

1 Response Paper – Policy S10

Purpose of Policy S10

- 1.1 Mineral development can be an intrusive activity which can have a significant effect on the environment and the people who live and work close by. Mineral working can potentially cause the permanent alteration of topography, landscape and localised hydrology (including the creation or alteration of waterways), as well as temporary noise, dust and traffic impacts, and the loss of both tranquillity and visual amenity. This can result in severance and disruption of landscape, habitat loss, adverse impacts on local host communities including health and amenity impacts as well as impacts on sites of nature conservation, archaeological and cultural heritage value.
- 1.2 The capacity of a local area to accommodate minerals development is heavily dependent on the proximity of existing development, the type of operations proposed, how they are planned for and mitigated, and the programme of implementation and monitoring. These issues are best addressed on a site-by-site basis under the Development Management system and therefore this policy does not seek to be overly prescriptive. Instead, it sets out a number of broad principles which any application will need to be in accordance with, allowing for the detail to be introduced through the planning application process, including through pre-application advice.

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

- Policy S10 was considered to be in conformity with the objectives of the NPPF/PPG.
- The supporting text to Policy S10 was considered to be factual in nature and sufficient to support the strategic approach to environmental and local amenity issues.
- It was proposed to include a reference to ‘wellbeing’ to recognise the importance of mental health.
- Through Duty to Cooperate engagement it was suggested that a reference to mineral development being required to deliver a net gain in biodiversity, as an outcome of final restoration, also be included.
- It was further proposed to reformat the policy.
- A few amendments were proposed to provide further context, to briefly note some of the positive benefits that can be secured following well designed restoration and include reference to habitats regulations in general.
- Through the HRA it was requested that references to ‘Natura 2000’ sites be removed and replaced by ‘Habitats Site’. The definition of ‘Habitats Site’ taken from the NPPF was proposed to be added to the Glossary.

Impact of Revisions to NPPF 2021

- 1.3 The revisions to the February 2019 NPPF which resulted in the latest iteration published in July 2021 are not considered to impact on the issues raised in

this report. Although it is recognised that there are elements of Policy S10 which relate to amendments made as part of the revised NPPF, such as with regards to promoting healthy and safe communities and conserving and enhancing the natural environment, Policy S10 is comprised of a number of high-level 'Strategic Priorities' such that the specific amendments made in the NPPF do not impact on the articulation of these priorities.

Summary of Issues Raised through March 2021 Reg 18 Consultation

- 1.4 Through the consultation, a number of objections, clarifications and other proposed amendments were suggested. The following issues were raised:
- The need to better define the Plan concepts of 'local/nearby', 'consideration', 'mitigation', and 'opportunities'
 - The need to ensure that new sites are located on strategic lorry, rail, or wharf interchanges and not in poorly connected rural locations.
 - Funds should be provided to repair roads
 - Conditions for final site restoration should not be diluted
 - A net-gain in Geodiversity should be delivered as an outcome of final restoration
 - Expansion of sites should be prevented and safeguarding does the opposite and will not ensure good behaviour and community engagement
 - Include improvements to the existing public footpath and bridleway network, for all recreational users
 - Rigorous assessment of the air quality impact of lorry movements
 - A commitment that any extraction shall not reduce Water Framework Directive status
 - Recognition of councils in Essex that have declared a Climate Emergency and of the Climate Action Commission
 - There should be a priority to protect the local environment and community

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.

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

The need to better define the Plan concepts of 'local/nearby', 'consideration', 'mitigation', and 'opportunities'

- 1.6 A representation received through the Regulation 18 consultation stated that a distance should be included in the plan to define local/nearby. The MWPA believe that including a radius to define local/nearby would impose

unnecessary restrictions and expectations with regards to how applications for minerals development shall demonstrate that appropriate consideration has been given to nearby/local communities and the local area. Any impacts on 'nearby' communities are more appropriately assessed on a case-by-case basis, taking into account issues such as local infrastructure, visual amenity etc.

- 1.7 A further response received stated that the phrases 'appropriate', 'consideration', 'mitigation' and 'opportunities' are vague. It was further stated that there must be a definite requirement and aspiration for improvement. The MWPA however considers that the phraseology in Policy S10 is appropriate and needs to be read as a whole. It is noted that the current wording has already been adopted.
- 1.8 Policy S10 sets out a process that requires that impacts are at first 'appropriately considered' and that 'appropriate' mitigation measures are included such that there are 'no' unacceptable impacts, and that 'opportunities' are taken to improve the environment and amenity.
- 1.9 It is further noted that Policy S12 requires that following mineral development, land is restored with 'positive benefits to the environment, biodiversity and/ or local communities.

The need to ensure that new sites are located on strategic lorry, rail, or wharf interchanges and not in poorly connected rural locations

- 1.10 Through the consultation it was said that the MWPA has a role to ensure that new sites are located on strategic lorry, rail or wharf interchanges and not in poorly connected rural locations. Policy S11 states that "Planning applications for new minerals development proposals or proposals that generate traffic impact and/or an increase in traffic movements, shall be accompanied by a Transport Assessment or Transport Statement" to ensure that impacts on the local transport network are mitigated to an acceptable level.
- 1.11 Proposed amendments to paragraph 3.173 (3.188) of the MLP makes it clear that "The transportation of minerals over long distances is more sustainable by rail" and that the safeguarding of rail head facilities will enable the long-distance haulage of aggregate imported to and exported from Essex to continue. There are however a very small number of railheads in Essex that are able to be used to transport minerals. Further, approximately 80% of sand and gravel extracted in Essex is used in Essex and these shorter distances are more economic to be carried out by road due to an absence of rail facilities and the avoidance of double-handling.
- 1.12 Additionally, Policy DM1 requires that all planning applications for minerals development do not have an unacceptable impact on local amenity, the health and wellbeing of local residents including the wider community, aircraft and road safety, the natural and geological environment and the historic environment.

