

# 1 Response Paper – Any Further Comments

## Purpose of Any Further Comments

- 1.1 The Regulation 18 Consultation April 2021 was largely organised by individual policy to enable the MWPA to effectively collate and respond to the issues raised. It was however important to include an ‘open question’ such that respondents were able to raise any additional issues that did not fit within the parameters of individual questions and/ or policies. The open question was worded as follows: ‘Do you have any further comments to make regarding the proposed amendments to the Plan?’

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

- 1.2 Not applicable

## Impact of Revisions to NPPF 2021

- 1.3 Not applicable

## Summary of Issues Raised through March 2021 Reg 18 Consultation

- 1.4 Where support was explicitly received in relation to the ‘Any Further Comments’ component of the Regulation 18 Consultation, this was with regards to those areas of the Plan which sought to deliver development as sustainability as possible Support was given with respect to the emerging Plan’s approach to maximising the use of recycled aggregate, mitigating against climate change impact, green and blue infrastructure provision and flood resilience, as well as statements of the need to refer to district Local Development Plan objectives when considering restoration schemes. A number of issues and/ or areas of disagreement were also raised, as follows:
- Timetable for the MLP Review,
  - The understanding that no new sites are being put forward as part of the MLP Review,
  - Whether Essex County Council should plan separately for concreting sand and building sand,
  - Potential impacts on the road network as a result of mineral working, including the need to monitor/ control HGVs using local unsuitable country lanes,
  - Potential impacts on utilities as a result of mineral working,
  - Historic Environment policies need to be more detailed,
  - The potential impacts on residents of mineral extraction and restoring sites to public open space,
  - The Proposals Map is not fit for purpose,

- The overlap between Marine Plans and Local Plans, and the treatment of marine aggregates,
- Using mineral extraction as a means to further geological understanding

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

- 1.5 This section acts to address the issues raised through the March 2021 Regulation 18 Consultation in relation to this policy, as set out above, and subsequently details any changes in approach made through their consideration. These changes of approach will be incorporated within The Draft Essex Minerals Local Plan 2025-2040 Regulation 18 document which will again be subjected to a Regulation 18 public consultation.
- 1.6 There now follows a discussion of each of the main issues raised during the March – April 2021 Reg18 Consultation in relation to this Plan section:

#### Timetable for the MLP Review

- 1.7 Through the Regulation 18 Consultation April 2021, a response was received questioning the timescales associated with the MLP Review. This was in relation to both the timescale for the production of the Review and the timescales that were intended to be covered by the revised Plan resulting from the Review. It was noted that the Essex Minerals Local Plan was adopted in 2014 with a Plan period extending to 2029, and it was subsequently stated that a Plan on adoption should be planning for a 15-year time horizon to be NPPF compliant and that whilst a review is not necessarily required for the full Plan, there are significant concerns that a delay in a full Review of the MLP will result in Essex failing to deliver a steady and adequate supply of sand and gravel within the next three to four years and certainly before the end of the Plan period.
- 1.8 Reference was then made to the Rationale Document in support of the Essex Mineral Plan Amendments which identifies at Paragraph 2.2 that a review of the Mineral Local Plan was required to be completed by July 2019, noting also that Paragraph 1.2 similarly confirms that a 'review must be completed every five years, starting with the date of adoption of the local plan'. However, the respondent stated that in this case, the approach of ECC has been simply to 'commence' a review five years post adoption of the local plan, meaning that there will be a further time period before a review is 'completed'.
- 1.9 It was further stated that the current consultation is one of the initial stages of a Plan Review and the first to identify wording changes to the document. There is a requirement for a further stage of consultation (which may occur in 2021). However, it is unlikely that a Plan would be submitted to the Planning Inspectorate for Examination in advance of 2022. Subject to the outcome of Examination and any modification/consultation, a Plan cannot feasibly proceed to adoption before 2022/2023. Should that happen, the Plan will be nine years old in advance of a Review and the Plan will be out of date within one year as it will be unable to maintain a landbank in excess of the minimum seven years. It

therefore becomes an ineffective strategy for mineral planning within the Essex area. Delays in a full Plan Review and waiting a further five years (post adoption – circa 2028) until the next Review period will mean that the Plan has not been meaningfully reviewed in terms of resource provision for virtually the entirety of the original 15 year plan period. This presents uncertainty for both operators and local residents and it is delaying the inevitable exercise of undertaking a call for sites.

- 1.10 The MWPA acknowledges the points raised and following a review of best practice and a consideration of comments received through public consultation to date, a revised strategy is being put in place to deliver a steady and adequate supply of minerals across Essex to 2040, including new site allocations. At the point of adoption of the revised Plan, the existing Plan, in its entirety, will cease to apply. Up until that point, the adopted Plan, including its allocations, will continue to be the basis of mineral policy decisions within the County. The proposed 2040 end date represents 15 years on from the proposed adoption date of 2025.
- 1.11 With respect to what a Plan review entails, Paragraph 33 of the NPPF states 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'. It is therefore only an assessment of the need to update policies that is required to be completed within five years, not that policies need to be amended and re-adopted within five years.

#### The understanding that no new sites are being put forward as part of the MLP Review

- 1.12 A number of respondents from councils at both parish and district level noted that there were no new sites proposed as part of the Regulation 18 April 2021 consultation, with some then stating that as such, they had no further comments to make. Similar responses were also received from other stakeholder groups including those responsible for infrastructure delivery that could potentially be impacted by mineral extraction proposals. It was also noted by a respondent that they explicitly would not support additional allocations being made in their parish.
- 1.13 The MWPA clarifies that whilst no new sites were proposed at the point of the Regulation 18 Consultation 2021 to which these responses pertain to, it is noted that following a consideration of consultation responses received as part of the Regulation 18 consultation and Engagement on Policy S6 which subsequently took place between February - March 2022, it is now considered appropriate to re-base the MLP to 2040. A Call for Sites has already taken place with a second Call for Sites planned. Site assessments are being carried out against a site selection methodology and the results will be presented at a future Regulation 18 consultation in 2023.
- 1.14 With regards to those allocations that are currently in the MLP 2014 and have not yet come forward, the MWPA will seek clarification from the promoter that there is still interest in delivering each of these sites. Should confirmation be

received, the site will be re-assessed under the new site selection methodology that all new potential allocations are being subjected to, and an assessment made of their continued appropriateness for allocation in the next MLP.

#### Whether Essex County Council should plan separately for concreting sand and building sand

- 1.15 Through the Regulation 18 consultation April 2021 it was noted that a key question was whether ECC should plan separately for two distinct types of aggregate (concreting sand and building sand) or continue to plan based on a single combined sand and gravel landbank. No preference was stated but the MWPA notes that the stance with regards to building sand in the adopted MLP was based on the findings of the Review of Building Sand Supply in Essex, 2013 report. The issue was re-addressed through this Review through the A Re-examination of Building Sand Provision in Essex, 2019 report.
- 1.16 The two reports were commissioned on the basis of ascertaining whether 'building sand' has a distinct and separate market. The first of these was commissioned in light of consultation responses received as part of the formation of the MLP 2014 and the other commissioned to update the position as part of this Review
- 1.17 Whilst recognising that the specifications for concreting and building sand overlap, building sand is an aggregate which has a distinct and separate market. However, the two topic papers highlighted present the case that Essex has no commercially significant bedrock sand resources. Where split landbanks are maintained in mineral planning areas, this is mainly on the basis of a split by geological units rather than products. Sales of building sand in Essex are dominantly from superficial sand with gravel, and these deposits can also produce concreting sand, which is another type of sand with a distinct market. The report argues that it is impossible to split the reserves in Essex into that proportion only suitable for use as building sand from that proportion only suitable for use as concreting sand and therefore the MWPA intends to continue planning on the basis of a single sand and gravel landbank.

#### Potential impacts on the road network as a result of mineral working, including the need to monitor/ control HGVs using local unsuitable country lanes.

- 1.18 Concern was raised through the Regulation 18 consultation in April 2021 that road and other transport infrastructure cannot support the mineral extraction being considered especially regarding the B1012 which will pass through South Woodham Ferrers, when a further 1500 properties has been constructed north the town.
- 1.19 The MWPA notes that the site selection methodology used to assess the appropriateness of candidate sites for future allocation contains a transport and access criteria where issues of the nature set out in this response will be assessed. The methodology also includes a cumulative impact criteria which acts to scope in potential impacts with regards to other types of development

proposed in the local area. Matters of transport and access are assessed by a Highways officer.

- 1.20 At the planning application stage, all applications are currently required to demonstrate conformity with Policy S11 – Access and Transportation. It is currently proposed that the revised policy will require the production of a Transport Assessment or Transport Statement demonstrating that there will not be an unacceptable impact on road users, including cyclists, horse riders and pedestrians. The same policy also requires that minerals development shall not cause unacceptable impacts on the efficiency and/or capacity of the highway network (including the trunk road network).
- 1.21 Another respondent stated that they generally agree with the consultation but feel more could be done to monitor/control contracted HGV movements operating from the mineral sites from using local unsuitable country lanes.
- 1.22 The MWPA however notes that all road users are taxed through Vehicle Excise Duty (VED), which increases depending on the size and weight of the vehicle whose use is being applied for. Payment of this tax then entitles the road user to use the public highway freely, other than needing to comply with any locally imposed width, height or weight restrictions. Under the Highways Act 1980, the Highway Authority has a statutory duty to maintain the local road network, and this is funded out of general taxation. The Highway Authority may require improvement works (at the developer's expense) to upgrade the road network to accommodate HGV traffic from the site.
- 1.23 The MWPA can also enter into a unilateral agreement on a suitable route for mineral vehicles. Further, MLP policy S11 - Access and Transportation acts to implement a hierarchy of preference for transportation by road, which seeks to move mineral traffic onto the main road network as quickly and as efficiently as possible. How vehicle movements associated with each potential site would get onto the main road network is also a consideration at the site selection stage. It is further noted that the Planning Department has an enforcement and monitoring service, which residents can contact if it is considered that there has been a breach in a planning condition or otherwise unacceptable practice.

#### Potential impacts on utilities as a result of mineral working

- 1.24 As part of the Regulation 18 consultation in April 2021, a utility provider submitted a number of guidance documents and stated that they were happy to provide advice and guidance to the Council concerning their networks. The MPWA notes that with regards to the impact on utilities in general, the site selection methodology used to assess the appropriateness of candidate sites for future allocation as sand and gravel extraction sites contains a utilities criterion where issues of the nature set out in the response will be assessed. It is further noted that all utility providers contacted through this consultation will be contacted at all stages of plan production. With the next consultation intended to contain sites for potential allocation, it is understood that further engagement with utility companies is required.

