discounted from such provisions on the basis of any characteristic.
- 4.98 Due to the safeguarding provisions set out in the WLP 2017, it is noted that the distinction between a SARS and a non-strategic aggregate recycling centre, as defined through the MLP, has little impact on the application of safeguarding policy as updated through the WLP. As such it is proposed that MLP Policy S5, and its associated text, is amended to remove this distinction between strategic and non-strategic facilities. This creates the need for a number of individual amendments.
- 4.99 Paragraph 3.69 was the beginning of a separate section on Strategic Aggregate Recycling Sites (SARS). This has been repurposed into a new section titled 'General Characteristics of Aggregate Recycling Facilities' as one or more of the characteristics listed here generally apply to all aggregate recycling facilities. Paragraph 3.70 then lists those aggregate recycling facilities which would have been considered 'strategic' under the definition. This is proposed for removal as it would no longer serve any purpose. These sites would be safeguarding under Policy S9 in the proposed revised approach. Paragraph 3.72 and Paragraph 3.73 are proposed to be amended to substitute references to SARS with the more general term

'aggregate recycling facilities' but the principles otherwise set out remain true. Minor amendments are further made to provide additional context or clarification.

- 4.100 Other amendments are proposed to be made to supporting text to Policy S5 outside of the proposal to no longer make a distinction between strategic and non-strategic sites. Through the Duty to Cooperate, it was noted by the Environment Agency that most, if not all, recycled construction and demolition products will always be recycled and will always need to be referred to as recycled, such as concrete broken into smaller grades. Factory Control processes are written for these and the aggregates Quality Protocol say the invoices must show in some way that it's a recycled product, it cannot be sold as new/virgin material. As such, it is proposed to remove the word 'new' from Paragraph 3.52 such that it now states that 'Aggregate can be recycled to form materials including concrete, brick, plasterboard and ceramic items'
- 4.101 Amendments to Paragraph 3.58 and Paragraph 3.60 seek to capture a general trend whilst removing contemporary information which will quickly date the Plan. Reference is instead made in these paragraphs to the Authority Monitoring Report where data related to the issues discussed in these paragraphs can be more regularly updated.
- 4.102 An amendment is proposed for Paragraph 3.63 to accommodate the uncertainty surrounding where areas of growth in Essex may be in the future as this is dependent on the adoption of Joint Strategic Plans which are currently emerging. An additional paragraph has been incorporated at the beginning of a revised section that originally addressed non-strategic aggregate recycling facilities to note the economic importance of aggregate recycling facilities. This new paragraph follows Paragraph 3.65. Although, as previously stated, specific areas for future growth and development are unknown, proposed amendments to Paragraph 3.67 captures the importance of focusing development in places that are considered 'sustainable or can be made sustainable'. These proposed amendments incorporate the provisions of Paragraph 3.68 which is subsequently proposed for deletion.
- 4.103 A minor amendment is required to Paragraph 3.74 to note that the WLP is now adopted and contains information relating to CDE arisings and management capacity, and a further amendment is proposed to set out that mineral infrastructure safeguarding provisions are now addressed through MLP Policy S9. Other minor amendments have been suggested to improve clarity and grammar, remove statements that could be considered 'too general' and are not supported by evidence, or to qualify the MPAs position. Further, Paragraph 3.75 is proposed to be amended to address the need for planning applications to avoid adverse effects on the integrity of internationally or nationally important wildlife sites, and to set out that this is to be demonstrated through a project level Habitats Regulation Assessment. This was requested through the Habitats Regulations Assessment (HRA) carried out on the MLP in order to ensure that any new aggregate recycling sites avoid causing Adverse Effect on Integrity (AEOI) to Habitats Sites.

Conclusion

- 4.104 The overarching approach to Policy S5 is assessed as being in conformity with the revised NPPF but the detail with regard to its application is not fully aligned with the NPPF or WLP Policy 2, which was adopted three years after the MLP. As such it is

considered necessary to amend MLP Policy S5 and its associated supporting text such that any distinction between a SARS and a non-strategic aggregate recycling site is removed. This requires a number of amendments throughout supporting text, but the principles originally put forward to apply to either strategic or non-strategic sites still hold true when applied to aggregate recycling facilities generally. Further amendments are required to remove reference to specific growth locations that may be supported by aggregate recycling facilities in recognition that these may change as a result of the outcome of joint planning work being undertaken by a number of districts across Essex. It is also proposed that new supporting text will also make clear that the approach to mineral infrastructure safeguarding is now the preserve of Policy S9, with this fact also proposed to be included within the wording of Policy S5 itself. Minor amendments are also required to Paragraph 3.74 to note that the WLP is now adopted and contains information relating to CDE arisings and management capacity. A further amendment to Paragraph 3.74 is proposed to set out that mineral infrastructure safeguarding provisions are now addressed through MLP Policy S9. Further, as a result of HRA assessment, Paragraph 3.75 was updated to include information around the need for new applications to demonstrate that they would not have adverse effects on the integrity of internationally or nationally important wildlife sites.

Policy S6 – Provision for sand and gravel extraction

The Mineral Planning Authority shall endeavour to ensure reserves of land won sand and gravel are available until 2029, sufficient for at least 7 years extraction or such other period as set out in national policy.

The working of Reserve sites will only be supported if the landbank with respect to the overall requirement of 4.31mtpa is below 7 years.

Mineral extraction outside Preferred or Reserve Sites will be resisted by the Mineral Planning Authority unless the applicant can demonstrate:

- a) An overriding justification and/ or overriding benefit for the proposed extraction, and,
- b) The scale of the extraction is no more than the minimum essential for the purpose of the proposal, and,
- c) The proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan.

Purpose of Policy S6

4.105 Policy S6 sets 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, and therefore the total amount of mineral required to be provided for over the Plan period. This figure was derived through an exercise as set out in the 'Greater Essex Local Aggregate Assessment 2013' and 'Review of the planned supply of Aggregate Provision in Essex 2012-2029' documents which were submitted as evidence to the Examination in Public of the document that became the MLP. Subsequent iterations of the Local Aggregate Assessment have continued to monitor the rate of planned aggregate provision against aggregate sales on an annual basis, and these are available on the Essex County Council website⁴.

4.106 Policy S6 also confirms compliance with the need to ensure the maintenance of a landbank of at least seven years for sand and gravel. Additionally, a plan-led approach to identifying sites for mineral extraction is established via this policy through the stated position of mineral extraction being resisted outside of those sites allocated in the MLP, unless defined criteria are met.

Compliance with the NPPF/PPG

4.107 Through the assessment provided in Table A8 (Appendix One), it is considered that elements of Policy S6 are demonstrably in conformity with the NPPF. The policy appropriately responds to the requirement to maintain the sand and gravel landbank at seven years and ensures that the planning framework for minerals is plan-led through a clearly articulated preference for applications to come forward on allocated sites over those which are not allocated through the Plan.

⁴ <https://www.essex.gov.uk/planning-policy-minerals-waste/minerals-local-plan>

Consistency between Policy S6 and Policy S8

4.108 Reference was made to a potential conflict between MLP Policy S6 and MLP Policy S8 in Paragraph 79 of Appeal Reference: APP/Z1510/W/16/3146968. It was noted by a witness acting for the appellant that a planning application for prior extraction under Policy S8 could be found to be in conflict with Policy S6 which seeks to regulate planning applications for extraction coming forward on sites that are not allocated through the MLP. This interpretation is rejected. Policy S6 seeks to maintain a plan-led system with regard to applications for mineral extraction, or in other words, where mineral extraction is the primary purpose of the development. It is not intended to work against prior extraction where extraction is undertaken as part of a non-mineral led application such that best use can be made of a finite resource (i.e. to ensure that the mineral is not sterilised by non-mineral development). It is noted that this distinction is already made in supporting text at Paragraph 3.106 of the MLP but for clarity a direct cross reference to Policy S8 is proposed to be inserted.

Further Considerations

4.109 Whilst these are not issues relating to soundness, the title of Policy S6 is proposed to be updated to “General principles for sand and gravel provision” to better reflect the breadth of the policy. It is also intended to make reference to Policy P1 within Policy S6 to clarify how sand and gravel provision has been made through Preferred Sites. Without this amendment, the policy only includes information about sites coming forward off-plan rather than preserving the plan-led system.

4.110 Whilst Policy S6 is therefore considered to be in broad conformity with the NPPF/PPG, there are six key elements of Policy S6 that require further assessment. These are as follows and are addressed separately below.

1. The continued appropriateness of 4.31mtpa as the figure upon which to base annual mineral provision in the county and therefore the total amount of mineral that needs to be allocated throughout the remainder of the Plan period.
2. The Plan’s approach to Reserve Sites. The NPPF/PPG is silent on the concept of Reserve Sites as a means to regulate supply, and the PPG makes clear that there is no ‘maximum landbank’ such that the state of the landbank cannot itself be used to refuse planning permission. The landbank position is however key to the consideration of Reserve Sites.
3. The interpretation of maintaining a landbank of seven-years. As stated in MLP supporting text, the MLP allocated sufficient mineral equating to an annual supply rate of 4.31mtpa per year across the plan period after the deduction of existing permitted reserves. No commentary is provided as to whether the amount of mineral allocated would ensure that there would be a seven-year landbank remaining at the end of the plan period. An assessment will therefore be provided of the expected position of the landbank at the end of the Plan period based on the current apportionment and latest sales information.
4. The policy approach to assessing extraction proposals coming forward on

non-allocated sites. Otherwise known as ‘windfall sites’, the current approach is considered to be compliant with national policy as it is in an adopted plan, but any impact of its implementation warrants further assessment.

5. Whether planning mineral provision on the basis of a single combined landbank for building and concreting sand, maintained at the County level, has resulted in the sufficient provision of building sand to supply its distinct end uses. This assessment was required to address Issue 3 of the Inspectors Report on the Examination of the Essex MLP. It has been considered in detail in a separate report⁵ which has been published as part of this Review, with the conclusions of this study summarised in this report from Paragraph 4.154 onwards.

6. Whether there is the potential for increasing the proportion of marine-won sand and gravel contributing to the overall County requirement for sand and gravel as a means to reduce the future demand for land-won sand and gravel. The Planning Inspector presiding over the Examination in Public of the MLP specifically requested that this be considered as part of the first review of the Plan to address Issue 1 in their report. This has also been considered in detail in a separate report⁶ which has been published as part of this Review. The conclusion of this study is summarised in this report from Paragraph 4.163

Whether 4.31mtpa is the appropriate amount of Sand & Gravel to plan for.

- 4.111 The only aggregate that is quarried and produced in Essex is sand and gravel. Paragraph 207 of the NPPF states that “*Mineral Planning Authorities should plan for a steady and adequate supply of minerals*” and then sets out a range of criteria through which such a supply can be quantified. The starting point for this quantification is stated to be an assessment of the last ten years of average sales, before supplementing this with ‘other relevant local information’.
- 4.112 The adopted Essex MLP apportionment figure of 4.31mtpa was however primarily underpinned by the ‘National and Sub National Guidelines for Aggregates Provision in England 2005 – 2020’. These guidelines were based on a Central Government forecast of the amount of mineral that would be required to support growth on a national scale, which was then divided into an apportionment figure to be allocated to each region. Regional Assemblies (that were later dissolved) subsequently had the role, in conjunction with Mineral Planning Authorities, of dividing these regional apportionment figures into an annual apportionment for each mineral planning area. The current apportionment associated with Essex was derived from the East of England regional figure provided in the aforementioned Guidelines published in 2009.

⁵ A Re-examination of Building Sand Provision in Essex 2019

⁶ Report to Determine Whether Marine-Won Aggregate Supply Can Offset the Demand for Land-Won Aggregates in Essex
October 2020

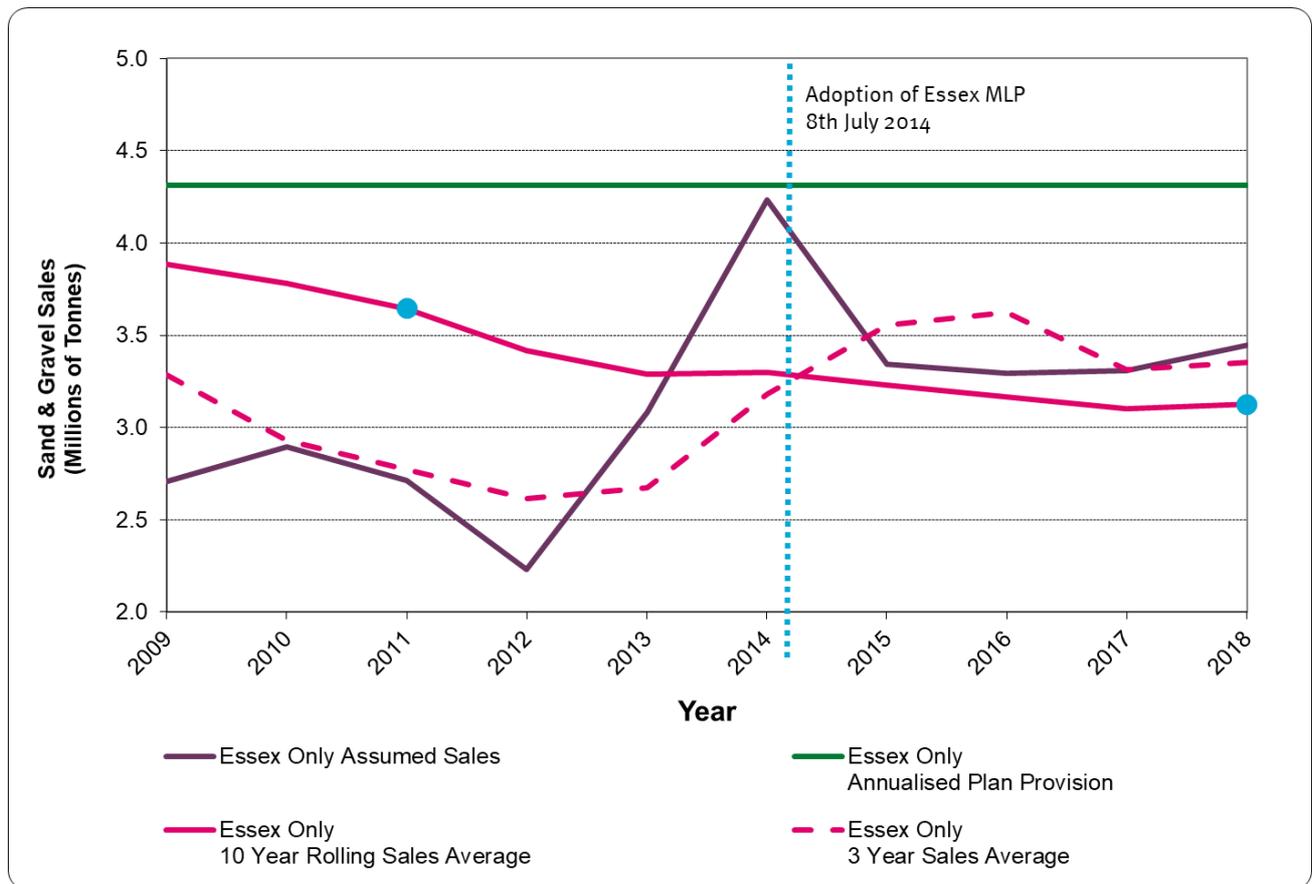
- 4.113 Sand and gravel annual sales and permitted reserve⁷ data is collected from operators by the MPAs, as part of the annual national Mineral Survey. This allows MPAs to calculate if there is sufficient permitted reserve within the reporting area to sustain a seven-year landbank. For reasons of commercial confidentiality, all sites in Essex, Thurrock and Southend-on-Sea are combined into the reporting area of 'Greater Essex'.
- 4.114 The Greater Essex apportionment is 4.45mtpa, with a proxy of 0.14mtpa being used to equate to both the apportionment and sales in Thurrock whenever a split between Greater Essex and Essex is required to be articulated. Sales of sand and gravel in Southend-on-Sea are taken as 0mtpa given the absence of mineral workings. Reported mineral sales in Essex are therefore an 'assumed figure', calculated by taking the Thurrock apportionment of 0.14mtpa away from the Greater Essex apportionment and sales data. This leaves the Essex apportionment standing at 4.31mtpa, as set out in MLP Policy S6. Whilst the NPPF states that the ten-year rolling sales average is intended to be the basis for future mineral provision, it also states in Para 207 d) that MPAs should take "*account of any published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates*".
- 4.115 The PPG further states that the Guidelines are to be used as an indication of supply rather than a rigid basis (Reference ID: 27-068-20140306). The ten-year rolling sales figure available for Essex at the point of the EiP Hearings was 3.62mtpa. It was therefore a point of contention as to whether the MLP was overproviding for mineral by adopting the sub-national guidelines figure of 4.31mtpa, and that instead allocations should be made on the basis of an annual provision of 3.62mtpa for Essex as calculated through ten-year rolling sales. This would result in a reduction in mineral provision of 19% compared to the use of the apportionment figure.
- 4.116 The Essex MPA justified the use of the higher planning figure by making references to a number of sources:
- the Oxford Econometrics East of England Forecasting Model,
 - increasing Central Government household projections,
 - increasing Essex district housing completion forecasts, and
 - the major infrastructure projects to be located in the area.
- 4.117 The Inspector accepted this argument to a degree, finding the proposed apportionment sound on the proviso that the proposed schedule of Preferred Sites was modified (See Paragraph 4.137).
- 4.118 As part of this review of the MLP, it is considered necessary to re-examine the appropriateness of the Plan apportionment as this is fundamental to the MLP. It is noted that the primary basis for the current MLP apportionment, the 'National and Sub National Guidelines for Aggregates Provision in England 2005 – 2020', have now expired. There is currently no indication from Central Government as to when

⁷ 'Permitted reserve' means the amount of mineral that is permitted for extraction at a particular location but has yet to be extracted

these Guidelines will be replaced despite references to these guidelines being retained in both the latest iteration of the NPPF, adopted in 2019, and a revised NPPF upon which consultation began in January 2021. The current position with regard to the National and Sub-National Guidelines is returned to in Paragraph 4.131 to 4.136.

4.119 Putting aside the consideration of the Sub-National Guidelines, as previously stated a rolling ten-year sales average is to be the basis from which to quantify the amount of mineral which equates to a steady and adequate supply. The following graph sets out the current position regarding the ten-year rolling sales average.

Figure 1: Comparison of Rolling Ten-Years Sales of Sand & Gravel in Essex



Source: Essex County Council (2019)

Note 1: The Y axis does not start at zero

Note 2: The blue dot located on the assumed 'Essex Only 10 Year Rolling Sales Average' reporting line in 2011 represents the data point from which the ten-year rolling sales discussed at the EiP Hearings into the MLP was calculated. The 2018 blue dot on the same line is the data point on which ten-year rolling sales was re-calculated for this review.

4.120 The current⁸ rolling ten-year sales average is 3.13mtpa, down from the 3.62mtpa presented at the EiP in 2013. This does however mask a pattern of significant variation in sales across the period assessed and a general increase in sales since

⁸ Based on Minerals Survey data for the year 01 January to 31 December 2018

the MLP was adopted. Essex only assumed sales can be seen to have increased in general between the last ten-year period (2009 to 2018), from 2.71 million tonnes (Mt) to 3.45mt. Within this time, the highest sales were in 2014 (4.23mt) whilst the lowest were in 2012 (2.23mt). Figure 1 above evidences a clear reduction in the ten-year sales average and it can be seen that an annual Plan provision of mineral made on the basis of the last ten-years of sales as reported at that year would have failed to amount to a 'steady and adequate' supply of minerals since 2013. At 3.56mt, the latest sales figure would not be satisfied by a plan provision based on the latest ten-year average of 3.23mt (down from 3.63mt at the time of the Examination Hearings). The current direction of travel of sales is a general increase whereas the current direction of the ten-year average is a general decrease. It is recognised that, by definition, sales will be above and below an averaged sales figure, but nonetheless the general sales pattern is that of a rise. This is considered to make the ten-year rolling sales average an inappropriate quantity on which to base future Plan provision, and thereby justifies a continuation of the current apportionment-based approach.

- 4.121 The PPG also requires that MPAs 'look at average sales over the last three years in particular to identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply'. The last three-year sales averages are also shown in Figure 1.
- 4.122 The three-year sales average more closely mirrors actual sales of sand and gravel than the ten-year sales average. However, it is noted that the three-year sales average is a relatively volatile figure which is reflective of the variance in recorded sales across the period. It is therefore difficult to justify that any particular three-year sales average is sufficiently representative of actual sales to merit its inclusion as the basis for mineral provision in a strategic plan. What can be said is that Figure 1 clearly shows a general upward trend in sand and gravel sales and as such a reduction in future Plan provision would be contrary to this existing trend. It is however noted that both the three and ten-year averages are consistently below that of the actual Plan apportionment, which was only broadly met once across the period of study. Whilst it is considered appropriate to maintain a buffer between plan provision and actual sales, such that the Plan can respond to any sudden uplift in sales without modification, the current mineral apportionment of 4.31mtpa is 20.6% above assumed sales, 22.3% above the current three-year sales average and 27.5% above the current ten-year rolling sales average. Whilst there is no appropriate buffer set out in national policy or guidance, the difference between actual sales and the apportionment within the MLP merits further assessment.

Table 2: Comparing the MLP Sand & Gravel Annual Apportionment with Essex Sand & Gravel Sales (Mt)

YEAR	Essex Only Assumed Sales	Annualised Plan Provision (Essex Only Allocation)	Annual "Saved" Sand & Gravel	Cumulative "Saved" Sand & Gravel
2014	4.23	4.31	0.08	0.08
2015	3.34	4.31	0.97	1.04
2016	3.29	4.31	1.02	2.06
2017	3.31	4.31	1.00	3.06
2018	3.45	4.31	0.86	3.92

Source: Essex County Council (2019)

Note: 'Assumed Sales' calculated by subtracting Thurrock Annual Apportionment from Greater Essex Sales (see Paragraph 4.116)

- 4.123 Table 2 sets out the difference between annual assumed sales of sand and gravel, and the annual provision made for sand and gravel in Essex on both an annual and cumulative basis. It shows that across the years that the MLP has been adopted, sales have equated to 3.92mt less than what would be suggested by the Plan apportionment. This equates to 90% of the provision for a single additional year.
- 4.124 Not regarding the first year of Plan adoption, annual sales have approximately equated to 1mtpa less than the annual apportionment. Ignoring the recent trend of rising sales and the 2014 result, it can be broadly stated that a further 10mt of sand and gravel might be 'saved' across the remainder of the Plan period, should sales continue at broadly the same rate. This equates to a further 2.3 years of supply above that which the Plan must make explicit provision for, which sits within the context of the MLP covering a period of 15 years from adoption. It should be noted however that this figure would reduce if sales were to further increase. This additional headroom is considered to be compliant with national policy, with Paragraph 11a of the NPPF stating that '*plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change*'. With regard to the MLP, the 'development needs' that the plan is to service relates to the provision of sufficient aggregate to support growth and development.
- 4.125 During the EiP Hearings in 2013 it was noted that 80% of aggregates produced in the County are consumed within the County⁹, and the Inspector noted that any economic recovery is likely to be related to increased activity in house building to which the mineral industry, and therefore the MLP, would need to respond.
- 4.126 Taking housing provision as a proxy for demand, 40,433 homes were delivered over the previous ten years in Essex. With reference to the '*current local assessment of housing need, based on the most recent publicly available document*' dataset published by Central Government in September 2017, the next ten years of housing provision sets a target to deliver 60,739 homes in Essex. Therefore, there is the potential that an uplift of 50% in housing completions will need to be delivered to meet the Government's needs assessment. Alongside this will be local infrastructure to support these developments, as well as the potential need to provide mineral for proximate nationally significant projects such as the Lower Thames Crossing and Bradwell B nuclear power station. These could all create a significant increase in demand which the MLP will need to respond to. Total construction in the East of England is forecasted to rise by an average of 1.3% per annum between 2018 – 2022¹⁰.
- 4.127 Since the above assessment was made, the authority has produced a further topic paper¹¹ assessing the proposed MLP aggregate provision against forecasted housing completions and a number of other forecasts derived from the Oxford Econometrics East of England Forecasting Model. With regard to the new 'Standard Method' that the NPPF expects strategic policy-making authorities to follow for assessing local housing need, for Greater Essex the standard method indicates an annual provision of 10,683 dwellings between 2020 and 2029, compared with average recorded dwelling completions of 5,605 between 2010 and 2019. This

⁹ Greater Essex Local Aggregate Assessment 2013

¹⁰ Construction Skills Network Forecasts 2018-2022, CITB Research/Experian (2018)

¹¹ Other relevant local information to justify aggregate provision in Essex, 2012-2029

represents an increased rate of dwelling provision of 90%, which is significantly higher than that required by the assessment of housing need published by the Government in September 2017.

- 4.128 It is recognised that the justifications set out above echo that presented by ECC at the EiP Hearings; that a mineral apportionment higher than the ten-year rolling sales was appropriate as ‘other relevant local information’, another consideration set out by the NPPF (Paragraph 207, Clause a), suggested an upturn in development and therefore mineral demand. Whilst it is acknowledged that such an upturn has yet to be realised, future housing targets/ delivery rates to which the MLP must respond still equate to a significant upturn in comparison to historic delivery. The appropriateness of using previous supply trends (i.e. ten years rolling sales) as a basis for provision must therefore be questioned, particularly in light of the fact that the ten year rolling average calculated on the basis of the most recent data would fail to equate to the current level of need, let alone this forecasted uplift in need that would be expected to arise as a result of an increase in development rates. It is further noted that the current ten-year sales average is lower than that presented at the EiP.
- 4.129 When sales are compared to the ten-year rolling sales average at the point of the Plan being assessed at its Examination in Public, which equated to 3.62mt, it can be seen that actual sales exceeded this average in the first year following adoption. For the next four years, actual sales represented 91-95% of the ten-year average sales calculated at the point of Plan formation. Whilst this may appear to be an appropriate target, having actual sales so closely match the plan provision is not held to equate to the NPPF Paragraph 11a requirement of producing development plans which are ‘sufficiently flexible to adapt to rapid change’, as shown in 2014 where annual sales exceeded the annual provision by 17%. It should also be clarified that the proposed plan apportionment rate of 4.31mtpa is not a ‘target’, nor has it created a situation in Essex where sales have increased to match this figure. Sales of sand and gravel are market-led, and the proposed continuation of the provision of 4.31mtpa imbues the plan with the ability to accommodate increases in need without the requirement for emergency review. Should sales not match the annual apportionment, which they should not if the provision is to be considered ‘adequate’ to support development needs, it translates to the reserve permitted in the Plan lasting for longer than forecasted, rather than the reserve being used up quicker.
- 4.130 It is therefore considered that given the inappropriateness of using the base figure of either the last ten years of sales or the ten year sales average calculated at Plan formation, it is appropriate to re-consider the National and Sub-National Guidelines for Mineral Provision given their prominence in the NPPF. As set out previously, with regard to the status of the latest Guidelines, they cover the period 2005 – 2020 and therefore have now expired. This leads to the need to consider the appropriateness of their continued use in the first instance.
- 4.131 The latest iteration of the NPPF was published in 2019, with Paragraph 207 Clause d) stating that part of providing for a steady and adequate supply of aggregates includes the need to take ‘*account of any published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates*’. A revised iteration of the NPPF also began its consultation in January 2021. This consultation version of the NPPF

set out a number of proposed amendments to the NPPF but the wording of the above paragraph remains intact. This is despite the fact that the current iteration of the Guidelines has expired. It is therefore taken that the concept of using Guidelines is to currently remain in place and that they retain value. The PPG qualifies that *“The basis for the provision of the supply of aggregates is through the Local Aggregate Assessment. Mineral planning authorities may decide, collectively, to plan for more or less than set out in the Guidelines based on their Local Aggregate Assessment.”* (Reference ID: 27-070-20140306).

4.132 In light of the above, the appropriateness of the continued use of Guidelines to support aggregate provision appears clear but to date it is understood that no update to these Guidelines is to be immediately forthcoming. Nonetheless, the government made a commitment to reviewing the national guidelines in its response to comments received through consultation prior to publishing the latest iteration of the NPPF in February 2019, as now discussed:

4.133 The usefulness of the current iteration of the Guidelines formed a consultation question as part of the NPPF Consultation in 2018. The question posed was ‘Do you have any views on the utility of national and sub-national guidelines on future aggregates provision? The Government reported on its response to this question in a report entitled ‘*Government response to the draft revised National Planning Policy Framework consultation, July 2018*’.

4.134 It was stated that:

“The Government recognises that planning for minerals is essential to increasing the supply of housing and other development, and that without updated guidelines, there is a real risk of under-provision and possible sterilisation of mineral resources. A number of representations have pointed out that while the MASS may be acknowledged in the Framework, it has ceased to function in practice. The Government notes the case that has been made for revitalising the MASS. Doing so raises important questions of resources, capability and how to do so in a modern, data-science led way. The Government intends to explore these issues after the publication of the Framework.”

4.135 It can be concluded therefore that the role of some form of guidance is recognised as being fundamental to the successful operation of mineral supply, and that without it, minerals may be under-provided. However, the form of that Guidance and the methodologies that underpin it may change in the future.

4.136 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. This conclusion is further supported by the fact that a recalculation of mineral supply on the basis of the current ten-year rolling sales, as currently advocated by the NPPF, would not support recent annual sales, which is considered to amount to ‘other relevant local

information' which allows for a deviation from this methodology as set out in NPPF Paragraph 207 Clause a.

The Continued Inclusion of Reserve Sites in the Minerals Local Plan

4.137 The current iteration of the MLP includes a schedule of sites, split into 'Preferred Sites' and 'Reserve Sites'. All sites 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 ten-year rolling sales (29.13mt).

4.138 Paragraph 46 of the Inspectors Report 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."*¹²

4.139 Further, Paragraph 48 of the same report states:

"There is no conflict in this approach with the principle that there is no maximum landbank and that every application is treated on merit. The landbank level is merely used as an indicator as to when a Reserve Site should, in effect, be treated in the same manner as a Preferred Site by Policies S6 and P1. The alternative would be to reduce the overall requirement and to delete a proportion of the Preferred Sites altogether. This would be contrary to the best interests of mineral planning in the County should demand recover during the Plan period to a level reflecting the regional apportionment."

4.140 As highlighted in Table A8 (Appendix One), this was transposed into the MLP under Policy S6 as 'The working of Reserve sites will only be supported if the landbank with respect to the overall requirement of 4.31mtpa is below 7 years.' Notwithstanding the explanation provided in Paragraph 48 of the Inspector's Report, this does appear contrary to the PPG, which states that 'There is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank' (Reference ID: 27-084-20140306). It is also worth noting that the concept of Reserve Sites does not feature

¹² Report on the Examination of the Essex County Council Replacement Minerals Local Plan (January 2013)

in the NPPF or PPG although it is understood that this fact alone does not make the approach unsound.

- 4.141 For the concept of Reserve Sites to remain policy compliant, it is considered that they would need to be treated as unallocated sites until such a time that the landbank falls below the statutory seven years, upon which they would be elevated to Preferred status until the landbank increases back above seven years. This in itself could create issues around determination when two applications for extraction at different locations are proceeding broadly in tandem. Perversely, it also technically makes it more difficult for a Reserve Site to get planning permission than a non-allocated site as the policy explicitly states that applications will not be supported on non-allocated sites if the landbank is above seven years. This is not the case for non-allocated sites which would be assessed under Policy S6 irrespective of the existing level of the landbank.
- 4.142 Irrespective of the appropriateness of the mechanism by which Reserve Sites could be permitted, following the assessment above into whether 4.31mtpa remains an appropriate figure upon which to base plan provision, it is considered that sales information gathered since the adoption of the MLP justifies the removal of the 'Reserve Site' designation and that the two sites currently denoted as such are placed within the pool of Preferred Sites.
- 4.143 The rationale for this amendment is that Reserve Sites were allocated on the basis of accommodating the difference between provision made on the basis of ten-year sales and provision made in accordance with the Sub-National Guidelines. Figure 1 demonstrates that the ten-year rolling sales average would have failed to provide sufficient mineral to accommodate annual mineral sales since the adoption of the MLP, meaning that such a level of provision is not valid. As such, the basis for the concept of Reserve Sites is removed, making their continued existence untenable. It is proposed to amend Policy S6 so that reference to the 4.31mtpa requirement is still included in the policy as it was requested in Paragraph 52 of the Inspectors Report that reference to the full 4.31mtpa requirement is included in the plan. Further, Paragraph 4.124 of this report concludes that the gap between assumed sales and the Essex apportionment is not out of conformity with national policy, resulting in an 'over-estimation' of the equivalent of 2.3 years of sales compared to the rate of the annual apportionment across a 15-year time horizon at current rates. This calculation includes those sites currently designated as Reserve Sites, and amounts to an 'over-estimation' of mineral required to support the plan period by 15%, which is considered to accord with the need for Local Plans to be flexible (NPPF Para 11a) and is in any event tempered by the issue raised below.

The Implications of Maintaining a Landbank of Seven Years for Sand and Gravel across the Plan Period

- 4.144 Paragraph 3.97 of the MLP, which is proposed to be updated and moved into Paragraph 3.96, sets out the basis of how the total provision of sand and gravel in the MLP was made. It states that at a rate of provision of 4.31mtpa, 77.58mt of sand and gravel would need to be produced over the plan period, including the time that the plan was being developed (2012 – 2029, with 2029 representing 15 years after the date of adoption in 2014). From the total figure of 77.58mt, the existing reserves as existed on the base date of 31st December 2011 were subtracted, as was the total

volume permitted through planning permissions issued between 1st January 2012 up to the point of this calculation being performed.

- 4.145 This resulted in a figure of at least 40.67mt being required to be secured by way of allocation through the designation of Preferred Sites. It is important to note that accounting for this amount of provision through Preferred Site allocations would not result in sufficient sites being allocated throughout the length of the Plan period i.e. to 2029. This is because the level of provision made in the MLP would result in the total amount of mineral remaining equating to a landbank of less than seven years at the end of the Plan period if sales met the apportionment every year. This would be contrary to the requirement of maintaining a landbank of at least seven years for sand and gravel at any one point in time, which equates to 30.17mt at the overall requirement of 4.31mtpa. As such, at a point of time between the Plan being adopted and the Plan expiring, a further Call for Sites would need to take place. This was considered to be a justified approach given the uncertainty at the Plan making stage of whether it was appropriate to base provision on the annual apportionment or ten-year rolling sales.
- 4.146 The following table sets out what the estimated sand and gravel landbank would be in Essex given an annual rate of sales of 4.31mtpa under four scenarios. Any allocated or reserve site (as listed in the MLP (2014)) has been factored into the analysis to commence at the date stated within the MLP, or as updated through further correspondence carried out as part of this review.

Table 3: Comparison of Essex Sand and Gravel Landbank Remaining 2018 – 2029 under Different Provision Scenarios, Assuming Sales of 4.31mtpa, October 2019

Year (31 December – unless otherwise stated) ¹³	Scenario 1	Scenario 2	Scenario 3	Scenario 4
	Permitted Reserves with no further additions	Permitted Reserves plus Pending Application	Permitted Reserve, Pending Applications + all Preferred Sites	Permitted Reserves + Pending Applications + Preferred Sites + Reserve Sites
	Landbank (Years)	Landbank (Years)	Landbank (Years)	Landbank (Years)
2018 (actual)	6.74 (actual)	9.13	9.13	9.13
01/10/19 (estimate ¹⁴)	8.20			
2019	7.95	8.80	8.80	8.80
2020	6.87	7.80	7.80	7.80
2021	5.87	6.80	7.73	7.73
2022	4.87	5.80	6.73	8.24
2023	3.87	4.80	5.73	7.24

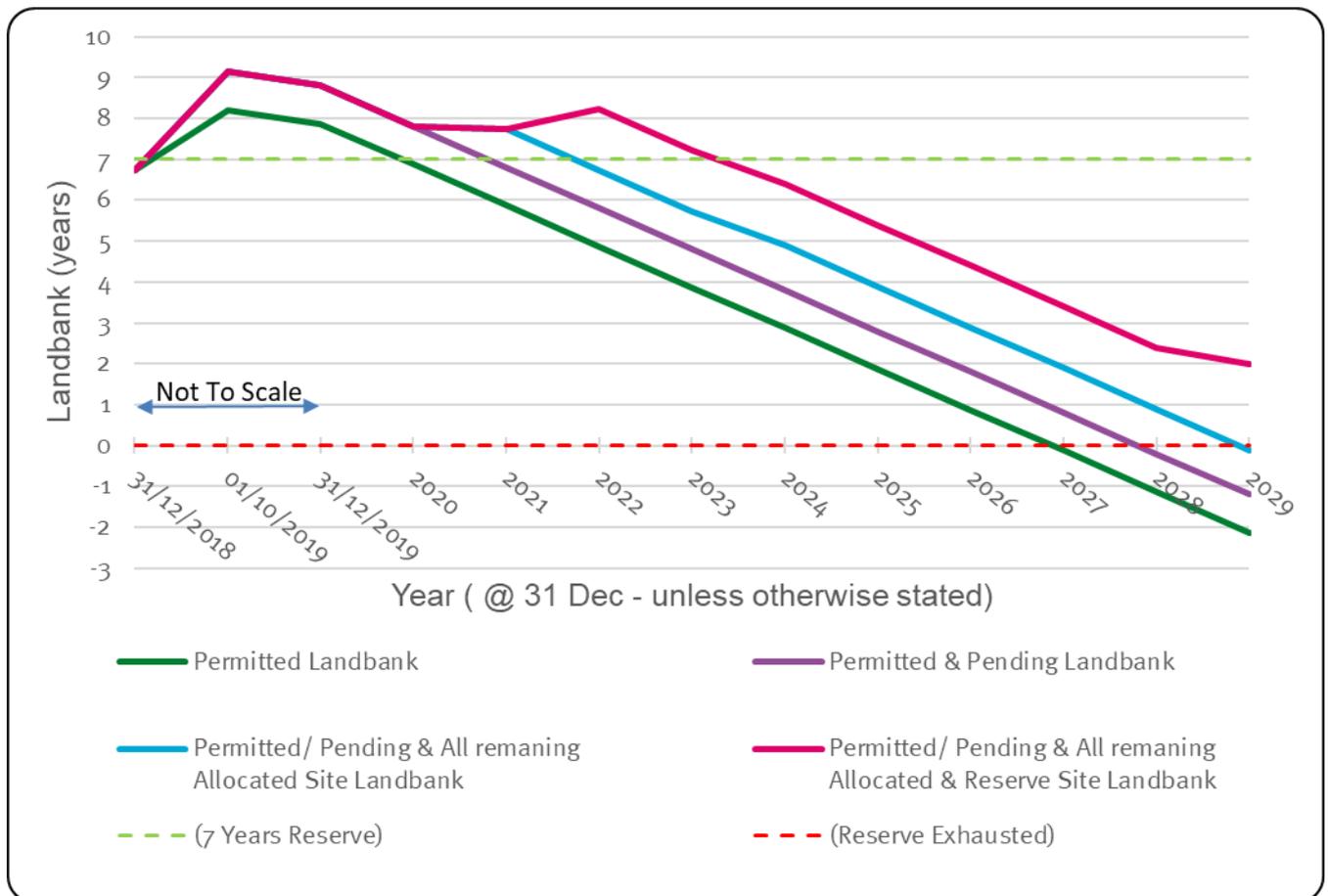
¹³ All values from '2019' onwards are estimates based on the four scenarios

¹⁴ The 2018 actual is taken directly from the annual aggregate survey data, which only takes account of the 'Assumed Essex Only' permitted reserve and does not consider the 'pending reserve' (which can either be pending planning permission and/or the signing of legal agreements. As of 31st December 2018, the pending reserve was significant (10.31Mt across four planning applications) in Essex. As of 1st October 2019, three of these four applications had their legal agreements signed by all parties, which allowed the 'pending reserve' to be added to the 'permitted reserve'. Therefore, an estimated landbank has been generated as of 1st October 2019 to take in to account the higher permitted reserve and resulting landbank.

Review of the Essex Minerals Local Plan (2014)

Year (31 December – unless otherwise stated) ¹³	Scenario 1	Scenario 2	Scenario 3	Scenario 4
	Permitted Reserves with no further additions	Permitted Reserves plus Pending Application	Permitted Reserve, Pending Applications + all Preferred Sites	Permitted Reserves + Pending Applications + Preferred Sites + Reserve Sites
	Landbank (Years)	Landbank (Years)	Landbank (Years)	Landbank (Years)
2024	2.87	3.80	4.89	6.40
2025	1.87	2.80	3.89	5.40
2026	0.87	1.80	2.89	4.40
2027	-0.13	0.80	1.89	3.40
2028	-1.13	-0.20	0.89	2.40
2029	-2.13	-1.20	-0.11	1.98

Figure 2: Comparison of Essex Sand and Gravel Landbank Remaining 2018 – 2029 under Different Provision Scenarios, Assuming Sales of 4.31mtpa



Source: Essex County Council (2019)

4.147 Whilst Scenario 1 and Scenario 2 evidence issues with compliance with regard to maintaining a minimum landbank of sand and gravel of seven years, either immediately or within the next two years, neither of these scenarios are considered realistic. Table 9 of this report confirms that those operators with sites in the MLP that have yet to have forward as a planning application still intend to bring these sites forward before the end of the Plan period.

4.148 Assuming a rate of sales of 4.31mtpa, under Scenario 3 - which assumes that all Preferred Sites will be permitted but not Reserve Sites, the sand and gravel landbank would drop below the statutory minimum in 2023. 2023 falls before the point of the next plan review, which would be 5 years after adoption of this review. However, when Reserve Sites are added to the assumed total of Permitted Reserves (Scenario 4), and assuming all sites come forward as envisaged, meeting the landbank would cease to be achievable by 2025. This equates to the end of the second review period and, coupled with the mitigating circumstances below, it is therefore not considered necessary to embark on a Call for Sites exercise as part of this Review.

4.149 As alluded to above, there are a number of mitigating circumstances that further act to delay the requirement for a Call for Sites as part of this review period. The first is that Table 3 assumes that the sales of sand and gravel will reach 4.31mtpa each

year. This has not been the case since the adoption of the Plan, with Table 2 showing that sales over the recent period have been approximately 1mtpa below this rate. This equates to a 'saving' every year of 1mtpa, or approximately a quarter of a year's provision each year, based on an annual provision requirement of 4.31mtpa. Rolling this saving forward from the table's base date until 2024 under Scenario 4 creates a saving in the region of approximately 1.5 years. This would leave the theoretical landbank in 2024 at approximately 7.9 years, which is above the requirement of at least a seven-year sand and gravel landbank.

- 4.150 It is also held that a Call for Sites exercise can be conducted outside of the parameters of a statutory Plan Review. Any new sites added to the schedule of Preferred Sites can be entered into the MLP through a modification of its Table 5 and further minor text updates to reflect this process. No modification to policies or other major modifications would be needed to the MLP to bring about the addition of sites. Any new site selection methodology that may require consultation would also sit outside of the MLP itself.
- 4.151 It is therefore recognised that a Call for Sites will likely be required at some point before the Plan itself expires, although it is considered that the need to initiate this can be based on continued monitoring of the adequacy of current provision made through the Local Aggregate Assessment and/or further assessment initiated on the basis of the issuing of revised guidance in relation to provision, and that this need not necessarily be tied to a wider Plan review.

The Plan Approach to Windfall Sites

- 4.152 Paragraph 39 of the Inspectors Report¹⁵ states that 'Whilst it is suggested that windfall planning applications can mitigate the requirement for allocated sand and gravel sites, historically there has been only a modest contribution from this source, arising from mineral extraction related to relatively small reservoir construction sites. There is no clear evidence that windfalls will play a substantial part in the supply of aggregates during the Plan period. Therefore, no allowance for windfalls is appropriate.'
- 4.153 An interrogation of 'windfall' applications made since 1943 has since been undertaken by the authority and a report¹⁶ into these findings has been published as part of the evidence base to this consultation. Between 1943 – 2019, 85% of all applications for borrow pits were to support the development of allocations in local plans and/or for new or improved road infrastructure. Since the MLP was adopted¹⁷, there has been a total of three applications approved by the MPA for extraction from windfall sites, as shown in Table 4 below. Two of these were for the development of agricultural reservoirs, with a further application for the retrospective extension of an existing agricultural reservoir. Given the relatively small yield that resulted from these applications, amounting to approximately one third of the annual apportioned supply across five years, it is considered appropriate to maintain the current approach of making no quantified allowance of the total amount of required allocated provision to be serviced by windfall contributions.

¹⁵ Report on the Examination of the Essex County Council Replacement Minerals Local Plan (January 2013)

¹⁶ Analysis of 'Windfall' Mineral Extraction Sites July 2020

¹⁷ Between 01 April 2014 and 31 March 2019.