Funds should be provided to repair roads

- 1.13 The issue of damage to roads from HGV speed and weight and the resulting potholes and disruption from maintenance activity was raised through the consultation as an issue which is very costly and impactful on communities. It was questioned whether a levy could be considered to collect funds from HGVs on the road network to reduce the costs to the general council and taxpayers.
- 1.14 On this point, the MWPA 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.
- 1.15 Although it is acknowledged that HGV's may create more of a strain on local infrastructure routes than smaller vehicles, it is not appropriate to impose a further general local levy on HGV movements to maintain part of the road network, not least as it can be difficult to conclusively prove that damage to any particular piece of infrastructure is solely the result of HGV use arising from a particular site. It would also not be reasonable to seek to apply a general levy on HGV movements associated with the mineral industry in Essex, and not HGVs or other vehicles from other industries or origins.
- 1.16 Nonetheless, exceptions to the above have been made in Essex where there is extraordinary traffic associated with, for example, a windfarm, or where damage has been proven via a before and after study which are applied where there are defined sections of road that could be subjected to damage by HGVs. Highway Development Management Policy DM22 – Maintenance Contributions for Damage to the Existing Highway states that 'The Highway Authority will require maintenance payments for the repair of any damage caused to the existing highway created by extraordinary use resulting from a development proposal'. Supporting text states that the determination of requirements for maintenance will result from a condition survey of the appropriate area before and after the period of operation. A bond shall be put in place prior to commencement, to ensure that any damage is made good at the developer's expense within three months of the completion of works.
- 1.17 However, it is not considered that such an approach could form part of a policy in the MLP as it would be unreasonable to apply in all cases. Highway or verge damage of the type relevant raised in the representation would manifest outside of the planning application boundary and therefore it would be difficult to prove that not only is the root cause of that damage HGV movements, but also HGV movements associated solely with that particular mineral operator. Mineral traffic could be a small proportion of the total road traffic using a particular section of road.
- 1.18 That is not to say that securing maintenance funding through a planning permission would be impossible. As such damage would be outside of the planning application boundary, any maintenance funding would need to be secured by a legal agreement under Section 106 (s106) of the Town and

Country Planning Act 1990. A legal agreement would need to accord with the following tests – it is necessary to make the development acceptable in planning terms; it is directly related to the development; and it is fairly and reasonably related in scale and kind to the development. As such, it is considered that a maintenance agreement under s106 could in the first instance only be secured where any subsequent damage could be unequivocally attributed to movements associated with the mineral site. In addition, with respect to the requirement for legal agreements only able to be required in order to make the development acceptable in planning terms, it would also likely only be applicable to particularly sensitive roads or road verges designated as Special Roadside Verges due to their role as important habitats. Any other road or verge maintenance would fall under general road maintenance as carried out by the Highways Authority and funded by general taxation as set out above.

- 1.19 Nonetheless, 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. The Highway Authority may then require improvement works (at the developer's expense) to upgrade the road network to accommodate HGV traffic from the site. If roads are required to meet the Highway Authority's specification it is unlikely that further contributions would be sought for maintenance. An amendment is proposed to the supporting text to Policy S11 to clarify this position.

Conditions for final site restoration should not be diluted

- 1.20 A comment received through the consultation said that the MWPA must uphold the use agreed at planning stage and not dilute conditions for the final restoration. The MWPA notes that following the cessation of mineral working, extraction sites must be restored in conformity with their planning permission, including all conditions applied. Therefore, planning permissions are would not normally be amended and/or diluted during restoration, unless approval is given for an alternative scheme.

A net-gain in Geodiversity should be delivered as an outcome of final restoration

- 1.21 It was suggested through the consultation that reference should be included in the policy wording to deliver a net gain in Geodiversity. Biodiversity Net Gain has been given particular reference in the policy as this is a mandatory requirement arising out of the Environment Act 2021. Geodiversity net gain is not a mandatory requirement, the same status is not conveyed. However, the existing supporting text does state that "Applications shall also demonstrate that opportunities have been taken to improve and enhance the environment and amenity". Therefore, the improvement and enhancement of the environment, which incorporates geodiversity, is supported through the policy.

Expansion of sites should be prevented, and safeguarding does the opposite

and will not ensure good behaviour and community engagement

- 1.22 Through the consultation a comment was received which said the MWPA must prevent expanding sites and never-ending operations. Minerals development differs from other forms of development because minerals can only be worked where they occur and would rely on landowners submitting sites to ECC. Potential mineral sites (new and extensions) are assessed under a site selection methodology process and all new proposals are subject to public consultation at both the local plan allocation and planning application stages to ensure that community engagement takes place.
- 1.23 Additionally, it was stated that safeguarding does the opposite and will not ensure “good behaviour” and community engagement. The approach to mineral safeguarding aims to ensure that minerals are not unnecessarily sterilised by non-mineral development taking place on mineral bearing land. As per Paragraph 209 NPPF 2021, “it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation”. The NPPF requires planning policies to safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas. Consultation would still take place with regards to the appropriateness of prior extraction of any mineral within these areas ahead of non-mineral development taking place.

Include improvements to the existing public footpath and bridleway network, for all recreational users

- 1.24 A comment received through the consultation proposed to amend paragraph 3.182 (3.167) to incorporate improvements to the landscape which are often made to provide enhanced public access through the creation of new footpaths and bridleways that sit within a restored working agricultural landscape. The MWPA notes that as drafted, the proposed amendment to Paragraph 3.182 (3.167) already contains a reference to ‘recreational opportunities’ which is considered to include ‘potential improvements to the existing public footpath and bridleway network’. Further, Paragraph 3.217 (3.200) in the supporting text for Policy S12 (Mineral Site Restoration and After-Use) states that “There are also potential opportunities for informal outdoor recreation, public rights of way, landscape enhancement, heritage and geological conservation, improved water management and measures to promote mitigation and adaptation to climate change impacts”. Paragraph 3.219 (3.201) references “increased public access through the provision of footpaths and cycleways,”. Paragraph 3.232 (3.204) also mentions “Public Rights of Way, as well as improved opportunities for outdoor recreation.”. Therefore, it is not considered appropriate to amend paragraph 3.182 (3.167) as this would cause unnecessary duplication throughout the plan, and it is considered that Policy S12 is the appropriate policy to reference potential improvements to Public Rights of Way.
- 1.25 Similarly, another comment said that S10 should be amended to include a requirement for increased public access for all recreational users. With regards to protecting existing access, the MWPA notes that Paragraph 3.194

(3.179) in the supporting text of Policy S11 states that “Equally the needs of other road users including pedestrians, cyclists and horse riders should be considered, especially where the highway forms a link in the rights of way network.”. Policy S11 itself then states “Planning applications for new minerals development proposals or proposals that generate traffic impact and/or an increase in traffic movements, shall be accompanied by a Transport Assessment or Transport Statement that demonstrates Consideration of road users, including cyclists, horse riders and pedestrians”. Following this, the supporting text of Policy DM1 states “Where rights of way are affected, arrangements for their temporary or permanent diversion must be put in place as part of proposals. This will apply to definitive routes used by cyclists, horse riders and walkers that either cross or are close to a site.” It is proposed to amend paragraph 3.219(3.201) as follows, “Improved public access to the natural environment can be provided by creating enhanced access opportunities for all recreational users, including walkers, cyclists and horse riders, as well as new leisure and amenity areas.”

