

1 Response Paper – Policy S11: Access and Transportation

Purpose of Policy S11

- 1.1 Due to the nature of their operation, minerals development can give rise to a number of potential impacts on the traffic network, both in terms of the number of vehicle movements generated as well as the nature of the vehicles themselves. The potential impact of mineral traffic is one of the main concerns for communities when mineral development applications come forward, as the impact of mineral traffic can be experienced at relatively significant distances from the site should the road network be inappropriate. Impacts can relate to congestion, which can have knock-on effects on the wider transport network, perceived or actual safety for other road users, as well as maintenance issues related to the road surface and vulnerable proximal features.
- 1.2 It is therefore of utmost importance that when permitting new minerals related development (including new extraction sites, extensions to existing sites and transshipment sites), the road network is appropriate to accommodate that use and that mineral traffic uses appropriate routes onto the network. Policy S11 provides that function.
- 1.3 It is noted that the impacts of mineral traffic are not just directly related to impacts on the road network itself. Inappropriately routed traffic can create other site-specific impacts, such as those related to dust and vibration. Such impacts are addressed through Policy DM1 – Development Management Criteria.

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

- Policy S11 was considered to be in conformity with the objectives of the NPPF/PPG.
- Through the Duty to Co-operate, HRA and further internal assessment, it has been recognised that the policy can be expanded to be more prescriptive in order to achieve better outcomes. An example is with regards to what would be expected to be addressed through Transport Assessments or Transport Statements produced as supporting evidence to planning applications.
- Through the Habitats Regulations Assessment (HRA) it was requested that Policy DM1 included reference to the fact that a transport assessment may potentially need to include an assessment of air quality to avoid adverse effects on the integrity of Habitats Sites.
- The policy approach is compliant with Essex Transport Strategy Policy 6: Freight Movement and the Essex Highway Authority's Functional Route Hierarchy as set out in the Highways Development Management Policies (February 2011). Both of these documents remain extant and as such references to these documents, and the approach in the MLP, remain appropriate.

Impact of Revisions to NPPF 2021

- 1.4 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.

Summary of Issues Raised through March 2021 Reg 18 Consultation

- 1.5 Support was received for the proposed amendments where they related to being more prescriptive with respect to highway safety considerations. Support was also given with respect to the clarification that the costs of improvements to roads and junctions, where needed, must be covered by the developers.
- 1.6 Through the consultation, a number of objections, clarifications and other proposed amendments were suggested. The following issues were raised:
 - Ensuring that the roads used by mineral traffic are the most appropriate and the potential to charge a levy on HGV users.
 - The treatment of air quality matters.
 - The provision of non-vehicle routes around the boundary of mineral sites.
 - The economic consequences of restricting vehicle movements related to mineral development.
 - Using Travel Plans to restrict access outside of working hours to preserve local amenity
 - Proposed amendments to the scope of Transport Assessments/ Transport Statements
 - The adequacy of Policy S11, including the extent of its coverage, whether it is out of date, the potential for community monitoring and the issue of increasing traffic through mineral site extensions
- 1.7 Subsequent to the March 2021 Reg 18 consultation, it was considered that elements of Policy S11 ought to be redrafted such that the policy provided a list of requirements that can be used to determine an application rather than act as a quality checklist of what an application should contain. As such, further amendments have been made to the section of Policy S11 dealing with Transport Assessments/ Statements.

Addressing Issues Arising Out of March 2021 Reg 18 Consultation

- 1.8 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.
- 1.9 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:

Ensuring that the roads used by mineral traffic are the most appropriate and the potential to charge a levy on HGV users.

- 1.10 A representation was received which recognised that whilst the MLP must ensure economic viability, to promote sustainable transport the MLP must direct lorries / Heavy Goods Vehicles (HGVs) onto suitable routes, optimise the efficient use of the main road network and apply the route hierarchy. It was stated that this needs to be upgraded to include strategic lorry routes, especially for cross-Essex transit.
- 1.11 Transporting minerals was noted as one of the biggest impacts and largest concerns to communities and was also an important consideration when extending quarry sites. It was stated that HGVs must use appropriate routes but that this does not always happen when main roads are blocked, so B roads suffer.
- 1.12 The same representation raised an issue of local importance, stating that if a new quarry is developed in Coggeshall along with the one to its South, there would need to be the creation of a new route way across the countryside to get the materials to the lorry areas. It was stated that this should not be happening, and that HGVs must stay on motorways, A roads and only B roads that are fit to use. It was also considered that the use of B roads has caused these to wear away the sides of the tarmac on the road edges. It was further stated that Coggeshall already suffers with HGVs passing on the A120 causing congestion and passing through unsuitable B roads, and that other road users must be considered.
- 1.13 The MWPA considers that Policy S11 effectively acts to direct HGVs onto appropriate routes on the road network through the inclusion of its hierarchy of preference in relation to when mineral transport is required to be by road. The policy approach related to the hierarchy is not proposed to be amended from that currently adopted as it is in accordance with Essex Highways Development Management policies. The fact remains that minerals can only be worked where they are found and are capable of being worked, which is typically in rural locations. This will often necessitate the use of rural routes until HGVs can access more strategic routes on the network. In these instances, Policy S11 requires the MWPA to have regard to the scale of the proposed development, the capacity of local roads and an assessment of the impact on road safety.
- 1.14 Policy S11 further requires that where the movement of minerals are by road, HGV movements shall not generate unacceptable impacts on highways safety and highways capacity. In addition, it is proposed to amend Policy S11 to specifically require a Transport Assessment or Transport Statement that demonstrates suitable highway access and egress in accordance with published highway design guidance and a consideration of road users, including cyclists, horse riders and pedestrians. Policy S11 has also been amended to state that minerals development shall not cause unacceptable physical impacts on the highway network (such as kerbside or road damage) and unacceptable

impacts on the efficiency and/or capacity of the highway network (including the trunk road network).