Table 4: Total Windfall Contribution of Reserve Since MLP Adoption

Site Name	Application Reference	Date of Permission (including signing of legal agreements, if applicable)	Additional Reserve (Mt)
Cobbs Farm (retrospective extension to existing windfall site) ¹⁸	ESS/34/14//MAL	30/04/2015	Unknown, estimated at 1,000 tonnes
Elmstead Hall	ESS/24/15/TEN	01/11/2016	0.85
Sheepcotes Farm	ESS/01/18/CHL	01/08/2019	0.65
Total additional Reserve			1.5

Whether Planning Mineral Provision on the Basis of a Single Combined Landbank for Building and Concreting Sand has Resulted in the Sufficient Provision of Building Sand.

4.154 A further point of significance at the Examination in Public of the now adopted MLP was whether the MPA should provide a separate landbank for building sand separate to that of concreting sand. The NPPF at Paragraph 207 Clause h) supports the maintenance of separate landbanks for specific mineral products, where justified by a distinct and separate market. The PPG explicitly references building sand and concreting sand in this regard (Reference ID: 27-066-20140306). Whether separate landbanks are an appropriate means upon which to base mineral supply does however depend on whether it is feasible to calculate the reserves of sand in Essex that would be classified as building sand separate from those classified as concreting sand. At the Examination in Public on the MLP in 2013, the MPA held that it was not and justified its position through its evidence base¹⁹ published alongside the plan. This document has again been made available to support the MLP Review and is itself supported by an addendum. Both of these documents can be found in the evidence base.

4.155 The Inspector conducting the Examination in Public Hearings for the MLP 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 those that occur widely in Essex. It was also noted that there is no evidence that building

¹⁸ At the point of MLP adoption (2014) the Cobbs Farm site was an existing site, previously permitted as an agricultural reservoir. Application ref ESS/34/14//MAL was for the retrospective permission for the extraction of material in excess of that permitted in ESS/37/11/MAL. It was therefore difficult to accurately estimate the amount extracted prior to the application being submitted, but the [Committee report](#) states it is estimated to be 1,000 tonnes

¹⁹ A Review of Building Sand Supply in Essex: Consideration of a Separate Building Sand Landbank Topic Paper

sands can only be obtained from particular sources, or that any specific sand reserve in Essex can only furnish building or concreting sand end uses. It was further found that there is no evidence that the permitted and allocated sand and gravel reserves in the County cannot continue to produce sufficient quantities of building sand to meet demand, or that such demand is not being fulfilled at present. However, to be sound, 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.

- 4.156 To support this MLP Review, the MPA commissioned a report entitled 'A Re-Examination of Building Sand Provision in Essex'. This sought to re-examine the evidence and conclusions of the previous report prepared in 2013 with the aim of advising the MPA of any changes in the practicality and justification for providing a separate landbank for building sand.
- 4.157 This revised evidence noted in the first instance that the provision of separate landbanks, to differentiate minerals used in different end uses from each other, is clearly desirable, where possible, so as to ensure that the planning system provides reserves of required minerals in accordance with demand. However, separate landbanks can only be provided if both (i) the specification for end use of minerals, and (ii) the reserves in the ground of material for different end uses, can be identified separately and unambiguously from each other.
- 4.158 With regard to mineral specification, the re-examination document states that the specifications for building sand and that for concreting sand actually overlap each other so that in essence whilst there are two separate uses and therefore markets (concreting sand and building sand), the decision as to what is produced is predominantly a commercial substitution decision which then reflects the level of processing applied to what is essentially largely a common reserve (point (ii) above). As such, any view of concreting sand and building sand as being two 'different' minerals is merely a reflection of distinct markets rather than of explicitly distinct resources.
- 4.159 The updating report states that the most fundamental point with regard to re-assessing the previous report's conclusions that a separate building sand landbank was not required was whether there have been any changes in the specification for building sand which redefines its resources in a specific manner, thereby limiting such supply sources. On this point, it states that there have been no changes in processing or production which inhibit the technical ability of a wide range of resources to be processed to meet the building sand specification. The report reaffirms that it is a relatively simple matter to change components within a processing plant to alter the properties of either the end sand product or the proportion of building sand to concreting sand. There has been no change in law or policy that would require such actions to seek planning permission.
- 4.160 The collated results from the annual mineral survey have been used as a basis for considering proportions of building sand compared to other sand and gravel. Further interrogation of this collated data by ECC has concluded that in Essex since 2014, there has been a reduction in the number of sites reporting sales of building/mortar

sand²⁰. This monitoring showed that in 2014, ten of the 17 active sites in Essex sold both building/mortar sand and concreting/silica sands/gravel whereas in 2018 using the same criteria, seven of the 16 active sites supplied the market with building/mortar sand from mixed sand and gravel deposits by 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 5 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. The production of each is held to be primarily a decision made by the operator as a response to market demand.

- 4.161 The updating report further states that there has been one significant change which has had an impact on the conclusions of the 2013 report. This is that there has been a rapid growth in the use on construction sites of factory mixed mortar, with building sand being the aggregate in such mortar. Factory mixed mortar requires sand with consistent properties to enable a consistent production process and to assure customers that such consistent properties will be maintained over a construction project timescale. This has produced a shift in those resources and reserves of building sand used in mortar to those washed sands from deposits which can provide sand of consistent properties and typically such sand which falls within the common range of the specification for both concreting sand and building sand. That therefore further reduces the ability to differentiate resources or reserves despite the material being sold to two markets. This shift applies across the UK and not just to Essex, although the implications may be more significant elsewhere due to scarcity of suitable resources and more complex commercial positions.
- 4.162 The updating report therefore reinforces the 2013 conclusions and demonstrates the issues that occur when trying to identify concreting and building reserves separately in Essex. It further concludes that there is no practical value in re-assessing this issue in another review of the Plan. The report states that it would be 'unsound' if the new Plan sought separate landbanks as there is no ability to quantify reserves separately and unambiguously from each other. On this basis, the need in the Plan of Indicator 2 – "The need for a separate landbank for building sand" – is concluded by this re-examination as no longer being relevant. The role of the Indicator was to be a factor in assessing whether a separate building sand landbank can be established, which this report concludes is not possible.

The Potential for increasing the proportion of marine-won sand and gravel contributing to the overall County requirement for sand and gravel

- 4.163 In the report of the Examination in Public on what became the Essex MLP, the Planning Inspector holding the Examination Hearings stated that ECC should initiate further consideration of whether an increase in the proportion of marine-won

²⁰ For the purposes of monitoring building sand and mortar sand are considered a single type of sand (as mortar sand is a subset of building sand). All other sand (including silica and concreting sands) and gravel have been considered separately.

aggregate used in Essex could be reliably quantified. This may then reduce the need to allocate sites for aggregate extraction in the terrestrial environment.

- 4.164 A monitoring indicator was created which sought to assess whether the potential for marine aggregate to be supplied to the Plan area was being constrained. The monitoring indicator states that if marine imports are within 90% of wharf capacity in Greater Essex, then a review is to be undertaken to determine whether capacity is constraining the landing of marine dredged aggregate.
- 4.165 A bespoke piece of work²¹ found that there is no single source of publicly available data providing both the annual amount of marine won material landed at wharf facilities and the total available capacity at wharves to allow for a comparison to be made.
- 4.166 As such, all operators that own wharves that are considered to be within range to support the Essex aggregate market were subsequently contacted as part of compiling the marine aggregate supply report to establish the total capacity of their wharves and to question whether this may be constraining throughput. Enough responses were not however forthcoming to provide a reasonable conclusion, and it must be noted that there is no statutory requirement for operators to respond to this request. In the absence of sufficiently robust data, it has not been possible to operate the monitoring indicator which sought to understand whether the cumulative annual throughput at aggregate wharves is 90% or above the total capacity. Anecdotal evidence suggests that there remains surplus capacity at wharves, and capacity issues are focussed around production capability limited by existing dredger fleet numbers rather than wharf capacity.
- 4.167 It is also the case that the MPA is not able to directly facilitate an increase in wharf capacity or marine aggregate provision. Should an aggregate wharf facility be developed in Essex it would not be possible to state that a quantifiable proportion of marine aggregate landed in Essex would serve Essex markets as all landed material would be sold on the open market. The decision to develop a facility in Essex is also a commercial decision; one which the authority could help facilitate through a supportive policy framework, but not something that the MPA could ensure happened.
- 4.168 Further, whilst ECC as MPA 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 your established need can be met through sites coming forward off-plan, such that the impact of this could well be to encourage more non-Preferred terrestrial sites rather than marine aggregate filling the gap. This would result in a weakening of the Plan led system.
- 4.169 On this basis, it is currently considered that there are no means through which to justify a reduction in the allocation of land-won aggregate through a reliance on an increase in marine-won aggregate landings. It is further considered that additional work surrounding the port capacity indicator will not yield any additional results, due to the fact that there is no statutory requirement for operators to participate. It is therefore proposed that the relevant Mineral Monitoring Indicator be removed from

²¹ Report to determine whether marine aggregate supply can offset the demand for land-won aggregates in Essex, 2019

the Monitoring Framework, and Policy S6 continues to omit any marine aggregate contribution from its quantification of need.

Assessment of Associated Text (MLP Paragraphs 3.76 – 3.110)

- 4.170 Supporting text to this policy largely focus on the mechanisms through which mineral provision is established and how they relate to the Essex context to derive the amount of mineral that the MLP is required to allocate. The concept of net self-sufficiency in mineral provision is also addressed. Paragraphs 3.76 – 3.105 are considered to be mainly factual in nature and continue to accord with national policy. As such, they are considered to largely remain fit for purpose but it is noted that there are some references which are 'of their time' and areas which could be updated to improve clarity and legibility. As such, amendments are proposed to these paragraphs, of which a number are discussed below.
- 4.171 Firstly, it is noted that paragraph 3.76 contains a reference to Strategic Aggregate Recycling Sites (SARS) which does not seem to relate to this part of the Plan. It is assessed that this sentence can be deleted, particularly given the intention to remove the distinction between strategic and non-strategic aggregate recycling facilities. Paragraph 3.77 has received a minor update to more accurately define landbanks. Furthermore, Paragraph 3.81 sets out the Plan approach to Industrial Minerals which is the domain of Policy S7. It is therefore considered that Paragraph 3.81 be deleted from this section and incorporated within the supporting text of Policy S7. The deletion of Paragraph 3.81, required due to the intention to ensure that Policy S6 only covers sand and gravel and Policy S7 covers industrial minerals, means that the title for Paragraph 3.80 can be removed and Paragraph 3.79 reworded. Paragraph 3.82 comments on the Plan approach of allocating a single landbank equating to the sum total of all necessary sand and gravel provision. The paragraph 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, although the paragraph also states that further monitoring of building sand will be undertaken to establish whether this situation needs to be reviewed. This building sand assessment was undertaken in parallel with this review of the MLP. The conclusions of that assessment are summarised in Paragraph 4.154 of this report, with the full assessment published separately as part of public consultation. The assessment concludes that the adopted MLP approach remains sound and that it is not possible or practicable to consider a split landbank between building sand and concreting sand. Therefore, reference to continue to monitor building sand will be removed. The element of Paragraph 3.82 that contained information regarding industrial minerals is proposed to be removed due to the previously articulated intention to separate sand and gravel, and industrial mineral considerations, into two separate policies.
- 4.172 Those elements of Paragraph 3.83 which contain historic information are proposed to be removed as they are no longer considered to be relevant. It is proposed that any historic references throughout the policy supporting text will be removed, with the Local Aggregate Assessment and Authority Monitoring Reports providing annual updates with regards to this type of information.
- 4.173 Paragraph 3.84 details the Plan approach to Reserve Sites. Previously in this Review, it has been concluded that it is no longer appropriate to make a distinction

between Preferred Sites and Reserve Sites. As such, this paragraph will require amending to accommodate this change. Paragraph 3.95, Paragraph 3.96 and Paragraph 3.110 also contain references to Reserve Sites that would require amending. Paragraph 3.96 is also 'of its time' and can be updated to reflect the position since the Plan was adopted, including the need for a Call for Sites to take place before the expiration of this Plan in 2029.

- 4.174 Paragraph 3.86 will be updated to recognise that the National and Sub-National Guidelines for Aggregates Provision in England expired in 2020 but that they are still considered to be the most appropriate basis upon which to base mineral provision. The rationale for this approach is discussed in more detail from Paragraph 4.111 of this report.
- 4.175 Paragraph 3.97 sets out that the Essex provision figure of 4.31 Mtpa for sand and gravel equates to a total plan provision of 77.58 Mt over the eighteen-year plan-period of 2012-2029 inclusive (excluding existing permissions). After deductions for existing permitted reserves at the base date and deducting new permissions granted at the point of calculation, the planning requirement for primary extraction from new site allocation in Essex is 40.67 million tonnes. Despite the ramifications of this approach as set out in Table 3, this is factual information and needs no amendment, although Paragraph 3.96 and Paragraph 3.97 are proposed to be merged due to the intention to remove references to Reserve Sites.
- 4.176 Paragraph 3.98 is considered to be able to be removed due to a new reference to Policy P1 which is proposed to be made directly above, and the proposed intention to remove the Reserve Site designation. It is also proposed to remove paragraph 3.100 because the paragraph contains information that may date due to the move towards joint working at the district level which may impact growth locations that come forward in future joint and local plans. In any event, it does not significantly add to the operation of this policy. Paragraphs 3.101 – 3.103 will be amended to remove reference to specific data as this acts to date the Plan. Alternative references are suggested which presents the information in a more generalised sense. Paragraph 3.104 will have a reference to the East of England Regional Spatial Strategy removed as this Plan was revoked. Paragraphs 3.105 – 3.110 cover the approach to applications coming forward on sites which are not allocated within the MLP. They are considered to remain broadly appropriate. In particular, Paragraph 3.109 makes clear the intention to make no allowance for non-Preferred Sites coming forward in determining the Plan's provision up to 2029 as the location and timing of these sites cannot be predicted. The independent Inspector conducting the public hearings into the MLP accepted this position and concluded that there was no clear evidence that windfalls will play a substantial part in the supply of aggregates during the Plan period, nor that they had done so historically. However, there is also an established principle for local plans to remain flexible to changing development needs, which is accommodated here by allowing for the potential of sites to come forward outside of plan allocations where there is a demonstrable need.
- 4.177 From Paragraph 3.105 through to Paragraph 3.110, the term 'non-Preferred' will however be changed to 'non-allocated'. This is considered to represent a more accurate description for sites which are not allocated in the Plan. During plan formation, 'non-Preferred' was the term given to sites that were not selected through the site selection methodology for allocation in the MLP, and as such has been used

to refer to a specific list of sites through the plan-making process. The proposed change from non-Preferred to non-allocated removes any potential confusion by incorporating sites previously submitted and not allocated, and sites that have not previously been submitted. Paragraph 3.107 will be further updated to include reference to the possibility that conditions may be placed on permissions granted in relation to the creation of agricultural reservoirs to enable the MPA to ensure that following prior extraction, the applied for use is implemented.

Conclusion

- 4.178 Following the assessment of Policy S6, which incorporates an assessment into the continued appropriateness of the MLP apportionment, it is considered that the Plan apportionment, which was derived from the 'National and Sub-National Guidelines for Aggregate Provision in England 2005-2020, remains the most appropriate figure upon which to base provision.
- 4.179 At the Examination in Public for the MLP, it was contended that instead of this figure (4.31mtpa), sand and gravel provision should be made on the basis of the previous ten-year rolling sales (3.62mtpa) as the NPPF states that this figure should be the basis upon which provision is made. However, Figure 1 of this report demonstrates that the ten-year rolling sales average would have failed to accommodate the level of sales reported in each year since the Plan was adopted, making this an unviable approach. The last ten-year rolling sales average calculated on the basis of Minerals Survey data for the year 01 January to 31 December 2018 is even lower, at 3.13mtpa.
- 4.180 Regarding the National and Sub-National Guidelines themselves, they continue to be referenced in the latest revision to the NPPF even though they were due to expire ten months after the NPPF was published. Further, the importance of some form of guidance was noted by Government in the '*Government response to the draft revised National Planning Policy Framework consultation, July 2018*' to ensure that mineral is not under-provided. As part of that response, the Government also noted that any form of future guidance may change. A consultation on revisions to the NPPF which commenced in January 2021 retains the same support for the use of Guidelines as set out in the current NPPF even though the latest set have now expired.
- 4.181 Given that the MLP is currently delivering sufficient sand and gravel to accommodate development needs, it would seem inappropriate to consider the modification of the basis of this provision in this review period when forecasting methodologies may again change in the near future. This would only introduce uncertainty and delay. As such, in terms of mineral provision, the most appropriate course of action is to continue to monitor the annual plan provision versus the rate of sales and consider the implications of any new forecasting methodology as and when it is released. Should any new forecasting methodology significantly deviate from the Plan approach, a single-issue Review on this aspect of the Plan will be considered. It is therefore concluded that it is appropriate to continue planning on the basis of the Guidelines derived apportionment and not undermine the current plan approach.
- 4.182 Further, if the ten-year sales average is no longer considered to be an appropriate basis on which to plan supply, the argument to retain sites in reserve also falls away

as these sites were intended to accommodate the potential of over-provision by planning mineral provision on the basis of the apportionment derived from the National and Sub-National Guidelines. Now that the ten-year sales average has been shown to under-estimate current need, those sites previously designated as Reserve Sites are proposed to be added to the pool of Preferred Sites, and the MLP amended accordingly. However, as required by the NPPF, the LAA will still report a ten-year rolling sales figure.

- 4.183 The intention to reallocate Reserve Sites is given further credence by the information presented in Table 3. Should sales of sand and gravel meet the apportionment year-on-year, the sand and gravel landbank would fall below the statutory minimum midway through the next review cycle on the basis of Scenario 3 - all Preferred Sites being permitted but Reserve Sites being excluded. As such, these Reserve Sites will be needed through the Plan period. Any cumulative impact of sequential or parallel working can and would be assessed at the application stage.
- 4.184 It is considered that this reallocation is compliant with the NPPF which states under Paragraph 11a that 'plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change'. Indeed, the inspector originally requested the designation of Reserve Sites to be made so that the MLP didn't overprovide from the outset but can respond 'flexibly for the possibility of economic recovery based on local forecasts'²². Whilst sales have not met the plan provision as detailed in Policy S6, they have consistently been above the ten-year rolling sales average as existed during Plan examination, which necessitates this re-allocation. Even under Scenario 4, which assumes that all Preferred and Reserve Sites come forward and making allowance for the 'savings' between recent sales and the plan provision, the landbank would stand at just over nine years by the end of the second plan review cycle, which whilst being over the statutory minimum landbank, is not considered to amount to significant overprovision. It is reiterated that every site allocation in the MLP would need to come forward for the landbank to reach this total. Assuming a rate of sales of 4.31mtpa, a Call for Sites would be required before the end of the Plan period even if all sites came forward, which again is considered to legitimise the intention to re-allocate Reserve Sites to Preferred Sites.
- 4.185 With regard to the Plan approach to windfalls, the current approach is still considered to be appropriate and the MLP will continue to make no explicit shortfall in allocated provision to be serviced by windfall contributions. An interrogation of 'windfall' applications has been undertaken, which identifies the predominant reason for extraction as being the development of 'agricultural reservoirs' (69%)²³. Since the adoption of the MLP, there has been a total of 1.5Mt of sand and gravel added to the permitted reserve as a result of three windfall applications, equating to approximately a third of a single annual apportionment over the previous five years. This amounts to 7% of the total need over those five years which is considered to be too small a proportion to assume a regular contribution from non-allocated sites. It is not the case that the plan area experiences a significant number of windfall applications annually.

²² Report on the Examination of the Essex County Council Replacement Minerals Local Plan (January 2013)

²³ Between 01 April 2014 and 31 March 2019.

- 4.186 With respect to a Call for Sites, it is recognised that this is likely be required at some point before the Plan expires in 2029, but that the need to initiate this can be based on continued monitoring of the adequacy of current provision made through the Local Aggregate Assessment and/or the issuing of revised guidance in relation to provision calculations. It is therefore the intention that the initiation of a Call for Sites will be based on conclusions made through the annual Local Aggregate Assessment and that this need not be tied to a wider Plan review.
- 4.187 It is further noted that there is a statutory requirement to monitor all aspects of plan provision. This will continue following the review of this Plan and will inform all subsequent reviews. This information will be published in future iterations of the Greater Essex Local Aggregate Assessment.
- 4.188 No comments were received through the Duty to Cooperate engagement which are thought to require amendments to either Policy S6 or its supporting texts. Amendments further to the above are proposed to be made to the supporting text to improve clarity and legibility, as well as other amendments being required to respond to the wider planning context. For example, supporting text will be updated such that specific locations for future growth are no longer mentioned as increasing levels of joint working and sharing development needs at the district level may result in different growth centres to those that exist at the moment. Further revisions are suggested to remove reference to specific statistics that will quickly turn historic and are therefore not considered to be appropriate to place in a strategic plan. Such references will be amended to more generic statements that still capture the intention of the statistic.

Policy S7 – Provision for industrial minerals

Any proposals for other minerals in the County will be considered as follows:

Silica Sand Extraction:

Provision is made for a site extension at Martells Quarry, Ardleigh to maintain an appropriate minerals landbank for silica sand of at least ten years during the plan-period as defined in Policy P2

Brick Clay Extraction:

A minerals landbank of at least 25 years of brick-making clay will be maintained at the following brickworks:

- Marks Tey and Bulmer through the extraction of remaining permitted reserves.

The extracted brick-making clay from Bulmer Brickworks and Marks Tey respectively should be used to support the brickworks in that locality only, as defined on the Policies Map.

Chalk Extraction:

The small-scale extraction of chalk will only be supported for agricultural and pharmaceutical uses at Newport Quarry as identified within the Policies Map. Extraction of chalk for other uses, such as aggregate, fill material or for engineering will not be supported.

Proposals for the extraction of other minerals on non-Preferred Sites will be permitted where:

- The reserves comprising the landbank are insufficient and/ or there is some other over-riding justification or benefit for the release of the site, and
- The proposal would be environmentally acceptable.

Purpose of Policy S7

4.189 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.

Compliance with the NPPF/PPG

4.190 Through the assessment provided in Table A9 (Appendix One), it is considered that Policy S7 is in broad conformity with the NPPF. Sufficient allocations have been made to satisfy the statutory landbank requirements for silica sand (ten years), and further allocations were made at each of the two brick clay extraction sites which increased their reserves to in excess of 25 years prior to adoption of the MLP in

2014. The two brick clay extraction sites have separate landbanks in recognition of the fact that the brick clay from each site serves distinctly different markets.

- 4.191 The provision of chalk is not based on satisfying a landbank as there is no requirement to maintain a landbank for chalk when it is being extracted for agricultural and pharmaceutical uses.
- 4.192 With respect to the approach to chalk, it is currently stated that '*The small-scale extraction of chalk will only be supported for agricultural and pharmaceutical uses at Newport Quarry*' and that extraction for other uses will not be supported. This does not appear to be a stance justified in policy and it is therefore proposed that this statement is removed from Policy S7. Instead extractions for chalk 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 Development Plan.
- 4.193 With regard to this approach, 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 the valuable groundwater resources stored in this designated principal aquifer. As such, this proposed amendment should be avoided. This risk is noted. However, it is held that every application must be determined on its own merits and it is not considered appropriate to preclude the potential for chalk extraction through an inflexible policy. 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 aquifer without implementing a prejudicial policy.
- 4.194 Regarding the brick clay section, it is not considered appropriate to seek to limit the use of brick clay extracted from the existing brick clay extraction sites for use at brickworks at that locality only. It is not considered that the term 'locality' can be easily defined through the development management process to enable its robust application. It is also important to consider that there may be legitimate reasons as to why material extracted from these sites may need to serve other brickworks outside of the 'locality'. As such, it is not appropriate to try and use policy to restrict potential markets in this manner.

Further Considerations

- 4.195 The current draft of the policy references provision of each industrial mineral being made at specific sites such that it could limit production at those sites only. This is not considered to be appropriate as not only should a policy not act to create a commercial advantage; the policy may become undeliverable should it place reliance on a commercial activity that does not transpire as originally envisaged. That is not to say that there is considered to be an issue with the allocations/provision already made within the Plan or prior to its adoption, but that the MLP should not be entirely reliant on them.
- 4.196 As such, amendments are proposed to remove specific references to Martells Quarry in the silica sand section of the policy and instead refer to provision being made via

the allocation set out under Policy P2. This is the same allocation currently referenced under Policy S7, but the revisions allow for future allocations, from any potential source, to be made under Policy P2 should they be required.

- 4.197 A similar amendment is proposed under the Brick Clay section, with references retained to the current active brick works at Marks Tey and Bulmers, but not in such a manner that they restrict brick clay extraction activities to those locations only.
- 4.198 Further, the reference to 'non-Preferred Sites' should be amended to read 'non-allocated sites'. This is to recognise that the subsequent criteria are intended to apply to any site that is not allocated as a Preferred Site rather than being applicable to sites that were submitted to the MPA through the Plan making process, appraised through the Site Selection methodology, and then not selected. Preferred, Reserve and Non-Preferred Sites have a specific meaning in the context of this Plan. The word 'industrial' has also been added to 'minerals' to clarify that Policy S7 applies to industrial minerals only.

Assessment of Associated Text (3.111 – 3.119)

- 4.199 The supporting paragraphs associated with Policy S7 are considered to be factual and provide a brief context with regard to the extraction or otherwise of the four identified industrial minerals in the Plan area, namely silica sand, chalk, brickearth and brick clay. An amendment is proposed at Paragraph 3.117 with regards to chalk to clarify that a landbank is not required as it is not currently extracted as an industrial mineral in the County. A further amendment is required to be made to supporting text such that it states that a silica sand site has been allocated through adoption of the MLP 2014 rather than that a site is required to be allocated to address a shortfall. This has been addressed through amendments to Paragraph 3.112. Confirmation of the intention to submit an application to work the silica sand allocation has been received from the operator as is highlighted in Table 9 of this document. A justification for why there is no requirement to maintain a chalk landbank has also been set out by way of a proposed amendment.
- 4.200 Additional amendments are proposed to be made to the brick clay section, Paragraphs 3.113 – 3.115, to note that allocations were made to support extraction at the two brick clay extraction sites beyond the end of the Plan period prior to the Plan being adopted.

Conclusion

- 4.201 The Plan approach towards industrial/ other minerals is still considered to largely be fit for purpose. The policy makes appropriate provision for industrial minerals based on a consideration of their statutory landbank requirements, existing reserves and subsequently additional allocations as necessary. The approach to assessing applications for industrial minerals on non-identified sites is also considered to be compliant with extant national policy except where this relates to chalk. It is proposed that limiting the extraction of chalk at Newport Quarry to that used for agricultural and pharmaceutical uses only is not an approach consistent with national policy, nor is permitting extraction at Newport Quarry only. Amendments are suggested for Policy S7 which removes these restrictions and justified why a chalk landbank is not required. Similar 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.

- 4.202 The reference to 'non-Preferred Sites' should be amended to read 'non-allocated sites'. This is to recognise that the subsequent criteria are intended to apply to any site that is not allocated as a Preferred Site rather than being applicable to sites that were submitted to the MPA through the Plan making process, appraised through the Site Selection methodology, and then not selected. This is to recognise that Preferred, Reserve and Non – Preferred Sites have a specific meaning in the context of this Plan.
- 4.203 It is also proposed to amend Paragraph 3.112 such that the MLP states that an allocation has been made to address what would otherwise be a shortfall in silica sand provision over the Plan period. Other minor amendments are proposed for either clarity or to provide additional background.

Policy S8 – Safeguarding mineral resources and mineral reserves

By applying Mineral Safeguarding Areas (MSAs) and/ or Mineral Consultation Areas (MCAs), the Mineral Planning Authority will safeguard mineral resources of national and local importance from surface development that would sterilise a significant economic resource or prejudice the effective working of a permitted mineral reserve, Preferred or Reserve Site allocation within the Minerals Local Plan. The Minerals Planning Authority shall be consulted, and its views taken into account, on proposed developments within MSAs and MCAs except for the excluded development identified in Appendix 5.

Mineral Safeguarding Areas

Mineral Safeguarding Areas are designated for mineral deposits of sand and gravel, silica sand, chalk, brickearth and brick clay considered to be of national and local importance, as defined on the Policies Map.

The Mineral Planning Authority shall be consulted on:

- a) All planning applications for development on a site located within an MSA that is 5ha or more for sand and gravel, 3ha or more for chalk and greater than 1 dwelling for brickearth or brick clay; and
- b) Any land-use policy, proposal or allocation relating to land within an MSA being considered by the Local Planning Authority for possible development as part of preparing a Local Plan (with regard to the above thresholds).

Non-mineral proposals that exceed these thresholds shall be supported by a minerals resource assessment to establish the existence or otherwise of a mineral resource of economic importance. If, in the opinion of the Local Planning Authority, surface development should be permitted, consideration shall be given to the prior extraction of existing minerals.

Mineral Consultation Areas

MCAs are designated within and up to an area of 250 metres from each safeguarded permitted mineral development and Preferred and Reserve Site allocation as shown on the Policies Map. The Mineral Planning Authority shall be consulted on:

- a) Any planning application for development on a site located within an MCA except for the excluded development identified in Appendix 5,
- b) Any land-use policy, proposal or allocation relating to land within an MCA that is being considered as part of preparing a Local Plan

Proposals which would unnecessarily sterilise mineral resources or conflict with the effective workings of permitted minerals development, Preferred or Reserve Mineral Site allocation shall be opposed.

Purpose of Policy S8

- 4.204 Minerals are a finite natural resource and can only be worked where they are found. As such best use needs to be made of them to secure their long-term conservation. Policy S8 sets out the MPAs approach to the safeguarding of both mineral resources that are potentially viable to extract as well as associated mineral infrastructure such as quarries and processing plants. This policy therefore incorporates two separate safeguarding approaches – one based on a resource (Mineral Safeguarding Areas), the other based around protecting existing mineral operations (Mineral Consultation Areas)
- 4.205 In relation to the mineral resource itself, safeguarding aims to avoid the unnecessary sterilisation of the resource, with sterilisation defined as where non-mineral development effectively prevents the extraction of underlying mineral. In this regard, the policy requires that the practicability of prior extraction of the mineral is assessed before the non-mineral development takes place.
- 4.206 With respect to mineral infrastructure such as quarries or processing plant, safeguarding aims to avoid both the loss of this infrastructure entirely and unreasonable constraints being placed on their operation that may result from the introduction of proximate sensitive development. This aspect of safeguarding applies to both existing mineral infrastructure and that which is proposed through site allocations made in the MLP.

Compliance with the NPPF/PPG

- 4.207 Through the assessment provided in Table A10 (Appendix One), it is considered that the general MLP approach to mineral safeguarding is considered to be compliant with the latest iteration of the NPPF and its associated guidance. Of particular importance is NPPF Para 182 which was first included as part of the revisions to the NPPF in 2018. Paragraph 182 introduces the Agent of Change principle, which states that 'Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established'. It is assessed that this provides a strong justification for the safeguarding process as currently established through Policy S8, and that explicit reference to this paragraph should be made in supporting text.
- 4.208 As set out below, it is proposed to amend Policy S8 and Policy S9 such that the former addresses safeguarding provisions as they relate to the mineral resource and that Policy S9 addresses safeguarding provisions in relation to mineral infrastructure. As such, references to the Agent of Change principle will be made in the supporting text to Policy S9 as part of a new section headed 'Safeguarding Mineral Infrastructure'.
- 4.209 It has also been assessed that Policy S8 misinterprets national policy in some areas and this review provides the opportunity to correct this. Within the MLP, Mineral Safeguarding Areas (MSAs) are defined as applying to mineral deposits of sand and gravel, silica sand, chalk, brickearth and brick clay considered to be of national and local importance. This is considered to be an appropriate interpretation with regard to the application of MSAs. However, Mineral Consultation Areas (MCAs) are defined as applying to land within and up to an area of 250 metres from each

safeguarded permitted mineral infrastructure and Preferred and Reserve Site allocation. This interpretation is no longer found to be correct.

- 4.210 The NPPF is currently silent on the role of MCAs although they are featured within the PPG. Within the guidance they are defined as ‘a geographical area, based on a Mineral Safeguarding Area, where the district or borough council should consult the Mineral Planning Authority for any proposals for non-minerals development’. An MCA, therefore, is not intended to apply to extant, permitted and allocated mineral infrastructure, rather it is to apply to the whole resource safeguarded by virtue of an MSA designation. An amendment proposed through the January 2021 NPPF consultation propose to include such a description into the NPPF itself.
- 4.211 Mineral Infrastructure is however required to remain safeguarded, and this will be achieved through the designation of Mineral Infrastructure Consultation Areas. Their extent will match that of the previous Mineral Consultation Areas and they will therefore be designated to include all land within a distance of 250m from all mineral infrastructure. The application of Mineral Infrastructure Consultation Areas will be set out through a re-drafted Policy S9.
- 4.212 Further clarity with regard to the role of MCAs is afforded by the Minerals Safeguarding Practice Guidance published jointly by the Planning Officers Society and the Mineral Products Association in 2019. This document states at Paragraph 4.3 that *‘Minerals Consultation Areas (MCAs) may also be designated by Mineral Planning Authorities and delineated in the minerals local plan, identifying the area in which the Local Planning Authority should consult with the Mineral Planning Authority on local plan site allocations and planning applications. MCAs are based on MSAs but often extend beyond these in the form of a ‘buffer’ (generally between 100m and 500m, and commonly 100-250m) around MSAs or mineral infrastructure sites’*.
- 4.213 In light of the above, it is considered appropriate to redefine the Plan approach to MCAs such that they now provide a buffer around the MSAs. It was originally proposed to designate land within 250m of an MSA as an MCA. It has since been considered that this buffer is too large and should instead be reduced to 100m. This reflects the typical minimum distance that the MPA would permit extraction activities taking place from the façade of existing sensitive development and is the exclusionary buffer the MPA request is employed when initially quantifying mineral for MRA purposes.
- 4.214 It is important to note that this is not to say that extraction is not permissible less than 100m from the façade of a dwelling if impacts are demonstrably mitigatable. It is also noted that mineral could potentially be sterilised when sensitive development is located more than 100m from the boundary of an MSA. However, there is a requirement for the MPA to adopt a pragmatic approach when designating MCAs as the likelihood of land ownership issues making prior extraction unenforceable increase as the distance from the MSA to the proposed development increases. It is considered that 100m represents an appropriate balance and represents the extent of the mineral most likely to be sterilised. This distance is also within the range advocated by Mineral Safeguarding Practice Guidance.

- 4.215 Further, it must follow that, if non-mineral development within 100m of a safeguarded resource has the potential to sterilise that safeguarded resource, when an application is made within an MSA, it also has the potential to sterilise land designated as an MSA which is outside of the immediate boundary of the proposed development site. As such, when an application is made within an MSA (or MCA), the area of MSA land which is considered to be potentially sterilised is to be calculated as being that covered by the area of the proposed application plus an additional 100m buffer applied from the boundary of that application. Previously, the area potentially sterilised was taken to equate to just the proposed application site. Therefore, and for example, if an application was to come forward that was situated within both an MSA and MCA for sand and gravel, and the area of that application with the addition of a 100m buffer lies across 5ha or more of land designated as an MSA, then an MRA would be required.
- 4.216 Additionally, the current policy approach in relation to MSAs is based on site size thresholds, such that applications coming forward that are less than the stipulated threshold for the relevant MSA are not currently captured by the policy. It is noted that the NPPF does not prescribe the use of thresholds in this regard. However, the use of thresholds is cited as best practice within the Minerals Safeguarding Practice Guidance as a means to make the process manageable. However, the Guidance also notes that applying such thresholds rigidly may exclude small developments that can sterilise a large amount of mineral, or a mineral of national importance, due to their location. However, given the extent of the sand and gravel resource in Essex, it is considered appropriate to retain the current policy thresholds. However, the means by which the area that could potentially be sterilised is calculated is now proposed for modification as set out above. This is to reflect the proposed revisions to the application of MCAs.
- 4.217 Further internal review since the initial conclusions were drawn has led to a proposed material change to Policy S8 and its application. The first of these is to better recognise the NPPF principle set out at Paragraph 206 which states that 'Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.' This is a strong policy stance and not one previously carried through into MLP Policy S8. Policy S8 has been modified to state that *all* planning applications and decisions made on applications within MSAs, or which have the potential to sterilise mineral in MSAs, must now set out why the need for the development outweighs this NPPF principle and how it has been applied as part of the planning judgement, as it is a material planning consideration. However, in the interests of proportionality, for those *planning applications* that fall below the thresholds for when an MRA is required, the MPA does not specifically request that it is formally consulted on these applications. However, it would expect to be notified of allocations below the MSA threshold proposed through the local plan process in the normal manner.
- 4.218 Amendments are also proposed through the addition of a new section on Mineral Resource Assessments to clarify how the practicality of prior extraction is expected to be addressed. Paragraph 203 of the NPPF states that 'Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation'. Mineral safeguarding is therefore articulated in the NPPF as a conservation measure and it is considered

that it should be seen as a constraint like any other conservation measure. As such, the need to conserve finite mineral assets should be viewed in the same way as the conservation of finite biodiversity or historical assets, where it is the value that arises out of the development that finances the 'mitigation' (i.e. prior extraction) of the impact on the finite asset potentially being sterilised. If the development was not being proposed then there would be no need to consider prior extraction, and therefore the practicability of prior extraction must be viewed in the context of the development as a whole. Prior extraction is not being applied for as a standalone commercial mineral extraction activity and therefore to assess it as such is to make a planning judgement under a false premise. For example, to consider the costs of restoring a site following prior extraction such that it is capable of delivering a residential after use as part of the assessment of the practicality of prior extraction, without factoring in the viability of the residential development as a whole that follows, is a false equation.

4.219 Further, the circumstances upon which the prior extraction of the mineral can be ruled out on viability grounds because it does not in itself turn a profit will be clarified. The test required by national policy of whether prior extraction should take place is set out in the NPPF, Paragraph 204d. The first part of the NPPF test is whether it is 'practical' to prior extract, and this is not linked to a financial profitability test in either the NPPF or PPG. This is qualified by a second test, which is whether it is 'environmentally feasible'. Whilst it is recognised that cost clearly has practicality impacts, such costs would have to have a significant viability impact on the primary development itself for this to be accepted as a reason that it is not 'practical' to prior extract mineral, if this was the sole reason given for prior extraction to not be practical. Conservation measures, in of themselves, are not typically profit generating activities and as such the absence of profit directly related to a prior extraction activity is not in of itself an acceptable reason to conclude that it is unviable. It is considered that if prior extraction had to be inherently profit making, the NPPF would state as such.

Further Considerations

4.220 Whilst it is assessed that the only change to Policy S8 required for reasons of needing to be compliant with national policy is to re-designate MCAs as applying around the boundary of MSAs, the operation of this policy since the adoption of the Plan has given rise to a further seven areas where a modification or clarification of the Policy would improve the application of the Policy and/or result in a better outcome. These relate to the following issues, of which some have in part been discussed above.

- the relationship between Policy S8 and Policy S9,
- the need to provide justification for the extent of MSAs,
- the continuation of using threshold in the application of Policy S8
- the need to provide clarity around the requirements of a Mineral Resource Assessment,
- the use of the word 'consideration' in the policy and other associated text,

- the use of the phrases ‘national and local importance’ and ‘economic importance’, and
- modifications to MLP Appendix 5, which sets out the type of applications included and excluded from Policy S8.

Each of these issues is addressed in turn below. It is further noted that any references to Reserve Sites in Policy S8 will also be required to be removed due to their proposed re-allocation to Preferred Sites.

The Relationship between Policy S8 and Policy S9

4.221 In the current MLP, Policy S8 addresses safeguarding provisions for land potentially containing mineral which is practicable to extract as well as safeguarding provisions for mineral infrastructure, such as quarries and transshipment sites. Policy S9 currently lists the mineral infrastructure to which safeguarding provisions apply and re-iterates how safeguarding policy is to apply in relation to those facilities. It is considered that this introduces an element of duplication and that there would be merit in amending Policy S8 and its supporting text such that Policy S8 addresses safeguarding issues as they relate to the mineral resource only. Elements of the current Policy S8 and supporting text that address safeguarding provisions as they relate to mineral infrastructure will be moved into Policy S9 or deleted where they would amount to duplication. Whilst further amendments are proposed in relation to Policy S9, which are discussed under the relevant section, this amendment in isolation is not considered to materially impact on the operation of safeguarding policy but does have the benefit of improving clarity.

Justification for the Extent of Mineral Safeguarding Areas

- 4.222 The PPG is clear that mineral planning authorities should adopt a systematic approach for safeguarding mineral resources which ‘*uses the best available information on the location of all mineral resources in the authority area.*’ (Reference ID: 27-003-20140306).
- 4.223 Consultation with the minerals industry has identified sand and gravel, silica sand, chalk, brickearth and brick clay as being minerals requiring safeguarding in Essex. Paragraph 3.121 of the MLP states that ‘The British Geological Survey (BGS) Mineral Resource Maps provide the best available geological and resource-based information on the broad extent of minerals resources in Essex’, and from these the spatial extent of chalk, brickearth and brick clay were defined.
- 4.224 Sand and Gravel is the most widespread resource in Essex. All Glacial Sand and Gravel resources, Glaciofluvial Sand and Gravel resources and River Terrace Deposits as identified by the BGS were considered for safeguarding. The approach to designating MSAs as delineated in the MLP was put forward in the Mineral Safeguarding Areas - Rationale Report published by Mouchel in October 2012, which has been included in the evidence base supporting this Review. This states that:

‘The BGS Mineral Assessment Reports have assessed the sand and gravel geological units as mineral deposits using available borehole information based on the following criteria;

- a) The deposit average is at least 1m in thickness
- b) The ratio of overburden to sand and gravel is no more than 3:1.
- c) The proportion of fines (particles less than 1/16mm is less than 40%
- d) The deposit lies within 25m of the surface

A deposit that meets these criteria is classified as 'potentially workable' and are shown on the Mineral Assessment Report maps.'

- 4.225 It is these 'potentially workable' deposits that form the extent of the MSAs for sand and gravel that are shown on the MLP Policy Map. Paragraph 3.125 of the MLP further states that with regard to MSAs, they, plus consultation thresholds, were established 'Following consultation with the mineral industry, the Coal Authority, English Heritage, British Geological Survey, neighbouring MPAs and other stakeholders.
- 4.226 With regard to the criteria used to designate sand and gravel MSAs, an opinion was sought from the Minerals Product Association in 2019 with regard to their continued applicability. It was noted by the Association that the BGS criteria used in the Mouchel report are the ones used in the Institute of Geological Sciences (now BGS) Mineral Assessment Reports of the principal sand and gravel bearing areas of the country that were produced between the 1970's and early 1980's. It was further noted that these reports, although old, are widely used by aggregate industry geologists for land searches and Mineral Planning Authorities in establishing their mineral supply and safeguarding policies. It was also held that these reports have stood the test of time and that the stated criteria for determining whether a deposit is potentially viable are still relevant.
- 4.227 However, whilst lending broad support for these criteria, the Minerals Product Association cautioned that the economic viability of extracting mineral is as much to do with the specifications of the deposit itself as it is a function of the economics of the day, the deposit's proximity to market, any special end uses, existing local / regional scarcity, and any associated development that could be accommodated on a site. Examples were given where mineral was considered economic to extract even though the resource fell some way outside of these BGS criteria.
- 4.228 It is also recognised that the BGS criteria may define greater extents of sand and gravel resources than are able to be worked within the existing and mid-term economic climate. These factors are all addressed through the policy through requesting that a Minerals Resource Assessment is to be carried out when non-mineral led applications are made within an MSA. This accords with NPPF Para 204 clause c) that requires that MSA designations should not create 'a presumption that the resources defined will be worked'. It is through the MRA that it will be qualified whether the resource has the potential to be worked and as such, no 'presumption' towards extraction is initially applied.
- 4.229 In summation, despite the fact that the selected criteria do not (and cannot) accurately define those sand and gravel deposits that are economic, as this is a sliding scale, they are still considered to remain a suitable starting point and a basis upon which to define MSAs for the long term, particularly as no other definite criteria

can be stipulated due to the range of factors in play. The current criteria-based approach is considered to be the most appropriate to assist in according with the need to adopt a 'systematic approach for safeguarding mineral resources'. For reasons of clarity, it is proposed to include, by way of newly drafted paragraphs under the 'Mineral Safeguarding Areas' heading, the criteria upon which the sand and gravel MSAs have been defined in supporting text to Policy S8 to make clear that they are to be used as the starting point for any future viability considerations made in mineral resource assessments. As part of these revisions, Paragraph 3.121 would be deleted.

