



Duty to Co-operate Report in Relation to Preparation of the Minerals Local Plan Review – Engagement on the Scope 2020



Essex County Council

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The Duty to Cooperate

- 1.1 Paragraph 33 of the National Planning Policy Framework 2019 (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.”* Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017).
- 1.2 Section 110 of the Localism Act 2011 came into force on 15th November 2011. It inserts a Section 33a in Part 2 of the Planning and Compulsory Purchase Act 2004 and introduces a duty to co-operate (DtC) in the planning of sustainable development. In particular, the Act brought in an obligation on local planning authorities to engage constructively, actively, and on an on-going basis with relevant bodies. This includes other public bodies and agencies as prescribed in Section 4 of the Town and Country Planning (Local Planning) (England Regulations 2012) in relation to plan making.
- 1.3 Guidance on the Duty to Cooperate is provided in paragraphs 24 to 27 of the NPPF, including a requirement to “demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts” when submitting a Local Plan for examination.
- 1.4 This report sets out the process undertaken during September 2019 – February 2020 to engage with those authorities which fall under the DtC arrangements. The full list of who the MPA engaged with under the DtC is set out in [Appendix One](#).

Previous engagement during the preparation of the Minerals Local Plan Review

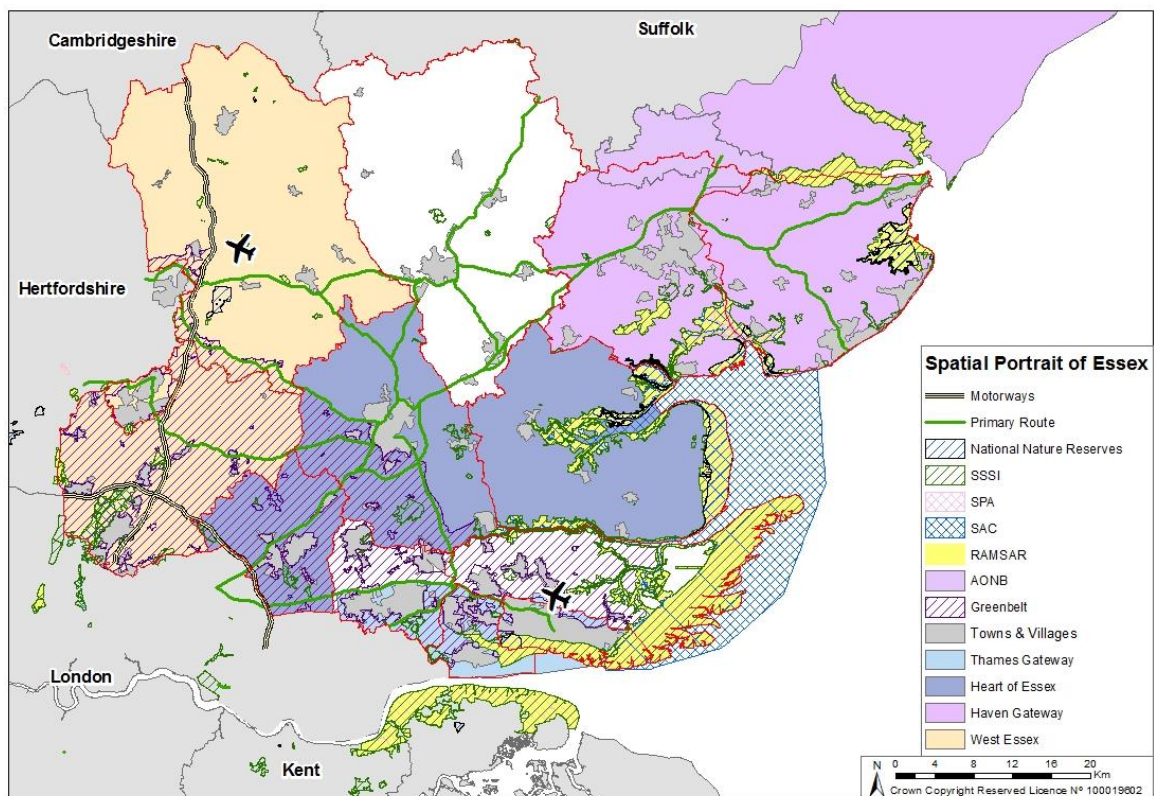
- 1.5 Essex County Council as Mineral Planning Authority (MPA) considers it has complied to date with the requirement for engagement as set out in the Local Planning Regulations. As a statutory requirement, DtC will form one of the legal tests to be considered by the Inspector at the Essex Minerals Local Plan Review Examination, while compliance with the NPPF's requirements for positive preparation and effectiveness will form part of the soundness test. This report also demonstrates that to date, the Council has fully complied with the requirements of the adopted Essex County Council Statement of Community Involvement 2018 as it relates to the DtC. This DtC Report evidences how the DtC engagement carried out between September 2019 – February 2020 has informed the content of the Minerals Local Plan Review. A further round of DtC is now being undertaken based on a full schedule of amendments to the Minerals Local Plan 2014 which have emerged from both internal assessment and previous DtC engagement. Following any further revision, the full schedule of proposed MLP amendments will be subject to public consultation as part of compliance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.6 Once adopted, the existing Minerals Local Plan 2014 (MLP) will be replaced by the emerging amended version.
- 1.7 This report explains the context for the scope of the Essex County Council Minerals Local Plan Review (MLPR) and outlines the stages undertaken in its preparation, before identifying the issues and describing the cooperation undertaken with the following range of organisations:
- Mineral Planning Authorities (MPAs) within the East of England Aggregates Working Party (EEAWP)
 - MPAs outside EEAWP but which adjoin Essex
 - District/borough/city planning authorities within and adjoining Essex
 - Prescribed bodies, as set out in Section 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012
 - Essex County Council (ECC) Internal Consultees
- 1.8 During the previous DtC engagement exercise, ECC Officers' wrote to a total of 64 consultees, this includes 14 MPAs, 19 district/borough/city councils, 27 prescribed bodies and four ECC internal consultees. All consultees were emailed with engagement material and response forms, alongside a meeting invitation which could be taken up by request. The MPA subsequently arranged and took part in three meetings. The full list of who the MPA engaged with under the Duty to Cooperate is set out in [Appendix One](#). A list of all documents that were sent can be found in [Appendix Four](#). Each of those consultees highlighted in [Appendix One](#) have been re-consulted as part of the current engagement.
- 1.9 This report, along with any future updates during the plan-making process, will eventually serve to demonstrate that ECC have met the DtC. It also forms part of the evidence for the Minerals Local Plan Review (MLPR).

The Essex Context

Administrative Responsibilities

- 1.10 The Plan area comprises the administrative area of Essex County Council. Within the County of Essex, the two-tier administrative system includes 12 District, Borough and City Councils. Essex is located to the northeast of London, within the East of England region, with the counties of Suffolk and Cambridgeshire adjoining its northern border. To the east of Essex is the North Sea, with the Unitary Authorities of Southend-on-Sea and Thurrock forming the southern border along with the Thames. The western border of Essex adjoins London, specifically the London Boroughs of Enfield, Waltham Forest, Redbridge and Havering, and the county of Hertfordshire.
- 1.11 The Plan area therefore includes 12 District, Borough and City Councils and covers an area of 3,695km². The Plan area adjoins the Unitary Authority of Thurrock, the London Boroughs of Enfield, Waltham Forest, Redbridge and Havering, and the Counties of Hertfordshire, Cambridgeshire, Suffolk and Kent.

Map 1: Plan Area and administrative context



Co-operation in preparation of the Minerals Local Plan Review

1.12 Essex County Council considers it has engaged with relevant bodies and has so far met the requirements of the DtC. The activities summarised in this document concentrate on engagement prior to the formal Regulation 18 consultation. It is noted that the stages and decision-making processes during which the relevant bodies (including neighbouring authorities) were involved in the preparation of the MLPR are as follows:

Table 1. Initiating DtC as part of the MLPR

Date	Key Stages
13 th September 2019 – 10 th October 2019 ¹	A test email was sent to each identified body to ensure that engagement material would be received. ²
27 th September 2019 – 18 th October 2019	Engagement material setting out the proposed scope of amendments forming the MLPR was sent.
16 th October 2019 - 23 rd October 2019	A reminder email was sent
20 th November 2019 – 4 th December 2019	DtC meetings were held where these were requested.
25 th February 2020 – 17 th March 2020	Engagement material sent to additional recipients omitted from previous engagement. ³

When the first set of emails were sent, if the MPA received an updated email address or an undeliverable email, then a second email was sent to the relevant contact or an alternative contact was requested by way of telephone call. Chaser emails were also sent to the updated email addresses.

In addition to these engagement stages, additional engagement has occurred through a range of other work undertaken in developing the Minerals Local Plan Review, including through Sustainability Appraisal and the preparation of evidence (including the Strategic Flood Risk Assessment).

Co-operation with prescribed bodies

1.13 Under the DtC, the Mineral Planning Authority must co-operate with other relevant planning authorities, as well as other organisations, as set out in Section 4 of the

¹ Test emails were only sent to consultees that the MPA were unsure of who to contact within the organisation.

² All email addresses were sourced from the bodies website. If there was no email, then the MPA contacted them via telephone and asked for a relevant email address.

³ Central Bedfordshire and Norfolk County Council were, in error, not originally consulted on the scope of amendments forming the MLPR. An invitation was subsequently sent to those authorities on the 25th February 2020.

Town and Country Planning (Local Planning) (England) Regulations 2012. The prescribed bodies for Essex are:

- Civil Aviation Authority
- Environment Agency
- Historic England
- Homes England
- Integrated Transport Authority
- Local Enterprise Partnership
- Local Nature Partnership
- Marine Management Organisation
- Natural England
- The Mayor of England
- The Office of Rail Regulation
- Transport for London
- Each highways authority within the meaning of section 1 of the Highways Act 1980 (including the Secretary of State, where the Secretary of State is the highways authority).
- Each clinical commissioning group established under section 14D of the National Health Service Act 2006 the National Health Service Commissioning Board.

Bodies were contacted and updated regarding the scope of amendments proposed for the MLPR. As a result of the engagement 27 prescribed bodies were contacted, four acknowledged the correspondence but did not provide any comments on the proposed amendments, six commented on the proposed amendments, and 17 did not acknowledge correspondence or provide any comments. All comments received can be found in [Appendix Three](#).

The prescribed bodies were invited to discuss the outcomes of the scope of the MLPR through a 1:1 meeting. However, no meetings were requested.

Co-operation with ECC Internal Consultees

Four ECC internal consultees were contacted and all of them commented on the proposed amendments. All comments received can be found in [Appendix Three](#).

Co-operation with adjoining Mineral Planning Authorities & Mineral Planning Authorities in the East of England Aggregate Working Party

- 1.14 Essex County Council is a member of the East of England Aggregates Working Party (EEAWP) and all other Mineral Planning Authorities of the EEAWP were invited to engage on the scope of the amendments proposed through the MLPR. Membership of an Aggregate Working Party is drawn from mineral planning authorities in the region, the aggregates industry, and government representatives. Its purpose is to provide technical advice and input into the managed aggregates supply system. This includes review and ratification where appropriate of the national guidelines and sub-regional apportionment. The AWP is an important information sharing forum for mineral planning authorities in the East of England.

- 1.15 All other adjoining mineral planning authorities have been contacted by the MPA, including the four adjoining MPAs in London. Medway Council and Kent Council were contacted due to their proximity across the Thames.
- 1.16 As a result of the engagement 14 MPAs were contacted, one acknowledged the correspondence but did not provide any comments on the proposed amendments, nine commented on the proposed amendments, and four did not acknowledge correspondence or provide a response. All comments received can be found in [Appendix Three](#).
- 1.17 The MPAs were invited to discuss the outcomes of the scope of the MLPR through a 1:1 meeting, which resulted in a meeting with Thurrock Council. Minutes from the meeting can be found in [Appendix Two](#).
- 1.18 It is considered that this engagement has ensured that any cross-boundary issues have been fully addressed at the MPA level.

Co-operation with District, Boroughs and City Planning Authorities within Essex

- 1.19 The MPA, through the wider Essex County Council planning function, regularly liaises with officers from Essex's district, borough and city councils at meetings and through formal consultation. The district, borough and city councils have been consulted on the scope of the proposed amendments forming the Minerals Local Plan Review.
- 1.20 As a result of the engagement 19 district/borough/city councils were contacted, five commented on the proposed amendments, and 14 did not acknowledge correspondence or provide a response. All comments received can be found in [Appendix Three](#).
- 1.21 ECC met with Braintree District Council and Chelmsford City Council in December 2019 to discuss matters contained in the scope of the Plan Review. Minutes from the meeting can be found in [Appendix Two](#).

On-going Duty to Cooperate Engagement

- 1.22 The table below sets out a number of engagement forums attended by mineral policy officers, or other planning officers of Essex County Council on their behalf, where mineral-related issues can be raised as required.

Table 2. Duty to Cooperate Engagement

Topic Area	Method of Engagement	Anticipated Engagement Date	Target Audience / Comments
Planning Policy and DM	Meetings	Quarterly	Essex Planning Officers Association – planning policy and DM colleagues in district/borough councils
Built Environment Special Interest Group	Meetings/ Written	Bespoke engagement	Interested local authorities are feeding into this work to inform recommendations/ actions to the Essex Climate Commission

Next Steps

- 1.23 The responses that the MPA received during the first round of DtC on the MLPR, all meetings that took place, and the MPA's internal review, will be used to determine what amendments need to be made to the existing MLP 2014.
- 1.24 Another round of DtC is now on-going, in which the amended MLP, this DtC report, a clean version of the amended MLP and an updated version of the scope of the review, now titled as a 'Rationale Report' has been issued to parties subject to DtC. The MPA will then prepare a draft Regulation 18 Plan before a public and stakeholder consultation (Regulation 18 Preferred Approach).
- 1.25 All representations received through the Regulation 18 engagement will be analysed and processed, and consultation feedback will be given to the Political Leadership/Scrutiny Committee. The MPA will make the necessary changes to the MLP, and then there will be another round of DtC. This is envisaged to be either the final or penultimate round of DtC specific to the MLPR, subject to any issues remaining to be discussed.
- 1.26 A second public and stakeholder consultation (Regulation 19) will be held before the MPA seek cabinet approval for publication and submission of the plan. Prior to submission, the need and scope for Statements of Common Ground will be ascertained through the ongoing engagement. The MLPR will then be submitted to the Planning Inspectorate (Regulation 22).
- 1.27 The MPA will prepare any further evidence for each successive stage as required, prior to the Examination in Public. The final stage includes receipt of the Inspector's Report and the need of any modification, prior to formal adoption of the revised MLP.

Conclusion

- 1.28 This report outlines the ways in which the Mineral Planning Authority has sought, and continues to seek to engage constructively, actively and on an on-going basis, with relevant bodies on matters of common interest in the preparation of the Minerals Local Plan Review. This has included on-going discussions and liaison to identify matters of cross-boundary significance and, thereafter, to find ways of addressing any concerns. For the MLPR to be effective, it needs to be capable of delivering on matters which rely upon co-operation with other bodies.
- 1.29 This report demonstrates that such collaboration has been actively sought to date and this proactive approach will continue during all stages of the plan's review, and after its adoption. How the MPA has addressed each comment received through the DtC to date is set out in the meeting records in [Appendix Two](#) and the schedule of responses presented in [Appendix Three](#). The MLP Review Rationale Report 2020 also sets out where engagement under the Duty to Cooperate has led to amendments as part of the MLPR.

Appendix One

Consultees

Southend-On-Sea Borough Council
Thurrock Council
Suffolk County Council
Hertfordshire County Council
Cambridgeshire County Council
Peterborough City Council
Bedfordshire Authorities
Norfolk County Council
Tendring District Council
Harlow District Council
Chelmsford City Council
Basildon Borough Council
Epping Forest District Council
Braintree District Council
Brentwood Borough Council
Colchester Borough Council
Maldon District Council
Uttlesford District Council
Rochford District Council
Castle Point Borough Council
Broxbourne Borough Council
East Hertfordshire District Council
South Cambridgeshire District Council
West Suffolk Council
Babergh District Council
Suffolk Coastal District Council (East Suffolk Council)
North Hertfordshire District Council
Kent County Council
Medway Council
The London Borough of Havering
The London Borough of Redbridge
The London Borough of Enfield
The London Borough of Waltham Forest
The Environment Agency
Historic England
Natural England
Mayor of London
South East Local Enterprise Party
Civil Aviation Authority
Homes England
Southend CCG
North East Essex CCG
Mid Essex CGG
West Essex CGG

Duty to co-operate engagement report

Castlepoint & Rochford CCG
Basildon & Brentwood CCG
Thurrock CCG
Office of Rail & Road
Transport for London
Essex Highways
Highways England
Thurrock Highways
Southend Highways
Marine Management Organisation
Affinity Water
Veolia Water
Thames Water
Anglian Water
Essex & Suffolk Water
National Grid
ECC Place Services
ECC Environment Officer
Thames Gateway
Wellbeing & Public Health ECC

Appendix Two

Meeting Minutes Thurrock Council - 4th December 2019

Attendees

Phil Dash (PD) – ECC Principal Minerals and Waste Planning Officer
Lauren Keeling (LK) – ECC Minerals and Waste Planning Officer
Richard Hatter (RH) – TC Strategic Planning Manager, Place Directorate

Introduction

It was noted that this meeting was representative only of the views of those officer's present. Anything contained within this meeting record is given without prejudice to the views of other potential participants representing Essex County Council (ECC) or Thurrock Council (TC) at this, or future stages, of the Essex Minerals Local Plan (MLP) Review.

ECC Officers explained why they are doing the review. It was further explained that this engagement is being carried out under the Duty to Co-operate and is limited to the proposed scope of the Review rather than any specific amendment at this time.

TC Officers agreed that it was appropriate to not comment on anything that they have agreed on in their response to ECC's consultation on the proposed scope of the Review. TC further agreed that it would be appropriate for ECC to capture issues in a table format, to be returned to TC for agreement, as a means of documenting progress on the issues raised.

Issues are raised in the order they appear in the MLP Review.

Item 1 – Spatial Vision

TC had noted in their response a typographical error within the Spatial Vision.
ECC – Noted the need to correct this error.

Item 2 – Aims and Strategic Objectives

TC stated that although it is acknowledged that no joint Strategic Plans are adopted in Essex at this stage, reference under Strategic Objective 2 could be made to Joint Strategic Plans as several such plans are under preparation.
ECC agreed that reference to adopted joint strategic plans would be appropriate to ensure that future policies apply to joint strategic plans as they emerge.

Item 3 – Policy S5

TC noted an inconsistency within Section 3 of the Policy in relation to Clause f. Section 3 sets out a number of geographically specific locations to which the policy was only applicable, whereas the scope of Clause f would cover any number of other growth locations.
ECC agreed that this was a contradiction. Officers explained that specific locations are intended to no longer be mentioned in the policy, the policy will instead refer to 'key centres

for growth' as set out in adopted local plans.

Item 4 – S6 The Rate of Mineral Provision

TC stated that justification for the proposed rate of mineral provision could include further clarification regarding the factors which have been considered in proposing to retain the current apportionment figures. For example, the future level of housing growth and infrastructure development that could impact on demand for minerals.

ECC officers noted that the document sent to officers under the Duty to Cooperate was a summarised version and a more detailed justification was being developed, which included rates of housing growth and associated infrastructure.

TC read through the note that ECC officers showed them and agreed that this was acceptable.

Further Comments not included in DtC Feedback

TC requested that TC and ECC remain engaged during the plan process. It was requested that there be a consistent approach across Greater Essex.

ECC spoke around mineral safeguarding and some of the issues that were highlighted in the Dtc meeting with Chelmsford City Council (CCC). Feedback received by ECC officers from CCC suggests that more clarity and detail needs to be offered around the safeguarding approach.

TC asked if there is anything additional that ECC have received back from other areas. Mineral safeguarding is an issue that TC need to address in their local plan so that it fully integrates with wider planning issues.

ECC went into detail on how many responses were received back from the DtC engagement and some key issues that have been raised such as Biodiversity Net Gain and Zero Carbon. Officers explained that ECC's safeguarding approach is going to be an aspect that needs further consideration. ECC officers also explained their plans going forward in relation to future DtC engagement and the timetable. ECC officers also recognised that new site proposals may begin to come forward, ECC at this time does not consider that it needs more sites or a call for sites as it is believed that there is enough mineral in their landbank to last until the next review.

TC questioned what would happen if there was an application for a non-mineral development site that came forward via the Joint Strategic Plan consultation on land in a Mineral Safeguarding Area.

ECC Officers explained that any site based development proposals would be picked up through consultation on the JSP.

Agreed List of Issues (Agreed at officer level and without prejudice to further ongoing engagement)

Specific Issue Raised by Thurrock's Officers	ECC Response (Post Meeting)	Follow-up Response from Thurrock
Correct typo under subsection G in the Spatial Vision.	Typo will be corrected.	
A reference under Strategic Objective 2 could be made to Joint Strategic Plans as several such plans are under preparation.	ECC will include reference to Joint Strategic Plans in the Aims and Strategic Objectives.	
Inconsistency within Section 3 of the Policy S5 in relation to Clause F.	Policy S5 will now be more generic and remove any references to specific 'growth areas'.	
Include further clarification regarding the factors that have been considered in proposing to retain the current apportionment figures.	ECC noted that a more detailed justification was being developed which references an increase in forecasted rates of housing growth and associated infrastructure under Policy S6.	

Following their drafting, a copy of these meeting notes were sent to Thurrock Council for confirmation. Thurrock Council Officers were informed that if no response was received by the 20th February 2020, then the MPA would assume that the above minutes are a fair representation of the meeting held on the 4th Dec 2019. This assumption has been duly made.

Meeting Minutes Braintree Council - 20th November 2019

Attendees

Richard Greaves (RG) – ECC Chief Planning Officer (County Planning and Major Development)

Phil Dash (PD) – ECC Principal Minerals and Waste Planning Officer

Emma Goodings (EG) – BDC Head of Economic Development and Planning

Introduction

It was noted that this meeting was representative only of the views of those officers present. Anything contained within this meeting record is given without prejudice to the views of other potential participants representing Essex County Council or Braintree District Council at this, or future stages, of the Essex Minerals Local Plan (MLP) Review.

Item 1 – Mineral Need

ECC officers gave a brief overview of the context of the MLP Review with a particular focus given to the Examination in Public (EiP) Hearing discussions in 2013 that surrounded the amount of mineral that was allocated in the MLP. ECC originally advocated basing mineral provision on a higher historic apportionment figure than on the basis of an average of the previous 10-year sales which is the starting point articulated through the NPPF.

ECC had contended at the EiP that forecasts of development rates made during the production of the MLP showed higher rates of development than historic completions, which justified the use of this higher figure. In order to accommodate the challenges made to this approach at the Hearings, the Inspector required that ECC re-allocate an amount of mineral equal to the difference in the two calculation methodologies to come forward as Reserve Sites which could be worked if the landbank dropped below seven years. The Inspector originally selected a site for re-allocation but was persuaded that the approach ought to be strategy-led and ECC instead suggested alternative sites which were to be re-allocated to Reserve Sites. Both of these sites were in Braintree and were part of the Bradwell series of allocations.

It was further explained that the monitoring of sales data since the adoption of the MLP in 2014 had shown that for the previous three years, sales had exceeded those of the 10-year average as calculated at the point of MLP adoption. It was therefore suggested that this meant that the 10-year average figure did not equate to a 'steady and adequate' supply of minerals as required by the NPPF, and that therefore the apportionment approach was the most appropriate approach to mineral provision. With this rejection of the 10-year sales average as being an appropriate means to base mineral provision, the rationale behind the allocation of Reserve Sites falls away. Therefore, as part of the MLP Review it is considered necessary to re-allocate Reserve Sites to Preferred Site as their mineral contribution is now found to be required in the Plan period.

It was further noted that the policy implications of a site being allocated as a Reserve Site meant that it was more difficult for a Reserve Site to come forward than another site which may come forward off-plan. This was an unintentional outcome of the Reserve Site policy mechanism. On this point it was also noted that Reserve Sites had been through a site selection process which assessed that they were capable of being worked. The re-designation of these sites was not a judgement based on their suitability for extraction. However, sites coming forward off-plan may not have previously gone through this assessment.

EG sought to understand what progress had been made with regard to those mineral site allocations outside of Bradwell, namely Cordons Farm and Rayne.

RG stated that Colemans Farm is now an active site where mineral is being extracted. The application seeking approval for mineral extraction was submitted soon after adoption of the MLP. With regard to Rayne, planning permission was recently issued following the signing of a legal agreement. Its contribution to total permitted reserves is now included in landbank calculations.

ECC officers noted that the MLP contains 16 mineral site allocations in total. Those quarries which have not yet come forward were not yet expected to have done so, based

on indicative timetables agreed with site promoters during the formation of the MLP. As part of this stage of the MLP Review, ECC officers have contacted all site promoters with Preferred Sites to seek confirmation that there is still the intention to submit planning applications for the working of these sites in the MLP plan period. Through this exercise there is, to date, no indication that any site is not going to be bought forward.

RG further noted that the Environment Agency has held a public open evening with Blackwater Aggregates focussing on a flood alleviation scheme for the Bradwell area. ECC also understands that an application to work MLP Site A7 is expected by the end of 2019, with the application for the flood alleviation scheme estimated to be submitted in Spring 2020. This will be treated as a windfall site in terms of Mineral Plan policy. Should permission be granted for the flood alleviation scheme, any won mineral would be added to the landbank at the point of permission being granted. ECC officers agreed with EG's contention that the permitting of the flood alleviation scheme could have implications for the delivery of allocations in the MLP. It was noted that this will be reviewed as progress is made with the flood alleviation scheme application.

Item 2 - Safeguarding

Officers from both authorities agreed that national policy is particularly focussed around housing delivery though ECC officers also noted that they have a responsibility as a Minerals Planning Authority to safeguard finite mineral resources.

ECC officers are currently focussing on the Garden Community agenda and building in the principles of prior extraction into a model for Garden Community development from the perspective of ECC. It was held that prior extraction has the potential to facilitate a number of potential opportunities to contribute to the health agenda, biodiversity and flood alleviation through integration at the strategic planning stage. It was also contended that prior extraction could aid in the delivery of Green and Blue Infrastructure Strategies. There is a further desire to see minerals understood more widely as a finite resource that needs protecting in the same way as archaeology and biodiversity are widely accepted initial constraints on development.