## Historic Environment policies need to be more detailed

- 1.25 Through the consultation it was noted that references to English Heritage should actually be references to Historic England. This error will be corrected through amendment ahead of the next public consultation.
- 1.26 It was also considered that there is currently insufficient policy provision for the historic environment in the Plan. While it was noted that the historic environment is referenced in policies S10- Protecting and Enhancing the Environment and Local Amenity, S12 - Mineral Site Restoration and After-Use, and DM1 - Development Management Criteria, it was considered that these references are insufficient and provide limited historic environment criteria against which planning applications will be assessed so as to ensure that there are no unacceptable adverse impacts.
- 1.27 A number of detailed historical environment considerations were then presented relating to the archaeological, paleo-environmental and geoarchaeological environments, both within sites proposed to be allocated and as well as land outside. It was recommended that several guidance documents be referred to in the MLP and to address the issues set out in the consultation response, it was strongly recommended that a separate policy for the historic environment is drafted to reflect the requirements of the NPPF more closely. It was stated that this should cover matters such as the need to conserve and enhance heritage assets and their settings, and to incorporate the relevant tests in relation to harm.
- 1.28 The MWPA does not agree that there is insufficient policy provision for the historic environment in the Plan. It is noted that the highlighted approach in the Regulation 18 Consultation document shows little change from what is already an extant policy which was adopted after the introduction of the original NPPF in 2012. It is not considered that subsequent revisions to the NPPF that have resulted in its current iteration have introduced any additional prescriptions which mean that the policy approach consulted upon is not appropriate.
- 1.29 It is accepted that the policy could be more prescriptive and accommodate more of the requirements set out in the NPPF but there is no requirement for local policy to repeat elements of the NPPF and to do so would not be particularly useful as the NPPF is a material planning consideration in decision making in any event. On the same theme, mineral development falls within Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Whilst the application of EIA to Schedule 2 developments is discretionary and based on set criteria, mineral development is often scoped in due to it likely having an impact on the environment. Part of the requirements of an Environmental Impact Assessment is a detailed assessment of the impacts on the historic environment. Further, minerals development must be in accordance with the Development Plan, which means that proposals are also assessed in conjunction with district historic environment policy which provides an additional, more locally specific layer of protection to the historic environment. It is also considered that with the MLP policy being less

prescriptive overall, there is less of a risk of issues being 'screened out' inadvertently by not appearing in a detailed list that attempts to capture every aspect that could possibly be material to the consideration of an application.

- 1.30 Through representation it was also stated that the knowledge of local conservation officers, the county archaeologist and local heritage groups should be drawn upon as part of devising the approach to the historic environment. On this matter, the MWPA notes that historic environment and archaeology specialists are involved in the site assessment process that will lead to new allocations being made in the revised MLP. They will be able to consider potential allocations with respect to their potential impact on the historic environment and consequently draft informatives that will need to be addressed by any future planning application if this should be required. The results of the site assessment and proposed policy wording will then be put out for public consultation where local heritage groups will be able to submit responses.
- 1.31 It was also recommended that Historic England guidance documents are referred to, to ensure that potential impacts on historic amenity are fully considered. With respect to direct references to extant Guidance produced by Historic England, this will be considered by the MWPA but it is noted that references to external guidance that could itself be replaced may act to date MLP policies or otherwise impact on their original intention and/ or effectiveness. The current MLP requires that adherence is made to 'best practice advice' and it is considered that this statement could be amended to include the need to comply with guidance documents.

#### The potential impacts on residents of mineral extraction and restoring sites to public open space

- 1.32 A respondent to the Regulation 18 Consultation April 2021 recognised the importance of planning for the mineral needs of Essex although it was noted that there were a number of mineral extraction sites already within Ardleigh Parish and that no more would be supported. It was stated that they have caused varying levels of concern and disruption to residents, including increased traffic and noise, and that such concerns will continue to be raised as they arise.
- 1.33 With respect to the site allocation stage, the MWPA notes that the Call for Sites assessment methodology contains a number of criteria against which the potential impacts on various receptors, including those highlighted, can be assessed. It is further noted that Policy DM1 – Development Management Criteria and Policy S12 – Mineral Site Restoration and After-Use seek respectively to ensure that it is demonstrated that the mineral workings would not have an unacceptable impact, including cumulative impact with other developments, and that it can be demonstrated that the land is capable of being restored at the earliest opportunity to an acceptable environmental condition.
- 1.34 It was further requested that where possible, completed sites should be made available as public open space rather than restricted to private lakes etc as this

would benefit residents who may have experienced years of disruption during active excavation. It was noted that policies encouraging such provision would be supported.

- 1.35 The MWPA notes that it is the case that the final proposed after-use of a mineral site is expected to be set out through a restoration programme as part of a planning application. Whilst the MWPA notes the comments made, the after-use of the land is ultimately a decision for the landowner and as such it cannot be required through policy that land is made available as public open space where public access does not already exist. Policy S12 does however act to encourage such provision through stating that restoration schemes are required to demonstrate that they 'support Local Plan objectives and/or other beneficial after-uses, with positive benefits to the environment, biodiversity and/or local communities.' It is further noted that promoting public access may not always have a positive effect if, for example, the site is intended to be restored to support fragile priority species and ecological habitats.

#### The Proposals Map is not fit for purpose

- 1.36 Through the Regulation 18 Consultation April 2021 it was stated that given the scale of the area covered by the proposals map and the level of detail contained within it, the current map is not fit for purpose. The map in its current form is illegible at the site scale and it is difficult for local planning authorities and applicants to interpret. It was stated that separate higher detailed plans should be produced for each local planning authority, noting that this is an approach that has been undertaken by Kent County Council. The solid layering used to identify the MCA needs to be replaced with an opaque hatch to allow applicants and LPA to clearly identify where their sites are in relation to the designation.
- 1.37 It is accepted that the current iteration of the Proposals Map is not fit for purpose, and it is intended that an electronic version of the Proposals Map will be produced as part of the MLP Review. It is considered that the move to an electronic resource will address the issues raised in relation to scale and the ability to distinguish between designations and the underlying base map. The approach to a static Proposal Map will also be re-considered.
- 1.38 Further concerns were raised by a respondent in relation to whether the BGS data for Essex has been imported and applied without any interrogation. It was stated that areas that already have constraints to mineral extraction (such as existing built development, roads, infrastructure ecological and heritage designations) should have the safeguarding label removed. The approach taken with the proposal maps is unhelpful and unclear. It was argued that this needs to be improved to ultimately ensure that both the MPA and the LPA focus upon the areas where mineral safeguarding is a viable concern. This added clarity will also help applicants across the county.
- 1.39 With respect to how the revised Proposals Map will be created, this is set out in the Introduction of the 'Updating of Mineral Safeguarding Areas 2022' report compiled by the British Geological Survey. The Introduction of that documents



states that 'As part of their review of the Essex Minerals Local Plan 2014, ECC requested a refresh of their Mineral Safeguarding Area (MSA) designations to ensure that they matched the current BGS Digital Mineral Resource Data...The new MSA polygons have been based on the latest version of the BGS Digital Mineral Resource dataset (V3).' This document had not been produced ahead of the April 2021 Regulation 18 consultation but will form part of the future Regulation 18 consultation, albeit the Proposals Map itself may not be available at that point in time.

- 1.40 Neither the NPPF, Planning Practice Guidance (PPG) or the latest iteration of Minerals Safeguarding Practice Guidance published by the Mineral Products Association and the Planning Officers' Society advocates the removal of land that already has constraints to mineral extraction. Under the question 'Is it appropriate to safeguard mineral resources in designated areas and urban areas?', the PPG states 'Safeguarding mineral resources should be defined in designated areas and urban areas where necessary to do so. For example, safeguarding of minerals beneath large regeneration projects in brownfield land areas can enable suitable use of the mineral'.
- 1.41 It is the preference of the MWPA that its Proposals Map directly reflects the latest BGS Digital Mineral Resource Data, in part due to the considerable workload that would be required to remove all areas which currently experience surface development, but also such that the Proposals Map is an accurate reflection of where mineral resources lie in the County. As part of considering mineral safeguarding issues at the project level, there are a number of exclusionary factors built into the mineral safeguarding policy. Further, the national tests of whether prior extraction should occur is whether it is practical and environmentally feasible to extract the resource. Where the land forms part of existing infrastructure or is designated for its ecological and/ or historical value, it would be a relatively simple desk-based assessment that could conclude that these tests are unlikely to be met and as such the MWPA would not expect prior extraction of the resource to take place in those specific areas.

#### The overlap between Marine Plans and Local Plans, and the treatment of marine aggregates

- 1.42 A respondent acting on behalf of a marine-based stakeholder sought to clarify the need to address any issues caused where there is overlap between marine plans and local plans. It was noted that 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. It was further noted that marine plans will inform and guide decision makers on development in marine and coastal areas. With respect to mineral local plans specifically, relevant legislation was set out including the requirement for local mineral planning authorities to prepare Local Aggregate Assessments which must consider the opportunities and constraints of all mineral supplies into their planning regions –

including marine, particularly where land-based resources are becoming increasingly constrained. Reference was also made to the National and regional guidelines for aggregates provision in England 2005-2020.