The Continuation of using Thresholds for Individual Minerals in the Application of Policy S8

- 4.230 The MPA currently requests that it is only consulted on sites which meet the thresholds as set out in Appendix 5 of the MLP (2014), which for sand and gravel, the predominant mineral in Essex, is 5ha. It is therefore the case that any application that has the potential to sterilise less than 5ha of sand and gravel would not be sent to the MPA for comment and therefore either subjected to a response or recorded as part of the operation of the relevant monitoring indicator. This means that there is no understanding of the amount of mineral being sterilised by the permitting of non-mineral developments below 5ha, and whether this is greater or smaller than what is being lost through the permitting of larger non-mineral developments. On this point it is noted that Paragraph 68 of the NPPF notes that local plans should aim for at least 10% of the district's total housing need to be met on small sites less than 1ha in size, and that larger sites should be sub-divided and bought forward in phases.
- 4.231 Nonetheless, it is considered appropriate to retain a 5ha threshold for applications in sand and gravel MSAs as the trigger point for the engagement of Policy S8 and therefore application of Mineral Indicator 5. Informal consultation carried out with the minerals industry as part of initial evidence gathering for the production of the MLP in 2007 found that there would need to be a minimum of 3ha of resource for the site to be capable of being worked, and so approximately doubling that minimum threshold is considered a reasonable approach towards ensuring that the requirements of Policy S8 only apply to non-mineral led applications where there is a reasonable prospect of there being a sufficient quantity of mineral present which is practicable to extract.
- 4.232 Within the Inspectors Report into the Examination of the MLP, the Inspector passes judgement on this threshold in Paragraph 151. It was noted that 'Although arbitrary, the 5ha threshold was subject to public consultation and this approach is justified, given the wide extent of sand and gravel reserves in Essex, where prior extraction need not always be necessary.' The MPA continue to support the threshold of 5ha as being an appropriate trigger point for the application of mineral resource safeguarding policy.
- 4.233 The thresholds for chalk, brickearth and brick clay were not a point of discussion at the Examination Hearings. The thresholds for these minerals contained within the MLP were initially discussed with the minerals industry in 2007 and first consulted on in 2010. It is considered that there is no current evidence to suggest that they are now inappropriate and as such they continue to be supported.

Requirements for a Compliant Mineral Resource Assessment

4.234 Policy S8 states that in relation to applications coming forward on MSAs, ‘Non-mineral proposals that exceed these thresholds shall be supported by a minerals resource assessment to establish the existence or otherwise of a mineral resource of economic importance.’ Whilst this is considered appropriate, no further information is given with regards to what would constitute an appropriate Mineral Resource Assessment. This has naturally resulted in unnecessary delay when it comes to developers attempting to conform with this policy, and it is considered that this Review affords the opportunity to set out the parameters of what would be required to be addressed in Minerals Resource Assessments for one such assessment to be considered to be compliant with Policy S8.

4.235 Whilst Essex County Council as the MPA had previously employed its own checklist of requirements for an MRA which was created following the adoption of the MLP, it is now proposed to adopt the Mineral Resource Assessment checklist contained within the Minerals Safeguarding Practice Guidance 2019 through the MLP, although slightly adapted to accommodate principles in the existing ECC checklist. It is proposed that this checklist is included in an Appendix of the MLP and referred to in Policy to afford clarity.

4.236 This checklist can be found below:

Table 5: Components of a Compliant Minerals Resource Assessment

MRA Section	Matters to Cover
<p>Site location, relevant boundaries, timescale for development</p>	<p>Application area in relation to MSA/MCA</p> <p>Description of development including layout & phasing</p> <p>Timescale for development</p> <p>Whether there is any previous relevant site history – this could include previous consideration of site or adjacent land in preparation of Minerals Local Plan, any previous mineral assessments and market appraisals, boreholes, site investigations, technical reports and applications to the Minerals Planning Authority for extraction.</p>
<p>Nature of the existing mineral resource</p>	<p>Type of mineral</p> <p>Existing mineral exploration data (e.g. previous boreholes in area)</p> <p>Results of further intrusive investigation if undertaken</p> <p>Extent of mineral – depth & variability</p> <p>Overburden – depth & variability, overburden:mineral ratio. To be expressed as both actual depths and ratio of overburden to deposit, as well as variation across the site.</p> <p>Mineral quality – including silt %/content and how processing may impact on quality. Consideration should give given to the extent to which the material available on site would meet the specifications</p>

	<p>for construction.</p> <p>An assessment of the amount of material that would be sterilised (whole site area) and could be extracted (following application of any required buffer zones).</p> <p>Estimated economic/market value of resource affected across whole site and that which could be extracted.</p>
<p>Constraints impacting on the practicality of mineral extraction (distinct from those that would arise from the primary development)</p>	<p>Ecology designations, Landscape character, Heritage designations, Proximity to existing dwellings, Highways infrastructure, Proximal waterbodies, Hydrology, Land stability, Restoration requirements, Effect on viability of non-minerals development including through delays and changes to landform and character, Utilities present etc.</p> <p>Constraints should be assessed in light of the fact that construction of the non-minerals development would be taking place e.g. landscape issues are to be presented in light of the final landscape likely to be permanent built development. It is held that mitigation methods employed as part of the construction of the non-minerals development may also facilitate prior extraction at that locality.</p>
<p>Potential opportunities for mineral extraction at location</p>	<p>Ability of site to incorporate temporary mineral processing plant, Proximity to existing mineral sites or processing plant, Context of site and mineral within wider mineral resource area, Proximity to viable transport links for mineral haulage, The potential for indigenous material to be used in the construction of the proposed development, thereby reducing/removing the need for import, Potential benefits through mineral restoration e.g. land reclamation, landscape enhancement, Any opportunities for ancillary extraction as part of the primary development of the site such as foundations, footings, landscaping, sustainable drainage systems, Evidence or otherwise of interested operators/local market demand,</p>

<p>Conclusion (as relevant to the findings)</p>	<p>Whether mineral extraction at the site would be practical, based on conclusions of a competent person,</p> <p>Whether prior extraction is practical at the site in the context of the non-mineral development, taking into account the estimated value of the mineral, restoration and the viability of the proposed development,</p> <p>How the MRA has informed the proposed non-mineral development,</p> <p>If prior extraction is not practical, the justification for sterilising the mineral,</p> <p>If prior extraction is practical, how this will be phased as part of, or preceding, the non-mineral development,</p> <p>Whether prior extraction is environmentally feasible,</p> <p>Whether the site has the potential to be worked for mineral in the future.</p>
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Note: Adapted from Planning Officers Society and Minerals Planning Association Minerals Safeguarding Practice Guidance, 2019.

4.237 It is also proposed to add the following additional information in support of the above table in the same MLP appendix. The following text is adapted from the standard letter that the MPA send to applicants when a proposed development triggers Policy S8.

- Borehole logs do not have to be commissioned specifically for an MRA where they already exist, but they must be indicative of the site as a whole, taken from within the application boundary and conform to industry standards.
- To ensure that a comprehensive assessment is undertaken on a site, it is recommended that:
 - a draft borehole location plan is agreed with the County Council as early as possible and preferably as part of pre-application;
 - the borehole depths should be sufficient to prove the depth of the safeguarded deposit;
 - borehole analysis must note the depth of the water table; and
 - a non-stratified sampling technique is applied. An initial spacing of approximately 100m-150m centre to centre should be considered, with additional locations if required to determine the extent of deposits on site.
- The MRA should be prepared using the Pan-European Standard for Reporting of Exploration Results, Mineral Resources and Reserves (PERC) Standard, which was revised and published on 23 May 2013.

4.238 The Planning Officers Society and Minerals Planning Association Minerals Safeguarding Practice Guidance (2019) contains a separate list of requirements for a

'Minerals Infrastructure Assessment' which sets out what needs to be considered when there are safeguarding issues relating to an existing or allocated minerals development rather than a minerals resource. Given that it is currently being proposed to address safeguarding issues as they relate to mineral infrastructure in Policy S9, the proposed requirements for a Minerals Infrastructure Assessment will be set out as part of the assessment of Policy S9.

- 4.239 It is considered that the approach set out in Paragraphs 4.234 - 4.238 above represent little change from the current safeguarding process but it is considered that formalising the requirements for an MRA in the MLP affords greater clarity and ensures a more uniform approach to the process. A proposed amendment to supporting text will clarify that information submitted as part of an MRA is expected to be proportionate to the submitted application. In addition, it will be requested that district and borough authorities include the need for a Minerals Resource Assessment as part of their validation checklists. It is considered that this will have the additional benefit of raising mineral related issues in general from the outset of non-mineral led developments.

The Use of the Word 'Consideration' and Associated Text in Policy S8

- 4.240 Policy S8 as drafted currently states that 'consideration shall be given to the prior extraction of existing minerals' through a Minerals Resource Assessment'.
- 4.241 The use of the word 'consideration' in Policy S8 was examined in Appeal Decision Ref: [APP/Z1510/W/16/3146968](#) relating to Land off Western Road, Silver End, Essex CM8 3SN which was issued in March 2017. Paragraph 81 of this Decision notes that, following a discussion of the merits or otherwise of prior extraction, that '*It is common ground that a mineral deposit of economic importance would be sterilised by the appeal scheme. However, the requirement of EMLP Policy S8 to consider prior extraction has been satisfied*'. Whilst the decision to reject the need for prior extraction on this site did not hang entirely on the need to just 'consider' the need for prior extraction to satisfy Policy S8 (and nothing else), it is noted that for the policy to have material weight, one must do more than just 'consider' prior extraction before a non-mineral development takes place on mineral bearing land. On that basis, it is concluded that Policy S8 be revised to remove the need to have 'consideration' of the need for prior extraction, and instead that this needs to be 'assessed'.
- 4.242 Policy S8 further states that 'Proposals which would unnecessarily sterilise mineral resources or conflict with the effective workings of permitted minerals development, Preferred or Reserve Mineral Site allocation shall be opposed.' It could be interpreted that the need to provide housing on mineral bearing land automatically means that minerals would not be 'unnecessarily' sterilised as there is a necessity for housing.
- 4.243 The current iteration of the NPPF supports safeguarding on the basis that 'known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided' (Paragraph 204 clause c). The term 'needlessly' existed immediately before the word 'sterilised' in the 2012 iteration of the NPPF, but this has since been omitted in the current iteration although it remains in the PPG. It is proposed to revise Policy S8 to state that the sterilisation of minerals that are viable to extract shall be opposed, to

recognise the removal of the word 'needlessly' from national policy. It is intended that the terms 'practical' and 'environmentally feasible' be inserted in the policy to form the basis of the MPA's conclusions as these are the tests stipulated in the NPPF. Further, it is intended to state that any assessment of the viability, financial or otherwise, of prior extraction must be assessed in the context of prior extraction taking place as part of the non-mineral led development rather than as a standalone quarry. Such assessments should consider the practicality of standalone and/or ancillary extraction as appropriate. It is considered that this approach would allow the MPAs position to reflect local circumstances and align the policy more closely with the NPPF.

The Use of the Phrases 'National and Local Importance', 'Economic Importance' and 'Significant Economic Resource' in Policy S8

- 4.244 The current wording of Policy S8 makes reference to mineral resources of 'national and local importance', mineral resources of 'economic importance' and 'significant economic resource'. Since the policy was adopted, these descriptors have been subject to much interpretation through the Development Management process and it is therefore considered that there is merit in clarifying these statements and linking the policy more closely with extant guidance.
- 4.245 It is proposed that supporting text to Policy S8 will now clarify that land covered by an MSA designation is considered to *potentially* hold a mineral of at least local importance by virtue of the land being designated as an MSA. An MRA will therefore be required should the relevant threshold of Policy S8 be met to establish that local importance. This removes any ambiguity as to what constitutes a mineral deposit of local importance in the first place, and to what instance the policy applies.
- 4.246 Policy S8 currently states that its purpose is to avoid the sterilisation of a 'significant economic resource' and that a mineral resource assessment is required to establish the existence or otherwise of a mineral resource of 'economic importance'. These descriptors were not defined in the MLP and as previously stated have also been the subject of interpretation.
- 4.247 This Review affords the opportunity to state that a 'significant economic resource' is held to be a resource which has 'economic value' (i.e. it has a market use), and its significance turns on the fact that it is finite in nature and is therefore afforded particular protection through the NPPF. A 'significant economic resource' is not defined either in the MLP or in the NPPF as a particular deposit of that resource which has 'great financial value'. Here, the interpretation is that the policy intends to speak of sand and gravel as a significant economic resource in of itself, as it is essential in the construction market and is finite. It is not referring to whatever amount of mineral may come out of a particular site.
- 4.248 With regard to the 'economic importance' of mineral, if the mineral has a market use, it is held to have economic importance. NPPF Para 203 notes that 'Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them'. Therefore, the sand and gravel resource as a whole is 'important'. Again, the policy is describing the resource in general terms, not the amount which is specific to a site.

4.249 It is also important to note that there are no explicitly financial tests in relation to the practicality of prior extraction captured in the NPPF or PPG. The PPG states that an MPA is required to set out how proposals for non-mineral developments in MSAs will be handled. This may include policies that encourage the prior extraction of minerals, where practicable, if it is necessary for non-mineral development to take place in Minerals Safeguarding Areas and to prevent the unnecessary sterilisation of minerals. As such, the policy and relevant supporting text will be amended to state that an MRA will be required to establish whether there is mineral present which is viable to extract, and if so, that prior extraction should take place to avoid the sterilisation of minerals if it is practical and environmentally feasible. It is considered inappropriate to articulate safeguarding policy in any way which gives rise to the suggestion that any tests around the practicality of prior extraction are purely financial. This acts to limit the test in the PPG. As such, it is proposed to remove references to 'economic importance' and 'significant economic resource' and refer only to minerals of 'national and local importance' as set out in the NPPF.

4.250 Of relevance to the merits of prior extraction is whether the mineral has an economic use. The requirements for an MRA as set out in Table 5 include the need to consider the extent to which the mineral resource on site would meet the specifications for construction and, if so, the estimated economic/market value of the resource affected. Supporting text to Policy S8 will set out that this information will aid in the establishment of whether indeed the mineral is of local importance. A conclusion with regard to whether the mineral is of local importance will therefore be in the context of the mineral having a marketable use (and being finite) rather than its current abundance in the administrative area. The local abundance of the mineral is not held in the NPPF or PPG as a factor of whether a mineral is of local importance, but at the site level it is recognised that it may impact on the practicality to extract it. Of further relevance to the issue of prior extraction is NPPF Paragraph 205, which states that 'when determining planning applications, great weight should be given to the benefits of mineral extraction'. The planning balance of what should be considered practicable to extract should therefore be viewed in relation to the viability of the proposed non-mineral development as a whole, not just the viability of mineral extraction in isolation. On this point it is reiterated that mineral safeguarding is a conservation measure, and conservation measures themselves are not expected to be profit making exercises in their own right. Such conservation measures are required to mitigate the impact of the proposed development in the pursuit of sustainable development.

4.251 It is recognised that further evidence is required with regard to how the MPA will assess the issue of the 'practicability' of prior extraction through information arising through Mineral Resource Assessments, or otherwise. This evidence will be developed through this plan review process and will inform future proposed plan amendments as relevant.

Minerals Local Plan 2014 Appendix 5

4.252 Appendix 5 provides detail around the consultation procedure for Mineral Safeguarding Areas. This will require an update based on the need to redefine MSAs and MCAs as set out above, with such an update also making reference to the new MRA and MIAA checklists.

- 4.253 Further, Table 9 in Appendix 5 sets out those development types that are either included or excluded from the provisions of Policy S8. Whilst it has been assessed that this table should be largely unmodified, two amendments are proposed. The first of these is that it is considered that 'Applications for development on land which is already allocated in adopted local development plan documents' should be revised to be 'included' for consideration under Policy S8 and Policy S9 and that their current exclusion is an error.
- 4.254 Since the adoption of the MLP, the MPA requests that all proposed housing allocations to be made in Local Plans be submitted to the MPA so that they can be assessed in light of their potential to sterilise mineral bearing land. Where proposed allocations are assessed as having such potential, it is requested that this is recognised in the relevant Local Plan, where reference should be made to MLP Policy S8 as part of any informative that is associated with the relevant site allocation. This is to provide greater visibility to this aspect of the Development Plan.
- 4.255 With reference to Table 9 of the MLP, this essentially means that 'Applications for development on land which is already allocated in adopted local development plan documents' have in effect already been assessed under Policy S8 as they have already been subjected to an assessment protocol which flags any potential mineral safeguarding implications. Importantly however, stating that sites which are already allocated are still 'included' under Policy S8 would enable the MPA to consider sites which were included in Local Plans prior to the adoption of the MLP such that they were never previously considered by the MPA with regard to any safeguarding implications at the point of allocation. Such sites may also have significant safeguarding issues and this modification to Table 9 would enable all applications coming forward anywhere in the county to be treated on the same basis. It will also allow the MPA to retain an interest in any site that for whatever reason was not submitted to the MPA during the Local Plan making process or was otherwise altered and the MPA was not subsequently engaged. It will however be clarified that allocated sites that have already gone through previous engagement during local plan formation will be excluded from Policy S8. The MPA intends to retain a schedule of how safeguarding issues in relation to existing and proposed housing allocations have been addressed for clarity.
- 4.256 The second proposed amendment is to remove the caveat of applications for buildings, structures and uses only being able to be considered as being temporary, and therefore excluded from safeguarding policy, if they are proposed to remain in-situ for five years or less. This is considered to be an unnecessarily restrictive interpretation of what constitutes temporary development.
- 4.257 It is noted that whilst Appendix 5 is now significantly longer, it is considered more appropriate to include the relevant detail with regards to the application of safeguarding policy within the MLP rather than seek to produce a separate Supplementary Planning Document.

The Impact of Policy S8

- 4.258 This review provides for the opportunity to assess the impact of Policy S8 in reducing the amount of mineral needlessly sterilised.

Mineral Safeguarding Areas

4.259 Between the 1st April 2014 and the 31st March 2019, ECC as MPA was consulted on 137 non-mineral related applications on sites within an MSA. Of these, 110 were submitted planning applications, whilst the remainder were either requests for pre-application advice, or requests for information regarding the allocation of the area for a strategic site.

4.260 A response was provided to 93 of the 137 non-mineral related applications made on a site within an MSA. The MPA stated that they had no comments or objections to 57 of these 93 applications. For 20 applications, the MPA provided a comment. These comments often informed the applicant that a Minerals Resource Assessment (MRA) would be required if the application progressed beyond the pre-application stage. For 16 applications, the MPA required further information from the applicant in order to accord with Policy S8. The majority of requests took the form of requesting an MRA. In 12 instances, the further information submitted was sufficient for the MPA to remove its holding objection. A holding objection was maintained by the MPA in relation to four applications. Of those four non-mineral related applications on a site within an MSA where the MPA maintained an objection:

- One application was approved on appeal, with the appeal decision note stating that prior extraction is unlikely to be a practical solution to the potential sterilisation of mineral reserves at the site.
- For one application, the objection from the MPA was submitted after outline planning permission was granted and was therefore not considered to be admissible.
- One application was in any event refused by the LPA.
- The decision of the final application was still pending as of October 2019

4.261 In total, 37 of the 84²⁴ non-mineral related application on a site within a sand and gravel MSA equating to over 5ha have been granted planning permission. This has resulted in a loss of approximately:

- 671ha of Sand and Gravel;
- 16.7ha of Brickearth;
- 11.8ha of Chalk.

4.262 Based on the above figures, it is clear that significant amounts of sand and gravel is being sterilised by non-mineral development, amounting to 671ha of sand and gravel sterilisation during the past five years. This compares to 0ha of sand and gravel that has been prior extracted to avoid its sterilisation where mineral extraction was not already part of proposals. These figures do not include any application that did not meet the site threshold set out by Policy S8 at which safeguarding provisions become a relevant consideration. It is therefore the case that the amount of mineral sterilised is greater than that presented above. However, as previously noted at

²⁴ The decision for 14 of the 84 applications was 'pending' as of September 2019.

Paragraph 4.231, it is not proposed to lower this threshold in order to draw in more applications as 5ha is considered to be an appropriate threshold where prior extraction is likely to be practicable.

- 4.263 To date, it has been found that despite the need to make best use of what are finite mineral resources being clearly articulated in the NPPF, alongside the concept of prior extraction taking place to avoid sterilisation of that mineral prior to non-mineral development taking place, prior extraction has not occurred at a single site in Essex which was not already allocated for mineral extraction. Whilst there is the potential that sand and gravel extraction simply isn't practicable at any of the locations where sterilisation has occurred, it is also considered that the current approach to mineral safeguarding is not robust enough. As such, the MPA is keen to work with stakeholders in the development of a more robust policy that may better facilitate the policy aims of both the NPPF and the MPA, and has put forward its initial conclusions by way of proposed amendments to Policy S8.

Mineral Consultation Areas

- 4.264 Between the 1st April 2014 and the 31st March 2019, the MPA were consulted on 20 non-mineral related applications on a site within 250m of an MCA, 18 (90%) of these were submitted planning applications. There was also one request for pre-application advice, and one was a request for information regarding the allocation of the area for a strategic site.
- 4.265 A response was provided to 14 of the 20 non-mineral related applications on a site within 250m of an MCA. In total, 10 of the 20 non-mineral related applications on a site within 250m of an MCA have been granted planning permission.
- 4.266 Of the 14 instances where a response was originally made by the MPA, only a single application was permitted where a holding objection was maintained, and this was on the basis of the potential impact of noise emanating from the mineral site on the proposed development. The case officer assessing the non-mineral application considered any potential impact relating to noise acceptable provided that one of the two noise mitigation options outlined in the application was implemented.

Assessment of Associated Text (MLP Paragraphs 3.120 – 3.141)

- 4.267 The supporting text to Policy S8 has undergone significant revision. Whilst the approach articulated in the currently adopted Plan is considered to accord with national policy, operation of the policy over the last five years has demonstrated that there would be benefit in re-aligning the wording and terms used more closely to the NPPF as well as providing more context, background and explanation with regards to how the MPA intends the policy to operate. A further number of amendments are required to address the revisions in approach as set out in the 'Further Considerations' section above, such as wording related to the re-designation of MCAs and how one is to calculate the amount of land potentially sterilised by a development for the purposes of applying the policy. Some supporting text has been moved into Policy S9, again as a consequence of the re-designation of MCAs. The Schedule of Amendments accompanying this document sets out justification for each individual change.

- 4.268 Paragraphs 3.120 – 3.128 cover the rationale for the safeguarding of mineral resources, what it means for resources to be sterilised and the operation of Mineral Safeguarding Areas. Amendments are proposed to Paragraph 3.120, 3.122 and the revised Mineral Safeguarding Areas section to provide additional clarity, and to more closely align wording to the NPPF. The Mineral Safeguarding Areas section itself has been expanded, again to align it more closely with the NPPF, but also to provide background as justification for how these areas have been designated, to clarify what is meant by a mineral of national and/or local importance as well as further detail linked to the operation of safeguarding policy.
- 4.269 Paragraphs 3.129 – 3.133 describe the purpose and operation of Mineral Consultation Areas. These require modification to address that MCAs are now to apply to land 100m beyond designated MSAs. Some of this text will also be required to be removed from this policy to be placed as supporting text to an amended Policy S9 which will provide the policy approach to non-mineral developments in close proximity to existing or allocated mineral infrastructure. As discussed under the assessment of Policy S9, MCAs applying to mineral infrastructure will be reclassified into Mineral Infrastructure Consultation Areas such that there is a distinction and clarity between the safeguarding approach as it relates to mineral resources (Mineral Safeguarding Areas and Mineral Consultation Areas) and the safeguarding approach to mineral infrastructure (Mineral Infrastructure Consultation Areas). The Mineral Consultation Areas section of the supporting text to Policy S8 has also been expanded to provide further detail with regards to the application of safeguarding policy as it relates to these redesignated Mineral Consultation Areas
- 4.270 Paragraphs 3.134 – 3.141 highlight how mineral safeguarding consultation processes are expected to operate within the two-tier authority, particularly with regard to whether the Local or County Authority would be the determining authority for applications with mineral safeguarding implications. It is considered that the existing text remains broadly fit for purpose but will now largely be placed in a revised Appendix 5 which will include further proposals for the operation of safeguarding policy between planning authorities as well as further details covering other aspects of the operation of Policy S8 and Policy S9.
- 4.271 Prior to Paragraph 3.134, two new sections are proposed to be added. The first of these covers Mineral Resource Assessments and sets out when such an assessment will be expected to be provided as well as a brief schedule of requirements for a Minerals Resource Assessment and how the information derived from the assessment is expected to factor into decision making. More information with regards to the application of Mineral Resource Assessments will be contained in a revised Appendix 5, which this new section will signpost. This section also sets out that the need for Mineral Resource Assessments to form part of district Validation Checklists and their need highlighted at pre-application stages where relevant.
- 4.272 The second new section addresses the benefits that can be realised from a well-designed programme of prior extraction. Whilst prior extraction is a conservation measure and the importance of conserving mineral resources are made clear in the NPPF, prior extraction can also assist in the creation of attractive features which add value to the final development. It was considered to be of merit for the MLP to also address the positive impacts of prior extraction. Text originally proposed by the MWPA was modified slightly through the Duty to Cooperate.

Conclusion

- 4.273 The general approach to mineral safeguarding is assessed as being broadly compliant with the current iteration of the NPPF but that a number of amendments and additional detail needs to be provided to ensure full conformity with national policy, raise the profile of mineral sterilisation and to address issues surrounding the clarity of operation and efficacy of Policy S8.
- 4.274 Policy S8 is proposed to be redrafted such that it applies to safeguarding matters as they relate to the resource only, whilst all safeguarding matters as they relate to mineral infrastructure are to be moved into a recalibrated Policy S9. MCAs are proposed to be redefined such that they take the form of a buffer of 100m around the safeguarded mineral resource. It is also intended to make explicit reference to the BGS criteria through which MSAs were originally designated to make it clear that these are the starting point of any assessment into mineral viability. There is also the intention to formalise the issues to be addressed within a Minerals Resource Assessment in an appendix to the MLP along with the addition of further text to further clarify expectations for such a document.
- 4.275 Further, the need to give 'consideration' to prior mineral extraction is proposed to be deleted from Policy S8 and replaced with a clear need to assess the potential for prior extraction in terms of its practicality and environmental feasibility such that the policy more closely adheres to the NPPF. It is considered that developments of any size within an MSA should justify why the need for that development overrides mineral safeguarding considerations, although the extent of evidence required to justify that position is intended to be proportionate to the amount of mineral potentially sterilised. Appendix 5 is intended to be modified to accommodate the proposed changes to MSAs and MCAs, as well as to include those sites that are already allocated within Local Plans as being within the scope of Policy S8. It will be clarified that the conclusions to any assessment are to be made within the context of the development as a whole. Appendix 5 will be further expanded to include more detail with regards to the application of Policy S8, including the incorporation of supporting text that was previously in Policy S8.
- 4.276 It is also proposed that supporting text to Policy S8 will now clarify that land covered by an MSA designation is considered to potentially hold a mineral of local importance by sole virtue of the land being designated as an MSA. Reference to the 'economic significance' or similar of a mineral are proposed to be removed from the policy, with relevant text amended to state that an MRA will be required to establish whether there is mineral present which has a market use and which is practicable to extract, and if so, that prior extraction should take place to avoid the sterilisation of minerals where practical and environmentally feasible. This again mirrors the wording used in the NPPF.
- 4.277 Two new sections are proposed to be introduced into the Plan, one covering further details around Mineral Resource Assessments, which also flags the additional detail added to Appendix 5, as well as a new section on the benefits that can be realised through a well-designed and timely scheme for prior extraction. With respect to the former, it is proposed that it is made explicit that mineral safeguarding is a conservation measure and, as a consequence, that the viability of prior extraction

should be assessed in a holistic manner as part of the application as a whole in order to ascertain the practicality of undertaking this activity.

Policy S9 – Safeguarding mineral transshipment sites and secondary processing facilities

The following mineral facilities identified on the Policies Map are of strategic importance and shall be safeguarded from development which would compromise their continued operation.

Safeguarded Transshipment Sites:

- a) Chelmsford Rail Depot
- b) Harlow Mill Rail Station
- c) Marks Tey Rail depot
- d) Ballast Quay, Fingringhoe (safeguarding to apply only up to the end of mineral extraction at the nearby Fingringhoe Quarry)
- e) Parkeston Quay East, Harwich (for potential operation)

Safeguarded Coated Stone Plant:

- f) Sutton Wharf, Rochford
- g) Stanway, Colchester
- h) Wivenhoe Quarry
- i) Bulls Lodge, Chelmsford
- j) Essex Regiment Way, Chelmsford
- k) Harlow Mill Rail Station

The Local Planning Authority shall consult the Mineral Planning Authority and take account of its views before making planning decisions on all developments within 250 metres of the above facilities as defined in the maps in Appendices 2 and 4. Where planning permission is granted for new rail or marine transshipment sites and coated stone plant of strategic importance, those sites will also be safeguarded so that their operation is not compromised. The safeguarding of a strategic plant is for the life of the planning permission or where located in a mineral working, until completion of extraction.

The Local Planning Authority shall consult the Mineral Planning Authority for its views and take them into account on proposals for development within the Mineral Consultation Area of these safeguarded sites, as identified on the Policies Map, before making planning decisions on such proposals.

Purpose of Policy S9

4.278 The geology of Essex does not allow it to be self-sufficient in all minerals required to facilitate development, so there is a necessary reliance on imported supplies, such

as hard rock, to serve the County's needs. Most imported mineral which arrives in Essex comes into the County primarily by rail and sea, and the existing mineral infrastructure which makes this importation possible is therefore a vital feature of the County's mineral supply network. These facilities are known collectively as mineral transshipment sites and effectively operate as 'virtual quarries' as they are a base for mineral supply. Transshipment sites within Essex are currently specifically named through Policy S9 and are subject to Mineral Consultation Area designations as set out in Policy S8 and Policy S9.

- 4.279 Policy S9 also acts to safeguard Coated Stone Plants. The future growth and development of Essex will require considerable quantities of concrete and asphalt. These products are produced and manufactured at secondary processing facilities across Essex which are fed by the minerals extracted from the ground. These types of facilities include coated stone plant (asphalt) as well as concrete batching plant, mortar plant and bagging plant. Supporting text to Policy S9 sets out that of the different types of secondary processing facilities, only coated stone plants are considered to be 'strategic' and therefore require safeguarding.
- 4.280 There are now five coated roadstone plants in Essex (down from seven at Plan adoption) and these are considered to be of strategic importance due to the limited number serving Essex and the difficulty in finding suitable alternative sites. The reduction is due to the removal of the plant at both Wivenhoe Quarry and Suttons Wharf, and further amendments to supporting text within the Plan will be required to accommodate their removal. These coated stone plants are currently specifically named through Policy S9 and are subject to Mineral Consultation Area designations as set out in Policy S8 and Policy S9.

Compliance with the NPPF/PPG

- 4.281 Through the assessment provided in Table A11 (Appendix One), it is considered that Policy S9 is in general conformity with national policy. There is a clear requirement in the NPPF to ensure that associated mineral infrastructure and not just the sites of extraction are to be safeguarded, with the PPG making clear that Local Planning Authorities have an important role in this regard and that Mineral Consultation Areas are the appropriate mechanism through which to ensure the safeguarding of these facilities. Of particular importance is the current NPPF Para 182 which was first included as part of the revisions to the NPPF in 2018. This introduces the Agent of Change principle, which states that 'Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established'. It is assessed that this provides additional support to the general safeguarding process established through Policy S9 and will be referred to through an amendment to supporting text.
- 4.282 The NPPF and associated guidance is however silent on any explicit requirement to only safeguard 'strategic' facilities, with NPPF Para 204 e) stating that planning policies should safeguard existing, planned and potential sites. The list of examples of such sites also include those sites which are involved in the manufacture of concrete and concrete products, which are currently excluded from Policy S9. On this point, it is also noted that the same paragraph includes the need to safeguard sites for the handling, processing and distribution of recycled aggregate material. These facilities are subject to Policy S5 of the MLP, which highlights the intention to

safeguard them, but only those considered 'strategic' fall under Policy S5 as currently worded. For clarity, all such facilities will be included in the definition of 'mineral infrastructure' and their safeguarding will subsequently be achieved through the provisions of Policy S9, which will apply to all existing, permitted and allocated mineral infrastructure. It is noted that aggregate recycling facilities are also defined as waste management facilities in Essex as they recover previously used aggregate sourced from Construction and Demolition waste. As such they are already safeguarded through the provisions of the Essex and Southend-on-Sea Waste Local Plan (WLP). Due to the proposed intention of re-aligning safeguarding provisions in the MLP with those in the WLP, it is not considered that this creates any issue with policy interpretation or application.

4.283 In the assessment of Policy S5, it was considered that it was no longer appropriate to make a distinction between 'Strategic Aggregate Recycling Sites' (SARS) and those which are not strategic, as no such distinction was carried through into the Essex and Southend-on-Sea Waste Local Plan. It is therefore also considered appropriate to remove the supporting text to this policy which makes the distinction between those mineral facilities which are defined as strategic and those which are not. This would mean that in the first instance, Mineral Consultation Areas²⁵ would now apply to all permitted mineral facilities in the Plan Area, including those which are temporary, for the length of their permission, and any future allocations.

4.284 This approach is akin to that taken to the safeguarding of waste management facilities in the Plan Area. Policy 2 of the adopted WLP states that "*Safeguarding will be implemented through Waste Consultation Areas which are defined around all permitted waste developments (as indicated in the Annual Monitoring Report) and sites allocated in this Plan*". It is considered that Policy S9 should also make this distinction, but that in fact it is the Policy Map associated with the MLP, rather than the Authority Monitoring Report, that would be the most appropriate vehicle through which to capture relevant sites that are to be subjected to Mineral Infrastructure Consultation Areas. As a result, it is further proposed to remove the list of facilities from Policy S9. The proposed change will grant the policy additional flexibility as the scope of the policy can be amended through the Policy Map as permissions are granted and expire, rather than the policy itself becoming dated through presenting a schedule of facilities that may change in the future, and has indeed changed since the MLP was adopted.

4.285 It is noted that the final section of Policy S9 is a duplicate of the paragraph above and can be removed.

Further Considerations

4.286 In order that the policy heading more closely relates to its revised purpose, it is proposed to change the title of the policy from 'Safeguarding mineral transshipment sites and secondary processing facilities' to 'Safeguarding mineral extraction sites and other mineral infrastructure'.

4.287 It is proposed that Policy S9 is redrafted to accommodate the tenets of Clauses a-c of WLP Policy 2 such that clarity is provided with regard to the approach that the

²⁵ As they are currently known, but are intended to be re-designated as Mineral Infrastructure Consultation Areas (See Policy S8)

MPA will take with regard to mineral infrastructure safeguarding issues. The approach set out within Clauses a-c of WLP Policy 2 have already been found sound through the Examination in Public of the WLP and it is therefore considered appropriate to adapt these as a sound approach to mineral infrastructure safeguarding, which will also ensure consistency and clarity across the Development Plan. On this basis, five clauses are proposed to be added to Policy S9, with the differences between the five clauses of the MLP and the three of the WLP being due to Clause a in the WLP being split into Clause b and c in the MLP, and a new MLP Clause a, which requires that applications demonstrate that suitable mitigation can be demonstrated such that there is no unsatisfactory impact on the effective operation of the safeguarded facility. This clause was originally in a different part of the WLP policy.

- 4.288 Another significant amendment is the introduction of the requirement for non-mineral led applications made within Mineral Infrastructure Consultation Areas to be required to include a Minerals Infrastructure Impact Assessment (MIIA) in conformity with the schedule set out in Appendix 5 of the MLP. This amendment introduces this new concept into the policy, with further detail added to supporting text. Related to this, the policy is also proposed to be amended to set out the requirement for a Local Planning Authority to consult with the Mineral Planning Authority when proposing policy designations within land which is designated as a Mineral Infrastructure Consultation Area.
- 4.289 A number of other minor amendments are required to be made to incorporate the new term 'mineral infrastructure' into the policy for consistency, with a further amendment stating that safeguarding extends to the life of the planning permission of the mineral activity, rather than just 'extraction' to recognise that safeguarding applies to all mineral infrastructure, not just extraction sites. A further amendment is proposed to clarify the word 'compromise' by adding 'by sensitive or inappropriate development that would conflict with their use' to more closely relate the paragraph to the PPG.

Mineral Consultation Areas as they relate to Mineral Infrastructure

- 4.290 MCAs applying to mineral infrastructure will be renamed to Mineral Infrastructure Consultation Areas (MICAs) such that there is a distinction and clarity between policy references to MCAs (relating to mineral resources) and MICAs (relating to mineral infrastructure). The basis for their designation will remain as currently set out in Policy S9, which is 250m around all safeguarded mineral infrastructure. Updates would also be required to Appendix 5 to recognise the new designation. The policy itself will be expanded to clarify how MICAs are to be applied.

Requirements for a Compliant Mineral Infrastructure Impact Assessment

- 4.291 The Planning Officers Society and Minerals Planning Association Minerals Safeguarding Practice Guidance (2019) contains a list of requirements for what ECC propose to define as a 'Minerals Infrastructure Impact Assessment', and these set out what needs to be considered when there are safeguarding issues relating to an existing or allocated minerals development rather than a minerals resource. Essex County Council currently maintains its own checklist for such purposes, but it is considered appropriate to adopt the checklist from the aforementioned guidance,

with minor amendments. The proposed checklist is reproduced below and is proposed to be explicitly referenced to in policy by way of a referral to Appendix 5.

Table 6: Components of a Compliant Minerals Infrastructure Impact Assessment

Minerals Infrastructure Impact Assessment Components	Information requirements & sources
Site location, boundaries and area	<ul style="list-style-type: none"> • Application site area in relation to safeguarded site(s), • Description of proposed development, • Timescale for proposed development,
Description of infrastructure potentially affected	<ul style="list-style-type: none"> • Type of safeguarded facility e.g. wharf, rail depot, concrete batching plant; asphalt plant; recycled aggregate site, • Type of material handled/processed/supplied, • Throughput/capacity.
Potential sensitivity of proposed development as a result of the operation of existing or allocated safeguarded infrastructure	<ul style="list-style-type: none"> • Distance of the development from the safeguarded site at its closest point, to include the safeguarded facility and any access routes, • The presence of any existing buildings or other features which naturally screen the proposed development from the safeguarded facility, • Evidence addressing the ability of vehicle traffic to access, operate within and vacate the safeguarded development in line with extant planning permission, • Impacts on the proposed development in relation to: <ul style="list-style-type: none"> ○ Noise ○ Dust ○ Odour ○ Traffic ○ Visual ○ Light
Potential impact of proposed development on the effective working of the safeguarded infrastructure/allocation	<ul style="list-style-type: none"> • Loss of capacity – none, partial or total, • Potential constraint on operation of facility – none or partial.
Mitigation measures to be included by the proposed development to reduce impact from existing or allocated safeguarded infrastructure	<ul style="list-style-type: none"> • External and internal design & orientation e.g. landscaping; living & sleeping areas facing away from facility, • Fabric and features e.g. acoustic screening & insulation; non-opening windows; active ventilation.
Conclusions	<ul style="list-style-type: none"> • How the MIIA informed the final layout of the proposed development.

Minerals Infrastructure Impact Assessment Components	Information requirements & sources
	<ul style="list-style-type: none"> • Sensitivity of proposed development to effects of operation of safeguarded infrastructure/facility can be mitigated satisfactorily; or • If loss of site or capacity, or constraint on operation, evidence it is not required or can be re-located or provided elsewhere.

Source: Note: Adapted from Planning Officers Society and Minerals Planning Association Minerals Safeguarding Practice Guidance, 2019.

4.292 In addition, it will be requested that district and borough authorities include the need for a Minerals Infrastructure Impact Assessment as part of their validation checklists. It is considered that this will have the additional benefit of raising mineral related issues in general from the outset of non-mineral led developments.

Assessment of Associated Text (Paragraphs 3.142 – 3.166)

4.293 Notwithstanding the proposed intention to accommodate the provisions of Policy S9 within Policy S8, further amendments to the supporting text of Policy S9 are required. A new introductory paragraph is suggested, and Paragraph 3.142 will require updating such that the current iteration of the NPPF is referenced. Paragraphs 3.143 – 3.164 remain largely factual but require a number of minor amendments to update planning contexts, as a result of the intended change in approach, and to afford greater clarity. Of importance is the need to remove references to those sites which are considered to be strategic or otherwise where this impacts on the approach that would be taken towards safeguarding, with safeguarding provisions now intending to be applied to all existing and permitted mineral infrastructure, and allocations for such, as set out in the MLP Policy Map. Further amendments are proposed to account for the loss of two coated roadstone plants, remove repetition and remove references to specific numbers of facilities as this figure will change over time and is better served being reported through the Authority Monitoring Report and Policy Map which can be more regularly updated.

4.294 A proposed amendment to Paragraph 3.146 has been made to clarify the position with regard to Ballast Quay, Fingringhoe Quarry.

4.295 Paragraph 3.147 relates to Parkeston Quay, Harwich, noting that it is a potential site for an aggregate wharf. The allocation was originally made in the Minerals Local Plan 1996 but as of yet no proposals for aggregate landings or export has been made in relation to this facility. However, the MPA received confirmation in September 2020 that this potential is currently being actively considered and as such it is considered appropriate for the facility to continue to be safeguarded. As such, it was requested through the Habitats Regulations Assessment (HRA) that clarification be added to Paragraph 3.147 to state that any proposals to create a transshipment site at

Parkeston Quay at Harwich Port will require a project-level Habitats Regulation Assessment.

- 4.296 Between paragraphs 3.148 and 3.164 amendments are proposed to remove references to strategic and non-strategic facilities, sites and plants, where such a definition impacts on any approach towards safeguarding, as there is a clear requirement in the NPPF to ensure that associated mineral infrastructure and not just the sites of extraction are to be safeguarded.
- 4.297 Following the section setting out the different types of mineral infrastructure that can either be found within Essex or upon which the county relies, there is a requirement to update the 'Mineral Consultation Areas' section to accommodate the revisions already proposed in this section. Revisions act to remove an existing section that relates to the process that is proposed to be amended whilst a new section includes new paragraphs providing more context with regards to the importance of safeguarding mineral infrastructure. As well as these amendments, an additional section is also suggested which introduces the concept of Mineral Infrastructure Impact Assessments, describes their application and signposts the further detail set out in Appendix 5. Another new section clarifies the definition and application of Mineral Infrastructure Consultation Areas and sets out that the Authority Monitoring Report and Policy Map will detail the locations and extent of safeguarded areas respectively.
- 4.298 An expanded Appendix 5 will now include more practical detail around all aspects of the safeguarding policy, both with regards to the resource and mineral infrastructure, including how applications should be assessed for potential safeguarding policy implications and how liaison between the Local Planning Authority and the MPA could be best managed. This will supplement a table setting out the requirements for Mineral Infrastructure Impact Assessments. Whilst Appendix 5 is now significantly longer, it is considered more appropriate to include the relevant detail with regards to the application of safeguarding policy within the MLP rather than seek to produce a separate Supplementary Planning Document.

Conclusion

- 4.299 In order that the policy heading more closely relates to its revised purpose, it is proposed to change the title of the policy from 'Safeguarding mineral transshipment sites and secondary processing facilities' to 'Safeguarding mineral extraction sites, and other mineral infrastructure'.
- 4.300 The current Policy S9 currently primarily acts to define strategic facilities that would be subject to Policy S8. It is proposed to redraft Policy S8 and S9 such that the former relates to safeguarding provisions for mineral resources with the latter relating to mineral infrastructure.
- 4.301 The current safeguarding approach set out in the NPPF makes no reference to the need to only apply safeguarding measures to strategic mineral facilities. It is therefore considered appropriate to amend the approach to Mineral Consultation Areas (or Mineral Infrastructure Consultation Areas as now proposed) as set out under Policy S9 to mirror the approach taken towards Waste Consultation Areas under Policy 2 of the WLP. This would involve removing the distinction between what is a strategic facility and instead applying safeguarding provisions to all existing

and permitted mineral infrastructure and allocations for such, as set out on the Policy Map. Further policy amendments will be required to reclassify MCAs relating to mineral infrastructure as MICAs.