- 1.26 Comments around enhancing access as part of mineral site restoration were also raised under Policy S12 and as a result of this it is noted that Policy S12 does not explicitly mention any requirements to enhance outdoor recreation/public access and therefore Policy S12 is proposed to be updated as follows, “5. Where appropriate, proposals shall demonstrate the best available techniques to ensure that: k) community benefits are delivered, including new or improved corridors or linkages for open space, natural areas, biodiversity, and Public Rights of Way, as well as new or improved opportunities for outdoor recreation.”. Policy S12 is also proposed to be amended to incorporate enhanced public access for all recreational users, encouragement of active travel, the design and usability of public spaces.
- 1.27 However, it is not always possible to require public access onto land as part of restoration schemes. Public access may, for example, be restricted for health and safety reasons or to protect biodiversity.
- 1.28 It is further noted that where any existing public access onto land is not designated as part of the Public Rights of Way network, this access is typically offered at the landowner’s discretion. As such, it cannot be explicitly required that these be maintained or enhanced. However, the maintenance or enhancement of non-designated access during and following mineral extraction can form part of negotiations on restoration schemes where securing such provision would result in a beneficial after-use to local communities. As such however, explicit reference to the need to enhance non-designated public access routes cannot be explicitly required through policy, but the proposed amendment to Policy S12 as set out above is considered to strengthen the ability for the MWPA to negotiate their provision.

Rigorous assessment of the air quality impact of lorry movements

- 1.29 Through the consultation a comment was received which said that there should be rigorous assessment of the air quality impact of lorry movements for every planning application, in accordance with Paris Agreement 2008. The MWPA notes that it is stated in paragraph 3.17 (3.16) of the MLP that one of the key policy drivers to reduce greenhouse gas emissions and build

adaptation and resilience to the effects of climate change are the Paris Agreement.

- 1.30 Paragraph 3.184 (3.169) states that “Any proposals for mineral development will be expected to show compliance with the *relevant* Habitat Regulations *through completion of a Habitats Regulations Assessment*. *Currently where* ~~Where a proposal would result in an increase of 200 daily HGV movements within 200m of a Natura 2000 a~~ *Habitats Site* it will be required to undertake and submit an air quality analysis compliant with Environment Agency guidelines as part of the proposal.”.
- 1.31 Paragraph 3.192 (3.177) in the supporting text for Policy S11 also states “Where the movement of minerals are by road, the increase in traffic movement and effects on air quality shall be in accordance with published highway design guidance and national air quality objectives and strategies.”. Policy S11 (Access and transportation) itself states “Where the movement of minerals are by road, HGV movements shall not generate unacceptable impacts on highways safety, highways capacity and air quality (particularly in relation to any potential breaches of National Air Quality Objectives and impacts on any Air Quality Management Areas). Proposals shall be in accordance with published highway design guidance.”.
- 1.32 The Policy also goes on to state “Planning applications for new minerals development proposals or proposals that generate traffic impact and/or an increase in traffic movements, shall be accompanied by a Transport Assessment or Transport Statement that demonstrates: An assessment of potential air quality impacts, including the avoidance of adverse effects on the integrity of Habitats Sites”. Therefore, the MWPA consider the assessment of the air quality to be appropriately addressed through the MLP.

A commitment that any extraction shall not reduce Water Framework Directive status

- 1.33 Through the consultation a comment received suggested that a commitment that any extraction shall not reduce Water Framework Directive status of any river. Policy DM1 Paragraph 5.20 (5.33) states that “When considering proposals for mineral extraction it is expected that due regard will be made to the Water Framework Directive and relevant river basin management plans”. All application must be in conformity with Policy DM1 and therefore it is considered that appropriate consideration is made to the Water Framework Directive.

Recognition of councils in Essex that have declared a Climate Emergency and of the Climate Action Commission

- 1.34 Through the consultation it was suggested to councils in Essex that have declared a Climate Emergency and of the Climate Action Commission. The MWPA engages with the Climate Action team to review and amend the approach, considering their specialist knowledge and the views from consultation. This ensures that the emerging MLP reflects county-wide aspirations/ Climate Emergency. It is proposed to amend the supporting text

of Policy S3 to reference the need for a Climate Change Statement for all minerals development.

There should be a priority to protect the local environment and community

- 1.35 It was suggested through the consultation that the MWPA do not protect the local environment and community. However, the MWPA notes that Policy S12 seeks to ensure that following the cessation of the use of land for mineral development, the site is restored and subsequently used and managed in such a way as to benefit communities and their local environment, potentially creating valuable new assets for future generations. Proposals are assessed against the criteria provided in Policy S12. The final restoration of each site will be decided on a case-by-case basis. Restoration will provide positive benefits to the environment, biodiversity and/or local communities. Mineral workings are temporary in nature. Restoration and after-use schemes are integral to the consideration of planning applications, with progressive working and restoration schemes expected.

Conclusion

- 1.36 A number of respondents were broadly in agreement with the proposed changes to Policy S10 although requested amendments, whilst some disagreement was also received. Comments were received around specific definitions in the plan in relation to the Plan concepts of 'local/nearby', 'consideration', 'mitigation', and 'opportunities. The need to ensure that new sites are located on strategic lorry, rail, or wharf interchanges and not in poorly connected rural locations was also raised through the consultation. It was also suggested that funds should be provided to repair roads.
- 1.37 A comment received indicated that the MWPA should uphold the use agreed at planning stage and not dilute conditions for the final restoration. As discussed above, planning permissions are not amended and/or diluted during restoration and therefore, the MWPA upholds the use agreed at planning stage. Another representation stated that a net-gain in Geodiversity should be delivered as an outcome of final restoration, however, the MWPA do not consider this appropriate as Geodiversity net gain is not a mandatory requirement and the improvement and enhancement of Geodiversity is supported through the current policy wording which is not proposed for removal.
- 1.38 Issues around the MWPA preventing expanding sites and never-ending operations has been discussed above and the MWPA have explained that potential mineral sites (new and extensions) are assessed under a site selection methodology process and all new proposals are subject to public consultation at both the local plan allocation and planning application stages to ensure that community engagement takes place.
- 1.39 In relation to minerals safeguarding not ensuring "good behaviour" and community engagement, this is a requirement of Paragraph 209 NPPF 2021. The aim of minerals safeguarding is to ensure that minerals are not unnecessarily sterilised by non-mineral development taking place on mineral bearing land and consultation would still take place with regards to the

appropriateness of prior extraction of any mineral within these areas ahead of non-mineral development taking place.

- 1.40 Other issues raised and discussed include improvements to the existing public footpath and bridleway network for all recreational users, assessment of the air quality impact of lorry movements, and priority to protect the local environment and community and a commitment that any extraction shall not reduce Water Framework Directive status.
- 1.41 Following a review of the representations received during the Reg 18 consultation there are no additional proposed amendments as a result of comments. The MWPA feel that all issues raised have been appropriately addressed either through Policy S10 and its supporting text, or via other wording throughout the plan.