EG questioned whether there were examples nationally where planning applications have been refused on the basis of a failure to appropriately consider prior extraction. This was considered to be required before Braintree District Council officers could potentially refuse applications on the basis of the sterilisation of mineral. The issue in Braintree is, for geological reason, that a significant proportion of the district is covered by a Minerals Safeguarding Area. Braintree officers were required to produce a separate policy map just to show the mineral safeguarding area as the designation essentially washes over much of the district.

ECC officers agreed that mineral safeguarding has varying impacts from district to district. It was further noted that there has been some consideration of the practicality of refining mineral safeguarding areas such that they reflect various different qualities of mineral but planning resources have precluded any such assessment to date.

EG suggested that opposition to mineral safeguarding may point to the proposals for the emerging Garden Communities and question the need for the general safeguarding approach, and indeed further mineral site allocations, when land that will potentially

accommodate Garden Communities could be prior extracted. ECC officers agreed that work is ongoing to ensure that the Council promotes prior extraction as part of Garden Community development. However, this couldn't be at the expense of a more general approach to mineral working and safeguarding as there may then be issues around mineral supply being bound up in one site / company and being dependent on the delivery of that Garden Community. There may also be issues around production capacity and ensuring sufficient mineral to supply the whole county.

Item 3 – Plan Timetable

ECC officers stated that the proposal to review the MLP was taken to a cross-party Scrutiny Panel in October. This was also open to the public and press. A revised MWDS has also been produced. ECC Cabinet will take the decision on whether to approve a formal review of the MLP on 26th November. (*Post meeting note – approval was granted*).

Should a review of the MLP be approved, the intention is for ECC to collate the results of this first round of DtC on the proposed scope of the MLP Review and produce a report documenting all of the responses received and how they impacted on the review of the MLP.

In March 2020, it is intended to publish this report alongside a MLP Review rationale report which will set out the reasons behind any proposed amendments to the MLP. A tracked changed version of the MLP will also be made available setting out the proposed changes. This will be a Regulation 18 iteration and will therefore also set out a number of alternatives that were considered following the conclusion of the need to amend any aspects. These will all be circulated for another round of DtC engagement, and 1-2-1 meetings offered. Again, this will be documented through a report and amendments made to the MLP Review rationale document and tracked changed MLP as appropriate.

A Regulation 18 public consultation is expected in May 2020, based on a tracked changed version of the current MLP. This will be informed by the MLP Review rationale document and updated evidence as appropriate.

Agreed List of Issues (Agreed at officer level and without prejudice to further ongoing engagement)

Specific Issue Raised by BDC Officers	ECC Response (Post Meeting)	Follow-up Response from BDC
<p>There is a need to consider how to ensure that mineral safeguarding works effectively without sterilising the district or compromising housing delivery.</p>	<p>The implications that prior extraction can have on housing delivery is understood. ECC officers have previously worked with district colleagues to ensure that proposed housing allocations are assessed for their mineral potential at the Local Plan making stage. It is contended that current and emerging safeguarding policy in the MLP is NPPF compliant but issues with implementation are noted. It is considered that further work is required at the allocation and/or pre-application stage for non-mineral related developments and ECC are committed to devoting more resources to this aspect.</p>	<p>BDC were satisfied with the proposed response to the issue.</p>
<p>If reserve sites are to come forward, there is the expectation that they will still need to accord with previously agreed vehicle movements. There is an expectation that the Highways implications of mineral extraction in a small area will be fully assessed.</p>	<p>The current MLP contains policies which allow for the cumulative impact of sites in close proximity to be assessed and taken into account as part of the decision as to whether to grant planning permission. It is assumed that previously agreed vehicle movements will be adhered to where these remain necessary.</p>	<p>BDC were satisfied with the proposed response to the issue.</p>
<p>It was requested that the authority be updated on anything that happens with the Rayne site should the GC come forward.</p>	<p>This request has been passed to the relevant case officer at the Minerals Planning Authority.</p>	<p>BDC were satisfied with the proposed response to the issue.</p>

Meeting Minutes Chelmsford City Council - 3rd December 2019

Attendees

Phil Dash (PD) – ECC Principal Minerals and Waste Planning Officer
Claire Tomalin (CT) – ECC Principal Minerals and Waste Planning Officer
Lauren Keeling (LK) – ECC Minerals and Waste Planning Officer
Laura Percy (LP) – CCC Senior Planning Policy Officer, Spatial Planning Services
Claire Stuckey (CS) – CCC Principal Planning Officer, Spatial Planning Services

Introduction

It was noted that this meeting was representative only of the views of those officer's present. Anything contained within this meeting record is given without prejudice to the views of other potential participants representing Essex County Council (ECC) or Chelmsford City Council (CCC) at this, or future stages, of the Essex Minerals Local Plan (MLP) Review.

ECC Officers explained why they are doing the review. It was further explained that this engagement is being carried out under the Duty to Co-operate and is limited to the proposed scope of the Review rather than any specific amendment at this time.

CCC Officers agreed that it was appropriate to not comment on anything that they have agreed on in their response to ECC's consultation on the proposed scope of the Review. CCC further agreed that it would be appropriate to capture issues in a table format, to be returned to CCC for agreement, as a means to document progress on the issues raised. Safeguarding issues were agreed as being the most substantial item to discuss so this item was taken first. The remaining issues are raised in the order they appear in the MLP Review.

Item 1 – Policy S8 Safeguarding/S8 Minerals Local Plan Appendix

CCC want to understand the rationale for ECC's approach with regard to mineral safeguarding, and the implications of the changes to the Policy, particularly in relation to its application with regard to the Broomfield development.

ECC officers explained that their starting point is Chapter 17 of the NPPF, which states that minerals are a finite resource and shouldn't be sterilised if it is *practical* for prior extraction. Across the entire County, since the MLP was adopted, no minerals have been prior extracted to avoid sterilisation where the site was not already a quarry. ECC recognised that they need to change their approach. ECC noted that they may need to develop further guidance setting out exceptions and how safeguarding will be assessed.

CCC said that there doesn't seem to be much National Guidance or information on what should go into a mineral's resource assessment.

ECC officers explained that they are looking to set out another Appendix to define what is to be considered appropriate information to be contained in a minerals resource

assessment, it is going to be a lot more prescriptive. They do not want to leave the Policy open for interpretation. ECC mentioned the POS / MPA minerals safeguarding guidance which was issued in April of this year. CCC pointed out that this was just guidance and not policy and questioned if ECC were aware of any other examples of authorities taking the approach proposed by ECC or if others just looked at 'practical' in terms of viability. ECC advised that as guidance has only recently been issued, examples of best practice are not readily available.

CCC noted that ECC have had the current mineral safeguarding Policy for five years and questioned whether there had been examples of when ECC formally objected to a planning proposal on the basis of the practicality of prior extraction not having been appropriately addressed, that then subsequently reached appeal.

ECC noted an example where they had previously objected to the approach taken to assessing the practicality of prior extraction as part of a housing application at Silver End, Braintree. Braintree District Council had in any event refused the application on other grounds, the appeal was allowed by the Inspector and planning permission was subsequently granted. The mineral safeguarding issues raised by ECC were dismissed by the Inspector. ECC subsequently challenged the interpretation of mineral safeguarding made by the Inspector but received limited response back from the Planning Inspectorate.

CCC said many of the sites in the Chelmsford Local Plan have had a Minerals Resource Assessment – how will it affect those? And how will it affect those sites allocated in the Local Plan which have yet to carry out a minerals resource assessment?

ECC clarified that sites which have already gone through the safeguarding assessment process would not be revisited. ECC further noted that they are considering changing the basis on which mineral extraction will be seen as practical. In the recent application at Powers Farm, ECC applied the principle of whether prior extraction would it be viable as if Powers Farm was to be a stand-alone quarry, which is a false premise. With the recent Broomfield application, there was a change in emphasis which is to assess whether prior extraction is viable in the context of the overall viability of the development.

CCC questioned how re-assessing viability would impact on their own comprehensive viability work as part of their Local Plan? CCC said that their worry is that going forward with their Local Plan, all the sites have been viability tested in accordance with national guidance, but they have correctly not factored in the cost of mineral extraction into that, as it is not what is being proposed for the sites. CCC are of the view that if a site is not proposed as a minerals site, but proposed for housing, its viability should be tested for that end use of housing and not a minerals site as well. Whilst ECC's proposals are understood it would not be the role of the Local Plan to test these sites as minerals sites. So, at what point would minerals factor into the viability for their sites?

The MPA is required to 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. The safeguarding of minerals avoids the unnecessary sterilisation of minerals by other non-mineral development. ECC Officers explained that it is proposed to amend the safeguarding approach to assess the viability of extraction in the context of the overall viability of the development. ECC recognises the need for further consideration with regards to how this can be facilitated as part of the MLP Review.

As an organisation ECC recognises that prior extraction may be more practicable on larger sites, but it can be looked at on smaller sites too. It could be that developers could explore incidental extraction to help facilitate the housing development. This is recommended in circumstance when it would not be practical to extract all the mineral, but you have the chance to avoid the sterilisation of some mineral. The concept of prior extraction is not limited to a full excavation of all mineral that might be present at a site.

CCC said that their officers could understand the policy and need to safeguard minerals, but to be able to support it needs to be clearly justified with the support of national guidance and understood what weight can be attributed to it, what circumstances would it be applied, when it would be applied, and whose responsibility it would be to carry out such viability testing.

ECC officers explained that factoring in prior extraction could be more practical at those sites that are likely to come forward later in a plan period. This could allow enough time for prior extraction. For the sites that are coming forward within the next 5 years, they will still be subject to policy, but it may not be practical.

CCC questioned whether, if sites are proposed to commence development within the first five years, then they may not have to go through this additional process.

ECC confirmed that the safeguarding policy would be applicable but noted that timeframes may impact on the practicability of prior extraction. CCC advised that ECC should set out a phased approach, for example to include transitional arrangements for the policy within their plan. ECC officers noted the suggestion and stated that they would consider it as part of the Review.

CCC officers stated that they didn't want their willingness to co-operate with the Minerals Planning Authority to create issues for their own planning function. They asked who would be responsible for determining applications relating to prior extraction of a housing development?

ECC Officers accepted that applications in areas resulting in the potential for prior extraction could be more complicated than those elsewhere. They explained that if prior extraction would be considered as incidental or enabling development, it would sit with CCC as part of the proposal, if it is a large proposal of works then determination would sit with ECC. Officers advised on guidance that is already available published by the MPA / POS.

CCC Officers questioned that if developers submit an application and it does not reference mineral extraction, CCC officers may still grant permission as it would be compliant with their policies, so how would applications for prior extraction work?

ECC Officers noted that MLP policy states if an application is over five hectares then it would have to go to ECC as the Minerals Planning Authority who would advise regarding prior extraction. CCC Officers have been supplied with the extent of Mineral Safeguarding Areas so should be aware of where mineral safeguarding is an issue and could raise this at pre-application stages.

CCC questioned if mineral needs to be processed, how would this work? CCC asked if there are any examples, or details, about potential costs etc.

ECC Officers explained that the ability to process mineral on-site or in close proximity is a factor in assessing whether the prior extraction of mineral is practicable.

CCC asked about active sites that Essex have now, will it affect them?

ECC Officers noted that as a minerals operator, you don't necessarily want more sites set up that are processing minerals as this is competition. However, it creates a potential new opportunity for extraction.

CCC questioned the rate of sales of mineral in recent years and the resultant impact on the landbank. CCC officers reported that over the past three years they have seen an increase in housing provision, does this correlate with mineral sales?

ECC Officers explained that the landbank is now over nine years. During the recession sales noticeably dropped but they are now picking back up. ECC agreed that the trend in housing completions over the past three years has correlated with an increase in minerals sales.

CCC Officers concluded by suggesting they are not necessarily objecting to the approach that ECC wish to take towards the safeguarding of minerals but may struggle to support implementing the policy at this time as it does not appear to be an approach supported by any national guidance and it is very unclear how it would be practically implemented by the two authorities. CCC officers noted that the NPPF states that you shouldn't have to re-visit sites in a local plan regarding viability testing when whole Plan viability assessments have been carried out, so on that basis any Local Plan allocations would not be required to carry out such viability testing to enable CCC to approve them.

Item 2 – Spatial Vision

CCC – To allow for the flexibility in any future change growth areas, the Spatial Vision could refer to 'main growth centres as identified in Local Plans' rather than specific locations.

ECC – Agreed with this proposed amendment.

Item 3 – Policy S1

CCC Officers recommended that ECC revisit the appropriateness of this policy – PINS current advice is to remove standard policies (which was the experience of Chelmsford officers). The justification for keeping the policy to preserve the numbering of policies was considered weak.

ECC Officers agreed. It was considered that ECC DM officers may find it easier for reference but following further conversations with ECC DM officers, this is not the case. On reflection, it would be appropriate to follow PINS advice.

Item 4 – Policy S2

CCC officers noted comments in the justification text and stated that they had a similar policy which their Inspector wanted removed. This was addressed by amending the policy to clearly state in the upper part of the policy that the Council required all new development, where relevant, to accord with the principles listed.

ECC – Noted the experience of CCC officers and agreed the amendment.

Item 5 – Policy S3 Zero Carbon

CCC questioned whether ECC should be seeking to promote zero carbon going forward?

What is ECC's corporate objective on this? CCC recognised the limited impact a minerals local plan could have on this but noted that this was an issue frequently raised by Members.

ECC officers resolved to ascertain the current corporate position with regards to climate issues. It was however noted that as a MPA, there isn't too much that ECC can do to promote zero carbon as they are restricted by the lack of capacity on rail networks and absence of wharves. ECC officers did, however, note the Transport Hierarchy which seeks to ensure that mineral traffic is able to get onto the strategic road network as efficiently as possible.

Item 6 – Policy S10

CCC officers stated that the approach in this policy seems appropriate, although as the approach seemed to be covered by DM policies, there could be unnecessary duplication here.

ECC noted that this does duplicate existing parts of the plan and consideration would be given to the need for this policy.

Item 7 – Policy S8 Justification for the Extent of Mineral Safeguarding Areas

CCC officers stated that it appears that they will be unchanged, which is supported, but it is unclear if the Mineral Consultation Areas (MCAs) will change?

ECC officers explained that during the formation of the MLP there was an error in the

interpretation of the NPPF. MCAs are to remain as extending 250m from existing mineral infrastructure. However, the NPPF requires that they also extend 250m from the edge of a Mineral Safeguarding Area, which the MLP failed to implement⁴. ECC officers recognised that this could create issues with regards to implementation if development proposed in one landowner's holding triggers an MCA in the holding of another land owner. Consideration will be given as to whether the policy could exclude the requirement to consider prior extraction in these instances.

Agreed List of Issues (Agreed at officer level and without prejudice to further ongoing engagement)

Specific Issue Raised by CCC Officers	ECC Response (Post Meeting)	Follow-up Response from CCC
The approach to mineral safeguarding needs further justification and practical guidance to allow its implementation.	It is acknowledged that evidence doesn't sufficiently justify ECC's safeguarding approach. Consideration is being given to commissioning further evidence to support ECC's approach to safeguarding.	Will await further information on this issue, particularly on the evidence to support the approach and an implementation strategy.
Spatial Vision should be amended to remove specified growth locations.	ECC agreed to remove references to specific growth areas.	Welcomed will await further draft in due course.
Policy S1 should be removed in light of PINS advice.	Following the meeting it was subsequently found that Policy S1 was one of the most referred to policies by DM officers in their decision making, so it is currently considered that the Policy will be maintained.	Noted
Policy S2 should be amended to clearly state that the Council requires all new development, where relevant to accord with the principles listed in this policy.	ECC agreed that it would be appropriate to follow PINS advice, received by CCC, and amend Policy S2 as advised.	Noted

⁴ Post-meeting note: There is no prescriptive distance in the NPPF. Guidance around mineral safeguarding produced by the Mineral Products Association and Planning Officers Society allows for discretion when designating MCAs. It is now proposed to extend MCAs to 100m around MSAs. This distance aligns with the minimum stand-off distance from the façade of properties that ECC already applies to extraction.

<p>ECC officers need to clarify the corporate approach to Climate Change issues, including whether a Climate Emergency has been declared.</p>	<p>ECC has not declared a Climate Emergency. The topic went to Full Council and was discussed on 8th October 2019. ECC have declared a Climate Action plan and cross-party 'Essex Climate Change Commission' which will be made up, not only of members, but of experts in the field as well. The MLP Review will take account of this where relevant. ECC are looking at setting the baseline for our emissions through a range of methods and trying to line this up with the districts and boroughs.</p>	<p>Noted</p>
<p>The need for Policy S10 should be considered as the policy duplicates existing parts of the plan.</p>	<p>ECC noted that this does duplicate existing parts of the plan and consideration would be given to the need for this policy. 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, including through pre-application advice. Most recent data (1st April 2017 to 31st March 2018) shows that Policy S10 is one of the most frequently used policies.</p>	<p>Noted</p>
<p>Unclear if the Mineral Consultation Areas (MCAs) will change?</p>	<p>MCA will be corrected and ECC to consider whether Policy S8 (Justification for the Extent of Mineral Safeguarding Areas) could exclude the requirement to consider prior extraction when there is more than one landowner.</p>	<p>Will review when next draft is available.</p>

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	<p>On reflection following the meeting, it is not considered appropriate to automatically exclude the application of Policy S8 on this basis. Each site should be judged on its own merits and the information available at the time.</p>	
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Appendix Three

Full list of DtC responses

1. Do you agree to the proposal to amend the Spatial Vision ?				
Name/Authority	Agree to the proposal to amend?	Agree with the justification?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	N/A	To allow for the flexibility suggested re growth areas, does it even need to state which locations. If flexibility is required going forward could it simply say ‘..main growth centres as identified in Local Plans.’?	ECC agree with this proposed amendment and will adapt reference to note main growth centres as set out in current and future adopted Local and Joint Plans.
Basildon Borough Council	Yes	Agree with amendments	The Council does not object to the removal of the reference to SARs, but in line with the response to Policy S5 we would seek that the strategic importance of aggregate recycling sites be a consideration or criteria when their safeguarding is being considered.	It is proposed that specific references be made within Policy S5 which sets out that all aggregate recycling facilities will be safeguarded. There is a general presumption that these sites should remain in operation for the lifetime of the permission.
Thurrock Borough Council	Yes	Agree with amendments	Under subsection G first line, remove what appears a minor error “29” inserted into sentence by mistake. Delete “29” from sentence.	Noted.

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Maldon District Council	No	Disagree	<p>The proposed amendment to sections C and F should include Bradwell B – in the list of potential growth areas, alongside the Garden Communities.</p> <p>What about the planned transport infrastructure in and around the county? Should these be included in the vision? They're not 'growth areas' per se, but will require significant minerals resource in their own right.</p>	<p>Specific locations are intended to no longer be mentioned in the Vision, the Vision will instead refer more generally to growth areas.</p> <p>The Plan notes that there are several major infrastructure projects located in Essex or in neighbouring areas which consume aggregates above that required for local development from host and proximate MPA areas. Bradwell B has been included on this list.</p>
Colchester Borough Council	Yes	Agree with amendments	<p>Although it is noted that a Local Plan has not currently been adopted, the Emerging Local Plans for Colchester, Braintree and Tendring are considered to be at an advanced stage with examination hearing sessions anticipated to resume in Winter 2019.</p> <p>Work relating to the North Essex Garden Communities has and continues to be supported by Essex County Council, as the fourth partner authority. This should not be undermined in the updated spatial vision of the MLP.</p>	<p>With the intention to remove geographically specific growth locations from the Spatial Vision and instead reference growth locations in adopted plans, or others that might come forward, the Spatial Vision is able to flexibly respond to any change.</p> <p>It is therefore not considered that a failure to specifically reference any one growth location is to the detriment of</p>

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				that location. Upon adoption of the relevant plan, any new growth location will become relevant to the Spatial Vision, and relevant Policies.
Southend-On-Sea Borough Council	Yes	Agree	N/A	Noted.
Cambridgeshire & Peterborough	Yes	Agree	The continued undertaking to maintain a steady supply of mineral is supported.	Noted.
Suffolk County Council	No comment	N/A	No comments.	Noted.
London Borough of Havering	Yes	Agree	The suggested revisions and amendments are supported.	Noted.
The London Borough of Waltham Forest	Yes	Agree	Particularly supportive of 'section H'; "Highlighting importance of enhancing natural capital as an essential basis for economic growth and productivity over the long term".	Noted.
North East Essex CCG	No comment	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	N/A	Noted.

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The Environment Agency	Yes	Agree	We agree with the existing Section H and also the proposed amendment to this section regarding blue and green infrastructure strategies. We support the proposed amendment to highlight the importance of enhancing natural capital.	Noted.
Anglian Water	No comment	N/A	N/A	Noted.
Norfolk	Yes	Agree	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 8 Yes, 2 No, 2 N/A, 3 No Comment

Agree with the justification: 6 Agree, 1 Disagree, 3 Agree with amendments, 5 N/A

2. Do you agree to the proposal to amend the **Aims and Strategic Objectives**?

Name/Authority	Agree to the proposal to amend?	Agree with the justification?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	N/A	Seems a sensible approach.	Noted.
Basildon Borough Council	No Comment	N/A	N/A	Noted.

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Thurrock Borough Council	Yes	Agree	Although it is acknowledged that no joint Strategic Plans are adopted in Essex at this stage, reference Under Strategic Objective 2 could be made to Joint Strategic Plans as several such plans are under preparation.	ECC agree that reference to adopted joint strategic plans would be appropriate to ensure that future policies apply to joint strategic plans as they emerge.
Maldon District Council	Yes	Agree	N/A	Noted.
Colchester Borough Council	Yes	Agree	N/A	Noted.
Southend-On-Sea Borough Council	Yes	Agree	N/A	Noted.
Cambridgeshire & Peterborough	Yes	Agree	N/A	Noted.
Suffolk County Council	Yes	Agree	<p>Section 9 – what is the criteria for a safeguarded site to have a potential economic and / or conservation value.</p> <p>Section 9 – what is the criteria for the safeguarding of potential secondary processing and aggregate recycling facilities.</p>	<p>Land considered to have mineral with a market use, as inferred by BGS data, is safeguarded through the designation of Mineral Safeguarding Areas as set out in Policy S8.</p> <p>All mineral extraction sites are currently safeguarded through the designation of Mineral Consultation Areas which extend up to 250m from the boundary of an allocated or</p>

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				<p>existing mineral extraction site.</p> <p>Currently 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. However, 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.</p> <p>Applications coming forward are requested to be accompanied by an Mineral Resource Assessment to help establish the potential for prior extraction, or a Mineral Infrastructure Assessment to ensure there would be no impact on mineral infrastructure as a result of non-mineral development.</p>
London Borough of Havering	Yes	N/A	It is noted that no significant amendments are proposed.	Noted.
The London	Yes	Agree	Supportive of alteration of the document to	Noted.

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Borough of Waltham Forest			make future referencing easier.	
North East Essex CCG	No comment	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	N/A	Noted.
The Environment Agency	Yes	Agree	<p>Flood Risk Comments</p> <p>Ensure consideration to the NPPF update in July 2018 be made to all revisions/justification of amendments. Other than that none of the policies in this review are regarding Flood Risk so we have no additional comments to make on this review with regard to flood risk and attach the following general advice comments. General Flood Risk Comments</p> <p>All development proposals within the Flood Zone (which includes Flood Zones 2 and 3, as defined by The Environment Agency) shown on the Policies Map and Local Maps, or elsewhere involving sites of 1ha or more, must be accompanied by a Flood Risk Assessment. Planning</p>	<p>Existing Policy S12, clause d and DM1 address flood risk issues.</p> <p>The further issues raised are considered to be related to matters that need to be addressed as part of site allocation and/or planning application. As set out in the Minerals Local Plan Review, it is not currently proposed to allocate new sites.</p>

		<p>Practice Guidance (PPG)</p> <p>The Plan should apply the sequential test and use a risk based approach to the location of development. The plan should be supported by a Strategic Flood risk Assessment (SFRA) and should use the NPPF Planning Practice Guidance (PPG). The PPG advises how planning can take account of the risks associated with flooding and coastal change in plan-making and the planning application process. The following advice could be considered when compiling the Local Plan to ensure potential development is sequentially sited or if at flood risk it is designed to be safe and sustainable into the future.</p> <p>Sequential Approach</p> <p>The sequential approach should be applied within specific sites in order to direct development to the areas of lowest flood risk. If it isn't possible to locate all of the development in Flood Zone 1, then the most vulnerable elements of the development should be located in the lowest risk parts of the site. If the whole site is at high risk (Flood Zone 3), an FRA should assess the flood characteristics</p>	
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		<p>across the site and direct development towards those areas where the risk is lowest.</p> <p>Finished Floor Levels</p> <p>We strongly advise that proposals for "more vulnerable" development should include floor levels set no lower than 300 millimetres above the level of any flooding that would occur in a 1% (1 in 100) / 0.5% (1 in 200) Annual Exceedence Probability (AEP) flood event (including allowances for climate change). We are likely to raise an objection where this is not achieved in line with Paragraphs 060 of the NPPF's Planning Practice Guidance which advises that there should be no internal flooding in more vulnerable developments from a design flood. We recommend "less vulnerable" development also meet this requirement to minimise disruption and costs in a flood event. If this is not achievable then it is recommended that a place of refuge is provided above the 0.1% AEP flood level.</p> <p>Safe Access</p> <p>During a flood, the journey to safe, dry areas completely outside the 1% (1 in 100)</p>	
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		<p>/ 0.5% (1 in 200) AEP flood event, including allowances for climate change, should not involve crossing areas of potentially fast flowing water. Those venturing out on foot in areas where flooding exceeds 100 millimetres or so would be at risk from a wide range of hazards, including, for example; unmarked drops, or access chambers where the cover has been swept away. Safe access and egress routes should be assessed in accordance with the guidance document 'FD2320 (Flood Risk Assessment Guidance for New Developments)'. We would recommend that you refer to the relevant LPA Strategic Flood Risk Assessment within the area which has produced hazard maps following a breach/overtopping of the defences?</p> <p>Emergency Flood Plan</p> <p>Where safe access cannot be achieved, or if the development would be at residual risk of flooding in a breach, an emergency flood plan that deals with matters of evacuation and refuge should demonstrate that people will not be exposed to flood hazards. The emergency flood plan should be submitted as part of a FRA and will need to be agreed with yourselves. As</p>	
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			stated above refuge should ideally be located 300mm above the 0.1% AEP flood level including allowances for climate change. If you do produce a flood safety framework as mentioned above, it will be important to ensure emergency planning considerations and requirements are used to inform it.	
Anglian Water	Yes	Agree	N/A	Noted.
Norfolk	Yes	Agree	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 11 Yes, 0 No, 2 N/A, 2 No Comment

Agree with the justification: 10 Agree, 0 Disagree, 0 Agree with amendments, 5 N/A

3. Do you agree that Policy S1 does not need amending?			
Name/Authority	Agree that the policy does not need amending?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	May want to review if you need this policy – PINS current advice is apparently to remove standard policies (certainly that's what our Inspector said to us). Not convinced preserving numbering of policies is	Following discussion with officers from Chelmsford City Council, it was subsequently found that Policy S1 was one of the most referred to policies by DM officers in their

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		justification to keep it.	decision making, so it is currently considered that the Policy will be maintained.
Basildon Borough Council	No Comment	N/A	Noted.
Thurrock Borough Council	Yes	N/A	Noted.
Maldon District Council	Yes	N/A	Noted.
Colchester Borough Council	Yes	It is noted that this policy reiterates national policy. However; the justification for retaining this policy to maintain numbering consistency in planning applications is considered weak. If this policy is to be retained this should be clearly justified.	ECC Officers investigated the use of Policy S1 and it was found that Policy S1 was one of the most referred to policies by DM officers in their decision making, so it is currently considered that the Policy will be maintained.
Southend-On-Sea Borough Council	Yes	Agree Policy S1 still broadly compliant with National Planning Policy Framework presumption in favour of sustainable development.	Noted.
Cambridgeshire & Peterborough	N/A	Comment – as noted in the DtC document there is no reason for this policy to be retained. It duplicates the policy in the NPPF. Retaining it for the purposes of preserving current policy numbers does not seem an overriding reason; especially as the revised Plan will be published with a new adopted date and this would be referenced in any subsequent planning decisions.	ECC Officers investigated the use of Policy S1 and it was found that Policy S1 was one of the most referred to policies by DM officers in their decision making, so it is currently considered that the Policy will be

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		It should therefore be clear which Plan / policy has been applied.	maintained.
Suffolk County Council	Yes	No comments.	Noted.
London Borough of Havering	Yes	It is noted that no amendments are proposed and that the policy does not need to be repeated in the Minerals Local Plan.	Noted.
The London Borough of Waltham Forest	Yes	N/A	Noted.
North East Essex CCG	No comment	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Yes	N/A	Noted.
Anglian Water	Yes	N/A	Noted.
Norfolk	No	The model policy for the Presumption in favour of sustainable development is no longer required by the Planning Inspectorate, as this is now a 'golden thread' running through all national policy.	Noted.