- 1.15 With respect to the issues raised in relation to Coggeshall, the 'new quarry' is assumed to be a proposed flood alleviation scheme which is intended to be submitted as a joint venture by Blackwater Aggregates and the Environment Agency. To date, no application has been submitted and therefore there is nothing before the MWPA to assess with regards to intended access arrangements in relation to the proposed new quarry.' However based on a scoping opinion¹, the intention is that all HGV access would remain from current access on A120. The extraction area would be linked by a long-haul road which would need to cross Cuthedge Lane (tunnels were considered but dismissed). Any application will need to demonstrate conformity with Policy S11 or any replacement'
- 1.16 It was further noted by a respondent that aspects of this Review are hampered by the lack of clarity relating to Strategic Lorry Routes – which would simplify planning consistency significantly.
- 1.17 The MWPA do not agree that there is a lack of clarity with regards to what constitutes the main road network. This is defined within the MLP Glossary as 'the road network excluding secondary distributor roads, estate roads and other routes that provide local access.' Whilst the MWPA recognise that the language used may be technical in nature, such definitions need to be used to ensure consistency in planning decisions and other Essex policy documents. Essex County Council's Development Management Route Hierarchy Plan is set out in the Essex Highways Development Management Policies 2011 document, which also sets the definitions for classes of road. It is noted that the term 'Strategic Lorry Routes' is not used in the MLP.
- 1.18 It was further noted through the consultation that there is no restriction or guidance on acceptable routes once HGVs are on the road network. However, the MWPA is not able to control the route of HGVs beyond ensuring that access to and from mineral sites to the highway is safe and does not damage amenity. A proposed amendment to the MLP however states that the operator and the MWPA may enter into a unilateral agreement to ensure acceptable routing of its HGVs.
- 1.19 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 tax-payers.
- 1.20 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

¹ Formal questions put to the County Council by applicants about proposed developments in order to gain advice

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.

- 1.21 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.
- 1.22 Any attempt at a levy would require a 'whole-county' approach carried out by ECC's asset management team. This issue is being progressed by the Council although it is out of the remit of the MWPA. Any levy, if legal, would need to be sanctioned by the Portfolio Holder.
- 1.23 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.
- 1.24 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 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.
- 1.25 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.

- 1.26 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 road works 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. Each case, however, should be determined on its own merits.

The Treatment of Air Quality Matters

- 1.27 A representation questioned whether ECC monitors air quality on any of its road network. However, this is monitored by local district authorities who have the power to designate Air Quality Management Areas (AQMAs) where air quality falls below certain levels. Paragraph 186 of the NPPF requires that 'planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan', which is also maintained by the relevant district. Policy S11 is proposed to be amended to state that where the movement of minerals are by road, HGV movements shall not generate unacceptable impacts on air quality (particularly in relation to any potential breaches of National Air Quality Objectives and impacts on any AQMAs).
- 1.28 In relation to the above, representations were received which considered that a Transport Assessment/ Statement was not the appropriate place to assess the air quality impact of vehicle movements, including ensuring the avoidance of adverse effects on the integrity of Habitat sites. As such, it was suggested that these references should be moved from Policy S11, and that in any event these issues were covered by the requirements of Policy DM1 – Development Management Criteria. The MWPA notes that the original amendment to Policy S11 requiring the above arose out of conclusions drawn by the Habitats Regulation Assessment and therefore it is currently proposed to maintain a reference to this requirement, albeit a revised amendment is proposed. The reference to air quality objectives in two policies is not considered to be problematic, as Policy S11 sets out how the requirements of Policy DM1 are expected to be presented.

- 1.29 At the time of writing in August 2022, it is proposed that the Plan is to re-based to 2040 which impacts on the timetable of its production. It is recognised that this is an issue that requires further consideration between the MWPA and other regulators.

The provision of non-vehicle routes around the boundary of mineral sites

- 1.30 Representations were received that proposed that off-road routes should be provided alongside local roads and narrow lanes along mineral site boundaries for cyclists, horse-riders and walkers which will provide safe sustainable travel routes. It was noted that Paragraph 3.194 (3.179) of the MLP mentions considering the needs of other road users including pedestrians, cyclists and horse riders regarding HGV access to sites. It was further noted that Paragraph 3.198 (3.182) states that it is important to ensure that the effects of traffic on any local community, the environment and the local road network are carefully considered, including the cumulative impacts of these. It was recognised through representation that whilst the aim is to use main roads, this may not always be possible.
- 1.31 The MWPA notes that in a proposed amendment to Policy S11, where the movement of minerals are to be by road, planning applications will be required to demonstrate that HGV movements shall not generate unacceptable impacts on highways safety. A further amendment requires the submission of a Transport Assessment which demonstrates a consideration of road users, including cyclists, horse riders and pedestrians. An additional amendment requires that mineral development does not cause unacceptable risks to the safety of pedestrians and road users. Supporting text to Policy S11 at Paragraph 3.198 (3.182) also notes that consideration should be given to the need to manage the movement of traffic to the most appropriate routes as well as the mechanisms available to achieve this, including legal agreements and in consultation with the Highway Authority.
- 1.32 It is however not feasible to require that mineral operators provide multi-modal travel routes around the boundary of their site, not least as these may not be able to connect anywhere, and its possible that not all proximal roads to a mineral development would be utilised by mineral traffic in any event.
- 1.33 The exception to the above is where mineral working requires the temporary diversion of a Public Right of Way. In these instances, the Public Right of Way would require temporary re-direction as set out in Paragraph 5.35 (5.48). Restoration schemes for mineral sites may also include proposals to encourage public access, including walking, cycling and horse-riding (WCH) routes following extraction.
- 1.34 Proposed amendments to Policy S12 – Mineral Site Restoration and After-Use now include the requirement for proposals to demonstrate, where appropriate, ‘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’. On a similar

theme, comments were received around the requirement for public access to be available for all in keeping with the Equality Act. Accordingly, Policy S12 is proposed to be amended to explicitly require the enhancement of outdoor recreation/ public access to be accessible to all in keeping with the Equality Act. References to public access in Policy S12 will be updated to include all recreational users to ensure consistency with the WLP, through reference to opportunities to enhance and upgrade PROW where possible, especially with regard to the provision of Bridleways as multiuser paths.