Table 1 – March 2021 Regulation 18 Consultation Responses to Policy S10

ORGANISATION	ON BEHALF OF	POLICY S10	POLICY S10	ECC RESPONSE	FURTHER WORK NEEDED/ DECISIONS MADE
Name of Organisation	Are you responding on behalf of another individual or organisation? - If Yes, Who?	1.Do you agree or disagree with the rationale behind the amendments proposed in this section of the emerging Minerals Local Plan? (see Rationale Report)	Please provide any comments below:		
Blackwater Aggregates (623162177)		Agree (but wish to clarify)	On completion of mineral operations, sites are restored to provide a number of environmental enhancements associated with the creation of interconnected habitats within an agricultural setting; and, following a period of aftercare the land is returned to the landowner(s).	Noted.	
CEMEX (982058282)		Agree (but wish to clarify)	On completion of mineral operations, sites are restored to provide a number of	Noted.	

			environmental enhancements associated with the creation of interconnected habitats within an agricultural setting; and, following a period of aftercare the land is returned to the landowner(s).		
Feering Parish Council (671847412)	Feering Parish Council	Agree (but wish to clarify)	PROPOSE: suggest including a distance to define LOCAL / NEARBY. We suggest a 10 mile radius	The MWPA believe that including a radius to define what is considered to be 'local/nearby' would impose unnecessary restrictions or expectations with regards to how applications for minerals development shall demonstrate that appropriate consideration has been given to nearby/local communities and the local area. Any impacts on 'nearby' communities are more appropriately assessed on a case-by-case basis, taking into account issues such as local infrastructure, visual amenity etc.	
			ALSO IF local roads are used for quarry access then funds must be provided to repair the roads, especially the road edges which are	The issue of damage to roads from HGV speed and weight and the resulting potholes and disruption from maintenance activity was	

			<p>used by cyclists. Local Roads are at the bottom of the road maintenance hierarchy and so local roads that are used for access (HGVs and employees /operatives) must have access to extra funding. Where the roads also connect PROWs & hamlets, then the road verges should be maintained to be accessible - at least as refuges.</p>	<p>raised through the consultation as an issue which is very costly and impactful on communities. It was questioned whether a levy could be considered to collect funds from HGVs on the road network to reduce the costs to the general council and tax payers.</p> <p>On this point, the MWPA 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.</p>	
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				<p>Although it is acknowledged that HGV's may create more of a strain on local infrastructure routes than smaller vehicles, it is not appropriate to impose a further general local levy on HGV movements to maintain part of the road network, not least as it can be difficult to conclusively prove that damage to any particular piece of infrastructure is solely the result of HGV use arising from a particular site. It would also not be reasonable to seek to apply a general levy on HGV movements associated with the mineral industry in Essex, and not HGVs or other vehicles from other industries or origins.</p> <p>Nonetheless, exceptions to the above have been made in Essex where there is extraordinary traffic associated with, for example, a windfarm, or where damage has been proven via a before and after study</p>	
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				<p>which are applied where there are defined sections of road that could be subjected to damage by HGVs. Highway Development Management Policy DM22 – Maintenance Contributions for Damage to the Existing Highway states that 'The Highway Authority will require maintenance payments for the repair of any damage caused to the existing highway created by extraordinary use resulting from a development proposal'. Supporting text states that the determination of requirements for maintenance will result from a condition survey of the appropriate area before and after the period of operation. A bond shall be put in place prior to commencement, to ensure that any damage is made good at the developer's expense within three months of the completion of works.</p> <p>However, it is not considered</p>	
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				<p>that such an approach could form part of a policy in the MLP as it would be unreasonable to apply in all cases. Highway or verge damage of the type relevant raised in the representation would manifest outside of the planning application boundary and therefore it would be difficult to prove that not only is the root cause of that damage HGV movements, but also HGV movements associated solely with that particular mineral operator. Mineral traffic could be a small proportion of the total road traffic using a particular section of road.</p> <p>That is not to say that securing maintenance funding through a planning permission would be impossible. As such damage would be outside of the planning application boundary, any maintenance funding would need to be secured by a legal</p>	
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				<p>agreement under Section 106 (s106) of the Town and Country Planning Act 1990. A legal agreement would need to accord with the following tests – it is necessary to make the development acceptable in planning terms; it is directly related to the development; and it is fairly and reasonably related in scale and kind to the development. As such, it is considered that a maintenance agreement under s106 could in the first instance only be secured where any subsequent damage could be unequivocally attributed to movements associated with the mineral site. In addition, with respect to the requirement for legal agreements only able to be required in order to make the development acceptable in planning terms, it would also likely only be applicable to particularly sensitive roads or road verges designated as Special Roadside Verges</p>	
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				<p>due to their role as important habitats. Any other road or verge maintenance would fall under general road maintenance as carried out by the Highways Authority and funded by general taxation as set out above. Nonetheless, 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. The Highway Authority may then require improvement works (at the developer's expense) to upgrade the road network to accommodate HGV traffic from the site. If roads are required to meet the Highway Authority's specification it is unlikely that further contributions would be sought for maintenance. An amendment is proposed to the supporting text to Policy S11 to clarify this</p>	
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				position.	
Gent Fairhead Aggregates (871678397)		Agree (but wish to clarify)	On completion of mineral operations, sites are restored to provide a number of environmental enhancements associated with the creation of interconnected habitats within an agricultural setting; and, following a period of aftercare the land is returned to the landowner(s).	Noted.	
Resident (850344129)		Agree (but wish to clarify)	On completion of mineral operations, sites are restored to provide a number of environmental enhancements associated with the creation of interconnected habitats within an agricultural setting; and, following a period of aftercare the land is returned to the landowner(s).	Noted.	
GeoEssex (538324742)		Agree (but wish to clarify)	see below (see respondents comment under Policy S10 Q2)	Noted.	
Coggeshall Parish Council (598729813)	Coggeshall parish council	Disagree (please clarify)	Any applications have been given supposedly appropriate consideration to public health, well being, safety, amenity, quality of life, of nearby communities, natural	Policy S11 is proposed to be amended to state that <u>"Planning applications for new minerals development proposals or proposals that generate traffic impact and/or</u>	

			<p>and built environment. The policy states that they should also demonstrate that they have tried to improve and enhance the environment and amenities and to deliver a net gain in biodiversity as an outcome of final restoration. This all sounds common sense and how the countryside and settlements should be protected. However this is not shown to be happening . ECC has a role to ensure that new sites are located on strategic lorry, rail or wharf interchanges and not in poorly connected rural locations.</p>	<p><u>an increase in traffic movements, shall be accompanied by a Transport Assessment or Transport Statement</u>” to ensure that impacts on the local transport network are mitigated to an acceptable level. Proposed amendments to paragraph 3.173 (3.188) of the MLP makes it clear that “The transportation of minerals over long distances is more sustainable by rail” and that the safeguarding of rail head facilities will enable the long-distance haulage of aggregate imported to and exported from Essex to continue. There are however a very small number of railheads in Essex that are able to be used to transport minerals. Further, approximately 80% of sand and gravel extracted in Essex is used in Essex and these shorter distances are more economic to be carried out by road due to an absence of rail facilities and the avoidance of double-</p>	
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				<p>handling.</p> <p>Additionally, Policy DM1 requires that all planning applications for minerals development do not have an unacceptable impact on local amenity, the health and wellbeing of local residents including the wider community, aircraft and road safety, the natural and geological environment and the historic environment.</p>	
			ECC must agree and uphold the use agreed at planning stage and not dilute conditions for the final restoration / use.	Following the cessation of mineral working, extraction sites must be restored in conformity with their planning permission, including all conditions applied.	
			ECC must prevent ever expanding sites (Bradwell) and never ending operations and safeguarding does the opposite and will not ensure “good behaviour” and community engagement.	Minerals development differs from other forms of development because minerals can only be worked where they occur and would rely on landowners submitting sites to ECC. The approach to mineral safeguarding aims to ensure that minerals are not unnecessarily sterilised by non-mineral development	