Number of responses: 15

Agree that the policy does not need amending: 9 Yes, 1 No, 3 N/A, 2 No Comment

4. Do you agree to the proposal to amend Policy S2 ?				
Name/Authority	Agree to the proposal to amend?	Agree with the justification?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	N/A	Noting your comments in the justification text we had a similar policy which our Inspector wanted removed, we got round it by amending it to clearly state in the upper part of the policy that the Council required all new development, where relevant to accord with the principles listed.	ECC agree to the amendment.
Basildon Borough Council	No Comment	N/A	N/A	Noted.
Thurrock Borough Council	Yes	Agree	N/A	Noted.
Maldon District Council	Yes	Agree	N/A	Noted.
Colchester Borough Council	Yes	Agree	N/A	Noted.
Southend-On-Sea Borough	Yes	Agree with amendments	Agree with consolidation of policy and removal of references to Reserve Sites and	Noted.

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Council			strategic infrastructure.	
Cambridgeshire & Peterborough	Yes	N/A	N/A	Noted.
Suffolk County Council	Yes	Agree	Section 9 repeats Section 5	The internal assessment carried out to support the Proposed Scope of the Review document, which informed the first stage of Duty to Cooperate, noted that strategic Priorities 4, 5 and 9 could be revised into a single priority focussed on safeguarding mineral resources and associated infrastructure.
London Borough of Havering	Yes	Agree	The suggested amendments which will accommodate adjustments to other policies are supported.	Noted.
The London Borough of Waltham Forest	Yes	Agree	Supportive of proposed amendments to this policy.	Noted.
North East Essex CCG	No comment	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	We suggest that you amend the second criterion to read 'Ensuring there are no significant adverse impacts arising from	After consideration, a definition of the 'Environment' will be added to the glossary which will reference the

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			proposed minerals development for public health and safety, amenity, quality of life of nearby communities, and the natural and historic environment.'	historic environment. Therefore, all reference to the environment, throughout the plan, will include the historic environment.
The Environment Agency	Yes	Agree	N/A	Noted.
Anglian Water	No comment	N/A	N/A	Noted.
Norfolk	No comment	N/A	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 9 Yes, 0 No, 2 N/A, 4 No Comment

Agree with the justification: 7 Agree, 0 Disagree, 1 Agree with amendments, 7 N/A

5. Do you agree that Policy S3 does not need amending?			
Name/Authority	Agree that the policy does not need amending?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Given the climate issues at the moment should ECC not be seeking to promote zero carbon going forward? What is ECC's corporate objective on this?	ECC has not declared a Climate Emergency. The topic went to Full Council and was discussed on 8 th October 2019. ECC have declared a Climate Action plan and cross-party 'Essex Climate Change

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			<p>Commission' which will be made up, not only of members, but of experts in the field as well.</p> <p>The MLP Review will take account of this where relevant. ECC are looking at setting the baseline for our emissions at the corporate level through a range of methods and trying to line this up with the districts and boroughs.</p>
Basildon Borough Council	No Comment	N/A	Noted.
Thurrock Borough Council	Yes	N/A	Noted.
Maldon District Council	Yes	N/A	Noted.
Colchester Borough Council	No	<p>Section H of the vision is proposed to be updated to include reference to Green and Blue Infrastructure Strategies. Policy S3 is an opportunity to further promote Green and Blue Infrastructure through point 3 and 6 particularly. This should highlight the multifunctional nature of green and blue infrastructure through SuDs, flood alleviation, biodiversity net gain and habitat creation, maintenance and improvement.</p>	<p>Agreed. Policy S3, clauses 3 and 6 will be amended to promote Green and Blue Infrastructure.</p>
Southend-On-Sea	Yes	<p>Agree that challenges of Climate Change are still required to be addressed and so the policy</p>	Noted.

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Borough Council		wording does not need to be amended.	
Cambridgeshire & Peterborough	No	This policy could be refreshed to take account of the fact that more could be done to mitigate against climate change. All proposals should be required to mitigate against the impact of climate change for the lifetime of the development, through both operational practices and the restoration proposals. For example, reducing current flood risk if there is an opportunity to do so; managing water resources efficiently where restoration proposals are reliant on water; assist habitats and species to adapt to climate change; and to adapt to excessive heat and drought.	Agreed. Policy S3 will be updated to take account of the fact that more could be done to mitigate against climate change. Reference will be made 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.
Suffolk County Council	Yes	No comments.	Noted.
London Borough of Havering	Yes	No further comments.	Noted.
The London Borough of Waltham Forest	Yes	Supportive of this policy.	Noted.
North East Essex CCG	No comment	NEE CCG do not have any direct comments to provide to this mineral local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment	Yes	N/A	Noted.

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Agency			
Anglian Water	Yes	N/A	Noted.
Norfolk	Yes	N/A	Noted.

Number of responses: 15

Agree that the policy does not need amending: 9 Yes, 2 No, 2 N/A, 2 No Comment

6. Do you agree that Policy S4 does not need amending?			
Name/Authority	Agree that the policy does not need amending?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Seems a sensible approach.	Noted.
Basildon Borough Council	No Comment	N/A	Noted.
Thurrock Borough Council	Yes	N/A	Noted.
Maldon District Council	Yes	N/A	Noted.
Colchester Borough Council	Yes	N/A	Noted.
Southend-On-Sea Borough Council	Yes	Agree that reducing the use of mineral resources should be retained as a policy and Policy S4 does	Southend-On-Sea Borough Council support the proposal to retain Policy S4. It is clarified that there was a

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		not need to be amended.	proposal to make a minor amendment to the supporting text of Policy S4.
Cambridgeshire & Peterborough	Yes	N/A	Noted.
Suffolk County Council	Yes	No comments.	Noted.
London Borough of Havering	Yes	No further comments.	Noted.
The London Borough of Waltham Forest	Yes	Supportive of this policy.	Noted.
North East Essex CCG	No comment	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Yes	N/A	Noted.
Anglian Water	No comment	N/A	Noted.
Norfolk	Yes	N/A	Noted.

Number of responses: 15

Agree that the policy does not need amending: 10 Yes, 2 N/A, 3 No Comment

1. Do you agree to the proposal to amend Policy S5 ?				
Name/Authority	Agree to the proposal to amend?	Agree with the justification?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	N/A	Seems a sensible approach.	Noted.
Basildon Borough Council	Yes	Agree with amendments	If the distinction between strategic and non-strategic was to be removed from the policy text, we would recommend that the safeguarding of all aggregate recycling sites, as proposed, be caveated/weighted based on the strategic nature of the aggregate recycling site and the impact of its loss on the wider network. For example the safeguarding of SARs would carry the greatest weight, then non-strategic sites with a strategic importance, and then non strategic localised sites	It is proposed that specific references be made within Policy S5 which sets out that all aggregate recycling facilities will be safeguarded. There is a general presumption that these sites should remain in operation for the lifetime of the permission.
Thurrock Borough Council	Yes	Agree with amendments	In the fourth bullet of supporting text it is considered that the reference to Key Centres should include reference to new growth areas as this would make it consistent with the proposed wording changes to the Spatial Vision Section C.	ECC agree that this is a contradiction. Specific locations are intended to no longer be mentioned in the policy, the policy will instead refer to 'areas of development' to allow the Plan to be able to flexibly respond to changes in

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			The current scope suggests that the Clause f of Policy S5 would cover other growth areas. However Clause f appears under Section 3 of the policy so relates to the existing Key Centres listed and would not address new growth area elsewhere.	<p>significant development areas. Supporting text will be updated as suggested.</p> <p>It is proposed to remove Clause f.</p>
Maldon District Council	Yes	Agree	N/A	Noted.
Colchester	Yes	Agree with amendments	<p>As noted in the response to question 1 (vision), although the Local Plans for Colchester, Braintree and Tendring are not yet adopted; these are considered to be at an advanced stage. This partnership working also includes Essex County Council, and this should not be undermined by the MLP. Further details of the North Essex Garden Communities will be developed through master planning contained in individual Development Plan Documents (DPDs).</p> <p>The term “Development Plan for Essex” is not clear and could be interpreted as one overall Plan for the county of Essex, Local Plans prepared by the District/Borough/City Councils within Essex or the Essex Minerals and Waste Local Plans. This should be updated to provide further clarity.</p>	<p>With the intention to remove geographically specific growth locations from the Spatial Vision and elsewhere, and instead reference growth locations more generally, the Spatial Vision and other elements of the MLP will be able to flexibly respond to any change in major growth locations across the lifetime of the MLP.</p> <p>It is therefore, not considered that a failure to specifically reference any one growth location is to the detriment of that location.</p> <p>Upon adoption of the relevant plan, any new growth location will become relevant to the Spatial Vision, and relevant Policies.</p> <p>The definition of ‘Development Plan for Essex’ will be updated in the Glossary</p>

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				to clarify that this term does not relate to one overall plan.
Southend-On-Sea Borough Council	Yes	Agree	Support proposed changes as these would make the plan sufficiently flexible to respond to the need for recycling facilities to support emerging growth locations within Essex. It would allow for smaller non-strategic centres (under the SARS threshold) that might be better situated for particular growth locations. Also agree with removal of reference to consult with the Minerals Planning Authority as safeguarding of minerals infrastructure is dealt with in Policies S8 and S9.	Southend-On-Sea Borough Council support the proposal to amend Policy S5.
Cambridgeshire & Peterborough	Yes	Agree	It might be prudent to widen the scope of (f) as over the Plan period major sites which aren't identified in the Development Plan may come forward. Using a criteria relating to the scale of development e.g. over 1,500 homes or more, could enable wider scale aggregate recycling.	Noting the issues raised here, Clause f is proposed to be removed.
Suffolk County Council	No	N/A	Non-Strategic Aggregate Recycling sites are not being safeguarded (under 100,000t per annum), the approach is understood but does not conform to National Policy NPPF 2019 Para. 203 (e).	Proposed revisions to Policy S5 only act to remove the distinction between strategic and non-strategic sites to bring the safeguarding approach in line with the Waste Local Plan 2017. Non-

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				Strategic Aggregate Recycling sites (under 100,000tpa) will still be safeguarded under the proposed revisions where these benefit from a planning permission issued by the MPA.
London Borough of Havering	Yes	Agree	It is agreed that it will be helpful for the policy to distinguish between the different types of recycling facility (Strategic Aggregate Recycling Site and non-Strategic Recycling Site).	The policy currently makes this distinction, but it is now proposed that this be removed. The Waste Local Plan does not make the distinction between what may or may not be a strategic site and instead safeguards all facilities. This allows each facility to be assessed on its merits at any point in time.
The London Borough of Waltham Forest	Yes	Agree	Supportive of amendments the areas that seek to reduce the unnecessary disposal of re-usable materials into landfill.	Noted.
North East Essex CCG	No comment	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	We'd like to see reference to the historic environment in this policy, and suggest that you amend the third criterion to read'Such proposals shall be permitted in the	A definition of the 'Environment' will be added to the glossary which will reference the historic environment. Therefore, all reference to the

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			following preferred locations, provided they do not cause unacceptable highway harm, that they avoid, minimise and mitigate the impact of minerals development on the natural and historic environment...'	environment, throughout the plan, will include the historic environment.
The Environment Agency	Yes	Agree	N/A	Noted.
Anglian Water	No comment	N/A	N/A	Anglian Water do not object to the proposal to amend Policy S5.
Norfolk	Yes	Agree	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 10 Yes, 1 No, 2 N/A, 2 No Comment

Agree with the justification: 8 Agree, 0 Disagree, 1 Agree with amendments, 6 N/A

2. Do you agree to the proposal to amend Policy S6 ?				
Name/Authority	Agree to the proposal to amend?	Agree with the justification?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	N/A	The proposed assessments to consider if the policy is compliant seem appropriate.	Noted.
Basildon	No Comment	N/A	N/A	Noted.

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Borough Council				
Thurrock Borough Council	Yes	Agree	Thurrock Borough Council would in particular welcome future engagement in any future changes in scope or approach with regard to this policy matter.	Noted.
Maldon District Council	No	Disagree	<p>Maldon District Council cannot emphasise enough the importance that planned minerals provision takes into account known national/regional infrastructure projects coming forward in this region over the next decade: Bradwell B power station, Hinckley Point C powerstation (under construction), A12 Chelmsford to Colchester widening; new A120, Lower Thames Crossing; A12/Brook Street roundabout improvements, plus the planned level of new housing development across Essex in the adopted and emerging local plans.</p> <p>The MLP must explicitly demonstrate that the proposed level of minerals provision will be sufficient for all the infrastructure development within the Plan period. A table listing the known/potential infrastructure and other developments (eg LP housing requirements) and the minerals requirement for each would demonstrate that sufficient minerals are available. Otherwise how are you going to prove that the level of minerals</p>	<p>It is not considered viable to explicitly quantify mineral need for these individual projects as mineral can be sourced from various areas, not necessarily Essex. Developers are also often not forthcoming with information relating to total mineral need.</p> <p>However, not regarding the first year of Plan adoption, sales in Essex 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</p>

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			provision in the MLP is sufficient?	<p>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 '<i>plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change</i>'. Regarding the MLP, the 'development needs' that the plan is to service relates to the provision of sufficient aggregate to support growth and development.</p> <p>Mineral sales are monitored annually, and should demand begin to outstrip forecasted need, a focussed revision to the MLP, incorporating the allocation of new sites, can be undertaken.</p>
Colchester Borough Council	Yes	Agree	N/A	Noted.
Southend-On-	No Comment	Agree	N/A	Noted.

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Sea Borough Council				
Cambridgeshire & Peterborough	Yes	N/A	N/A	Noted.
Suffolk County Council	N/A	Disagree	I agree that a safety margin is required but the methodology in using the apportionment-based approach derived from the National and Sub-National Guidelines is questioned.	Noted. The current reliance on the National and Sub-National Guidelines is considered to be justified in light of the evidence presented.
London Borough of Havering	Yes	Agree	No further comments.	Noted.
The London Borough of Waltham Forest	No comment	Agree	N/A	Noted.
North East Essex CCG	No comment	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	N/A	Noted.
The Environment Agency	No	Disagree	The chart In Figure 1 needs at least some clarifications: 1) the general increase in sales since the MLP was adopted, represented by the “Essex only assumed sales” line is noted; however, whether and how this increase will	1) Within the ‘ <i>current local assessment of housing need, based on the most recent publicly available document</i> ’ dataset published by Central Government in September

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			<p>continue in the future needs to be explained;</p> <p>2) the “Essex only 10 years rolling sales average” in 2013 shows a value of about 3.25, not 3.62mtpa, whilst the 2018 value of 3.13 seems to be correct.</p> <p>Based on the above considerations, keeping the current Plan apportionment of 4.31mtpa loses strength; probably, an amended figure of 3.5mtpa would be more appropriate.</p> <p>Also, changing designations to the current Reserves solely 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, does not hold anymore.</p>	<p>2017, there is a target to deliver 60,739 homes in Essex over a ten year period, creating a potential uplift of 50% in housing completions needing to be delivered to meet the Government’s needs assessment when compared to the last ten years of delivery. This, coupled with a number of significant infrastructure projects, suggests that mineral demand is unlikely to reduce from current levels.</p> <p>2) The Inspector considered sales data between 2002 – 2011 at the EiP in 2013 as that was the latest data available. However, it is recognised that the MLP Review did not articulate this appropriately and the relevant figure and text will be updated appropriately.</p> <p>ECC disagree with the proposals to reduce mineral provision over the plan period, and the basis of selecting 3.5mtpa is not understood, 4.31mtpa is the mineral provision captured in guidelines, referenced in the NPPF, and which the</p>
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				<p>government has committed to revising in the future, so this figure has some foundation with regards to the Framework. With reference to the Construction Skills Network Forecasts 2018-2022, CITB Research/Experian (2018), total construction in the East of England is forecasted to rise by an average of 1.3%pa between 2018 – 2022, suggesting a reduction in provision is not justified.</p> <p>The current 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 at 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 provides headroom should demand</p>
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				pick up from current levels.
Anglian Water	No comment	N/A	N/A	Noted.
Norfolk	No comment	N/A	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 4 Yes, 1 No, 3 N/A, 7 No Comment

Agree with the justification: 5 Agree, 3 Disagree, 7 N/A

S6 <u>The Rate of Mineral Provision</u>			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	No comments at this stage.	Noted.
Basildon Borough Council	N/A	N/A	Noted.
Thurrock Borough Council	Agree with amendments	It is understood that based on the monitoring of aggregates sales that the current figures for apportionment in the Essex Mineral Plan remains the most appropriate and robust figures to base the provision of sand and gravel for the review of the minerals plan. Furthermore it is noted in the scope that if the reserve sites are also included as preferred sites, that sufficient site provision has been made to meet the landbank	Additional evidence has been gathered by the MPA, but this was omitted from the summary document issued to prescribed bodies. A full record of all considerations will be supplied as part of the next round of Duty to Cooperate engagement. Of relevance here, the ' <i>current local</i>

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		<p>requirements for the review period subject to all the sites being available. It is also noted that sometime before the plan expires in 2029 that a call for sites will be likely to be required.</p> <p>However in addition to reference to the current National and sub-national guidelines, the scope could include further clarification regarding the factors have been considered in proposing to retain the current apportionment figures. For example the future level of housing growth and infrastructure development that could impact on demand for minerals (It is recognised that there is not a direct correlation between growth in an area and the supply of minerals).</p> <p>Thurrock Borough Council would in particular welcome future engagement in any future changes in scope or approach with regard to this policy matter.</p>	<p><i>assessment of housing need, based on the most recent publicly available document'</i> 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 compared to the last ten years will need to be delivered to meet the Government's needs assessment. There are also a number of significant infrastructure projects being planned within or in proximity to the Plan area. As such, whilst current sales are less than the annual provision made in the Plan, future demand may increase. As such, it is not considered appropriate to reduce annual mineral provision at this point in time.</p> <p>Also, with reference to the Construction Skills Network Forecasts 2018-2022, CITB Research/Experian (2018), total construction in the East of England</p>
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			is forecasted to rise by an average of 1.3%pa between 2018 – 2022.
Maldon District Council	Disagree	See comments to Q8/S6.	Noted.
Colchester Borough Council	Agree with amendments	<p>It is accepted that until such a time that the Government provides further guidance in relation to the issue of National and Sub National Guidelines; it would be most appropriate to not currently review the apportionment set out in the MLP. However, due to the National and Sub National Guidelines expiring in 2020, and it being unknown when the Government will provide further guidance; to wait indefinitely may not be the best approach.</p> <p>It may be more appropriate to include a review mechanism if no further guidance is provided by a given time. As with Local Plans and the delay of the Standard Methodology guidance, it is not considered best practise to wait for further guidance as this could further delay and undermine the plan making process.</p>	<p>To clarify, the approach to the amount of mineral to be provided in the Plan area have been reviewed but it was concluded that it would not be appropriate to amend this.</p> <p>The support given to the current proposed approach is noted. With regards to when it would be an appropriate time to review mineral supply in light of no new guidance being issued, it is considered that it would be appropriate to address this during a call for sites stage. Such a stage would require an assessment of mineral need, as this would dictate the number of sites that would need to be allocated.</p> <p>Should new guidance be issued in the interim, the MPA would</p>

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			consider its contents against the current approach and subsequently the need for further review.
Southend-On-Sea Borough Council	N/A	No comments on proposal to leave the Minerals Local Plan target for aggregates provision unchanged. However, we seek clarification as to whether this figure includes any apportionment for Minerals supply for Southend. Given the characteristics of the Borough as a highly urbanised settlement Southend is unlikely to provide minerals to support its planned growth and we would like to engage with Essex County Council as we progress our own Local Plan and joint working with South Essex authorities on the Joint Strategic Plan and other spatial planning documents as appropriate to ensure our coverage of Minerals planning matters meets the test of soundness.	ECC can confirm that the proposed intention to continue Essex's mineral provision at a rate of 4.31mtpa accommodates the fact that Southend-on-Sea is unlikely to be able to provide mineral for its growth and development needs. The figure of 4.31mtpa is derived from an overall provision requirement of 4.45mtpa which is attributed to Greater Essex (Essex, SoS, Thurrock) through the National and Sub-National Guidelines for Aggregate Provision. The remaining 0.14mtpa is provided for by Thurrock.
Cambridgeshire & Peterborough	Agree	N/A	Noted.
Suffolk County Council	N/A	No comments.	Noted.
London Borough of Havering	Agree	No further comments.	Noted.
The London Borough of	Agree	N/A	Noted.

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Waltham Forest			
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Disagree	See above comments	Noted.
Anglian Water	N/A	N/A	Noted.
Norfolk	N/A	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 3 Agree, 2 Agree with amendments, 8 N/A, 2 Disagree

S6 <u>The Plan Approach to Reserve Sites</u>			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	No comments at this stage.	Noted.
Basildon Borough Council	N/A	N/A	Noted.

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Thurrock Borough Council	Agree	N/A	Noted.
Maldon District Council	Agree	A clear explanation of the meaning of, and difference between, preferred and reserve is needed	Definitions of a Preferred Site and a Reserve site are given on pages 137 and 138 of the current MLP. These page numbers may change after the Review.
Colchester Borough Council	Agree	N/A	Noted.
Southend-On-Sea Borough Council	Agree	Similarly no objection to removal of reserve sites	Noted.
Cambridgeshire & Peterborough	Agree	N/A	Noted.
Suffolk County Council	N/A	No comments.	Noted.
London Borough of Havering	Agree	No further comments.	Noted.
The London Borough of Waltham Forest	Agree	N/A	Noted.
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	The North East Essex Clinical Commissioning Group has not highlighted any issues and does not object against the MLPR.

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Historic England	N/A	N/A	Noted.
The Environment Agency	Disagree	See above comments	Noted. See comment above.
Anglian Water	N/A	N/A	Noted.
Norfolk	N/A	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 7 Agree, 7 N/A, 1 Disagree

S6 The Need for Further Site Allocations / Approach to a Call for Sites

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	No comments at this stage.	Noted.
Basildon Borough Council	N/A	N/A	Noted.
Thurrock Borough Council	Agree	N/A	Noted.
Maldon District Council	Disagree	Disagree with this approach. Including new allocations in a local plan will necessitate a review, as they must be assessed at an EiP before they can be allocated. If you need an EiP for new allocations, you might as well use the opportunity	The current site allocations are considered sufficient. Assuming a rate of sales of 4.31mtpa, under Scenario 3 -

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		<p>to get other issues dealt with at the same time.</p>	<p>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, which would be either 2024 or 2025. However, when Reserve Sites are added to the assumed total of Permitted Reserves (Scenario 4), and assuming all sites come forward as envisaged, statutory compliance would cease to be achievable in 2025. This equates to towards the end of the second review period and as such, it is not considered necessary to embark on a Call for Sites exercise as part of this plan review. With guidance around mineral provision also announced as being under review by Government, it is considered appropriate to address the need for a Call for Sites either under the next review period or when the new guidance is issued if this guidance represents a</p>
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			significant change in approach.
Colchester Borough Council	Agree	N/A	Noted.
Southend-On-Sea Borough Council	Agree	No objection to the decision not to issue a call for sites at this point - this is a flexible approach to minerals provision which can respond more effectively in a period of economic uncertainty.	Noted.
Cambridgeshire & Peterborough	Agree	N/A	Noted.
Suffolk County Council	N/A	No comments.	Noted
London Borough of Havering	Agree	No further comments.	Noted.
The London Borough of Waltham Forest	Agree	N/A	Noted.
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	The North East Essex Clinical Commissioning Group has not highlighted any issues and does not object against the MLPR.
Historic England	N/A	N/A	Noted
The Environment Agency	Agree	See above comments: further sites are not likely to be needed; however, agreement is given on the basis of a flexible and proactive approach to mineral provision and to possibly accommodate	Noted.