- 1.43 With regards to Marine Plan/ Local Plan overlap, this is acknowledged but is not considered to be of significant relevance in this case as mineral developments are not likely to be located in land covered by both the MLP and the South East Marine Plan unless a proposal is received for a new wharf facility.
- 1.44 The MWPA intends for the revised MLP to include information relating to marine aggregates, noting that their contribution to overall supply in the plan area may increase over the plan period. However, and as set out in the 'Report to Determine Whether Marine-Won Aggregate Supply Can Offset the Demand for Land-Won Aggregates in Essex 2020' background document, it is not considered appropriate to seek to reduce land-won provision of aggregate by assuming a quantified contribution from marine-based aggregate. The MWPA is not able to directly facilitate an increase in marine aggregate provision as this is a commercial decision to be made by the operators of such providing facilities. Further, whilst ECC as MWPA could look to reduce land-won provision as a means to encourage the diversion of marine aggregate into Essex, minerals planning policy is clear that any deficiency in land-won allocations versus the established need can be met through sites coming forward off-plan if the shortfall was to cause the sand and gravel landbank to fall below seven years. This could create a scenario which encourages the permitting of additional terrestrial sites which are not allocated through the Plan-making process rather than an intended uplift to the supply of marine aggregates filling the gap. Quantitatively reducing provision based on an assumed increase in provision from other sources outside of the MWPA's control could therefore result in a weakening of the Plan-led system.
- 1.45 The above should not however be inferred as meaning that the MWPA are 'ignoring' the potential of an increase in marine provision reducing the need for land-won allocations. Marine landings in Greater Essex are monitored annually through data obtained from the Crown Estate and this can be compared to annual land-won mineral sales.
- 1.46 Paragraph 4.5.1 of the Greater Essex Local Aggregate Assessment 2021 states that whilst Greater Essex has the potential to be served from further afield, it is most likely to receive aggregate from the Thames and East Coast dredging regions, due to the prohibitive costs of long-haul road transport of mineral. Licenses have been granted such that 3.6 million tonnes (Mt) and 7.33Mt (respectively) can be extracted from these two regions annually. This would total 10.93Mt per annum from the two regions combined. It is stated by the Crown Estate that at this rate, current estimates suggest there are 26 years of primary marine aggregate production permitted in the Thames Estuary and 12 years within the East Coast region. This could be increased through the current Licence applications, of which there are a total of 5 between the 2 regions. These could contribute a further 3.1Mt, according to the Crown Estate.

- 1.47 There has been a fluctuating amount of marine-won aggregate landed at ports considered to have the potential to supply Greater Essex between 2011 and 2020, although across the period there has been a general increase, from 7.05Mt to 7.34Mt, representing an increase of 4%. Despite this general increase however, 2020 had an 11.2% decrease in tonnes landed when compared to 2019 figures. When ports are analysed by administrative region, since 2011 there has been an overall increase in the marine-won aggregate coming into London ports, (16%). Kent has seen a decrease of 15.6% since 2011, as did Thurrock (37.5%), whilst during the same period, Suffolk has had a 49.6% increase in the amount of aggregate landed. These general decreases are considered likely to be due to impacts of the pandemic on construction rather than a true reflection of any market reduction in the need for marine aggregate.
- 1.48 Should marine aggregate indeed arrive in the Plan area in increasing quantities in the future, then through the mineral provision methodology set out in the NPPF, this actual increase in the proportion of marine aggregate would be reflected in the projections for future land-won aggregate need as part of a later Plan review. If marine aggregate is used in greater volumes, there would be a consequent reduction in primary aggregate sales, which would then reduce the ten-year sales average. This is considered to be a more appropriate approach than reducing land-won provision based on an assumed marine contribution that cannot be guaranteed or evidenced
- 1.49 With respect to the national and sub-national guidelines for aggregates provision in England 2005-2020, the MWPA notes that reliance is no longer being placed on these as they have now expired.

#### Using mineral extraction as a means to further geological understanding

- 1.50 A respondent highlighted that there was an opportunity through planning to enhance geological knowledge of the mineral resource, both locally and county wide, before it is destroyed by the extraction process. The MWPA notes however that there are limits as to what the planning system can offer in this regard.
- 1.51 When a site is considered for allocation following its submission, part of the requested supporting information is a schedule of borehole logs taken from across the site. These borehole logs would be publicly available. In addition, when a mineral planning application is made the application would also often be supported by borehole log data taken from across the application site, which would also be publicly available. However, once works begin on a site, this is by way of a commercial operation, and the MWPA has no authority to request such information is recorded as part of the public record as it is commercially sensitive and not an activity that is 'relevant to planning' matters such that this requirement would pass the test of being an appropriate planning condition. The MWPA is also unable to grant public access to commercial operations. Whether members of the public would be allowed on site to provide the opportunity to log and sample the mineral deposits as they are revealed during working would be

a business decision made by the operator. Such requests would be required to be made to them.

## Conclusion

- 1.52 Where support was received, this was in relation to the approach with regards to the sustainable development themes set out within the Plan, including the promotion of recycled aggregate, mitigating against climate change impact, promoting green and blue infrastructure and flood resilience, as well as statements of the need to refer to Local Development Plans to ensure that development is facilitated in a joined-up manner and reflects local plan objectives.
- 1.53 Comments were received which objected to the original plan timetable put forward as part of the April 2021 consultation with respect to the scope of the proposed amendments, the absence of a Call for Sites and the original intention to keep the Plan end date to 2029. However, following a review of best practice and a consideration of comments received through public consultation to date, a revised strategy has now been put in place to deliver a steady and adequate supply of minerals across Essex to 2040, including new site allocations.
- 1.54 A number of issues were raised with regards to the Proposals Map which sits alongside the MLP. In particular it was questioned why this was not part of the Review as well as how its current format was not fit for purpose. It is accepted that the current iteration of the Proposals Map is not fit for purpose and it was always intended that an electronic version of the Proposals Map will be produced as part of the MLP Review although it is accepted that this was not communicated at the time the consultation took place. It is considered that the move to an electronic resource will address the issues raised in relation to the map not being fit for purpose. Consideration will also be given to improving any static maps that are also produced.
- 1.55 A number of comments were raised with respect to the impacts of mineral development, and in particular the historic environment was raised as an area where it was considered that the Plan was not sufficiently detailed. The MWPA do not agree that there is insufficient policy provision for the historic environment in the Plan. It is accepted that the policy could be more prescriptive and accommodate more of the requirements set out in the NPPF but there is no requirement for local policy to repeat elements of the NPPF and to do so would not be particularly useful as the NPPF is a material planning consideration in decision making in any event. It is also noted that the historic environment also receives protection through the Environmental Impact Assessment process and the local plans produced by districts, where due to the smaller scale of these plans, more detail can be afforded with regards to the particular historic environment local to that area. It is also noted that these other complimentary documents and Guidance are themselves updated and may be the best vehicle to ensure the maintenance of best practice. However, the treatment of the

historic environment and other criteria will be re-considered in terms of the level of detail appropriate to be set out in the emerging MLP.

- 1.56 It was further requested whether mineral sites could be made publicly accessible once restored as this would benefit local residents who have had to experience the impact of mineral working. However, the after-use of the land is ultimately a decision for the landowner and as such it cannot be required through policy that land is made available as public open space where public access does not already exist. It is further noted that promoting public access may not always have a positive effect if, for example, the site is intended to be restored to support fragile priority species and ecological habitats.
- 1.57 The Plan approach to providing sand and gravel on the basis of a single landbank rather than a separate building sand and concreting sand was raised, as was the MLP's approach to considering marine aggregate as part of the supply.
- 1.58 With respect to the former, the MWPA has commissioned studies into an appropriate approach with regards to building and concreting sand, and these concluded that whilst it is recognised that the specifications for concreting and building sand overlap, building sand is an aggregate which has a distinct and separate market. However, where split landbanks are maintained in mineral planning areas on the basis of serving these separate markets, this is mainly on the basis of a split by geological units rather than products. Sales of building sand in Essex are dominantly from superficial sand with gravel. These deposits can also produce concreting sand, which is another type of sand with a distinct market. The report argues that it is impossible to split the reserves in Essex into that proportion only suitable for use as building sand from that proportion only suitable for use as concreting sand and therefore the MWPA intends to continue planning on the basis of a single sand and grave landbank.
- 1.59 With respect to the marine environment, the MWPA intends for the revised MLP to include information relating to marine aggregates, noting that their contribution to overall supply in the plan area may increase over the plan period. However, and as set out in the 'Report to Determine Whether Marine-Won Aggregate Supply Can Offset the Demand for Land-Won Aggregates in Essex 2020' background document, it is not considered appropriate to seek to reduce land-won provision of aggregate by assuming a quantified contribution from marine-based aggregate. The MWPA is not able to directly facilitate an increase in marine aggregate provision as this is a commercial decision to be made by the operators of such providing facilities.
- 1.60 A table setting out all additional proposed amendments to this plan section is set out below. These will be incorporated prior to further public consultation where they remain relevant to the re-based Plan.

**Table 1: Schedule of Proposed Amendments as a result of Further Comments received through the March 2021 Regulation 18 Consultation on MLP Review**

Old Ref	New Ref	Proposed Amendment
Whole Plan	Whole Plan	All references to English Heritage are required to be amended to Historic England to recognise the split of the former English Heritage into Historic England, who are now responsible for statutory functions, and the English Heritage Trust who manage the properties themselves.
3.205	3.233	Include reference to the need to comply with/ demonstrate conformity with extant guidance documents.

**Table 2: April 2021 Regulation 18 Consultation Responses to Any Further Comments**

ORGANISATION	ON BEHALF OF	ANY FURTHER COMMENTS	ANY FURTHER COMMENTS	ECC RESPONSE
Name of Organisation	Are you responding on behalf of another individual or organisation? - If Yes, Who?	Do you have any further comments to make regarding the proposed amendments to the Plan?	If yes, please explain below:	
Transport for London (984041361)		Yes	We note that there are no new sites proposed and so we have no comments to make in response to the consultation.	Whilst no new sites were proposed at the point of the Regulation 18 Consultation 2021, it is noted that following a consideration of consultation responses received as part of the Regulation 18 consultation and Engagement on Policy S6, it is now considered appropriate to re-base the MLP to 2040. A Call for Sites has already taken place with a second Call for Sites planned. Site assessments are being carried out against a site selection methodology and the results will be presented at a future Regulation 18 consultation in 2023.
Little Waltham Parish Council (532669146)		Yes	At the meeting of Little Waltham Parish Council the Mineral Local plan review was	Noted.

			considered but Councillors do not have any comments or representation to make.	
Galleywood Parish Council (631988601)		Yes	<p>I write to inform you that at the Galleywood Parish Council Planning and Highways Committee held on 6 April 2021 it was agreed not to make submission to The Minerals Local Plan 2014 (Draft Proposed Amendments) Public Consultation - 18 March - 29 April 2021.</p> <p>Following a review of the Consultation document and our submission in 2014 the Committee agreed that no matters required to be addressed.</p>	Noted.
Central Bedfordshire, Bedford & Luton Borough Councils (503189055)		Yes	On behalf of the Shared Minerals and Waste Planning Service for Central Bedfordshire, Bedford Borough and Luton Borough Councils I have no objection to the proposed amendments.	Noted.
Medway Council (496262423)		Yes	Thank you for the opportunity to comment on the review of the Essex Minerals Local Plan (MLP). These comments are made as officer only as it is considered that due to their	Whilst no new sites were proposed at the point of the Regulation 18 Consultation 2021, it is noted that following a consideration of consultation responses received as part of the Regulation 18