- 4.302 Another significant amendment is the introduction of the requirement for non-mineral led applications made within Mineral Infrastructure Consultation Areas to be required to include a Minerals Infrastructure Impact Assessment in conformity with the schedule set out in Appendix 5 of the MLP. Related to this, it is proposed that the policy set out the requirement for a Local Planning Authority to consult with the Mineral Planning Authority when proposing policy designations within land which is designated as a Mineral Infrastructure Consultation Area. A further amendment to the policy is proposed to clarify the word 'compromise' by adding 'by sensitive or inappropriate development that would conflict with their use' to more closely relate the paragraph to the PPG.
- 4.303 With regard to the supporting text of Policy S9, this is considered to be largely factual but requires amending in part to update the planning context and remove detail that dates the Plan in relation to sites and facility types. Further amendments are proposed to remove the distinction between strategic and non-strategic mineral infrastructure in terms of the application of safeguarding policy as this is no longer considered to be an NPPF compliant approach. Instead, supporting text is proposed to set out that safeguarding provisions extend to all existing, permitted and allocated mineral infrastructure as set out within the Policy Map. Amendments will also be required to introduce the concept of MICAs as replacements for MCAs, with further amendments proposed to provide background information to highlight the importance of safeguarding mineral infrastructure and aid clarity with regards to the operation of the policy.

Policy S10 – Protecting and enhancing the environment and local amenity

Applications for minerals development shall demonstrate that:

- a) Appropriate consideration has been given to public health and safety, amenity, quality of life of nearby communities, and the natural, built, and historic environment,
- b) Appropriate mitigation measures shall be included in the proposed scheme of development, and
- c) No unacceptable adverse impacts would arise and;
- d) Opportunities have been taken to improve/ enhance the environment and amenity.

Purpose of Policy S10

4.304 Mineral development can be an intrusive activity which can have a significant effect on the environment and the people who live and work close by. Mineral working can potentially cause the permanent alteration of topography, landscape and localised hydrology (including the creation or alteration of waterways), as well as temporary noise, dust and traffic impacts, and the loss of both tranquillity and visual amenity. This can result in severance and disruption of landscape, habitat loss, adverse impacts on local host communities including health and amenity impacts as well as impacts on sites of nature conservation, archaeological and cultural heritage value.

4.305 The capacity of a local area to accommodate minerals development is heavily dependent on the proximity of existing development, the type of operations proposed, how they are planned for and mitigated, and the programme of implementation and monitoring. These issues are best addressed on a site-by-site basis under the Development Management system and therefore this policy does not seek to be overly prescriptive. Instead, it sets out a number of broad principles which any application will need to be in accordance with, allowing for the detail to be introduced through the planning application process, including through pre-application advice.

Compliance with the NPPF/PPG

4.306 Through the assessment provided in Table A12 (Appendix One), it is assessed that Policy S10 is compliant with national policy. It is noted that considerably more detail could be provided with respect to the issues that would need to be addressed when protecting and enhancing the natural environment and local amenity. However, Policy S10 acts to set out the MPAs strategic approach to this issue. More detailed aspects regarding the protection of amenity and the environment on a topic-by-topic basis, including the role of specific designations, are addressed in the Development Management section of the Minerals Local Plan. This is considered to be appropriate as the issues to be addressed, and the degree to which they will need to be addressed, will vary on a case-by-case basis.

4.307 Paragraph 21 of the NPPF states that “Plans should make explicit which policies are strategic policies. These should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies.” Strategic Policies in the MLP are denoted by the prefix ‘S’ throughout the MLP and represent the first 12 policies in the Plan. The NPPF is clear that strategic policies should not extend to detailed matters, which is considered to include site-by-site mitigation matters. Therefore, Policy S10 takes a high-level strategic approach to what is nonetheless recognised as being an important issue for the MLP, with the detail following in the Development Management section of the Plan which addresses issues at the site level.

Further Considerations

4.308 Notwithstanding the point raised above, there is the potential for more detail to be provided at the strategic level, with further potential for there to be separate strategic policies detailing the natural environment, heritage and human health separately. On this point, it is relevant to note that there is already considerable planning legislation in existence which applies to the protection of matters of health, amenity and the natural and historic environment. The omission or otherwise of specific references to this legislation through the MLP does not impact on its status or the weight given to it. It is an accepted principle that all applications submitted to the MPA will be assessed in light of all extant legislation.

4.309 It is also important to note NPPF Paragraph 183 which states “The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.” An example of this is the work of the Environment Agency which operates its own permitting process. Where relevant, the commencement of any development cannot take place without appropriate permits being issued by the Environment Agency, irrespective of whether planning permission has been granted.

4.310 There are however a number of proposed amendments to this policy. A reference to ‘wellbeing’ is proposed to be added to recognise the importance of mental health. Through Duty to Cooperate engagement it was suggested that a reference to mineral development being required to deliver a net gain in biodiversity, as an outcome of final restoration, also be included. This amendment has been made.

4.311 Through Duty to Cooperate engagement it was also questioned whether Policy S10 is an unnecessary duplication of DM policies. However, it is again stated that Policy S10 sets out a number of broad principles which any application will need to be in accordance with, allowing for the detail to be introduced through the planning application process. Data collated between 1st April 2017 and 31st March 2018, the latest available at the time of drafting this section, shows that Policy S10 is one of the most frequently used policies and as such it is currently considered that it should be retained.

- 4.312 On the basis of the above, it is considered that the high-level principles set out in strategic Policy S10, coupled with the more detailed information provided in association with Policy DM1 and extant legislation, provide a suitable approach to addressing issues around environmental and local amenity issues.
- 4.313 It is further proposed to reformat the policy such that it takes the form of a more concise paragraph. The previous list-based format was suggested as being more difficult to interpret and unnecessary.

Assessment of Associated Text (Paragraphs 3.167 – 3.171)

- 4.314 The supporting text to Policy S10 is considered to be factual in nature and compliant with national policy when it comes to articulating a strategic approach to environmental and local amenity issues. However, a number of minor amendments are suggested to provide further context.
- 4.315 A new final sentence has been added to Paragraph 3.167 to briefly note some of the positive benefits that can be secured following well designed restoration. Paragraph 3.169 has been amended such that reference is made to habitats regulations in general rather than the document that is currently extant to accommodate any potential change during the lifetime of the Plan. Through the emerging Habitats Regulations Assessment for this review, it was requested that references to 'Natura 2000' sites be removed from Paragraph 3.169 and replaced by 'Habitats Site' due to the need to update terminology. This amendment is proposed, with a definition of 'Habitats Site' taken from the NPPF added to the Glossary.

Conclusion

- 4.316 It is considered that Policy S10 is compliant with national policy. Policy S10 acts to set out the MPAs strategic approach to environmental and local amenity issues with the more detailed aspects regarding the protection of amenity and the environment being addressed in the Development Management section of the Minerals Local Plan. This is considered to be appropriate in light of the provisions set out in NPPF Paragraph 21 as any specific local amenity issues to be addressed, and the degree to which they will need to be addressed, will vary on a case-by-case basis. The supporting text to Policy S10 is considered to be factual in nature and sufficient to support the strategic approach to environmental and local amenity issues.

Policy S11 – Access and Transportation

Proposals for minerals development shall be permitted where it is demonstrated that the development would not have unacceptable impacts on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment.

Proposals for the transportation of minerals by rail and/ or water will be encouraged subject to other policies in this Plan.

Where transportation by road is proposed, this will be permitted where the road network is suitable for use by Heavy Goods Vehicles or can be improved to accommodate such vehicles. The following hierarchy of preference for transportation by road shall be applied:

(i) Access to a suitable existing junction with the main road network, as defined in Section 7, via a suitable section of an existing road, as short as possible, without causing a detrimental impact upon the safety and efficiency of the network.

Where (i) above is not feasible, direct access to the main road network involving the construction of a new access/ junction when there is no suitable existing access point or junction.

Where access to the main road network in accordance with (i) and (ii) above is not feasible, road access via a suitable existing road prior to gaining access onto the main road network will exceptionally be permitted, having regard to the scale of the development, the capacity of the road and an assessment of the impact on road safety.

Purpose of Policy S11

4.317 Due to the nature of their operation, minerals development can give rise to a number of potential impacts on the traffic network, both in terms of the number of vehicle movements generated as well as due to the nature of the vehicles themselves. The potential impact of mineral traffic is one of the main concerns for communities where mineral development applications come forward, as the impact of mineral traffic can be experienced at relatively significant distances from the site should the road network be inappropriate. Impacts can relate to congestion, which can have knock-on effects on the wider transport network, perceived or actual safety for other road users, as well as maintenance issues related to the road surface and vulnerable proximal features.

4.318 It is therefore of utmost importance when permitting new minerals related development (including new extraction sites, extensions to existing sites and transshipment sites) that the road network is appropriate to accommodate that use and that vehicle traffic use appropriate routes onto the network. Policy S11 provides that function.

4.319 It is noted that the impacts of mineral traffic are not just directly related to impacts on the road network itself. Inappropriately routed traffic can create impacts related to

noise, dust and vibration. Such impacts are addressed by Policy DM1 – Development Management Criteria.

Compliance with the NPPF/PPG

4.320 Through the assessment provided in Table A13 (Appendix One), it is considered that Policy S11 is in conformity with the NPPF. It is further considered that there are no omissions within Policy S11 which result in any issues of non-compliance with national policy.

Further Considerations

4.321 Whilst the policy remains compliant with national policy, through the Duty to Co-operate, HRA and further internal assessment, it has been recognised that the policy can be expanded to be more prescriptive in order to achieve better outcomes.

4.322 A proposed amendment through the Duty to Cooperate was to include an explicit reference to highways safety at the beginning of the policy which is considered appropriate as this reflects aspects of the policy. The MWPA subsequently propose to expand this to include highways capacity as this is also covered by the policy. As such Policy S11 is proposed to be amended to state that mineral movements shall not generate unacceptable impacts on highways safety, highways capacity and air quality, particularly in relation to any potential breaches of National Air Quality Objectives and impacts on any Air Quality Management Areas. Through the Duty to Co-operate it was noted that parts of the county have significant air quality issues. One local authority noted that exceedances in permitted EU limits for air quality arising from traffic movement have been identified by DEFRA.

4.323 It is also considered appropriate to be more prescriptive with regards to what would be expected to be addressed through Transport Assessments or Transport Statements produced as supporting evidence to planning applications. A further list of criteria is proposed which cover the need for planning proposals to demonstrate that they will not create unacceptable risks or impacts upon a specified range of transport related considerations, such as pedestrian safety and physical damage to the road network. Stating these criteria ensure that issues in relation to transportation matters are approached holistically and uniformly, and they draw on best practice seen elsewhere.

4.324 Through the Habitats Regulations Assessment (HRA) it was requested that Policy DM1 included reference to the fact that a transport assessment may potentially need to include an assessment of potential air quality to avoid adverse effects on the integrity of Habitats Sites. As such, an amendment to Policy S11 has been proposed to add the requirement for Transport Assessments to include an assessment of potential air quality impacts, including to avoid adverse effects on the integrity of Habitats Sites.

Assessment of Associated Text (Paragraphs 3.172 – 3.182)

4.325 It is considered that the supporting text to Policy S11 remains fit for purpose. The first paragraph set out the purpose of Policy S11 with the following three paragraphs acknowledging that rail and water-borne transport would be the most sustainable forms of mineral transport but that given the nature of the Essex market, with the

majority of minerals extracted in Essex being used within the County, road based transport will be the most common mode of transport by which mineral will move around the County. Minor amendments are however proposed so that supporting text refers to Heavy Goods Vehicles rather than 'lorries', as well as substituting a reference to a specific statistic with a broader reference that is less likely to change over time. References to Reserve Sites at Paragraph 3.177 and Paragraph 3.182 are proposed to be removed to accommodate the proposed redesignation of Reserve Sites to Preferred Sites as set out in the section of this report beginning at Paragraph 4.137.

- 4.326 Paragraphs 3.176 notes that the policy approach is compliant with Essex Transport Strategy Policy 6: *Freight Movement* and the Essex Highway Authority's Functional Route Hierarchy as set out in the Highways Development Management Policies (February 2011). Both of these documents remain extant and as such these references remain applicable. The remaining paragraphs provide more detail with regard to the operation of the hierarchical preference in Policy S11 and the need to ensure that any potential cumulative impacts of transport movements are understood when facilities are co-located and/or extended. These are also considered to be fit for purpose.
- 4.327 Paragraph 3.177 sets out that the Highways Authority stated that their preference for Preferred Site allocations are those which utilise and make the most effective use of the upper tiers of the route hierarchy in order to keep traffic away from unsuitable minor roads. An amendment was proposed through the Duty to Cooperate to clarify that where the movement of minerals are by road, the increase in traffic movement and effects on air quality shall be in accordance with published highway design guidance and national air quality objectives and strategies.
- 4.328 An amendment is proposed to Paragraph 3.179 to clarify that any junction improvements required to make access to mineral infrastructure acceptable are to be made by the developer or someone acting on their behalf. The paragraph has been further amended to require that any such amendments are made in accordance with the route hierarchy, as set out in the Highways Development Management Policies (February 2011).
- 4.329 Paragraph 3.181 has been amended to state that an assessment of the impacts of transporting minerals and associated products to and from quarries is a key consideration when determining development proposals to raise the importance of this element of a planning application. A new penultimate paragraph has been introduced to state that conditions may be used when it is considered necessary to minimise highways and amenity impacts from HGV transport, and that the operator may also be requested to enter into a unilateral agreement to ensure acceptable routing of its HGVs.
- 4.330 A number of other minor amendments are proposed to the supporting text to improve clarity, operation and referencing. References to Reserve Sites will also require amending due to the intention to remove this designation as set out in the commentary associated with Policy S6.

Conclusion

- 4.331 Whilst the policy remains compliant with national policy, through the Duty to Co-operate and further internal assessment, it has been recognised that the policy can be expanded to be more prescriptive in order to achieve better outcomes. Policy S11 is proposed to be amended, partly as a result of comments received through the Duty to Cooperate, to state that mineral movements shall not generate unacceptable impacts on highways safety, highways capacity and air quality, particularly in relation to any potential breaches of National Air Quality Objectives and impacts on any Air Quality Management Areas. Further amendments seek to be more prescriptive with regards to expectations around Transport Assessments.
- 4.332 The policy's supporting text is considered to largely remain compliant but references to Reserve Sites will require deletion due to the intention to remove this designation, as set out in the commentary associated with Policy S6. It is also considered that any Review would afford the opportunity to make minor amendments to the supporting text to improve clarity, operation and referencing. Further amendments aim to raise the profile of this aspect of the development management process, with additions noting that the impacts of transporting minerals and associated products to and from quarries is a key consideration when determining development proposals. The ability of the MPA to place conditions on planning permissions to minimise highways and amenity impacts from HGV transport is also highlighted, as is the ability of the MPA to enter into a unilateral agreement with an operator to ensure acceptable routeing of its HGVs.

Policy S12 – Mineral Site Restoration and After-Use

Proposals for minerals development will be permitted provided that it can be demonstrated that the land is capable of being restored at the earliest opportunity to an acceptable environmental condition and beneficial after-uses, with positive benefits to the environment, biodiversity and/ or local communities.

Mineral extraction sites shall:

- 1) Be restored using phased, progressive working and restoration techniques,
- 2) Provide biodiversity gain following restoration, demonstrating their contribution to priority habitat creation and integration with local ecological networks,
- 3) Be restored in the following order of preference,
 - (i) At low level with no landfill (including restoration to water bodies),
 - (ii) If (i) above is not feasible then at low level but with no more landfill than is essential and necessary, to achieve satisfactory restoration,
 - (iii) If neither of these are feasible and the site is a Preferred Site as may be determined by the Waste Local Plan, then by means of landfill.
- 4) Provide a scheme of aftercare and maintenance of the restored land for a period of not less than five years to ensure the land is capable of sustaining an appropriate after-use,
- 5) Where appropriate, proposals shall demonstrate the best available techniques to ensure that:
 - a) Soil resources are retained, conserved and handled appropriately during operations and restoration,
 - b) In the case of minerals development affecting the best and most versatile agricultural land, the land is capable of being restored back to best and most versatile land,
 - c) Hydrological and hydro-geological conditions are preserved, maintained, and where appropriate, managed to prevent adverse impacts on the adjacent land's groundwater conditions and elsewhere,
 - d) Flood risk is not increased,
 - e) Important geological features are maintained and preserved,
 - f) Adverse effects on the integrity of internationally or nationally important wildlife sites are avoided.

Proposals shall demonstrate that there will not be an unacceptable adverse impact on groundwater conditions, surface water drainage and the capacity of soils for future use. Proposals shall also have regard to any relevant Surface Water or Shoreline

Management Plans. Proposals will also demonstrate that the working and restoration scheme is appropriate, and the implementation and completion of restoration is feasible.

Purpose of Policy S12

- 4.333 Unlike many other forms of development, mineral extraction is a temporary use of land. Policy S12 seeks to ensure that following the cessation of the use of land for mineral development, the site is restored and subsequently used and managed in such a way as to benefit communities and their local environment, potentially creating valuable new assets for future generations.
- 4.334 Unlike many other forms of development, minerals extraction provides a unique opportunity to 'start again' on the landscape through the implementation of high-quality site restoration. 'Restoration' covers any operations designed to return the land to an acceptable landform, environmental condition or beneficial after-use(s). It includes events that take place before and during mineral extraction (such as the stripping and protection of soils), and operations after extraction, up until an after-use is established on site following a period of after-care²⁶.

Compliance with the NPPF/PPG

- 4.335 Through the assessment provided in Table A14 (Appendix One), it is considered that Policy S12 is largely in conformity with the NPPF. PPG Reference ID: 27-013-20140306 sets out the principal environmental issues of mineral working that MPAs should address. Where these relate to land-use and restoration, these are considered to largely be covered within the scope of Policy S12. It however noted that Policy S12 does not make specific references to landscape, local character, land stability, heritage and climate resilience. Whilst these aspects are addressed under Policy DM1 – *Development Management Criteria* or Policy S3 – *Climate change*, it is considered that for completeness they should also be added to the list of criteria captured within Policy S12. It is noted that these aspects are already addressed within the supporting text to this policy so it would be appropriate to add these to the wording of Policy S12 as part of a Review.
- 4.336 Through the emerging Habitats Regulations Assessment carried out as part of this Review, it was requested that references to the need to avoid adverse effects on the integrity of internationally or nationally important wildlife sites in Criteria I be clarified with additional text to state that impacts are to be assessed either alone or in combination with other plans and projects to better reflect the approach to Appropriate Assessment under the habitats regulations. This amendment is proposed.
- 4.337 Through internal engagement, it was requested that a new policy relating to Green Infrastructure provision be inserted into the Plan. This is not currently considered necessary as Green and Blue Infrastructure has been introduced as a cross-cutting theme. Nonetheless, elements that would comprise this policy are proposed to be included within the MLP. One such example is a proposed amendment to Criteria 4

²⁶ Where relevant, the restored land will remain in 'aftercare' for five years and be managed in an appropriate manner to ensure that the after-use is well maintained and established, prior to being 'signed off'. Following sign-off the site is no longer overseen or is otherwise the responsibility of the Mineral Planning Authority.

of Policy S12 which proposes to add a specific reference to the need for schemes of aftercare and maintenance of the restored land to include its on-going stewardship

- 4.338 In order that restoration schemes better reflect the wider Development Plan, it is considered appropriate to amend the first paragraph of Policy S12 to require that restoration schemes reflect Local Plan objectives. Similarly, a final paragraph is proposed to be added to Policy S12 to require that proposed restoration schemes reflect Local Plan objectives for growing natural capital and green and blue infrastructure strategies where relevant. It is further considered that the policy should also be amended to seek 'net biodiversity gain' rather than 'biodiversity gain' to recognise that biodiversity net gain is to be made mandatory for new developments through the Environment Bill 2019. An amendment to Policy S12 is proposed which will require mineral development to demonstrate net biodiversity gain; in accordance with the requirement set out in NPPF Paragraph 170 Clause d and 174 Clause b. Net gain is an approach to development that aims to leave the natural environment in a measurably better state than before development activities are undertaken, and can be provided at the local / on-site level or at a strategic level.
- 4.339 Finally, to accord with PPG Reference ID: 27-040-20140306, an amendment is considered necessary to state that land of best and most agricultural value should be capable of being restored back to best and most versatile agricultural land, though the proposed after-use need not always be for agriculture.

Further Considerations

- 4.340 Policy S12 is considered to remain largely in conformity with extant national policy subject to those additions set out above. An exception to this is Section 3 of Policy S12, which was a policy preference borne out of local circumstance rather than an express need to be in conformity with any specific aspect of national policy. In light of this, there is a requirement to test its continued appropriateness. This is discussed in a separate section below.

Recognising the wider Development Plan in Restoration Schemes

- 4.341 The policy is currently non-specific when it comes to the design of restoration schemes. So that the MLP can contribute to the wider Development Plan, it is proposed to amend the policy to make explicit reference to restoration schemes needing to reflect relevant strategies across Essex, including Local Plan objectives for growing natural capital and Green and Blue Infrastructure Strategies that are known to currently be in development. Green Infrastructure (GI) has been defined by Natural England as "the network of multifunctional natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect villages, towns and cities and is integral to the quality of life in sustainable communities". GI encompasses parks and gardens, amenity greenspace, natural and semi-natural urban greenspaces including allotments, green corridors and other public spaces. Together these assets provide areas for recreation and education, physical and mental health benefits, habitats for wildlife and supply ecosystem services such as flood defence or absorption of air pollution.
- 4.342 Information on GI provision is increasingly important for many planning purposes and the recent Defra publication ['A Green Future: Our 25 Year Plan to improve the](#)

Environment explicitly encourages more investment in the quality and provision of GI, particularly in towns and cities. As part of this consideration it would be necessary to address any potential conflict where mineral sites are earmarked to be restored to priority habitat as stipulated through the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance (SPG). It is currently considered that where sites have been explicitly detailed as being intended to be restored to priority habitat, that this commitment remain, but that other opportunities may be more appropriate for other sites.

4.343 The 25 Year Plan states that enhancing natural capital is an essential basis for economic growth and productivity over the long term. Proposed amendments to Policy S12 of the MLP and its associated supporting text stating that restoration schemes must take into account Green and Blue Infrastructure studies, alongside retaining the focus on priority habitat provision, will enable the MLP to play its part in the promotion of natural capital by being reflective of targeted strategies that can more effectively promote natural capital gains.

The Continued Appropriateness of Section 3 of Policy S12

4.344 Section 3 of Policy S12 sets out a hierarchical preference for restoration in relation to the preferred volume of imported material that would be accepted on-site to aid in the restoration of the former excavation site. The order of preference leads with no importation of material for landfill (recognising that this could lead to the formation of waterbodies), then at a level equating to no more landfill than is essential to achieve satisfactory restoration, with volumes of landfilling greater than this only to be permitted if the site is allocated for landfill in the Waste Local Plan.

4.345 In the first instance, it is now considered that this hierarchical preference is too rigid and doesn't allow for any discretion with regard to the myriad benefits that different forms of restoration could take. The hierarchical preference is process led rather than outcome led: it wouldn't allow for a potential maximum benefit to be realised if the type of restoration required to realise that benefit would result in a need for greater importation than is 'essential' to achieve 'satisfactory restoration'. This is now considered to be counter-productive and not in conformity with the general principles of ensuring a high standard of restoration and maximising the benefits of after-use.

4.346 The rationale for the current hierarchy is set out in the Minerals Development Document: Preferred Approach December 2010 (MDD:PA2010). This document states (under Preferred Approach 14) that *'The restoration level of sites will generally be decided on a case-by-case basis but must be sympathetic to the surrounding landscape. Where inert land-fill is needed it will be addressed through the WDD (Waste Development Document).'* It is further stated that *'Low level restoration may be the default position due to the difficulties and costs in obtaining inert waste materials'* and that *'While it may be desirable to reinstate former land levels it is no longer always possible to ensure. The likelihood of low-level restoration carried with it countryside and landscape impacts which will need to be addressed at the time an application is made.'*

4.347 The rationale for the hierarchy therefore is based on a stated difficulty of obtaining sufficient inert material to use for restoration based on forecasts conducted at the

time. However, it is further noted that the rationale for Preferred Approach 14 also recognised that ‘the restoration level of sites will generally be decided on a case-by-case basis but must be sympathetic to the surrounding landscape’. It is held that the imposition of a rigid hierarchy does not allow that decision to be made on a case-by-case basis.

- 4.348 CD&E forecasts which informed the policy approach to infill material within the MLP were published in the Waste Capacity Gap Report (2013). The use of the 2013 WCGR report (rather than the earlier 2011 Capacity Report) for continued development of the MLP was recommended through the Mineral Re-Use and Recycling Topic Paper developed as evidence for the submission of the draft MLP to the Secretary of State for Examination
- 4.349 Further assessment of the amount of inert waste likely to arise in the Plan Area was carried out in 2015 during the production of the Essex and Southend-on-Sea Waste Plan 2017 (formally known as the Waste Development Document), and more recently this issue has been reviewed in the CD&E Waste Baseline Report (2019)²⁷. This report estimated total arisings in CD&E waste in 2017 and compared this to a figure developed in 2014²⁸.
- 4.350 The latest CD&E forecast suggests that the likely amount of CD&E waste arising in the plan area across the plan period was underestimated at the point in time that the policy approaches in the Minerals Local Plan were finalised. This is potentially due to the fact that earlier projections used data influenced by the 2008 recession and did not benefit from the changes to the Environment Agency permitting regime, which effectively required more CD&E activities to be permitted through the regime. This provided additional data to inform the EA reports on throughput.
- 4.351 With the MDD:PA (2010) recognising the need for restoration to be considered on a site-by-site basis (with the acknowledgement that restoration to the lowest possible level might not always be appropriate), and the perceived difficulty of sourcing enough inert waste to accommodate anything other than the lowest level of restoration possible seemingly now unfounded, it is considered appropriate to remove this hierarchical preference as its evidential basis has been superseded.
- 4.352 It is proposed that the policy is amended to state that infilling shall only be at a scale considered necessary to achieve beneficial restoration. This allows the MPA to consider the relative benefits that would be realised through a specified degree of importation. This stance would also align Policy S12 with Paragraph 9.64 of the WLP which states that ‘Landraising, above the level considered necessary to achieve a beneficial use or land restoration, is not acceptable.’ ‘Policy 13 – Landraising’ of the WLP further states that ‘Proposals for landraising with waste will only be permitted where it is demonstrated that there are no feasible or practicable alternative means to achieve the proposed development’. This qualification will be added to the supporting text of Policy S12.

²⁷ BPP (May 2019) [Baseline for Construction, Demolition & Excavation Waste Generated in Essex & Southend on Sea Update 2017](#)

²⁸ BPP (2015) [SD-20 Topic Paper 1 Waste Capacity Gap Report](#)

The Delivery of Priority Habitat through Policy S12

- 4.353 A stated aim incorporated within the text of Policy S12 of the MLP is the creation of priority habitat through mineral site restoration. Policy S12 is supported in this regard by Monitoring Indicator 11, which seeks to monitor progress against an MLP target of the creation of a minimum of 200 hectares of UK priority habitat through mineral site restoration or through contributions to support off-site enhancements in proximity to the extraction site. Priority habitat types were selected through the Essex Biodiversity Project. This plan approach is considered to strongly align with NPPF Paragraph 174b which explicitly states that plans should promote the conservation, restoration and enhancement of priority habitats.
- 4.354 [The Mineral Site Restoration for Biodiversity](#) (SPG) document published in June 2016 provides detailed guidance covering design, maintenance and monitoring for the five priority habitats²⁹ considered to be generally deliverable at minerals sites. It also presents a framework through indicative restoration plans for nine 'Flagship Schemes'³⁰. To date those flagship schemes that have come forward as an application (see Table 7) include restoration schemes that are aligned with indicative restoration plans which were agreed as part of the formulation of the SPG.
- 4.355 With regard to current performance under Monitoring Indicator 11, there has been no delivered priority habitat during the first five years of the MLP (2014). This is however considered to be a function of the time it takes to gain planning permission to extract, the extraction process itself and subsequent restoration, rather than any failing of approach. To aid in the monitoring of this indicator, it is now proposed to separately monitor priority habitat by both the commitment to deliver in a planning application and the successful implementation of priority habitat following sign-off of the after-care programme. This modification is set out under the assessment of Policy IMR1.
- 4.356 A summary of the Priority habitat that has been committed to via planning permission compared to the total hectares as set out in the MLP/SPG is provided below.

²⁹ Coastal and Floodplain Grazing Marsh, Lowland Heathland & Lowland Dry Acid Grassland (The two habitats are encompassed in a joint Action Plan in the EBAP), Lowland Meadows, Open Mosaic Habitats on Previously Developed Land, Reedbeds.

³⁰ Including a total of five schemes at the allocated and reserve sites at Bradwell, Rivenhall. These were counted as a single flagship scheme within the SPG.

Table 7: Summary & Status of Flagship Sites at 01 October 2019

SPG Scheme Ref:	MLP Site Ref	Location	Minimum area of Priority Habitat Creation at each preferred or reserve site ³¹	Committed area of Priority Habitat Creation ³²	Application reference	COMMENTS
1	A3, A4 & A5	Bradwell, Rivenhall (P)	28ha	16.05ha	ESS/24/14/BTE	A3 & A4 Granted in 2015
				12.4ha	ESS/03/18/BTE	Granted in 2018
	A6 & A7	Bradwell, Rivenhall (R)	22ha	N/A	N/A	No application with details received for A6 or A7 ³³ .
2	A9	Broadfield Farm, Rayne	50ha	57.3ha	ESS/19/17/BTE	Granted in 2018
3	A46	Coleman's Farm	20ha	24.1ha	ESS/39/14/BTE	Granted in 2016
4	A31	Maldon Road, Birch	23ha	N/A	N/A	No Application received for A31
5	A22	Sunnymead, Alresford	50ha	36.05ha	ESS/17/18/TEN	Pending determination as of 01 October 2019

³¹ As set out in Table 1.1 of the Biodiversity SPG

³² To be delivered through restoration schemes permitted and awaiting determination'

³³ A scoping opinion for EIA (ref ESS/44/18/BTE/SPO) has been requested by the applicants for A7, but this contains no specific detail on potential future commitments of Priority Habitat for either site.

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SPG Scheme Ref:	MLP Site Ref	Location	Minimum area of Priority Habitat Creation at each preferred or reserve site ³¹	Committed area of Priority Habitat Creation ³²	Application reference	COMMENTS
Total Priority Habitat to be delivered Through the Five SPG Flagship sites		193ha (sum of SPG commitments above)	Sum of total priority habitat delivery granted	109.85ha	= 90.15ha remaining to be delivered to achieve MLP priority habitat target of 200ha	
			Sum of total priority habitat delivery pending determination at 01 October 2019	36.05ha		
Minerals Local Plan Minimum Priority Habitat Delivery Target		200ha (i.e. 7ha is required to be delivered outside of schemes identified in the SPG)	Sum of schemes above, both granted and pending	145.9ha	= 54.1ha remaining to be delivered to achieve MLP priority habitat creation target of 200ha (45ha of which could potentially come from sites yet to be submitted)	

Source: Essex County Council (2019) As derived & updated from ECC (2016) [The Mineral Site Restoration for Biodiversity Supplementary Planning Guidance](#), Please Note: This table only includes the amount of hectares that have been committed to at those flagship schemes set out in the SPG. It does not include commitments made at allocated non-flagship sites (as set out in Table 8)

4.357 It is noted that Table 1.1 in the SPG identifies a total of 193ha of priority habitats to be delivered through the restoration of the five flagship sites. The SPG does not however specify an individual habitat creation target for the five priority habitats identified in the MLP (2014) that are to be delivered through the restoration of these flagship sites. Conversely, the MLP identifies a total creation target of 200ha of priority habitat from all sites, which has been broken down into different habitat types through Paragraph 6.13 of the MLP, which is then monitored individually through the AMR outside of the requirements of the MLP Monitoring Framework³⁴. This information is also included within the SPG at Table 3.1, but is again not attributed to any individual site, flagship or otherwise. It is proposed that Paragraph 6.13 be removed as the target is not related to the MLP Monitoring Framework but that progress with this more nuanced target be continued to be monitored through the AMR.

4.358 Table 7 above presents the contribution to priority habitat creation made through the five flagship sites set out in the SPG. The contribution of these non-flagship sites together with the flagship sites set out in Table 7 is shown below in Table 8 (both approved and potential pending contribution).

Table 8: Combined Contribution of Flagship and Non-Flagship Sites to the Priority Habitat Targets at 01 October 2019

MLP Site Ref	Location	Committed area of Priority Habitat Creation ³⁵	Application reference(s)	COMMENTS
See Table 7 for Details	Approved Flagship Schemes	109.85ha (Combined)	See Table 7 for Details	See Table 7 for Details
A22 (See Table 7 for Details)	Pending Flagship Scheme (Sunnymead, Alresford)	36.05ha	ESS/17/18/TEN	Pending determination as of 01 October 2019
A13	Fiveways Fruit Farm	31.4ha	ESS/23/14/COL	Approved 23 March 2015

³⁴ The breakdown as presented in the successive AMRs since 2014/15 was developed from Table 2 (Section 5, page 9) in the ECC (July 2013) Replacement Minerals Local Plan: The Implementation of Biodiversity & Habitat Creation Target Topic Paper. This topic paper stated the five habitat “Individual targets are linked to those in the corresponding Habitat Action Plans of the EBAP. They have been further developed to reflect agricultural land classification, geological, hydrological and landscape information gathered about preferred sites during the Strategic Ecological Assessment process (As specified in Appendix 3: ECC Ecology Assessment Methodology of the Replacement Minerals Local Plan: pre-submission draft Site Assessment Report November 2012). The Target was agreed following consultation with the Essex Biodiversity Project Steering Group.

³⁵ To be delivered through restoration schemes permitted and awaiting determination’

MLP Site Ref	Location	Committed area of Priority Habitat Creation ³⁵	Application reference(s)	COMMENTS
Associated with A22 (Sunnymead)	Wivenhoe Quarry	6.5ha	ESS/45/15/TEN	Approved 16 March 2016
Sum of Approved Flagship and non-Flagship Schemes		147.75ha	= 52.25ha remaining to be delivered to achieve MLP priority habitat creation target of 200ha	
Pending-flagship scheme		36.05ha		
Total Approved and Pending flagship and non-flagship schemes		183.8ha	= 16.2ha remaining to be delivered to achieve MLP priority habitat creation target of 200ha	

Source: Essex County Council (2019)

- 4.359 It can be seen that between 01st April 2014 and 01 September 2019, 147.75ha (including 37.9ha at non-flagship sites) of priority habitat creation has been committed to through planning permissions. This means that 52.25ha of priority habitat remains to be committed to through flagship and non-flagship sites during the life of the plan. This is further reduced to 16.2ha if you also factor in the pending Flagship scheme at Sunnymead, Alresford, which was pending consideration at the November 2019 meeting of the Development and Regulation Committee but was subsequently approved.
- 4.360 The 37.9ha provided by the approved non-flagship sites (Wivenhoe & Fiveways Fruit farm) is in excess of the 7ha of priority habitat creation which was to be secured at non-flagship mineral sites. As of 01 September 2019, there remains three flagship schemes (A6 and A7 - Bradwell, Rivenhall and A31 - Birch), that have either yet to come forward as a planning application or are yet to be pending determination and/or legal agreements. From the table above it has been identified that to meet the 200ha overall habitat creation target a further 16.2ha of priority habitat needs to be created at these remaining flagship schemes and any other non-flagship sites and/or windfall sites.
- 4.361 Table 7 identifies that the three remaining flagship schemes would cumulatively provide 45ha if restoration schemes accorded with the parameters set out in the SPG, bringing the total potential priority habitat creation target to 228.8ha. Although the target therefore has the potential to be met, opportunities to deliver further priority habitat, as part of a holistic approach to growing natural capital will be explored as part of the determination process of other non-flagship sites and windfall opportunities. Such delivery will continue to be monitored through the AMR.

Assessment of Associated Text (Paragraphs 3.183 – 3.210)

- 4.362 Paragraphs 3.183 and 3.185 are proposed to be updated to note that it is important that recognition is given to the long-term opportunities that minerals development may represent following restoration. On a similar theme, Paragraph 3.186 is proposed to be updated to state that there is a need to ensure that restoration schemes reflect relevant strategies and Local Plan objectives for countryside enhancement, including existing or emerging Green and Blue Infrastructure Strategies. Through the Duty to Cooperate, it was requested that the potential for sites to be restored for a built development after-use be noted in addition to countryside enhancement as built development may also reflect Local Plan objectives. This amendment is now proposed.
- 4.363 Paragraph 3.189 states that “since the volumes of infill materials has declined and is not expected to be substantial during the plan-period due to improvements in recycling, infilling is not going to be as prevalent an option as it was in the past.” Subsequent forecasting of the future levels of Construction, Demolition and Excavation (CDE) waste that will need to be managed in the Plan area were carried out in support of the Waste Local Plan 2017 prior and following its adoption. These forecasts concluded that the volumes of CD&E waste likely to arise were underestimated. This notwithstanding, it is considered that the statement ‘*A reliance on infilling would mean that the period to complete a site restoration would be increased*’ is unsubstantiated and should be removed. There is also a further requirement to modify the sentences that set out that the default position for restoration may be to a lower level in order to acknowledge the newly intended preference for restoration proposals to be considered on a site-by-site basis, such that greater benefits can potentially be realised through restoration schemes not constrained by having to minimise infill.
- 4.364 An amendment was requested through the emerging Habitats Regulations Assessment to set out that infilling, as described above, with putrescible waste would need to be avoided at sites within the Impact Risk Zones of Habitats Sites to avoid Adverse Effect on Integrity (AEOI) by preventing the encouragement of predation by gulls and crows. Such an amendment is proposed for Paragraph 3.189, albeit clarified with the addition of the word ‘normally’ to recognise that a planning application may be able to justify that there would be no significant effects on the local environment through the use of such waste.
- 4.365 Paragraph 3.192 recognises that there are many potential after-uses that a former mineral extraction site can be restored to. It is considered that this paragraph could be re-drafted to be a little clearer, removing references to a ‘greater range’ given that no such range is otherwise referred to, whilst also including examples of such after-uses. Through internal engagement, it was requested that reference was made to the need for on-going high-quality maintenance of restored sites beyond the initial five-year monitoring period. As such, an amendment is proposed to Paragraph 3.192 to require that both applicants and the Mineral Planning Authority consider the range of benefits that mineral restoration and after-use proposals might deliver, including through its ongoing stewardship. Also, through internal engagement, it was suggested that Green and Blue Infrastructure Strategies and Local Plan objectives *must* be referred to when proposing restoration and after-uses, rather than *should*. This amendment has been proposed through this review.

- 4.366 Further, proposed amendments to Paragraph 3.186 of the MLP stated that ‘a strategic steer’ should be given to restoration proposals by reflecting relevant strategies and Local Plan objectives. Through the Duty to Cooperation it was requested that it be clarified that after-use proposals are to include details regarding ongoing stewardship of that after-use. As such a proposed amendment to this effect is proposed under Paragraph 3.192. A further modification to this paragraph is suggested, which would state that there was a need to ensure that restoration schemes reflect relevant strategies and Local Plan objectives, including existing or emerging Green and Blue Infrastructure Strategies. Through the Duty to Cooperate, it was requested that the potential for sites to be restored for a built development after-use be noted in addition to countryside enhancement as built development may also reflect Local Plan objectives. This amendment is now also proposed as part of revisions to Paragraph 3.192.
- 4.367 As a result of amendments reflecting that built development may be an appropriate after-use in light of emerging or existing Local Plan objectives, and that the local planning authority would be the determining authority for built development, a new paragraph has been proposed following Paragraph 3.192. This states that should a proposal be for an after-use which would interfere/conflict with a restoration/aftercare condition attached to a mineral/landfill permission, then two applications may need to be made. One to the District/Borough/City Council for the use proposed and the other to the County Council for the amendment/variation to the approved aftercare scheme. The County and District/Borough/City Council should consult each other to ensure co-ordination of the respective decisions.
- 4.368 Paragraphs 3.193 – 3.195 cover the benefits of restoration to agricultural uses. Paragraph 3.193 states that “there is a policy preference for restoration to agricultural use where the extraction site is located on higher quality agricultural land (Grades 1, 2 and 3a).” This is contrary to PPG Reference ID: 27-040-20140306 which states that “*Where working is proposed on the best and most versatile agricultural land the outline strategy should show, where practicable, how the methods used in the restoration and aftercare enable the land to retain its longer-term capability, though the proposed after-use need not always be for agriculture.*”. Paragraph 3.193 will require amendment to make this distinction and it is proposed that this be added to the Policy. An amendment is proposed to be made to Paragraph 3.195 to set out that where restoration proposals are reliant on water, the application will be required to ensure that sufficient water resource will be available. Through internal engagement, it was requested that the reference to ‘flood alleviation’ be amended to ‘flood resilience’ to reflect the current terminology used by the Environment Agency.
- 4.369 Additional information around delivering net gain in biodiversity will be added to Paragraph 3.196 to reflect the Defra 25-year Plan. Through the Duty to Cooperate, it was requested that reference be made to ‘stepping-stones’ as a means through which new green and blue infrastructure provision could link and contribute to existing landscape-scale conservation initiatives. It is proposed that such a reference is added to Paragraph 3.197. In the same paragraph, it is proposed to remove references to the ‘Natural Environment and Rural Communities Act 2006’ due to biodiversity net-gain being mandated through the forthcoming Environment Bill, and the associated footnote in Paragraph 3.197 already referencing the relevance of the Natural Environment and Rural Communities Act 2006’. The term ‘offsetting’ in

Paragraph 3.198 is to be substituted with 'off-site habitat creation' to accommodate this change in terminology.

- 4.370 The May 2017 changes to the Environmental Impact Assessment (EIA) regulations clarify that 'population and human health' are on the list of topics that are considered in an EIA. Additionally, the Health and Social Care Act 2012 gave local authorities new responsibilities to improve the health of their populations and specifically to reduce health inequalities. A range of health and wellbeing issues face the UK both at individual and population level, including physical inactivity, increasing obesity, growing mental ill health, dementia and social isolation. Therefore, following Paragraph 3.203, ten paragraphs are proposed to be added to the policy supporting text setting out how effective mineral site restoration can have mental health benefits for the immediate and wider community. It is important for the MLP to recognise and promote the opportunities that minerals development may present, whilst demonstrating that all potential impacts are given appropriate consideration (environment, social and economic impacts and opportunities) and links are made to other relevant strategies produced by the county council or at local level. Examples of potential after uses will be added to the supporting text where relevant and new text will be included to provide clarity regarding priority habitat. Through internal engagement, it was requested that the reference to 'flood alleviation' in Paragraph 3.206 be amended to 'flood resilience' to reflect current Environment Agency terminology.
- 4.371 Reference to Green and Blue infrastructure will be added throughout the Plan where appropriate, including as a new paragraph within supporting text to Policy S12 which is proposed to follow Paragraph 3.206. Following this new paragraph, another new paragraph will be added to briefly describe the concept of Natural Capital.
- 4.372 A number of other minor amendments are proposed. It is considered that the headline 'Other policy considerations' can be removed. Further, given the intention to make reference to Green and Blue Infrastructure Studies and Local Plan objectives in Paragraph 3.192, it is proposed that Paragraph 3.207 can be deleted. The element of this paragraph that states that local councils will be consulted for their views on restoration proposals can be added to Paragraph 3.192. Paragraph 3.208 is intended to receive a title of 'Green Belt' with Paragraph 3.209 being titled 'Bird Strike'. Paragraph 3.208 will also require redrafting and amendment to replace references to the now deleted Circular 02/09 with a reference to NPPF Paragraph 146. Finally, it is proposed to remove Paragraph 3.210 as a standalone paragraph and instead integrate its provisions into appropriate paragraphs elsewhere in supporting text to Policy S12.
- 4.373 As a result of Duty to Cooperate engagement reference to the Mineral Site Restoration for Biodiversity SPG adopted in 2016 will be added to Paragraph 3.199 and a new paragraph will be added following 3.200, to provide further information in relation to priority habitat provision. It was also questioned as to whether Policy S12 is needed in the plan. Policy S12 is considered a vital part of the MLP as it demonstrates how applicants should prepare planning applications to achieve effective restoration and after-use. This includes the policy criteria that will be used by the Mineral Planning Authority in determining applications. Therefore, this Policy will not be removed as part of the review.