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		future unforeseen changes in sales due to an unclear economic landscape.	
Anglian Water	N/A	N/A	Noted.
Norfolk	N/A	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 6 Agree, 1 Agree/Disagree, 7 N/A, 1 Disagree

S6 <u>The Proposed Continued Omission of Windfall Sites from Mineral Provision Calculations</u>			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	No comments at this stage.	Noted.
Basildon Borough Council	N/A	N/A	Noted.
Thurrock Borough Council	Agree	N/A	Noted.
Maldon District Council	Agree	N/A	Noted.
Colchester Borough Council	Agree	N/A	Noted.
Southend-On-Sea Borough Council	N/A	No comment	Noted.

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Cambridgeshire & Peterborough	Agree	N/A	Noted.
Suffolk County Council	N/A	No comments.	Noted.
London Borough of Havering	Agree	No further comments.	Noted.
The London Borough of Waltham Forest	Agree	N/A	Noted.
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Agree	N/A	Noted.
Anglian Water	N/A	N/A	Noted.
Norfolk	N/A	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 7 Agree, 8 N/A

Duty to co-operate engagement report

S6 The Proposed Continuation of a Combined Landbank for Sand and Gravel

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	No comments at this stage.	Noted.
Basildon Borough Council	N/A	N/A	Noted.
Thurrock Borough Council	Agree	Thurrock Borough Council would in particular welcome future engagement in any future changes in scope or approach with regard to this policy matter.	Noted.
Maldon District Council	Agree	N/A	Noted.
Colchester Borough Council	Agree	N/A	Noted.
Southend-On-Sea Borough Council	Agree	Agree with maintenance of a combined landbank for sand and gravel.	Noted.
Cambridgeshire & Peterborough	Agree	N/A	Noted.
Suffolk County Council	N/A	No comments.	Noted.
London Borough of Havering	Agree	No further comments.	Noted.
The London Borough of	Agree	N/A	Noted.

Duty to co-operate engagement report

Waltham Forest			
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Agree	N/A	Noted.
Anglian Water	N/A	N/A	Noted.
Norfolk	N/A	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 8 Agree, 7 N/A

S6 <u>The Potential for Increasing the Proportion of Marine-won Sand and Gravel contributing to the Overall County Requirement for Sand and Gravel</u>			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	No comments at this stage.	Noted.
Basildon Borough	N/A	N/A	Noted.

Duty to co-operate engagement report

Council			
Thurrock Borough Council	Agree	Thurrock Borough Council would in particular welcome future engagement in any future changes in scope or approach with regard to this policy matter.	Noted.
Maldon District Council	Agree	N/A	Noted.
Colchester Borough Council	Agree	N/A	Noted.
Southend-On-Sea Borough Council	Agree	Agree with the approach to continuing to omit any marine aggregate contribution from quantification of need. Support use of surplus capacity at wharves to land marine won aggregates but acknowledge that the Minerals Planning Authority does not have direct control over this.	Noted.
Cambridgeshire & Peterborough	N/A	N/A	Noted.
Suffolk County Council	N/A	No comments.	Noted.
London Borough of Havering	Agree	No further comments.	Noted.
The London Borough of Waltham Forest	Agree	N/A	Noted.
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time.	Noted.

Duty to co-operate engagement report

		There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	
Historic England	N/A	N/A	Noted.
The Environment Agency	Agree	N/A	Noted.
Marine Management Organisation	N/A	<p>As you know, the marine planning team would encourage the Essex Mineral plan to reference the UK MPS and the emerging south east marine plan. With no SE marine plan at the moment (draft plan expected in 2020) this is our main focus for your plan review.</p> <p>The draft SE Marine Plan is expected to include a landing facilities policy which was presented at spring 2019, which reflects terrestrial plan safeguarding of wharves. We would encourage tie-up here for the MMO planning team to be continued to be informed if the Essex mineral plan intends to change any safeguarding locations (landing facilities).</p> <p>The draft SE Marine Plan is expected to have Marine Aggregates policies also with context about marine aggregates in the south east marine plan area.</p> <p>In terms of your draft action to remove the</p>	<p>Noted.</p> <p>It is correct that the focus of the indicator is on the capacity of the wharves, not of marine aggregates themselves. The proposed approach has been discussed with the Crown State.</p>

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		monitoring indicator for marine aggregates capacity at wharves, if you would like to speak to our marine aggregates lead at MMO going forward, let me know. However I understand that your focus is on the capacity of the wharves not of marine aggregates themselves in the marine area, so may be less relevant, and I note your inclusion of BMAPA statements on this matter.	
Anglian Water	N/A	N/A	Noted.
Norfolk	N/A	N/A	Noted.

Number of responses: 16

Agree to the proposal to amend: 7 Agree, 9 N/A

3. Do you agree to the proposal to amend Policy S7 ?				
Name/Authority	Agree to the proposal to amend?	Agree with the justification?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	N/A	Seems a sensible approach.	Noted.
Basildon Borough Council	No Comment	N/A	N/A	Noted.
Thurrock Borough Council	No Comment	N/A	N/A	Noted.

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Maldon District Council	No	Disagree	Bearing in mind the level of infrastructure and housing development planned in the region, are these reserves sufficient?	<p>The current rate of provision of sand and gravel is 22.3% above the current three-year sales average and 27.5% above the current ten-year rolling sales average. The Essex MPA justifies the use of the higher planning figure by making references to a number of sources including the Oxford Econometrics East of England Forecasting Model, the increasing Central Government household projections, the increasing Essex district housing completion forecasts and</p> <p>the major infrastructure projects to be located in the area. Mineral sales are monitored annually. Any significant increases in mineral demand over forecasted need, which currently outstrips demand, can be accommodated through a future Call for Sites / plan review. Current provision is considered to be sufficient within this review period.</p>
Colchester Borough Council	Yes	Agree with amendments	The glossary should also be updated to clearly define the difference between preferred, reserve and non-preferred sites.	Definitions of a Preferred Site and a Reserve site are given on pages 137 and 138 of the current MLP. These page numbers may change after the Review. Reference to Reserve sites

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				will be removed from the Glossary of the MLP. A definition of a Non-preferred site will be included in the MLP.
Southend-On-Sea Borough Council	Yes	Agree	The proposed amendment is supported in the interests of clarity and conformity with national planning policy.	Noted.
Cambridgeshire & Peterborough	Yes	N/A	N/A	Noted.
Suffolk County Council	No comment	N/A	No comments.	Noted.
London Borough of Havering	Yes	Agree	No further comments.	Noted.
The London Borough of Waltham Forest	Yes	Agree	N/A	Noted.
North East Essex CCG	No comment	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	N/A	Noted.
The Environment	No	Disagree	The extension of the extraction of Chalk to uses such as aggregate,	Every application is determined on its own merits. Should an application be

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Agency			fill material or for engineering is very likely to impact on the valuable groundwater resources stored in this designated principal aquifer. As such, it should be avoided.	found environmentally unacceptable, even when considering mitigation measures, then permission will not be granted. Applications will also be subject to separate licensing from the EA which would have to be granted. Without such a licence, extraction would not be allowed to occur irrespective of planning permission being granted.
Anglia Water	No comment	N/A	N/A	Noted.
Norfolk	No comment	N/A	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 5 Yes, 1 No, 2 N/A, 7 No Comment

Agree with the justification: 3 Agree, 2 Disagree, 1 Agree with amendments, 9 N/A

4. Do you agree to the proposal to amend Policy S8 ?				
Name/Authority	Agree to the proposal to amend?	Agree with the justification?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	N/A	Would like to understand how the future application of this policy would impact existing Local Plan	Sites which have already had an MRA carried out to the satisfaction of the MPA would not see this revisited.

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			<p>site which have already had a MRA carried out to the satisfaction of ECC. I don't think these would be impacted as it appears what you are saying is the buffer zones would stay the same? Please can you confirm if what you are saying would result in extending the safeguarding areas which policy S8 currently applies or not? See further comments below.</p>	<p>During the formation of the MLP there was an error in the interpretation of the NPPF. MCAs are to remain as extending 250m from existing mineral infrastructure (although they will be renamed Mineral Infrastructure Consultation Areas). However, the PPG requires that Mineral Consultation Areas are also based on Mineral Safeguarding Areas, which the MLP failed to implement. It was originally proposed that these also be 250m but following further consideration, ECC recognises that this could create issues with regards to implementation as it leads to a chance that development proposed in one landowner's holding triggers an MCA in the holding of another landowner. It is now proposed to extend MCAs to 100m around MSAs. T accords with the minimum stand-off distance from the façade of properties that ECC already applies to extraction. Reducing the distance also reduces the likelihood of development proposed in one landowner's holding triggers an MCA in the holding of another landowner. Where this occurs, such instances</p>
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				will be considered on a case-by-case basis as they arise but existing MRAs, where they have been carried out, will not be revisited.
Basildon Borough Council	Yes	Agree	As discussed within the “Proposed Scope of the Review of the Essex Minerals Local Plan 2014 Draft findings” the policy interprets MCAs differently to that of national policy and guidance and therefore the MLP policy should be amended accordingly.	Basildon Borough Council support the proposal to amend Policy S8.
Thurrock Borough Council	Yes	Agree	N/A	Noted.
Maldon District Council	Yes	Agree	Could the MLP maps be improved, with an interactive online map? The current map is not very clear and cannot be enlarged to show much detail.	ECC recognise the need to improve its current online resources and this is being actively considered.
Colchester Borough Council	Yes	Agree	The distinction between MSAs and MCAs is welcomed, this should be clearly communicated in any update to the supporting text of Policy S8.	Colchester Borough Council support the proposal to amend Policy S8.
Southend-On-Sea Borough Council	Yes	Agree	The proposed amendments are supported as this will conform with	Noted.

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			national policy and best practice.	
Cambridgeshire & Peterborough	No comment	N/A	N/A	Noted.
Suffolk County Council	Yes	N/A	No comments.	Noted.
London Borough of Havering	Yes	Agree	No further comments.	Noted.
The London Borough of Waltham Forest	Yes	Agree	N/A	Noted.
North East Essex CCG	No comment	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	The North East Essex Clinical Commissioning Group has not highlighted any issues and does not object against the MLPR.
Historic England	N/A	N/A	N/A	Noted.
The Environment Agency	Yes	Agree	N/A	Noted.
Anglian Water	Yes	N/A	N/A	Noted.
Norfolk	No comment	N/A	N/A	Noted.

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Number of responses: 15

Agree to the proposal to amend: 10 Yes, 2 N/A, 3 No Comment

Agree with the justification: 8 Agree, 7 N/A

<u>The Relationship between Policy S8 and Policy S9</u>			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Approach seems appropriate.	Noted.
Basildon Borough Council	Agree	Duplication of policy should be avoided.	Noted.
Thurrock Borough Council	Agree	N/A	Noted.
Maldon District Council	Agree	N/A	Noted.
Colchester Borough Council	Agree	This clarification is welcomed.	Noted.
Southend-On-Sea Borough Council	N/A	N/A	Noted.
Cambridgeshire & Peterborough	N/A	N/A	Noted.
Suffolk County Council	N/A	No comments.	Noted.
London Borough of	Agree	No further comments.	Noted.

Duty to co-operate engagement report

Havering			
The London Borough of Waltham Forest	Agree	N/A	Noted.
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Agree	N/A	Noted.
Anglian Water	Agree	N/A	Noted.
Norfolk	N/A	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 8 Agree, 7 N/A

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S8 Minerals Local Plan Appendix 5

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	The wording regarding sites already allocated in Local Plans being added to the list in Appendix 5 needs to be carefully worded. As set out some have already gone through the MRA process as part of the Local Plan and it should only be if they have not been through this assessment that they should be included. The wording needs careful thought to ensure it is clear that such an assessment does not need to be carried out again at the application stage if it has already been done through the Local Plan process. It is clear that is not your intention but the wording needs to be clear on this and we would welcome viewing it once drafted to ensure it is not an issue for those of us with sites which have been assessed as part of the Local Plan process.	Sites which have already gone through the safeguarding assessment process would not be revisited. ECC are considering changing the basis on which mineral extraction will be seen as practical. For example, in a recent application, the principle of whether prior extraction would be viable was carried out on the basis of the application site being a stand-alone quarry, which is a false premise. There is now a proposed change in emphasis, which is to assess whether prior extraction is viable in the context of the overall viability of the development.
Basildon Borough Council	Agree	N/A	Noted.
Thurrock Borough Council	Agree	N/A	Noted.
Maldon District Council	Agree	N/A	Noted.

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Colchester Borough Council	Agree	N/A	Noted.
Southend-On-Sea Borough Council	N/A	N/A	Noted.
Cambridgeshire & Peterborough	N/A	N/A	Noted.
Suffolk County Council	N/A	No comments.	Noted.
London Borough of Havering	Agree	No further comments.	Noted.
The London Borough of Waltham Forest	Agree	N/A	Noted.
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Agree	N/A	Noted.
Anglian Water	Agree with amendments	N/A	Noted.
Norfolk	N/A	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 7 Agree, 1 Agree with amendments, 7 N/A

<u>Justification for the Extent of Mineral Safeguarding Areas</u>			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	This appears to suggest they will be unchanged which is supported but please see comments under S8 as unclear if the MCA's will change re buffers?	During the formation of the MLP there was an error in the interpretation of the NPPF. MCAs are to remain as extending 250m from existing mineral infrastructure (although they will be renamed Mineral Infrastructure Consultation Areas). However, the PPG requires that Mineral Consultation Areas are also based on Mineral Safeguarding Areas, which the MLP failed to implement. It was originally proposed that these also be 250m but following further consideration, ECC recognises that this could create issues with regards to implementation as it leads to a chance that development proposed in one landowner's holding triggers an MCA in the holding of another landowner. It is now proposed to extend MCAs to 100m around MSAs. This distance accords with the minimum stand-off distance from the façade of properties

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			that ECC already applies to extraction. Reducing the distance also reduces the likelihood of development proposed in one landowner's holding triggers an MCA in the holding of another landowner. Where this occurs, such instances will be considered on a case-by-case basis as they arise but existing MRAs, where they have been carried out, will not be revisited.
Basildon Borough Council	N/A	N/A	Noted.
Thurrock Borough Council	Agree	N/A	Noted.
Maldon District Council	Agree	N/A	Noted.
Colchester Borough Council	Agree	N/A	Noted.
Southend-On-Sea Borough Council	N/A	N/A	Noted.
Cambridgeshire & Peterborough	N/A	N/A	Noted.
Suffolk County Council	Agree	Agree.	Noted.
London Borough of Havering	Agree	No further comments.	Noted.

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The London Borough of Waltham Forest	Agree	N/A	Noted.
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Agree	N/A	Noted.
Anglian Water	Agree	N/A	Noted.
Norfolk	N/A	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 8 Agree, 7 N/A

S8 <u>The Continuation of using Thresholds for Individual Minerals in the Application of Policy S8</u>			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Approach is supported.	Noted.

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Basildon Borough Council	N/A	N/A	Noted.
Thurrock Borough Council	N/A	No Comment	Noted.
Maldon District Council	Disagree	In your text, you state that the industry refer to 3ha minimum for viable sites, so why not have that as the threshold?	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 their being a sufficient quantity of mineral present which is practicable to extract.
Colchester Borough Council	Disagree	There does not appear to have been a reconsultation with the Minerals Industry including other Mineral Planning Authorities, to decipher if the thresholds still remain current. There is an overall reliance on previously agreed threshold figures which should not be considered to automatically remain appropriate without further consultation and scrutiny.	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

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			<p>apply to non-mineral led applications where there is a reasonable prospect of their being a sufficient quantity of mineral present which is practicable to extract.</p> <p>The BGS criteria 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. These reports, although old, are widely used by the aggregate industry geologists for land search and Mineral Planning Authorities in establishing their mineral supply and safeguarding policies. These reports have stood the test of time the stated criteria for determining whether a deposit is potentially viable is still relevant (1m minimum, 3:1 Overburden to Mineral ratio etc) was recently clarified with the MPA.</p> <p>Through the Duty to Cooperate, the proposal to not modify these thresholds has been raised with all proximate Mineral Planning Authorities.</p> <p>Further, following a further round of Duty to Cooperate, the amended MLP will be subject to stakeholder engagement as</p>
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			part of the Regulation 18 consultation.
Southend-On-Sea Borough Council	N/A	N/A	Noted.
Cambridgeshire & Peterborough	N/A	N/A	Noted.
Suffolk County Council	Agree	Agree	Noted.
London Borough of Havering	Agree	No further comments.	Noted.
The London Borough of Waltham Forest	Agree	N/A	Noted.
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Agree	N/A	Noted.
Anglian Water	N/A	N/A	Noted.
Norfolk	N/A	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 4 Agree, 2 Disagree, 9 N/A

S8 Requirements for a Compliant Minerals Assessment			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Seems sensible and would assist developers and ECC in getting what is needed to undertake the MRA.	Noted.
Basildon Borough Council	N/A	N/A	Noted.
Thurrock Borough Council	Agree	N/A	Noted.
Maldon District Council	Agree	Sensible to have the requirements listed.	Noted.
Colchester Borough Council	Agree	The inclusion of a Minerals Resource Assessment checklist is a welcomed addition to the MLP.	Noted.
Southend-On-Sea Borough Council	N/A	N/A	Noted.
Cambridgeshire & Peterborough	N/A	N/A	Noted.
Suffolk County Council	N/A	No comments.	Noted.

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London Borough of Havering	Agree	No further comments.	Noted.
The London Borough of Waltham Forest	Agree	N/A	Noted.
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Agree	N/A	Noted.
Anglian Water	N/A	N/A	Noted.
Norfolk	N/A	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 6 Agree, 9 N/A

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S8 The Use of the Phrases ‘Local Importance’, ‘Economic Importance’, ‘Unnecessarily’ and ‘Consideration’ in Policy S8			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Appears to provide clarity to the policy.	Noted.
Basildon Borough Council	N/A	N/A	Noted.
Thurrock Borough Council	Agree	N/A	Noted.
Maldon District Council	Agree	These terms need to be clearly explained in the glossary	It is the intention to remove these words from the supporting text to Policy S8 in order to more closely align the policy with the NPPF. As such they do not need adding to the glossary.
Colchester Borough Council	Agree	N/A	Noted.
Southend-On-Sea Borough Council	N/A	N/A	Noted.
Cambridgeshire & Peterborough	N/A	N/A	Noted.
Suffolk County Council	N/A	No comments.	Noted.
London Borough of	Agree	No further comments.	Noted.

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Havering			
The London Borough of Waltham Forest	Agree	N/A	Noted.
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Agree	N/A	Noted.
Anglian Water	N/A	N/A	Noted.
Norfolk	N/A	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 6 Agree, 9 N/A

5. Do you agree to the proposal to amend Policy S9 ?				
Name/Authority	Agree to the proposal to amend?	Agree with the justification?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	N/A	Approach seems appropriate.	Noted.

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Basildon Borough Council	No Comment	N/A	N/A	Noted.
Thurrock Borough Council	Yes	Agree	N/A	Noted.
Maldon District Council	Yes	Agree	N/A	Noted.
Colchester Borough Council	No	Disagree	<p>Policy S9 needs to make clear the distinction between MCAs and MSAs as established under Policy S8. The second sentence of Policy S9 states that: “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...” This should be updated to outline that this also applies to developments that are undertaken by Essex County Council either themselves or on behalf of other organisations. Other development teams within Essex County Council should also be required to consult the Mineral Planning Authority. From recent experience, it appears there is a disconnect between teams at Essex County Council. Specifically, this comment relates to a flood alleviation</p>	<p>Proposed amendments to Policy S8 and Policy S9 will clarify the distinction between MSAs and MCAs.</p> <p>Any Planning Authority is bound by the Development Plan, including ECC as County Mineral and Waste Planning Authority. The second sentence of Policy S9 will be amended to delete the reference to ‘local’ such that it is clear that the statement applies to all planning authorities.</p>

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			scheme in land of joint ownership at Wivenhoe Quarry where water quality is a known issue by the Mineral Planning Authority and Mineral Operator (Tarmac).	
Southend-On-Sea Borough Council	Yes	Agree	N/A	Noted.
Cambridgeshire & Peterborough	Yes	N/A	N/A	Noted.
Suffolk County Council	Yes	Agree	No comments.	Noted.
London Borough of Havering	Yes	Agree	No further comments.	Noted.
The London Borough of Waltham Forest	Yes	N/A	N/A	Noted.
North East Essex CCG	No comment	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	N/A	Noted.
The Environment Agency	Yes	N/A	N/A	Noted.

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Anglian Water	No comment	N/A	N/A	Noted.
Norfolk	Yes	Agree	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 9 Yes, 2 N/A, 3 No Comment, 1 No

Agree with the justification: 6 Agree, 8 N/A, 1 Disagree

S9 Alignment with the Essex and Southend-on-Sea Waste Local Plan 2017

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Approach seems appropriate.	Noted.
Basildon Borough Council	N/A	N/A	Noted.
Thurrock Borough Council	Agree	N/A	Noted.
Maldon District Council	Agree	N/A	Noted.
Colchester Borough Council	Agree with amendments	If Policy WC2 of the WLP already addresses the safeguarding of waste development sites, it is not considered necessary to include provisions of the aforementioned policy into MLP Policy S9. This would be unnecessary repetition.	Proposed amendments act to transpose the approach towards the safeguarding of waste facilities to mineral facilities, rather than repeating existing policy.

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Southend-On-Sea Borough Council	N/A	N/A	Southend-On-Sea Borough Council do not object to the proposal to amend Policy S9 Alignment with the Essex and Southend-on-Sea Waste Local Plan 2017.
Cambridgeshire & Peterborough	N/A	N/A	Noted.
Suffolk County Council	Agree	No comments.	Noted.
London Borough of Havering	Agree	No further comments.	Noted.
The London Borough of Waltham Forest	Agree	N/A	Noted.
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Agree	N/A	Noted.
Anglian Water	N/A	N/A	Noted.
Norfolk	Agree	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 7 Agree, 1 Agree with amendments, 7 N/A

S9 Requirements for a Compliant Mineral Infrastructure Assessment			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Approach seems appropriate.	Noted.
Basildon Borough Council	N/A	N/A	Noted.
Thurrock Borough Council	Agree	N/A	Noted.
Maldon District Council	Agree	N/A	Noted.
Colchester Borough Council	Disagree	It is unclear when and why a Mineral Infrastructure Assessment would be required. It is also unclear how this relates to Policy S9 as there is no mention of a Minerals Infrastructure Assessment within the policy. The difference between a Minerals Infrastructure Assessment and a Minerals Resource Assessment should be clearly outlined.	Proposed amendments will make this clear.
Southend-On-Sea Borough Council	Agree	Agree to use of standard criteria for the Mineral Infrastructure Assessment, based on the Planning Officers Society/Minerals Planning Association Safeguarding Practice Guidance (2019) for a	Noted.

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		consistent approach.	
Cambridgeshire & Peterborough	N/A	N/A	Noted.
Suffolk County Council	N/A	No comments.	Noted.
London Borough of Havering	Agree	No further comments.	Noted.
The London Borough of Waltham Forest	Agree	N/A	Noted.
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Agree	N/A	Noted.
Anglian Water	N/A	N/A	Noted.
Norfolk	Agree	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 7 Agree, 1 Disagree, 7 N/A

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S9 Mineral Consultation Areas as they relate to Mineral Infrastructure

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Approach seems appropriate that they are not changing.	Noted.
Basildon Borough Council	N/A	N/A	Noted.
Thurrock Borough Council	Agree	N/A	Noted.
Maldon District Council	Agree	N/A	Noted.
Colchester Borough Council	Agree	Clear distinctions between an MSA, MCA and MICA need to be made. With the similarity of abbreviations, these can easily be confused by people outside of the Minerals Planning Profession.	Distinctions between an MSA, MCA and MICA will be included in the Glossary of the MLPR.
Southend-On-Sea Borough Council	N/A	N/A	Noted.
Cambridgeshire & Peterborough	N/A	N/A	Noted.
Suffolk County Council	N/A	No comments.	Noted.
London Borough of Havering	Agree	No further comments.	Noted.

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The London Borough of Waltham Forest	Agree	N/A	Noted.
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Agree	N/A	Noted.
Anglian Water	N/A	N/A	Noted.
Norfolk	Agree	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 7 Agree, 8 N/A

6. Do you agree that Policy S10 does not need amending?			
Name/Authority	Agree that the policy does not need amending?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Approach seems appropriate, although if in DM policies could be unnecessary duplication here.	Policy S10 sets out a number of broad principles which any application will need to be in

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			accordance with, allowing for the detail to be introduced through the planning application process, including through pre-application advice. Most recent data (1st April 2017 to 31st March 2018) shows that Policy S10 is one of the most frequently used policies.
Basildon Borough Council	No	Air quality within Basildon Borough along a section of the A127 is currently exceeding permitted EU levels due to the level of traffic and as such it is important that any mineral development which would further impact on this public health issue is mitigated and addressed. This policy as written should ensure this is a key consideration	It is considered appropriate to include wording to address National Air Quality Objectives and impacts on any Air Quality Management Areas. It is however proposed to make such references in Policy 11.
Thurrock Borough Council	No Comment	N/A	Noted.
Maldon District Council	Yes	N/A	
Colchester Borough Council	No	There does not appear to have been consideration for the requirement for biodiversity net gain as outlined in NPPF paragraph 170 section d. As outlined in the response to question 5; there is no consideration of the policy being updated to include reference to Green and Blue Infrastructure. This is considered a missed opportunity of the MLP.	It is agreed a reference to net gain can be made in Policy S10. Reference to Green and Blue Infrastructure will be made in Policy S12.
Southend-On-Sea	Yes	Support the principles of Policy S10 in seeking to protect and enhance the environment and local	Noted.

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Borough Council		amenity, and agree the policy wording can be retained in its current form.	
Cambridgeshire & Peterborough	Yes	N/A	Noted.
Suffolk County Council	No	If this policy is to have criteria d) then the policy should be amended to contain a criteria that all minerals working developments will have a biodiversity net gain as an outcome of the proposal.	Agreed.
London Borough of Havering	Yes	No further comments.	Noted.
The London Borough of Waltham Forest	Yes	N/A	Noted.
North East Essex CCG	No comment	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Yes	N/A	Noted.
Anglian Water	No comment	N/A	Noted.
Norfolk	Yes	N/A	Noted.