			<p>nature, formal endorsement by Members of Medway Council is not required.</p> <p>I note that the Essex Minerals Local Plan was adopted in July 2014 and provides planning policies for minerals development in Essex until 2029, in doing so it allocates sites for future mineral extraction and associated infrastructure.</p> <p>As required by legislation Essex County Council undertook a five yearly review of the MLP and this identified that changes to the Plan were required. The review considered whether policies were still consistent with national policy and whether they remain fit for purpose. Key elements of the review relate to:</p> <p>1. Whether Essex County Council should plan separately for two distinct types of aggregate (concreting sand and building sand) or continue to plan based on a single combined sand and gravel</p>	<p>consultation and Engagement on Policy S6, it is now considered appropriate to re-base the MLP to 2040. A Call for Sites has already taken place with a second Call for Sites planned. Site assessments are being carried out against a site selection methodology and the results will be presented at a future Regulation 18 consultation in 2023.</p> <p>The stance with regards to building sand in the adopted MLP was based on the findings of the Review of Building Sand Supply in Essex, 2013 report. The issue was re-addressed through this Review through the A Re-examination of Building Sand Provision in Essex, 2019 report.</p> <p>The two reports were commissioned on the basis of ascertaining whether 'building sand' has a distinct and separate market. The first of these was commission in light of consultation responses received as part of the formation of the MLP 2014 and the other commissioned to update the position as part of this Review. Whilst recognising that the specifications for concreting and building sand overlap, building sand</p>
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		<p>landbank; and,</p> <p>2. the potential for increasing the proportion of marine-won sand and gravel contributing to future overall aggregate supplies to reduce the land won requirement.</p> <p>The consultation seeks views on the proposed changes and whether the decision not to update certain policies is appropriate. It is noted that the changes do not involve the proposed allocation of additional sites.</p> <p>It is noted that the proposed changes to the MLP are based on a comprehensive review of the Plan which has included consideration of whether the Vision and Objectives needed updating. Changes are set out in a 'tracked change' version of the MLP and the justification for the changes is included in a 'Rationale' document and supporting evidence documents.</p> <p>I hope these comments are of use. Please contact me if</p>	<p>is an aggregate which has a distinct and separate market. However, the two topic papers highlighted present the case that Essex has no commercially significant bedrock sand resources. Where split landbanks are maintained in mineral planning areas, this is mainly on the basis of a split by geological units rather than products. Sales of building sand in Essex are dominantly from superficial sand with gravel, and these deposits can also produce concreting sand, which is another type of sand with a distinct market. The report argues that it is impossible to split the reserves in Essex into that proportion only suitable for use as building sand from that proportion only suitable for use as concreting sand and therefore the MWPA intends to continue planning on the basis of a single sand and gravel landbank.</p> <p>As set out in the 'Report to Determine Whether Marine-Won Aggregate Supply Can Offset the Demand for Land-Won Aggregates in Essex 2020' background document, it is not considered appropriate to seek to reduce land-</p>
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			<p>clarification is required or you wish to discuss. I'd be grateful if you would notify Medway Council of further stages associated with the process of updating the MLP.</p>	<p>won provision of aggregate by assuming a quantified contribution from marine-based aggregate. The MWPA is not able to directly facilitate an increase in marine aggregate provision as this is a commercial decision to be made by the operators of such providing facilities. Further, whilst ECC as MWPA could look to reduce land-won provision as a means to encourage the diversion of marine aggregate into Essex, minerals planning policy is clear that any deficiency in land-won allocations versus the established need can be met through sites coming forward off-plan if the shortfall was to cause the sand and gravel landbank to fall below seven years. This could create a scenario which encourages the permitting of additional terrestrial sites which are not allocated through the Plan-making process rather than an intended uplift to the supply of marine aggregates filling the gap. Quantitatively reducing provision based on an assumed increase in provision from other sources outside of the MWPA's control could therefore result in a weakening of the Plan-led system.</p>
Epping Forest		Yes	Epping Forest District Council	Whilst no new sites were proposed

<p>District Council (465807458)</p>			<p>(EFDC) notes that there are no new sites proposed as part of this consultation.</p> <p>There is only 1 preferred site in Epping Forest District in the Essex Minerals and Waste Plan - A40 Land at Shellow Cross Farm (Appendix 1 P186) – to which no changes are proposed.</p> <p>Therefore, EFDC’s comments would be to welcome the update of, and the clarifications in, the Essex Minerals and Waste Plan.</p> <p>In particular EFDC welcome’s the increased emphasis throughout the Plan on sustainable development, climate change impact, green and blue infrastructure and flood resilience, as well as statements of the need to refer to Local Development Plans.</p> <p>Should references to English Heritage actually be references to Historic England?</p>	<p>at the point of the Regulation 18 Consultation 2021, it is noted that following a consideration of consultation responses received as part of the Regulation 18 consultation and Engagement on Policy S6, it is now considered appropriate to re-base the MLP to 2040. A Call for Sites has already taken place with a second Call for Sites planned. A number of candidate sites received through the first Call for Sites are based in Colchester. Site assessments are being carried out against a site selection methodology and the results will be presented at a future Regulation 18 consultation in 2023.</p> <p>It is noted that part of Site A40 – Shellow Cross has yet to come forward as a planning application. As with all undelivered allocations, the MWPA will seek clarification from the promoter that there is still interest in delivering the site. Should this be received, the site will be re-assessed under the new site selection methodology that all new potential allocations are being subjected to, and an assessment made of their continued appropriateness for allocation in the</p>
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				<p>next MLP.</p> <p>It is agreed that all references to English Heritage should be to Historic England. These will be amended ahead of the new Regulation 18 consultation.</p>
<p>Castle Point Borough Council (281744066)</p>		Yes	<p>I can confirm that the proposed amendments to the wording of the Essex Minerals Local Plan 2014 have been reviewed, and Castle Point Borough Council has no concerns to raise.</p>	Noted.
<p>Redbridge Council (810907665)</p>		Yes	<p>Thank you for giving Redbridge Council the opportunity to comment on your Minerals Local Plan Review Consultation. At this time we have no comments to make.</p>	Noted.
<p>Avison Young (283673789)</p>	National Grid	Yes	<p>National Grid has appointed Avison Young to review and respond to local planning authority Development Plan Document consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.</p> <p>About National Grid National Grid Electricity</p>	<p>Noted.</p> <p>The site selection methodology used to assess the appropriateness of candidate sites for future allocation contains a utilities criterion where issues of the nature set out in this response will be assessed.</p> <p>National Grid will be consulted on the interim site assessment results as part of the Regulation 18 consultation in late 2023.</p>

		<p>Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators, so it can reach homes and businesses.</p> <p>National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.</p> <p>National Grid Ventures (NGV) is separate from National Grid's core regulated businesses. NGV develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States.</p> <p>National Electricity</p>	
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			<p>Transmission System Specific development proposals within your local planning authority area are unlikely to have a significant direct effect upon National Grid's electricity transmission system. Generally, improvements to the system to provide supplies to the local distribution network are as a result of overall regional demand growth rather than site specific developments.</p> <p>Electricity Distribution System National Grid does not distribute electricity to individual sites and premises directly. It is the role of local distribution companies to distribute electricity to homes and businesses. The website below includes a map showing the areas that the local distribution network operators are responsible for and provides links to their websites:</p> <p><a href="http://www.energynetworks.org/info/faqs/electricity-distribution-map.html">http://www.energynetworks.org/info/faqs/electricity-distribution-map.html</a></p>	
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		<p>The local distribution network operator is responsible for operating the local electricity distribution network which supplies electricity from the national electricity transmission system direct to sites and premises. If new infrastructure is required in response to an increase in demand across the local electricity distribution network the operator may request improvements to an existing National Grid substation or a new grid supply point.</p> <p>National Gas Transmission System National Grid owns and operates the high-pressure gas transmission system in England, Scotland and Wales. This consists of around 4,300 miles of pipelines and 26 compressor stations connecting to the distribution networks.</p> <p>New gas transmission infrastructure developments (for example pipelines and associated installations) are</p>	
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			<p>periodically required to meet increases in regional demand and changes in patterns of supply. Developments to the network occur as a result of specific connection requests, for example power stations, and requests for additional capacity on the network from gas shippers.</p> <p><b>Gas Distribution Networks</b> In the UK, gas leaves the transmission system and enters the distribution networks at high pressure. It is then transported through a number of reducing pressure tiers until it is finally delivered to sites and premises. The website below includes a map showing the distribution networks and their regions:</p> <p><a href="http://www.energynetworks.org/info/faqs/gas-distribution-map.html">http://www.energynetworks.org/info/faqs/gas-distribution-map.html</a></p> <p><b>Further Advice</b> National Grid is happy to provide advice and guidance to the Council concerning their networks. Please see attached</p>	
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		<p>information outlining further guidance on development close to National Grid Infrastructure.</p> <p>If we can be of any assistance to you in providing informal comments in confidence during your policy development, please do not hesitate to contact us.</p> <p>To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect their assets. Please remember to consult National Grid on any Development Plan Document (DPD) or site-specific proposals that could affect National Grid's infrastructure.</p> <p><u>Guidance on development near National Grid assets</u></p> <p>National Grid is able to provide advice and guidance to the</p>	
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			<p>Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.</p> <p><u>Electricity assets</u></p> <p>Developers of sites crossed or in close proximity to National Grid assets should be aware that it is National Grid policy to retain existing overhead lines in-situ, though it recognises that there may be exceptional circumstances that would justify the request where, for example, the proposal is of regional or national importance.</p> <p>National Grid's 'Guidelines for Development near pylons and high voltage overhead power lines' promote the successful development of sites crossed by existing overhead lines and the creation of well-designed places. The guidelines demonstrate that a creative design approach can minimise</p>	
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		<p>the impact of overhead lines whilst promoting a quality environment. The guidelines can be downloaded <a href="#">here</a>.</p> <p>The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.</p> <p>National Grid's statutory safety clearances are detailed in their 'Guidelines when working near National Grid Electricity Transmission assets', which can be downloaded <a href="#">here</a>.</p> <p><u>Gas assets</u></p>	
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		<p>High-Pressure Gas Pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to leave their existing transmission pipelines in situ. Contact should be made with the Health and Safety Executive (HSE) in respect of sites affected by High-Pressure Gas Pipelines.</p> <p>National Grid have land rights for each asset which prevents the erection of permanent/ temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally, written permission will be required before any works commence within the National Grid's 12.2m building proximity distance, and a deed of consent is required for any crossing of the easement.</p> <p>National Grid's 'Guidelines when working near National</p>	
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			<p>Grid Gas assets' can be downloaded <a href="#">here</a>.</p> <p><u>How to contact National Grid</u></p> <p>If you require any further information in relation to the above and/or if you would like to check if National Grid's transmission networks may be affected by a proposed development, please contact:</p> <p>National Grid's Plant Protection team:  <a href="mailto:plantprotection@nationalgrid.com">plantprotection@nationalgrid.com</a></p> <p>Cadent Plant Protection Team,  Block 1, Brick Kiln Street,  Hinckley, LE10 0NA</p> <p>0800 688 588.</p> <p>or visit the <a href="#">website</a>.</p>	
Maldon District Council (268919580)		Yes	Please find below the response from Maldon District Council (MDC) to the above Review by Essex County Council (ECC) and relating to the following issues:	Noted.