The economic consequences of restricting vehicle movements associated with mineral development

- 1.35 Through the consultation a number of representations stated that a consequence of restricting HGV movements to and from a mineral site is the potential to restrict the quantity of mineral and mineral products that can be supplied from material excavated from that site. Furthermore, in support of mineral safeguarding, the Plan should recognise that the potential export of the as-raised mineral to an existing mineral processing plant within a Preferred Site or existing soil and aggregate recycling facilities would maximise their use and minimise the environmental impacts associated with their recovery, rather than provide unprocessed materials with limited value to the development site.
- 1.36 As such, an amendment was proposed through consultation representations to the end of the new Paragraph 3.197 to state that the implications of restricting HGV movements to or from a site will be considered against the impact this may have on the supply of materials from the site or the beneficial use of mineral from MSAs and the annual sales of materials within the county.'
- 1.37 The central point of this argument is accepted and the MWPA notes the already adopted Policy DM3 – Primary Processing Plant and Policy DM4 – Secondary Processing Plant which contains the following text which allows for the exportation of mineral off-site as set out in the representation where certain tests are met, as follows:
- (Taken from adopted Policy DM3) "The exportation of mineral from the site shall not have an unacceptable impact upon amenity and/ or the safety, efficiency and capacity of the road network. Minerals shall only be imported to a minerals site, from non-indigenous sources, when it is demonstrated that there are exceptional circumstances or overriding benefits from doing so."
- 1.38 The potential need to export mineral excavated through the application of prior extraction policy for processing off-site is also accepted. On that basis, an addition is proposed to new Paragraph 3.197 as set out in Table 1 to address these issues. The MWPA however resists the suggestion that annual mineral sales within the County should explicitly be considered in the balance. Further, Paragraph 5.54 (5.67) of the MLP states that 'the movement of mineral between separate sites, purely to increase the range of products available for sale at any particular site, is normally not considered acceptable, especially given the impact the additional HGV movements would have'. Any justification for the

export of minerals off-site for processing should be justified on a site-by-site basis and be in conformity with the wider Development Plan.

Using Travel Plans to restrict access outside of working hours to preserve local amenity

- 1.39 Another representation received through the consultation highlighted new Paragraph 3.197 and stated that local lanes and the public rights of way network can also often be impacted upon following an extraction scheme, and whilst policy does require as far as possible HGV access onto major roads with purpose-built access, it is not always the case, especially in a smaller more remote scheme. It was therefore requested that where such access could impact on the recreational lanes and PROW network, a Travel Plan should be conditioned to ensure mineral traffic access only during working hours and not during the evenings/weekends when the recreational network has the most use. Whilst it was noted that Policy S11 does acknowledge the need to consider vulnerable road users, it was felt that a more robust requirement should be embedded within this policy.
- 1.40 The MWPA notes that new Paragraph 3.197 is proposed to state that 'Conditions may be used when it is considered necessary to minimise highways and amenity impacts from HGV transport.' Further, Policy S11 includes a proposed amendment stating 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 that demonstrates, amongst other matters, a consideration of road users, including cyclists, horse riders and pedestrians. Where evidence justifies it, conditions can therefore be placed, in accordance with this policy as currently drafted, to limit the operational hours of a mineral development, which includes vehicles accessing and leaving the site. It is however considered to be useful to set this out explicitly in supporting text, and an amendment is proposed to that effect in Table 1.

Proposed amendments to the scope of Transport Assessments/ Transport Statements

- 1.41 In addition to the request to remove references to the need to address air quality implications in Transport Assessments as discussed under the Air Quality section above, a number of representations requested a specific amendment to the requirement to assess the practicality of promoting sustainable travel to work methods through a Transport Assessment or Statement.
- 1.42 The reason the above change was requested is that it has led to spurious requests such as the need to provide cycle racks at remote places of work where it is clear that the ability to reach the work location safely and practically by bike is impractical. It was stated that a sensible and pragmatic approach needs to be taken in respect of this part of the policy.

- 1.43 Although the MWPA considers that the existing proposed plan wording would act to ensure issues such as those raised above would not occur, as there is a stated need for the measures to be demonstrably 'appropriate', the MWPA is prepared to make the recommended amendment of 'Where practical' at the beginning of the requirement. This is set out in Table 1 below.

The adequacy of Policy S11, including the extent of its coverage, whether it is out of date, the potential for community monitoring and the issue of increasing traffic through mineral site extensions

- 1.44 A representation questioning the scope of Policy S11 stated that the policy only deals with site location and not HGV movements in general and it was therefore argued that this section is inadequate and fails to deal with the community concerns regarding all HGV's, not just minerals and waste transit. However, as the document being reviewed is a minerals local plan, its provisions can only relate to planning related impacts relating to mineral development, and as previously stated, the MWPA has no jurisdiction to dictate HGV movements on the road network once a HGV has safely left a mineral development. It was also suggested that the MWPA should require an increasing use of non-diesel trucks in the HGV fleets through planning conditions. However, the MWPA or the wider ECC has no authority to restrict the use of any particular fuel type. That said, the MWPA is aware of the requirement for the MLP to ensure development is as sustainable as possible, and this includes facilitating the uptake of sustainable technologies where financial and technologically feasible. Given the intention to revise the Plan end date to 2040, the MWPA will consider the addition of a requirement in Policy S11 or a revised climate change policy to require future applications to demonstrate how emissions originating from transport and machinery have been minimised. This would include the use of low emission and electric vehicles and other machinery should the technology become sufficiently advanced.
- 1.45 One representation stated that Policy 6: Freight Movement and the Essex Highway Authority's Functional Route Hierarchy as set out in the Highways Development Management Policies 2011 document is out of date and needs urgent review. The MWPA clarifies that this document remains in use and in any event a review of this document is not within the remit of the MWPA.
- 1.46 Another representation requested that an amendment be made to Paragraph 3.198 (3.182) to include provisions for local communities to monitor movements and to be able to report any deviations. The MWPA notes that local communities are welcome to monitor vehicle movements from mineral developments and report these to the MWPA. The MWPA includes an Enforcement service which can act on any claimed non-compliance with planning conditions. This is standard practice, and an amendment is proposed to make this clear. However, as previously stated, the MWPA is not able to mandate that HGVs can only use certain routes as they are entitled to make use of the road network by virtue of paying VED.