Number of responses: 15

Agree that the policy does not need amending: 7 Yes, 2 N/A, 3 No Comment, 3 No

7. Do you agree that Policy S11 does not need amending?			
Name/Authority	Agree that the policy does not need amending?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Approach seems appropriate.	Noted.
Basildon Borough Council	No	Exceedences in permitted EU limits for air quality arising from traffic movement have been identified by DEFRA along sections of the A127 within the Basildon Borough. Whilst policy S10 considers the general impact of mineral development on public health, the Council considers the direct correlation between traffic movement and poor air quality to be such that specific reference to air quality within policy S10 is required. The A127 would be considered an appropriate route in terms of the road network hierarchy based on the policy as currently written but it may not be on the merits of its specific impact on air quality which at present this policy does not consider.	Reference to this issue is currently made under paragraph 5.15 of the MLP. As part of the Review it is considered appropriate to include wording to address National Air Quality Objectives and impacts on any Air Quality Management Areas.
Thurrock Borough Council	No Comment	N/A	Noted.
Maldon District Council	Yes	N/A	Noted.

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Colchester Borough Council	Yes	N/A	Noted.
Southend-On-Sea Borough Council	Yes	Agree the current wording does not need to be amended.	Noted.
Cambridgeshire & Peterborough	Yes	N/A	Noted.
Suffolk County Council	No comment	No comments.	Noted.
London Borough of Havering	Yes	No further comments.	Noted.
The London Borough of Waltham Forest	Yes	Very supportive of the encouragement of proposals for the transportation by rail and / or water subject to other policies in the plan.	Noted.
North East Essex CCG	No comment	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Yes	N/A	Noted.
Anglian Water	No comment	N/A	Noted.
Norfolk	Yes	N/A	Noted.

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Number of responses: 15

Agree that the policy does not need amending: 8 Yes, 2 N/A, 4 No Comment, 1 No

8. Do you agree to the proposal to amend Policy S12 ?				
Name/Authority	Agree to the proposal to amend?	Agree with the justification?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	N/A	Support including reference to biodiversity net gain.	Noted.
Basildon Borough Council	No Comment	N/A	N/A	Noted.
Thurrock Borough Council	Yes	Agree	N/A	Noted.
Maldon District Council	Yes	Agree	N/A	Noted.
Colchester Borough Council	Yes	Agree	Reference to biodiversity net gain is welcomed, although this could be referred to in other policies as outlined above to better contribute to development proposals as a whole and identifying multifunctional benefits.	Noted.
Southend-On-Sea Borough Council	Yes	Agree	N/A	Noted.

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Cambridgeshire & Peterborough	Yes	N/A	N/A	Noted.
Suffolk County Council	No	N/A	I question the resitricitvness of the policy in terms of the use of inert materials in the restoration.	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. 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.
London Borough of Havering	Yes	Agree	No further comments.	Noted.

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The London Borough of Waltham Forest	Yes	Agree	N/A	Noted.
North East Essex CCG	No comment	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	N/A	Noted.
The Environment Agency	Yes	N/A	N/A	Noted.
Anglian Water	Yes	Agree with amendments	It would also be helpful to set out how any impacts on groundwater sources including potable water sources would be assessed by including reference to a hydrogeological assessment to be provided as part of planning applications where required.	Impacts on groundwater are covered by other Policies, particularly DM1. The MLP should be read in its entirety. DM1 reads that when considering proposals for mineral extraction it is expected that due regard will be made to the Water Framework Directive and relevant river basin management plans to ensure that it does not cause deterioration in the status of any water bodies. One of the measures that must be taken includes carrying out detailed hydrological and hydrogeological assessments to establish

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				the base line position and ensure operations are appropriately designed, monitored and managed.
Norfolk	Yes	Agree	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 10 Yes, 2 N/A, 2 No Comment, 1 No

Agree with the justification: 7 Agree, 1 Agree with amendments, 7 N/A

S12 <u>Recognising the wider Development Plan in Restoration Schemes</u>			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Support the inclusion for reference to relevant strategies across Essex, including Local Plan objectives etc	Noted.
Basildon Borough Council	N/A	N/A	Noted.
Thurrock Borough Council	Agree	N/A	Noted.
Maldon District Council	Agree	N/A	Noted.
Colchester Borough Council	Agree	The policy could also refer to future Green and Blue Infrastructure Strategies for completeness.	Agreed.

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Southend-On-Sea Borough Council	Agree	Support recognition of wider development plan objectives in considering the appropriateness of restoration scheme designs.	Noted.
Cambridgeshire & Peterborough	N/A	N/A	Noted.
Suffolk County Council	N/A	No comments.	Noted.
London Borough of Havering	Agree	No further comments.	Noted.
The London Borough of Waltham Forest	Agree	N/A	Noted.
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Agree	Referring to the wider Development Plan (such as Green and Blue Infrastructure Strategies) in Restoration Schemes is the linked up approach we encourage. Restoration schemes, blue and green infrastructure are beneficial in their own right but joining them up allows further planned opportunities for biodiversity enhancements at an earlier stage in the planning process.	Noted.

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Anglian Water	N/A	N/A	Noted.
Norfolk	N/A	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 7 Agree, 8 N/A

S12 <u>The Continued Appropriateness of Section 3 of Policy S12</u>			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Approach seems appropriate.	Noted.
Basildon Borough Council	N/A	N/A	Noted.
Thurrock Borough Council	Agree	N/A	Noted.
Maldon District Council	Agree	N/A	Noted.
Colchester Borough Council	Agree	N/A	Noted.
Southend-On-Sea Borough Council	N/A	N/A	Noted.
Cambridgeshire & Peterborough	N/A	N/A	Noted.

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Suffolk County Council	Agree	This policy should not be restricted to having a preference for restoration proposals without inert materials.	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 various degrees of importation. 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.
London Borough of Havering	Agree	No further comments.	Noted.
The London Borough of Waltham Forest	Agree	N/A	Noted.
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time.	Noted.

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		There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	
Historic England	N/A	N/A	Noted.
The Environment Agency	Agree	N/A	Noted.
Anglian Water	N/A	N/A	Noted.
Norfolk	Agree	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 7 Agree, 7 N/A, 1 Agree with amendments

S12 <u>The Delivery of Priority Habitat through Policy S12</u>			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Approach seems appropriate.	Noted.
Basildon Borough Council	N/A	N/A	Noted.
Thurrock Borough Council	Agree	N/A	Noted.
Maldon District Council	Agree	N/A	Noted.

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Colchester Borough Council	Agree	Reference in the supporting text could be made to the Mineral Site Restoration for Biodiversity SPG adopted in 2016, to provide further information in relation to priority habitat provision.	<p>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.</p> <p>Reference will be made to the Mineral Site Restoration for Biodiversity SPG adopted in 2016.</p>
Southend-On-Sea Borough Council	Agree	Agree with inclusion to wording to refer to biodiversity net gain and aim to deliver priority habitat through restoration.	Noted.
Cambridgeshire & Peterborough	N/A	N/A	Noted.
Suffolk County Council	Disagree	I recommend that this policy is removed.	Policy S12 is considered to be a vital part of the MLP and therefore, this Policy will not be removed as part of the review. This Policy 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 Minerals Planning Authority in determining applications.

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London Borough of Havering	Agree	No further comments.	Noted.
The London Borough of Waltham Forest	Agree	N/A	Noted.
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Agree	We agree with this prediction regarding ha of habitat to be delivered. We add that the delivery of Priority Habitat should continue to be included in all planning applications / restorative plans; existing Priority Habitat is often fragmented and opportunities at large sites (such as ex mineral extraction sites) to create it from new are infrequent and therefore a key contribution.	Noted.
Anglian Water	N/A	N/A	Noted.
Norfolk	Agree	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 8 Agree, 6 N/A, 1 Disagree

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9. Do you agree to the proposal to amend Policy P1 ?				
Name/Authority	Agree to the proposal to amend?	Agree with the justification?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	N/A	Approach seems appropriate.	Noted.
Basildon Borough Council	No Comment	N/A	N/A	Noted.
Thurrock Borough Council	No Comment	N/A	N/A	Noted.
Maldon District Council	Yes	Agree	The priority is to ensure that a sufficient level of provision is made, so that the availability of minerals does not constrain development.	Maldon District Council do not object to the proposal to amend Policy P1.
Colchester Borough Council	Yes	Agree	As noted in response to Question 7, it is unclear what is meant by “Development Plan for Essex”. This term should be updated to provide greater clarity if this refers to the Local Plan prepared by the District/Borough/City Councils in Essex, or the Essex Minerals and Waste Local Plans. Although related to housing supply, the introduction of the “Housing Supply and	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. In the MLP Review, Table 9 confirms that those operators with sites in the MLP, that have yet to have forward, as a planning application still intend

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			<p>Delivery” PPG advises that in demonstrating there is a reasonable prospect that sites will be delivered/developed that the following evidence could be provided: • written evidence of agreement between the LPA and the site developer/promoter(s) which confirms the developers’ delivery intentions and anticipated start and build out rates; • firm progress being made towards the submission of an application or PPA that sets out the timescale for approval of reserved matters applications and discharge of conditions.</p> <p>It may be beneficial to seek this confirmation if not already obtained, in order to demonstrate that the remaining allocated sites and two previous reserve sites remain viable.</p>	to do so before the end of the Plan period.
Southend-On-Sea Borough Council	No Comment	N/A	N/A	Noted.
Cambridgeshire & Peterborough	Yes	N/A	N/A	Noted.
Suffolk County Council	No Comment	N/A	No comments.	Noted.
London Borough of	Yes	Agree	No further comments.	Noted.

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HaVering				
The London Borough of Waltham Forest	Yes	Agree	N/A	Noted.
North East Essex CCG	N/A	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	The document proposes that those sites that are currently designated as 'Reserve Sites' be re-designated as 'Preferred Sites', and all references to 'Reserve Sites' be removed from the Plan. We assume that these are sites that were submitted to the MPA through the 2014 Plan making process, appraised though the Site Selection methodology, and then allocated as reserve sites, such that the principal of extraction was accepted, and formally enshrined within the Essex Minerals Local Plan 2014 on adoption. It would be helpful if the supporting text could clarify this, and summarise the status and history of these sites. If we have misunderstood this position, then we would expect a full site assessment	All reserve sites went through the same Site Selection methodology. 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

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			<p>process to inform the identification of 'Preferred Sites', including an assessment of the potential impacts on designated and non-designated built heritage, archaeology, and historic landscapes. It is especially important that potential impacts on (non-designated) archaeology are identified and mitigated, given that there is incomplete knowledge of this resource.</p> <p>Notwithstanding the above, and assuming that the that the principle of development has been formally accepted at these reserve site, then we would still expect the inclusion of a bullet within the relevant site specific policy covering the historic environment. Ideally, the suggested bullet point should mention the specific heritage asset(s), the policy requirement (see wording below) and any potential mitigation required. Typical policy requirement wording might include:</p> <ul style="list-style-type: none"> • Combination of heritage assets - 'Development should conserve and where appropriate enhance heritage assets and their settings.' • Listed building - 'Development should preserve the listed building and its 	<p>preparation. This ensured that those sites considered most sustainable were allocated in the MLP.</p> <p>Impacts on heritage are covered by other Policies, particularly DM1. The MLP should be read in its entirety.</p>
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			<p>setting’.</p> <ul style="list-style-type: none"> • Conservation area - ‘Development should preserve or where opportunities arise enhance the character or appearance of the Conservation Area and its setting’. • Registered park and garden - ‘Development should protect the registered park and garden and its setting.’ • Scheduled monument - ‘Development should protect the scheduled monument and its setting.’ 	
The Environment Agency	No	Disagree	See above comments on Policy S6	Noted.
Anglian Water	No Comment	N/A	N/A	Noted.
Norfolk	Yes	Agree	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 6 Yes, 3 N/A, 4 No Comment, 2 No

Agree with the justification: 5 Agree, 9 N/A, 1 Disagree

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P1 <u>The Continued Deliverability of Sites allocated through the Minerals Local Plan</u>			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Approach seems appropriate.	Noted.
Basildon Borough Council	N/A	N/A	Noted.
Thurrock Borough Council	N/A	N/A	Noted.
Maldon District Council	Agree	Sound and sensible approach to seek information from operators/agents for these sites.	Noted.
Colchester Borough Council	N/A	Although related to housing supply, the introduction of the “Housing Supply and Delivery” PPG advises that in demonstrating there is a reasonable prospect that sites will be delivered/developed that the following evidence could be provided: • written evidence of agreement between the LPA and the site developer/promoter(s) which confirms the developers’ delivery intentions and anticipated start and build out rates; • firm progress being made towards the submission of an application or PPA that sets out the timescale for approval of reserved matters applications and discharge of conditions.	In the MLP Review, Error! Reference source not found. confirms that those operators with sites in the MLP, that have yet to have forward, as a planning application still intend to do so before the end of the Plan period.

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		It may be beneficial to seek this confirmation if not already obtained, in order to demonstrate that the remaining allocated sites and two previous reserve sites remain viable.	
Southend-On-Sea Borough Council	N/A	No comment	Noted.
Cambridgeshire & Peterborough	N/A	N/A	Noted.
Suffolk County Council	Agree	No comments.	Noted.
London Borough of Havering	Agree	No further comments.	Noted.
The London Borough of Waltham Forest	N/A	N/A	Noted.
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Agree	N/A	Noted.
Anglian Water	N/A	N/A	Noted.
Norfolk	Agree	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 5 Agree, 10 N/A

10. Do you agree to the proposal to amend Policy P2 ?				
Name/Authority	Agree to the proposal to amend?	Agree with the justification?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	N/A	Approach seems appropriate.	Noted.
Basildon Borough Council	No Comment	N/A	N/A	Noted.
Thurrock Borough Council	No Comment	N/A	N/A	Noted.
Maldon District Council	Yes	Agree	See comments above	Noted.
Colchester Borough Council	Yes	Agree with amendments	As noted in response to Question 7 and 15, it is unclear what is meant by “Development Plan for Essex”. This term should be updated to provide greater clarity if this refers to the Local Plan and DPDs prepared by the District/Borough/City Councils in Essex, or the Essex Minerals and Waste Local Plans. Although related to housing supply, the introduction of the “Housing Supply and Delivery” PPG advises that in demonstrating there is a reasonable prospect that sites will be delivered/developed that the following	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. In the MLP Review, Table 9 confirms that those operators with sites in the MLP, that have yet to

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			<p>evidence could be provided:</p> <ul style="list-style-type: none"> • written evidence of agreement between the LPA and the site developer/promoter(s) which confirms the developers' delivery intentions and anticipated start and build out rates; • firm progress being made towards the submission of an application or PPA that sets out the timescale for approval of reserved matters applications and discharge of conditions. <p>It may be beneficial to seek this confirmation if not already obtained, in order to demonstrate that the remaining allocated sites and two previous reserve sites remain viable.</p>	<p>have forward, as a planning application still intend to do so before the end of the Plan period.</p>
Southend-On-Sea Borough Council	No Comment	N/A	Should this be Policy P2? If so, no comment	Noted.
Cambridgeshire & Peterborough	N/A	N/A	N/A	Noted.
Suffolk County Council	No comment	N/A	No comments.	Noted.
London Borough of Havering	Yes	Agree	This question refers to Policy P2 not Policy S2.	Noted.
The London Borough of Waltham Forest	Yes	Agree	N/A	Noted.

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North East Essex CCG	No comment	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	N/A	Noted.
The Environment Agency	Yes	Agree	N/A	Noted.
Anglian Water	No comment	N/A	N/A	Noted.
Norfolk	Yes	Agree	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 6 Yes, 3 N/A, 6 No Comment

Agree with the justification: 5 Agree, 1 Agree with amendments, 9 N/A

11. Do you agree that Policy DM1 does not need amending?			
Name/Authority	Agree that the policy does not need amending?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Approach seems appropriate.	Noted.
Basildon Borough Council	No Comment	N/A	Noted.

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Thurrock Borough Council	No Comment	N/A	Noted.
Maldon District Council	Yes	N/A	Noted.
Colchester Borough Council	Yes	N/A	Noted.
Southend-On-Sea Borough Council	No Comment	N/A	Noted.
Cambridgeshire & Peterborough	N/A	N/A	Noted.
Suffolk County Council	No comment	No Comments.	Noted.
London Borough of Havering	No	Criteria 2 should refer to current and long term health.	Considered to be adequacy covered by current wording in Policy DM1.
The London Borough of Waltham Forest	Yes	N/A	Noted.
North East Essex CCG	No comment	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	Whilst we welcome reference to the 'historic environment including heritage and archaeological assets' at criterion 13, we consider that the policy should be amended	Existing wording in the MLP 2014 (paragraph 3.205) states that "Site restoration may enable improved access to historic sites, enhance the

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		to outline how the Council expects high quality site restoration and aftercare to be secured. We consider that the text should go further in acknowledging the potential impacts that mineral extraction can have upon it, particularly in relation to archaeology. It is requested that this policy is amended to have consideration of the impacts upon the historic environment and to have regards for its conservation and enhancement, including how progressive working and restoration should be used to mitigate the impact on the historic environment.	setting of historic features or provide the opportunity to present the results of archaeological investigations to the general public. Arrangements for the conservation of geological or other features of interest should comply with best practice advice.”
The Environment Agency	Yes	N/A	Noted.
Anglian Water	Yes	N/A	Noted.
Norfolk	Yes	N/A	Noted.

Number of responses: 15

Agree that the policy does not need amending: 3 NA, 5 No Comment, 7 Yes

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12. Do you agree that Policy DM2 does not need amending?			
Name/Authority	Agree that the policy does not need amending?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Approach seems appropriate.	Noted.
Basildon Borough Council	No Comment	N/A	Noted.
Thurrock Borough Council	No Comment	N/A	Noted.
Maldon District Council	Yes	N/A	Noted.
Colchester Borough Council	No	The inclusion of “and to enhance the environment” may not be considered compliant with national policy as planning obligations should only be used where it is not possible to address unacceptable impacts from the development. This reference to the environment appears to prioritise this as more important than other potential impacts i.e. historic assets.	No change is considered necessary, In terms of the use of obligations, there is nothing in the PPG which explicitly states that obligations cannot be used to seek ‘enhancement’. However, <i>‘Planning obligations assist in mitigating the impact of development which benefits local communities and supports the provision of local infrastructure’</i> (quote from PPG). ‘Green Infrastructure’ is also quoted as something you can spend developer

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			contributions (secured by obligations) on. S106 agreements can also be used to secure long term restoration management (beyond 5 years) so environmental enhancement is possible.
Southend-On-Sea Borough Council	No Comment	N/A	Noted.
Cambridgeshire & Peterborough	N/A	N/A	Noted.
Suffolk County Council	No comment	No comments.	Noted.
London Borough of Havering	Yes	No further comments.	Noted.
The London Borough of Waltham Forest	Yes	N/A	Noted.
North East Essex CCG	No comment	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Yes	N/A	Noted.

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Anglian Water	No comment	N/A	Noted.
Norfolk	Yes	N/A	Noted.

Number of responses: 15

Agree that the policy does not need amending: 6 Yes, 3 N/A, 6 No Comment

13. Do you agree that Policy DM3 does not need amending?			
Name/Authority	Agree that the policy does not need amending?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Approach seems appropriate.	Noted.
Basildon Borough Council	No Comment	N/A	Noted.
Thurrock Borough Council	No Comment	N/A	Noted.
Maldon District Council	No Comment	N/A	Noted.
Colchester Borough Council	Yes	N/A	Noted.
Southend-On-Sea Borough Council	No Comment	N/A	Noted.
Cambridgeshire &	N/A	N/A	Noted.

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Peterborough			
Suffolk County Council	No comment	No comments.	Noted.
London Borough of Havering	Yes	No further comments.	Noted.
The London Borough of Waltham Forest	Yes	N/A	Noted.
North East Essex CCG	No comment	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Yes	N/A	Noted.
Anglian Water	No comment	N/A	Noted.
Norfolk	Yes	N/A	Noted.

Number of responses: 15

Agree that the policy does not need amending: 5 Yes, 3 N/A, 7 No Comment

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14. Do you agree that Policy DM4 does not need amending?			
Name/Authority	Agree that the policy does not need amending?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Approach seems appropriate.	Noted.
Basildon Borough Council	No Comment	N/A	Noted.
Thurrock Borough Council	No Comment	N/A	Noted.
Maldon District Council	No Comment	N/A	Noted.
Colchester Borough Council	Yes	N/A	Noted.
Southend-On-Sea Borough Council	No Comment	N/A	Noted.
Cambridgeshire & Peterborough	N/A	N/A	Noted.
Suffolk County Council	No comment	No comments.	Noted.
London Borough of Havering	Yes	No further comments.	Noted.
The London Borough of Waltham Forest	Yes	N/A	Noted.

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North East Essex CCG	No comment	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	We suggest that you amend paragraph one to read '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 natural and historic environment and/ or the safety, efficiency and capacity of the road network.'	A definition of the 'Environment' will be added to the glossary which will reference the historic environment. Therefore, all reference to the environment, throughout the plan, will include the historic environment.
The Environment Agency	Yes	N/A	Noted.
Anglian Water	No comment	N/A	Noted.
Norfolk	Yes	N/A	Noted.

Number of responses: 15

Agree that the policy does not need amending: 6 Yes, 3 N/A, 6 No Comment

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15. Do you agree to the proposal to amend **Policy IMR 1**?

Name/Authority	Agree to the proposal to amend?	Agree with the justification?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	N/A	Approach seems appropriate.	Noted.
Basildon Borough Council	No Comment	N/A	N/A	Noted.
Thurrock Borough Council	No Comment	N/A	N/A	Noted.
Maldon District Council	Yes	Agree	<p>It is eminently sensible to take this opportunity to review the indicators and revise them to make them more effective. Where the policies have been amended, the indicators will need amending for consistency.</p> <p>It is up to the MLP team, as the subject matter experts and the people doing the monitoring, to determine if the indicators are practical and useful. As such, no comments are made on individual indicators, although the proposed amendments seem quite sensible.</p>	Noted.
Colchester Borough	Yes	Agree	N/A	Noted.

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Council				
Southend-On-Sea Borough Council	Yes	Agree	N/A	Noted.
Cambridgeshire & Peterborough	N/A	N/A	N/A	Noted.
Suffolk County Council	No comment	N/A	No comments.	Noted.
London Borough of Havering	Yes	Agree	It should be made clear that the monitoring of the Local Plan will take place from adoption.	Noted.
The London Borough of Waltham Forest	Yes	Agree	N/A	Noted.
North East Essex CCG	No comment	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	N/A	Noted.
The Environment Agency	Yes	N/A	[Ref MMI 11} We agree with the separate monitoring of habitat creation – one being through the planning application and the other being the real-time creation.	Noted.

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Anglian Water	No comment	N/A	N/A	Noted.
Norfolk	Yes	Agree	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 6 Yes, 3 N/A, 6 No Comment

Agree with the justification: 6 Agree, 1 Agree with amendments, 8 N/A

IMR 1 <u>MMI 2: The need for a separate landbank for building sand</u>			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Approach seems appropriate.	Noted.
Basildon Borough Council	N/A	N/A	Noted.
Thurrock Borough Council	Agree	N/A	Noted.
Maldon District Council	N/A	N/A	Noted.
Colchester Borough Council	Agree	N/A	Noted.
Southend-On-Sea Borough Council	Agree	N/A	Noted.
Cambridgeshire &	N/A	N/A	Noted.

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Peterborough			
Suffolk County Council	N/A	No comments.	Noted.
London Borough of Havering	Agree	No further comments.	Noted.
The London Borough of Waltham Forest	Agree	N/A	Noted.
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Agree	N/A	Noted.
Anglian Water	N/A	N/A	Noted.
Norfolk	Agree	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 8 N/A, 7 Agree

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IMR 1 MMI 3: Contribution of marine dredged sources towards overall aggregate provision

Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Approach seems appropriate.	Noted.
Basildon Borough Council	N/A	N/A	Noted.
Thurrock Borough Council	Agree	N/A	Noted.
Maldon District Council	N/A	N/A	Noted.
Colchester Borough Council	Agree	N/A	Noted.
Southend-On-Sea Borough Council	Agree	N/A	Noted.
Cambridgeshire & Peterborough	N/A	N/A	Noted.
Suffolk County Council	N/A	No comments.	Noted.
London Borough of Havering	Agree	No further comments.	Noted.
The London Borough of Waltham Forest	Agree	N/A	Noted.
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this	Noted.

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		time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	
Historic England	N/A	N/A	Noted.
The Environment Agency	Agree	N/A	Noted.
Anglian Water	N/A	N/A	Noted.
Norfolk	Agree	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 8 N/A, 7 Agree

IMR 1 <u>MMI 4: Production of Secondary & Recycled Aggregates</u>			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Approach seems appropriate.	Noted.
Basildon Borough Council	N/A	N/A	Noted.
Thurrock Borough Council	Agree	N/A	Noted.
Maldon District Council	N/A	N/A	Noted.

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Colchester Borough Council	Agree	N/A	Noted.
Southend-On-Sea Borough Council	Agree	N/A	Noted.
Cambridgeshire & Peterborough	N/A	N/A	Noted.
Suffolk County Council	N/A	No comments.	Noted.
London Borough of Havering	Agree	No further comments.	Noted.
The London Borough of Waltham Forest	Agree	N/A	Noted.
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Agree	N/A	Noted.
Anglian Water	N/A	N/A	Noted.
Norfolk	Agree	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 8 N/A, 7 Agree

IMR 1 <u>MMI 9: Area of commercial mineral deposits sterilised by non-mineral development</u>			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Approach seems appropriate.	Noted.
Basildon Borough Council	N/A	N/A	Noted.
Thurrock Borough Council	Agree	N/A	Noted.
Maldon District Council	N/A	N/A	Noted.
Colchester Borough Council	Agree	N/A	Noted.
Southend-On-Sea Borough Council	N/A	No comment	Noted.
Cambridgeshire & Peterborough	N/A	N/A	Noted.
Suffolk County Council	Agree	Agree	Noted.
London Borough of Havering	Agree	No further comments.	Noted.