Conclusion

- 4.374 Whilst Policy S12 is assessed as remaining in conformity with national policy, the evidence which informed its hierarchical approach towards restoration levels is considered to have since been superseded. Evidence compiled for the MLP during its formation forecasted that there would be a deficit in inert material that could be used to infill mineral voids and as such the current policy wording supports restoration to the lowest possible level, largely irrespective of any other concerns.
- 4.375 Forecasting of the future levels of Construction, Demolition and Excavation (CDE) waste carried out in support of the Waste Local Plan 2017 prior and following its adoption concluded that the volumes of CD&E waste likely to arise were underestimated at the point of the development of the MLP. It is therefore considered appropriate to remove the hierarchical preference for restoration levels as the primary basis which led to its formation has been superseded by revised evidence. The removal of the hierarchical preference will allow for restoration schemes to be assessed and negotiated on a site-by-site basis and founded on the most up-to-date information.
- 4.376 Further revisions to the Policy are suggested to make clear that applications are to deliver net biodiversity gain following net gain being made a mandatory requirement through the Environment Bill 2019. Further amendments are proposed to state that restoration schemes need to consider Local Plan objectives and any existing or emerging Green and Blue Infrastructure strategies so that restoration schemes can consider synergistic benefits through a consideration of their wider context and ability to contribute to strategic goals. Another amendment proposed as a result of internal engagement is to require that both applicants and the Mineral Planning Authority consider the range of benefits that mineral restoration and after-use proposals might deliver, including through ongoing stewardship. Further proposed updates to policy are to include explicit references to needing to consider 'landscape', 'land stability', 'heritage' and climate resilience are proposed to better align the policy with PPG, as is an amendment to clarify that restoration does not always need to be to an agricultural use on best and most versatile agricultural land. Other minor amendments to supporting text have been proposed to improve clarity.
- 4.377 Through the emerging Habitats Regulations Assessment on this review, it was requested that references to the need to avoid adverse effects on the integrity of internationally or nationally important wildlife sites in Criteria of the policy be clarified with additional text to state that impacts are to be assessed either alone or in combination with other plans and projects to better reflect the approach to Appropriate Assessment under the habitats regulations.
- 4.378 With regard to the provision of priority habitat through Policy S12, none has yet been delivered. However, between 01st April 2014 and 31st March 2019, 147.75ha (including 37.9ha at non-flagship sites) of priority habitat creation has been committed to through planning permissions, meaning 52.25ha of priority habitat remains to be committed to during the life of the plan. Further, if the flagship scheme that is 'pending' determination is factored into the amount of priority habitat that has been committed to, a further 36.05ha will be secured. This leaves 16.2ha of priority habitat to be secured through site restoration and therefore it is assessed that Policy S12 is delivering on its commitment to deliver priority habitat.

- 4.379 Further, there is a need to clarify the difference between the singular 200ha adopted target for priority habitat creation as set out in the MLP Monitoring Framework with the more nuanced target reported through the AMR. It is proposed that Paragraph 6.13 be removed as the target is not related to the MLP Monitoring Framework but that progress with this more nuanced target be continued to be monitored through the AMR.
- 4.380 Through the Duty to Cooperate, it was requested that the potential for sites to be restored for a built development after-use be noted in addition to countryside enhancement as built development may also reflect Local Plan objectives, and such amendments are now proposed. As a result of these amendments, a new paragraph has been proposed setting out the required route for determination where proposed after-uses are for built development.
- 4.381 A new section will be added to the supporting text setting out how effective mineral site restoration can have mental health benefits for the immediate and wider community. This section will be titled “Health and Wellbeing”. Reference to Green and Blue infrastructure will be added through a new paragraph and a further new paragraph will be included to promote Natural Capital.

Policy P1 – Preferred and Reserve Sites for Sand and Gravel Extraction

In the case of Preferred Sites for sand and gravel extraction, the principle of extraction has been accepted and the need for the release of mineral proven. In the case of Reserve Sites for sand and gravel extraction, the principle of extraction has also been accepted, however, the release of minerals from these sites is subject to the landbank falling below seven years.

The Mineral Planning Authority will grant planning permission for sand and gravel workings within the Preferred and Reserve Sites, listed in Table 5 (Preferred Sites for land won Sand and Gravel Provision) and as shown on the Policies Map, subject to the proposal meeting the detailed development requirements set out in Appendix 1, other relevant policies of the Development Plan for Essex and any other material considerations.

Purpose of Policy P1

4.382 This policy sets out the approach to Preferred and Reserve Site allocations within the MLP. It acts to grant permission to extract at Preferred and Reserve Sites as allocated in Table 5 of the MLP and shown on the Policies Map, subject to the application satisfying the requirements of the wider Development Plan, including the site-specific requirements set out in Appendix One of the MLP. Additionally, the policy sets out that for extraction to be permitted at Reserve Sites, it must be demonstrated that the landbank has fallen below seven years.

Compliance with the NPPF/PPG

4.383 Through the assessment provided in Table A15 (Appendix One) it is identified that the need to provide certainty to both industry stakeholders and communities with regard to where development is likely to be permitted and the grounds upon which a proposal is to be tested is a clearly articulated fundamental tenant of the planning system. Policy P1 seeks to provide that clarity so is therefore generally compliant with national policy.

Further Considerations

4.384 The assessment of Policy P1 gives rise to three further considerations. The first is the need to address the delineation made between Preferred and Reserve Sites, whilst the second is a requirement to ensure that the sites identified in Policy P1 remain deliverable over the plan period, subject to prevailing market conditions. A third issue was raised through the Duty to Co-operate, which sought clarification with regards to the use of the term 'Development Plan for Essex'. These are discussed in turn below.

The Continued Inclusion of Reserve Sites in the Minerals Local Plan

4.385 It has been noted earlier in this document that the concept of allocating Reserve Sites is not one based in national policy, although the principle is also not specifically excluded. However, there is an issue of compliance with regard to the decision-making process as it relates to Reserve Sites. On this point, Policy P1 states that

'release of minerals from these sites is subject to the landbank falling below seven years'.

- 4.386 Notwithstanding the explanation provided in Paragraph 48 of the Inspector's Report, the approach does appear contrary to PPG, which states that 'There is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank' (Reference ID: 27-084-20140306).
- 4.387 Paragraph 4.141 further notes an operational issue with regard to the use of the landbank as the sole indicator for when Reserve Sites may come forward. For the concept of Reserve Sites to remain policy compliant, it is considered that they would need to be treated as unallocated sites until such a time that the landbank falls below the statutory seven years, upon which they would be elevated to Preferred status until the landbank increases back above seven years. This in itself could create issues around determination when two applications for extraction at different locations are proceeding broadly in tandem.
- 4.388 It also technically makes it more difficult for a Reserve Site to get planning permission than a non-allocated site as the policy explicitly states that applications will not be supported on non-allocated sites if the landbank is above seven years. This is not the case for non-allocated sites which would be assessed under Policy S6 irrespective of the existing level of the landbank.
- 4.389 Irrespective of the above, commentary provided at para 4.111 through to para 4.136 concludes that 4.31mtpa³⁶ is a more appropriate rate of mineral provision than 3.62mtpa³⁷, with the difference between the two rates of provision being previously accommodated through Reserve Site designations. With the proposed intention to continue with a rate of mineral provision of 4.31mtpa as set out in the wording of Policy S6, rather than a rate of provision informed through a calculation of ten years' rolling sales, there is no longer a requirement to delineate between Preferred Sites and Reserve Sites. As such, it is proposed that all references to Reserve Sites are removed from Policy P1, with the two Reserve Sites in the MLP being re-allocated as Preferred sites.

The Continued Deliverability of Sites allocated through the Minerals Local Plan

- 4.390 As part of this Review, all operators/ planning agents with sites allocated in the MLP which have yet to be the subject of a planning application to extract mineral were contacted to clarify whether there is still the intention to bring forward their allocated sites within the MLP plan period, subject to prevailing market conditions. Confirmation was received from each operator/planning agent that their allocated site(s) remained viable to come forward as an application over the Plan period. As such it is concluded that it is appropriate to continue with the suite of allocated sites highlighted by MLP Table 5 and shown on the Policies Map, albeit with the re-designation of existing Reserve Sites to Preferred Sites. The status of all sand and

³⁶ 4.31mtpa is the 'assumed Essex Only' proportion of the Greater Essex regional allocation as derived from the National and Sub National Guidelines for Aggregates Provision in England 2005 – 2020

³⁷ The rolling 10-year sales average (2003 -2012) used to inform the MLP

gravel allocations made in the MLP, up to October 2019 when this section was originally drafted, is shown in the table below:

Table 9: Status of Preferred and Reserve Sand and Gravel Site Allocations made through the MLP

Site No.	Location	Promoter	Adopted MLP Proposed Area (ha)	Approx. tonnage (Mt)	MPA comments	Status @ 31 October 2019	Planning Application			
							Application Ha	% of Ha stated in MLP	Tonnes in application (Mt)	% of Tonnes stated in MLP
Preferred Sand and Gravel Sites										
A3	Bradwell Quarry, Rivenhall	Blackwater Aggregates	9	1.0	Extension to existing quarry. Working and restoration to be integrated with existing sites and remaining allocated sites in the MLP	These were permitted in 2015 as a single application. This permission was subsequently superseded by ESS/07/16/BTE which has been implemented.	34.3	99.7%	3.0	75% of the combined MLP Allocated sites A3 & A4
A4	Bradwell Quarry, Rivenhall	Blackwater Aggregates	25.5	3.0						
A5	Bradwell Quarry, Rivenhall	Blackwater Aggregates	35	3.0	Extension to existing quarry. Working and restoration to be integrated with A3-A4/ A6-A7	Application Ref: ESS/03/18/BTE awaiting determination	35	100%	2.00	67%
A9	Broadfield	Lafarge,	90	4.28	New Site	Planning Permission Ref	93.4	104%	3.66	86%

Review of the Essex Minerals Local Plan (2014)

Site No.	Location	Promoter	Adopted MLP Proposed Area (ha)	Approx. tonnage (Mt)	MPA comments	Status @ 31 October 2019	Planning Application			
							Application Ha	% of Ha stated in MLP	Tonnes in application (Mt)	% of Tonnes stated in MLP
	Farm, Rayne	Tarmac				ESS/19/17/BTE Granted				
A13	Colchester Quarry, Fiveways	Lafarge, Tarmac	15.5	2.95	Extension to existing quarry	Planning Permission Ref ESS/23/14/COL Granted & Implemented	15.3	99%	2.95	100%
A20	Sunnymead, Alresford	Lafarge, Tarmac	65	4.67	Extension to existing quarry	Application ref ESS/17/18/TEN awaiting determination	61.9	95%	4.00	86%
A22	Little Bullocks Farm, Little Canfield	Edviron	6.9	0.65	Extension to existing quarry	Operator has confirmed an intention to submit a planning application during the plan period. (Prior to 2029)	N/A			
A23	Little Bullocks Farm, Little Canfield	Edviron	5.5	0.06	Extension to existing quarry		N/A			
A31	Maldon Road, Birch	Hanson	25	4	Extension to existing quarry		N/A			

Review of the Essex Minerals Local Plan (2014)

Site No.	Location	Promoter	Adopted MLP Proposed Area (ha)	Approx. tonnage (Mt)	MPA comments	Status @ 31 October 2019	Planning Application			
							Application Ha	% of Ha stated in MLP	Tonnes in application (Mt)	% of Tonnes stated in MLP
A38	Blackley Quarry, Gt Leighs	Frank Lyons Plant Services	22	1.07	Extension to existing quarry	Planning Permission Ref ESS/46/16/CHL Granted & Implemented	43.7	102%	2.65 (combined application total including A38 & A39)	146% of the combined MLP Allocated sites A38 & A39
A39	Blackley Quarry, Gt Leighs	Frank Lyons Plant Services	21	0.75	Extension to existing quarry					
A40	Shellows Cross, Roxwell / Willingale	Lafarge Tarmac	105	3.5	New site	EIA Scoping Opinion Requested Ref: ESS/46/19/CHL/SO	16.2	15%	0.50	14%

Review of the Essex Minerals Local Plan (2014)

Site No.	Location	Promoter	Adopted MLP Proposed Area (ha)	Approx. tonnage (Mt)	MPA comments	Status @ 31 October 2019	Planning Application			
							Application Ha	% of Ha stated in MLP	Tonnes in application (Mt)	% of Tonnes stated in MLP
A46	Colemans Farm	Simon Brice	46	2.5	New site	Planning Permission Ref ESS/39/14/BTE Granted & Implemented	54.5	118%	2.5	100%
B1	Slough Farm, Ardleigh	Aggregate Industries	11.6	0.46	Extension to existing quarry	Operator has confirmed an intention to submit a planning application during the plan period. (Prior to 2029)	N/A			
Reserve Sand and Gravel Sites										
A6	Bradwell Quarry, Rivenhall	Blackwater Aggregates	37.5	2.5	Extension to existing quarry	Operator has confirmed an intention to submit a planning application during the plan period.	N/A			

Review of the Essex Minerals Local Plan (2014)

Site No.	Location	Promoter	Adopted MLP Proposed Area (ha)	Approx. tonnage (Mt)	MPA comments	Status @ 31 October 2019	Planning Application			
							Application Ha	% of Ha stated in MLP	Tonnes in application (Mt)	% of Tonnes stated in MLP
						(Prior to 2029)				
A7	Bradwell Quarry, Rivenhall	Blackwater Aggregates	95	6.5	Extension to existing quarry	EIA Scoping Opinion Requested Ref: ESS/44/18/BTE/S PO submitted in December 2018	94.9	99.9%	6.50	100%

Note: Site B1 relates to Policy P2

Note 2: Total Provision MLP (2014) 40.824t, planning Application provision 34.970t (that is 86.66% of the MLP provision)

Clarifying 'The Development Plan for Essex' References

4.391 It was noted through Duty to Cooperate engagement that the reference to the 'Development Plan for Essex' was unclear as it could give rise to the idea that this was a single document, rather than a term applied to a collection of documents which itself does not exist in the physical sense. As a result of this observation, the definition of 'Development Plan for Essex' will be updated in the Glossary to clarify that this term does not relate to one overall document.

Assessment of Associated Text (Paragraphs 4.1 – 4.7)

4.392 These paragraphs are factual and set out the basis upon which allocations in the MLP were made. Paragraph 4.4, Paragraph 4.5 and Table 5 would be required to be amended to reflect the proposals to remove the Reserve Site designation. It is further considered that the latter half of Paragraph 4.6 can be removed as it discusses earlier stages of plan formation that no longer have particular relevance to the Plan now that it is adopted. A similar case exists with regard to Paragraph 4.7, where the final sentence is also proposed for removal on the same basis. An amendment to Paragraph 4.7 is proposed to highlight how the MLP is structured in relation to its Preferred Sites.

Conclusion

4.393 With the proposed intention of re-allocating Reserve Sites to Preferred Sites based on an assessment of mineral need as discussed in this document as part of the commentary associated with Policy S6, it is assessed that any potential non-compliance with national policy through the intended operation of Reserve Sites is resolved by virtue of the removal of the designation.

4.394 Further, through correspondence with mineral operators/ agents, it has been confirmed that each site specified in Policy P1 remain deliverable over the Plan period, subject to prevailing market conditions. As such, their continued allocation is considered to be appropriate and therefore the policy remains accurate and compliant with national policy subject to the previous articulated intention to remove references to Reserve Sites.

4.395 The definition of 'Development Plan for Essex' will be updated in the Glossary to clarify that this term does not relate to one overall plan.

Policy P2 – Preferred Sites for Silica Sand Extraction

In the case of Preferred Sites for silica sand, the principle of extraction has been accepted and the need for the release of mineral proven.

The Mineral Planning Authority will grant planning permission for silica sand workings within the Preferred Site listed in Table 6 (Preferred Site for Silica Sand Provision)

and as shown on the Policies Map, subject to the proposal meeting the detailed development requirements set out in Appendix 1, other relevant policies of the Development Plan for Essex and any other material considerations.

Purpose of Policy P2

4.396 Policy P2 acts to grant permission to extract at the Preferred Site allocated in Table 6 of the MLP and shown on the Policies Map, subject to the application satisfying the requirements of the wider Development Plan, including the site-specific requirements set out in Appendix One of the MLP.

Compliance with the NPPF/PPG

4.397 Through the assessment provided in Table A16 (Appendix One) it is identified that the need to provide certainty to both industry stakeholders and communities with regard to where development is likely to be permitted and the grounds upon which a proposal is to be tested is a clearly articulated fundamental tenant of the planning system. Policy P2 seeks to provide that clarity so is therefore compliant with national policy.

Further Considerations

4.398 As part of this Review, the operator/ planning agent associated with this site was contacted to clarify whether there is still the intention to bring forward the allocation within the MLP plan period, subject to prevailing market conditions. Confirmation was received that this was the case, as recorded in Table 9. As such it is concluded that it is appropriate to continue with the allocation.

4.399 It is noted that there is only one allocated site for silica sand extraction and therefore the policy will be amended so it refers to a singular site rather than multiple.

4.400 It was noted through Duty to Cooperate engagement that the reference to the 'Development Plan for Essex' was unclear as it could give rise to the idea that this was a single document, rather than a term applied to a collection of documents which itself does not exist. As a result of this observation, the definition of 'Development Plan for Essex' will be updated in the Glossary to clarify that this term does not relate to one overall plan.

Assessment of Associated Text (Paragraphs 4.8 – 4.9)

4.401 These paragraphs are descriptive of the MLP and do not require amendment other than to change '1' to 'One' to more accurately reflect the title of the relevant appendix.

Conclusion

4.402 Policy P2 and its associated text remain compliant with national policy and are still fit for purpose. Additionally, the allocated site has been confirmed as remaining viable to come forward as a planning application during the MLP plan period. As such, no modification is assessed as being required to the policy or supporting text other than to update a reference to an appendix.

4.403 The definition of 'Development Plan for Essex' will be updated in the Glossary to clarify that this term does not relate to one overall plan

Further Information about Preferred and Reserve Sites

- 4.404 The section of the MLP which includes the site allocation policies concludes with a brief section clarifying that the identification of sites as Preferred Sites and Reserve Sites for mineral extraction does not automatically grant permission for their extraction, and that an application for extraction of areas outside of site boundaries would not be permitted.
- 4.405 It is assessed that this section requires amendment given the proposed re-allocation of Preferred Sites to Reserve Sites. Further, it is not considered appropriate to state that applications for extraction outside of the boundaries of the original Preferred Site or Reserve Site would be automatically refused. Such applications would be considered on a case-by-case basis. As such, an amendment is required to remove the text that acts to pre-determine the outcome of applications made outside of a site boundary.

Policy DM1 – Development Management Criteria

Proposals for minerals development will be permitted subject to it being demonstrated that the development would not have an unacceptable impact, including cumulative impact with other developments, upon:

1. Local amenity (including demonstrating that the impacts of noise levels, air quality and dust emissions, light pollution and vibration are acceptable),
2. The health of local residents adjoining the site,
3. The quality and quantity of water within water courses, groundwater and surface water,
4. Drainage systems,
5. The soil resource from the best and most versatile agricultural land,
6. Farming, horticulture and forestry,
7. Aircraft safety due to the risk of bird strike,
8. The safety and capacity of the road network,
9. Public Open Space, the definitive Public Rights of Way network and outdoor recreation facilities,
10. The appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness,
11. Land stability,
12. The natural and geological environment (including biodiversity and ecological conditions for habitats and species),
13. The historic environment including heritage and archaeological assets.

Purpose of Policy DM1

4.406 Mineral development, and particularly mineral extraction, can have an impact on its surroundings and this must be carefully considered when granting any planning permission. A wide range of potentially adverse impacts can arise and the specific nature of these impacts and the ways of addressing them will vary case by case. The planning policy framework put forward by this Plan must ensure that all such impacts are required to be given focus in a planning application and suitably mitigated as part of the Development Management process. This policy is designed to manage the variety of issues that may arise on a site-by-site basis and force appropriate consideration of their impacts based on local circumstances, including in combination with other existing development where relevant.

4.407 Supporting text to Policy DM1 opens with details surrounding the planning application process, the role of Environmental Impact Assessment and details around the Renewal of Old Mineral Permissions (ROMP). The ROMP process is undertaken periodically and allows modern standards to be applied to historic permissions, such that every mineral infrastructure site, no matter how long it has been operating, are held to the same standards. Although it is considered that these sections contain useful information, they are not specifically related to the application of Policy DM1. As such it is proposed to move these sections into a new Appendix Three.

Compliance with the NPPF/PPG

4.408 Through the assessment provided in Table A17 (Appendix One) it is considered that Policy DM1 is considered to be in full conformity with national policy and its associated guidance. PPG clearly sets out the range of issues that need to be addressed by mineral planning authorities and these are considered to be appropriately covered by Policy DM1

Further Considerations

4.409 The May 2017 changes to the Environmental Impact Assessment (EIA) regulations clarify that 'population and human health' are on the list of topics that are considered in an EIA. Additionally, the Health and Social Care Act 2012 gave local authorities new responsibilities to improve the health of their populations and specifically to reduce health inequalities. A range of health and wellbeing issues face the UK both at individual and population level, including physical inactivity, increasing obesity, growing mental ill health, dementia and social isolation.

4.410 There is a growing body of evidence from published peer-reviewed and grey literature to suggest that contact with a wide range of natural environments can provide multiple benefits for health and wellbeing. The continued need to strengthen the connection between people and nature is an area of key focus in the Government's 25 Year Environmental Plan, which aims to: improve access to natural, green and open spaces; increase tree planting; and create more green infrastructure to help people connect better with nature. Amendments to Policy DM1 and its supporting text at Paragraphs 5.23 and 5.24 are intended to embed these concepts and recognise this emerging focus of Essex County Council. The detail is however considered to be better placed within Policy S12 which focuses on restoration and after-use.

4.411 Through a consideration of comments received through the Duty to Cooperate, it was noted that Policy DM1 made no specific reference to flood risk, stating only that development would not have an unacceptable impact on the quality and quantity of water within water courses, groundwater and surface water in Criteria 3. This is despite flood risk being highlighted in supporting text. As such, a reference to development not having an unacceptable impact on flood risk will be inserted into this criterion.

4.412 Through the Habitats Regulations Assessment, it was requested that Policy DM1 be amended such that it is stated that there is a requirement to ensure that proposals for minerals development will not result in adverse effects on the integrity of Habitats Sites either alone or in combination with other plans and projects. This is to ensure

compliance with national regulations. Such an amendment is proposed through the addition of a new final paragraph to Policy DM1.

- 4.413 Additionally, prior mineral extraction (to prevent sterilisation) could create further opportunities not only for flood storage, but also for the creation of sustainable drainage schemes to support strategic built development scheme, such as garden communities. This is captured through a proposed amendment to Paragraph 5.31.

Assessment of Associated Text (Paragraphs 5.1 – 5.62)

- 4.414 Policy DM1 is supported by associated text which sets out the background to why the policy is needed, an encouragement of pre-application engagement and a synopsis of Environmental Impact Assessment and ROMPs. There then follows further details associated with the list of issues that mineral planning applications will need to address to ensure conformity with Policy DM1, including cumulative issues. These paragraphs are largely considered to remain fit for purpose although, as mentioned above, those sections relating to the application process, Environmental Impact Assessment and renewing old mineral permissions is proposed to be moved into a new Appendix Three. As also highlighted above, amendments are proposed to more effectively cover the issue of health and wellbeing and a further additional sentence is proposed to be inserted to link prior extraction opportunities with the ability to provide protection from flooding.
- 4.415 Through engagement under the emerging Habitats Regulations Assessment it was noted that references to transport issues under Policy DM1 did not recognise that most of the Essex coast is internationally designated and barges could cause disturbance, and a potential Likely Significant Effect. An amendment was proposed to recognise that the Essex coast is internationally designated for sensitive wildlife and habitats and proposals shall be required to be supported by an ecological assessment of potential impacts to avoid adverse effects on the integrity of these sites. This proposed amendment has been included under Paragraph 5.15 as part of the review. Further engagement under the emerging Habitats Regulations Assessment resulted in a proposed amendment under Paragraph 5.16 which sets out that a transport assessment may need to include an assessment of potential air quality impacts to avoid adverse effects on the integrity of Habitats Sites. This was requested in order to accommodate the fact that vehicle movements associated with mineral development could cause disturbance, and therefore a potential Likely Significant Effect (LSE), including in relation to air quality impacts. It was also noted that most of the Essex coast is internationally designated and any potential impact on these designated areas would require assessment.
- 4.416 Paragraph 5.16 is proposed to be amended to remove a sentence which states that the mechanisms for managing traffic will be enforceable by the MPA as this suggests that the MPA have the ability to manage traffic once it is out on the Highway, which is not the case. The extent of the remit of the MPA is to ensure that access into and out of the site is safe and protects amenity, which are issues addressed through Policy S11 as well as DM1 in any event.
- 4.417 Through internal engagement it was requested that amendments were made to the Plan to clarify that the carrying out of sequential and exception tests are applied in relation to minerals development proposed in areas at risk from all types of flooding,

as well as signpost where relevant information could be found. This request has been incorporated through amendments to Paragraph 5.27.

- 4.418 Further, as part of internal engagement it was requested that the plan includes reference to the potential impacts that site dewatering operations could have on water resource or flood risk. As such, additional wording is proposed to Paragraph 5.26 to note that any dewatering must not increase downstream flood risk and consideration must be given to the impact that rainfall will have on the rate and volume of discharge from the site. A further reference is made to the Environmental Agency which sets out that they are the permitting body for dewatering operations.
- 4.419 Amendments are also required to Paragraph 5.29 to remove references to Reserve Sites due to the intention to reallocate these to Preferred Sites. As a result of a response received through the Duty to Cooperate, it is proposed to re-draft bullet one of Paragraph 5.34 to make clear that any impacts to the water environment, including to potable water sources, are not regulated by the Minerals Planning Authority. A further amendment, also as a result of Duty to Cooperate engagement, is proposed to state that consultation with the relevant regulatory bodies will be undertaken where there is a risk of pollution or any other identified impact(s) on the water environment.
- 4.420 Through internal engagement it was requested that Marine Conservation Zones be added to the list of important international and national designations that have been made in Essex as set out in Paragraph 5.40 due to the fact that the extent of the MLP extends to the mean low water springs mark. This amendment has been proposed through this review.
- 4.421 Engagement under the emerging Habitats Regulations Assessment set out that Policy DM1 does not include specific text to ensure that Preferred Sites and any sites not allocated in the MLP would not create any adverse effect on the environmental integrity of Habitats Sites. An amendment to resolve this issue was requested to be made to Policy DM1. As set out above, this is proposed to be incorporated into Policy DM1, and it is also proposed that an amendment is made to Paragraph 5.41. This amendment will state that it must be ensured that there will be no adverse effect on integrity to these (Habitats) sites either alone or in combination with other plans and projects, and that a project-level Habitats Regulations Assessment will be needed for any sites not allocated in the MLP which fall within an Impact Risk Zone (IRZ). A further minor amendment is intended to be made to Paragraph 5.41 which removes a reference to a specific set of Conservation of Habitats and Species Regulations to be replaced by a more general reference to accommodate the fact that these may change over the lifetime of the Plan.
- 4.422 In addition, recommendations received through the Habitats Regulations Assessment have resulted in a proposed amendment to Paragraph 5.42 to remove references to the Essex Biodiversity Action Plan and replace these with a reference to the List of UK Biodiversity Action Plan Priority Habitats. This is due to the replacement of the former with the latter.

Conclusion

- 4.423 Policy DM1 is proposed to be amended to ensure that not only are impacts on human physical health from mineral extraction considered and mitigated, but also

potential impacts on mental health through the introduction of 'wellbeing' into the policy criteria. In addition, a reference to new development not having an unacceptable impact on flood risk is proposed to be added to DM1. Through internal engagement it was requested that the plan includes reference to the potential impacts that site dewatering operations could have on water resource or flood risk, and amendments to that effect are proposed. Through engagement under the emerging Habitats Regulations Assessment it was noted that references to transport issues under Policy DM1 did not recognise that most of the Essex coast is internationally designated and barges could cause disturbance, and a potential Likely Significant Effect. An amendment was proposed which has been included under Paragraph 5.3 as part of the review. This engagement also resulted in further proposed amendments to address the need to ensure that mineral development will not impact on the integrity of Habitats Sites as well as the replacement of a reference to the Essex Biodiversity Action Plan with a reference to the List of UK Biodiversity Action Plan Priority Habitats. This is to recognise the replacement of the former with the latter.

4.424 Further, several amendments are also suggested to various areas of supporting text, as set out above, which primarily act to provide additional clarity or background.

Policy DM2 – Planning Conditions and Legal Agreements

When granting planning permission for minerals developments, the Minerals Planning Authority will impose conditions and/ or require legal agreements to mitigate and control the effects of the development and to enhance the environment.

Purpose of Policy DM2

4.425 The purpose of Policy DM2 is to make clear that as part of the granting of planning permission, the MPA may impose conditions and/or legal agreements, which may act to modify any aspect of the activity originally applied for, to either mitigate the impact of carrying out that activity or ensure that there are no negative legacy impacts of that activity.

Compliance with NPPF / PPG

4.426 Through the assessment provided in Table A18 (Appendix One), it is considered that Policy DM2 is in conformity with the NPPF and PPG and that no modification is required.

Further Considerations

4.427 None identified

Assessment of Associated Text

4.428 The current iteration of Policy DM2 contains no supporting text. However, Paragraphs 5.61 – 5.63 of the MLP, which are currently associated with Policy DM1, are proposed to be moved to Policy DM2 as they relate to the provisions of this policy.

Conclusion

4.429 Policy DM2 is considered to be fit for purpose. Paragraphs 5.61 – 5.63 of the MLP, currently associated with Policy DM1, are proposed to be moved into Policy DM2 as they relate to the provisions of this policy.

Policy DM3 – Primary Processing Plant

Proposals for minerals extraction will be permitted where the primary processing plant and equipment is located within the limits of the mineral site's boundary and the plant would not have any unacceptable impact on local amenity and/ or the surrounding environment.

Proposals for extension sites shall be expected to include the location of the existing processing plant and access arrangements within the planning application.

Where it is demonstrated that the positioning of the primary processing plant within the boundary of the mineral site is not feasible, the exportation of mineral from the site shall not have an unacceptable impact upon amenity and/ or the safety, efficiency and capacity of the road network.

Minerals shall only be imported to a minerals site, from non-indigenous sources, when it is demonstrated that there are exceptional circumstances or overriding benefits from doing so.

In all cases permission will only be granted for a temporary duration so as not to delay restoration of the site.

Purpose of Policy DM3

4.430 Primary processing enables a higher value use of aggregates. Technological improvements in recent years allow smaller and more mobile plant to be brought onto relatively small mineral sites and importing material to an extraction site could enable the blending of minerals to produce a broader range of construction products. This can be considered a way of making more efficient use of extracted mineral and encouraging such on-site processing reduces the number of lorry movements on the road network.

4.431 However, the importation of non-indigenous material can increase vehicle movements and extend the overall life of a quarry and therefore there is a need to regulate this activity through an appropriate planning policy.

Compliance with the NPPF/PPG

4.432 Through the assessment provided in Table A19(Appendix One), the provisions of Policy DM3 are considered to be compliant with the NPPF and PPG and therefore it is assessed that no aspect of this policy needs to be modified for reasons of compliance with national policy.

Further Considerations

4.433 The title of the policy has been amended to 'Mineral development incorporating primary processing plant' as the policy relates to both primary processing plant and the wider development to which it relates. A further amendment to policy seeks to add the requirement that restoration of the mineral site should not be compromised in addition to the existing need to not delay restoration through operation of primary

processing plant. Extending the use of primary processing plant may preclude certain aspects of final restoration so this amendment ensures that final restoration meets the same standards of quality as previously agreed through the planning process.

Assessment of Associated Text (Paragraphs 5.63 – 5.69)

- 4.434 The supporting text associated with Policy DM3 provides further detail around the use of primary processing plant, setting out why it is preferable for mineral to be processed on the site where it is extracted but also recognising that there can be a benefit that comes with importing non-indigenous material. Supporting text subsequently sets out a justified context within which such an activity could be permitted to take place.
- 4.435 Although largely still fit for purpose, a number of amendments are proposed. An amendment to Paragraph 5.66 is suggested to remove a reference to an 'industrial use' and to replace it with a reference to 'any such use', where 'such use' refers to primary processing plant. This is to remove any potential ambiguity between an industrial use as strictly defined within the Use Class Order, with uses akin to what may be considered an industrial use, such as primary processing plant, which is considered to be *sui-generis* under the Use Class Order.
- 4.436 A minor amendment is proposed to be made to Paragraph 5.68 to better describe the fact that primary processing plant does not need separate planning permission where it is covered by the General Permitted Development Order.

Conclusion

- 4.437 Policy DM3 is considered to be fit for purpose, with only minor amendments being proposed within the policy and supporting text. With regards to the policy, an amendment is proposed to ensure that restoration of the mineral site should not be compromised in addition to not being delayed by the operation of primary processing plant. With regards to supporting text, an amendment is proposed to remove any ambiguity around 'industrial uses' due to the term having a specific meaning in a planning context as well as to provide more clarity around the application of the General Permitted Development Order (GDPO). It is further proposed to change the title of the policy such that it is more descriptive of what the policy seeks to address.

Policy DM4 – Secondary Processing Plant

Proposals for the secondary processing and/ or treatment of minerals will only be permitted at mineral sites where it can be demonstrated that there would be no unacceptable impact upon amenity and/ or the local environment and/ or the safety, efficiency and capacity of the road network.

The minerals for secondary processing and/or treatment shall be sourced from within the boundary of the mineral working within which the plant is located unless it is demonstrated that there are exceptional circumstances or overriding benefits from sourcing materials from elsewhere to supplement indigenous supply, subject to no unacceptable adverse impacts.

In all cases permission will only be granted for a temporary duration so as not to delay restoration of the site.

Purpose of Policy DM4

4.438 As with primary processing plant, secondary processing plant can also enable a higher value use of aggregates and increase the range of products that can be sold from a site, which itself can make the site more economically viable to work. Again however, the importation of non-indigenous material to an operating site can increase vehicle movements and extend the overall life of a quarry such that an industrial process becomes established in what was previously an entirely rural location. As such, there is also a need to regulate this activity through an appropriate planning policy.

Compliance with NPPF/PPG

4.439 Through the assessment provided in Table A20 (Appendix One), the provisions of Policy DM4 are considered to be compliant with the NPPF and PPG and therefore it is assessed that no aspect of this policy needs to be modified for reasons of compliance with national policy.

Further Considerations

4.440 The title of the policy has been amended to 'Mineral development incorporating secondary processing plant' as the policy relates to both secondary processing plant and the wider development. A further amendment to policy seeks to add the requirement that restoration of the mineral site should not be compromised in addition to the existing need to not delay restoration through operation of secondary processing plant. Extending the use of secondary processing plant may preclude certain aspects of final restoration so this amendment ensures that final restoration meets the same standards of quality as previously agreed through the planning process.

Assessment of Associated Text (Paragraphs 5.70 – 5.72)

4.441 Although largely fit for purpose, a small number of amendments are proposed to the supporting text. An amendment to Paragraph 5.71 is suggested to remove a

reference to an 'industrial use' and to replace it with a reference to 'any such use', where 'such use' refers to secondary processing plant. This is to remove any potential ambiguity between an industrial use, as strictly defined within the Use Class Order, with uses akin to what may be considered an industrial use, such as secondary processing plant, which is considered to be *sui-generis* under the Use Class Order.

4.442 A new paragraph is also proposed to set out the fact that secondary processing plant does not need separate planning permission where it is covered by the General Permitted Development Order, but these rights may be required to be removed depending on the sensitivity of the locality.

Conclusion

4.443 Policy DM4 is considered to be fit for purpose, with only minor amendments being proposed within the policy and supporting text. With regards to the policy, an amendment is proposed to ensure that restoration of the mineral site should not be compromised in addition to not being delayed by the operation of secondary processing plant. With regards to supporting text, an amendment is proposed to remove any ambiguity around 'industrial uses' due to the term having a specific meaning in a planning context as well as to provide more clarity around the application of the General Permitted Development Order (GDPO). It is further proposed to change the title of the policy such that it is more descriptive of what the policy seeks to address.

5 Policy IMR 1 – Monitoring & Review

The Plan will be monitored and reviewed within five years of adoption as part of a “plan, monitor, and manage” approach to forward planning, or should the landbank fall below the minimum requirement, whichever comes sooner.

Purpose of Policy IMR1

- 5.1 The purpose of this policy is to ensure that the policies adopted through the Minerals Local Plan (2014) are having the desired impact on the Plan area and consequently whether the strategy is delivering sustainable development. The policy commits the MLP to adopting a “plan, monitor, and manage” approach, with a Plan review to commence five years from adoption or should the landbank fall below 7 years.

Compliance with the NPPF/PPG

- 5.2 Through the assessment provided in Table A21 (Appendix One), it is considered that Policy IMR1 is in conformity with the objectives of the NPPF in that it sets out that a review of the MLP will take place within five years of adoption. However, the policy is silent on what happens following that first review. The NPPF requires that policies in local plans should be reviewed to assess whether they need updating at least once every five years, and an amendment is therefore required to accommodate this requirement. A minor amendment is also required to add the word ‘Implementation’ to the policy title.

Further Considerations

- 5.3 No further issues have been identified in relation to Policy IMR1, but a number of amendments are proposed to be made to the Monitoring Framework incorporated within the Plan. These are as a result of other proposed amendments in the Plan, the conclusions of the single-issue review papers published separately and an assessment of the information that has been captured through the current framework.

Assessment of Associated Supporting Text (MLP Paragraphs 6.1 – 6.15)

- 5.4 Paragraphs 6.1 – 6.8 provide commentary on the mineral sites that are either existing or allocated in the MLP and how the Plan will be implemented. This information is considered to be factual and remains broadly fit for purpose, aside from the need to remove references to Reserve Sites (in accordance with the earlier recommendations of this review) in Paragraphs 6.1, 6.2, and 6.4. Paragraphs have also been amended to provide a little more detail where this clarifies intentions or information, whilst Paragraph 6.3 has been removed and elements incorporated into Paragraph 6.2. Table 7 is also proposed for removal. The information presented in this table is only representative of a particular point in time. This information is also already reported in the Local Aggregate Assessment and Authority Monitoring Report, which are updated annually. As such, there is little merit presenting this information in a Plan which is only to be updated every five years.

- 5.5 The remaining supporting text addresses the monitoring procedure that will be employed. It is considered that paragraph 6.9 and 6.10 are factual and require no alteration other than to update the fact that the Plan, once re-adopted, has been subject to a review. A minor update is required for Paragraph 6.11 to reflect a change in name of the 'Annual Monitoring Report' to 'Authority Monitoring Report', as well as amending the name of the Development Scheme to the 'Minerals and Waste Development Scheme' rather than 'Local Development Scheme'.
- 5.6 A commitment in Paragraph 6.12 to review monitoring reports of the district/ borough/ city councils each year to assess whether the supply of aggregates or the MPA might be restricting housing and/ or commercial developments is proposed for removal as this is not considered to be an activity that has merit. Sales of mineral and the resulting impact on landbanks as monitored through the LAA is the appropriate means through which to understand whether mineral supply in the county remains appropriate. Paragraph 6.13 provides specific information regarding more detailed monitoring of primary habitat creation than that required to accord with the MLP Monitoring Framework through MMI11: Amount of land newly restored for habitat creation. It is therefore proposed to remove this paragraph from the MLP although this more detailed target will remain being monitored through the AMR on the basis of its inclusion in the subsequent Mineral Site Restoration for Biodiversity SPG. Its removal from the Plan is in conformity with its absence from the MLP monitoring framework.
- 5.7 Paragraph 6.14 of the MLP states that a plan review will take place 'should annual monitoring show a fall in either the sand and gravel, silica sand or brick clay land banks to below the national minimum requirement of seven years, ten years and 25 years respectively'. It is considered that a reduction in reserves below the thresholds articulated should not automatically trigger a plan review as there may be mitigating circumstances. For example, the Greater Essex LAA 2019 found that the sand and gravel landbank in December 2018 stood at 6.75 years and was therefore below the seven-year threshold in the NPPF. However, at that point, one application was to be approved pending legal agreement and a further three sites were being determined. Combined, these applications would have added over two years to the landbank, raising it to above the requirement for seven years. As such, an amendment is proposed to require the MPA to explicitly consider whether a review of the MLP is required when the landbank falls to below seven years or whether there are mitigating circumstances to allow for a discretionary approach based on a fuller consideration of available data.

Assessment of the Continued Appropriateness of the Monitoring Framework

- 5.8 The following section assesses each Mineral Monitoring Indicator that forms the MLP Monitoring Framework as set out in Table 8 of the MLP for their continued relevance and appropriateness.

MMI 1: Production of primary land won aggregates by the MPA

MMI Performance

- 5.9 This indicator is based on the data collected via the annual mineral survey, jointly conducted by the East of England Aggregate Working Party and individual Mineral Planning Authorities.
- 5.10 Due to commercial confidentiality, site-specific information relating to this indicator is amalgamated and reported at a 'Greater Essex³⁸ level, including within the Essex Authority Monitoring Report (AMR). This review has considered whether the monitoring indicator should be recalibrated to report at an 'Essex only' tier to reflect the plan area to which this MLP applies.
- 5.11 To use monitoring information to understand the impact of policies at the Essex-only level, it is necessary to disaggregate Essex results from that of Thurrock (and nominally Southend-on-Sea). To enable this and to remain compliant with commercial confidentiality, a proxy for non-Essex sales would be required to be used. The resultant data derived for Essex through this process would therefore be an assumed figure. In order to maintain the AMR's position as a factual document, it is considered that the current reporting tier of 'Greater Essex' still remains appropriate.
- 5.12 Each Mineral Planning Authority is expected to allocate mineral for extraction sufficient to amount to a 'steady and adequate' supply, which it achieves by setting an annual apportionment for that mineral in its Mineral Local Plan and then allocating sites equating to a total of that mineral need across the Plan period. The Greater Essex apportionment is currently set at 4.45mtpa, of which 4.31mtpa is allocated to Essex, 0.14mtpa to Thurrock and 0mtpa to Southend-on-Sea, in recognition of the absence of mineral workings in the latter administrative area.
- 5.13 Based on the split above, the Essex apportionment accounts for 97% of the Greater Essex apportionment, and so therefore mineral monitoring data for Greater Essex is likely to be heavily influenced by, and largely be representative of, the situation in Essex. Should the monitoring of information at the Greater Essex level demonstrate a deviation from stipulated mineral monitoring targets or thresholds, the AMR would then present further assessment, including an evaluation of pending applications and an appraisal of that year's data at the Essex-only level, noting that this latter information could not be published quantitatively for reasons of commercial confidentiality. In recognition of the need to publish information relating to this indicator at the Greater Essex level, the reference to the Essex apportionment of 4.31mtpa in the 'Target' column would need to be amended to 4.45mtpa.
- 5.14 MMI 1 is also linked to Policy S7: Provision for Industrial Minerals. This is now considered to be inappropriate for two reasons. The first of these is that the single identified 'target' of 4.31mtpa for this indicator applies only to those sites of relevance to Policy S6: Provision for Sand and Gravel Extraction i.e. the target is linked to the production of aggregate only, not the industrial minerals subject to Policy S7. The second reason is that because of the small number of sites related to each mineral subject to Policy S7 of the MLP, it is not possible to report on sales for

³⁸ Incorporating the administrative areas of Essex, Southend-on-Sea and Thurrock

reasons of commercial confidentiality and therefore publishing progress against a 'target' for industrial minerals in Essex is not possible. As such it is proposed to remove references to Policy S7 from this indicator.

MMI 2: The need for a separate landbank for building sand

MMI Performance

- 5.15 This indicator was developed at the request of the Inspector conducting the Examination in Public Hearings. The Inspector 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. The monitoring should assess whether a shortage of building sand was arising due to the homogenising of the landbank which could be addressed by way of a separate building sand landbank in a future review of the Plan.
- 5.16 Subsequent monitoring against this indicator was put on hold until an update³⁹ to the building sand related evidence developed for the EiP was produced. The collated results from the annual mineral survey since that time has also been used as a basis for considering building and concreting sand production in Essex, as discussed in paragraph 4.160. In summary it is understood that over the last five years a total of 12 different extraction sites have produced building/mortar sand in varying quantities from a mixed reserve, as well as other types of sands/gravels. Whilst there has been reduction from 10 of 17 (59%) active sites capable of supplying the market with building/mortar sand from mixed sand and gravel deposits in 2014 to seven of 16 (44%) active sites doing the same in 2018, it remains the case that both types of sand are being produced from individual site allocations. The update report also states that building sand and concreting sand can be produced from a single resource by varying the method of production. Therefore, as a single resource can produce to the two different specifications, there is no need to make separate provision for building sand and concreting sand as they are not distinct resources.
- 5.17 Further, the building sand amendment concludes that it would be 'unsound' if the new Plan sought separate landbanks as there is no ability to quantify reserves separately and unambiguously from each other, and a single reserve can in any event produce to both specifications (as borne out in the data above). On that basis, the need in the Plan for Indicator 2 – "The need for a separate landbank for building sand" – is concluded by the update report as not being required. As such it is proposed to remove this Monitoring Indicator from the Framework,

MMI 3: Contribution of marine dredged sources towards overall aggregate provision

MMI Performance

- 5.18 In the report of the Examination in Public on what became the Essex Minerals Local Plan 2014 (MLP), 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. This led to the creation of this monitoring indicator.