				<p>taking place on mineral bearing land. As per Paragraph 209 NPPF 2021, “it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation”. The NPPF requires planning policies to safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas.</p> <p>Potential mineral sites (new and extensions) are assessed under a site selection methodology process and all new proposals are subject to public consultation at both the local plan allocation and planning application stages to ensure that community engagement takes place.</p>	
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ORGANISATION	ON BEHALF OF	POLICY S10	POLICY S10	ECC RESPONSE	FURTHER WORK NEEDED/ DECISIONS MADE
Name of Organisation	Are you responding on behalf of another individual or organisation? - If Yes, Who?	2.Do you agree or disagree with the proposed amendments as set out in this section of the emerging Minerals Local Plan?	Please provide any comments and/or alternative wording for this section of the Plan below:		
Suffolk County Council (549043477)		Agree (but wish to clarify)	I would welcome the inclusion of 'cumulative impacts' of proposals are included. Especially as minerals sites not only have extraction but other ancillary developments.	Noted.	
Blackwater Aggregates (623162177)		Agree (but wish to clarify)	On completion of mineral operations, sites are restored to provide a number of environmental enhancements associated with the creation of interconnected habitats	As drafted, the proposed amendment contains a reference to 'recreational opportunities 'which is considered to include 'potential improvements to the existing public footpath and bridleway network' Further, Paragraph 3.217 (3.200)	

			<p>within an agricultural setting; and, following a period of aftercare the land is returned to the landowner(s).</p> <p>Improvements are often made to provide enhanced public access through the creation of new footpaths and bridleways that sit within a restored working agricultural landscape.</p> <p>Therefore it is proposed that an amendment is made to the insertion within paragraph 3.182:</p> <p>Delete: ... as well as creating open space, wetlands and recreational opportunities</p> <p>Add: ...within the local landscape and potential improvements</p>	<p>in the supporting text for Policy S12 (Mineral Site Restoration and After-Use) states that “There are also potential opportunities for informal outdoor recreation, public rights of way, landscape enhancement, heritage and geological conservation, improved water management and measures to promote mitigation and adaptation to climate change impacts”. Paragraph 3.219 (3.201) references “increased public access though the provision of footpaths and cycleways,”. Paragraph 3.232 (3.204) also mentions “Public Rights of Way, as well as improved opportunities for outdoor recreation.”. Therefore, it is not considered appropriate to amend paragraph 3.182 (3.167) as this would cause unnecessary duplication throughout the plan, and it considered that Policy S12 is the appropriate policy to reference potential improvements to Public Rights of Way.</p>	
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			to the existing public footpath and bridleway network.		
CEMEX (982058282)		Agree (but wish to clarify)	<p>On completion of mineral operations, sites are restored to provide a number of environmental enhancements associated with the creation of interconnected habitats within an agricultural setting; and, following a period of aftercare the land is returned to the landowner(s).</p> <p>Improvements are often made to provide enhanced public access through the creation of new footpaths and bridleways that sit within a restored working agricultural landscape.</p> <p>Therefore it is proposed that an amendment is made to</p>	<p>As drafted, the proposed amendment contains a reference to 'recreational opportunities 'which is considered to include 'potential improvements to the existing public footpath and bridleway network'</p> <p>Further, Paragraph 3.217 (3.200) in the supporting text for Policy S12 (Mineral Site Restoration and After-Use) states that "There are also potential opportunities for informal outdoor recreation, public rights of way, landscape enhancement, heritage and geological conservation, improved water management and measures to promote mitigation and adaptation to climate change impacts". Paragraph 3.219 (3.201) references "increased public access though the provision of footpaths and cycleways,". Paragraph 3.232 (3.204) also mentions "Public Rights of Way, as well as improved opportunities for outdoor recreation.". Therefore, it</p>	

			<p>the insertion within paragraph 3.182:</p> <p>Delete: ... as well as creating open space, wetlands and recreational opportunities</p> <p>Add: ...within the local landscape and potential improvements to the existing public footpath and bridleway network.</p>	<p>is not considered appropriate to amend paragraph 3.182 (3.167) as this would cause unnecessary duplication throughout the plan, and it considered that Policy S12 is the appropriate policy to reference potential improvements to Public Rights of Way.</p>	
<p>Essex Bridleways Association (65984435)</p>		<p>Agree (but wish to clarify)</p>	<p>Paragraph 3.182 last sentence: the acknowledgement of the potential positive benefits to communities following the restoration of a site is welcomed; however, we would like to see this aspect further embedded within the Development Management Policies. The Essex Green Infrastructure Strategy document adopted in 2020 fully supports and</p>	<p>Paragraph 3.194 (3.179) in the supporting text of Policy S11 states that “Equally the needs of other road users including pedestrians, cyclists and horse riders should be considered, especially where the highway forms a link in the rights of way network.”. Policy S11 itself then states “Planning applications for new minerals development proposals or proposals that generate traffic impact and/or an increase in traffic movements, shall be accompanied by a</p>	

