

1 Response Paper - Policy S12

Purpose of Policy S12

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

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

- Hierarchical approach towards restoration levels proposed to be updated
- Information around biodiversity net gain to be included
- Proposed amendments to recognise Local Plan objectives and existing or emerging green and blue infrastructure strategies
- Policy and supporting text proposed to include information around 'ongoing stewardship'
- Updates to policy to include explicit references to needing to consider 'landscape', 'land stability', 'heritage' and climate resilience proposed to better align the policy with PPG
- Proposed amendments to include the need to avoid adverse effects on the integrity of internationally or nationally important wildlife sites
- Clarify the difference between the singular 200ha adopted target for priority habitat creation as set out in the MLP Monitoring Framework with the more nuanced target reported through the AMR
- Amendments to note the potential for sites to be restored for a built development after-use, in addition to countryside enhancement, as built development may also reflect Local Plan objectives
- New proposed section setting out how effective mineral site restoration can have mental health benefits for the immediate and wider community

Impact of Revisions to NPPF 2021

- 1.3 None of the amendments made to the NPPF in July 2021 had an effect on Policy S12.

Summary of Issues Raised through March 2021 Reg 18 Consultation

- Clarification around waste uses including landfilling and land raising

- Public access for all in keeping with the Equality Act and the enhancement of public access
- Consideration should be given to the creating of new Country Parks
- Conformity with Natural England's Biodiversity Metric, the NPPF, Biodiversity Net Gain, Natural Capital and inclusion of Target Species, habitats and reference to the Essex Local Nature Partnership (LNP)
- Reference to net Geodiversity knowledge gain, the enhanced study and analysis of geology and further information around geological features
- Questions around the deliverability, quality, and flexibility of restoration
- Policy supporting text should include reference to restoring agricultural uses
- Lack of communication between District/Borough/City Councils and ECC
- Policy should not relate to ancillary development
- Reference to sustainable development goals and health and wellbeing
- Protection of soils and the planting of carbon absorbing plants
- Inclusion of information around the need to avoid adverse effects on the integrity (AEOI) of Habitats Sites
- Designated heritage assets, non-designated heritage assets, the historic environment and potential loss of historical artefacts and/or archaeological finds

Addressing Issues Arising Out of March 2021 Reg 18 Consultation

1.4 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:

Clarification around waste uses including landfilling and land raising

Through the consultation it was suggested that it is explicitly stated that waste which has no other form of re-use or recycling further up the waste hierarchy is considered acceptable in the restoration of minerals voids. e.g., inert soils (not including bricks etc.). Such information can be found in the Essex and Southend-on-Sea Waste Local Plan (2017) under Policy 9 – Waste Disposal Facilities and therefore it is not considered appropriate to include such information in the MLP.

It was suggested through the consultation that it is. Policy S12 criteria 3 will be amended as follows, "Be infilled with imported materials (which have no other form of re-use or recycling further up the waste hierarchy) only at a scale necessary to achieve a beneficial restoration that outweighs any harm caused,".

A comment received through the consultation suggested that reference to the requirement for a project-level HRA should be replaced to state that proposals for landfilling and land raising with waste will only be permitted where in accordance with the Policies of the Waste Local Plan. The following text was added to clarify where putrescible waste would need to be avoided, as requested through the

emerging Habitats Regulations Assessment (HRA), “Restoration proposals for sites situated within an IRZ for Habitats Sites should avoid using putrescible waste, or be able to demonstrate that the use of such waste for infilling will not result in adverse effects on the integrity of any Habitats Sites alone or in combination, through a project-level HRA. This is to avoid Adverse Effect on Integrity (AEOI) on those Habitats Sites, such as by preventing the encouragement of predation on protected species by gulls and crows. Proposals for land raising with waste will only be permitted where in accordance with the Policies of the Waste Local Plan.”.

Therefore, the following text is not proposed for removal.

Paragraph 3.205 states “The final restoration level of sites will now generally be decided on a case-by-case basis but must be sympathetic to the surrounding landscape. Infilling shall only be at a scale considered necessary to achieve beneficial restoration. This will allow the MPA to consider the relative benefits that would be realised through a specified degree of importation.”. Therefore, it is not considered appropriate to include “Proposals for landfilling and land raising with waste will only be permitted where in accordance with the Policies of the Waste Local Plan” as this is considered to be detailed in paragraph 3.205.