			<ul style="list-style-type: none"> <li>• the proposed amendments to the Minerals Local Plan 2014 (MLP)</li> <li>• the reasons for the proposed amendments</li> <li>• whether any other amendments are required to the MLP</li> </ul> <p>MDC is supportive of ECC's Review of the MLP, as detailed in the ECC document 'Minerals Local Plan 2014: Draft Amendments 2021', and continued commitment to reducing reliance on primary mineral resources and achieving best practice for sustainable minerals development. MDC has read and understands all proposed amendments to the MLP and the reasoning for those proposed amendments.</p> <p>MDC does not propose any other further amendments.</p>	
South Woodham Ferrers Town Council (138119300)		Yes	South Woodham Ferrers Town Council has concerns that the road and other transport infrastructure can support the mineral extraction being considered especially re the	The site selection methodology used to assess the appropriateness of candidate sites for future allocation contains a transport and access criteria where issues of the nature set out in this response will

			<p>B1012 which will pass through South Woodham Ferrers when a further 1500 properties has been constructed North the town.</p>	<p>be assessed. The methodology also includes a cumulative impact criteria which acts to scope in potential impacts with regards to other types of development proposed in the local area. Matters of transport and access are assessed by a Highways officer.</p> <p>Policy S11 – Access and Transportation, as proposed to be amended, requires the production of a Transport Assessment or Transport Statement which is required to demonstrate a consideration of road users, including cyclists, horse riders and pedestrians. The same policy also requires that minerals development shall not cause unacceptable impacts on the efficiency and/or capacity of the highway network (including the trunk road network).</p>
<p>Barton Willmore (1040328186)</p>	<p>L&amp;Q, Cirrus Land and G120 Land</p>	<p>Yes</p>	<p>PROPOSALS MAP:</p> <p>Given the scale of the area covered by the proposals map and the level of detail contained within it, the current map is not fit for purpose. The map in its current form is illegible at the site scale and is</p>	<p>It is accepted that the current Proposals Map is not fit for purpose. It is intended that an electronic version of the Proposals Map will be produced as part of the MLP Review.</p>



			<p>difficulty for local planning authorities and applicants to interpret.</p>	
			<p>We have concerns that it appears as if the BGS data for Essex has been imported and applied without any interrogation. Areas that already have constraints to mineral extraction (such as existing built development, roads, infrastructure ecological and heritage designations) should have the safeguarding label removed. The approach taken with the proposal maps is unhelpful and unclear. This needs to be improved to ultimately ensure that both the MPA and the LPA focus upon the areas where mineral safeguarding. This added clarity will also help applicants across the county.</p>	<p>As set out in the Introduction of the 'Updating of Mineral Safeguarding Areas 2022' report compiled by the British Geological Survey, 'as part of their review of the Essex Minerals Local Plan 2014, Essex County Council requested a refresh of their Mineral Safeguarding Area (MSA) designations to ensure that they matched the current BGS Digital Mineral Resource Data....The new MSA polygons have been based on the latest version of the BGS Digital Mineral Resource dataset (V3).'</p> <p>This document had not been produced ahead of the April 2021 Regulation 18 consultation but will form part of the future Regulation 18 consultation, albeit the Proposals Map itself may not be available at that point in time.</p> <p>Neither the NPPF, Planning Practice Guidance (PPG) or the latest iteration of Minerals Safeguarding Practice Guidance published by the Mineral Products Association and the Planning Officers' Society advocates the removal of land that already has constraints to mineral</p>

				<p>extraction. Under the question 'Is it appropriate to safeguard mineral resources in designated areas and urban areas?', the PPG states 'Safeguarding mineral resources should be defined in designated areas and urban areas where necessary to do so. For example, safeguarding of minerals beneath large regeneration projects in brownfield land areas can enable suitable use of the mineral'. It is the preference of the MWPA that its Proposals Map directly reflects the latest BGS Digital Mineral Resource Data, in part due to the considerable workload that would be required to remove all areas which currently experience surface development, but also such that the Proposals Map is an accurate reflection of where mineral resources lie in the County. As part of considering mineral safeguarding issues at the project level, there are a number of exclusionary factors built into the mineral safeguarding policy. Further, the national tests of whether prior extraction should occur is whether it is practical and environmentally feasible to extract the resource. Where the land forms part of existing infrastructure or is</p>
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				designated for its ecological and/ or historical value, it would be a relatively simple desk-based assessment that could conclude that these tests are unlikely to be met and as such the MWPA would not expect prior extraction of the resource to take place.
			<p>Separate higher detailed plans should be produced for each local planning authority, this is an approach that has been undertaken by Kent County Council.</p> <p>The solid layering used to identify the MCA needs to be replaced with an opaque hatch to allow applicants and LPA to clearly identify where their sites are in relation to the designation.</p>	<p>It is considered that the move to an electronic resource will address these issues, which are accepted. The approach to a static Proposal Map will also be re-considered.</p>
			<p>The above comments have been provided with the intention of ultimately leading ECC to produce a sound Minerals Local Plan. We would be happy to discuss these comments further with the MPA and reflect some of our client's concerns in relation to the implementation of the draft plan in its current form. (MWPA</p>	<p>Noted. The MWPA considers that it has adequately responded to the issues raised in this representation across all parts of the emerging MLP. Given the decision to re-base the Plan to 2040 and carry out another Regulation 18 in late 2023, further comments through additional representations are welcomed if required through that consultation.</p>

			<i>note – this paragraph relates to all comments received from Barton Willmore (1040328186) across multiple topics, not just the comments directly above)</i>	
Braintree District Council (441541446)		Yes	Braintree District Council support the strengthening of policies intended to adapt to and mitigate the impacts of climate change and also improving public health, biodiversity net gain and to reflect recent work on developing Green/Blue Infrastructure policies.	Noted.
Black Notley Parish Council (902257561)		Yes	Black Notley Parish Council generally agree with the consultation but feel more could be done to monitor/control Contracted HGV Movements operating from the Sites from using local unsuitable country lanes.	All road users are taxed through Vehicle Excise Duty (VED), which increases depending on the size and weight of the vehicle whose use is being applied for. Payment of this tax then entitles the road user to use the public highway freely, other than needing to comply with any locally imposed width, height or weight restrictions. Under the Highways Act 1980, the Highway Authority has a statutory duty to maintain the local road network, and this is funded out of general taxation. The Highway Authority may require improvement works (at the developer's expense) to upgrade the road network to accommodate HGV traffic from the

				<p>site.</p> <p>The MWPA can also enter into a unilateral agreement on a suitable route for mineral vehicles. Further, MLP policy S11 - Access and Transportation acts to implement a hierarchy of preference for transportation by road, which seeks to move mineral traffic onto the main road network as quickly and as efficiently as possible. How vehicle movements associated with each potential site would get onto the main road network is also a consideration at the site selection stage.</p> <p>It is further noted that the Planning Department has an enforcement and monitoring service, which residents can contact if it is considered that there has been a breach in a planning condition or otherwise unacceptable practice.</p>
Marine Management Organisation (667230933)		Yes	<p>Please find attached our standard response letter (copied below), for any further information you may require regarding the <a href="#">draft South East Marine Plan</a> here.</p> <p>In addition to this, if you would</p>	<p>With regards to Marine Plan/ Local Plan overlap, this is acknowledged but is not considered to be relevant in this case as mineral development is not likely to be located in land designated within both the MLP and the South East Marine Plan.</p>