³⁹ A Re-examination of Building Sand Provision in Essex, 2019

The monitoring indicator states that if marine imports are within 90% of wharf capacity in Greater Essex, then a review is to be undertaken to determine whether capacity is constraining the landing of marine dredged aggregate.

- 5.19 As noted in the MLP Monitoring Framework, this indicator was to be reported on through a bespoke investigation of wharf capacity. Whilst originally intended to be reported annually through the AMR, this investigation was carried out to support this MLP Review and involved engagement with the minerals industry as well as adjoining port and district authorities where landings occur to understand the relationship between aggregate landings and processing capacity. The findings were incorporated into a review of the ability to quantify a marine aggregate contribution to the total need for aggregate as a means to potentially offset the need for land-won aggregates. This has been published as part of the evidence base supporting the MLP Review ⁴⁰.
- 5.20 As summarised from Paragraph 4.163 of this assessment, the review of the practicalities of increasing marine-won aggregate to offset land-won aggregate concluded that understanding wharf capacity would not allow for a quantification of an assumed supply of marine-won aggregate.
- 5.21 This bespoke piece of work found that there is no single source of publicly available data providing both the annual amount of marine won material landed at wharf facilities and the total available capacity at wharves to allow for a comparison to be made. All operators that have wharves that are considered to be within range to support the Essex aggregate market were subsequently contacted as part of compiling the marine aggregate supply report to establish the total capacity of their wharves and to question whether this may be constraining throughput.
- 5.22 A sufficient number of responses were not however forthcoming, and it must be noted that there is no statutory requirement for operators to respond to this request. In the absence of sufficiently robust data, it has not been possible to operate the monitoring indicator which sought to understand whether the cumulative annual throughput at aggregate wharves is 90% or above the total capacity. Anecdotal evidence suggests that there remains surplus capacity at wharves, and capacity issues are focussed around production capability at least partly limited by existing dredger fleet numbers rather than wharf capacity.
- 5.23 On this basis, it is considered that additional work surrounding the port capacity indicator will not yield any additional or more valuable results, due to response rates from any operators likely to remain low due to their being no statutory requirement for wharf operators to release this commercially sensitive information. It is therefore proposed that the relevant Mineral Monitoring Indicator be removed from the Monitoring Framework.
- 5.24 The rationale for not otherwise quantifying a particular amount of the forecasted aggregate need to be served by the import of marine aggregates is set out at Paragraph 4.163.

⁴⁰ Report to Determine Whether Marine-Won Aggregate Supply Can Offset the Demand for Land-Won Aggregates in Essex October 2020

MMI 4: Production of Secondary & Recycled Aggregates

MMI Performance

- 5.25 The current Indicator is based on the estimated maximum capacity of the Construction, Demolition & Excavation (CDE) waste facilities within the joint waste plan area. In the first instance, this Indicator considers the ‘permitted capacity’ sourced from planning applications. Where this information is not available, the highest amount of waste accepted by the facility within the last five years (sourced from the annually published Environment Agency Waste Interrogator) is used as a proxy for the permitted capacity of a facility.
- 5.26 It is now considered that, in terms of monitoring the production of secondary and recycled aggregates, a more accurate figure can be produced than that which is currently derived from a combination of permitted capacity and throughput. This is because site throughput does not correlate to the amount of recycled aggregate which is of a suitable quality to sell as a product as there are a number of factors which will impact on its production. The total input of waste material is not the only consideration.
- 5.27 Production of secondary aggregate (as opposed to recycled aggregate) has not previously been reported on within either the AMR (under MMI4) or the LAA. Secondary processing can occur on extraction sites (to make a higher value product through manufacturing of the original material, for example concrete batching and coated roadstone, brick, tile and block making). It can also be generated from industrial processes, such as power station ash from combustion (fly ash) that can be turned into bricks and cement, and slag from iron smelting that can be manufactured into mineral wool and used as heating pipe insulation.
- 5.28 As secondary aggregate production has not previously been monitored, it is not known whether secondary aggregates from industrial sources are produced in any significant quantity in the Plan area, but the lack of heavy industry in Essex suggests there will be little, and no evidence has ever been presented to the MPA to state that secondary aggregates are being produced on any scale.
- 5.29 Paragraph 204 Clause b) of the NPPF is clear that where practicable, the MPA should take account of the contribution that substitute, or secondary and recycled materials and minerals waste would make to the supply of materials. As such, the requirement to monitor the production of secondary and recycled aggregate is clear and it is intended that the indicator be maintained in the monitoring framework. It is however considered that the current methodology used to collate data to inform this indicator could be improved. As such amendments will be required to the Implementation and ‘Data Source’ sections of the Monitoring Framework associated with Monitoring Indicator 4 to take account of proposed changes to this Indicator, made to ensure that the indicator reports on its stated purpose. Options for improvements are identified below for both secondary and recycled aggregate monitoring.

Table 10: Secondary Aggregate Production (Industrial Processes) Monitoring Improvement Options

Option	Description	Preferred Option	Discussion
1	<p>At the time of the annual minerals survey, a bespoke secondary aggregate survey could be issued to all known non-co-located secondary aggregate facilities which used waste from industrial processes to generate secondary aggregate. This would involve the use of both the Environment Agency’s Waste Interrogator as well as a review of the District/Borough/City Environmental Permit information via their individual registers⁴¹. This would, however, only reveal facilities that ‘may’ produce residues suitable for use as aggregate. Completion of the survey by operators would be required such that only those facilities producing secondary aggregate are captured to ensure an accurate estimate of all industrial waste based secondary aggregate sales during each calendar year. However, the completion of this survey would not be a statutory requirement so there is no guarantee that operators would complete the survey. As such the final figure may not be representative of the total Essex production value</p>	No	<p>It is understood that secondary aggregate production can be expected to fall with the contraction of the heavy industrial base. Furthermore, the recently published report by the MPA (2019) The Contribution of Recycled and Secondary Materials to Total Aggregates Supply in Great Britain, suggested that only 3% of the total aggregates supply in GB (2017) was made up of secondary aggregates. To add to this consideration, Essex does not contain a significant industry base that would lead to the availability of material to be processed into secondary aggregates.</p> <p>It is therefore considered that the contribution of secondary aggregate arising from industrial processes as a proportion of total aggregate supply would be extremely minor. This fact, coupled with the potential that responses to a non-statutory survey (Option 1) would likely be low and therefore unrepresentative, meaning that the value of information accrued through attempts to monitor aggregate production from this supply source would be unlikely to justify the resources required for its annual collation should the indicator be amended in this way.</p>
2	<p>Commission a bespoke study to investigate the actual contribution of secondary aggregate from industrial processes within Essex. The results</p>	No	<p>To further investigate this supply (Option 2) would be a resource intensive exercise, with little certainty of gaining comprehensive information, for example it is</p>

⁴¹ Local Air Pollution Prevention and Control (LAPPC) requires facilities to hold a permit prior to undertaking certain processes that would include the minerals sector, which may identify processes giving rise to secondary aggregate.

	would then inform whether This would need to be continually monitored via the AMR Following sensitivity testing the result of the study could be used as a proxy for further monitoring, in a similar manner to the Thurrock apportionment of primary mineral extraction		unlikely that the WPA would be able to acquire information regarding concrete crushed at demolition sites, which is then subsequently used within that construction site as aggregate. It is therefore concluded that such an exercise would add little value to the monitoring and reporting on recycled and secondary aggregate production. It is therefore proposed to assume the amount of secondary aggregate from industrial processes is de minimus in comparison with other aggregate sources (Option 3) and therefore not incorporate this industrial secondary aggregate into the monitoring indicator.
3	Proceed with the assumption that the contribution of secondary aggregate arising from industrial processes as a proportion of total aggregate supply is extremely minor and therefore continue not to monitor secondary aggregate production from industrial processes.	Yes	

Source: Essex County Council (2020)

Table 11: Secondary Aggregate Production (co-located Processes) Monitoring Improvement Options

Option	Description	Preferred Option	Discussion
1	At the time of the annual minerals survey, send a bespoke secondary aggregate survey to all co-located secondary aggregate facilities (as specified in the most recently published Local Aggregates Assessment), which produce secondary aggregates such as concrete batching and coated roadstone and brick/tile/block making. The survey would have the potential to provide an accurate estimate of all secondary aggregate sales from on-site processing during each calendar year, but would be non-statutory, so there is no requirement for operators to complete the survey. This could be mediated as although non-statutory, the operators this would be sent to would already be acquainted with the need to monitor sales, and if conducted with the annual mineral survey, would present a reduction in the	No	Having considered the limited availability of data at a smaller than national level surrounding the sales (production) of secondary aggregate (option 2) it is not considered such an exercise would add significant value to the monitoring and reporting on recycled and secondary aggregate production. It is considered that this additional non-statutory survey (option 1) would have no express requirement for an

	amount of resources required to assist with the authority’s request. However, the final figure may not be representative of the total Essex production value.		operator to complete and return to the MPA and would also be a labour/cost inhibitive for little added value.
2	Commission a bespoke study to investigate identify available data (nationally and/or sub-nationally) surrounding the sales (production) of secondary aggregate, with the view to apply this to Essex.	No	The most appropriate option is therefore considered to be to continue assuming that the output of secondary aggregate products from co-located sources are minimal (option 3) and continue not to report on this within the LAA/AMR.
3	Continue with the assumption that the production of secondary aggregates at processing facilities that are co-located existing minerals/waste sites is minimal and therefore continue not to monitor secondary aggregate production from co-located facilities.	Yes	

Source: Essex County Council (2020)

Table 12: Production of Recycled Aggregate Monitoring Improvement Options

Option	Description	Preferred Option	Discussion
1	At the time of the annual minerals survey, also send a bespoke aggregate recycling survey to all non-co-located aggregate recycling facilities. This would have the potential to provide an accurate estimate of all recycled aggregate sales during each calendar year but would be non-statutory so there is no requirement for operators to complete the survey. As such the final figure may not be representative of the total Essex production value.	No	It is recognised that the ‘do nothing’ approach (option 3) will not provide accurate information for this indicator as site throughput does not significantly correlate to the amount of recycled aggregate, which is of a suitable quality to sell as a product.
2	The Preferred Option is to undertake an additional desk-based exercise to estimate the amount of ‘recycled product’ using data sourced from the annually updated Environment Agency’s Waste Data Interrogator (WDI), which in effect would compare waste inputs and outputs. An advantage of this approach is that it is an	Yes	It is assessed that on balance it would be most appropriate to undertake a desk-based study using the EA WDI to estimate the amount of recycled product produced in Essex.

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	existing data source. However, it only includes those sites which operate under an EA permit. Although there is an ever-increasing number of sites required to have an EA permit, it remains the case that there may be inert waste sites operating (legally) without such a permit. As such, any figure derived from the WDI may also not be an accurate reflection of actual production rates.		Option 2 is considered to result in the more effective monitoring of the production value of recycled aggregate and could be presented in both the AMR and LAA. Mandating the dedication of resources to the annual production of non-statutory surveys (option 1) is not considered appropriate and as such it is not proposed to require this through an indicator.
3	Continue with the assumption that the waste capacity/throughput of the waste facilities is a suitable proxy for the productions of recycled aggregates.	No	

Source: Essex County Council (2020)

- 5.30 In summary, it is not considered appropriate to further investigate the production of secondary aggregate produced at either co-located facilities (with minerals/waste/transshipment sites) or secondary aggregates produced as a result of industrial processes, due to the likelihood that it will provide little added value. It is however considered appropriate to undertake an additional desk-based exercise to estimate the amount of 'recycled product' using data sourced from the annually updated Environment Agency's Waste Data Interrogator (WDI).
- 5.31 As a result of the change to this monitoring indicator, it is considered appropriate to change the target from 'Ensuring a 'capacity gap' does not occur' to 'Maintaining county-wide recycled and secondary Aggregate production and expanding it where possible.' This is considered to reflect the change from a waste 'capacity' consideration' to a more appropriate minerals 'production' viewpoint.

MMI 5: Size of Landbank

MMI Performance

- 5.32 This indicator is based on the data collected via the annual mineral survey, jointly conducted by the East of England Aggregate Working Party and individual Mineral Planning Authorities.
- 5.33 Due to commercial confidentiality, site-specific information relating to this indicator is amalgamated and reported at a 'Greater Essex level, including within the Essex Authority Monitoring Report (AMR). This review has considered whether the monitoring indicator should be recalibrated to report at an 'Essex only' tier to reflect the plan area to which this MLP applies.
- 5.34 To use monitoring information to understand the impact of policies at the Essex-only level, it is necessary to disaggregate Essex results from that of Thurrock (and nominally Southend-on-Sea). To enable this and to remain compliant with commercial confidentiality, a proxy for non-Essex sales would be required to be used. The resultant data derived for Essex through this process would therefore be an assumed figure. In order to maintain the AMR's position as a factual document, it is considered that the current reporting tier of 'Greater Essex' still remains appropriate.
- 5.35 Each Mineral Planning Authority is expected to allocate mineral for extraction sufficient to amount to a 'steady and adequate' supply, which it achieves by setting an annual apportionment for that mineral in its Mineral Local Plan and then allocating sites equating to a total of that mineral need across the Plan period. The Greater Essex apportionment is currently set at 4.45mtpa, of which 4.31mtpa is allocated to Essex, 0.14mtpa to Thurrock and 0mtpa to Southend-on-Sea, in recognition of the absence of mineral workings in the latter administrative area.
- 5.36 Based on the split above, the Essex apportionment accounts for 97% of the Greater Essex apportionment, and so therefore mineral monitoring data for Greater Essex is likely to be heavily influenced by, and largely be representative of, the situation in Essex. Should the monitoring of information at the Greater Essex level demonstrate a deviation from stipulated mineral monitoring targets or thresholds, the AMR would then present further assessment, including an evaluation of pending applications and

an appraisal of that year's data at the Essex-only level, noting that this latter information could not be published quantitatively for reasons of commercial confidentiality. In recognition of the need to publish information relating to this indicator at the Greater Essex level, the reference to the Essex production potential of 4.31mtpa in the 'Target' column would need to be amended to 4.45mtpa.

- 5.37 The manner through which data arising from this indicator will be implemented is also assessed as being required to change. With the proposal to re-designate Reserve Sites to Preferred Sites, there will be no sites held in abeyance which could subsequently be bought forward to address a reducing landbank, as monitoring shows that all sites will be required through the Plan period in any event. The proposed revision instead requires the MPA to assess the need to make further allocations and/ or review the Plan when landbanks fall close to seven years.

MMI 6: Locations of New Recycling Facilities in Accordance with Spatial Strategy

MMI Performance

- 5.38 Data for MMI 6 is collated from planning permissions and is presented annually in the AMR. It identifies all newly permitted recycling facilities and compares these to the requirements of Policy S5 in the MLP. It is considered to accurately reflect the plan element that the Indicator seeks to monitor and as such it is considered that this MMI remains fit for purpose and does not require modification, other than to remove a reference to 'Strategic Aggregate Recycling Sites' in light of the proposed revisions to Policy S5, update the Frequency of Monitoring to through the 'Authority Monitoring Report' rather than 'annually through the Annual Monitoring Report', as well as adding 'aggregate' to the title of the Indicator to clarify its purpose.

MMI 7: Locations of New Extractions in Accordance with Spatial Strategy

MMI Performance

- 5.39 Data for MMI7 is collated from planning permissions and is presented annually in the AMR. It identifies all newly permitted extraction sites and compares these to those sites allocated in the MLP. The Monitoring Framework of the MLP sets out that the purpose of MMI7 is to monitor the effectiveness of 'Policy S2: Strategic Priorities for Development.
- 5.40 The target for this indicator is for all mineral extraction permissions (other than windfalls) to be permitted on identified sites in Essex. It is assessed that this target would benefit from modification, as all applications coming forward for mineral extraction which were not windfall applications would, by definition, be on identified sites. Conversely, all applications coming forward outside of Preferred Sites would fall under the definition of being a windfall as it would result in more mineral being added to the landbank than was originally provided for. It is therefore proposed that the phrase 'other than windfalls' be removed. This would focus the indicator to monitoring the proportion of approved applications for mineral extraction that came forward on Preferred Sites in the first instance, and then the AMR would detail the 'further justification' required by Policy S6 which allows applications for mineral extraction to be permitted outside of these Preferred Sites. The revised target is proposed to be for all permissions for mineral extraction to be on Preferred Sites

unless there is an overriding justification for extraction, linked to an agricultural reservoir, borrow pit or prior extraction to avoid sterilisation, as set out in MLP Paragraph 3.106.

- 5.41 It is further proposed to re-associate the indicator with Policy P1 – Preferred and Reserve Sites for Sand and Gravel Extraction and Policy P2: Preferred Sites for Silica Sand Extraction. The indicator will then monitor the location of extraction permissions against the full schedule of preferred sites as set out in the MLP. It follows that if a site is located on a preferred site already identified in the MLP, it has met the relevant strategic priorities of the same document as listed in Policy S2. Furthermore, and as set out previously in this Review, Policy S2 is a wide-ranging set out of principles given life through other policies in the MLP and as such it is not considered that it needs to be specifically monitored itself.
- 5.42 An amendment is proposed to update the Frequency of Monitoring to through the ‘Authority Monitoring Report’ rather than ‘annually through the Annual Monitoring Report’. A further update seeks to change references to ‘identified sites’ to ‘preferred sites’ to keep terminology consistent through the Plan.

MMI 8: Number of safeguarded depots/wharves lost to other uses

MMI Performance

- 5.43 Data for MMI 8 is collated from a review of the outcome of planning applications determined at the local authority level to which the MPA have provided a response to as part of implementing Policy S9. Whilst assessed as still being required, there are considered to be a number of changes which would make the indicator more effective. The first of these is to amend the target from ‘nil’ to ‘no safeguarded depots/wharves lost to non-mineral development contrary to the advice of the MPA’. The MLP safeguarding policy recognises that it may be appropriate to redevelop mineral infrastructure sites if there is a demonstrable need and that alternative provision can be provided elsewhere. It is those sites that are lost despite an MPA objection which require collating through monitoring, such that this impact can be cumulatively assessed. Further revisions to implementation, data source, frequency of monitoring and responsibility provide greater clarity with regards to how the indicator is operated.

MMI 9: Area of commercial mineral deposits sterilised by non-mineral development

MMI Performance

- 5.44 The data used to operate Mineral Indicator 9 is collected by reviewing the outcome of planning applications to which the MPA have provided a response to through the operation of Policy S8. The monitoring of permitted applications within Mineral Safeguarding Areas (MSAs) have shown that mineral is being sterilised by non-mineral development in the Plan Area although this has rarely occurred contrary to the advice of the MPA⁴².

⁴² Between 01 April 2014 and 31st March 2019, of the applications which were sent to the MPA as part of consultation, there were a total of 98 responses provided. Of these 17% (24 responses) contained a holding objection against the application. The majority of these were holding objections, maintained until a Mineral

- 5.45 It is noted that the MPA need only be consulted on sites which meet the thresholds as set out in Appendix 5 of the MLP (2014), which for sand and gravel is for applications covering more than 5ha of the MSA. It is therefore the case that any application that has the potential to sterilise less than the mineral threshold would not be sent to the MPA for comment and therefore would not be recorded as part of the monitoring informing this indicator. This means that there is no understanding of the amount of mineral being sterilised by the permitting of non-mineral developments less than 5ha within sand and gravel MSAs, and whether this is greater or smaller than what is being lost through the permitting of larger non-mineral developments. On this point it is noted that Paragraph 68 of the NPPF notes that local plans should aim for at least 10% of the district's total housing need to be met on small sites less than 1ha in size, and that larger sites should be sub-divided and bought through in phases.
- 5.46 Nonetheless, it is still considered appropriate to retain a 5ha threshold as the trigger point for the engagement of Policy S8 and therefore the application of Mineral Monitoring Indicator 5. Consultation carried out with the minerals industry as part of initial evidence gathering for the production of the MLP in 2007 found that there would need to be a minimum of 3ha of resource for the site to be capable of being worked, and so approximately doubling that minimum threshold is considered a reasonable approach towards ensuring that the requirements of Policy S8 only apply to non-mineral led applications where there is a reasonable prospect of there being a mineral present which is practicable to extract.
- 5.47 In the Inspectors Report into the MLP, the Inspector passes judgement on this threshold in Paragraph 151. This notes that 'Although arbitrary, the 5ha threshold was subject to public consultation and this approach is justified, given the wide extent of sand and gravel reserves in Essex, where prior extraction need not always be necessary.' The MPA continues to support the threshold of 5ha as being an appropriate trigger point for the application of mineral resource safeguarding policy.
- 5.48 However, it is considered that the target associated with Monitoring Indicator 9 of 'nil' commercial mineral deposits sterilised by non-mineral development requires amendment. Notwithstanding the fact that the MPA does not monitor or comment on all applications made on land which is potentially mineral bearing, a target of 'nil' is no longer considered to be appropriate. There may be a number of reasons or combination of reasons as to why prior extraction may not be practicable on site. These could include the impact of prior extraction on the landform making the proposed development unviable and an unacceptable impact on sensitive proximal receptors.
- 5.49 When applications meeting mineral thresholds are proposed on land which is potentially mineral bearing, the MPA requests that a Mineral Resource Assessment (MRA) is produced. On the basis of the conclusions drawn in the MRA, the MPA will conclude either:

Resource Assessment was produced with an appropriately evidenced conclusion drawn. Of these objections a total of 12 applications had the objection removed by the MPA on receipt of additional information, whilst 6 maintained holding objections (6.1% of the total responses issued). Further details can be located in Policy S8 – Safeguarding mineral resources and mineral reserves (specifically paragraph 4.260), which deals with this issue.

- that the mineral is extracted prior to non-mineral development taking place; or
- that it is not practicable to prior extract.

5.50 In light of the variables that lead to such a decision by the MPA, it is considered that a more appropriate target for this monitoring indicator is 'nil commercial mineral deposits sterilised by non-mineral development contrary to the advice of the MPA'. This amendment would take into account the fact that it may not be practicable to prior extract mineral that satisfies the original threshold of Policy S8. There is still however merit in understanding how much mineral is being lost in total. As such an amendment is proposed which allows the monitoring indicator to focus on how much mineral is sterilised through the permitting of non-mineral led development, and the proportion of that which was contrary to the position of the MPA.

5.51 The MPA considers that there would be merit in understanding the proportion of safeguarded mineral sterilised through the permitting of non-mineral development on sites less than the thresholds set out in Policy S8, but this would be through an additional bespoke exercise undertaken outside of the MLP Review itself. Further revisions to implementation, data source, frequency of monitoring and responsibility provide greater clarity with regards to how the indicator is operated.

MMI 10: Number of applications proposing non-road modes of transport a) to/from the site, b) within the site

MMI Performance

5.52 This indicator sought to record how many mineral sites proposed non-road-based transportation. However, since most of the extraction sites allocated in the Plan are within close proximity to the road network rather than rail or water-based transshipment sites, it is considered that new applications will be required to use road when transporting mineral to or from a site, even if this road transportation ultimately takes the material to a transshipment site. With regard to Part B of the Indicator, which sought to record the mode of transport related to the movement of mineral within a site, this is no longer considered to be a strategic issue that requires monitoring.

5.53 To date, this Indicator has not produced any information that aids in the monitoring of the effectiveness of the Plan, nor is it considered that it will do so in the future. As such it is considered that this Monitoring Indicator is ineffective and should be removed.

MMI 11: Amount of land newly restored for habitat creation:

MMI Performance

5.54 Data informing this indicator is sourced from information relating to the proposed restoration schemes contained in planning applications. This review of the MLP affords the opportunity to make a number of minor amendments to this indicator to clarify its purpose and aid in its implementation.

5.55 The stated role of this indicator is to monitor the amount of land *newly restored for habitat creation*'. An amendment is proposed to clarify that the indicator seeks to

capture the amount of priority habitat that is newly created, which then aligns the Indicator with its stated target.

- 5.56 Further, and as previously noted under the assessment of Policy S12, with regard to current performance under Monitoring Indicator 11, there has been no delivered priority habitat during the first five years of the MLP (2014). This is however a function of the time it takes to gain planning permission to extract, the extraction process itself and subsequent restoration of the site, rather than any failing of approach. To aid in the monitoring of this indicator, it is now proposed to separately monitor priority habitat by both the commitment to deliver in a planning application and the successful implementation of priority habitat following sign-off of the after-care programme. It is proposed to achieve this by monitoring these separately through creating a Part A and Part B for this Indicator.
- 5.57 It is further noted that this indicator allows progress towards the 200ha priority habitat creation target to include ‘contributions to support off-site enhancements in proximity to the extraction site.’ It is proposed that this wording be removed from the indicator. Should those sites which have yet to come forward as an application incorporate a restoration scheme in accordance with the Mineral Site Restoration for Biodiversity SPG, the 200ha target will be exceeded without the need to consider off-site contributions. As such, although the value of off-site contributions is recognised, it is considered that counting off-site contributions acts to dilute the potential for priority habitat creation that could be possible as part of on-site mineral site restoration.

Natural Capital: Creation of a new MLP Indicator

- 5.58 Paragraph 4.8 of this report notes that ‘A Green Future: Our 25 Year Plan’ (Defra, 2018) places importance on the consideration of natural capital, defined as the sum of our air, water, soil, minerals, species and ecosystems that support all forms of life. The 25 Year Plan further states that enhancing natural capital is an essential basis for economic growth and productivity over the long term and as such, a number of proposed modifications to the MLP seek to firmly establish natural capital growth as part of its overarching strategy. However, for these amendments to have real substance, there is a requirement to be able to monitor whether the Plan has an impact on natural capital provision.
- 5.59 Currently, the most relevant indicator is Mineral Monitoring Indicator 11, but this is restricted to monitoring the provision of Priority BAP habitat. It is therefore considered that there is merit in assessing the practicality of expanding monitoring to also incorporate the more holistic concept of ‘natural capital’ provision as part of extraction and restoration proposals.
- 5.60 The National Infrastructure Commission published ‘Natural Capital and Environmental Net Gain: A Discussion Paper’ in February 2021, which notes that the existing planning regimes include some requirements for consideration of the impact of development on natural capital. The paper further references the key commitment in the government’s 25 year environment plan to embed ‘environmental net gain’ in development, and, as previously mentioned in this Rationale Report, that the government is currently legislating for biodiversity net gain through the Environment

Bill, adding that this includes the use of Natural England's Biodiversity Metric to measure net gains.

- 5.61 The discussion paper further reports on a large number of existing tools and resources to support decision makers in their consideration of natural capital. An example is the forthcoming 'Net Gain Planning Tool': which it is said will enable the assessment and measurement of the extent to which new spatial plans or development achieve net gains across a range of ecosystem services. A number of natural capital tools are also aimed towards developers and site promoters.
- 5.62 It is noted that the MPA have long promoted biodiversity and environmental net gain through its after-use and development management policies, as well as its mineral site award scheme. Further, given the temporary nature and rural location of many mineral developments, the minerals industry has long been involved in the promotion of long-lasting environmental benefits. An example is the Nature After Minerals partnership programme, led by the RSPB and supported by Natural England, the Mineral Products Association and the British Aggregates Association.
- 5.63 However, the actual monitoring of natural capital is an emerging science. As such, potential indicators that could be used to monitor natural capital will be explored with, and are invited from, interested parties as the MLP Review progresses. As such, the Monitoring Framework includes reference to a ninth monitoring indicator focussed around measuring Natural Capital as being 'To be Confirmed'. The MPA note that any indicator will need to be proportionate in scope.
- 5.64 It is also recognised that as part of this review, it may not be possible to establish a definitive indicator. Under such an eventuality, consideration will be given to creating an indicator that monitors whether applications themselves explicitly promote natural capital growth/ environmental net gain through their proposals. Future revisions to the MLP can then reassess the practicality of a more definitive indicator.

Conclusion

- 5.65 It is assessed that Policy IMR1 needs to be amended to make clear that a review of the MLP will be initiated every five years following the completion of the previous review. A further minor amendment is required to amend the title of the Policy to include the word 'Implementation'.
- 5.66 A number of changes would be required to supporting text which primarily relate to amendments which would be required to accommodate proposed changes previously discussed elsewhere in this report, such as the removal of the 'reserve' site designation. A number of factual updates will also be required which would update references to national policy and to remove temporal information from what is a strategic plan.
- 5.67 With regard to the indicators themselves, a number have been identified as requiring amendments to address issues articulated under the relevant indicator, related to either the base methodology or to report against a different or expanded target. The revised focus of Policy S12 to include the need for development to result in biodiversity net gain and to reflect the national focus on increasing natural capital is considered to necessitate the consideration of an addition of a new monitoring indicator based around this requirement. It is intended that this be developed

through the MLP Review in consultation with stakeholders. Three monitoring indicators are proposed for removal as either the data resulting from their implementation is considered to not be of material planning use or, following their implementation, they have either not been operable or have been found to no longer be required.

6 Reference Material and Minerals Local Plan Appendices

- 6.1 The remainder of the Plan comprises of a chapter entitled 'Reference material' and a suite of appendices providing the detail that sits behind a number of the policies already assessed. Their continued appropriateness is assessed below:

Reference Material

- 6.2 It is proposed to amend the title of this section to 'Glossary' as this is considered to be a more reflective title. The glossary is generally considered to be fit for purpose other than for a number of additions that would be required should the amendments proposed in this document be made. For example, there would be a requirement to remove the reference to Reserve Sites given their proposed re-designation. Further new definitions include Adverse Effect on Integrity, Mineral Infrastructure Consultation Areas, Mineral Infrastructure Impact Assessments, Green Infrastructure, Blue Infrastructure, natural capital, competent person, environment, Habitats Site, Impact Risk Zone, landraise, non-allocated site, non-preferred site, Shoreline Management Plan and Traffic Assessment. The term 'Mineral Infrastructure' will also be included, with the term being defined as applying to mineral facilities that are involved in the working and distribution of mineral resources. A distinction will be made between 'Mineral Infrastructure' and 'Mineral Development', with the latter redefined through the MLP as any activity related to the working, processing and distribution of mineral resources. A number of amendments will be required to be made to policy and supporting text to accommodate this proposed revision.
- 6.3 As a result of proposed amendments to Policy S8 and S9, the definition of 'Mineral Consultation Area' in the Glossary has been amended to apply to land 100m around an MSA, rather than land 250m around existing and allocated mineral infrastructure.
- 6.4 Through the emerging Habitats Regulations Assessment for this review, it was requested that references to 'Natura 2000' sites be removed from the Plan and replaced by 'Habitats Site' due to the need to update terminology. As a consequence, a definition of 'Habitats Site' taken from the NPPF is proposed to be added to the Glossary, with the reference to Nature 2000 proposed to be removed. Where references to Nature 2000 were made to support other definitions in the Glossary, such references are proposed to be amended to 'Habitats Site'.
- 6.5 Finally, a definition of 'environment' has been provided to make clear that such references include both the natural and historic environment.

Appendix One - Site Profiles for Preferred and Reserve Sites

- 6.6 This Appendix contains a complete set of individual Site Profiles for each of the proposed Preferred and Reserve Sites subject to Policy P1. Each Site Profile covers the site location, site boundaries, site characteristics, and any detailed development requirements associated with mineral working at each site. Amendments are proposed to recognise the re-allocation of Reserve Sites to Preferred Sites as set out from Paragraph 4.137. It is noted that the information presented in each Site Profile is reflective of their characteristics at the point of adoption of the MLP and that a number of these sites have since been permitted and/or are being extracted.

- 6.7 In recognition of the fact that the version of the MLP subject to the current consultation is emerging, that the planning history with respect to these sites has the potential to change one or more times ahead of a future public consultation, and that any update to these Site Profiles will be purely factual, these Site Profiles have not been amended to reflect this interim position. The Site Profiles will however be updated ahead of a future public consultation.
- 6.8 An exception to the above is to accommodate an amendment requested through the Habitats Regulation Assessment. Through this assessment it was requested that a new criteria was added to the Site Profile for A31 Maldon Road, Birch to note the need for consideration to be given to the design, layout and phasing of works and restoration in order to protect the watercourse from pollution and avoid adverse effect on the integrity of the Colne Estuary SPA and Ramsar site.

Appendix Two - Profiles for Existing and Proposed Transshipment Sites

- 6.9 This Appendix contains a complete set of individual Profiles for each of the transshipment sites subject to Policy S9. It is proposed to remove this Appendix and instead report on the status of transshipment sites through the AMR and Policy Map, which can be more regularly updated than the MLP.

Appendix Three - Profiles for Strategic Aggregate Recycling Sites (SARS)

- 6.10 This Appendix contains a list of each of the strategic aggregate recycling sites subject to Policy S5. In light of the proposed revisions to Policy S5, all recycling facilities permitted by the MPA and subsequently set out in the AMR and Policy Map are to be safeguarded. It is therefore proposed to remove this Appendix from the MLP and publish this information through the AMR and Policy Map which can be more regularly updated than the MLP.

Appendix Four - Profiles of Safeguarded Coated Stone Plants (Asphalt)

- 6.11 This Appendix contains the list of each of the safeguarded coated stone plants subject to Policy S9. It is proposed to remove this Appendix and instead report on the status of transshipment sites through the AMR and Policy Map, which can be more regularly updated than the MLP.

Appendix Five - Consultation Procedure for Mineral Safeguarding Areas

- 6.12 Appendix Five currently sets out the consultation procedure for Mineral Safeguarding Areas which are defined through Policy S8. The experience of operating Policy S8 since the MLP was adopted, coupled with the proposed revisions to Policy S8 and Policy S9, dictates that there would be merit in significantly expanding Appendix 5 to include more detail with regards to how the MPA envisage the safeguarding process to operate, as well as clarify the intentions behind safeguarding and how information feeds into the determination process. To recognise the expanded remit, it is proposed to amend the title of the appendix to 'The Implementation of Mineral Resource and Infrastructure Safeguarding Policy' such that it also covers Policy S9 and the new Mineral Infrastructure Consultation Area designation.

- 6.13 The revised appendix opens by setting out a mechanism for consultation between district, borough and city planning authorities and the Minerals Planning Authority. This incorporates and expands on text originally incorporated within Policy S8.
- 6.14 Through Duty to Cooperate engagement, it was suggested by the MPA that it would maintain a schedule of Local Plan allocations which sets out progress, to date, with regards to the application of mineral resource and infrastructure safeguarding policies as they related to site allocations in Local Plans. Therefore, it is proposed to amend Appendix 5 to state that said schedule will be maintained.
- 6.15 The next section acts to apply thresholds to the safeguarding process as it is neither practicable nor necessary for the MPA to be consulted on all developments proposed in planning applications. Text in this section builds on that already contained in the adopted MLP Appendix 5, with additional clarification. This section also sets out whether development is considered to be 'included' or 'excluded' for the purposes of applying Policy S8 and S9. The distinction is made as not all applications are considered to have the potential to sterilise mineral or have the potential to compromise the operation of mineral infrastructure. Two changes are proposed for this section. The first is a proposed amendment to now 'include' applications for development on land which is already allocated in adopted local development plan documents, with the caveat that allocations appropriately addressed through previous engagement during formation of the relevant Development Plan document are to remain excluded. The rationale for this approach is set out within the discussion under the section titled Minerals Local Plan 2014 Appendix 5 under Policy S8 beginning at Paragraph 4.252.
- 6.16 The second proposed amendment is to remove the caveat of applications for buildings, structures and uses only being able to be considered as being temporary, and therefore excluded from safeguarding policy, if they are proposed to remain in-situ for five years or less. This is considered to be an unnecessarily restrictive interpretation of what constitutes temporary development.
- 6.17 Revisions to Appendix 5 then set out when a Mineral Resource Assessment is required and the scope and level of detail which is to be expected within them. This is supported by a table setting out a schedule of requirements for a Minerals Resource Assessment, which is based on existing guidance published by the Planning Officers Society and the Mineral Products Association, adapted and combined with an existing list of requirements originally requested by the Minerals Planning Authority. There then follows a section setting out how the MPA would expect information arising out of the MRA to be used in formulating a decision with regards to the practicability of prior extraction, which supplements the supporting text already included under Policy S8. There then follows practical advice for determining planning applications within Mineral Safeguarding Areas, which also draws on Minerals Safeguarding Practice Guidance, prepared by the Minerals Products Association and the Planning Officers Society. This is supplemented by further information based on an interpretation of Schedule 1, Section 1 (Local Planning Authorities: Distribution of Functions) of the Town and Country Planning Act 1990 and relevant case law, and a flowchart.
- 6.18 Appendix 5 concludes with new additional information regarding the suitability of using planning conditions to regulate prior extraction before concluding with a new

section to support the application of Policy S9. This includes the approach expected to be undertaken within a Mineral Infrastructure Impact Assessment. Again, this is based on existing guidance published by the Planning Officers Society and the Mineral Products Association, adapted and combined with an existing list of requirements originally requested by the Minerals Planning Authority.

- 6.19 As previously noted in this report, whilst Appendix 5 is now significantly longer, it is considered more appropriate to include the relevant detail with regards to the application of safeguarding policy within the MLP rather than seek to produce a separate Supplementary Planning Document.

New Appendix Three - Additional Minerals Planning Context

- 6.20 It is proposed to include a new Appendix Three to preserve the general planning contextual information removed from Policy DM1.

7 Appendix One Detailed Assessment of the MLP (2014)

- 7.1 This appendix sets out the full NPPF/PPG policy compliance assessment for each policy or other component of the Plan assessed through this MLP Review. Each element of the adopted Plan policy or other component is assessed separately. Reference is made to the PPG if any particular element of the MLP cannot be appropriately justified through a reference to an appropriate paragraph of the NPPF, or if the PPG reference adds further justification that warrants its inclusion.
- 7.2 Each table presented in this appendix does not pertain to be a comprehensive record of all relevant parts of the NPPF and PPG as they relate to that particular element of the MLP. Instead, the table provides sufficient detail such that the relevant part of the MLP is considered to be justified against the provisions of the NPPF and PPG.

Table A1: Assessing the Appropriateness of the Spatial Vision

Element of Spatial Vision	Compliance with NPPF/PPG
<p>A Sustainable Development</p> <p>Minerals development will make a positive contribution to Essex through a plan-led, collaborative approach, which promotes the sustainable use, re-use, recycling and extraction of minerals. Sustainable mineral and mineral-related development will be approved without delay when in accordance with this Plan.</p>	<p>NPPF</p> <p><u>Para 2</u> - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.</p> <p><u>Para 7</u> – “The purpose of the planning system is to contribute to the achievement of sustainable development.”</p> <p><u>Para 10</u> - So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development</p> <p><u>Para 11</u> - Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:</p> <p>c) approving development proposals that accord with an up-to-date development plan without delay</p> <p><u>Para 15</u> - The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area;</p> <p><u>Para 204</u> - Planning policies should:</p> <p>a) provide for the extraction of mineral resources of local and national importance,</p> <p>b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials,</p> <p>PPG</p> <p><u>Reference ID: 12-011-20140306</u> - Local Plans should be based upon and reflect the presumption in favour of sustainable development. This should be done by identifying and providing for objectively assessed needs and by indicating how the presumption will</p>

Element of Spatial Vision	Compliance with NPPF/PPG
	<p>be applied locally.</p> <p><u>Reference ID: 21b-006-20140306</u> - The National Planning Policy Framework stresses the importance of having a planning system that is genuinely plan-led. Where a proposal accords with an up-to-date development plan it should be approved without delay</p>
<p>B Primary Mineral Provision</p> <p>Essex will continue to be a major producer and user of sand and gravel, with the majority of that produced being used within the County itself. This will enable the planned growth within district/ borough/ city authority plans to occur and facilitate the maintenance of existing infrastructure. A steady and adequate supply of sand and gravel will be provided, having regard to the Local Aggregate Assessment and the targets agreed with the East of England Aggregates Working Party. Phasing has been introduced so as to avoid over-supplying in order to protect Essex's environment and our finite mineral resources. Plan provision will also be made for silica sand and brick clay.</p>	<p>NPPF</p> <p><u>Para 203</u> - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.</p> <p><u>Para 207</u> - Minerals planning authorities should plan for a steady and adequate supply of aggregates by:</p> <ul style="list-style-type: none"> a) preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources); b) participating in the operation of an Aggregate Working Party and taking the advice of that party into account when preparing their Local Aggregate Assessment; <p><u>Para 208</u> - Minerals planning authorities should plan for a steady and adequate supply of industrial minerals</p> <p>PPG</p> <p><u>Reference ID: 27-221-20140306</u> defines industrial minerals as "minerals which are necessary to support industrial and manufacturing processes and other non-aggregate uses. These include minerals of recognised national importance including: brickclay (especially Etruria Marl and fireclay), silica sand (including high grade silica sands)"</p>

Element of Spatial Vision	Compliance with NPPF/PPG
<p>C <i>Co-ordinating the Supply of Minerals into Essex</i></p> <p>Sources of aggregate, whether primary, secondary or recycled, will be planned to serve the whole of the county and wherever possible located in proximity to the County's main growth centres - Basildon, Chelmsford, Colchester, and Harlow, and the South Essex Thames Gateway, Haven Gateway and West Essex Alliance (formerly M11 corridor) growth areas, to maintain an appropriate match between mineral supply and demand. The lack of primary aggregate resources in the south and west of the County will be addressed to ensure that planned urban growth can take place without unnecessarily long transport distances. The existing infrastructure of rail depots and marine landing wharves in Essex and neighbouring Thurrock, in particular, will be important in this regard. The long-distance importation of aggregates will be maintained to ensure provision of non-indigenous minerals</p>	<p>NPPF</p> <p><u>Para 11</u> - Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:</p> <p>a) plans should positively seek opportunities to meet the development needs of their area.</p> <p><u>Para 103</u> - The planning system should actively manage patterns of growth.... Significant development should be focused on locations which are or can be made sustainable</p> <p><u>Para 204</u> - Planning policies should:</p> <p>a) provide for the extraction of mineral resources of local and national importance</p> <p>b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;</p> <p>e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material</p> <p><u>Para 207</u> - Minerals planning authorities should plan for a steady and adequate supply of aggregates by:</p> <p>a) preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);</p>
<p>D <i>Protecting Amenities and</i></p>	<p>NPPF</p>

Element of Spatial Vision	Compliance with NPPF/PPG
<p>Communities</p> <p>All minerals development will be well-designed to afford protection to local communities and to contribute to the enhancement of the built, natural and historic environment. Mineral developers will engage with communities to create the most appropriate local solutions.</p>	<p><u>Para 40</u> – They [the Local Planning Authority] should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.</p> <p><u>Para 204</u> - Planning policies should:</p> <p>f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;</p> <p><u>Para 205</u> - When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:</p> <p>b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;</p> <p>c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;</p> <p>e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;</p> <p>PPG</p> <p><u>Reference ID: 27-015-20140306</u> - Minerals operators should look to agree a programme of work with the mineral planning authority which takes into account, as far as is practicable, the potential impacts on the local community and local environment (including wildlife), the proximity to occupied properties, and legitimate operational</p>

Element of Spatial Vision	Compliance with NPPF/PPG
	<p>considerations over the expected duration of operations.</p> <p><u>Reference ID: 20-001-20150326</u> - Pre-application engagement by prospective applicants offers significant potential to improve both the efficiency and effectiveness of the planning application system and improve the quality of planning applications and their likelihood of success. This can be achieved by:</p> <ul style="list-style-type: none"> • working collaboratively and openly with interested parties at an early stage to identify, understand and seek to resolve issues associated with a proposed development <p><u>Reference ID: 20-003-20140306</u> - Pre-application engagement is a collaborative process between a prospective applicant and other parties which may include:</p> <ul style="list-style-type: none"> • local people <p><u>Reference ID: 27-013-20140306</u> - The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include: noise associated with the operation; dust; air quality; lighting; visual impact on the local and wider landscape; landscape character; archaeological and heritage features (further guidance can be found under the Minerals and Historic Environment Forum’s Practice Guide on mineral extraction and archaeology; traffic; risk of contamination to land; soil resources; geological structure; impact on best and most versatile agricultural land; blast vibration; flood risk; land stability/subsidence; internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks; impacts on nationally protected landscapes (National Parks, the Broads and Areas of Outstanding Natural Beauty); nationally protected geological and geo-morphological sites and features; site restoration and aftercare, surface and, in some cases, ground water issues; water abstraction.</p>
<p>E <i>Climate Change</i></p> <p>Ensuring all minerals development is located, operated and managed whilst having regard to climate change</p>	<p>NPPF</p> <p><u>Para 148</u> - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions,</p>

Element of Spatial Vision	Compliance with NPPF/PPG
<p>mitigation and adaptation, so the County plays its part in reducing greenhouse gas emissions and is resilient to potentially more extreme future weather conditions.</p>	<p>minimise vulnerability and improve resilience</p> <p>PPG</p> <p><u>Reference ID: 61-026-20180913</u> - Plans set out a vision and a framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for conserving and enhancing the natural and historic environment, mitigating and adapting to climate change, and achieving well designed places.</p>
<p>F Reduce, Re-use and Recycling of Minerals</p> <p>Minerals previously extracted from the ground will be put to better use. The recycling and reuse of construction, demolition and excavation waste will be maximised, by safeguarding existing Strategic Aggregate Recycling Sites (SARS) and locating new facilities in proximity to the key centres of Basildon, Chelmsford, Colchester and Harlow. The Council promotes sustainable procurement and construction techniques and the use of alternative building materials in accordance with national and local policies.</p>	<p>NPPF</p> <p><u>Para 131</u> - In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.</p> <p><u>Para 203</u> - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.</p> <p><u>Para 204</u> - Planning policies should:</p> <p>b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;</p> <p>e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;</p> <p>PPG</p>

Element of Spatial Vision	Compliance with NPPF/PPG
	<p>Reference ID: 27-063-20140306 - Local Aggregate Assessments should consider all aggregate supply options, including the following:</p> <ul style="list-style-type: none"> • recycled aggregates, including from construction, demolition and excavation waste; • secondary aggregates, • marine aggregates from The Crown Estate. • imports into and exports out of the mineral planning authority area. The mineral planning authority must capture the amount of aggregate that it is importing and exporting as part of its Assessment (this will usually be captured through the 4 yearly Aggregate Minerals Survey); and • land-won resources, including landbanks and site-specific allocations. <p>Reference ID: 27-073-20140306 - The role of each Aggregate Working Party is three-fold (including):</p> <ul style="list-style-type: none"> • to obtain, collect and report on data on minerals activity in their area. This includes annual data on sales, permissions and mineral reserves in their area, and data on recycled and secondary sources.
<p>G <i>Protecting Mineral Resources and Facilities</i></p> <p>The needless sterilisation of mineral resources by development will be avoided by designating 'Minerals Safeguarding Areas' (MSAs) for sand and gravel, chalk, brick clay and brickearth. Existing, permitted, Preferred and Reserve mineral sites and mineral supply infrastructure will be safeguarded to ensure the</p>	<p><i>NPPF</i></p> <p><u>Para 204</u> - Planning policies should:</p> <p>c) safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);</p> <p>e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;</p>

Element of Spatial Vision	Compliance with NPPF/PPG
<p>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>PPG</p> <p><u>Reference ID: 27-003-20140306</u> - Mineral planning authorities should adopt a systematic approach for safeguarding mineral resources,</p> <p><u>Reference ID: 27-006-20140306</u> - Planning authorities should safeguard existing, planned and potential storage, handling and transport sites to:</p> <ul style="list-style-type: none"> • ensure that sites for these purposes are available should they be needed; and • prevent sensitive or inappropriate development that would conflict with the use of sites identified for these purposes.
<p>H Restoration and After-use</p> <p>Mineral workings are temporary in nature. Restoration and after-use schemes will continue to be integral to site selection and the consideration of planning applications, with progressive working and restoration schemes expected. The focus of after-use will shift from purely agricultural uses, important though they remain, towards enhancement of the local environment by means of increased provision for biodiversity, geodiversity, climate change adaptation and outdoor recreation, including Public Rights of Way.</p>	<p>NPPF</p> <p><u>Para 170</u> - Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <p>a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);</p> <p>b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;</p> <p>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</p> <p>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and</p> <p>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable</p>

Element of Spatial Vision	Compliance with NPPF/PPG
	<p>land, where appropriate.</p> <p><u>Para 204</u> - Planning policies should:</p> <p>h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high-quality restoration and aftercare of mineral sites takes place.</p> <p><u>Para 205</u> - When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:</p> <p>e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions.</p> <p>PPG</p> <p><u>Reference ID: 27-013-20140306</u> - The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include.... site restoration and aftercare</p> <p><u>Reference ID: 27-037-20140306</u> - The most appropriate form of site restoration to facilitate different potential after uses should be addressed in both local minerals plans, which should include policies to ensure worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place, and on a site-by-site basis following discussions between the minerals operator and the mineral planning authority</p> <p><u>Reference ID: 27-040-20140306</u> - The level of detail required on restoration and aftercare will depend on the circumstances of each specific site including the expected duration of operations on the site. It must be sufficient to clearly demonstrate that the overall objectives of the scheme are practically achievable, and it would normally include: (inter-alia)</p> <ul style="list-style-type: none"> • an overall restoration strategy, identifying the proposed afteruse of the site; <p>Restoration may, in some cases, need to be undertaken in phases so as to minimise</p>

Element of Spatial Vision	Compliance with NPPF/PPG
	<p>local disturbance and impacts.</p> <p><u>Reference ID: 27-045-20140306</u> - There are many possible uses of land once minerals extraction is complete and restoration and aftercare of land is complete. These include:</p> <ul style="list-style-type: none"> • creation of new habitats and biodiversity; • use for agriculture; • forestry; • recreational activities; • waste management, including waste storage; and • the built environment, such as residential, industrial and retail where appropriate.