- 1.47 It was also highlighted that when developing on to new sites as part of an extension, the old site must be finished or worked out before the new site is started. This issue is however already considered to be addressed through Paragraph 3.198 (3.182) of the MLP which requires that where Preferred Sites are extensions to existing quarries, these areas should be worked consecutively in order that mineral extraction in the existing quarry be completed prior to mineral extraction commencing in the new “extension area”. This is to ensure that there is no cumulative increase in associated vehicle movements.

Conclusion

- 1.48 Support was received for the policy amendments where these sought to provide clarity on the method of its application, but a number of representations considered that the policy did not go far enough in terms of its scope and therefore wasn't delivering on its aim as effectively as it could. However, many of the suggestions made are outside of the jurisdiction of the MWPA and therefore could not be accommodated. Further representations questioned the functionality of the policy in terms of its route hierarchy and whether it was out of date. The MWPA contends that this aspect of the policy is based on extant Essex Highways Development Management policies and is therefore the appropriate approach.
- 1.49 Air Quality was an issue that was raised, with one representation questioning whether it was being monitored and other representations requesting that the need to do so be removed from Transport Assessments that are to be prepared by applicants. However, the MWPA notes that the need to include air quality issues in Transport Assessments was requested through the Habitats Regulation Assessment. It is recognised that this is an issue that requires further consideration between the MWPA and other regulators. Local Districts rather than the MPWA have the responsibility of monitoring air quality in their administrative areas.
- 1.50 Outside of the above, following an assessment of all comments received through the March – April 2021 Regulation 18 consultation, a number of additional amendments are proposed. One of these relates to ensuring that any requests relating to the promotion of sustainable transport are proportional and pragmatic, whilst another relates to the incorporation of an additional statement to ensure that the provisions of Policy DM3 and Policy DM4 in relation to permitting the export of raised material from one mineral site for processing at another site are appropriately accommodated within Policy S11. Additional amendments are proposed to the newly drafted Paragraph 3.197 which clarify when the MPA may be able to secure road maintenance payments. Further amendments relate to clarifying that mineral movements can be monitored by the local community. Such amendments are proposed through Table 1 and will be incorporated prior to further consultation where they remain relevant to the re-based Plan. Finally, and given the rebasing of the Plan to 2040, through additional background evidence the MWPA will consider appropriate wording to ensure that emissions originating from transport and other machinery have

been minimised. This would include the use of low emission and electric vehicles and other machinery should the technology become sufficiently advanced.

Table 1: Schedule of Proposed Amendments to Policy S11: Access and Transformation following March 2021 Regulation 18 Consultation on MLP Review

Old Ref	New Ref	Proposed Amendment
	Paragraph 3.197, second paragraph	<i>Where evidence justifies it, conditions can be placed to limit the operational hours of a mineral development, which includes vehicles accessing and leaving the site, should there be a justification based on local amenity.</i>
N/A	Paragraph 3.197, fourth sentence	<i>The implications of restricting HGV movements to or from a site will be considered against the impact this may have on the supply of materials from a site, such as when mineral is raised through prior extraction and requires processing in order to be of beneficial use, or to be transported to a site of sale.</i>
N/A	New paragraph 3.198	<i>The Highway Authority may 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. Each case, however, will be determined on its merits. Where improvements to the road network have not already been requested by the Highway Authority, and that part of the road network would predominantly be used by HGV traffic associated with the proposed mineral development, and is considered to be particularly sensitive to HGV movements, a legal agreement to secure a financial contribution to the maintenance of that part of the network, including repair of verge damage, may be appropriate</i>
Paragraph 3.182	Paragraph 3.198 final sentence	<i>Local communities are able to monitor vehicle movements from mineral developments themselves and report these to the MWPA. The MWPA includes an Enforcement service which can act on any non-compliance with planning conditions.</i>
Policy S11 Heading	Policy S11 Heading	Access and † Transportation
N/A	Policy S11,	<i>By way of a Transport Assessment/ Transport Statement, minerals development proposals that</i>

	Paragraph 4	<i>generate traffic impact and/ or an increase in traffic movements, shall demonstrate:</i>
N/A	Policy S11, Paragraph 4, first bullet	<i>Where practical, appropriate measures to reduce car travel to the site, by workers and visitors and encourage walking, cycling and use of public transport, thus minimising carbon dioxide and methane emissions;</i>
N/A	Policy S11, Paragraph 4, bullet 2	<i>If appropriate, information to demonstrate that the proposed development will avoid adverse air quality impacts on Habitats Sites,</i>
N/A	Policy S11 or Policy S3	<i>Development proposals are required to demonstrate how the development has sought, through its design and operation, to reduce emissions through the use of low emission vehicles and other machinery, including the use of electronic vehicles and any associated charging points, and other forms of emission control.</i>

Table 2: March 2021 Regulation 18 Consultation Responses to Policy S11: Access and Transformation

Organisation	Responding on behalf of	Q1. Do you agree or disagree with the rationale behind the amendments proposed in this section of the emerging Minerals Local Plan? (see Rationale Report)	Responses received	Minerals and Waste Planning Authority Response
Runwell Parish Council (631132323)	Runwell Parish Council	Agree	N/a	N/A
W H Collier Limited (769297167/ 942768790)		Agree		N/A
David L Walker Ltd (559449615)	Brice Aggregates	Agree		N/A
Suffolk County Council (549043477)		Agree	The incorporation of highways safety consideration is supported.	Noted.
CPRE Essex (665562826)		Agree		N/A
Feering Parish Council (671847412)	Feering Parish Council	Agree (but wish to clarify)	PROPOSE ADD that off-road routes are provided alongside roads along mineral site boundaries for	As set out in a proposed amendment to Policy S11, where the movement of minerals are to be by road, planning applications will