			<p>like further information on the South East Marine Plans, I would be happy to provide a meeting covering general information on marine planning, monitoring and implementation of the south east marine plans, tools for implementation and an update on the development of marine plans in England.</p> <p>Please do not hesitate to get in touch if you have any questions.</p> <p>Thank you for including the MMO in your recent consultation submission. The MMO will review your document and respond to you directly should a bespoke response be required. If you do not receive a bespoke response from us within your deadline, please consider the following information as the MMO's formal response.</p> <p>Response to your consultation</p> <p>The Marine Management</p>	<p>It is intended that the revised MLP will include information relating to marine aggregates, noting that their contribution to overall supply in the plan area may increase over the plan period. However, and as set out in the 'Report to Determine Whether Marine-Won Aggregate Supply Can Offset the Demand for Land-Won Aggregates in Essex 2020' background document, it is not considered appropriate to seek to reduce land-won provision of aggregate by assuming a quantified contribution from marine-based aggregate. The MWPA is not able to directly facilitate an increase in marine aggregate provision as this is a commercial decision to be made by the operators of such providing facilities. Further, whilst ECC as MWPA could look to reduce land-won provision as a means to encourage the diversion of marine aggregate into Essex, minerals planning policy is clear that any deficiency in land-won allocations versus the established need can be met through sites coming forward off-plan if the shortfall was to cause the sand and gravel landbank to fall below seven years. This could create a scenario which encourages</p>
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		<p>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 grants.</p> <p>Marine Licensing Activities taking place below the mean high water mark may require a <a href="#">marine licence</a> in accordance with the <a href="#">Marine and Coastal Access Act (MCAA) 2009</a>. 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 <a href="#">marine licensing guide for local planning authorities</a> for more detailed information. You</p>	<p>the permitting of additional terrestrial sites which are not allocated through the Plan-making process rather than an intended uplift to the supply of marine aggregates filling the gap. Quantitatively reducing provision based on an assumed increase in provision from other sources outside of the MWPAs control could therefore result in a weakening of the Plan-led system.</p> <p>The above should not however be inferred as meaning that the MWPA are 'ignoring' the potential of an increase in marine provision reducing the need for land-won allocations. Marine landings in Greater Essex are monitored annually through data obtained from the Crown Estate and this can be compared to annual land-won mineral sales.</p> <p>1.45 Paragraph 4.5.1 of the Greater Essex Local Aggregate Assessment 2021 states that whilst Greater Essex has the potential to be served from further afield, it is most likely to receive aggregate from the Thames and East Coast dredging regions, due to the prohibitive costs of long-haul road</p>
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			<p>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 would affect a protected marine species.</p> <p>Marine Planning</p> <p>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</p>	<p>transport of mineral. Licenses have been granted such that 3.6 million tonnes (Mt) and 7.33Mt (respectively) can be extracted from these two regions annually. This would total 10.93Mt per annum from the two regions combined. It is stated by the Crown Estate that at this rate, current estimates suggest there are 26 years of primary marine aggregate production permitted in the Thames Estuary and 12 years within the East Coast region. This could be increased through the current Licence applications, of which there are a total of 5 between the 2 regions. These could contribute a further 3.1Mt, according to the Crown Estate.</p> <p>There has been a fluctuating amount of marine-won aggregate landed at ports considered to have the potential to supply Greater Essex between 2011 and 2020, although across the period there has been a general increase, from 7.05Mt to 7.34Mt, representing an increase of 4%. Despite this general increase however, 2020 had an 11.2% decrease in tonnes landed when</p>
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		<p>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.</p> <p>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 <a href="#">Marine Policy Statement</a> 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 <a href="#">Marine and Coastal Access Act</a> and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our</p>	<p>compared to 2019 figures. When ports are analysed by administrative region, since 2011 there has been an overall increase in the marine-won aggregate coming into London ports, (16%). Kent has seen a decrease of 15.6% since 2011, as did Thurrock (37.5%), whilst during the same period, Suffolk has had a 49.6% increase in the amount of aggregate landed. These general decreases are considered likely to be due to impacts of the pandemic on construction rather than a true reflection of any market reduction in marine aggregate.</p> <p>Should marine aggregate indeed arrive in the Plan area in increasing quantities in the future, then through the mineral provision methodology set out in the NPPF, this actual increase in the proportion of marine aggregate would be reflected in the projections for future land-won aggregate need as part of a later Plan review. If marine aggregate is used in greater volumes, there would be a consequent reduction in primary aggregate sales, which would then reduce the ten-year sales average. This is considered to</p>
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		<p><a href="#">online guidance</a> and the <a href="#">Planning Advisory Service soundness self-assessment checklist</a>. If you wish to contact your local marine planning officer you can find their details on our <a href="#">gov.uk page</a>v.</p> <p>See <a href="#">this map on our website to locate</a> the 6 marine plan areas in England. For further information on how to apply the marine plans please visit our <a href="#">Explore Marine Plans</a> service.</p> <p><a href="#">The East Inshore and Offshore marine plans</a> were adopted on the 2nd April 2014, becoming a statutory 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.</p> <p><a href="#">The South Inshore and Offshore marine plans</a> were adopted on the 17th July 2018, becoming a statutory consideration for public authorities with decision making functions. The South</p>	<p>be a more appropriate approach than reducing land-won provision based on an assumed marine contribution that cannot be guaranteed or evidenced</p> <p>It is noted that reliance is no longer being placed on the national and sub-national guidelines for aggregates provision in England 2005-2020 as they have now expired.</p>
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		<p>Inshore and South Offshore Marine Plans cover the coast and seas from Folkestone to the River Dart in Devon.</p> <p>The <a href="#">draft North East Inshore and Offshore marine plans</a> were published on the 14th January 2020 becoming a material for consideration for public authorities with decision making functions. The North East Inshore and Offshore marine plans cover the coast and seas from Flamborough Head to the Scottish border. Consultation closed 20th April 2020. This was the final stage of statutory public consultation before we submit the marine plan.</p> <p>The <a href="#">draft North West Inshore and Offshore marine plans</a> were published on the 14th January 2020 becoming a material for consideration for public authorities with decision making functions. The North West Inshore and Offshore marine plans cover the coast and seas from the Solway Firth border with Scotland to the</p>	
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			<p>River Dee border with Wales. Consultation closed 20th April 2020. This was the final stage of statutory public consultation before we submit the marine plan.</p> <p>The <a href="#">draft South East Inshore marine plan</a> was published on the 14th January 2020 becoming a material for consideration for public authorities with decision making functions. The South East Marine plan covers the coast and seas from Felixstowe in Suffolk to near Folkestone in Kent. Consultation closed 20th April 2020. This was the final stage of statutory public consultation before we submit the marine plan.</p> <p>The <a href="#">draft South West Inshore and Offshore marine plans</a> were published on the 14th January 2020 becoming a material for consideration for public authorities with decision making functions. The South West Inshore and Offshore marine plans cover the coast</p>	
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		<p>and seas from the River Severn border with Wales to the River Dart in Devon. Consultation closed 20th April 2020. This was the final stage of statutory public consultation before we submit the marine plan.</p> <p>Minerals and waste plans and local aggregate assessments</p> <p>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:</p> <ul style="list-style-type: none"><li>• The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.</li><li>• The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.</li><li>• The Managed Aggregate Supply System (MASS) which</li></ul>	
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			<p>includes specific references to the role of marine aggregates in the wider portfolio of supply.</p> <ul style="list-style-type: none"> <li>• The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.</li> </ul> <p>The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments must 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.</p>	
Defence Infrastructure Organisation (1067972307)		Yes	<p>The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a statutory consultee in the UK planning system to ensure designated zones around key</p>	Noted.

		<p>operational defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites are not adversely affected by development outside the MOD estate.</p> <p>It is understood that Essex County Council is currently carrying out Regulation 18, pre-submission consultation on amendments to the Essex Minerals Local Plan 2014, which contains policies that will guide decisions on planning applications, that might result in the installation or creation of areas and sites associated with the extraction of mineral resources.</p> <p>The county of Essex contains a number of MOD sites, along with all or part of Safeguarding zones designated to protect airfields and technical assets. Paragraph 95 of the National Planning Policy Framework 2019 requires that planning policies and decisions should take into account defence requirements by 'ensuring that</p>	
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		<p>operational sites are not affected adversely by the impact of other development proposed in the area.' To this end MOD may be involved in the planning system both as a statutory and non-statutory consultee.</p> <p>Statutory consultation occurs as a result of the provisions of the Town and Country Planning (Safeguarded aerodromes, technical sites and military explosives storage areas) Direction 2002 (DfT/ODPM Circular 01/2003) and the location data and criteria set out on safeguarding maps issued to Local Planning Authorities by Ministry for Housing, Communities &amp; Local Government (MHCLG) in accordance with the provisions of that Direction.</p> <p>In addition, where development falls outside designated safeguarding zones the MOD may also have an interest, particularly where the development is of a type likely to have an impact on</p>	
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			<p>operational capability. Examples of this type of development are the installation of renewable energy generation systems and their associated infrastructure. The MOD has, in principle, no issue or objection to renewable energy development though some methods of renewable energy generation, for example wind turbine generators or solar photo voltaic panels can, by virtue of their physical dimensions and properties, impact upon military aviation activities, cause obstruction to protected critical airspace encompassing military aerodromes, and impede the operation of safeguarded defence technical installations. In addition, where turbines are erected in line of sight to defence radars and other types of defence technical installations, the rotating motion of their blades can degrade and cause interference to the effective operation of these types of installations with associated impacts upon aviation safety</p>	
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			and operational capability. Planning Practice Guidance published on the Gov.uk website acknowledges the potential effect of wind turbine generators and directs developers and Local Planning Authorities to consult the MOD where a proposed turbine has a tip height of or exceeding 11m or has a rotor diameter of 2m or more.	
PDE Consulting (360756873)		Yes	Having reviewed the documents and proposed amendments we have nothing to add at this stage but would be grateful if you would please keep us apprised of the process as it goes along thus providing us with an opportunity to take part through the various stages through to completion of the process.	Noted.
Heatons (451589647)	Tarmac	Yes	We are making representations to the Essex Minerals Local Plan Draft Amendments Consultation (MLP Draft) on behalf of our client Tarmac Trading Ltd (Tarmac). Tarmac has one active sand and gravel operation within the Essex Plan area - Colchester Quarry producing circa 500,000tpa of	Noted. Following a review of best practice and a consideration of comments received through public consultation to date, a revised strategy is being put in place to deliver a steady and adequate supply of minerals across Essex to 2040, including new site allocations. At the point of adoption of the revised Plan, the existing Plan, in its