Source: Essex County Council (2019)

Table A2: Assessing the Appropriateness of the Aims & Spatial Objectives

Aim	Strategic Objective	Compliance with NPPF/PPG
<p>1 <i>To promote sustainable development (economic, social, environmental)</i></p>	<p>1 To ensure sustainable minerals development can be approved without delay in accordance with the presumption in the National Planning Policy Framework</p>	<p>NPPF</p> <p><u>Para 10</u> - So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.</p> <p><u>Para 11</u> - Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:</p> <p>c) approving development proposals that accord with an up-to-date development plan without delay.</p> <p>PPG</p> <p><u>Reference ID: 21b-006-20140306</u> - The National Planning Policy Framework stresses the importance of having a planning system that is genuinely plan-led. Where a proposal accords with an up-to-date development plan it should be approved without delay.</p> <p><u>Reference ID: 12-011-20140306</u> - Local Plans should be based upon and reflect the presumption in favour of sustainable development. This should be done by identifying and providing for objectively assessed needs and by indicating how the presumption will be applied locally.</p>
	<p>2 To ensure minerals development supports the proposals for sustainable economic growth, regeneration, and development outlined in adopted Local Plans/ LDFs prepared by Essex district/ borough/ city</p>	<p>NPPF</p> <p><u>Para 17</u> - The development plan must include strategic policies to address each local planning authority's priorities for the development and use of land in its area</p> <p>PPG</p> <p><u>Reference ID: 61-026-20180913</u> - Plans set out a vision and a framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy, community</p>

Aim	Strategic Objective	Compliance with NPPF/PPG
	councils.	facilities and infrastructure
	<p>3 To ensure that minerals development in the County fully promotes sustainable development.</p>	<p>NPPF</p> <p><u>Para 10</u> - So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development</p> <p>PPG</p> <p><u>Reference ID: 12-011-20140306</u> - Local Plans should be based upon and reflect the presumption in favour of sustainable development. This should be done by identifying and providing for objectively assessed needs and by indicating how the presumption will be applied locally.</p>
	<p>4 To ensure certainty for both developers and the public.</p>	<p>NPPF</p> <p><u>Para 2</u> - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.</p> <p><u>Para 11</u> - Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:</p> <p>c) approving development proposals that accord with an up-to-date development plan without delay</p> <p><u>Para 15</u> - The planning system should be genuinely plan-led.</p> <p><u>Para 16</u> - Plans should:</p> <p>d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;</p> <p>PPG</p> <p><u>Reference ID: 21b-006-20140306</u> - To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan</p>

Aim	Strategic Objective	Compliance with NPPF/PPG
		<p>unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004</p> <p><u>Reference ID: 21b-006-20140306</u> - The National Planning Policy Framework stresses the importance of having a planning system that is genuinely plan-led. Where a proposal accords with an up-to-date development plan it should be approved without delay</p>
<p>2 <i>To promote a reduction in greenhouse gas emissions including carbon, and to ensure that new development is adaptable to changes in climatic conditions (environmental)</i></p>	<p>5 To ensure that minerals and associated development provides for,</p> <ul style="list-style-type: none"> • The minimisation of greenhouse gas emissions during the winning, working and handling of minerals. • Sustainable patterns of minerals transportation. • The integration of features which promote climate change mitigation and adaptation into the design of minerals restoration and after-care proposals. 	<p><i>NPPF</i></p> <p><u>Para 102</u> - Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:</p> <p>a) the potential impacts of development on transport networks can be addressed;</p> <p>b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;</p> <p>d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects,</p> <p><u>Para 103</u> - The planning system should actively manage patterns of growth.... Significant development should be focused on locations which are or can be made sustainable</p> <p><u>Para 108</u> - In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:</p> <p>a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;</p>

Aim	Strategic Objective	Compliance with NPPF/PPG
		<p>c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.</p> <p><u>Para 148</u> - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.</p> <p><u>Para 149</u> - Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures</p> <p><u>Para 150</u> - New development should be planned for in ways that:</p> <p>b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.</p> <p><u>Para 151</u> - To help increase the use and supply of renewable and low carbon energy and heat, plans should:</p> <p>b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development;</p>
<p>3 <i>To promote social</i></p>	<p>6 To ensure that local communities are</p>	<p>NPPF</p> <p><u>Para 40</u> - Local planning authorities have a key role to play in</p>

Aim	Strategic Objective	Compliance with NPPF/PPG
<p><i>inclusion, human health and well-being (social).</i></p>	<p>consulted, and their views considered during the development of minerals proposals and in the determination of planning applications for minerals development.</p>	<p>encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.</p> <p>PPG</p> <p><u>Reference ID: 61-028-20180913</u> - Depending on the issues and opportunities that exist locally local planning authorities should, in consultation with their local community, consider the most appropriate way to plan for the needs of their area.</p> <p><u>Reference ID: 15-002-20180615</u> - Local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application. This is prescribed in article 15 of the Development Management Procedure Order (as amended).</p>
	<p>7 To ensure that the impacts on amenity of those people living in proximity to minerals developments are rigorously controlled, minimised and mitigated.</p>	<p>NPPF</p> <p><u>Para 204</u> - Planning policies should:</p> <p>f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;</p> <p><u>Para 205</u> - In considering proposals for mineral extraction, minerals planning authorities should:</p> <p>b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from</p>

Aim	Strategic Objective	Compliance with NPPF/PPG
		<p>individual sites and/or from a number of sites in a locality;</p> <p>PPG</p> <p><u>Reference ID: 27-013-20140306</u> - The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include: noise associated with the operation; dust; air quality; lighting; visual impact on the local and wider landscape; landscape character; archaeological and heritage features (further guidance can be found under the Minerals and Historic Environment Forum's Practice Guide on mineral extraction and archaeology; traffic; risk of contamination to land; soil resources; geological structure; impact on best and most versatile agricultural land; blast vibration; flood risk; land stability/subsidence; internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks; impacts on nationally protected landscapes (National Parks, the Broads and Areas of Outstanding Natural Beauty); nationally protected geological and geomorphological sites and features; site restoration and aftercare, surface and, in some cases, ground water issues; water abstraction.</p>
<p>4 <i>To promote the efficient use of minerals by using them in a sustainable manner and reducing the need for primary mineral extraction (economic, social, environmental).</i></p>	<p>8 To reduce reliance on primary mineral resources in Essex, firstly through reducing the demand for minerals and minimising waste, and secondly, by the re-use and use of recycled aggregates.</p>	<p>NPPF</p> <p><u>Para 204</u> - Planning policies should:</p> <p>b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;</p>

Aim	Strategic Objective	Compliance with NPPF/PPG
<p>5 <i>To protect and safeguard existing mineral reserves, existing permitted mineral sites and Preferred and Reserve Sites for mineral extraction, as well as existing and proposed sites for associated mineral development (economic, social, environmental).</i></p>	<p>9 To identify and safeguard the following mineral resources in Essex:</p> <ul style="list-style-type: none"> • Sand and gravel, silica sand, brickearth, brick clay and chalk reserves which have potential future economic and/ or conservation value. Unnecessary sterilisation should be avoided. • Existing and potential secondary processing and aggregate recycling facilities that are of strategic importance for future mineral supply to ensure that these are not compromised by other non- mineral development. 	<p>NPPF</p> <p><u>Para 204</u> - Planning policies should:</p> <p>c) safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);</p> <p>d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;</p> <p>e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;</p> <p>PPG</p> <p><u>Reference ID: 27-003-20140306</u> - Mineral planning authorities should adopt a systematic approach for safeguarding mineral resources,</p> <p><u>Reference ID: 27-006-20140306</u> - Planning authorities should safeguard existing, planned and potential storage, handling and transport sites to:</p> <ul style="list-style-type: none"> • ensure that sites for these purposes are available should they be needed; and • prevent sensitive or inappropriate development that would conflict with the use of sites identified for these purposes. <p>NOTE: BGS data states that Essex contains viably workable deposits of sand & gravel, silica sand, brickearth, brick clay and chalk.</p>

Aim	Strategic Objective	Compliance with NPPF/PPG
<p>6 <i>To provide for a steady and adequate supply of primary minerals to meet future requirements (economic)</i></p>	<p>10 To provide for a steady and adequate supply of primary aggregates and industrial minerals by:</p> <ul style="list-style-type: none"> • Safeguarding transshipment sites for importing and exporting mineral products. • Meeting the mineral provision targets agreed by the East of England Aggregates Working Party, or as indicated by the Local Aggregate Assessment. • Identifying suitable mineral extraction sites through site allocations in the Plan 	<p>NPPF</p> <p><u>Para 204</u> - Planning policies should:</p> <p>a) provide for the extraction of mineral resources of local and national importance,</p> <p>e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;</p> <p><u>Para 207</u> - Minerals planning authorities should plan for a steady and adequate supply of aggregates by:</p> <p>a) preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);</p> <p>b) participating in the operation of an Aggregate Working Party and taking the advice of that party into account when preparing their Local Aggregate Assessment;</p> <p>c) making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans, taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;</p>
<p>7 <i>To protect and enhance the natural, historic and built</i></p>	<p>11 To provide protection from minerals development to designated areas of landscape, biodiversity,</p>	<p>NPPF</p> <p><u>Para 170</u> - Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <p>a) protecting and enhancing valued landscapes, sites of biodiversity or</p>

Aim	Strategic Objective	Compliance with NPPF/PPG
<p><i>environment in relation to mineral extraction and associated development (environmental, social)</i></p>	<p>geodiversity, cultural and heritage importance, in a manner which is commensurate with their importance.</p>	<p>geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);</p> <p>b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;</p> <p>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</p> <p>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, considering relevant information such as river basin management plans; and</p> <p>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</p> <p><u>Para 204</u> - Planning policies should:</p> <p>f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, considering the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;</p> <p>PPG</p> <p><u>Reference ID: 27-013-20140306</u> - The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include:</p>

Aim	Strategic Objective	Compliance with NPPF/PPG
		<ul style="list-style-type: none"> noise associated with the operation; dust; air quality; lighting; visual impact on the local and wider landscape; landscape character; archaeological and heritage features (further guidance can be found under the Minerals and Historic Environment Forum's Practice Guide on mineral extraction and archaeology; traffic; risk of contamination to land; soil resources; geological structure; impact on best and most versatile agricultural land; blast vibration; flood risk; land stability/subsidence; internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks; impacts on nationally protected landscapes (National Parks, the Broads and Areas of Outstanding Natural Beauty); nationally protected geological and geo-morphological sites and features; site restoration and aftercare, surface and, in some cases, ground water issues; water abstraction.
	<p>12 To secure high quality restoration of extraction sites with appropriate after-care to achieve new after-uses which are beneficial and enhance the local environment.</p>	<p>NPPF</p> <p>Para 204 - Planning policies should:</p> <p>h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high-quality restoration and aftercare of mineral sites takes place.</p> <p>Para 205 - When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:</p> <p>e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions.</p> <p>PPG</p> <p>Reference ID: 27-037-20140306 - The most appropriate form of site restoration to facilitate different potential after uses should be</p>

Aim	Strategic Objective	Compliance with NPPF/PPG
		<p>addressed in both local minerals plans, which should include policies to ensure worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place, and on a site-by-site basis following discussions between the minerals operator and the mineral planning authority</p> <p>Reference ID: 27-040-20140306 - The level of detail required on restoration and aftercare will depend on the circumstances of each specific site including the expected duration of operations on the site. It must be sufficient to clearly demonstrate that the overall objectives of the scheme are practically achievable, and it would normally include: (inter-alia)</p> <p>an overall restoration strategy, identifying the proposed afteruse of the site;</p> <p>Restoration may, in some cases, need to be undertaken in phases so as to minimise local disturbance and impacts.</p> <p>Reference ID: 27-045-20140306 - There are many possible uses of land once minerals extraction is complete and restoration and aftercare of land is complete. These include:</p> <p>creation of new habitats and biodiversity;</p> <p>use for agriculture;</p> <p>forestry;</p> <p>recreational activities;</p> <p>waste management, including waste storage; and</p> <p>the built environment, such as residential, industrial and retail where appropriate.</p>
	<p>13 To maintain and/or enhance landscape, biodiversity and residential</p>	<p>NPPF</p> <p><u>Para 170</u> - Planning policies and decisions should contribute to and</p>

Aim	Strategic Objective	Compliance with NPPF/PPG
	<p>amenity for people living in proximity to minerals development.</p>	<p>enhance the natural and local environment by:</p> <ul style="list-style-type: none"> a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. <p><u>Para 204</u> - Planning policies should:</p> <ul style="list-style-type: none"> h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high-quality restoration and aftercare of mineral sites takes place. <p><u>Para 205</u> - When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:</p> <ul style="list-style-type: none"> e) provide for restoration and aftercare at the earliest opportunity, to be

Aim	Strategic Objective	Compliance with NPPF/PPG
		<p>carried out to high environmental standards, through the application of appropriate conditions.</p> <p>PPG</p> <p><u>Reference ID: 27-013-20140306</u> - The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include (inter-alia):</p> <ul style="list-style-type: none"> • noise associated with the operation; dust; air quality; lighting; visual impact on the local and wider landscape; landscape character; archaeological and heritage features (further guidance can be found under the Minerals and Historic Environment Forum's Practice Guide on mineral extraction and archaeology; traffic; risk of contamination to land; soil resources; geological structure; impact on best and most versatile agricultural land; blast vibration; flood risk; land stability/subsidence; internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks; impacts on nationally protected landscapes (National Parks, the Broads and Areas of Outstanding Natural Beauty); nationally protected geological and geo-morphological sites and features; site restoration and aftercare, surface and, in some cases, ground water issues; water abstraction. <p><u>Reference ID: 27-037-20140306</u> - The most appropriate form of site restoration to facilitate different potential after uses should be addressed in both local minerals plans, which should include policies to ensure worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place, and on a site-by-site basis following discussions between the minerals operator and the mineral planning authority</p> <p><u>Reference ID: 27-040-20140306</u> - The level of detail required on restoration and aftercare will depend on the circumstances of each specific site including the expected duration of operations on the site. It must be sufficient to clearly demonstrate that the overall objectives of</p>

Aim	Strategic Objective	Compliance with NPPF/PPG
		<p>the scheme are practically achievable, and it would normally include: (inter-alia)</p> <ul style="list-style-type: none"> • an overall restoration strategy, identifying the proposed afteruse of the site; <p>Restoration may, in some cases, need to be undertaken in phases so as to minimise local disturbance and impacts.</p> <p><u>Reference ID: 27-045-20140306</u> - There are many possible uses of land once minerals extraction is complete and restoration and aftercare of land is complete. These include:</p> <ul style="list-style-type: none"> • creation of new habitats and biodiversity; • use for agriculture; • forestry; • recreational activities; • waste management, including waste storage; and • the built environment, such as residential, industrial and retail where appropriate.
<p>8 <i>To reduce the impact of minerals extraction and associated development on the transport system (economic, social,</i></p>	<p>14</p> <ul style="list-style-type: none"> • To achieve more sustainable patterns of minerals transportation by: • Giving preference to identifying local sources of aggregate as close as reasonably possible to urban growth areas and growth centres. 	<p><i>NPPF</i></p> <p><u>Para 11</u> - Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:</p> <p>a) plans should positively seek opportunities to meet the development needs of their area</p> <p><u>Para 103</u> - The planning system should actively manage patterns of growth.... Significant development should be focused on locations which are or can be made sustainable</p> <p><u>Para 108</u> - In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured</p>

Aim	Strategic Objective	Compliance with NPPF/PPG
<i>environmental</i>	<ul style="list-style-type: none"> • Optimising how mineral sites gain access to the strategic road network. • Mitigating the adverse traffic impacts of mineral extraction and associated development by appropriate traffic management measures. • Increasing the use and availability of rail and water facilities for the long-haul movement of mineral products 	<p>that:</p> <p>a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;</p> <p>c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.</p> <p><u>Para 204</u> - Planning policies should:</p> <p>b) source minerals supplies indigenously;</p>

Source: Essex County Council (2019)

Table A3: Assessing the Appropriateness of Policy S1 with the NPPF/PPG

Component of Policy S1	Compliance with NPPF/PPG
<p>The Minerals Planning Authority will take a positive approach to minerals development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure minerals development that improves the economic, social and environmental conditions in the area.</p>	<p>NPPF</p> <p><u>Para 7</u> - The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs</p> <p><u>Para 204</u> - Planning policies should:</p> <p>h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high-quality restoration and aftercare of mineral sites takes place.</p> <p><u>Para 205</u> - When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should;</p> <p>e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions.</p> <p>PPG</p> <p><u>Reference ID: 27-015-20140306</u> - Minerals operators should look to agree a programme of work with the mineral planning authority which takes into account, as far as is practicable, the potential impacts on the local community and local environment (including wildlife), the proximity to occupied properties, and legitimate operational considerations over the expected duration of operations.</p> <p><u>Reference ID: 20-001-20150326</u> - Pre-application engagement by prospective applicants offers significant potential to improve both the efficiency and effectiveness of the planning application system and improve the quality of planning applications and their likelihood of success. This can be achieved by:</p> <p>working collaboratively and openly with interested parties at an early stage to identify, understand and seek to resolve issues associated with a proposed development</p>

Component of Policy S1	Compliance with NPPF/PPG
	<p><u>Reference ID: 27-037-20140306</u> - The most appropriate form of site restoration to facilitate different potential after uses should be addressed in both local minerals plans, which should include policies to ensure worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place, and on a site-by-site basis following discussions between the minerals operator and the mineral planning authority</p> <p><u>Reference ID: 27-045-20140306</u> - There are many possible uses of land once minerals extraction is complete and restoration and aftercare of land is complete. These include:</p> <ul style="list-style-type: none"> • creation of new habitats and biodiversity; • use for agriculture; • forestry; • recreational activities; • waste management, including waste storage; and • the built environment, such as residential, industrial and retail where appropriate.
<p>Planning applications that accord with the site allocations and policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.</p>	<p>NPPF</p> <p><u>Para 2</u> - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.</p> <p><u>Para 11</u> - Plans and decisions should apply a presumption in favour of sustainable development.</p> <p>For decision-taking this means:</p> <p>c) approving development proposals that accord with an up-to-date development plan without delay;</p> <p>PPG</p> <p><u>Reference ID: 21b-006-20140306</u> - To the extent that development plan policies are</p>

Component of Policy S1	Compliance with NPPF/PPG
	material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise
<p>Where there are no policies relevant to the application or relevant policies are demonstrably out-of-date at the time of making the decision, the Minerals Planning Authority will grant permission unless material conditions indicate otherwise – taking into account whether:</p> <ul style="list-style-type: none"> • Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or • Specific policies in the National Planning Policy Framework indicate that development should be restricted. 	<p>NPPF</p> <p><u>Para 11</u> d) - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:</p> <ul style="list-style-type: none"> i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

Source: Essex County Council (2019)

Table A4: Assessing the Appropriateness of Policy S2 with the NPPF/PPG

Strategic Priority		Compliance with NPPF/PPG
1	Ensuring minerals development makes a contribution towards reducing greenhouse gas emissions, is resilient and can demonstrate adaptation to the impacts of climatic change,	<p>NPPF</p> <p><u>Para 148</u> - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience</p> <p>PPG</p> <p><u>Reference ID: 61-026-20180913</u> - Plans set out a vision and a framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for conserving and enhancing the natural and historic environment, mitigating and adapting to climate change, and achieving well designed places.</p>
2	Ensuring there are no significant adverse impacts arising from proposed minerals development for public health and safety, amenity, quality of life of nearby communities, and the environment,	<p>NPPF</p> <p><u>Para 204</u> - Planning policies should:</p> <p>f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;</p> <p><u>Para 205</u> - When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:</p> <p>b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;</p> <p>c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate</p>

Strategic Priority	Compliance with NPPF/PPG
	<p>noise limits for extraction in proximity to noise sensitive properties;</p> <p>e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances</p> <p>PPG</p> <p><u>Reference ID: 27-013-20140306</u> - The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include: noise associated with the operation; dust; air quality; lighting; visual impact on the local and wider landscape; landscape character; archaeological and heritage features (further guidance can be found under the Minerals and Historic Environment Forum’s Practice Guide on mineral extraction and archaeology; traffic; risk of contamination to land; soil resources; geological structure; impact on best and most versatile agricultural land; blast vibration; flood risk; land stability/subsidence; internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks; impacts on nationally protected landscapes (National Parks, the Broads and Areas of Outstanding Natural Beauty); nationally protected geological and geo-morphological sites and features; site restoration and aftercare, surface and, in some cases, ground water issues; water abstraction.</p>
<p>3 Reducing the quantity of minerals used and waste generated through appropriate design and procurement, good practices and encouraging the re-use and the recycling of construction materials containing minerals,</p>	<p>NPPF</p> <p><u>Para 131</u> - In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.</p> <p><u>Para 203</u> - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation</p>

Strategic Priority		Compliance with NPPF/PPG
		<p><u>Para 204</u> - Planning policies should:</p> <p>b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;</p> <p>PPG</p> <p><u>Reference ID: 26-001-20140306</u> - Good quality design is an integral part of sustainable development.... Good design responds in a practical and creative way to both the function and identity of a place. It puts land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use – over the long as well as the short term.</p>
4	Improving access to, and the quality and quantity of recycled/ secondary aggregates, by developing and safeguarding a well distributed County-wide network of strategic and non-strategic aggregate recycling sites,	<p>NPPF</p> <p><u>Para 103</u> - The planning system should actively manage patterns of growth.... Significant development should be focused on locations which are or can be made sustainable</p> <p><u>Para 204</u> - Planning policies should:</p> <p>e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material</p>
4	Safeguarding mineral resources of national and local importance, mineral transshipment sites, Strategic Aggregate Recycling facilities and coated roadstone plants, so that non-minerals development does not sterilise or compromise mineral resources and mineral supply	<p>NPPF</p> <p><u>Para 203</u> - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.</p> <p><u>Para 204</u> - Planning policies should:</p> <p>c) safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt</p>

Strategic Priority		Compliance with NPPF/PPG
	facilities,	<p>appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);</p> <p>d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;</p> <p>e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material</p> <p>PPG</p> <p><u>Reference ID: 27-003-20140306</u> - Mineral planning authorities should adopt a systematic approach for safeguarding mineral resources,</p> <p><u>Reference ID: 27-006-20140306</u> - Planning authorities should safeguard existing, planned and potential storage, handling and transport sites to:</p> <ul style="list-style-type: none"> • ensure that sites for these purposes are available should they be needed; and • prevent sensitive or inappropriate development that would conflict with the use of sites identified for these purposes.
6	Making planned provision through Preferred and Reserve Site allocations for a steady and adequate supply of aggregates and industrial minerals to meet identified national and local mineral needs in Essex during the plan-period whilst maintaining landbanks at appropriate levels,	<p>NPPF</p> <p>Para 204 - Planning policies should:</p> <p>a) provide for the extraction of mineral resources of local and national importance</p> <p>Para 207 - Minerals planning authorities should plan for a steady and adequate supply of aggregates by:</p> <p>a) preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);</p>

Strategic Priority	Compliance with NPPF/PPG
	<p>c) making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans, taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;</p> <p>e) using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;</p> <p>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 compromised⁶⁷;</p> <p>g) ensuring that large landbanks bound up in very few sites do not stifle competition; and</p> <p>h) calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.</p> <p>PPG</p> <p>Reference ID: 27-008-20140306 - Mineral planning authorities should plan for the steady and adequate supply of minerals in one or more of the following ways (in order of priority):</p> <p>1. Designating Specific Sites – where viable resources are known to exist, landowners are supportive of minerals development and the proposal is likely to be acceptable in planning terms. Such sites may also include essential operations associated with mineral extraction; {list continues}</p> <p>Reference ID: 27-080-20140306 - Aggregate landbanks should be used principally as a trigger for a mineral planning authority to review the current provision of aggregates in its area and consider whether to conduct a review of the allocation of sites in the plan. In doing so, it may take into account the remaining planned provision in the minerals local plan.</p>

Strategic Priority	Compliance with NPPF/PPG
	<p>Reference ID: 27-082-20140306 - Aggregate landbanks are an essential component of planning decision-making:</p> <ul style="list-style-type: none"> •they are the basis on which the level of provision of new areas for aggregate extraction should be calculated when preparing local mineral plans; •they are an important means of assessing when a mineral planning authority should review the current provision of aggregates in its area; and consider whether to conduct a review of allocation of sites in its local minerals plan; and •for decision-making, low landbanks may be an indicator that suitable applications should be permitted as a matter of importance to ensure the steady and adequate supply of aggregates.
<p>7 Providing for the best possible geographic dispersal of sand and gravel across the County to support key areas of growth and development, infrastructure projects and to minimise mineral miles,</p>	<p>NPPF</p> <p>Para 11 - Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:</p> <p>a) plans should positively seek opportunities to meet the development needs of their area</p> <p>Para 103 - The planning system should actively manage patterns of growth.... Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel</p> <p>Para 108 - In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:</p> <p>a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;</p> <p>c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.</p> <p>Para 204 - Planning policies should:</p> <p>a) provide for the extraction of mineral resources of local and national importance,</p>

Strategic Priority		Compliance with NPPF/PPG
		<p>b) source minerals supplies indigenously;</p> <p>Para 207 - Minerals planning authorities should plan for a steady and adequate supply of aggregates</p>
8	<p>Ensuring progressive phased working and the high-quality restoration of mineral extraction developments so as to:</p> <p>a) significantly reduce reliance upon the use of landfill materials and,</p> <p>b) provide beneficial after-use(s) that secure long lasting community and environmental benefits, including biodiversity, and,</p> <p>c) protect the best and most versatile agricultural land.</p>	<p><i>NPPF</i></p> <p><u>Para 170</u> - Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <p>a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);</p> <p>b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;</p> <p>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</p> <p>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and</p> <p>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</p> <p><u>Para 204</u> - Planning policies should:</p> <p>h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high-quality restoration and aftercare of mineral sites takes place.</p>

Strategic Priority	Compliance with NPPF/PPG
	<p><u>Para 205</u> - When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:</p> <p>e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions.</p> <p>PPG</p> <p><u>Reference ID: 27-013-20140306</u> - The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include...site restoration and aftercare.</p> <p><u>Reference ID: 27-037-20140306</u> - The most appropriate form of site restoration to facilitate different potential after uses should be addressed in both local minerals plans, which should include policies to ensure worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place, and on a site-by-site basis following discussions between the minerals operator and the mineral planning authority</p> <p><u>Reference ID: 27-040-20140306</u> - The level of detail required on restoration and aftercare will depend on the circumstances of each specific site including the expected duration of operations on the site. It must be sufficient to clearly demonstrate that the overall objectives of the scheme are practically achievable, and it would normally include: (inter-alia)</p> <p>an overall restoration strategy, identifying the proposed afteruse of the site;</p> <p>Restoration may, in some cases, need to be undertaken in phases so as to minimise local disturbance and impacts.</p> <p><u>Reference ID: 27-045-20140306</u> - There are many possible uses of land once minerals extraction is complete and restoration and aftercare of land is complete. These include:</p> <ul style="list-style-type: none"> • creation of new habitats and biodiversity; • use for agriculture;

Strategic Priority		Compliance with NPPF/PPG
		<ul style="list-style-type: none"> • forestry; • recreational activities; • waste management, including waste storage; and • the built environment, such as residential, industrial and retail where appropriate. <p><u>Reference ID: 27-040-20140306</u> - Where working is proposed on the best and most versatile agricultural land the outline strategy should show, where practicable, how the methods used in the restoration and aftercare enable the land to retain its longer-term capability, though the proposed after-use need not always be for agriculture.</p> <p>Restoration may, in some cases, need to be undertaken in phases so as to minimise local disturbance and impacts.</p>
9	Maintaining and safeguarding transshipment sites within the County to provide appropriate facilities for the importation and exportation of minerals.	<p>NPPF</p> <p><u>Para 204</u> - Planning policies should:</p> <p>e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material</p> <p>PPG</p> <p><u>Reference ID: 27-006-20140306</u> - Planning authorities should safeguard existing, planned and potential storage, handling and transport sites to:</p> <ul style="list-style-type: none"> • ensure that sites for these purposes are available should they be needed; and • prevent sensitive or inappropriate development that would conflict with the use of sites identified for these purposes.

Source: Essex County Council (2019)

Table A5: Assessing the Appropriateness of Policy S3 with the NPPF/PGG

Component of Policy S3	Compliance with NPPF/PGG
<p>Applications for minerals development shall demonstrate how they have incorporated effective measures to minimise greenhouse gas emissions and to ensure effective adaptation and resilience to future climatic changes, having regard to:</p>	<p>NPPF</p> <p><u>Para 149</u> - Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.</p> <p><u>Para 150</u> - New development should be planned for in ways that:</p> <p>a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and</p> <p>b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.</p>
<p>1 Siting, location, design and transport arrangements,</p>	<p>NPPF</p> <p><u>Para 102</u> - Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:</p> <p>a) the potential impacts of development on transport networks can be addressed;</p> <p>b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;</p> <p>d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects,</p> <p><u>Para 149</u> - Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the</p>

Component of Policy S3	Compliance with NPPF/PPG
	possible future relocation of vulnerable development and infrastructure.
<p>2 On-site renewable and low carbon energy generation, where feasible and viable,</p>	<p>NPPF</p> <p><u>Para 151</u> - To help increase the use and supply of renewable and low carbon energy and heat, plans should:</p> <p>a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);</p> <p>c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.</p> <p>PPG</p> <p><u>Reference ID: 5-001-20140306</u> - Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses.</p>
<p>3 National and local principles/ design standards for Sustainable Drainage Systems, including measures to enhance on-site water efficiency and minimise flood impacts both on-site and in relation to adjacent land and 'downstream' land-uses,</p>	<p>NPPF</p> <p><u>Para 163</u> - When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment</p> <p>PPG</p> <p><u>Reference ID: 7-050-20140306</u> - Local authorities and developers should seek opportunities to reduce the overall level of flood risk in the area and beyond. This can be achieved, for instance, through the layout and form of development, including green infrastructure and the appropriate application of sustainable drainage systems, through safeguarding land for flood risk management, or where appropriate, through designing off-site works required to protect and support development in ways that benefit the area more generally.</p>

Component of Policy S3	Compliance with NPPF/PPG
	<p><u>Reference ID: 7-082-20150323</u> - ...the local planning authority will seek advice from the relevant flood risk management bodies, principally the lead local flood authority, including on what sort of sustainable drainage system they would consider to be reasonably practicable.</p> <p>The judgement of what is reasonably practicable should be by reference to the technical standards published by the Department for Environment, Food and Rural Affairs and take into account design and construction costs.</p>
<p>4 On-site resilience to unexpected climatic events,</p>	<p>NPPF</p> <p><u>Para 149</u> - Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts,</p> <p><u>Para 150</u> - New development should be planned for in ways that:</p> <p>a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure;</p> <p>PPG</p> <p><u>Reference ID: 6-001-20140306</u> - Planning can also help increase resilience to climate change impact through the location, mix and design of development.</p> <p><u>Reference ID: 6-004-20140612</u> - When preparing Local Plans and taking planning decisions local planning authorities should pay particular attention to integrating adaptation and mitigation approaches and looking for ‘win-win’ solutions that will support sustainable development. This could be achieved in a variety of ways, for example:</p> <ul style="list-style-type: none"> • by maximising summer cooling through natural ventilation in buildings and avoiding solar gain; • through district heating networks that include tri-generation (combined cooling, heat and power); or

Component of Policy S3	Compliance with NPPF/PPG
	<ul style="list-style-type: none"> through the provision of multi-functional green infrastructure, which can reduce urban heat islands, manage flooding and help species adapt to climate change – as well as contributing to a pleasant environment which encourages people to walk and cycle.
<p>The implications of coastal change, where relevant, and</p>	<p>PPG</p> <p><u>Para 149</u> - Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.</p> <p><u>Para 167</u> - Plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast.</p> <p><u>Para 169</u> - Local planning authorities should limit the planned lifetime of development in a Coastal Change Management Area through temporary permission and restoration conditions, where this is necessary to reduce a potentially unacceptable level of future risk to people and the development.</p>
<p>The potential benefits from site restoration and after-use schemes for biodiversity and habitat creation, flood alleviation, and provision of living carbon sinks.</p>	<p>NPPF</p> <p><u>Para 148</u> - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience.</p> <p><u>Para 170</u> - Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <p>a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);</p> <p>b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and</p>

Component of Policy S3	Compliance with NPPF/PPG
	<p>other benefits of the best and most versatile agricultural land, and of trees and woodland;</p> <p>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</p> <p>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and</p> <p>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</p> <p><u>Para 204</u> - Planning policies should:</p> <p>h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high-quality restoration and aftercare of mineral sites takes place.</p> <p><u>Para 205</u> - When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:</p> <p>e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions.</p> <p>PPG</p> <p><u>Reference ID: 27-013-20140306</u> - The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include...site restoration and aftercare.</p> <p><u>Reference ID: 27-045-20140306</u> - There are many possible uses of land once minerals extraction is complete and restoration and aftercare of land is complete.</p>

Component of Policy S3	Compliance with NPPF/PPG
	These include: <ul style="list-style-type: none"><li data-bbox="837 272 1464 309">• creation of new habitats and biodiversity;

Source: Essex County Council (2019)

Table A6: Assessing the Appropriateness of Policy S4 with the NPPF/PGG

Component of Policy S4	Compliance with NPPF/PGG
<p>All development proposals shall ensure that mineral waste is minimised and that minerals on development/ redevelopment sites are re-used and recycled. This is to ensure both a reduction in the need for primary minerals and the amount of construction, demolition, and excavation wastes going to landfill. This will be supported by joint working with strategic partners to ensure:</p>	<p><i>NPPF</i> <u>Para 204</u> - Planning policies should: b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;</p>
<p>1 The use of best practice in the extraction, processing and transportation of primary minerals to minimise mineral waste,</p>	<p><i>NPPF</i> <u>Para 203</u> - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.</p>
<p>2 The application of national and local standards for sustainable design and construction in proposed development,</p>	<p><i>NPPF</i> <u>Para 8</u> - Achieving sustainable development means...b) ...fostering a well-designed and safe built environment <u>Para 130</u> - Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. <u>Para 150 b)</u> -...Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.</p>
<p>3 The application of procurement policies which promote sustainable</p>	<p><i>NPPF</i> <u>Para 28</u> - Non-strategic policies should be used by local planning authorities and</p>

Component of Policy S4	Compliance with NPPF/PPG
<p>design and construction in proposed development, and</p>	<p>communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include...establishing design principles</p> <p><u>Para 128</u> - Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests.</p> <p><u>Para 131</u> - In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability,</p> <p>PPG</p> <p><u>Reference ID: 26-004-20140306</u> - ... Local planning authorities should give great weight to outstanding or innovative designs which help to raise the standard of design more generally in the area. This could include the use of innovative construction materials and techniques.</p> <p><u>Reference ID: 28-010-20141016</u> - ...including a planning condition promoting sustainable design of any proposed development through the use of recycled products, recovery of on-site material and the provision of facilities for the storage and regular collection of waste</p>
<p>4 The maximum possible recovery of minerals from construction, demolition and excavation wastes produced at development or redevelopment sites. This will be promoted by on-site re-use/ recycling, or if not environmentally acceptable to do so, through re-use/ recycling at other nearby aggregate recycling facilities in proximity to the site.</p>	<p>NPPF</p> <p><u>Para 203</u> - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.</p> <p>PPG</p> <p><u>Reference ID: 28-013-20141016</u> - Waste planning authorities should plan for the sustainable management of waste including:</p> <ul style="list-style-type: none"> • Construction/demolition <p><u>Reference ID: 28-010-20141016</u> - ...promoting sound management of waste from any</p>

Component of Policy S4	Compliance with NPPF/PPG
	proposed development, such as encouraging on-site management of waste where this is appropriate, or including a planning condition to encourage or require the developer to set out how waste arising from the development is to be dealt with

Source: Essex County Council (2019)

Table A7: Assessing the Appropriateness of Policy S5 with the NPPF/PPG

Component of Policy S5	Compliance with NPPF/PPG
<p>The increased production and supply of recycled/ secondary aggregates in the County is supported to reduce reliance on land-won and marine-won primary aggregates. The County’s existing network of aggregate recycling facilities shall be maintained and expanded wherever appropriate. In addition:</p>	<p>NPPF</p> <p><u>Para 203</u> - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.</p> <p><u>Para 204</u> - Planning policies should:</p> <p>b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;</p> <p>e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;</p>
<p>1 Existing Strategic Aggregate Recycling Sites (SARS) identified on the Policies Map and defined in the map in Appendix 3 will be safeguarded from development that might result in their closure earlier than their permission. There is a general presumption that existing SARS should remain in operation for the life of the permission.</p>	<p>NPPF</p> <p><u>Para 204</u> - Planning policies should:</p> <p>e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;</p>
<p>2 The Local Planning Authority shall consult the Minerals Planning Authority for its views and take them</p>	<p>PPG</p> <p><u>Reference ID: 27-005-20140306</u> - Whilst district councils are not mineral planning</p>

Component of Policy S5	Compliance with NPPF/PPG
<p>into account before determining development proposals that would compromise the continued operation and potential of an existing SARS.</p>	<p>authorities, they have an important role in safeguarding minerals...</p> <ul style="list-style-type: none"> • in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it;
<p>3 Proposals for new aggregate recycling facilities, whether non-strategic or in the form of SARS, should be located on the main road network in proximity to the Key Centres of Basildon, Chelmsford, Colchester, and Harlow. Such proposals shall be permitted in the following preferred locations, provided they do not cause unacceptable highway harm, are environmentally acceptable and in accordance with other policies in the Development Plan for Essex:</p> <p>a) on major demolition and construction sites (on a temporary basis);</p> <p>b) within permanent waste management sites;</p> <p>c) in commercial areas used for general industrial or storage purposes, subject to compatibility with neighbouring land-uses;</p> <p>d) on appropriate previously developed land;</p>	<p>NPPF</p> <p><u>Para 11</u> - Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:</p> <p>a) plans should positively seek opportunities to meet the development needs of their area.</p> <p><u>Para 103</u> - The planning system should actively manage patterns of growth.... Significant development should be focused on locations which are or can be made sustainable</p> <p><u>Para 108</u> - In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:</p> <p>c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.</p> <p><u>Para 204</u> - Planning policies should:</p> <p>f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;</p> <p>h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high-quality restoration and aftercare of mineral sites takes place.</p> <p>PPG</p>

Component of Policy S5	Compliance with NPPF/PPG
<p>e) on current mineral workings and landfill sites provided the development does not unduly prejudice the agreed restoration timescale for the site and the use ceases prior to the completion of the site; and</p> <p>f) within major allocated or permitted development areas (as set out in the Development Plan for Essex).</p>	<p><u>Reference ID: 21b-006-20140306</u> - To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004</p>

Source: Essex County Council (2019)

Table A8: Assessing the Appropriateness of Policy S6 with the NPPF/PPG

Component of Policy S6	Compliance with NPPF/PPG
<p>The Mineral Planning Authority shall endeavour to ensure reserves of land won sand and gravel are available until 2029, sufficient for at least 7 years extraction or such other period as set out in national policy.</p>	<p>NPPF</p> <p>Para 207 - Minerals planning authorities should plan for a steady and adequate supply of aggregates by:</p> <p>f) maintaining landbanks of at least 7 years for sand and gravel...</p>
<p>The working of Reserve sites will only be supported if the landbank with respect to the overall requirement of 4.31mtpa is below 7 years.</p>	<p>NPPF</p> <p><u>Para 207</u> - Minerals planning authorities should plan for a steady and adequate supply of aggregates by:</p> <p>c) making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans, taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;</p> <p>e) using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;</p> <p>PPG</p> <p><u>Reference ID: 27-082-20140306</u> - for decision-making, low landbanks may be an indicator that suitable applications should be permitted as a matter of importance to ensure the steady and adequate supply of aggregates.</p> <p>Note</p> <p>The NPPF and PPG are silent on the concept of Reserve Sites. These were required as a major modification by the independent planning inspector at the Examination in Public (EiP), prior to the adoption of the MLP. There is also a potential unconformity</p>

Component of Policy S6	Compliance with NPPF/PPG
	<p>with the PPG, expressed below:</p> <p><u>Reference ID: 27-084-20140306</u> - There is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank. However, where a landbank is below the minimum level this may be seen as a strong indicator of urgent need.</p> <p>There are a number of reasons why an application for aggregate minerals development is brought forward in an area where there exists an adequate landbank. These could include:</p> <ul style="list-style-type: none"> • significant future increases in demand that can be forecast with reasonable certainty; • the location of the consented reserve is inappropriately located relative to the main market areas; • the nature, type and qualities of the aggregate such as its suitability for a particular use within a distinct and separate market; and • known constraints on the availability of consented reserves that might limit output over the plan period.
<p>Mineral extraction outside Preferred or Reserve Sites will be resisted by the Mineral Planning Authority unless the applicant can demonstrate:</p> <p>a. An overriding justification and/ or overriding benefit for the proposed extraction, and,</p> <p>b. The scale of the extraction is no more than the minimum essential for the purpose of the proposal, and,</p> <p>c. The proposal is environmentally suitable, sustainable, and consistent with</p>	<p>NPPF</p> <p><u>Para 7</u> – The purpose of the planning system is to contribute to the achievement of sustainable development.</p> <p><u>Para 11</u> – Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:</p> <p>a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;</p> <p><u>Para 15</u> - The planning system should be genuinely plan-led...</p> <p><u>Para 204</u> - Planning policies should:</p> <p>f) set out criteria or requirements to ensure that permitted and proposed operations</p>

Component of Policy S6	Compliance with NPPF/PPG
the relevant policies set out in the Development Plan.	<p>do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;</p> <p>PPG</p> <p><u>Reference ID: 61-026-20180913</u> - The development plan is at the heart of the planning system with a requirement set in law that planning decisions must be taken in line with the development plan unless material considerations indicate otherwise.</p>

Source: Essex County Council (2019)

Table A9: Assessing the Appropriateness of Policy S7 with the NPPF/PPG

Component of Policy S7	Compliance with NPPF/PPG
<p>Any proposals for other minerals in the County will be considered as follows:</p> <p>Silica Sand Extraction:</p> <p>Provision is made for a site extension at Martells Quarry, Ardleigh to maintain an appropriate minerals landbank for silica sand of at least ten years during the plan-period as defined in Policy P2</p> <p>Brick Clay Extraction:</p> <p>A minerals landbank of at least 25 years of brick-making clay will be maintained at the following brickworks:</p> <p>Marks Tey and Bulmer through the extraction of remaining permitted reserves.</p> <p>The extracted brick-making clay from Bulmer Brickworks and Marks Tey respectively should be used to support the brickworks in that locality only, as defined on the Policies Map.</p> <p>Chalk Extraction:</p> <p>The small-scale extraction of chalk will only be supported for agricultural and pharmaceutical uses at Newport Quarry</p>	<p>NPPF</p> <p><u>Para 208</u> - Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:</p> <p>c) maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment⁴³</p> <p>PPG</p> <p><u>Reference ID: 27-086-20140306</u> - some industries are dependent on several industrial minerals. The loss of supply of one mineral could create difficulties for manufacturers even if the other minerals remain available.</p>

⁴³ These reserves should be at least 10 years for individual silica sand sites; at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.