			<p>cyclists, horse-riders and walkers which will provide safe sustainable travel routes.</p>	<p>be required to demonstrate that HGV movements shall not generate unacceptable impacts on highways safety. A further amendment requires the submission of a Transport Assessment which demonstrates a consideration of road users, including cyclists, horse riders and pedestrians. An additional amendment requires that mineral development does not cause unacceptable risks to the safety of pedestrians and road users. Supporting text to Policy S11 at Paragraph 3.198 (3.182) also notes that consideration should be given to the need to manage the movement of traffic to the most appropriate routes as well as the mechanisms available to achieve this, including legal agreements and in consultation with the Highway Authority.</p> <p>It is not feasible to require that mineral operators provide multi-modal travel routes around the boundary of their site, not least as these may not be able to connect anywhere, and its possible that not all proximal roads would be utilised by mineral traffic in any event.</p>
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				<p>The exception to the above is where mineral working requires the temporary diversion of a Public Right of Way. In these instances, the Public Right of Way would require temporary re-direction as set out in Paragraph 5.35 (5.48). Restoration schemes for mineral sites may also include proposals to encourage public access.</p>
<p>Coggeshall Parish Council (598729813)</p>	<p>Coggeshall Parish Council</p>	<p>Disagree (please clarify)</p>	<p>below:</p> <p>3.191 3.176 Whilst this Plan must ensure economic viability. To promote sustainable transport, this Plan must also direct lorries / HGVs onto suitable routes, optimise the efficient use of the main road network and apply the route hierarchy. – which needs to be upgraded to strategic lorry routes, especially for Essex transit. The 2011 policy [Essex Transport Strategy (2011) Policy 6: Freight Movement and the Essex Highway Authority’s Functional Route Hierarchy as set out in the Highways Development Management</p>	<p>It is considered that Policy S11 acts to direct HGVs onto appropriate routes on the road network through the inclusion of its hierarchy of preference in relation to when mineral transport is required to be by road. The policy approach related to the hierarchy is not proposed to be amended and is in accordance with Essex Highways Development Management policies. The fact remains however that minerals can only be worked where they are found and capable of being worked, which is typically in rural locations. This will often necessitate the use of rural routes until HGVs can access more strategic routes on the network. In these instances, Policy S11 requires the MWPA to have regard to the scale of the proposed development, the capacity of local roads and an</p>

			<p>Policies is OUT OF DATE and needs urgent review.</p> <p>Other aspects of this paper are hampered by the lack of clarity relating to Strategic Lorry Routes – which would simplify planning consistency significantly.</p> <p>Does ECC air Quality Monitor any of its road network?</p> <p>Damage to roads from HGV speed and weight and resulting potholes and the disruption from maintenance activity is very costly and impactful on communities. Can a levy be considered to collect funds from HGVs on the road network to reduce the costs to the general council and central govt tax payers.</p> <p>Also require increasing use of non-diesel trucks in the HGV fleets in planning conditions.</p> <p>There is no restriction or</p>	<p>assessment of the impact on road safety.</p> <p>It is not considered that the Highways Development Policies are out of date. This document remains in use and in any event a review of this document is not within the remit of the MWPA.</p> <p>It is not considered that there is a lack of clarity with regards to what constitutes the main road network. This is defined within the MLP as ‘the road network excluding secondary distributor roads, estate roads and other routes that provide local access.’ Essex County Council’s Development Management Route Hierarchy Plan is set out in the Essex Highways Development Management Policies 2011 document. It is noted that the term ‘Strategic Lorry Routes’ is not used in the MLP.</p> <p>With regards to Air Quality, this is monitored by local district authorities who have the power to designate Air Quality Management Areas where air quality falls below certain levels. Paragraph 186 of the NPPF requires that ‘planning</p>
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			<p>guidance on routes once on the road network S11 deals with site location and not HGV movements in general and so this section is inadequate and fails to deal with the community concerns regarding all HGV's not just minerals and waste transit.</p>	<p>decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan', which is also maintained by the relevant district. Policy S11 is proposed to be amended to state that where the movement of minerals are by road, HGV movements shall not generate unacceptable impacts on air quality (particularly in relation to any potential breaches of National Air Quality Objectives and impacts on any Air Quality Management Areas).</p> <p>It is not always possible to impose a levy on HGV movements as it can be difficult to conclusively prove that damage to any particular piece of infrastructure is solely the result of HGV use, although it is acknowledged that HGV's may create more of a strain on infrastructure routes than smaller vehicles. However, it would not be appropriate to seek to apply such a levy on HGV movements associated with the mineral industry but not HGVs or other vehicles from other industries.</p>
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				<p>Any attempt at a levy would require a 'whole-county' approach carried out by ECC's asset management team. This issue is being progressed by the Council although it is out of the remit of the MWPA. Any levy, if legal, would need to be sanctioned by the Portfolio Holder.</p> <p>Historically, ECC has not taken any payments for maintenance in connection with development as there is a responsibility for the highway authority to carry out this function under the Highways Act. Exceptions have been made where there is extraordinary traffic associated with a windfarm for example 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</p>
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				<p>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 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 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</p>
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				<p>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</p>
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				<p>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.</p> <p>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 road works 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. Each case, however, should be determined on its own merits.</p> <p>It is outside of the remit of the MWPA or the wider ECC to require the use of a specific fuel to power HGVs. That said, given the intention to revise the Plan end date to 2040,</p>
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				<p>the MWPA will consider the addition of a requirement in Policy S11 or a revised climate change policy to require future applications to demonstrate how emissions originating from transport and machinery have been minimised. This would include the use of low emission and electric vehicles and other machinery should the technology become sufficiently advanced.</p> <p>The MWPA is not able to control the route of HGVs beyond ensuring that access to and from mineral sites to the highway is safe and does not damage amenity. A proposed amendment to the MLP however states that the operator and the MWPA may enter into a unilateral agreement to ensure acceptable routeing of its HGVs.</p>
Blackwater Aggregates (623162177)		No comment		N/A
CEMEX (982058282)		No comment		N/A
Gent Fairhead Aggregates (871678397)		No comment		N/A
Resident (850344129)		No comment		N/A

GeoEssex (538324742)		No comment	no comment	Noted
Thurrock Borough Council (97704900)	Thurrock borough Council	No comment		N/A
Strutt & Parker (891506607)	G&B Finch	No comment		N/A