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The London Borough of Waltham Forest	Agree	N/A	Noted.
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Agree	N/A	Noted.
Anglian Water	N/A	N/A	Noted.
Norfolk	Agree	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 8 N/A, 7 Agree

IMR 1 MMI 10: Number of applications proposing non-road modes of transport a) to/from the site, b) within the site			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Approach seems appropriate.	Noted.
Basildon Borough	N/A	N/A	Noted.

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Council			
Thurrock Borough Council	Agree	N/A	Noted.
Maldon District Council	N/A	N/A	Noted.
Colchester Borough Council	Agree with amendments	In order to monitor Policy S11, it may be appropriate to reconsider changing the monitoring indicator as opposed to deleting this in its entirety. If it is considered that none of the allocated sites are able to utilise other methods of transport outside of the road network, this demonstrate a need to review the policy as this is not considered to be functioning as intended.	The uptake of non-road methods for aggregate transportation is considered to be a function of the geography of the area and available infrastructure. With regard to the creation of a new indicator to monitor this Policy, the MPA remain open to any suggestions that come through the future Regulation 18 consultation.
Southend-On-Sea Borough Council	Agree	N/A	Noted.
Cambridgeshire & Peterborough	N/A	N/A	Noted.
Suffolk County Council	N/A	No comments.	Noted.
London Borough of Havering	Agree	No further comments.	Noted.
The London Borough of Waltham Forest	Agree	N/A	Noted.

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North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Agree	N/A	Noted.
Anglian Water	N/A	N/A	Noted.
Norfolk	Agree	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 8 N/A, 6 Agree, 1 Agree with amendments

IMR 1 <u>MMI 11: Amount of land newly restored for habitat creation</u>			
Name/Authority	Agree to the proposal to amend?	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Chelmsford City Council	N/A	Approach seems appropriate.	Noted.
Basildon Borough Council	N/A	N/A	Noted.
Thurrock Borough	Agree	N/A	Noted.

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Council			
Maldon District Council	N/A	N/A	Noted.
Colchester Borough Council	Agree	N/A	Noted.
Southend-On-Sea Borough Council	Agree	Support this change that will capture commitments to deliver priority habitat as well as schemes that have been implemented.	Noted.
Cambridgeshire & Peterborough	N/A	N/A	Noted.
Suffolk County Council	Disagree	I recommend that Policy S12 is removed.	Policy S12 is considered to be a vital part of the MLP and therefore, this Policy will not be removed as part of the review. This Policy 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 Minerals Planning Authority in determining applications.
London Borough of Havering	Agree	No further comments.	Noted.
Alexander Ross -	Agree	N/A	Noted.

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Waltham Forest			
North East Essex CCG	N/A	NEE CCG do not have any direct comments to provide to this minerals local plan at this time. There are no direct implications to the Colchester and Tendring Area in regards to Health and social care provision.	Noted.
Historic England	N/A	N/A	Noted.
The Environment Agency	Agree	N/A	Noted.
Anglian Water	N/A	N/A	Noted.
Norfolk	Agree	N/A	Noted.

Number of responses: 15

Agree to the proposal to amend: 7 N/A, 7 Agree, 1 Disagree

<u>Other Comments</u>		
Name/Authority	Comments	Responses of the Authorities/Impact on the next stage of the Plan
Transport for London	Thank you for consulting Transport for London (TfL). As we have only a very limited interest in the review of the Essex Minerals Local Plan it would not be appropriate to engage fully using the DTC response template but I can confirm that we have no comments to make at this stage in the review process. We will however wish to comment on any minerals sites that are relevant to TfL's	Transport for London has no comments to make at this stage of the review process. ECC will continue to consult TFL

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	<p>projects, services or infrastructure as the review progresses.</p>	<p>throughout the plan review.</p>
<p>Historic England</p>	<p>‘Call for Sites’ We note that sufficient mineral resource is considered to exist within the allocated, and ‘reserve sites’ (to be rebranded Reserve Sites) so that a ‘Call for Sites’ is not considered necessary at this point in time. We further note that the initiation of a Call for Sites will be based on conclusions made through the preparation of the annual Local Aggregate Assessment. We have no way to evaluate if the identified need is correct, and therefore have no comment to make on these figures and conclusion reached in relation the landbank, but reiterate that any future sites will need to be subject to a rigorous assessment process including an assessment of the potential impacts on designated and non-designated built heritage, archaeology, and historic landscapes. Before allocating any sites for extraction you will need to ensure that you have:</p> <ul style="list-style-type: none"> • Identified which heritage assets have the potential to be affected by the proposal; • Asses what contribution the site makes to the elements which contribute towards the significance of those assets identified, and what impact the loss of this undeveloped site and its subsequent development might have upon them. • If it is considered that the development of this site would harm elements which contribute to the significance of these assets, then the Plan needs to set out the measures by which that harm might be removed or reduced. • If following this the site is deemed suitable, then as above we would expect to see inclusion of a bullet within the relevant site specific policy identifying the relevant heritage asset(s), the policy requirement, and any potential mitigation required. <p>More information on the historic environment and site allocations in local plans can be found in our advice note which can be accessed by clicking on the link below:</p> <p>https://historicengland.org.uk/images-books/publications/historic-environment-</p>	<p>To clarify, it is proposed to re-designate Reserve Sites to Preferred Sites in light of the rationale presented under the assessment of Policy S6. As such, there will be no reference to ‘Reserve Sites’ in the amended MLP.</p> <p>The remaining issues raised in the submission are noted. These are considered to be related to issues to address as part of site allocation and/or planning application. As set out in the Minerals Local Plan Review, it is not currently proposed to allocate new sites.</p>

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	and-site-allocations-in-local-plans/heag074-he-and-site-allocation-local-plans/	
Historic England	<p>We hope that the above comments are of assistance, and are very happy to look at and comment on any future drafts if this would assist the Council. Finally, we'd like to stress that we have not looked at the consultation document exhaustively, and that this opinion is based on the information provided by the Council in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals, which may subsequently arise where we consider that these would have an adverse effect upon the historic environment.</p>	Noted.
MMO	<p>As you know, the marine planning team would encourage the Essex Mineral plan to reference the UK MPS and the emerging south east marine plan. With no SE marine plan at the moment (draft plan expected in 2020) this is our main focus for your plan review.</p> <p>The draft SE Marine Plan is expected to include a landing facilities policy which was presented at spring 2019, which reflects terrestrial plan safeguarding of wharves. We would encourage tie-up here for the MMO planning team to be continued to be informed if the Essex mineral plan intends to change any safeguarding locations (landing facilities).</p> <p>The draft SE Marine Plan is expected to have Marine Aggregates policies also with context about marine aggregates in the south east marine plan area.</p> <p>In terms of your draft action to remove the monitoring indicator for marine aggregates capacity at wharves, if you would like to speak to our marine aggregates lead at MMO going forward, let me know. However I understand that your focus is on the capacity of the wharves not of marine aggregates themselves in the marine area, so may be less relevant, and I note your inclusion of BMAPA statements on this matter.</p>	<p>As part of the Review, reference will be made to the Marine Policy Statement (MPS), section 3.5 and the South East Marine Plan.</p> <p>The remaining issues raised in the submission are noted.</p>

Consultation response - PLEASE READ

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

Marine Licensing

Activities taking place below the mean high water mark may require a [marine licence](#) in accordance with the [Marine and Coastal Access Act \(MCAA\) 2009](#). Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence. Local authorities may wish to refer to our [marine licensing guide for local planning authorities](#) for more detailed information. You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in England and parts of Wales. The MMO is also the authority responsible for processing and determining harbour orders in England, and for some ports in Wales, and for granting consent under various local Acts and orders regarding harbours. A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

Marine Planning

As the marine planning authority for England the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with

terrestrial plans which generally extend to the mean low water springs mark. Marine plans will inform and guide decision makers on development in marine and coastal areas.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. For marine and coastal areas where a marine plan is not currently in place, we advise local authorities to refer to the [Marine Policy Statement](#) for guidance on any planning activity that includes a section of coastline or tidal river. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the [Marine and Coastal Access Act](#) and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our [online guidance](#) and the [Planning Advisory Service soundness self-assessment checklist](#). If you wish to contact your local marine planning officer you can find their details on our [gov.uk page](#).

[The East Inshore and Offshore marine plans](#) were published on the 2nd April 2014, becoming a material consideration for public authorities with decision making functions. The East Inshore and East Offshore Marine Plans cover the coast and seas from Flamborough Head to Felixstowe. For further information on how to apply the East and Inshore and Offshore Plans please visit our [Marine Information System](#).

[The South Inshore and Offshore marine plans](#) were published on the 17th July 2018, becoming a material consideration for public authorities with decision making functions. The South Inshore and South Offshore Marine Plans cover the coast and seas from Folkestone to the River Dart in Devon. For further information on how to apply the South Inshore and South Offshore Marine Plans please visit our [Marine Information System](#).

The MMO is currently in the process of developing marine plans for the remaining 7 marine plan areas by 2021. These are the [North East](#) Marine Plans, the [North West](#) Marine Plans, the [South East](#) Marine Plan and the [South West](#) Marine Plans.

Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below:

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.

If you wish to contact the MMO regarding our response please email us at consultations@marinemanagement.org or telephone us on 0300 123 1032.

<p>Natural England</p>	<p><i>Our ref: 296224</i></p> <p>To whom it may concern</p> <p>Thank you for your consultation. We can confirm that the relevant email address is consultations@naturalengland.org.uk for your purposes. With reference also to your email of 30th September 2019, please note that Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the Essex minerals local plan review. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice.</p> <p>The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.</p> <p>Generic advice is provided in the Annex below. You may also find our thematic advice on minerals and waste proposals attached of interest.</p> <p>Annex - Generic advice on natural environment impacts and opportunities</p> <p>Sites of Special Scientific Interest (SSSIs)</p> <p>Local authorities have responsibilities for the conservation of SSSIs under s28G of the Wildlife & Countryside Act 1981 (as amended). The National Planning Policy Framework (paragraph 175c) states that development likely to have an adverse effect on SSSIs should not normally be permitted. Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the</p>	<p>All proposed amendments to the Minerals Local Plan will be subjected to Habitats Regulation Assessment and Strategic Environmental Appraisal. The issues raised are considered to be related to matters that need to be addressed as part of site allocation and/or planning application. As set out in the Minerals Local Plan Review, it is not currently proposed to allocate new sites.</p> <p>Local planning advice given from Natural England to the MPA can be found below:</p> <ul style="list-style-type: none"> • s28G of the Wildlife & Countryside Act 1981 (as amended) • Natural England Open Data Geoportal • Duty to Conserve Biodiversity • Biodiversity Duty • Protected Species • List of priority habitats and species • Open mosaic habitats inventory • Ancient Woodland Inventory
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	<p>planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportals. Our initial screening indicates that one or more Impact Risk Zones have been triggered by the proposed development, indicating that impacts to SSSIs are possible and further assessment is required. You should request sufficient information from the developer to assess the impacts likely to arise and consider any mitigation measures that may be necessary.</p> <p>Biodiversity duty</p> <p>Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.</p> <p>Protected Species</p> <p>Natural England has produced standing advice^[1] to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.</p> <p>Local sites and priority habitats and species</p> <p>You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust,</p>	<ul style="list-style-type: none"> • Ancient Woodland standing advice • Landscape Institute Guidelines • Guide to assessing development proposals on agricultural land • Agricultural Land Classification • Agricultural Land Classification (2) • Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites • www.nationaltrail.co.uk <p>The Planning Consultation Advice for Minerals and Waste Applications – v. July 2017 that Natural England sent can be found in Appendix five.</p>
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^[1] <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

	<p>geoconservation groups or recording societies.</p> <p>Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. The list of priority habitats and species can be found here. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.</p> <p>Ancient woodland, ancient and veteran trees</p> <p>You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.</p> <p>Protected landscapes</p> <p>For developments within or within the setting of a National Park or Area or Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and information to determine the proposal. The National Planning Policy Framework (NPPF) (paragraph 172)</p>	
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	<p>provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally be permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.</p> <p>Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.</p> <p>Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent the special character of Heritage Coasts and the importance of its conservation.</p> <p>Landscape</p> <p>Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided</p>	
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with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of ‘best and most versatile’ agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we *recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.*

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people’s access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green

infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer.

Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.

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	<ul style="list-style-type: none"> • Designing lighting to encourage wildlife. • Adding a green roof to new buildings. <p>You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:</p> <ul style="list-style-type: none"> • Links to existing greenspace and/or opportunities to enhance and improve access. • Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips) • Planting additional street trees. • Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links. • Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore). <p>Should you have any queries regarding the above, please contact us again.</p>	
Thames Gateway	I understand we have missed the deadline. I wanted to reiterate the point made in the Gardens Communities meeting: When considering Garden Communities it was suggested that mineral site in the GC area would be sustainable as they would provide local resources for construction and the site would potentially provide water reservoirs for the community and blue and Green GI for the residents	Noted.
Environment Officer ECC	Consultee responded with an extract from the Green Essex Strategy relating to green infrastructure as part of Minerals and Waste restorations with reference to	Consideration will be given to integrating the provisions of the Green Essex Strategy into

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	<p>nature conservation priorities.</p>	<p>supporting text of Policy S12. The Green Essex Strategy can be found here.</p>
<p>ECC Place Services – Ecology’</p>	<p><u>Early Draft Conclusions of the Review of the Minerals Local Plan</u></p> <p>With respect to Policy S12, we may have concerns about a move away from the emphasis on biodiversity to a wider green infrastructure, but this all depends on exactly what this would entail. Outdoor recreation and landscape enhancements are already included in the supporting text, but presumably will you be strengthening these elements within the policy text itself? There are elements of green infrastructure which could be welcome in certain circumstances, e.g. high quality natural green space, particularly near housing/ developments. One reason for this is that it would align with the requirements of the Essex Coast RAMS, which aims to encourage provision of open space near to where people live so that there is less incentive for them to travel to the coast (where they could disturb internationally protected wildlife sites/birds).</p> <p><u>Specific points/ queries:</u></p> <p>The reference to biodiversity enhancements/ offsetting /net gain is already embedded in the MLP – I assume that this will be retained, given that it is being set out within the Environment Bill? The wording in section 3.196 should be updated to reflect the current nomenclature (the term ‘offsetting’ is no longer in vogue).</p> <p>Would we be able to enlarge the priority habitat target?</p> <p><u>Flagship sites:</u></p> <p><i>Birch Quarry (Maldon Road)</i>- we are concerned that the proposed extension of time to the existing quarry area (including the north-western extension) as it may</p>	<p>Outdoor recreation and landscape enhancements are already addressed within supporting text, so it would be appropriate to add these to the wording of Policy S12 as part of a Review.</p> <p>Reference to biodiversity enhancements/ net gain will be retained, given that it is being set out within the Environment Bill.</p> <p>Regarding the usage of the term ‘offsetting’, updates will be sought to capture current terminology.</p> <p>It is currently not proposed to enlarge the priority habitat target. The existing target was based on an assessment of potential delivery arising from those sites allocated in the MLP. As it is not proposed to allocate new sites at this time, the current target will remain as evidenced, but existing policy wording would still facilitate</p>

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	<p>have the knock on effect on the timing of the allocated area south of Maldon Road, being delayed beyond the timeframe of the MLP. This will, in turn, delay the creation of the priority habitat (and affect the target).</p> <p><i>Bradwell Quarry (Rivenhall)</i>- what would happen to the two reserve sites if the flood alleviation scheme (south west of Coggeshall) comes forward? Does this depend on a planning application being submitted, or does it have to be approved before you can take it into account?</p> <p><u>Monitoring Framework / Natural Capital</u></p> <p>We suggest that this is framed in the context of the emerging Environment Bill, which is currently evolving and will become clearer over the next few months.</p>	<p>additional priority habitat delivery through restoration.</p> <p>The MLP 2014 currently states that there is a “target to create a minimum of 200 hectares of UK priority habitat creation in Essex by 2029 through mineral site restoration”. It is now recognised that this is not possible. Whilst 200ha of priority habitat could be committed through planning permissions issued during the plan period, it would not be possible for the priority habitat to actually be delivered, due to the timescale of extraction and restoration. It is proposed that revised wording will clarify that a commitment to ensure the provision of 200ha of priority habitat is made in planning permissions issued over the lifetime of the Minerals Local Plan. The subsequent delivery of committed and actual priority habitat is proposed to be monitored through an amended monitoring indicator (MMI11)</p> <p>The priority habitat to be provided</p>
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		<p>through the restoration of Birch Quarry is included in the Planning Permission. As such, it will be delivered, but potentially outside of the plan period.</p> <p>With respect to Bradwell Quarry, planning applications are determined on their own merits at the time of submission by the landowner/site promoter. It is for the landowner/site promoter to determine when to bring forward an application.</p> <p>Regarding any monitoring of Natural Capital, the MPA will work with stakeholders to understand the options around producing a monitoring indicator.</p>
<p>Mike Gogarty – Wellbeing & Public Health ECC</p>	<p>My observations as DPH would be~</p> <p>We need to be clear of the potential negative impacts on mental health of any developments.</p> <p>We need to be clear on the relative impact on individuals when considering what would be a sensitive receptor. This might involve length exposure, likely health consequences Eg private residence v school or care home</p>	<p>It is considered that these issues are best addressed under Policy DM1.</p> <p>Policy DM1 will be re-worded to define ‘health’ as physical and mental health and wellbeing on different land uses as well as local residents.</p> <p>It is intended to update</p>

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		<p>supporting paragraphs 5.23 to 5.25 to refer to Health Impact Assessment (HIAs) covering not only physical health impacts, but also mental health and wellbeing on different land uses, as well as local residents.</p>
<p>Central Bedfordshire</p>	<p>Thank you for consulting the Bedfordshire authorities on the proposed scope of your MLP review. Rather than complete your response template, we have focussed on your approach to overall aggregate supply as this is the main strategic issue that is most likely to impact upon the Bedfordshire authorities. It is noted that you are proposing to retain the approach to using apportionment as a way of calculating overall need in Essex due to the current sales figures indicating a higher demand than using the NPPF methodology and the justification this provides to re-classifying ‘reserve’ sites to ‘preferred’ sites. This then appears to provide the justification for a delay to a full review of the MLP and a wider ‘call for sites’. What is not clear from the documents provided is the additional reserve capacity these two sites provide to the permitted/allocated sites reserve landbank. It is also unclear what factors have been looked at that influence aggregate demand moving forward which could affect any ‘savings’ margin between apportionment and actual sales. There is a concern that another review could be needed within the next five years and how would this then take place if it happened within the timeframe for the partial review currently proposed which could take three years in itself.</p> <p>Overall, it is encouraging that Essex are re-stating their desire to make provision for at least their own demand requirements and that this would therefore help to avoid any strategic impact on the demand from Bedfordshire authority aggregate reserves.</p>	<p>Noted. The LAA annually reports on sales and permitted reserves. It also includes commentary on existing and future drivers which may impact on mineral need.</p> <p>Given the current issues surrounding data collection and COVID-19, it is not considered appropriate to significantly alter plan direction at this time. Whilst it is acknowledged that increases in provision from current rates could bring forward the need for new sites, it is considered that any need for new future allocations can be carried out without the need for a full-scale review of the Plan.</p>

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The following bodies were contacted and subsequently notified the Council that they had no comment to make on the emerging MLP at this stage:

- Hertfordshire County Council
- Civil Aviation Authority
- Mid Essex CCG
- Castlepoint & Rochford CCG

The following bodies were contacted and subsequently no response was made on the emerging MLP at this stage:
1. Tendring District Council
2. Harlow District Council
3. Epping Forest District Council
4. Brentwood Borough Council
5. Uttlesford District Council
6. Rochford District Council
7. Castle Point Borough Council
8. Kent County Council
9. Medway Council
10. Broxbourne Borough Council
11. East Hertfordshire District Council
12. South Cambridgeshire District Council
13. West Suffolk Council
14. Babergh District Council
15. Suffolk Coastal District Council (East Suffolk Council)
16. North Hertfordshire District Council
17. The London Borough of Redbridge
18. The London Borough of Enfield
19. Mayor of London
20. South East Local Enterprise Party
21. Homes England

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22. Southend CCG
23. West Essex CCG
24. Basildon & Brentwood CCG
25. Thurrock CCG
26. Office of Rail & Road
27. Essex Highways
28. Highways England
29. Thurrock Highways
30. Southend Highways
31. Affinity Water
32. Veolia Water
33. Thames Water
34. Essex & Suffolk Water
35. National Grid

Appendix Four

The email that was sent to consultees

As you'll be aware, policies in local plans need to be reviewed to assess whether they need updating at least once every five years, and then should be updated as necessary.

The [Essex Minerals Local Plan](#) (MLP) was adopted in 2014. ECC, as the Minerals Planning Authority (MPA), is now required to review the MLP.

Planning Practice Guidance states that it is important that the bodies subject to the Duty to Cooperate have an opportunity to engage in both how plan reviews are undertaken and the review of the plan itself. 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.

Accordingly, MPA officers have prepared draft findings on what the scope of the MLP's policy review is likely to need to address. That work/document is attached for your information and represents an overview of our initial headline conclusions.

The purpose of this document is to help engage effectively with those bodies subject to the Duty to Cooperate on the scope and format of the Review, prior to any final decision being made whether to update any policies in the Plan. The document sets out a schedule of every policy in the MLP, states whether it is currently proposed to amend the policy, and sets out a bulleted justification for that decision. It also includes an assessment of the need to review the Spatial Vision and Aims and Objectives. Please note that this document represents the draft work of officers and to date. ECC has not formally sanctioned any review of the Plan taking place.

We are writing to you as a prescribed body and partner to seek your view(s) on the scope of the proposed review, prior to a proposed future formal consultation.

Following this round of engagement and further assessment of the Minerals Local Plan, further amendments may be proposed. Following the consideration of responses received as part of this engagement on the scope of the review, all proposed amendments considered to be 'Main Modifications' will be set out in a detailed report informing subsequent engagement under the Duty to Cooperate, prior to formal consultation. It is also proposed to incorporate minor changes to supporting text into this second round of engagement where they aid in the explanation of proposed amendments which would equate to Main Modifications.

You are welcome of course to take up the option of a 1:1 meeting on any aspect of our work to date, in person or otherwise. Involvement at this stage, and the means utilised to undertake any involvement, will not prejudice any further involvement in subsequent engagement under the Duty to Cooperate. Future engagement will again be offered electronically or as part of 1:1 meetings.

In the first instance, it is requested that electronic responses (using the attached response form) are received by COP on 4th October. Representations can take the form of a completed response form, a request for 1:1 engagement, or both. Please feel free to get in touch to arrange a convenient meeting date.

Could I respectfully ask that all responses to this engagement and requests for meetings be directed to myself and Lauren Keeling (copied in).

For your information the emerging headlines within the 'Early Draft Conclusions' document are:

1. The Plan, at this stage, continues to plan for a steady and adequate supply of aggregates in Essex and that the existing allocated sites provide sufficient mineral resources to support current need within and outside the county
2. That the two 'Reserve Sites' in the Plan (located at Bradwell Quarry in Braintree) are re-allocated to 'Preferred Sites'.
3. That the Policy seeking the safeguarding of mineral resources and infrastructure is updated to reflect current best practice. The safeguarding policy (Policy S8) requires further amendment to correct an error in interpretation made during plan formation.
4. That restrictive lower-level restoration requirements are removed.
5. That the Plan's monitoring indicators looking at wharf capacity and building sand provision are removed.
6. Further changes to Plan to bring it up to date.

Please note that this email acts to initiate an initial point of engagement under the Duty to Cooperate specifically on the scope of the review of the Essex Minerals Local Plan 2014 (MLP). This email includes a schedule of the existing policies in the MLP, the initial view of officers with regard to whether an amendment to those policies is required, justification for this stance (DtC Engagement on scope of MLP Review), a response form for your comments and a document setting out some key initial headlines (Early Draft Conclusions) as attachments.

If you have any questions on the above, please get in contact with me using the details below. If there is a more appropriate contact at your authority to direct this email to, could you please forward on and update me.

The response template that was sent to consultees

Duty to Co-Operate Response Form

1. Do you agree to the proposal to amend the **Spatial Vision**?

Yes No No Comment

Do you agree with the justification presented in the supporting text?

Agree Agree with amendments Disagree

Please provide any comments below:

2. Do you agree to the proposal to amend the **Aims and Strategic Objectives**?

Yes No No Comment

Do you agree with the justification presented in the supporting text?

Agree Agree with amendments Disagree

Please provide any comments below:

3. Do you agree that **Policy S1 does not need amending?**

Yes No No Comment

Please provide any comments below:

4. Do you agree to the proposal to amend **Policy S2?**

Yes No No Comment

Do you agree with the justification presented in the supporting text?

Agree Agree with amendments Disagree

Please provide any comments below:

5. Do you agree that **Policy S3 does not need amending?**

Yes No No Comment

Please provide any comments below:

6. Do you agree that **Policy S4** does not need amending?

Yes No No Comment

Please provide any comments below:

7. Do you agree to the proposal to amend **Policy S5**?

Yes No No Comment

Do you agree with the justification presented in the supporting text?

Agree Agree with amendments Disagree

Please provide any comments below:

8. Do you agree to the proposal to amend **Policy S6**?

Yes No No Comment

Do you agree with the justification presented in the supporting text?

Agree Agree with amendments Disagree

If you have any further comments on the more detailed justifications associated with Policy S6 please provide these below:

The Rate of Mineral Provision

Agree Agree with amendments Disagree

Please provide any comments below:

The Plan Approach to Reserve Sites

Agree Agree with amendments Disagree

Please provide any comments below:

The Need for Further Site Allocations / Approach to a Call for Sites

Agree Agree with amendments Disagree

Please provide any comments below:

The Proposed Continued Omission of Windfall Sites from Mineral Provision Calculations

Agree Agree with amendments Disagree

Please provide any comments below:

The Proposed Continuation of a Combined Landbank for Sand and Gravel

Agree Agree with amendments Disagree

Please provide any comments below:

The Potential for Increasing the Proportion of Marine-won Sand and Gravel contributing to the Overall County Requirement for Sand and Gravel

Agree Agree with amendments Disagree

Please provide any comments below:

9. Do you agree to the proposal to amend **Policy S7?**

Yes No No Comment

Do you agree with the justification presented in the supporting text?

Agree Agree with amendments Disagree

Please provide any comments below:

10. Do you agree to the proposal to amend **Policy S8?**

Yes No No Comment

Do you agree with the justification presented in the supporting text?