			<p>promotes this aspiration – see points 7.4, 7.4.5 and 8.1.3 of that document. Whilst the extraction of minerals is unavoidable, the impact on the local communities is generally significant despite mitigation and being able to give something back to those impacted communities should be a major consideration within any extraction scheme.</p> <p>Policy S10 should therefore be amended to include a requirement for increased public access for ALL recreational users – walkers, cyclists and horse riders – as part of any restoration scheme. We feel that ‘appropriate consideration’ is not</p>	<p>Transport Assessment or Transport Statement that demonstrates Consideration of road users, including cyclists, horse riders and pedestrians”. Following this, the supporting text of Policy DM1 states “Where rights of way are affected, arrangements for their temporary or permanent diversion must be put in place as part of proposals. This will apply to definitive routes used by cyclists, horse riders and walkers that either cross or are close to a site.”.</p> <p>It is proposed to amend paragraph 3.219(3.201) as follows, “Improved public access to the natural environment can be provided by creating enhanced access <u>opportunities for all recreational users, including walkers, cyclists and horse riders,</u> as well as new leisure and amenity areas.”</p> <p>However, it is not always possible to require public access onto land</p>	
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			<p>strong enough and should be a conditioned requirement.</p>	<p>as part of restoration schemes. Public access may, for example, be restricted for health and safety reasons or to protect biodiversity.</p> <p>It is further noted that where any existing public access onto land is not designated as part of the Public Rights of Way network, this access is typically offered at the landowner's discretion. As such, it cannot be explicitly required that these be maintained or enhanced. However, the maintenance or enhancement of non-designated access during and following mineral extraction can form part of negotiations on restoration schemes where securing such provision would result in a beneficial after-use to local communities. As such however, explicit reference to the need to enhance non-designated public access routes cannot be explicitly required through policy, but the proposed amendment to Policy S12 as set out above is</p>	
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				considered to strengthen the ability for the MWPA to negotiate their provision.	
Feering Parish Council (671847412)	Feering Parish Council	Agree (but wish to clarify)	PROPOSE: suggest including a distance to define LOCAL / NEARBY. We suggest a 10 mile radius	The MWPA believe that including a radius to define what is considered to be 'local/nearby' would impose unnecessary restrictions or expectations with regards to how applications for minerals development shall demonstrate that appropriate consideration has been given to nearby/local communities and the local area. Any impacts on 'nearby' communities are more appropriately assessed on a case-by-case basis, taking into account issues such as local infrastructure, visual amenity etc.	
			ALSO IF local roads are used for quarry access then funds must be provided to repair the roads, especially the road edges which are used by cyclists. Local Roads are at the bottom of the road maintenance hierarchy and so local roads that	The issue of damage to roads from HGV speed and weight and the resulting potholes and disruption from maintenance activity was raised through the consultation as an issue which is very costly and impactful on communities. It was questioned whether a levy could be considered to collect funds from HGVs on the road network to reduce the costs to the general	

			<p>are used for access (HGVs and employees /operatives) must have access to extra funding. Where the roads also connect PROWs & hamlets, then the road verges should be maintained to be accessible - at least as refuges.</p>	<p>council and taxpayers.</p> <p>On this point, the MWPA 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.</p> <p>Although it is acknowledged that HGV's may create more of a strain on local infrastructure routes than smaller vehicles, it is not appropriate to impose a further general local levy on HGV movements to maintain part of the road network, not least as it can be difficult to conclusively prove that damage to any particular piece of infrastructure is solely the result of HGV use</p>	
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				<p>arising from a particular site. It would also not be reasonable to seek to apply a general levy on HGV movements associated with the mineral industry in Essex, and not HGVs or other vehicles from other industries or origins.</p> <p>Nonetheless, exceptions to the above have been made in Essex where there is extraordinary traffic associated with, for example, a windfarm, or where damage has been proven via a before and after study which are applied where there are defined sections of road that could be subjected to damage by HGVs.</p> <p>Highway Development Management Policy DM22 – Maintenance Contributions for Damage to the Existing Highway states that ‘The Highway Authority will require maintenance payments for the repair of any damage caused to the existing highway created by extraordinary use resulting from a development proposal’. Supporting text states that the determination of requirements for maintenance will result from a condition survey of</p>	
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				<p>the appropriate area before and after the period of operation. A bond shall be put in place prior to commencement, to ensure that any damage is made good at the developer's expense within three months of the completion of works.</p> <p>However, it is not considered that such an approach could form part of a policy in the MLP as it would be unreasonable to apply in all cases. Highway or verge damage of the type relevant raised in the representation would manifest outside of the planning application boundary and therefore it would be difficult to prove that not only is the root cause of that damage HGV movements, but also HGV movements associated solely with that particular mineral operator. Mineral traffic could be a small proportion of the total road traffic using a particular section of road.</p> <p>That is not to say that securing maintenance funding through a planning permission would be</p>	
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				<p>impossible. As such damage would be outside of the planning application boundary, any maintenance funding would need to be secured by a legal agreement under Section 106 (s106) of the Town and Country Planning Act 1990. A legal agreement would need to accord with the following tests – it is necessary to make the development acceptable in planning terms; it is directly related to the development; and it is fairly and reasonably related in scale and kind to the development. As such, it is considered that a maintenance agreement under s106 could in the first instance only be secured where any subsequent damage could be unequivocally attributed to movements associated with the mineral site. In addition, with respect to the requirement for legal agreements only able to be required in order to make the development acceptable in planning terms, it would also likely only be applicable to particularly sensitive roads or road verges designated as</p>	
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				<p>Special Roadside Verges due to their role as important habitats. Any other road or verge maintenance would fall under general road maintenance as carried out by the Highways Authority and funded by general taxation as set out above. Nonetheless, 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. The Highway Authority may then require improvement works (at the developer's expense) to upgrade the road network to accommodate HGV traffic from the site. If roads are required to meet the Highway Authority's specification it is unlikely that further contributions would be sought for maintenance. An amendment is proposed to the supporting text to Policy S11 to clarify this position.</p>	
Gent Fairhead Aggregates (871678397)		Agree (but wish to clarify)	On completion of mineral operations, sites are restored to	As drafted, the proposed amendment contains a reference to 'recreational opportunities	

			<p>provide a number of environmental enhancements associated with the creation of interconnected habitats within an agricultural setting; and, following a period of aftercare the land is returned to the landowner(s).</p> <p>Improvements are often made to provide enhanced public access through the creation of new footpaths and bridleways that sit within a restored working agricultural landscape.</p> <p>Therefore it is proposed that an amendment is made to the insertion within paragraph 3.182:</p> <p>Delete: ... as well as creating open space, wetlands and</p>	<p>'which is considered to include 'potential improvements to the existing public footpath and bridleway network'.</p> <p>Further, Paragraph 3.217 (3.200) in the supporting text for Policy S12 (Mineral Site Restoration and After-Use) states that "There are also potential opportunities for informal outdoor recreation, public rights of way, landscape enhancement, heritage and geological conservation, improved water management and measures to promote mitigation and adaptation to climate change impacts". Paragraph 3.219 (3.201) references "increased public access through the provision of footpaths and cycleways,". Paragraph 3.232 (3.204) also mentions "Public Rights of Way, as well as improved opportunities for outdoor recreation.". Therefore, it is not considered appropriate to amend paragraph 3.182 (3.167) as this would cause unnecessary duplication throughout the plan, and it considered that Policy S12 is the appropriate policy to</p>	
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			<p>recreational opportunities</p> <p>Add: ...within the local landscape and potential improvements to the existing public footpath and bridleway network.</p>	<p>reference potential improvements to Public Rights of Way.</p>	
<p>Resident (850344129)</p>		<p>Agree (but wish to clarify)</p>	<p>On completion of mineral operations, sites are restored to provide a number of environmental enhancements associated with the creation of interconnected habitats within an agricultural setting; and, following a period of aftercare the land is returned to the landowner(s).</p> <p>Improvements are often made to provide enhanced public access through the creation of new footpaths and bridleways that sit within a restored</p>	<p>As drafted, the proposed amendment contains a reference to 'recreational opportunities 'which is considered to include 'potential improvements to the existing public footpath and bridleway network'.</p> <p>Further, Paragraph 3.217 (3.200) in the supporting text for Policy S12 (Mineral Site Restoration and After-Use) states that "There are also potential opportunities for informal outdoor recreation, public rights of way, landscape enhancement, heritage and geological conservation, improved water management and measures to promote mitigation and adaptation to climate change impacts". Paragraph 3.219 (3.201) references "increased public access though the</p>	