Organisation	Responding on behalf of	2.Do you agree or disagree with the proposed amendments as set out in this section of the emerging Minerals Local Plan?	Responses received	Minerals and Waste Planning Authority Response
Runwell Parish Council (631132323)	Runwell Parish Council	Agree	N/a	N/A
W H Collier Limited (769297167/ 942768790)		Agree		N/A
David L Walker Ltd (559449615)	Brice Aggregates	Agree		N/A
Suffolk County Council (549043477)		Agree	The incorporation of highways safety consideration is supported.	Noted.
CPRE Essex (665562826)		Agree		N/A
Feering Parish Council (671847412)	Feering Parish Council	Agree (but wish to clarify)	PROPOSE ADD that off-road routes are provided alongside roads along mineral site boundaries for cyclists, horse-riders and walkers which will provide safe sustainable travel	As set out in a proposed amendment to Policy S11, where the movement of minerals are to be by road, planning applications will be required to demonstrate that HGV movements shall not generate unacceptable impacts on

			<p>routes.</p>	<p>highways safety. A further amendment requires the submission of a Transport Assessment which demonstrates a consideration of road users, including cyclists, horse riders and pedestrians. An additional amendment requires that mineral development does not cause unacceptable risks to the safety of pedestrians and road users. Supporting text to Policy S11 at Paragraph 3.198 (3.182) also notes that consideration should be given to the need to manage the movement of traffic to the most appropriate routes as well as the mechanisms available to achieve this, including legal agreements and in consultation with the Highway Authority.</p> <p>It is not feasible to require that mineral operators provide multi-modal travel routes around the boundary of their site, not least as these may not be able to connect anywhere, and its possible that not all proximal roads would be utilised by mineral traffic in any event.</p> <p>The exception to the above is where mineral working requires the</p>
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				temporary diversion of a Public Right of Way. In these instances, the Public Right of Way would require temporary re-direction as set out in Paragraph 5.35 (5.48). Restoration schemes for mineral sites may also include proposals to encourage public access.
Essex Bridleways Association		Agree (but wish to clarify)	Paragraph 3.197: the impact on local lanes and the public rights of way network can often be impacted upon following an extraction scheme, and whilst Policy does require as far as possible HGV access onto major roads with purpose-built access, it is not always the case, especially in a smaller more remote scheme. We therefore ask that where such access could impact on the recreational lanes and PROW network, a Travel Plan should be conditioned to ensure access only during working hours and not during the evenings/weekends when the recreational network has the most use. Whilst Policy S11 does acknowledge the need to	The MWPA notes that new Paragraph 3.197 is proposed to state that ‘Conditions may be used when it is considered necessary to minimise highways and amenity impacts from HGV transport.’, Further, Policy S11 includes a proposed amendment stating 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 that demonstrates, amongst other matters, a consideration of road users, including cyclists, horse riders and pedestrians. Where evidence justifies it, conditions can therefore be placed, in accordance with this policy, to limit the operational hours of a mineral development, which includes vehicles accessing and leaving the

			consider vulnerable road users, we feel a more robust requirement should be embedded within this Policy.	site. An amendment is proposed to make this explicit.
Coggeshall Parish Council (598729813)	Coggeshall Parish Council	Agree (but wish to clarify)	<p>Transporting minerals is one of the biggest impacts and largest concerns to communities and even more important when extending on to quarry sites. HGVs must use appropriate routes but this does not always happen when main roads are blocked so B roads suffer. If a new quarry is developed in Coggeshall along with the one to its South have to create new route way across the countryside to get the materials to the lorry areas , this should not be happening. HGVs must stay on motor ways , A roads and only B roads that are fit to use. This means the B roads wear away the sides of the tar Mac on the road edges. Connections to main roads should be as short as possible. If new access roads have to be made this is only acceptable if the section of the road is suitable</p>	<p>It is considered that Policy S11 acts to direct HGVs onto appropriate routes on the road network through the inclusion of its hierarchy of preference for transportation by road. The policy approach related to the hierarchy is not proposed to be amended and is in accordance with Essex Highways Development Management policies. The fact remains however that minerals can only be worked where they are found and capable of being worked, which is typically in rural locations. This will often necessitate the use of rural routes until HGVs can access more strategic routes on the network. In these instances, Policy S11 requires the MWPA to have regard to the scale of the proposed development, the capacity of local roads and an assessment of the impact on road safety. Policy S11 further requires that where the movement of minerals are by road, HGV movements shall not generate unacceptable impacts on</p>