It was further stated that the correct material must be used to create the correct habitats, bio diversity and suitability for the local area when infilling. The MWPA agree with this and criteria 3 of Policy S12 states “Mineral extraction sites shall be infilled with imported materials only at a scale necessary to achieve a beneficial restoration that outweighs any harm caused”.

Public access for all in keeping with the Equality Act and the enhancement of public access

A comment received stated that the Policy does not contain any requirements to protect and enhance outdoor recreation public access for all in keeping with the Equality Act. It was also suggested through the consultation that where possible, the increased access within a site should include improved links with the public rights of way network and public open space outside the site, and the use of gates, preferably not kissing gates, should be kept to a minimum.

Paragraph 3.143 states that after-uses of mineral extraction should “contribute to an attractive sense place, including: public open space and rights of way”, and paragraph 3.225 states that “Health and wellbeing from restored sites can be encouraged and improved by: ensuring that public spaces are sufficiently well designed to promote active and healthy lifestyles”.

Policy DM1 states “Proposals for minerals development will be permitted subject to it being demonstrated that the development would not have an unacceptable impact, including cumulative impact with other developments, upon: Public Open Space, the definitive Public Rights of Way network and outdoor recreation facilities”.

The supporting text to Policy S12 also contains a section on ‘Outdoor Recreation’ and recreational benefits are mentioned under the ‘Health and Wellbeing’ and ‘Landscape enhancement’ sections. Policy S12 states “Restoration schemes shall reflect strategies across Essex, including Local Plan objectives for growing natural capital and green and blue infrastructure Strategies where relevant.”, this includes documents such as the Green Infrastructure Strategy.

However, it is noted that Policy S12 does not explicitly mention any requirements to enhance outdoor recreation/public access for all in keeping with the Equality Act. 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.”.

Through the consultation it was suggested that the MLP should be to incorporate enhanced public access for all recreational users to ensure consistency with the WLP. Paragraph 3.219 (3.201) will be amended as follows, “Improved public access to the natural environment can be provided by creating enhanced access as well as new leisure and amenity areas. This may include the creation of new green spaces (such as parks, green corridors or green wedges and woodlands), improvements to the strategic rights of way network, increased public access through the provision of footpaths and cycleways, and other outdoor recreation uses; especially with regard to the provision of bridleways as multi-user paths as part of any permission granted.” to ensure that the MLP and WLP are aligned.

Paragraph 3.225 will also be amended following a comment received which suggested that encouraging active travel should include horse riding as well as walking and cycling. Therefore, the fourth bullet point under paragraph 3.225 will be amended as follows, “encouraging active travel, particularly cycling, and walking and horse riding.”.

Another comment received through the consultation suggested that paragraph 3.235 covers green and blue infrastructure and should also cover the requirement to achieve access for all recreational user groups, including horse riders. However, the MWPA consider this to be covered by the following, “ensuring that public spaces are sufficiently well designed to promote active and healthy lifestyles” in paragraph 3.235. “Public access” is not limited to one user group, this includes all user groups.

The MWPA cannot require access to public land, once works begin on a site, this is by way of a commercial operation, and the MWPA has no authority to request such access. However, it is proposed that paragraph 5.48 (5.35) will be updated as follows, “Minerals development can affect public rights of way, open spaces and informal outdoor recreational land. Public access to such routes and areas may be restricted for health and safety reasons and to prevent criminal damage. Where rights of way are affected, arrangements for their temporary or permanent diversion must be put in place as part of proposals to ensure that PROW remain usable at all times or provide satisfactory alternative routes. Alternative paths and any necessary diversions of existing paths will be required to be in place prior to the closure of the existing PROW. The closure of a PROW, where no alternative route is provided, will not normally be acceptable. This will apply to definitive routes used by cyclists, horse riders and walkers that either cross or are close to a site. ~~Restoration of mineral workings may provide an opportunity to provide new or enhanced rights of way and outdoor recreational uses.~~ Restoration schemes should, in the first instance, be seen as an opportunity to enhance and upgrade PROW where possible, especially with regard to the provision of Bridleways as multiuser paths as part of any permission granted. In all cases, restoration schemes should provide for access which is at least as good as that existing before workings began.”.