Component of Policy S7	Compliance with NPPF/PPG
<p>as identified within the Policies Map. Extraction of chalk for other uses, such as aggregate, fill material or for engineering will not be supported.</p>	
<p>Proposals for the extraction of other minerals on non-Preferred Sites will be permitted where:</p> <ul style="list-style-type: none"> • The reserves comprising the landbank are insufficient and/ or there is some other over-riding justification or benefit for the release of the site, and • The proposal would be environmentally acceptable. 	<p>NPPF</p> <p><u>Para 7</u> – “The purpose of the planning system is to contribute to the achievement of sustainable development.”</p> <p><u>Para 15</u> - The planning system should be genuinely plan-led...</p> <p><u>Para 204</u> - Planning policies should:</p> <p>f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;</p> <p>PPG</p> <p><u>Reference ID: 61-026-20180913</u> - The development plan is at the heart of the planning system with a requirement set in law that planning decisions must be taken in line with the development plan unless material considerations indicate otherwise.</p> <p><u>Reference ID: 27-084-20140306</u> - There is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank. However, where a landbank is below the minimum level this may be seen as a strong indicator of urgent need.</p>

Source: Essex County Council (2019)

Table A10: Assessing the Appropriateness of Policy S8 with the NPPF/PPG

Component of Policy S8	Compliance with NPPF/PPG
<p>By applying Mineral Safeguarding Areas (MSAs) and/ or Mineral Consultation Areas (MCAs), the Mineral Planning Authority will safeguard mineral resources of national and local importance from surface development that would sterilise a significant economic resource or prejudice the effective working of a permitted mineral reserve, Preferred or Reserve Site allocation within the Minerals Local Plan. The Minerals Planning Authority shall be consulted, and its views taken into account, on proposed developments within MSAs and MCAs except for the excluded development identified in Appendix 5.</p>	<p>NPPF</p> <p>Para 203 - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.</p> <p>Para 204 - Planning policies should:</p> <p>c) safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);</p> <p>d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;</p> <p>e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;</p> <p>PPG</p> <p>Reference ID: 27-003-20140306 - Mineral planning authorities should adopt a systematic approach for safeguarding mineral resources, which:</p> <ul style="list-style-type: none"> • uses the best available information on the location of all mineral resources in the authority area. This may include use of British Geological Survey maps as well as industry sources; • consults with the minerals industry, other local authorities (especially district authorities in 2-tier areas), local communities and other relevant interests to define Minerals Safeguarding Areas;

Component of Policy S8	Compliance with NPPF/PPG
	<ul style="list-style-type: none"> • sets out Minerals Safeguarding Areas on the policies map that accompanies the local plan and define Mineral Consultation Areas; and • adopts clear development management policies which set out how proposals for non-minerals development in Minerals Safeguarding Areas will be handled, and what action applicants for development should take to address the risk of losing the ability to extract the resource. This may include policies that encourage the prior extraction of minerals, where practicable, if it is necessary for non-mineral development to take place in Minerals Safeguarding Areas and to prevent the unnecessary sterilisation of minerals. <p>Detailed advice on mineral safeguarding may be found in the British Geological Survey report Mineral safeguarding in England: good practice advice.</p>
<p><i>Mineral Safeguarding Areas</i></p> <p>Mineral Safeguarding Areas are designated for mineral deposits of sand and gravel, silica sand, chalk, brickearth and brick clay considered to be of national and local importance, as defined on the Policies Map.</p> <p>The Mineral Planning Authority shall be consulted on:</p> <p>a) all planning applications for development on a site located within an MSA that is 5ha or more for sand and gravel, 3ha or more for chalk and greater than 1 dwelling for brickearth or brick clay; and</p> <p>b) any land-use policy, proposal or allocation relating to land within an MSA being considered by the Local Planning</p>	<p><i>NPPF</i></p> <p><u>Para 203</u> - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.</p> <p><u>Para 204</u> - Planning policies should:</p> <p>c) safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);</p> <p>d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;</p> <p><i>PPG</i></p> <p><u>Reference ID: 27-003-20140306</u> - Mineral planning authorities should adopt a systematic approach for safeguarding mineral resources, which:</p>

Component of Policy S8	Compliance with NPPF/PPG
<p>Authority for possible development as part of preparing a Local Plan (with regard to the above thresholds).</p> <p>Non-mineral proposals that exceed these thresholds shall be supported by a minerals resource assessment to establish the existence or otherwise of a mineral resource of economic importance. If, in the opinion of the Local Planning Authority, surface development should be permitted, consideration shall be given to the prior extraction of existing minerals.</p>	<ul style="list-style-type: none"> • uses the best available information on the location of all mineral resources in the authority area. This may include use of British Geological Survey maps as well as industry sources; • sets out Minerals Safeguarding Areas on the policies map that accompanies the local plan and define Mineral Consultation Areas; and • adopts clear development management policies which set out how proposals for non-minerals development in Minerals Safeguarding Areas will be handled, and what action applicants for development should take to address the risk of losing the ability to extract the resource. This may include policies that encourage the prior extraction of minerals, where practicable, if it is necessary for non-mineral development to take place in Minerals Safeguarding Areas and to prevent the unnecessary sterilisation of minerals. <p><u>Reference ID: 27-005-20140306</u> - Whilst district councils are not mineral planning authorities, they have an important role in safeguarding minerals in 3 ways:</p> <p>having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District councils should show Mineral Safeguarding Areas on their policy maps;</p> <p>in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and</p> <p>when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.</p>
<p>Mineral Consultation Areas</p> <p>MCAs are designated within and up to an area of 250 metres from each safeguarded permitted mineral development and Preferred and Reserve</p>	<p>NPPF</p> <p><u>Para 204</u> - Planning policies should:</p> <p>e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the</p>

Component of Policy S8	Compliance with NPPF/PPG
<p>Site allocation as shown on the Policies Map. The Mineral Planning Authority shall be consulted on:</p> <p>a) Any planning application for development on a site located within an MCA except for the excluded development</p> <p>b) Any land-use policy, proposal or allocation relating to land within an MCA that is being considered as part of preparing a Local Plan</p>	<p>handling, processing and distribution of substitute, recycled and secondary aggregate material;</p> <p>PPG</p> <p><u>Reference ID: 27-003-20140306</u> - Mineral planning authorities should adopt a systematic approach for safeguarding mineral resources, which:</p> <ul style="list-style-type: none"> • sets out Minerals Safeguarding Areas on the policies map that accompanies the local plan and define Mineral Consultation Areas; and • adopts clear development management policies which set out how proposals for non-minerals development in Minerals Safeguarding Areas will be handled, and what action applicants for development should take to address the risk of losing the ability to extract the resource. This may include policies that encourage the prior extraction of minerals, where practicable, if it is necessary for non-mineral development to take place in Minerals Safeguarding Areas and to prevent the unnecessary sterilisation of minerals <p><u>Reference ID: 27-005-20140306</u> - Whilst district councils are not mineral planning authorities, they have an important role in safeguarding minerals in 3 ways:</p> <ul style="list-style-type: none"> • having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District councils should show Mineral Safeguarding Areas on their policy maps; • in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and • when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction. <p><u>Reference ID: 27-006-20140306</u> - Planning authorities should safeguard existing, planned and potential storage, handling and transport sites to:</p>

Component of Policy S8	Compliance with NPPF/PPG
	<ul style="list-style-type: none"> • ensure that sites for these purposes are available should they be needed; and • prevent sensitive or inappropriate development that would conflict with the use of sites identified for these purposes. <p>In areas where there are county and district authorities, responsibility for safeguarding facilities and sites for the storage, handling and transport of minerals in local plans will rest largely with the district planning authority.</p>
<p>Proposals which would unnecessarily sterilise mineral resources or conflict with the effective workings of permitted minerals development, Preferred or Reserve Mineral Site allocation shall be opposed</p>	<p><i>NPPF</i></p> <p><u>Para 182</u> – Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.</p> <p><u>Para 203</u> - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.</p> <p><i>PPG</i></p> <p><u>Reference ID: 27-003-20140306</u> - Mineral planning authorities should adopt a systematic approach for safeguarding mineral resources, which:</p> <ul style="list-style-type: none"> • adopts clear development management policies which set out how proposals for non-minerals development in Minerals Safeguarding Areas will be handled, and what action applicants for development should take to address the risk of losing the ability to extract the resource. This may include policies that encourage the prior extraction of minerals, where practicable, if it is necessary for non-mineral development to take place in Minerals Safeguarding Areas and to prevent the unnecessary sterilisation of minerals.

Source: Essex County Council (2019)

Table A11: Assessing the Appropriateness of Policy S9 with the NPPF/PPG

Component of Policy S9	Compliance with NPPF/PPG
<p>The following mineral facilities identified on the Policies Map are of strategic importance and shall be safeguarded from development which would compromise their continued operation.</p> <p>Safeguarded Transshipment Sites:</p> <p>a. Chelmsford Rail Depot</p> <p>b. Harlow Mill Rail Station</p> <p>c. Marks Tey Rail depot</p> <p>d. Ballast Quay, Fingringhoe (safeguarding to apply only up to the end of mineral extraction at the nearby Fingringhoe Quarry)</p> <p>e. Parkeston Quay East, Harwich (for potential operation)</p> <p>Safeguarded Coated Stone Plant:</p> <p>f. Sutton Wharf, Rochford</p> <p>g. Stanway, Colchester</p> <p>h. Wivenhoe Quarry</p> <p>i. Bulls Lodge, Chelmsford</p> <p>j. Essex Regiment Way, Chelmsford k. Harlow Mill Rail Station</p>	<p>NPPF</p> <p><u>Para 182</u> – Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.</p> <p><u>Para 204</u> - Planning policies should:</p> <p>e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;</p> <p>PPG</p> <p><u>Reference ID: 27-006-20140306</u> - Planning authorities should safeguard existing, planned and potential storage, handling and transport sites to:</p> <ul style="list-style-type: none"> • ensure that sites for these purposes are available should they be needed; and • prevent sensitive or inappropriate development that would conflict with the use of sites identified for these purposes. <p>In areas where there are county and district authorities, responsibility for safeguarding facilities and sites for the storage, handling and transport of minerals in local plans will rest largely with the district planning authority.</p>
<p>The Local Planning Authority shall consult the Mineral Planning Authority and take</p>	<p>NPPF</p> <p><u>Para 182</u> – Existing businesses and facilities should not have unreasonable</p>

Component of Policy S9	Compliance with NPPF/PPG
<p>account of its views before making planning decisions on all developments within 250 metres of the above facilities as defined in the maps in Appendices 2 and 4. Where planning permission is granted for new rail or marine transshipment sites and coated stone plant of strategic importance, those sites will also be safeguarded so that their operation is not compromised. The safeguarding of a strategic plant is for the life of the planning permission or where located in a mineral working, until completion of extraction.</p>	<p>restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.</p> <p>Para 204 - Planning policies should:</p> <p>e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;</p> <p>PPG</p> <p>Reference ID: 27-005-20140306 - Whilst district councils are not mineral planning authorities, they have an important role in safeguarding minerals in 3 ways:</p> <ul style="list-style-type: none"> • having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District councils should show Mineral Safeguarding Areas on their policy maps; • in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and • when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.
<p>The Local Planning Authority shall consult the Mineral Planning Authority for its views and take them into account on proposals for development within the Mineral Consultation Area of these safeguarded sites, as identified on the</p>	<p>NPPF</p> <p><u>Para 182</u> – Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in</p>

Component of Policy S9	Compliance with NPPF/PPG
<p>Policies Map, before making planning decisions on such proposals.</p>	<p>its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.</p> <p><u>Para 204</u> - Planning policies should:</p> <p>e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;</p> <p>PPG</p> <p><u>Reference ID: 27-005-20140306</u> - Whilst district councils are not mineral planning authorities, they have an important role in safeguarding minerals in 3 ways:</p> <ul style="list-style-type: none"> • having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District councils should show Mineral Safeguarding Areas on their policy maps; • in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and • when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction. <p><u>Reference ID: 27-006-20140306</u> - Planning authorities should safeguard existing, planned and potential storage, handling and transport sites to:</p> <ul style="list-style-type: none"> • ensure that sites for these purposes are available should they be needed; and • prevent sensitive or inappropriate development that would conflict with the use of sites identified for these purposes. <p>In areas where there are county and district authorities, responsibility for safeguarding facilities and sites for the storage, handling and transport of minerals in</p>

Component of Policy S9	Compliance with NPPF/PPG
	local plans will rest largely with the district planning authority.

Source: Essex County Council (2019)

Table A12: Assessing the Appropriateness of Policy S10 with the NPPF/PPG

Component of Policy S10	Compliance with NPPF/PPG
<p>Applications for minerals development shall demonstrate that:</p> <p>a) Appropriate consideration has been given to public health and safety, amenity, quality of life of nearby communities, and the natural, built, and historic environment,</p> <p>b) Appropriate mitigation measures shall be included in the proposed scheme of development, and</p> <p>c) No unacceptable adverse impacts would arise and;</p>	<p>NPPF</p> <p><u>Para 204</u> - Planning policies should:</p> <p>f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;</p> <p><u>Para 205</u> - When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:</p> <p>b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;</p> <p>PPG</p> <p><u>Reference ID: 27-013-20140306</u> - The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include:</p> <ul style="list-style-type: none"> • noise associated with the operation; dust; air quality; lighting; visual impact on the local and wider landscape; landscape character; archaeological and heritage features (further guidance can be found under the Minerals and Historic Environment Forum’s Practice Guide on mineral extraction and archaeology; traffic; risk of contamination to land; soil resources; geological structure; impact on best and most versatile agricultural land; blast vibration; flood risk; land stability/subsidence; internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks; impacts on nationally protected landscapes (National Parks, the Broads and Areas of Outstanding Natural Beauty); nationally protected geological and geo-morphological sites and

Component of Policy S10	Compliance with NPPF/PPG
	features; site restoration and aftercare, surface and, in some cases, ground water issues; water abstraction.
d) Opportunities have been taken to improve/ enhance the environment and amenity.	<p><i>NPPF</i></p> <p><u>Para 170</u> - Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <p>a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);</p> <p>b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;</p> <p>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</p> <p>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and</p> <p>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</p> <p><u>Para 204</u> - Planning policies should:</p> <p>h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high-quality restoration and aftercare of mineral sites takes place.</p> <p><u>Para 205</u> - When determining planning applications, great weight should be given to</p>

Component of Policy S10	Compliance with NPPF/PPG
	<p>the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:</p> <p>e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions.</p> <p>PPG</p> <p><u>Reference ID: 27-037-20140306</u> - The most appropriate form of site restoration to facilitate different potential after uses should be addressed in both local minerals plans, which should include policies to ensure worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place, and on a site-by-site basis following discussions between the minerals operator and the mineral planning authority</p> <p><u>Reference ID: 27-040-20140306</u> - The level of detail required on restoration and aftercare will depend on the circumstances of each specific site including the expected duration of operations on the site. It must be sufficient to clearly demonstrate that the overall objectives of the scheme are practically achievable, and it would normally include: (inter-alia)</p> <ul style="list-style-type: none"> • an overall restoration strategy, identifying the proposed afteruse of the site; <p>Restoration may, in some cases, need to be undertaken in phases so as to minimise local disturbance and impacts.</p> <p><u>Reference ID: 27-045-20140306</u> - There are many possible uses of land once minerals extraction is complete and restoration and aftercare of land is complete. These include:</p> <ul style="list-style-type: none"> • creation of new habitats and biodiversity; • use for agriculture; • forestry; • recreational activities; • waste management, including waste storage; and

Component of Policy S10	Compliance with NPPF/PPG
	<ul style="list-style-type: none"><li data-bbox="831 225 2022 252">• the built environment, such as residential, industrial and retail where appropriate.

Source: Essex County Council (2019)

Table A13: Assessing the Appropriateness of Policy S11 with the NPPF/PPG

Component of Policy S11	Compliance with NPPF/PPG
<p>Proposals for minerals development shall be permitted where it is demonstrated that the development would not have unacceptable impacts on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment.</p>	<p>NPPF</p> <p><u>Para 102</u> - Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:</p> <ul style="list-style-type: none"> a) the potential impacts of development on transport networks can be addressed; b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated; d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects,
<p>Proposals for the transportation of minerals by rail and/ or water will be encouraged subject to other policies in this Plan.</p>	<p>NPPF</p> <p><u>Para 108</u> - In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:</p> <ul style="list-style-type: none"> a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
<p>Where transportation by road is proposed, this will be permitted where the road network is suitable for use by Heavy Goods Vehicles or can be improved to accommodate such vehicles. The following hierarchy of preference for transportation by road shall be applied:</p> <ul style="list-style-type: none"> (i) Access to a suitable existing junction with the main road network, as defined in Section 7, via a suitable section of an existing road, as short as possible, 	<p>NPPF</p> <p><u>Para 102</u> - Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:</p> <ul style="list-style-type: none"> a) the potential impacts of development on transport networks can be addressed; b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated; d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding

Component of Policy S11	Compliance with NPPF/PPG
<p>without causing a detrimental impact upon the safety and efficiency of the network.</p> <p>(ii) Where (i) above is not feasible, direct access to the main road network involving the construction of a new access/ junction when there is no suitable existing access point or junction.</p> <p>(iii) Where access to the main road network in accordance with (i) and (ii) above is not feasible, road access via a suitable existing road prior to gaining access onto the main road network will exceptionally be permitted, having regard to the scale of the development, the capacity of the road and an assessment of the impact on road safety</p>	<p>and mitigating any adverse effects,</p> <p><u>Para 103</u> - The planning system should actively manage patterns of growth.... Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel</p> <p><u>Para 108</u> - In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:</p> <p>c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.</p>

Source: Essex County Council (2019)

Table A14: Assessing the Appropriateness of Policy S12 with the NPPF/PGG

Component of Policy S12	Compliance with NPPF/PGG
<p>Proposals for minerals development will be permitted provided that it can be demonstrated that the land is capable of being restored at the earliest opportunity to an acceptable environmental condition and beneficial after-uses, with positive benefits to the environment, biodiversity and/ or local communities.</p> <p>Mineral extraction sites shall:</p>	<p><i>NPPF</i></p> <p><u>Para 170</u> - Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. <p><u>Para 204</u> - Planning policies should:</p> <ul style="list-style-type: none"> h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high-quality restoration and aftercare of mineral sites takes place. <p><u>Para 205</u> - When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering</p>

		<p>proposals for mineral extraction, minerals planning authorities should:</p> <p>e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances</p> <p>PPG</p> <p><u>Reference ID: 27-045-20140306</u> - There are many possible uses of land once minerals extraction is complete and restoration and aftercare of land is complete. These include:</p> <ul style="list-style-type: none"> • creation of new habitats and biodiversity; • use for agriculture; • forestry; • recreational activities; • waste management, including waste storage; and • the built environment, such as residential, industrial and retail where appropriate.
1	Be restored using phased, progressive working and restoration techniques,	<p>PPG</p> <p><u>Reference ID: 27-040-20140306</u> - Restoration may, in some cases, need to be undertaken in phases so as to minimise local disturbance and impacts.</p> <p><u>Reference ID: 27-042-20140306</u> - In framing planning conditions, mineral planning authorities should seek to have 'progressive' or 'rolling' restoration and aftercare to minimise the area of land occupied at any one time by the mineral working. This is unless doing so would be likely to adversely affect the standard of reclamation achieved or would be impractical having regard to the type of operation and nature of the site.</p>
2	Provide biodiversity gain following restoration, demonstrating their	<p>NPPF</p> <p><u>Para 170</u> - Planning policies and decisions should contribute to and enhance the natural and local environment by:</p>

	<p>contribution to priority habitat creation and integration with local ecological networks,</p>	<p>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</p> <p><u>Para 174</u> - To protect and enhance biodiversity and geodiversity, plans should:</p> <p>b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.</p> <p><u>Para 204</u> - Planning policies should:</p> <p>h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high-quality restoration and aftercare of mineral sites takes place.</p> <p>PPG</p> <p><u>Reference ID: 27-013-20140306</u> - The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include...internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks.</p> <p><u>Reference ID: 27-045-20140306</u> - There are many possible uses of land once minerals extraction is complete and restoration and aftercare of land is complete. These include:</p> <ul style="list-style-type: none"> • creation of new habitats and biodiversity;
3	<p>Be restored in the following order of preference,</p> <p>(i) At low level with no landfill (including restoration to water bodies),</p> <p>(ii) If (i) above is not feasible then at low</p>	<p>See Paragraph 4.344</p>

	<p>level but with no more landfill than is essential and necessary, to achieve satisfactory restoration,</p> <p>(iii) If neither of these are feasible and the site is a Preferred Site as may be determined by the Waste Local Plan, then by means of landfill.</p>	
	<p>Provide a scheme of aftercare and maintenance of the restored land for a period of not less than five years to ensure the land is capable of sustaining an appropriate after-use,</p>	<p>PPG</p> <p><u>Reference ID: 27-036-20140306</u> - Responsibility for the restoration and aftercare of mineral sites, including financial responsibility, lies with the minerals operator and, in the case of default, with the landowner.</p> <p><u>Reference ID: 27-037-20140306</u> - The most appropriate form of site restoration to facilitate different potential after uses should be addressed in both local minerals plans, which should include policies to ensure worked land is reclaimed at the earliest opportunity and that high quality restoration and aftercare of mineral sites takes place, and on a site-by-site basis following discussions between the minerals operator and the mineral planning authority</p> <p><u>Reference ID: 27-040-20140306</u> - The level of detail required on restoration and aftercare will depend on the circumstances of each specific site including the expected duration of operations on the site. It must be sufficient to clearly demonstrate that the overall objectives of the scheme are practically achievable, and it would normally include:</p> <ul style="list-style-type: none"> • an overall restoration strategy, identifying the proposed afteruse of the site;

		<ul style="list-style-type: none"> • information about soil resources and hydrology, and how the topsoil/subsoil/overburden/soil making materials are to be handled whilst extraction is taking place; • where the land is agricultural land, an assessment of the agricultural land classification grade; and • landscape strategy. <p><u>Reference ID: 27-052-20140306</u> - There are several limitations imposed on aftercare conditions, as follows:</p> <ul style="list-style-type: none"> • they may only be imposed on permissions in conjunction with a restoration condition; • they may only be imposed in relation to land which is to be used for agriculture, forestry or amenity (including biodiversity) following minerals working; • they can require only planting, cultivating, fertilising, watering, draining or otherwise treating the land; • they can only start following compliance with a restoration condition and the mineral planning authority cannot require any steps to be taken after the end of a 5-year aftercare period without the agreement of the minerals operator (Schedule 5 of the Town and Country Planning Act 1990 sets out the conditions relating to mineral working).
	<p>Where appropriate, proposals shall demonstrate the best available techniques to ensure that:</p> <p>a) Soil resources are retained, conserved and handled appropriately during</p>	<p><i>NPPF</i></p> <p><u>Para 170</u> - Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <p>a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);</p> <p>b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;</p>

	<p>operations and restoration,</p> <p>b) In the case of minerals development affecting the best and most versatile agricultural land, the land is capable of being restored back to best and most versatile land,</p> <p>c) Hydrological and hydro-geological conditions are preserved, maintained, and where appropriate, managed to prevent adverse impacts on the adjacent land's groundwater conditions and elsewhere,</p> <p>d) Flood risk is not increased,</p> <p>e) Important geological features are maintained and preserved,</p> <p>f) Adverse effects on the integrity of</p>	<p>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</p> <p>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and</p> <p>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</p> <p><u>Para 204</u> - Planning policies should:</p> <p>h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high-quality restoration and aftercare of mineral sites takes place.</p> <p>PPG</p> <p><u>Reference ID: 27-013-20140306</u> - The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include:</p> <ul style="list-style-type: none"> • noise associated with the operation; dust; air quality; lighting; visual impact on the local and wider landscape; landscape character; archaeological and heritage features (further guidance can be found under the Minerals and Historic Environment Forum's Practice Guide on mineral extraction and archaeology; traffic; risk of contamination to land; soil resources; geological structure; impact on best and most versatile agricultural land; blast vibration; flood risk; land stability/subsidence; internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks; impacts on nationally protected landscapes (National Parks, the Broads and Areas of Outstanding Natural Beauty); nationally protected geological and geo-morphological sites and features; site restoration and aftercare, surface and, in some cases, ground water issues; water abstraction.
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	<p>internationally or nationally important wildlife sites are avoided.</p>	<p><u>Reference ID: 27-040-20140306</u> - The level of detail required on restoration and aftercare will depend on the circumstances of each specific site including the expected duration of operations on the site. It must be sufficient to clearly demonstrate that the overall objectives of the scheme are practically achievable, and it would normally include:</p> <ul style="list-style-type: none"> • an overall restoration strategy, identifying the proposed afteruse of the site; • information about soil resources and hydrology, and how the topsoil/subsoil/overburden/soil making materials are to be handled whilst extraction is taking place; • where the land is agricultural land, an assessment of the agricultural land classification grade; and • landscape strategy. <p>Where working is proposed on the best and most versatile agricultural land the outline strategy should show, where practicable, how the methods used in the restoration and aftercare enable the land to retain its longer-term capability, though the proposed after-use need not always be for agriculture.</p> <p>Restoration may, in some cases, need to be undertaken in phases so as to minimise local disturbance and impacts.</p>
<p>Proposals shall demonstrate that there will not be an unacceptable adverse impact on groundwater conditions, surface water drainage and the capacity of soils for future use. Proposals shall also have regard to any relevant Surface</p>		<p>PPG</p> <p><u>Reference ID: 27-013-20140306</u> - The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include...soil resources; flood risk; and, in some cases, ground water issues; water abstraction.</p> <p><u>Reference ID: 27-040-20140306</u> – The level of detail required on restoration and aftercare will depend on the circumstances of each specific site including the expected duration of operations on the site. It must be sufficient to clearly demonstrate that the overall objectives of the scheme are practically achievable, and it would normally include</p> <ul style="list-style-type: none"> • an overall restoration strategy, identifying the proposed afteruse of the site;

<p>Water or Shoreline Management Plans. Proposals will also demonstrate that the working and restoration scheme is appropriate, and the implementation and completion of restoration is feasible.</p>		<ul style="list-style-type: none">• information about soil resources and hydrology, and how the topsoil/subsoil/overburden/soil making materials are to be handled whilst extraction is taking place; <p>Where working is proposed on the best and most versatile agricultural land the outline strategy should show, where practicable, how the methods used in the restoration and aftercare enable the land to retain its longer-term capability, though the proposed after-use need not always be for agriculture.</p>
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Source: Essex County Council (2019)

Table A15: Assessing the Appropriateness of Policy P1 with the NPPF/PGG

Component of Policy P1	Compliance with NPPF/PPG
<p>In the case of Preferred Sites for sand and gravel extraction, the principle of extraction has been accepted and the need for the release of mineral proven. In the case of Reserve Sites for sand and gravel extraction, the principle of extraction has also been accepted, however, the release of minerals from these sites is subject to the landbank falling below seven years.</p>	<p>NPPF</p> <p><u>Para 204</u> - Planning policies should:</p> <p>a) provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;</p> <p><u>Para 207</u> - Minerals planning authorities should plan for a steady and adequate supply of aggregates by:</p> <p>c) making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans, taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;</p> <p>e) using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;</p> <p>PPG</p> <p><u>Reference ID: 27-008-20140306</u> - Mineral planning authorities should plan for the steady and adequate supply of minerals in one or more of the following ways (in order of priority):</p> <p>1. Designating Specific Sites – where viable resources are known to exist, landowners are supportive of minerals development and the proposal is likely to be acceptable in planning terms. Such sites may also include essential operations associated with mineral extraction;</p> <p><u>Reference ID: 27-009-20140306</u> - Designating Specific Sites in minerals plans provides the necessary certainty on when and where development may take place.</p> <p>Note – Regarding ‘Reserve Sites’, please see Paragraph 4.137</p>

The Mineral Planning Authority will grant planning permission for sand and gravel workings within the Preferred and Reserve Sites, listed in Table 5 (Preferred Sites for land won Sand and Gravel Provision) and as shown on the Policies Map, subject to the proposal meeting the detailed development requirements set out in Appendix 1, other relevant policies of the Development Plan for Essex and any other material considerations.

NPPF

Para 2 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para 11 - Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay.

PPG

Reference ID 27-007-20140306 - Mineral planning authorities are encouraged to plan for minerals extraction using Ordnance Survey-based proposals maps and relevant evidence provided by the minerals industry and other appropriate bodies.

Source: Essex County Council (2019)

Table A16: Assessing the Appropriateness of Policy P2 with the NPPF/PPG

Component of Policy P2	Compliance with NPPF/PPG
<p>In the case of Preferred Sites for silica sand, the principle of extraction has been accepted and the need for the release of mineral proven.</p>	<p><i>NPPF</i></p> <p><u>Para 204</u> - Planning policies should:</p> <p>a) provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;</p> <p><u>Para 207</u> - Minerals planning authorities should plan for a steady and adequate supply of aggregates by:</p> <p>c) making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans, taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;</p> <p><i>PPG</i></p> <p><u>Reference ID: 27-008-20140306</u> - Mineral planning authorities should plan for the steady and adequate supply of minerals in one or more of the following ways (in order of priority):</p> <p>1. Designating Specific Sites – where viable resources are known to exist, landowners are supportive of minerals development and the proposal is likely to be acceptable in planning terms. Such sites may also include essential operations associated with mineral extraction;</p> <p><u>Reference ID: 27-009-20140306</u> - Designating Specific Sites in minerals plans provides the necessary certainty on when and where development may take place.</p>
<p>The Mineral Planning Authority will grant planning permission for silica sand workings within the Preferred Site listed in Table 6 (Preferred Site for Silica Sand Provision) and as shown on the Policies</p>	<p><i>NPPF</i></p> <p><u>Para 2</u> - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.</p>

Map, subject to the proposal meeting the detailed development requirements set out in Appendix 1, other relevant policies of the Development Plan for Essex and any other material considerations.

Para 11 - Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay.

PPG

Reference ID 27-007-20140306 - Mineral planning authorities are encouraged to plan for minerals extraction using Ordnance Survey-based proposals maps and relevant evidence provided by the minerals industry and other appropriate bodies.

Source: Essex County Council (2019)

Table A17: Assessing the Appropriateness of Policy DM1 with the NPPF/PGG

Component of Policy DM1	Compliance with NPPF/PGG
<p>Proposals for minerals development will be permitted subject to it being demonstrated that the development would not have an unacceptable impact, including cumulative impact with other developments, upon:</p> <ol style="list-style-type: none"> 1. Local amenity (including demonstrating that the impacts of noise levels, air quality and dust emissions, light pollution and vibration are acceptable), 2. The health of local residents adjoining the site, 3. The quality and quantity of water within water courses, groundwater and surface water, 4. Drainage systems, 5. The soil resource from the best and most versatile agricultural land, 6. Farming, horticulture and forestry, 7. Aircraft safety due to the risk of bird strike, 8. The safety and capacity of the road network, 9. Public Open Space, the definitive Public Rights of Way network and 	<p><i>NPPF</i></p> <p><u>Para 98</u> - Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.</p> <p><u>Para 170</u> - Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <ol style="list-style-type: none"> a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. <p><u>Para 205</u> - When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals</p>

<p>outdoor recreation facilities,</p> <p>10. The appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness,</p> <p>11. Land stability,</p> <p>12. The natural and geological environment (including biodiversity and ecological conditions for habitats and species),</p> <p>13. The historic environment including heritage and archaeological assets.</p>	<p>for mineral extraction, minerals planning authorities should:</p> <p>b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;</p> <p>c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;</p> <p>PPG</p> <p><u>Reference ID: 27-013-20140306</u> - The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include: noise associated with the operation; dust; air quality; lighting; visual impact on the local and wider landscape; landscape character; archaeological and heritage features (further guidance can be found under the Minerals and Historic Environment Forum’s Practice Guide on mineral extraction and archaeology; traffic; risk of contamination to land; soil resources; geological structure; impact on best and most versatile agricultural land; blast vibration; flood risk; land stability/subsidence; internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks; impacts on nationally protected landscapes (National Parks, the Broads and Areas of Outstanding Natural Beauty); nationally protected geological and geo-morphological sites and features; site restoration and aftercare, surface and, in some cases, ground water issues; water abstraction.</p>
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Source: Essex County Council (2019)

Table A18: Assessing the Appropriateness of Policy DM2 with the NPPF/PPG

Component of Policy DM2	Compliance with NPPF/PPG
<p>When granting planning permission for minerals developments, the Minerals Planning Authority will impose conditions and/ or require legal agreements to mitigate and control the effects of the development and to enhance the environment.</p>	<p>NPPF</p> <p><u>Para 54</u> - Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.</p> <p><u>Para 55</u> - Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.</p> <p><u>Para 205</u> - When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:</p> <p>e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances</p> <p>PPG</p> <p><u>Reference ID: 27-041-20140306</u> - Mineral planning authorities should secure the restoration and aftercare of a site through imposition of suitable planning conditions and, where necessary, through planning obligations.</p> <p><u>Reference ID: 27-042-20140306</u> - Conditions must be drafted in such a way that, even if the interest of the applicant applying for permission is subsequently disposed of, the requirements for restoration and aftercare can still be fulfilled, whether by a new operator or in the case of default, by the land-owner.</p> <p>The exact planning conditions should be framed with the intended after-use in mind, and will vary according to the:</p> <ul style="list-style-type: none"> • characteristics of the individual site;

	<ul style="list-style-type: none">• intended after-use;• type of mineral to be worked;• method of working;• timescale of the working;• general character of, and planning policies for the area.
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Source: Essex County Council (2019)

Table A19: Assessing the Appropriateness of Policy DM3 with the NPPF/PPG

Component of Policy DM3	Compliance with NPPF/PPG
<p>Proposals for minerals extraction will be permitted where the primary processing plant and equipment is located within the limits of the mineral site’s boundary and the plant would not have any unacceptable impact on local amenity and/ or the surrounding environment.</p>	<p>NPPF</p> <p><u>Para 204</u> – Planning policies should:</p> <p>f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;</p>
<p>Proposals for extension sites shall be expected to include the location of the existing processing plant and access arrangements within the planning application.</p>	<p>PPG</p> <p><u>Reference ID: 27-010-20140306</u> - The suitability of each proposed site, whether an extension to an existing site or a new site, must be considered on its individual merits, taking into account issues such as (inter-alia)</p> <ul style="list-style-type: none"> • economic considerations (such being able to continue to extract the resource, retaining jobs, being able to utilise existing plant and other infrastructure), and;
<p>Where it is demonstrated that the positioning of the primary processing plant within the boundary of the mineral site is not feasible, the exportation of mineral from the site shall not have an unacceptable impact upon amenity and/ or the safety, efficiency and capacity of the road network.</p> <p>Minerals shall only be imported to a minerals site, from non-indigenous sources, when it is demonstrated that there are exceptional circumstances or overriding benefits from doing so.</p>	<p>NPPF</p> <p><u>Para 204</u> – Planning policies should:</p> <p>f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;</p> <p>PPG</p> <p><u>Reference ID: 27-191-20140306</u> - Some minerals operations rely on a number of ‘satellite’ sites serving a central processing facility. Some of these sites may be active, whilst others may be held in reserve to be brought into production as the market dictates or as other sites are worked out. Whether or not such satellite sites should be regarded as one minerals site or several different minerals sites will depend upon a number of factors, such as:</p>

	<ul style="list-style-type: none"> • their location; • their distance from each other and from the central processing facility; • whether it is clear that the various sites form part of a coordinated approach to ensure the sustainability of the processing facility; • the date of the relevant planning permissions (because these will determine in which phase a site falls to be reviewed or whether it is subject to initial review at all); and • whether it makes sense to review them all at the same time or separately. <p>Mineral planning authorities should justify their approach for treating satellite sites. In doing so, they should not separate permissions so as to ensure that some land is classified as a dormant site when the sensible approach is to treat the various permissions as a single operation, albeit separated by some distance.</p>
<p>In all cases permission will only be granted for a temporary duration so as not to delay restoration of the site.</p>	<p>PPG</p> <p><u>Reference ID: 21a-014-20140306</u> - Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only.... Circumstances where a temporary permission may be appropriate include... where it is expected that the planning circumstances will change in a particular way at the end of that period.</p>

Source: Essex County Council (2019)

Table A20: Assessing the Appropriateness of Policy DM4 with the NPPF/PPG

Component of Policy DM4	Compliance with NPPF/PPG
<p>Proposals for the secondary processing and/ or treatment of minerals will only be permitted at mineral sites where it can be demonstrated that there would be no unacceptable impact upon amenity and/ or the local environment and/ or the safety, efficiency and capacity of the road network.</p>	<p>NPPF</p> <p><u>Para 204</u> – Planning policies should:</p> <p>f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;</p>
<p>The minerals for secondary processing and/or treatment shall be sourced from within the boundary of the mineral working within which the plant is located unless it is demonstrated that there are exceptional circumstances or overriding benefits from sourcing materials from elsewhere to supplement indigenous supply, subject to no unacceptable adverse impacts.</p>	<p>NPPF</p> <p><u>Para 204</u> – Planning policies should:</p> <p>f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;</p> <p>PPG</p> <p><u>Reference ID: 27-191-20140306</u> - Some minerals operations rely on a number of 'satellite' sites serving a central processing facility. Some of these sites may be active, whilst others may be held in reserve to be brought into production as the market dictates or as other sites are worked out. Whether or not such satellite sites should be regarded as one minerals site or several different minerals sites will depend upon a number of factors, such as:</p> <ul style="list-style-type: none"> • their location; • their distance from each other and from the central processing facility; • whether it is clear that the various sites form part of a coordinated approach to ensure the sustainability of the processing facility;

	<ul style="list-style-type: none"> • the date of the relevant planning permissions (because these will determine in which phase a site falls to be reviewed or whether it is subject to initial review at all); and • whether it makes sense to review them all at the same time or separately. <p>Mineral planning authorities should justify their approach for treating satellite sites. In doing so, they should not separate permissions so as to ensure that some land is classified as a dormant site when the sensible approach is to treat the various permissions as a single operation, albeit separated by some distance.</p>
<p>In all cases permission will only be granted for a temporary duration so as not to delay restoration of the site.</p>	<p>PPG</p> <p><u>Reference ID: 21a-014-20140306</u> - Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only.... Circumstances where a temporary permission may be appropriate include... where it is expected that the planning circumstances will change in a particular way at the end of that period.</p>

Source: Essex County Council (2019)

Table A21: Assessing the Appropriateness of Policy IMR1 with the NPPF/PPG

Component of Policy IMR1	Compliance with NPPF/PPG
<p>The Plan will be monitored and reviewed within five years of adoption as part of a “plan, monitor, and manage” approach to forward planning,</p>	<p><i>NPPF</i></p> <p><u>Para 31</u> - The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.</p> <p><u>Para 33</u> - Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan and should take into account changing circumstances affecting the area, or any relevant changes in national policy.</p> <p><i>PPG</i></p> <p><u>Reference ID: 61-062-20190315</u> - To be effective plans need to be kept up-to-date. The National Planning Policy Framework states policies in local plans and spatial development strategies, should be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary.</p> <p>Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities must review local plans, and Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. Most plans are likely to require updating in whole or in part at least every 5 years. Reviews should be proportionate to the issues in hand. Plans may be found sound conditional upon a plan update in whole or in part within 5 years of the date of adoption. Where a review was undertaken prior to publication of the Framework (27 July 2018) but within the last 5 years, then that plan will continue to constitute the up-to-date plan policies unless there have been significant changes as outlined below.</p> <p><u>Reference ID: 61-065-20190723</u> - The authority can consider information such as (inter-alia) conformity with national planning policy; changes to local circumstances;</p>

	<p>such as a change in Local Housing Need, whether issues have arisen that may impact on the deliverability of key site allocations, their appeals performance, success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report, significant economic changes that may impact on viability, and whether any new social, environmental or economic priorities may have arisen.</p>
<p>or should the landbank fall below the minimum requirement, whichever comes sooner.</p>	<p><i>NPPF</i></p> <p><u>Para 207</u> - Minerals planning authorities should plan for a steady and adequate supply of aggregates by:</p> <p>e) using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;</p> <p>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><i>PPG</i></p> <p><u>Reference ID: 61-062-20190315</u> - There will be occasions where there are significant changes in circumstances which may mean it is necessary to review the relevant strategic policies earlier than the statutory minimum of 5 years, for example, where new cross-boundary matters arise.</p> <p><u>Reference ID: 27-080-20140306</u> - Aggregate landbanks should be used principally as a trigger for a mineral planning authority to review the current provision of aggregates in its area and consider whether to conduct a review of the allocation of sites in the plan. In doing so, it may take into account the remaining planned provision in the minerals local plan.</p>

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Contact Us:
mandwpolicy@essex.gov.uk
www.essex.gov.uk/planning
03330 139 808

Freepost RTKH-XUBZ-CJZS
Essex County Council
Minerals Planning Consultation
County Hall
Chelmsford
Essex
CM1 1QH

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