		<p>sand and gravel. Colchester Quarry has ancillary mineral operations taking place in the form of Dry Silo Mortar and Ready Mixed Concrete plants. In addition, Tarmac have planning permission to work Wivenhoe Quarry – a 3.5 million tonne green field site (albeit the Permission is yet to be implemented) which has an output limit of 200,000 per annum. Rayne Quarry was promoted to the Minerals Plan and permission sought (ESS/19/17/BTE) by Tarmac but operations are now being progressed by Ingrebourne Valley Limited .</p> <p>We have reviewed the MLP Draft subject to this consultation along with the associated supporting and evidence base documents. The focus of representations is on the following areas:</p> <ol style="list-style-type: none"> <li>1. The Mineral Local Plan timescales</li> <li>2. The Plan provision for sand and gravel and the sites required for delivery of the</li> </ol>	<p>entirety, will cease to apply. Up until that point, the adopted Plan, including its allocations, will continue to be the basis of mineral policy decisions within the County. The proposed 2040 end date represents 15 years on from the proposed adoption date of 2025.</p> <p>With respect to what a Plan review entails, Paragraph 33 of the NPPF states 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’. It is therefore only an assessment of the need to update policies that is required to be completed within five years, not that policies need to be amended and re-adopted within five years.</p>
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			<p>annual apportionment</p> <p>3. The need to undertake a 'call for sites' exercise</p> <p>4. The need for a more flexible approach to non-allocated sites to deliver annual apportionment requirements</p> <p>General Comments:</p> <p>Timescales:</p> <p>The Planning Practice Guidance states, 'The National Planning Policy Framework is clear that strategic policies should be prepared over a minimum 15 year period and a local planning authority should be planning for the full plan period. Policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years. The review process is a method to ensure that a plan and the policies within remains effective (my emphasis PPG – Plan Making - Paragraph: 064 Reference ID: 61-064-20190315).</p>	
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		<p>The Essex Minerals Local Plan was adopted in 2014 with a Plan period extending to 2029. Although a Plan on adoption should be planning for a 15-year time horizon and a review is not necessarily required for the full Plan, there are significant concerns in this case that a delay in a full Review will result in Essex failing to deliver a steady and adequate supply of sand and gravel within the next 3-4 years and certainly before the end of the Plan period.</p> <p>The Rationale Document in support of the Essex Mineral Plan Amendments identifies that a review of the Mineral Local Plan was required to be completed by July 2019 (paragraph 2.2 – my emphasis), noting that paragraph 1.2 similarly confirms that a ‘review must be completed every five years, starting with the date of adoption of the local plan’. In this case, the approach of Essex CC (ECC) has been simply to ‘commence’ a review</p>	
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			<p>5 years post adoption of the local plan, meaning that there will be a further time period before a review is 'completed'.</p> <p>The current consultation is one of the initial stages of a Plan Review and the first to identify wording changes to the document. There is a requirement for a further stage of consultation (which may occur in 2021). However, it is unlikely that a Plan would be submitted to the Planning Inspectorate for Examination in advance of 2022. Subject to outcome of Examination and any modification/consultation a Plan cannot feasibly proceed to adoption before 2022/2023. Should that happen, the Plan will be 9 years old in advance of a Review and the representations below will outline that the Plan will be out of date within 1 year (unable to maintain a landbank in excess of the minimum 7 years). It therefore becomes an ineffective strategy for mineral planning within the Essex area. Delays in a full Plan Review</p>	
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			and waiting a further 5 years (post adoption – circa 2028) until the next Review period will mean that the Plan has not been meaningfully reviewed in terms of resource provision for virtually the entirety of the original 15 year plan period. This presents uncertainty for both operators and local residents and it is delaying the inevitable exercise of undertaking a call for sites.	
Basildon Borough Council (515224617)		Yes	Basildon Council has reviewed the consultation material and has no comment to make at this stage but we would welcome the opportunity for further engagement with you as the review progresses.	Noted.
Ardleigh Parish Council (385584716)		Yes	Ardleigh Parish Council recognises the importance of planning for the minerals needs of Essex and already have a number of active and expanding sites within our Parish. These have caused varying levels of concern and disruption to residents, including increased traffic and noise. We will continue to raise these concerns as they arise.	Whilst no new sites were proposed at the point of the Regulation 18 Consultation 2021, it is noted that following a consideration of consultation responses received as part of the Regulation 18 consultation and Engagement on Policy S6, it is now considered appropriate to re-base the MLP to 2040. A Call for Sites has already taken place with a second Call for Sites planned. Site assessments are being carried out against a site

			<p>We are pleased that the current Local Minerals Plan review does not include a call for sites as we would not support any further sites in our Parish.</p> <p>Where possible, we would like to see completed sites made available as public open space rather than restricted to private lakes etc as this would benefit residents who may have experienced years of disruption during active excavation. If policies can be used to encourage such provision we would support this.</p>	<p>selection methodology and the results will be presented at a future Regulation 18 consultation in 2023.</p> <p>At the site allocation stage, it is noted that the Call for Sites assessment methodology contains a number of criteria, including those highlighted, against which the potential impacts on various receptors can be assessed. It is further noted that Policy DM1 – Development Management Criteria and Policy S12 – Mineral Site Restoration and After-Use seek respectively to ensure that it is demonstrated that the mineral workings would not have an unacceptable impact, including cumulative impact with other developments, and that it can be demonstrated that the land is capable of being restored at the earliest opportunity to an acceptable environmental condition.</p> <p>The final proposed after-use of a mineral site is expected to be set out through a restoration programme as part of a planning application. The after-use of the land is ultimately a decision for the landowner and as such it cannot be</p>
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				<p>required through policy that land is made available as public open space where public access does not already exist. Policy S12 does however act to encourage such provision through stating that restoration schemes are required to demonstrate that they 'support Local Plan objectives and/or other beneficial after-uses, with positive benefits to the environment, biodiversity and/ or local communities.' It is noted that promoting public access may not always have a positive effect if, for example, the site is intended to be restored to support fragile priority species and ecological habitats.</p>
RPS (707875084)	Indaver	Yes	<p>We are writing on behalf of our client, Indaver, to provide this response to the Minerals Local Plan 2014 (Draft Proposed Amendments) consultation.</p> <p>In January 2021 Indaver took control of the Rivenhall Integrated Waste Management Facility (IWMF) site which includes a Combined Heat and Power plant which has planning permission to process 595,000 tonnes of residual waste per annum. As a result it</p>	<p>Noted.</p> <p>Responses to the specific issues raised are set out in the relevant Topic Papers, which also reproduces the comments made by the respondent.</p>

		<p>is anticipated that a large quantity of Incinerator Bottom Ash (IBA) will be created each year.</p> <p>IBA is a secondary aggregate which is created as a by-product of processing waste which can then be turned into bricks and cement. As a consequence, Indaver are supportive of the requirement within the Minerals Local Plan of reducing the needs to extract primary aggregate and increasing the recycling of secondary aggregate.</p> <p>The letter will set out specifically how Indaver supports a number of the paragraphs and policies contained within the document. Whilst it is recognised that the purpose of the consultation is to focus upon the proposed amendments within the document, Indaver consider it prudent to comment on the document as a whole as the amendments can only be read in the context of the whole document.</p>	
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			<p>Overall, Indaver are supportive of the Minerals Local Plan 2014 (Draft Proposed Amendments) and in particular are supportive of the use of secondary aggregates and the requirement to increase the Aggregate Recycling Facilities within the County over the plan period.</p> <p>We would be grateful to be kept informed of any subsequent updates to both the Minerals Local Plan and also the Waste Local Plan.</p>	
Kent County Council (266388168)		Yes	<p>Kent County Council (KCC) is an adjoining minerals and waste planning authority (although in a different planning region) and remains interested in considering how effective mineral supply is being planned in the County of Essex. Therefore, the County Council has carefully considered the information produced by Essex County Council (ECC) into the review of its adopted Essex Minerals Local Plan 2014 (the Plan).</p>	<p>Noted.</p> <p>Responses to the specific issues raised are set out in the relevant Topic Papers, which also reproduces the comments made by the respondent.</p>

			<p>Firstly, it can be stated that ECC have correctly interpreted the requirements of the National Planning Guidance (PPG) that sets out that a review should be undertaken to assess whether a Plan and its policies are in need of updating or can be stated as not in need of updating with reasoned justification for either position. To that end ECC has considered the broad changes to the National Planning Policy Framework (NPPF), Duty to Cooperate obligations and other material planning considerations against the Plan's policy content in its review.</p> <p>With regard to specific policies of the Plan being considered for review KCC is specifically interested in commenting on the following policies, they are:</p> <ul style="list-style-type: none"><li>• Policy S6- Provision for sand and gravel extraction</li><li>• Policy S7- Provision for industrial minerals</li><li>• Policy S8-Safeguarding mineral resources and mineral</li></ul>	
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			<p>reserves</p> <ul style="list-style-type: none"> <li>• Policy S9-Safeguarding mineral transshipment sites and secondary processing facilities</li> </ul> <p>Given that these policies are core mineral supply and safeguarding policies that underpin the Plan's requirement to provide a steady and adequate supply of aggregate minerals, provide for sustainable mineral use and mineral conservation. All of which the NPPF 2019 requires to be achieved by the policies of local planning authority plans.</p>	
Essex Local Access Forum (504988967)		Yes	<p>ELAF is an independent statutory advisory body set up under Section 94 of the Countryside &amp; Rights of Way Act 2000. A LAF's statutory function is to "advise as to the improvement of public access to land in that area for the purposes of open-air recreation and the enjoyment of the area, and as to such other matters as may be prescribed".</p>	<p>Noted.</p> <p>Responses to the specific issues raised are set out in the relevant Topic Papers, which also reproduces the comments made by the respondent.</p>
Lichfields (62121849)	Bourne Leisure Limited	Yes	<p>On behalf of our client, Bourne Leisure Limited ("Bourne Leisure") we welcome the</p>	<p>It is intended that an electronic version of the Proposals Map will be produced as part of the MLP</p>

			<p>opportunity to respond to Essex County Council's Minerals Local Plan (2014) Review consultation.</p> <p>Bourne Leisure operates more than 50 holiday sites in the form of holiday parks, family entertainment resorts and hotels in Great Britain and is therefore a significant contributor to the national tourist economy, as well as local visitor economies. Within Essex, Bourne Leisure operates The Orchards Holiday Park at St Osyth, under the Haven brand.</p> <p>For Bourne Leisure to continue to attract customers and to respond to changing market conditions, the Company needs to invest regularly to provide new and improved facilities and accommodation. For many of the Company's holiday parks, improvements may necessitate the expansion of sites to improve the quality of accommodation, decreasing densities, or increasing the range of facilities to respond to</p>	<p>Review.</p> <p>As set out in the Introduction of the 'Updating of Mineral Safeguarding Areas 2022' report compiled by the British Geological Survey, 'as part of their review of the Essex Minerals Local Plan 2014, Essex County Council requested a refresh of their Mineral Safeguarding Area (MSA) designations to ensure that they matched the current BGS Digital Mineral Resource Data....The new MSA polygons have been based on the latest version of the BGS Digital Mineral Resource dataset (V3).'</p>
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		<p>visitor's requirements and to extend the holiday season.</p> <p>Response to consultation:</p> <p>Minerals Policies Map:</p> <p>The Adopted Essex Minerals Local Plan (July 2014) includes a Policies Map showing the locations of Minerals Safeguarding Areas (MSAs), Minerals Consultation Areas (MSAs), minerals infrastructure and the main environmental constraints across the County. As with any policies map it provides an important spatial reference point in defining the areas affected by the adopted minerals policies.</p> <p>It seems an omission that the Adopted Policies Map is not currently proposed to be reviewed as part of the current consultation to align with the proposed amendments to the Minerals Local Plan, where the proposed amendments have a spatial dimension - for example, in relation to proposed changes to Minerals</p>	
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		<p>Consultation Areas (Policy S8) and Minerals Infrastructure Consultation Areas (Policy S9). We consider this is necessary to fully understand the spatial implications of some of the proposed amendments to the Minerals Local Plan, which will influence if we need to comment further.</p> <p>The National Planning Policy Framework (NPPF, 2019, Para. 16d) is clear that plans, "...should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals." Without an update to the Policies Map, the application of some of the draft policies, such as S8 and S9, is unclear and introduces ambiguity and uncertainty.</p> <p>At this stage we reserve our position and will consider whether further comments are required at the next stage of the consultation when we would expect the Policies Map to be updated.</p>	
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			<p>We trust this representation will be considered in the next stage of the Minerals Local Plan Review. Please do not hesitate to contact me should you require further clarification on any of the points made. We would also be grateful if you could keep us informed of progress on preparing the next draft document.</p>	
<p>Historic England (1059771550)</p>		<p>Yes</p>	<p>Thank you for consulting Historic England on the Essex County Council Minerals Local Plan 2014: Draft Amendments - 2021. As a statutory consultee, our role is to ensure that the conservation of the historic environment is fully integrated into planning policy and that any policy documents make provision for a positive strategy for the conservation and enjoyment of the historic environment.</p> <p>SUMMARY:</p> <p>Please note that owing to a lack of capacity we have been unable to review the Plan in detail or provide detailed</p>	<p>It is not agreed that there is insufficient policy provision for the historic environment in the Plan. It is noted that the highlighted approach in the Regulation 18 Consultation document shows little change from what is already an extant policy which was adopted after the introduction of the original NPPF in 2012. It is not considered that subsequent revisions to that document that have resulted in the current iteration of the NPPF have introduced any additional prescriptions which mean that the policy approach consulted upon is not appropriate.</p> <p>It is accepted that the policy could be more prescriptive and accommodate more of the</p>