			<p>with good capacity and no adverse safety effects or on the environment including local amenities. Coggeshall already suffers with HGVs passing on the A120 causing congestion and passing through unsuitable B roads. No new road can be made with junctions straight on to trunk road. Road and junctions may need improving the costs must be covered by the developers. I agree with this and Aldo that other road users must be considered. Assessing the impacts of transporting materials and associated products to and from quarries is a key consideration when determining the proposal. This must be considered in Coggeshall</p> <p>A very important fact is when developing on to new sites the old one must be finished or worked out before the new site is started. Another point needing to be considered with Coggeshall</p>	<p>highways safety, highways capacity. In addition, it is proposed to amend Policy S11 to specifically require a Transport Assessment or Transport Statement that demonstrates suitable highway access and egress in accordance with published highway design guidance and a consideration of road users, including cyclists, horse riders and pedestrians.</p> <p>Policy S11 has also been amended to state that minerals development shall not cause unacceptable physical impacts on the highway network (such as kerbside or road damage) and unacceptable impacts on the efficiency and/or capacity of the highway network (including the trunk road network).</p> <p>Paragraph 3.198 (3.182) of the MLP requires that where Preferred Sites are extensions to existing quarries, these areas should be worked consecutively in order that mineral extraction in the existing quarry be completed prior to mineral extraction commencing in the new "extension area". This is to ensure that there is no cumulative increase in associated vehicle</p>
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<p>Blackwater Aggregates (623162177)</p>		<p>Agree (but wish to clarify)</p>	<p>A consequence of restricting HGV movements to and from a site can restrict the quantity of mineral and mineral products that can be supplied. Furthermore, in support of Policy S8: to maximise the potential recovery and reuse of minerals from MSAs the Plan should recognise that the potential export of the as raised mineral to an existing mineral processing plant within a Preferred Site or soil and aggregate recycling facilities would maximise their use and minimise the environment impacts associated with their recovery, rather than provide unprocessed materials with limited value to the development site.</p> <p>Therefore, an addition is proposed to the end of paragraph 3.197: ... The implications of restricting HGV movements to or from a site will be considered against the impact this may</p>	<p>movements.</p> <p>The adopted Policy DM3 – Primary Processing Plant and Policy DM4 – Secondary Processing Plant contains the following text which allows for the exportation of mineral set out in the representation where certain tests are met, as follows:</p> <p>(Taken from adopted Policy DM3) “The exportation of mineral from the site shall not have an unacceptable impact upon amenity and/ or the safety, efficiency and capacity of the road network. Minerals shall only be imported to a minerals site, from non-indigenous sources, when it is demonstrated that there are exceptional circumstances or overriding benefits from doing so.”</p> <p>The potential need to export mineral excavated through prior extraction policy for processing is also recognised.</p> <p>The following addition to new Paragraph 3.197 is proposed, following the first sentence:</p> <p><i>The implications of restricting HGV</i></p>
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			<p>have on the supply of materials from the site or the beneficial use of mineral from MSAs and the annual sales of materials within the county.</p>	<p><i>movements to or from a site will be considered against the impact this may have on the supply of materials from a site, such as when mineral is raised through prior extraction and requires processing in order to be of beneficial use, or to be transported to a site of sale.</i></p>
<p>CEMEX (982058282)</p>		<p>Agree (but wish to clarify)</p>	<p>A consequence of restricting HGV movements to and from a site can restrict the quantity of mineral and mineral products that can be supplied. Furthermore, in support of Policy S8: to maximise the potential recovery and reuse of minerals from MSAs the Plan should recognise that the potential export of the as raised mineral to an existing mineral processing plant within a Preferred Site or soil and aggregate recycling facilities would maximise their use and minimise the environment impacts associated with their recovery, rather than provide unprocessed materials with limited value to the</p>	<p>The adopted Policy DM3 – Primary Processing Plant and Policy DM4 – Secondary Processing Plant contains the following text which allows for the exportation of mineral set out in the representation where certain tests are met, as follows:</p> <p>(Taken from adopted Policy DM3) “The exportation of mineral from the site shall not have an unacceptable impact upon amenity and/ or the safety, efficiency and capacity of the road network. Minerals shall only be imported to a minerals site, from non-indigenous sources, when it is demonstrated that there are exceptional circumstances or overriding benefits from doing so.”</p> <p>The potential need to export</p>

			<p>development site.</p> <p>Therefore, an addition is proposed to the end of paragraph 3.197: ... The implications of restricting HGV movements to or from a site will be considered against the impact this may have on the supply of materials from the site or the beneficial use of mineral from MSAs and the annual sales of materials within the county.</p>	<p>mineral excavated through prior extraction policy for processing is also recognised.</p> <p>The following addition to new Paragraph 3.197 is proposed, following the first sentence:</p> <p><i>The implications of restricting HGV movements to or from a site will be considered against the impact this may have on the supply of materials from a site, such as when mineral is raised through prior extraction and requires processing in order to be of beneficial use, or to be transported to a site of sale.</i></p>
Gent Fairhead Aggregates (871678397)		Agree (but wish to clarify)	<p>A consequence of restricting HGV movements to and from a site can restrict the quantity of mineral and mineral products that can be supplied. Furthermore, in support of Policy S8: to maximise the potential recovery and reuse of minerals from MSAs the Plan should recognise that the potential export of the as raised mineral to an existing mineral processing plant within a Preferred Site or soil</p>	<p>The adopted Policy DM3 – Primary Processing Plant and Policy DM4 – Secondary Processing Plant contains the following text which allows for the exportation of mineral set out in the representation where certain tests are met, as follows:</p> <p>(Taken from adopted Policy DM3) “The exportation of mineral from the site shall not have an unacceptable impact upon amenity and/ or the safety, efficiency and capacity of the road network.</p>

			<p>and aggregate recycling facilities would maximise their use and minimise the environment impacts associated with their recovery, rather than provide unprocessed materials with limited value to the development site.</p> <p>Therefore, an addition is proposed to the end of paragraph 3.197: ... The implications of restricting HGV movements to or from a site will be considered against the impact this may have on the supply of materials from the site or the beneficial use of mineral from MSAs and the annual sales of materials within the county.</p>	<p>Minerals shall only be imported to a minerals site, from non-indigenous sources, when it is demonstrated that there are exceptional circumstances or overriding benefits from doing so.”</p> <p>The potential need to export mineral excavated through prior extraction policy for processing is also recognised.</p> <p>The following addition to new Paragraph 3.197 is proposed, following the first sentence:</p> <p><i>The implications of restricting HGV movements to or from a site will be considered against the impact this may have on the supply of materials from a site, such as when mineral is raised through prior extraction and requires processing in order to be of beneficial use, or to be transported to a site of sale.</i></p>
Resident (850344129)		Agree (but wish to clarify)	A consequence of restricting HGV movements to and from a site can restrict the quantity of mineral and mineral products that can be supplied. Furthermore, in support of Policy S8: to	The adopted Policy DM3 – Primary Processing Plant and Policy DM4 – Secondary Processing Plant contains the following text which allows for the exportation of mineral set out in the representation where certain tests