Agree Agree with amendments Disagree

If you have any further comments on the more detailed justifications associated with Policy S8 please provide these below:

The Relationship between Policy S8 and Policy S9

Agree Agree with amendments Disagree

Please provide any comments below:

Minerals Local Plan Appendix 5

Agree Agree with amendments Disagree

Please provide any comments below:

Justification for the Extent of Mineral Safeguarding Areas

Agree Agree with amendments Disagree

Please provide any comments below:

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

Agree Agree with amendments Disagree

Please provide any comments below:

Requirements for a Compliant Minerals Assessment

Agree Agree with amendments Disagree

Please provide any comments below:

The Use of the Phrases 'Local Importance', 'Economic Importance', 'Unnecessarily' and 'Consideration' in Policy S8

Agree Agree with amendments Disagree

Please provide any comments below:

11. Do you agree to the proposal to amend **Policy S9?**

Yes No No Comment

Do you agree with the justification presented in the supporting text?

Agree Agree with amendments Disagree

If you have any further comments on the more detailed justifications associated with Policy S9 please provide these below:

Alignment with the Essex and Southend-on-Sea Waste Local Plan 2017

Agree Agree with amendments Disagree

Please provide any comments below:

Requirements for a Compliant Mineral Infrastructure Assessment

Agree Agree with amendments Disagree

Please provide any comments below:

Mineral Consultation Areas as they relate to Mineral Infrastructure

Agree Agree with amendments Disagree

Please provide any comments below:

12. Do you agree that **Policy S10** does not need amending?

Yes No No Comment

Please provide any comments below:

13. Do you agree that **Policy S11** does not need amending?

Yes No No Comment

Please provide any comments below:

14. Do you agree to the proposal to amend **Policy S12**?

Yes No No Comment

Do you agree with the justification presented in the supporting text?

Agree Agree with amendments Disagree

If you have any further comments on the more detailed justifications associated with Policy S12 please provide these below:

Recognising the wider Development Plan in Restoration Schemes

Agree Agree with amendments Disagree

Please provide any comments below:

The Continued Appropriateness of Section 3 of Policy S12

Agree Agree with amendments Disagree

Please provide any comments below:

The Delivery of Priority Habitat through Policy S12

Agree Agree with amendments Disagree

Please provide any comments below:

15. Do you agree to the proposal to amend **Policy P1**?

Yes No No Comment

Do you agree with the justification presented in the supporting text?

Agree Agree with amendments Disagree

If you have any further comments on the more detailed justifications associated with Policy P1 please provide these below:

The Continued Deliverability of Sites allocated through the Minerals Local Plan

Agree Agree with amendments Disagree

Please provide any comments below:

16. Do you agree to the proposal to amend **Policy P2**?

Yes No No Comment

Do you agree with the justification presented in the supporting text?

Agree Agree with amendments Disagree

Please provide any comments below:

17. Do you agree that **Policy DM1** does not need amending?

Yes No No Comment

Please provide any comments below:

18. Do you agree that **Policy DM2** does not need amending?

Yes No No Comment

Please provide any comments below:

19. Do you agree that **Policy DM3** does not need amending?

Yes No No Comment

Please provide any comments below:

20. Do you agree that **Policy DM4** does not need amending?

Yes No No Comment

Please provide any comments below:

21. Do you agree to the proposal to amend **Policy IMR 1**?

Yes No No Comment

Do you agree with the justification presented in the supporting text?

Agree Agree with amendments Disagree

If you have any further comments on the more detailed justifications associated with Policy IMR1 please provide these below:

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

Agree Agree with amendments Disagree

Please provide any comments below:

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

Agree Agree with amendments Disagree

Please provide any comments below:

MMI 4: Production of Secondary & Recycled Aggregates

Agree Agree with amendments Disagree

Please provide any comments below:

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

Agree Agree with amendments Disagree

Please provide any comments below:

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

Agree Agree with amendments Disagree

Please provide any comments below:

MMI 11: Amount of land newly restored for habitat creation

Agree Agree with amendments Disagree

Please provide any comments below:



Appendix Five

Natural England's Local Planning Consultation Advice for Minerals and Waste Applications – v. July 2012

Natural England's initial screening of this planning application suggests that impacts to designated sites caused by this application need to be considered by your authority (i.e. the relevant Impact Risk Zone has been triggered). For more significant impacts and opportunities in strategically important locations, we will aim to provide a bespoke response. Background information on the various designations, their notified interest features and conservation objectives can be found on the [MAGIC website](#) or the [Designated Sites System](#) viewer.

We consider that the assessment of impacts on designated nature conservation sites and/or protected landscapes for this application, and any associated planning controls that may be required, is straightforward. We therefore advise your Council to review the application under consideration and apply the following generic advice, as appropriate.

This advice note applies to applications for both new and existing sites, regarding for example, extensions of time, expansion of quarrying activities, changes to restoration proposals to benefit biodiversity, and minor changes to final contours etc. It only applies to applications in Essex, Hertfordshire, Bedfordshire, Cambridgeshire, Northamptonshire, Suffolk and Norfolk.

Achieving Net Gain for Environmental Outcomes

Mineral and waste sites present significant opportunities to contribute net gains for biodiversity, accounting for their size and ability to alter landforms and create bespoke habitat structures by designing-in new soil structures and creating preferred underlying substrates for target habitats. These sites can contribute significantly within a landscape context, and so restoration schemes should be designed to maximise future environmental outcomes, within a recognisable local context.

Natural England expects that in order to for individual site operators and applicants to demonstrate compliance with the NPPF, and for the planning authority to demonstrate due regard for biodiversity consistent with their duties under the NERC Act where possible, all minerals and waste developments should achieve a net gain for nature primarily through the creation or enhancement of Priority Habitats⁵ and linkages to local ecological networks.

Appropriate design objectives and target habitats are often defined in strategic landscape terms such as the Wildlife Trust's Living Landscapes or the RSPB's Futurescapes, which can provide helpful context in which to steer a restoration scheme. Minerals and waste policy documents and supplementary planning documents may carry specific objectives for certain sites to create new priority habitats and/or achieve outcomes for protected species; so the submitted restoration scheme should be assessed against these policy targets. Should the proposal not accord with its Policy context, further information and / or amendments should be sought.

⁵ Priority Habitats are those listed under section 41 of the NERC Act 2006.

We advise that the restoration scheme should contain the following:

- i. restoration objectives which clearly describe how the scheme contributes to net gain for biodiversity, within a recognisable landscape context.
- ii. direct ecological links to any existing habitats, green infrastructure networks etc.
- iii. access links to Public Rights of Way, national trails including the England Coast Path (ECP), where appropriate.

Published Guidance

A range of additional minerals restoration guidance with outcomes for nature conservation and biodiversity is available, including:

- <http://www.afterminerals.com/>
- <https://www.buglife.org.uk/campaigns-and-our-work/habitat-projects/bringing-aggregate-sites-life>

More general advice for planning authorities on the agricultural aspects of site working and reclamation can be found in the Defra [Guidance for successful reclamation of mineral and waste sites.](#)

Types of Consultation: Extension of Time

An extension of time may result in a temporary “loss” of semi-natural habitats (which may include Priority Habitats) that would otherwise be restored, with resulting impacts on the wildlife that is not then able to use the land, for the extended period. There may also be an impact from the prolonging of landfill activities, for example, impacts from light, noise and/or dust may cause disturbance and/or displacement of mobile species such as birds or bats from the surrounding area over an extended time period.

The time extension may provide an opportunity to review the habitats to be created/enhanced and achieve an improved scheme of restoration that would better reflect the biodiversity and landscape context of the [National Character Area](#) within which the site sits; see also NPPF paragraph 109. In seeking an improved scheme, the Council may wish to be mindful of the duration of the extension; the area of land affected; the sensitivity of the location for nature conservation; and the strategic importance of the contribution the restored site is expected to make to the environment. The Council should also consider the timing of restoration against the wider objectives of Local Plans, for example, where a site restored with managed public access is proposed as mitigation for housing growth in the vicinity. A delay in implementing such a scheme could therefore leave knock-on unmitigated impacts elsewhere.

Types of Consultation: Expansion to the Extraction or Fill Area

If the application site is proposed to be expanded in area, we have no objection provided that that the increase in extent will not directly impact (i.e. through land-take) Sites of Special Scientific Interest (SSSIs), Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites. For these impacts, Natural England would usually make a bespoke response.

Your Council will need to check that the proposed extension will not directly impact habitats adjacent to, but outside, the designated site. Such habitats may be those which support

species forming part of the interest feature, e.g. land used for feeding by wintering wildfowl, or land which forms a buffer to designated sites, e.g. woodland/grassland belts which could absorb any fugitive pollutants from the application site and may also provide a screen for potentially disturbing activities on the application site.

An expansion could indirectly affect designated sites through a range of impact pathways. The following impacts should be explored as part of any application to ensure the impacts of expansion areas are identified, assessed, avoided and / or mitigated where possible.

i) Impacts to Groundwater

Extraction of minerals may affect groundwater supply to water-sensitive designated sites; landfilling operations may affect groundwater quality by off-site migration of leachate. Therefore, we advise that applications within 1km of wetland designated sites should be supported by a detailed assessment of impacts to groundwater from de-watering/pumping, leachate movement etc. Appropriate monitoring of groundwater movement and quality should be built into the proposal in conjunction with new or existing borehole monitoring, and appropriate remedial measures to be deployed if needed.

ii) Impacts to Surface Waters

Operations may include the washing of extracted minerals and subsequent disposal of waste waters ('grey water'). Careful consideration should be given to the discharge of such 'grey water' into watercourses that feed water-sensitive designated sites. Any efforts to filter out materials held in suspension should be described, and any water quality standards required should be set out.

iii) Impacts to Ambient Noise

Minerals and waste sites are by their nature noisy with large machinery and personnel working sometimes in close proximity to designated sites. Where SSSIs are notified for their bird interest (either breeding or wintering), the disturbance effects of noise and machinery/personnel movements needs to be considered. This is especially the case if the extension area is closer to the designated site than the existing works. If these works are within 500m distance of the designated site, noise modelling assessment work should be undertaken, with consideration of the ambient noise levels. A 3dB increase should be regarded as significant on this baseline, to trigger the need for mitigation. Options include seasonal timing restrictions across the whole or part of the site, distance-timing restrictions, construction of noise attenuating bunds/walls/vegetative screening or thickening etc. Noise modelling should be recalculated inclusive of these measures.

iv) Impact of Lighting

Where artificial lighting is required for prolonged working hours, the impacts upon adjacent designated sites should be considered if interest features are light sensitive. This may also be relevant to protected species such as bats and other nocturnal or crepuscular wildlife including many invertebrate species.

v) Impact of Airborne Dust

Best practice methods for minimising fugitive airborne dust should be requested, including dampening/spraying, and consideration of prevailing wind direction where workings are in

close proximity to sites designated for their habitat value. Excess dust coverage can hinder normal photosynthetic processes if uncontrolled.

vi) Impacts to 'Functionally Linked Land'

Functionally linked land is defined as land in close proximity to European designated Special Protection Areas (SPAs) which is necessary for the survival of the interest feature for which the SPA is designated, for example grazing marsh or arable land used by wintering wildfowl. Quarry expansions should be checked to ensure that there is no direct impact to functionally linked land or indirect impacts via the above range of pathways. Applications

where there is a strong functional linkage between the application site and a nearby SPA will usually require a bespoke response by Natural England. Where weaker linkages are evident, measures should be taken to restore the area to equivalent habitat types to ensure continuity of provision in the longer term.

Change to Restoration to Benefit Biodiversity

Restoration may be to agriculture, semi-natural habitats or a mixture of the two. If the proposal includes a variation to restore all or part of the site to local types of semi-natural habitat with links to existing semi-natural habitats and an appropriate management plan, then it is likely to comply with NPPF requirements around providing a net gain in biodiversity. We offer the following advice that revisions to benefit biodiversity should include:

- Provision for existing bio- and geo-diversity assets - the restoration should seek to further the Conservation Objectives of the designated site and safeguard the interest features of nearby designated sites by creating complementary habitat types and managing public access sensitively so as to minimise disturbance during critical times of year.
- Reflection of the local landscape and biodiversity context – with reference to the appropriate [National Character Area](#) profile, revisions to restoration should support the objectives of the local Biodiversity Action Plan (or equivalent), Green Infrastructure Network Plan or Local Nature Partnership, where these exist.

Increase in Amount of Fill and/or Adjustment to Final Contours

If an increase in the amount of fill material is proposed which would raise the final contours of the application site, then consideration of the landscape and visual impact may be required. Within an Area of Outstanding Natural Beauty (AONB), National Park or their 'setting', a formal Landscape and Visual Impact Assessment (LVIA) is likely to be required, including photomontages to evaluate the visual appearance of the restored landfill. Outside a protected landscape and its setting, the effects on local landscape character and visual amenity should be taken into account.

Aftercare Arrangements

Where a minerals or waste site has substantial proposals for restoration to biodiversity and nature conservation outcomes, we recommend that the application includes detailed proposals for the initial (typically 5 years) and long-term (preferably in-perpetuity) management of the site to ensure those outcomes are achieved. Typically, the operator would remain responsible for the initial works, followed by a transfer of land ownership or lease/pie-crust arrangement in the long-term. These arrangements should be detailed within

a s106 legal agreement, along with a commuted sum or investment type mechanism to a suitably experienced body. A number of organisations are recognised for their ability to manage land for nature conservation purposes, and the s106 agreement should set out the arrangements and timescales for the selection of the organisation and responsibilities involved, and any responsibility in the event of bankruptcy etc.

Application of the Habitats Regulations Tests

In terms of the Habitats Regulations, this advice note applies to European⁶ Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), internationally protected wetlands listed under the Ramsar convention⁷ and nationally protected Sites of Special Scientific Interest (SSSI).

The planning authority is the competent authority under the Habitats Regulations and must ascertain that the project will not adversely affect the integrity of the European site in question before granting planning permission for any plan or project that is likely to have a significant effect on that site (Regulation 61). This process is set within the framework of a Habitats Regulations Assessment (HRA) which covers all the necessary tests in a sequential manner. There is no set format for HRA assessment, however, as the competent authority, you may request any information you require from the applicant to complete this assessment. Natural England has produced Conservation Advice Packages which will help with an assessment of projects affecting European designated sites. These packages are available on the Designated Sites System. You may also take into account Natural England's advice when undertaking your HRA.

In the scenarios described above, we advise that the project may be able to conclude "no likely significant effect" (Regulation 61(1)(a)) if a CEMP statement is secured (see above) which includes the mitigation required to avoid or address any adverse impacts on the internationally designated site features. In that case, our advice is that no Appropriate Assessment is required.

In most instances, the assessment of effects under the Habitats Regulations will also cover the assessment of impacts to nationally designated Sites of Special Scientific Interest (SSSI), under the Wildlife & Countryside Act 1981 (as amended). However the SSSI notified features should be checked using the above links to ensure these have been adequately assessed.

⁶ Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website.
<http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

⁷ Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

Proposed Scope of the Review of the Essex Minerals Local Plan 2014 Draft findings¹

Introduction

- 1.1 The [Essex Minerals Local Plan](#) (MLP) was adopted in July 2014 and provides 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 seeks high-quality site restoration, all in the pursuit of sustainable development.
- 1.2 Paragraph 33 of the NPPF (2019) 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.*” Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017)
- 1.3 The Essex MLP was adopted in July 2014 and therefore we are currently considering the scope of a review of the Plan.
- 1.4 National Planning Practice Guidance (PPG) states that “*The review process is a method to ensure that a plan and the policies within remains effective.*²”. The PPG also sets out³ 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,
 - 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.
- 1.5 Planning Practice Guidance states that plan making bodies will be subject to the Duty to Cooperate when undertaking activities that can reasonably be considered to

¹ Please note that this document represents the draft work of officers and has not, to date, been approved by the County Council.

² (Reference ID: 61-064-20190315)

³ (Reference ID: 61-065-20190723)

prepare the way for the preparation of development plan documents. Plan reviews prepare the way for the preparation of such documents as they involve an assessment of whether policies in a plan need updating⁴. The same reference also states that it is important that the bodies subject to the Duty to Cooperate 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.

- 1.6 The purpose of this document is to help engage effectively with those bodies subject to the Duty to Cooperate on the scope and format of the Review, prior to any final decision being made whether to update any policies in the Plan. This document sets out a schedule of every policy in the MLP, states whether it is currently proposed to amend the policy, and sets out a bulleted justification for that decision. It also includes an assessment of the need to review the Spatial Vision and Aims and Objectives. Please note that this document represents the draft work of officers and has not, to date, been approved by the County Council. This report seeks your view on the scope of the proposed review as well as the means by which it is proposed that you will be engaged with this review prior to a proposed future formal consultation. Please note that this schedule represents an overview of initial headline conclusions. Following this round of engagement and further assessment of the Minerals Local Plan, further amendments may be proposed. As previously stated, all proposed amendments equating to what would be considered Main Modifications will be set out in a detailed report informing subsequent engagement under the Duty to Cooperate. It is also proposed to incorporate minor changes to supporting text where they aid in the explanation of changes equating to Main Modifications.

⁴ (Reference ID: 61-075-20190723)

(Existing) Spatial Vision (Proposed to Amend)

(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.

- It is considered that the Spatial Vision continues to be reflective of both the NPPFs 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 which result in any issues of non-compliance with national policy.
- The Spatial Vision could be slightly amended for clarity and consolidated as there are some elements of repetition.
- Since the adoption of the MLP, district authorities across Essex have formed partnerships through which joint plans are being produced alongside individual Local Plans. Section C states 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. No such joint plan is currently adopted and as such, any change in expected growth locations cannot at this point be qualified with absolute certainty. An amendment to Section C will state that wherever possible, mineral infrastructure will be located in proximity to the County’s main growth centres, currently defined as Basildon, Chelmsford, Colchester, and Harlow, but which may also need to be located to accommodate the mineral needs of a number of new Garden Communities or other major growth locations in the future. A similar amendment is proposed under Section F.
- It will also be necessary to remove references to Reserve Sites in Section G as a result of the proposed changes to Policy S6. Proposed amendments to Policy S5 act to remove the distinction between strategic and non-strategic facilities, and therefore Section F of the Spatial Vision will require a minor amendment to accommodate this change.
- Section H could be 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 proposed 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.

Existing Aims and Strategic Objectives (Proposed to Amend)

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.

	<ul style="list-style-type: none"> 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. (economic, social, and environmental)
6. To provide for a steady and adequate supply of primary minerals to meet future requirements.	<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 (economic)
7. To protect and enhance the natural, historic and built environment in relation to mineral extraction and associated development.	<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. (environmental, social)</p>
8. To reduce the impact of minerals extraction and associated development on the transport system.	<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. (economic, social, and environmental)

- 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 listed alphanumerically to aid in any future referencing.
- It is however noted that references to Reserve Sites would be required to be removed as a result of assessment under Policy S6.

Existing Policy S1 – Presumption in favour of sustainable development (Not Proposed to Amend)

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.

- 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.
- 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, as such, there no requirement to repeat national policy unless it specifically aids in the understanding of local level policies.
- At this stage it is considered that its retention would assist in preserving the numbering of existing policies, making references to planning policy in historic and long-term planning applications less problematic. Its inclusion is also not contrary to national policy.

Existing Policy S2 – Strategic priorities for minerals development (Proposed to Amend)

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.

- The purpose of this policy is to set out the strategic priorities to achieve the 'Strategy of the Plan'
- 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. These include removing references to strategic infrastructure as a result of the assessment of Policy S5 and references to Reserve sites as a result of the assessment of Policy S6.
- 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. Additionally, as this policy is not out of conformity with the NPPF, there is no fundamental reason to remove it.

- It is further noted that the strategic priorities could be consolidated. For example, Strategic Priorities 4, 5 and 9 could be revised into a single priority focussed on safeguarding mineral resources and associated infrastructure.

Existing Policy S3 – Climate change (Not Proposed to Amend)

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.

- Policy S3 provides the framework for the MPAs consideration and determination of minerals development proposals in relation to climate change issues.
- 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. It is further considered that there are no omissions within Policy S3 which result in any issues of non-compliance with national policy.

Existing Policy S4 – Reducing the use of mineral resources (Not Proposed to Amend)

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.

- 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.
- Policy S4 therefore aims to reduce the demand for, and use of, mineral resources through the 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.
- It is considered that Policy S4 is compliant with the NPPF and that there is no requirement to amend it

Existing Policy S5 – Creating a network of aggregate recycling facilities (Proposed to Amend)

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).

- 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 from being 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 are established and safeguarded across the County to promote the recycling of aggregates, wherever such waste arises from development and redevelopment projects.
- It is considered that Policy S5 is 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'.
- 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.

- Regarding the list of Key Centres set out in Part 3, whilst it is noted that within the Plan area there are long-term growth aspirations to deliver strategic levels of growth in new communities outside of the current list of Key Centres, the sites are not yet currently adopted. Therefore, it is not considered that Policy S5 needs amending to make any reference to any specific future growth location. In any event, Clause f ('within major allocated or permitted development areas (as set out in the Development Plan for Essex') would allow for aggregate recycling centres to be developed in locations that would satisfy aggregate need for any future major settlement locations at any stage of their development.
- The policy and current 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 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. This blanket approach does not allow the strategic nature of a facility to be considered in its context. If, for example, there was a relatively small scale facility but it was the only one in proximity to a number of growth locations, it may be deemed to be strategic in nature. Therefore, it is 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 in on a case by case basis having regard to Local Plan Reviews or the Development Management process.
- The position as articulated in the MLP has also 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*'. As such, 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 therefore 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 the two types of facility

Existing Policy S6 – Provision for sand and gravel extraction (Proposed to Amend)

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.

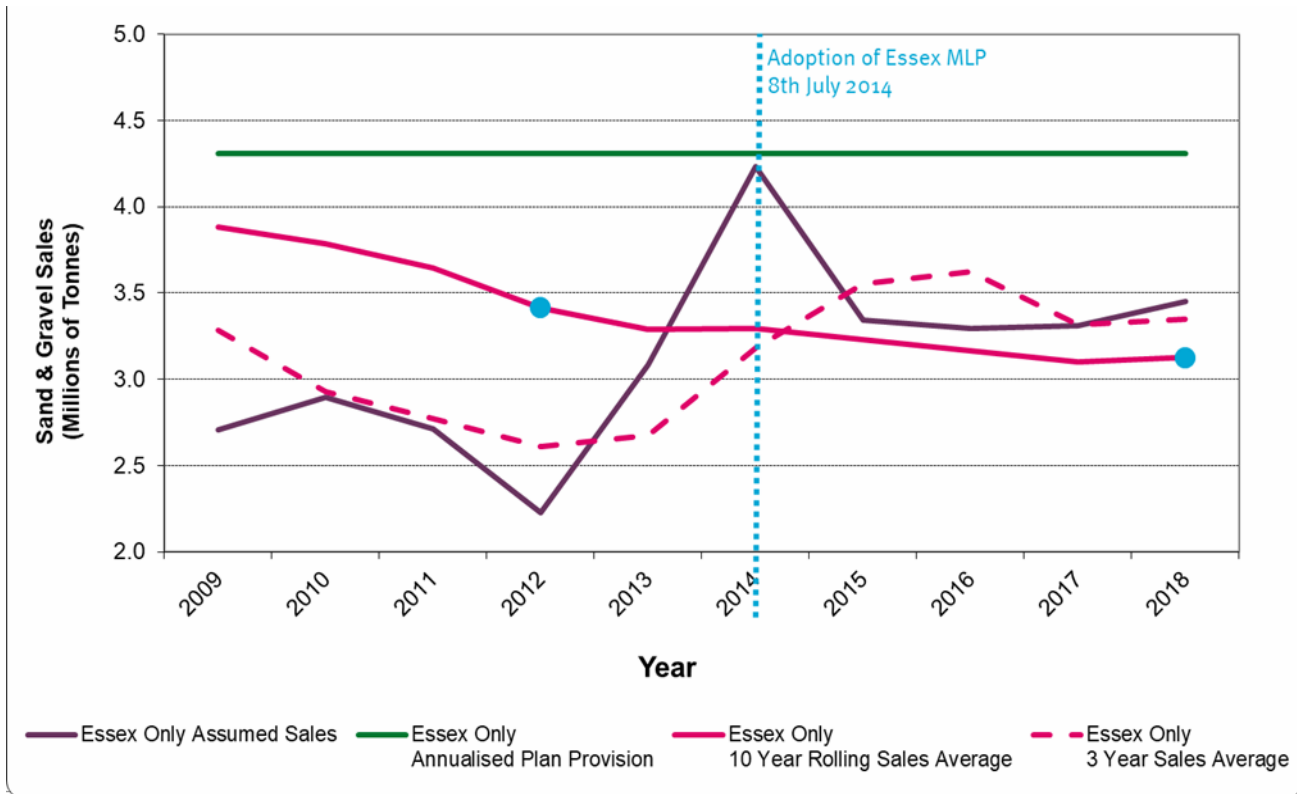
- Policy S6 sets out the amount of mineral that has been calculated as being required to equate to the provision of a 'steady and adequate' supply of minerals on an annual basis, and therefore the amount of mineral required to be provided for over the Plan period. Subsequent iterations of the Local Aggregate 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 website.
- It is considered that elements of Policy S6 are demonstrably in conformity with the NPPF. The policy appropriately responds to the statutory 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.
- Whilst Policy S6 is considered to be policy compliant, there are a number of components that require assessment before a conclusion can be reached on its efficacy. These are set out below:

The Rate of Mineral Provision

- Annual monitoring of aggregate sales through the Local Aggregate Assessment suggest that the current Plan apportionment of 4.31mtpa, 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.
- The NPPF requires that mineral provision is based on an average of ten-years rolling sales, with the National and Sub National Guidelines to be 'used as a guideline'. The ten-year rolling sales figure available for Essex at the point of the EiP Hearings in 2013 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 (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%.