			<p>working agricultural landscape.</p> <p>Therefore it is proposed that an amendment is made to the insertion within paragraph 3.182:</p> <p>Delete: ... as well as creating open space, wetlands and recreational opportunities</p> <p>Add: ...within the local landscape and potential improvements to the existing public footpath and bridleway network.</p>	<p>provision of footpaths and cycleways,”. Paragraph 3.232 (3.204) also mentions “Public Rights of Way, as well as improved opportunities for outdoor recreation.”. Therefore, it is not considered appropriate to amend paragraph 3.182 (3.167) as this would cause unnecessary duplication throughout the plan, and it considered that Policy S12 is the appropriate policy to reference potential improvements to Public Rights of Way.</p>	
<p>Coggeshall Residents Against the Quarry (449012745)</p>		<p>Agree (but wish to clarify)</p>	<p>We welcome the updating of the MLP, so that it can now reflect the latest environmental protection legislation. However, we do not consider that the amended wording of policy S10 is sufficient. We suggest that it</p>	<p>It is considered that issues in relation to air quality are captured within Policy S11 and its supporting text. Paragraph 3.184 (3.169) states that “Any proposals for mineral development will be expected to show compliance with the <u>relevant</u> Habitat Regulations <u>through completion of a Habitats Regulations Assessment</u>. <u>Currently where</u></p>	

			<p>needs enhancing with the inclusion of these specific points:</p> <ul style="list-style-type: none"> • there should be rigorous assessment of the air quality impact of lorry movements for every planning application, in accordance with Paris Agreement 2008 	<p>Where a proposal would result in an increase of 200 daily HGV movements within 200m of a Natura 2000 <u>Habitats Site</u> site it will be required to undertake and submit an air quality analysis compliant with Environment Agency guidelines as part of the proposal. ". Paragraph 3.192 (3.177) in the supporting text for Policy S11 also states "<u>Where the movement of minerals are by road, the increase in traffic movement and effects on air quality shall be in accordance with published highway design guidance and national air quality objectives and strategies.</u>". Policy S11 (Access and transportation) itself states "<u>Where the movement of minerals are by road, HGV movements shall not generate unacceptable impacts on highways safety, highways capacity and air quality (particularly in relation to any potential breaches of National Air Quality Objectives and impacts on any Air Quality Management Areas). Proposals shall be in accordance with published highway design guidance.</u>". The</p>	
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				<p>Policy also goes on to state “<u>Planning applications for new minerals development proposals or proposals that generate traffic impact and/or an increase in traffic movements, shall be accompanied by a Transport Assessment or Transport Statement that demonstrates: An assessment of potential air quality impacts, including the avoidance of adverse effects on the integrity of Habitats Sites</u>”. Therefore, the MWPA consider the assessment of the air quality to be appropriately addressed through the MLP.</p>	
			<ul style="list-style-type: none"> • a commitment that any extraction shall not reduce Water Framework Directive status of any river (perhaps under paragraph 'no unacceptable adverse impacts') 	<p>Policy DM1 Paragraph 5.20 (5.33) states that “When considering proposals for mineral extraction it is expected that due regard will be made to the Water Framework Directive and relevant river basin management plans”. All application must be in conformity with Policy DM1 and therefore it is considered that appropriate consideration is made to the Water Framework Directive.</p>	
			<ul style="list-style-type: none"> • recognition of all those councils in Essex 	<p>The MWPA engages with the Climate Action team to review</p>	

			<p>that have declared a Climate Emergency (we are aware of Braintree, Colchester and Tendring in this respect)</p> <ul style="list-style-type: none"> • recognition that a Climate Action Commission has been set up by Essex County Council and this has targets for sustainable land use which may need to be taken into account 	<p>and amend the approach, considering their specialist knowledge and the views from consultation. This ensures that the emerging MLP reflects county-wide aspirations/ Climate Emergency. It is proposed to amend the supporting text of Policy S3 to reference the need for a Climate Change Statement for all minerals development.</p>	
GeoEssex (538324742)		Agree (but wish to clarify)	<p>Policy S10 Protecting and Enhancing the Environment and Local Amenity Box: . .to deliver a net gain in biodiversity . . . – add Geodiversity - as an outcome of final restoration.</p>	<p>Biodiversity Net Gain has been given particular reference in the policy as this is a mandatory requirement arising out of the Environment Act 2021. Geodiversity net gain is not a mandatory requirement, the same status is not conveyed. However, the existing supporting text does state that “<u>Applications shall also demonstrate that opportunities have been taken to improve and enhance the environment and amenity</u>”. Therefore, the improvement and enhancement of the environment, which incorporates geodiversity, is</p>	

				supported through the policy.	
CPRE Essex (665562826)		Disagree (please clarify)	It is suggested that the wording needs enhancement with the inclusion that there should be rigorous assessment of the air quality impact of lorry movements for every planning application (in accordance with Paris Agreement 2008) and a commitment that any extraction shall not reduce Water Framework Directive status of any river.	It is considered that issues in relation to air quality are captured within Policy S11 and its supporting text. Paragraph 3.184 (3.169) states that “Any proposals for mineral development will be expected to show compliance with the <u>relevant</u> Habitat Regulations <u>through completion of a Habitats Regulations Assessment. Currently where</u> Where -a proposal <i>would</i> result in an increase of 200 daily HGV movements within 200m of a Natura 2000 <u>Habitats Site</u> site it will be required to undertake and submit an air quality analysis compliant with Environment Agency guidelines as part of the proposal. ”. Paragraph 3.192 (3.177) in the supporting text for Policy S11 also states “ <u>Where the movement of minerals are by road, the increase in traffic movement and effects on air quality shall be in accordance with published highway design guidance and national air quality objectives and strategies.</u> ”. Policy S11 (Access and transportation) itself states “ <u>Where the</u>	

				<p><u>movement of minerals are by road, HGV movements shall not generate unacceptable impacts on highways safety, highways capacity and air quality (particularly in relation to any potential breaches of National Air Quality Objectives and impacts on any Air Quality Management Areas). Proposals shall be in accordance with published highway design guidance.”</u>. The Policy also goes on to state <u>“Planning applications for new minerals development proposals or proposals that generate traffic impact and/or an increase in traffic movements, shall be accompanied by a Transport Assessment or Transport Statement that demonstrates: An assessment of potential air quality impacts, including the avoidance of adverse effects on the integrity of Habitats Sites”</u>. Therefore, the MWPA consider the assessment of the air quality to be appropriately addressed through the MLP.</p>	
Essex Local Access Forum (504988967)		Disagree (please clarify)	Policy S10 - Protecting and Enhancing the Environment and Local	The MWPA considers that the phraseology in Policy S10 is appropriate and needs to be read	