			<p>maximise the potential recovery and reuse of minerals from MSAs the Plan should recognise that the potential export of the as raised mineral to an existing mineral processing plant within a Preferred Site or soil and aggregate recycling facilities would maximise their use and minimise the environment impacts associated with their recovery, rather than provide unprocessed materials with limited value to the development site.</p> <p>Therefore, an addition is proposed to the end of paragraph 3.197: ... The implications of restricting HGV movements to or from a site will be considered against the impact this may have on the supply of materials from the site or the beneficial use of mineral from MSAs and the annual sales of materials within the county.</p>	<p>are met, as follows:</p> <p>(Taken from adopted Policy DM3) “The exportation of mineral from the site shall not have an unacceptable impact upon amenity and/ or the safety, efficiency and capacity of the road network. Minerals shall only be imported to a minerals site, from non-indigenous sources, when it is demonstrated that there are exceptional circumstances or overriding benefits from doing so.”</p> <p>The potential need to export mineral excavated through prior extraction policy for processing is also recognised.</p> <p>The following addition to new Paragraph 3.197 is proposed, following the first sentence:</p> <p><i>The implications of restricting HGV movements to or from a site will be considered against the impact this may have on the supply of materials from a site, such as when mineral is raised through prior extraction and requires processing in order to be of beneficial use, or to be transported to a site of sale.</i></p>
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<p>Essex Local Access Forum (504988967)</p>		<p>Agree (but wish to clarify)</p>	<p>Policy S11 - Access and transportation:</p> <p>The following additions (in capitals) regarding public access are requested by ELAF in the Policies:</p> <p>The text preceding the policy paragraph 3.194 mentions considering the needs of other road users including pedestrians, cyclists and horse riders regarding HGV access to sites. Paragraph 3.198 says that it is important to ensure that the effects of traffic on any local community, the environment and the local road network are carefully considered, including the cumulative impacts of these. Whilst the aim is to use main roads, this may not always be possible.</p> <p>It is suggested therefore, that on local roads / narrow lanes adjacent to minerals site boundaries, off-road safe, sustainable WCH routes on the edges of minerals sites</p>	<p>As set out in a proposed amendment to Policy S11, where the movement of minerals are to be by road, planning applications will be required to demonstrate that HGV movements shall not generate unacceptable impacts on highways safety. A further amendment requires the submission of a Transport Assessment which demonstrates a consideration of road users, including cyclists, horse riders and pedestrians. An additional amendment requires that mineral development does not cause unacceptable risks to the safety of pedestrians and road users. Supporting text to Policy S11 at Paragraph 3.198 (3.182) also notes that consideration should be given to the need to manage the movement of traffic to the most appropriate routes as well as the mechanisms available to achieve this, including legal agreements and in consultation with the Highway Authority.</p> <p>It is not feasible to require that mineral operators provide multi-modal travel routes around the</p>
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			<p>are provided for cyclists, horse-riders and walkers.</p> <p>ADD off-road WCH routes to the Transport Assessment or Transport Statement:</p> <p>- Consideration of road users, including cyclists, horse riders and pedestrians BY THE PROVISION OF OFF-ROADS WCH ROUTES; and</p>	<p>boundary of their site, not least as these may not be able to connect anywhere, and its possible that not all proximal roads would be utilised by mineral traffic in any event.</p> <p>The exception to the above is where mineral working requires the temporary diversion of a Public Right of Way. In these instances, the Public Right of Way would require temporary re-direction as set out in Paragraph 5.35 (5.48). Restoration schemes for mineral sites may also include proposals to encourage public access, including walking, cycling and horse-riding (WCH) routes.</p>
<p>Kelvedon & Feering Heritage Society (677892382)</p>		<p>Agree (but wish to clarify)</p>	<p>Comment – Policy 10, page 95, section 3.198 To include provisions for local communities to monitor movements and means to report any deviations</p>	<p>Local communities are welcome to monitor vehicle movements from mineral developments and report these to the MWPA. The MWPA includes an Enforcement service which can act on any claimed non-compliance with planning conditions. This is standard practice and an amendment is proposed to make this clear.</p>
<p>Mineral Products Association (339717535)</p>		<p>Disagree (please clarify)</p>	<p>Policy S11 – Access and Transportation</p> <p>The part of the proposed policy dealing car travel etc.</p>	<p>In relation to the request regarding the scope of Transport Assessments/ Statements, the MWPA considers that the existing wording would act to ensure issues</p>

		<p>to site need adjusting in our view as follows;</p> <p>Proposed Changes (deletions in striketrough; new text in bold</p> <p>Where appropriate and practical aAppropriate measures to reduce car travel to the site, by workers and visitors and encourage walking, cycling and use of public transport, thus minimising carbon dioxide and methane emissions;</p> <p>The reason the above changes are requested is that we have had cases of our members being required, for example, to provide cycle racks where it is clear that the ability to reach the work location safely and practically by bike is a nonsense. A sensible pragmatic approach needs to be taken in respect of this part of the policy.</p> <p>Furthermore, the reference to the assessment of potential air quality impacts</p>	<p>such as those raised would not occur but nonetheless is prepared to make the recommended amendment.</p> <p>The MWPA notes that the original amendment to Policy S11 relating to these issues arose out of conclusions drawn by the Habitats Regulation Assessment and therefore it is currently proposed to maintain the reference. The reference to air quality objectives in two policies is not considered to be problematic, as Policy S11 sets out how the requirements of Policy DM1 could be presented. A further revision is however proposed.</p>
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			should be removed as the topic is dealt with under Policy DM1.	
Heatons (451589647)	Tarmac	Disagree (please clarify)	<p>Reference to the Transport Assessment work being required to demonstrate that ‘appropriate measures to reduce car travel...’ Should be caveated by ‘where practicable’. In the majority of circumstances, it is not feasible for these aspects to be included by Operators although it may be encouraged.</p> <p>It is not considered that a Transport Assessment/Statement is the appropriate place to assess the air quality impact of vehicle movements including avoidance of adverse effects on the integrity of Habitat sites. This should be removed. Tests to consider these impacts are covered by the requirements of Policy DM1 – Development Management Criteria.</p>	<p>In relation to the request regarding the scope of Transport Assessments/ Statements, the MWPA considers that the existing wording would act to ensure issues such as those raised would not occur but nonetheless is prepared to make the recommended amendment.</p> <p>The MWPA notes that the original amendment to Policy S11 requiring the above arose out of conclusions drawn by the Habitats Regulation Assessment and therefore it is currently proposed to maintain the reference. The reference to air quality objectives in two policies is not considered to be problematic, as Policy S11 sets out how the requirements of Policy DM1 could be presented. A further revision is however proposed.</p>
GeoEssex		No comment	no comment	Noted

(538324742)				
Thurrock Borough Council (97704900)	Thurrock borough Council	No comment		N/A
Strutt & Parker (891506607)	G&B Finch	No comment		N/A