			<p>comments so have instead focussed our comments on those areas that we consider require further iteration. These are outlined below.</p> <p><b>INSUFFICIENT HISTORIC ENVIRONMENT POLICY:</b></p> <p>It is our view that there is currently insufficient policy provision for the historic environment in the Plan. While the historic environment is referenced in policies S10- Protecting and Enhancing the Environment and Local Amenity, S12 - Mineral Site Restoration and After-Use, and DM1 - Development Management Criteria, these are insufficient and provide limited historic environment criteria against which planning applications will be assessed so as to ensure that there are no unacceptable adverse impacts.</p> <p>When considering the historic environment, it is necessary to consider the below ground archaeological remains which</p>	<p>requirements set out in the NPPF but there is no requirement for local policy to repeat elements of the NPPF and to do so would not be particularly useful as the NPPF is a material planning consideration in decision making in any event. On the same theme, mineral development falls within Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Whilst the application of EIA to Schedule 2 developments is discretionary and based on set criteria, mineral development is often scoped in due to likely having an impact on the environment. Part of the requirements of an Environmental Impact Assessment is a detailed assessment of the impacts on the historic environment. Further, minerals development must be in accordance with the Development Plan, which means that proposals are also assessed in conjunction with district historic environment policy which provides an additional, more locally specific, layer of protection to the historic environment. It is also considered that with the MLP policy being less prescriptive overall, there is less of a</p>
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		<p>includes structures, artefacts, and deposits/features of paleo-environmental and geoarchaeological interest such as paleochannels. The potential for these sorts of remains to be present, both within the area of proposed works and in the adjacent areas needs to be investigated as part of the desk-based assessment and evaluation stages. The impacts of the proposed extraction works also need to be considered in terms of the direct and indirect impacts that may occur. This includes the potential for the works to alter the groundwater levels within the areas of the proposed works and in adjacent areas, which may affect the movement of water through archaeological deposits, or the preservation conditions. If this occurs it can result in the damage or even loss of vulnerable archaeological remains, such as waterlogged wood, leather or paleo-environmental remains, or effect the preservation of archaeological</p>	<p>risk of issues being ‘screened out’ inadvertently by not appearing in a detailed list that attempts to capture every aspect that could possibly be material to the consideration of an application.</p> <p>It is also noted that historic environment and archaeology specialists are involved in the site assessment process that will lead to new allocations being made in the revised MLP. They will be able to consider potential allocations with respect to their potential impact on the historic environment and consequently draft informatives that will need to be addressed by any future planning application if this should be required. The results will then be put out for public consultation where local heritage groups will be able to submit responses.</p> <p>With respect to direct references to extant Guidance produced by Historic England, this will be considered by the MWPA but it is noted that references to external guidance that could itself be replaced may act to date MLP policies or otherwise impact on their</p>
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		<p>materials (e.g. peat). There is also the potential for the effects of mineral extraction to impact adjacent areas. For example, hydrological assessments were carried out before, during and after the extraction of materials at the Over quarry, Cambridgeshire, which demonstrated that ground water levels were lowered by between 2 to 5m up to 500m from the quarry face (French 2004, Environmental Archaeology vol 9).</p> <p>We would therefore recommend that the following Historic England documents are referred to in terms of the materials that may be present and how the potential impacts could be investigated, such as changes to the groundwater levels or chemistry in the area:</p> <p>Preservation of Archaeological Remains (2016): &lt; <a href="https://historicengland.org.uk/images-books/publications/preserving-archaeological-remains/">https://historicengland.org.uk/images-books/publications/preserving-archaeological-remains/</a> &gt;</p>	<p>original intention and/ or effectiveness. The current MLP requires that adherence is made to 'best practice advice' and it is considered that this statement could be amended to include the need to comply with guidance documents.</p>
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			<p>Environmental Archaeology (2011): &lt; <a href="https://historicengland.org.uk/images-books/publications/environmental-archaeology-2nd/">https://historicengland.org.uk/images-books/publications/environmental-archaeology-2nd/</a> &gt;</p> <p>Geoarchaeology (2015): &lt; <a href="https://historicengland.org.uk/images-books/publications/geoarchaeology-earth-sciences-to-understand-archaeological-record/">https://historicengland.org.uk/images-books/publications/geoarchaeology-earth-sciences-to-understand-archaeological-record/</a> &gt;</p> <p>Recommendation:</p> <p>To address these issues we strongly recommend that a separate policy for the historic environment is drafted to more closely reflect the requirements of the NPPF. This should cover matters such as the need to conserve and enhance heritage assets and their settings and incorporate the relevant tests in relation to harm.</p>	
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			<p>CONCLUSION:</p> <p>In preparation of the forthcoming local plan, we encourage you to draw on the knowledge of local conservation officers, the county archaeologist and local heritage groups.</p> <p>Please note that absence of a comment on a policy, allocation or document in this letter does not mean that Historic England is content that the policy, allocation or document is devoid of historic environment issues. We should like to stress that this response is based on the information provided by the Council in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals, which may subsequently arise as a result of this plan, where we consider that these would have an adverse effect upon the historic environment.</p>	
GeoEssex (538324742)		Yes	see previous comments that highlight the opportunity to	Previous comments were assessed under the relevant Topic Paper. For

			<p>enhance geological knowledge of the mineral resource, both locally and county wide, before it is destroyed by the extraction process.</p>	<p>convenience, the points raised are re-addressed below.</p> <p>When a site is considered for allocation, part of requested supporting information is a schedule of borehole logs taken from across the site. These borehole logs would be publicly available. In addition, when a mineral planning application is made the application would also often be supported by borehole log data taken from across the application site, which would also be publicly available. However, once works begin on a site, this is by way of a commercial operation, and the MWPA has no authority to request such information is recorded as part of the public record as it is commercially sensitive and not an activity that is 'relevant to planning' matters such that this requirement would pass the test of being an appropriate planning condition. The MWPA is also unable to grant public access to commercial operations. Whether members of the public would be allowed on site to provide the opportunity to log and sample the mineral deposits as they are revealed during working would be a business decision made by the</p>
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				operator. Such requests would be required to be made to them.
David L Walker Ltd (559449615)	Brice Aggregates	Yes	BAL is happy to discuss the commentary provided above with the Council's Planning Policy section and wishes to ensure that they are retained on the consultation database. The company also reserves its right to make representations to any examination in public that may follow the submission of the plan. <i>(MWPA note – this paragraph relates to the entirety of comments received from David L Walker Ltd (559449615) and does not relate to the comment above)</i>	The MWPA considers that it has adequately responded to the issues raised in this representation across all parts of the emerging MLP. Given the decision to re-base the Plan to 2040 and carry out another Regulation 18 in late 2023, further comments through additional representations are welcomed if required through that consultation.
Strutt & Parker (891506607)	G&B Finch	Yes	This representation is submitted by Strutt & Parker on behalf G&B Finch Ltd. (GBF) to Essex County Council (ECC) Minerals Local Plan 2014 (Draft Proposed Amendments) Consultation (The Consultation).  Reviews of adopted Local Plans are a legal requirement, and having been adopted in July 2014, a review of the Minerals Local Plan (MLP) is now required to ensure the	Noted.  Responses to the specific issues raised are set out in the relevant Topic Papers, which also reproduces the comments made by the respondent.



		<p>effectiveness of the policies in ensuring the steady and adequate supply of minerals to support the construction and growth of the region and the wider UK economy.</p> <p>The current consultation follows an internal assessment conducted by ECC in November 2019 that concluded a review was necessary, and it is acknowledged that the consultation, originally due to take place in 2020, has been delayed due to complications arising from the Covid-19 Pandemic.</p> <p>This representation sets out a response to the draft proposed amendments on GBF's behalf, and also provides information on additional land that we consider can be identified to address any uncertainties and shortfall in meeting the necessary supply of aggregates.</p> <p>It is noted that the main reason for the review is to ensure compliance with National</p>	
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			<p>Planning Guidance and Policy that has been updated in the time since the adoption of the MLP.</p> <p>The comments have been made having regard to both the 'Schedule of Amendments 2021' and the 'Report setting out the Rationale behind Proposed Amendments 2021' (referred to as the 'Rationale Report'). Referenced paragraphs are as set out in the Proposed Amendments' document rather than the 'Amendments Made' version that is available as part of the consultation documentation.</p> <p>We would welcome the opportunity to further engage with ECC on the matters raised within this representation and any future consultations on the MLP.</p>	
Mineral Products Association (339717535)		Yes	Please note that the MPA would wish to attend any EiP.	Noted
East Suffolk Council (463893229)		No	East Suffolk Council welcomes the opportunity to comment upon the Essex Minerals and Waste Review. The Council	Noted

			has no specific comments to make in response to the Regulation 18 Consultation. However, having been consulted previously as part of the duty to cooperate process it was considered important to reply to this current consultation.	
Thurrock Borough Council (97704900)	Thurrock borough Council	No	No additional comment.	Noted