			<p>Amenity:</p> <p>The phrases "appropriate consideration / mitigation / opportunities " are vague. There must be a definite requirement & aspiration for improvement.</p>	<p>as a whole. It is noted that the current wording has already been adopted.</p> <p>It sets out a process that requires that impacts are at first 'appropriately considered' and that 'appropriate' mitigation measures are included such that there are 'no' unacceptable impacts, and that 'opportunities' are taken to improve the environment and amenity.</p> <p>It is further noted that Policy S12 requires that following mineral development, land is restored with 'positive benefits to the environment, biodiversity and/ or local communities.</p>	
			<p>IF local roads are used for quarry access then funds must be provided to repair the roads, especially the road edges which are used by cyclists and other non-motorised users, especially when vehicles pass. Local Roads are at the bottom of the road</p>	<p>The issue of damage to roads from HGV speed and weight and the resulting potholes and disruption from maintenance activity was raised through the consultation as an issue which is very costly and impactful on communities. It was questioned whether a levy could be considered to collect funds from HGVs on the road network to reduce the costs to the general</p>	

			<p>maintenance hierarchy and so local roads that are used for access (by HGVs and employees /operatives) must have access to extra funding for maintenance. Where the roads also connect PROWs & hamlets, then the road verges should be maintained to be accessible (e.g. no concealed drainage gullies) - at least as refuges.</p> <p>ADD public access for all to the policy & mitigation of the potential damage to local roads due to the extra traffic, especially HGV traffic:</p> <p>Current Plan paragraph: <i>Applications for minerals development shall demonstrate that: appropriate consideration has been</i></p>	<p>council and taxpayers.</p> <p>On this point, the MWPA 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.</p> <p>Although it is acknowledged that HGV's may create more of a strain on local infrastructure routes than smaller vehicles, it is not appropriate to impose a further general local levy on HGV movements to maintain part of the road network, not least as it can be difficult to conclusively prove that damage to any particular piece of infrastructure is solely the result of HGV use</p>	
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			<p><i>given to public health, wellbeing and safety, amenity, quality of life of nearby communities, and the natural, built, and historic environment. Appropriate mitigation measures shall be included in the proposed scheme of development to ensure that no unacceptable adverse impacts would arise. Applications shall also demonstrate that opportunities have been taken to improve and enhance the environment and amenity, and to deliver a net gain in biodiversity, as an outcome of final restoration.</i></p> <p>ELAF proposed paragraph: <i>Applications for minerals development shall demonstrate that: positive consideration</i></p>	<p>arising from a particular site. It would also not be reasonable to seek to apply a general levy on HGV movements associated with the mineral industry in Essex, and not HGVs or other vehicles from other industries or origins.</p> <p>Nonetheless, exceptions to the above have been made in Essex where there is extraordinary traffic associated with, for example, a windfarm, or where damage has been proven via a before and after study which are applied where there are defined sections of road that could be subjected to damage by HGVs. Highway Development Management Policy DM22 – Maintenance Contributions for Damage to the Existing Highway states that ‘The Highway Authority will require maintenance payments for the repair of any damage caused to the existing highway created by extraordinary use resulting from a development proposal’. Supporting text states that the determination of requirements for maintenance will result from a condition survey of</p>	
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			<p><i>has been given to public health, wellbeing and safety, amenity, public access, quality of life of nearby communities, and the natural, built, and historic environment. Appropriate mitigation measures shall be included in the proposed scheme of development to ensure that no unacceptable adverse impacts would arise - in particular as regards the edges of local roads used by HGVs or operatives/employees associated with the minerals sites. Applications will improve and enhance the environment and amenity, public access and accessible public open space and will deliver a net gain in biodiversity and opportunities for carbon capture, as an</i></p>	<p>the appropriate area before and after the period of operation. A bond shall be put in place prior to commencement, to ensure that any damage is made good at the developer's expense within three months of the completion of works.</p> <p>However, it is not considered that such an approach could form part of a policy in the MLP as it would be unreasonable to apply in all cases. Highway or verge damage of the type relevant raised in the representation would manifest outside of the planning application boundary and therefore it would be difficult to prove that not only is the root cause of that damage HGV movements, but also HGV movements associated solely with that particular mineral operator. Mineral traffic could be a small proportion of the total road traffic using a particular section of road.</p> <p>That is not to say that securing maintenance funding through a planning permission would be</p>	
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			<i>outcome of final restoration.</i>	impossible. As such damage would be outside of the planning application boundary, any maintenance funding would need to be secured by a legal agreement under Section 106 (s106) of the Town and Country Planning Act 1990. A legal agreement would need to accord with the following tests – it is necessary to make the development acceptable in planning terms; it is directly related to the development; and it is fairly and reasonably related in scale and kind to the development. As such, it is considered that a maintenance agreement under s106 could in the first instance only be secured where any subsequent damage could be unequivocally attributed to movements associated with the mineral site. In addition, with respect to the requirement for legal agreements only able to be required in order to make the development acceptable in planning terms, it would also likely only be applicable to particularly sensitive roads or road verges designated as	
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				<p>Special Roadside Verges due to their role as important habitats. Any other road or verge maintenance would fall under general road maintenance as carried out by the Highways Authority and funded by general taxation as set out above. Nonetheless, 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. The Highway Authority may then require improvement works (at the developer's expense) to upgrade the road network to accommodate HGV traffic from the site. If roads are required to meet the Highway Authority's specification it is unlikely that further contributions would be sought for maintenance. An amendment is proposed to the supporting text to Policy S11 to clarify this position.</p>	
<p>Coggeshall Parish Council (598729813)</p>	<p>Coggeshall parish council</p>	<p>Disagree (please clarify)</p>	<p>The wording and numbers have been changed but the</p>	<p>Policy S12 seeks to ensure that following the cessation of the use of land for mineral development,</p>	

			<p>statement still means the same , protecting the environment and the people who live here. This is not happening , the local environment is not being considered. The policy says they will look after both but this is not happening. The local community have not seen the recovery of the quarry and how it should have been restored . This does not give confidence to Coggeshall if they take more land to quarry.</p>	<p>the site is restored and subsequently used and managed in such a way as to benefit communities and their local environment, potentially creating valuable new assets for future generations. Proposals are assessed against the criteria provided in Policy S12. The final restoration of each site will be decided on a case-by-case basis. Restoration will provide positive benefits to the environment, biodiversity and/or local communities. Mineral workings are temporary in nature. Restoration and after-use schemes are integral to the consideration of planning applications, with progressive working and restoration schemes expected.</p>	
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