- The current (2018) 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 the MLP was adopted, as shown below:

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



- The above figure shows clear reduction in the ten-year sales average year-on-year, and that an annual Plan provision of mineral made on the basis of the last ten-years of sales would have failed to amount to a 'steady and adequate' supply of minerals since 2013 (sales exceed ten year sales average). Therefore it is considered that the ten-year rolling sales average is an inappropriate quantity on which to base future Plan provision, and thereby continues to justify the current apportionment-based approach derived from the National and Sub-National Guidelines.
- With regard to the status of these Guidelines, they cover the period 2005 – 2020 and therefore will expire within the next review cycle. This leads to the need to consider the appropriateness of their continued use. NPPF Para 207 Clause d) states 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'. The latest iteration of the NPPF was published in February 2019 and therefore, despite the fact that the current iteration of the Guidelines is soon to expire, it can be taken that the Guidelines are to currently remain a consideration.
- It is also important to note that the usefulness of the current iteration of the Guidelines formed a consultation question as part of the NPPF Consultation which led to the publication of the latest iteration of the NPPF. In their response to

representation on the matter, 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... The Government intends to explore these issues after the publication of the Framework.*”

- 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.
- In light of the Government’s continued support for the current Guidelines implied by their continued inclusion in the NPPF, even though they will soon expire, 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.

The Plan Approach to Reserve Sites

- It is proposed that those sites that are currently designate as Reserve Sites be re-designated as Preferred Sites, and all references to Reserve Sites be removed from the Plan. 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.
- The current planned provision of aggregate and its rate of sale determines the need, or not, for further site allocations to be made for prior extraction. Such an assessment carried out as part of annual monitoring suggests that a ‘Call for Sites’ will likely be required at some point before the Plan expires in 2029, but not at this point in time. Sales over the recent period have been approximately 1mtpa below the forecasted MLP rate. This equates to a ‘saving’ every year of 1mtpa, or approximately a quarter of a year’s provision each year based on the annual provision requirement of 4.31mtpa. Rolling this saving forward until 2024, assuming that all site allocations come forward and are able to meet their assessed contribution to reserves at their point of allocation in the MLP, would leave the theoretical landbank in 2024 (the end of the next MLP review period) in excess of nine years, above the statutory minimum of seven years.

The Need for Further Site Allocations / Approach to a Call for Sites

- Further, the need to initiate a Call for Sites can be based on continued monitoring of the adequacy of current provision made through the Local Aggregate Assessment. It is therefore the intention that the initiation of a Call for Sites will be based on conclusions made through this annual document and that this need not necessarily be tied to a wider Plan review. This is considered to be a flexible and proactive approach to mineral provision and allows the Minerals Planning Authority to accommodate future changes in sales and provision guidelines in what is an unclear economic landscape.

The Proposed Continued Omission of Windfall Sites from Mineral Provision Calculations

- The current Plan approach to mineral provision omits any contribution from windfall sites. An interrogation of windfall applications has been undertaken which has found that since the MLP was adopted, there have been a total of three applications approved by the MPA which sought to extract from sites not currently allocated. This resulted in 1.5mt of aggregate being added to the permitted reserve. Given this relatively small yield (amounting to approximately one third of the annual apportionment across five years) it is not considered appropriate to alter this conclusion and therefore it is proposed that the MLP at this stage will continue to omit any contribution to quantified need to be made through an 'assumed' windfall contribution.

The Proposed Continuation of a Combined Landbank for Sand and Gravel

- The Plan's approach of allocating aggregate reserves on the basis of a single combined sand and gravel landbank was questioned at EiP. It was put forward that separate landbanks should be maintained for building (soft) sand and concreting sand. The Inspector accepted the MPAs evidence at the time of the Hearings but requested that this be monitored. The MPA have since commissioned an update statement on this approach, which concludes that the approach remains sound.
- The addendum to the original building sand report states that in the first instance, the provision of separate landbanks, to differentiate minerals used in different end uses from each other is clearly desirable. 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.
- With regard to mineral specification, the re-examination document states that the specifications for building sand and that for concreting sand overlap each other so that in essence while there are two separate uses and therefore markets (concreting sand and building sand) the decision as to what is produced is predominantly a commercial 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.
- Monitoring conducted separately by ECC has concluded that in Essex since 2014, there has been a reduction in the number of sites reporting sales of building/mortar sand. This monitoring showed that in 2014, ten of the 17 active sites in Essex sold both resource types whereas in 2018, seven of the 16 active sites supplied the market with building/mortar sand from mixed sand and gravel deposits, by selective processing. It is therefore proposed to maintain the current plan approach. The re-examination document also proposes the removal of an associated indicator designed to keep this position under review, as the position is one of fact and will not change. It is proposed to accept this recommendation.

The Potential for Increasing the Proportion of Marine-won Sand and Gravel contributing to the Overall County Requirement for Sand and Gravel

- In the report of the Examination in Public on what became the Essex Minerals Local Plan 2014 (MLP), the Planning Inspector holding the examination 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.

- 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.
- A bespoke piece of work has 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 have been contacted to establish the total capacity and identify whether this may be constraining throughput. A sufficient number of responses were not however forthcoming. It has therefore been considered impossible to identify whether the cumulative annual throughput at the wharves is 90% or below of 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 numbers.
- Further assessment has found that there is an absence of correlation between the production of land-won aggregate and the landing of marine aggregate in proximity to Essex, and as such the underlying principle that marine-won material can directly replace land-won production is not substantiated. This accords with statements issued by the British Marine Aggregate Producers Association (Aggregates from the Sea, 2006).
- It is also the case that the MPA is not able to directly facilitate an increase in marine aggregate provision. Should a 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 initiate.
- 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.
- 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 operator reluctance to participate. It is therefore recommended proposed that the relevant Mineral Monitoring Indicator be removed from Monitoring Framework, and Policy S6 continues to omit any marine aggregate contribution from its quantification of need.

Existing Policy S7 – Provision for industrial minerals (Proposed to Amend)

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.

- 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.
- 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 brick clay, where each of the two brick clay extraction sites have permitted reserves in excess of 25 years each to recognise that the brick clay from each site serves different uses. The provision of chalk is not based on satisfying a landbank as there is no statutory requirement to maintain a landbank for chalk when it is being extracted for agricultural and pharmaceutical uses.
- However, 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 the extraction of 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.
- The reference to 'non-Preferred Sites' in the final section of the policy is proposed to be amended to read 'non-identified 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 though 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.

Existing Policy S8 – Safeguarding mineral resources and mineral reserves (Proposed to Amend)

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.

- 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 economically 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).
- It is considered 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 the current 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.

- An element of Policy S8 does however misinterpret national policy. 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. 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.
- The NPPF is now silent on the role of MCAs although they are featured within the PPG. Here 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 resource safeguarded by virtue of an MSA designation.
- Further clarity is afforded by the Minerals Safeguarding Practice Guidance published jointly by the Planning Officers Society and the Mineral Products Association in 2019. This states that 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’. It is proposed to redefine the Plan approach to MCAs such that they now provide a buffer around the MSAs. The existing MSA buffer value of 250m as currently applied to extant, permitted and allocated mineral infrastructure is considered appropriate to apply as a buffer around MSAs.
- The application of Policy S8 as it applies to MSAs is based on site size thresholds. Applications coming forward that are less than the stipulated threshold for the relevant MSA are not captured by Policy S8. 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 so that consultation only occurs where there is likely to be a significant risk to mineral resource safeguarding, at a size where prior extraction could be feasible. Given the extent of the sand and gravel resource in Essex, it is considered appropriate to retain the current policy thresholds. However, the policy could be amended to state that applications in MSAs of any size should actively consider the ability for incidental extraction to support the development being applied for to be consistent with best practice.
- Any references to Reserve Sites in Policy S8 would be required to be removed due to their proposed re-allocation to Preferred Sites.
- There are a number of other aspects that are not matters of policy compliancy that require assessment before a conclusion can be reached on the efficacy of Policy S8. These are set out below:

The Relationship between Policy S8 and Policy S9

- Policy S8 contains 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 duplication. Elements of the current Policy S8 and supporting text that address safeguarding provisions as they relate to mineral infrastructure are proposed to be moved into Policy S9 or deleted where already covered.

Minerals Local Plan Appendix 5

- Table 9 in Appendix 5 sets out those development types that are either included or excluded from the provisions of Policy S8. 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 on the basis of Policy S8 and that their current exclusion is an error.
- Since the adoption of the MLP, the MPA requests that all proposed housing sites be submitted to the MPA so 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 and reference is made to MLP Policy S8 as part of any informative that is associated with their allocation. In this manner, Policy S8 can be considered by any prospective developer at the point of allocation.
- 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. 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, enabling 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, including whether they were included within the Plan at short notice prior to its adoption.

Justification for the Extent of Mineral Safeguarding Areas

- The extent of the MSAs as delineated in the MLP were taken from the Mineral Safeguarding Areas - Rationale Report published by Mouchel in October 2012. An opinion was sought from the Minerals Product Association in 2019 with regard to their continued applicability. The criteria which were used to delineate the MSAs were found to still be relevant. As such it is not proposed to alter the spatial extent of MSAs.

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

- The MPA 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 would not be sent to the MPA for comment and therefore subjected to comment or 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 smaller non-mineral developments, and whether this is greater or smaller than what is being lost through the permitting of larger non-mineral developments.

- 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 their being a mineral present which is practicable to extract.
- Within the Inspectors Report into the Examination of 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.
- 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 Minerals Assessment

- It is noted that the MLP does not include any criteria upon which to define what a policy compliant Minerals Resource Assessment is expected to contain. This has resulted in unnecessary delay when it comes to developers attempting to conform with this policy. It is now proposed to adopt the Mineral Resource Assessment checklist contained within the Minerals Safeguarding Practice Guidance 2019, 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. The proposed checklist is reproduced in Appendix One of this document.

The Use of the Phrases ‘Local Importance’, ‘Economic Importance’, ‘Unnecessarily’ and ‘Consideration’ in Policy S8

- 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 local importance by sole 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 the existence of mineral with local importance. This removes any ambiguity as to what constitutes a mineral deposit of potential local importance in the first place.
- Policy S8 further 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’. This is not the test that is captured in the PPG. 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 practicable to extract, and if so, that prior extraction should take place

to avoid the unnecessary sterilisation of minerals.

- The MRA will be required to comment on the mineral having a marketable use. NPPF Paragraph 203 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*'. 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 one related to the viability of the proposed non-mineral development as a whole, not just the viability of mineral extraction in isolation. It is proposed to amend the policy accordingly.
- 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. Its retention in Policy S8 is not however considered to be a contradiction of national policy, but it is considered that the addition of the phrase 'where this can practicably be avoided' would allow the MPAs position to reflect local circumstances and align the policy more closely with the NPPF.
- 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. 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, 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 proposed that Policy S8 be revised to remove the need to have 'consideration' of the need for prior extraction.

Existing Policy S9 – Safeguarding mineral transshipment sites and secondary processing facilities (Proposed to Amend)

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.

- 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.
- 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.

- 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 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, however, defined as waste management facilities in Essex as they recover previously used aggregate sourced from Construction and Demolition waste. These are safeguarded through the provisions of the Essex and Southend-on-Sea Waste Local Plan.
- There are a number of other aspects that are not matters of policy compliance that require assessment before a conclusion can be reached on the efficacy of Policy S9. These are set out below:

Alignment with the Essex and Southend-on-Sea Waste Local Plan 2017

- In the assessment of Policy S5, it was considered that it was no longer appropriate to make a distinction between strategic and non-strategic sites, as no such distinction was carried through into the Essex and Southend-on-Sea Waste Local Plan. It is proposed to apply the same logic here. This would mean that in the first instance, Mineral Consultation Areas would now apply to all permitted mineral facilities in the Plan Area, including those which are temporary, for the length of their permission. On this basis, references to specific sites in the policy can be removed.
- 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, namely that all minerals infrastructure within the Authority Monitoring Report are to be subjected to Mineral Consultation Areas. This will require the Authority Monitoring Report to be amended to include mineral transshipment sites and coated stone plants. The proposed change will also grant the policy additional flexibility as the scope of the policy can be amended through the Authority Monitoring Report as permissions are granted and expire, rather than the policy itself becoming dated. Where relevant, it is proposed that further provisions of WLP Policy 2 will be imported into Policy S9.

Requirements for a Compliant Mineral Infrastructure Assessment

- To aid in the operation of Policy S9, it is proposed to set standard criteria for a Mineral Infrastructure Assessment as a means to ensure that existing mineral infrastructure is not compromised by proximal non-mineral development. The Planning Officers Society and Minerals Planning Association Minerals Safeguarding Practice Guidance (2019) contains a list of requirements for a 'Minerals Infrastructure Assessment'. 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 in Appendix Two and is proposed to be explicitly referenced to in policy, and contained in an appendix of the MLP.

Mineral Consultation Areas as they relate to Mineral Infrastructure

- MCAs applying to mineral infrastructure will be amended to Mineral Infrastructure Consultation Areas (MICAs) such that there is a distinction between Mineral Consultation Areas relating to Mineral Safeguarding Areas. The basis for their designation will remain as currently set out in Policy S9, which is 250m around all safeguarded mineral infrastructure.

Existing Policy S10 – Protecting and enhancing the environment and local amenity (Not Proposed to Amend)

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.

- 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.
- 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 by setting out a number of broad principles which any application will need to be in accordance with. 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. 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.

Existing Policy S11 – Access and Transportation (Not Proposed to Amend)

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.

(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.

(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.

- 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. Impacts can relate to congestion, which can have knock-on effects on the wider transport network, as well as maintenance issues related to the road surface and vulnerable proximal features.
- 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 and Policy S11 provides that function.
- It is noted that the impacts of mineral traffic are not just related to impact 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.
- 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.

Existing Policy S12 – Mineral Site Restoration and After-Use (Proposed to Amend)

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.

- 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.
- It is considered that Policy S12 is largely in conformity with the NPPF. PPG 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, land stability and heritage. Whilst these aspects are addressed under Policy DM1 – Development Management Criteria, 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 supporting text so it would be appropriate to add these to the wording of Policy S12.

- It is considered that the policy should also be amended to seek ‘net biodiversity gain’ rather than ‘biodiversity gain’ to recognise that biodiversity net gain is likely to be made mandatory for new developments through the Environment Bill 2019. An amendment to Policy S12 is proposed which will allow any biodiversity net gain to be measured; in accordance with the requirement set out in NPPF Paragraph 170 Clause d and 174 Clause b.
- To accord with PPG⁵, 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.
- There are a number of other aspects that are not matters of policy compliancy that require assessment before a conclusion can be reached on the efficacy of Policy S9. These are set out below:

Recognising the wider Development Plan in Restoration Schemes

- 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.

The Continued Appropriateness of Section 3 of Policy S12

- 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.
- 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. 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.

⁵ Reference ID: 27-040-20140306

- The rationale for the hierarchy was formerly predicated on a stated difficulty of obtaining sufficient inert material to use for restoration, based on forecasts conducted at the time of MLP formation. 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.
- 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.'

The Delivery of Priority Habitat through Policy S12

- A stated aim incorporated within the text of Policy S12 of the MLP is the creation of priority habitat through mineral site restoration. A monitoring indicator sets a target of 200ha of priority habitat to be delivered through the working of preferred sites. Whilst there has been no priority habitat delivered during the first five years of the MLP (2014), this is considered to be a function of the total time it takes to gain planning permission to extract, undertake extraction and subsequent restore the site, rather than any failing of approach. Monitoring of restoration schemes committed to, through granted planning permissions, suggests that the 200ha target can be met.

Existing Policy P1 – Preferred Sites for Sand and Gravel Extraction (Proposed to Amend)

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.

- 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 the MLP 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.
- 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.
- With the proposed intention to continue with a rate of mineral provision of 4.31mtpa as set out in the assessment of the need to review Policy S6, rather than a rate of provision informed through a calculation on the basis 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 sites affected being allocated as Preferred sites.

The Continued Deliverability of Sites allocated through the Minerals Local Plan

- As part of this assessment of the need to review the MLP, 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.

Existing Policy P2 – Preferred Sites for Silica Sand Extraction (Proposed to Amend)

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.

- 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.
- 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 generally compliant with national policy.
- 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 and as such it is concluded that it is appropriate to continue with the allocation.
- 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.

Existing Policy DM1 – Development Management Criteria (Not Proposed to Amend)

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.

- 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.
- 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.
- Policy DM1 is considered to be fit for purpose and compliant with national policy. As such, no amendments are proposed.

Policy DM2 – Planning Conditions and Legal Agreements (Not Proposed to Amend)

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.

- 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.
- Paragraph 54 of the NPPF states that *“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.”* Policy DM2 facilitates this consideration and is therefore considered to be compliant with national policy.
- Policy DM2 is considered to be fit for purpose and compliant with national policy. As such, no amendments are proposed.

Policy DM3 – Primary Processing Plant (Not Proposed to Amend)

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.

- 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.
- However, the importation of non-indigenous material can increase vehicle movements and extend the overall life of a quarry, potentially acting to establish an industrial use in what could be an inappropriate location. Policy DM3 acts to regulate this activity.
- NPPF Paragraph 204 requires the setting out of 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.
- The PPG further requires that 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) economic considerations (such being able to continue to extract the resource, retaining jobs, being able to utilise existing plant and other infrastructure).
- Policy DM3 accords with these requirements and is considered to be fit for purpose and compliant with national policy. As such, no amendments are proposed.

Policy DM4 – Secondary Processing Plant (Not Proposed to Amend)

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.

- 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. Policy DM4 acts to regulate this activity.
- NPPF Paragraph 204 requires the setting out of 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.
- The PPG further requires that 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) economic considerations (such being able to continue to extract the resource, retaining jobs, being able to utilise existing plant and other infrastructure).
- Policy DM4 accords with these requirements and is considered to be fit for purpose and compliant with national policy. As such, no amendments are proposed.

Policy IMR 1 – Monitoring & Review (Proposed to Amend)

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.

- 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.
- 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 proposed to accommodate this requirement.
- 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 single-issue review papers and/or an assessment of the information that has been captured through the current framework. A summary of proposed changes to the Monitoring Indicators is set out below. Indicators are highlighted by exception.

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

- Proposed to be removed in light of the conclusions made by the Re-examination of Building Sand Provision in Essex report (as set out under Policy S6).

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

- Proposed to be removed in light of the conclusions made through the assessment of the practicalities of quantifying an aggregate contribution to total aggregate need from the marine environment (as set out under Policy S6). Marine landings in proximity to Essex will remain monitored by the annual Aggregate Assessment.

MMI 4: Production of Secondary & Recycled Aggregates

- Having operated this indicator for the past five years, it is considered that the methodology can be improved such that the Indicator better matches its stated purpose. The current methodology does not consider either the production (sales) of secondary aggregates or the production (sales) of recycled aggregate. It instead reports primarily on the capacity of CD&E facilities, whether this be a known maximum as derived from the planning application, or an assumed maximum based on the throughput of waste as derived from the Waste Data Interrogator. A new methodology is being devised which it is considered will more accurately report on this aspect of the MLP.

MMI 9: Area of Commercial Mineral Deposits Sterilised by Non-Mineral Development

- 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.
- 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 mineral is being lost in total as a secondary consideration of the Monitoring Indicator. It is therefore considered appropriate to split this Indicator into a Part A and Part B.

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

- 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.
- 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

- 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.
- 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. 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 of this Indicator.
- 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 mineral site restoration.

Appendix One

Table 1: Components of a Compliant Minerals Resource Assessment

Minerals Resource Assessment components	Information requirements & sources
Site location, boundaries and area	<ul style="list-style-type: none"> • Red line area in relation to MSA/MCA • Description of development including layout & phasing • Timescale for development
Mineral Resource	<ul style="list-style-type: none"> • Type of mineral • Existing mineral exploration data (e.g. previous boreholes in area) • Results of further intrusive investigation if undertaken • Extent of mineral – depth & variability • Overburden – depth & variability, overburden:mineral ratio. To be expressed as both actual depths and ratio of overburden to deposit. • Mineral quality – including silt %/content. Consideration should give given to the extent to which the material available on site would meet the specifications for construction. • Estimated tonnage of resource potentially affected • Estimated economic/market value of resource affected
Potential constraints on mineral extraction at location	<ul style="list-style-type: none"> • Site location, proximate receptors, infrastructure/utilities, accessibility • Landscape, biodiversity & heritage designations • These should be assessed in light of the fact that construction of the non-minerals development would be taking place. It is held that mitigation methods employed as part of the construction of the non-minerals development may be appropriate to allow prior extraction at that locality. Impacts on the landscape are unlikely to be considered an appropriate reason by which to conclude that prior extraction could not take place given that a proposal may be for permanent built development.

Potential opportunities for mineral extraction at location	<ul style="list-style-type: none"> • Proximity to existing mineral sites or processing plant • Previous consideration of site or adjacent land in preparation of Minerals Local Plan • Context of site and mineral within wider resource area • Proximity to viable transport links for mineral haulage • Potential benefits through mineral restoration e.g. land reclamation, landscape enhancement
Conclusions	<ul style="list-style-type: none"> • Amount of mineral at risk of sterilisation • Current and future economic or heritage importance of mineral • Viability of extraction from Site, taking account of existing reserves and potential resources elsewhere • Importance of the proposed non-minerals development
Prior Extraction	
Commercial & market considerations	<ul style="list-style-type: none"> • An assessment of the current and future economic and/or special value of the mineral resource. • Interested operators/local market demand • Processing needs • Proximity to processor or market • Potential for on-site use of some or all of the mineral • Accessibility
Practicability & acceptability	<ul style="list-style-type: none"> • Effect on viability of non-minerals development including through delays and changes to landform and character • Site location, setting & proximity to receptors • Accessibility/transport • Hydrology/hydrogeology/drainage • Effect on designations or interests

Appendix Two

Table 2: Components of a Compliant Minerals Infrastructure Assessment

Minerals Infrastructure 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 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
Measures to mitigate potential impacts of operation of infrastructure on proposed development	<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"> • 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
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Early Draft Conclusions of the Review of the Minerals Local Plan 2014

1. **The Plan, at this stage, continues to plan for a steady and adequate supply of aggregates in Essex and that the existing allocated sites provide sufficient mineral resources to support current need within and outside the county.** There is no indication from site promoters that those sites in the Plan, remaining to come forward, are not still intended to be delivered. Accordingly, at this current time, there is no requirement to seek to allocate additional future extraction sites in the county. Nonetheless, it is considered that new sites in the Plan are likely be required at some point before the Plan expires in 2029, but an assessment of the current rate of aggregate sales compared against the remaining reserves suggests that this is likely to be required later in the plan period.

2. **That the two ‘Reserve Sites’ in the Plan (located at Bradwell Quarry in Braintree) are re-allocated to ‘Preferred Sites’.** When the Plan was examined in 2013 there was significant local challenge that the amount (tonnage) of mineral, the Plan proposed to allocate in the plan period, was too high. ECC and the mineral industry supported one figure, opposition groups advocated a lower figure, with the aim of reducing the number of preferred sites allocated. The Inspector elected to support ECC’s approach however requested that the difference between the two tonnage figures be recognised through a rebranding of two Preferred Sites to Reserve Sites. The monitoring of sand and gravel sales, since adoption of the Plan in 2014, shows that the lower provision figure would fail to satisfy the current rate of annual sales and therefore the Reserve Sites are likely to be needed within the Plan period. As such it is recommended that Reserve Sites be re-allocated to Preferred Sites. There are two Reserve Sites allocated in the Plan – both extensions to the existing quarry in Bradwell Parish (Braintree District), which would see their status change to Preferred Sites.

3. **That the Policy seeking the safeguarding of mineral resources and infrastructure is updated to reflect current best practice.** This relates to standardising the information to be submitted alongside applications for non-mineral development, such as housing development, that have the potential to impact on mineral bearing land or associated infrastructure. Since adoption of the Plan the policy approach to safeguarding mineral resources (Policy S8) has not operated as envisaged. The policy’s current wording has been exploited by non-mineral developers such that its effectiveness has been undermined. Standardising this approach is expected to provide clarity for developers and LPAs to be able satisfy the requirements of the policy. New national mineral safeguarding guidance has been jointly published by the Planning Officers Society and Minerals Product Association in 2019 and it is recommended that some of this best practice is translated into the Plan.

4. **The safeguarding policy (Policy S8) requires further amendment to correct an error in interpretation made during plan formation.** This relates to the extent and application of 'Mineral Safeguarding Areas' (MSAs) and 'Mineral Consultation Areas' (MCAs). At present, MSAs extend to the boundary of known mineral resources and MCAs extend 250m around existing mineral infrastructure. This is incorrect. MCAs should extend 250m around known mineral bearing land and existing mineral infrastructure. Another required amendment is to rule into the scope of this policy sites which are allocated in district Local Plans. They are currently ruled to be outside of scope, which has led to situations where finite mineral resources are potentially being lost due to the inability to apply the safeguarding policy to historic sites allocated before the safeguarding policy itself was implemented. Making best use of mineral by encouraging prior extraction before a resource is sterilised by development reduces the pressure to find alternative sources of provision around the County.
5. **That restrictive lower-level restoration requirements are removed.** Policy S12 of the Plan covers mineral site restoration and after-use. It includes a hierarchy of preference for restoration with restoration to the lowest possible land level, including where this would result in the formation of waterbodies, as the first preference. This position was originally informed by waste forecasts, now out of date, which concluded that there would be an absence of inert fill material (essentially soils and rubble from construction and demolition sites) that could be used to restore mineral sites to original land levels. Since then, further forecasting, carried out in support of the Waste Local Plan 2017, evidence that there is a need for inert waste sites in Essex. As such it is considered appropriate to remove this hierarchical preference for low level restoration and allow for the restoration scheme of each former quarry to be considered as part of the planning application process. Further amendments are proposed to ensure that restoration schemes reference to any extant or emerging green infrastructure studies or local plan objectives that may promote alternative beneficial land uses in the wider public and environmental interest.
6. **That the Plan's monitoring indicators looking at wharf capacity and building sand provision are removed.** Prior to adoption of the Plan, following local and industry challenge, the Planning Inspector requested that ECC explore further its approach to building sand supply (whether additional allocations/a separate landbank was required for this specific resource). He also required the authority to monitor the contribution marine aggregates make in particular whether proportion of marine-won sand and gravel could reduce land-won provision in Essex. Two studies have been carried out looking at these matters. The early conclusions are that ECC is justified in its current approach in the Plan and the monitoring indicators covering building sand supply and wharf capacity are no longer fit for purpose.
7. **Further changes to Plan to bring it up to date.** A number of other more minor amendments are needed to both policies and supporting text, partly as a result of the proposed headline revisions set out above, but also to update historic references and planning contexts that have been superseded. Whilst adopted in 2014, elements of the Plan would have been drafted much earlier and potentially nearly a decade old, predating, for example recent changes to national policy, such as the National Planning Policy Framework (NPPF).

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