An Equality Impact Assessment is carried out on the Plan at each stage of regulation/consultation, so when the plan is adopted, it has an accompanying EqIA. An EqIA ensures that protected groups are not discriminated against.

Consideration should be given to the creating of new Country Parks

It was suggested through the consultation that where the minerals site is not best & most versatile agricultural land, and where it is reasonably near population centres/public transport routes, consideration should be given to creating new Country Parks, accessible for all, with car parking & other family friendly & disabled friendly features. Policy S12 requires proposals for minerals development to demonstrate “that the land is capable of being restored at the earliest opportunity to an acceptable environmental condition to support Local Plan objectives and/or other beneficial after-uses, with positive benefits to the environment, biodiversity and/ or local communities.” The final restoration of each site will be decided on a case-by-case basis and consulted upon as part of a planning application.

Paragraph 3.230 states “Using green assets such as country parks and potential major development opportunities, such as new Garden Communities, to support the health and wellbeing of residents is a new concept for the council, but it is recognised that the opportunities to improve health and wellbeing could be significant.”. Therefore, it is not considered necessary to update the wording of Policy S12 as the MLP is to be read as a whole and therefore, this would create duplication throughout the plan.

A comment received through the consultation recognised that old mineral sites are probably the biggest opportunity for such exciting new developments which can be sympathetically designed in the remodelled countryside and would also present valuable farm diversification opportunities in the future. They spoke about the recognised dearth of country parks. The MWPA are proposing biodiversity net gain and natural capital growth through proposed amendments to Policy S12. It must be taken into consideration that this is, to a certain degree, reliant on schemes coming forward. The MWPA does not have the ability to dictate specific restoration schemes. The final restoration of each site will be decided on a case-by-case basis and consulted upon as part of a planning application. The MLP has a role to facilitate delivery of such assets, however, the landowner is responsible for the final restoration, subject to conformity with the development plan. After use will factor into the overall viability of the scheme.

Conformity with Natural England’s Biodiversity Metric, the NPPF, Biodiversity Net Gain, Natural Capital and inclusion of Target Species, habitats and reference to the Essex Local Nature Partnership (LNP)

A comment received through the consultation stated that the Rationale Report highlights that the policy should also be amended to seek ‘net biodiversity gain’ rather than ‘biodiversity gain’ to recognise that biodiversity net gain is to be made mandatory for new developments through the Environment Bill 2019. Therefore, the habitats that contribute to the delivery of “biodiversity net gain” will supersede those set out within the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016.

Although the MWPA recognise this comment, they do not agree that “the habitats that contribute to the delivery of “biodiversity net gain” will supersede those set out within the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016”. Biodiversity Net Gain is a relative concept measurement of what was on a site prior to extraction versus what is on the site post restoration. Priority habitats are set out in the SPG and are therefore capable of contributing to Biodiversity Net Gain as well as their primary goal of supporting rare species and habitats.

Through the consultation it was stated that Natural England’s Biodiversity Metric is intended to work with all terrestrial and intertidal development types. It sits at the heart of the approach to future mandatory biodiversity net gain (BNG) in England for developments under the Town & Country Planning Act, as set out in the current Environment Bill. It is therefore important that the metric (and the wider pallet of habitats that contribute to Biodiversity net gain) is referred to within the supportive text to Policy S12. It was also stated that Policy S12 should be clearer on BNG expectations, particularly a target and include reference to Target species and habitats.

It is noted that the MPA have long promoted biodiversity and environmental net gain through its after-use and development management policies, as well as its mineral site award scheme. Further, given the temporary nature and rural location of many mineral developments, the minerals industry has long been involved in the promotion of long-lasting environmental benefits. An example is the Nature After Minerals partnership programme, led by the RSPB and supported by Natural England, the Mineral Products Association and the British Aggregates Association.

The Rationale Report accompanying the Regulation 18 Consultation 2021 highlighted that Mineral Monitoring Indicator 11, which monitors the provision of Priority Biodiversity Action Plan habitat was too restricted in scope to act as a monitoring indicator for natural capital. It was also noted that the monitoring of natural capital was an emerging science and, although the MWPA recognised the merit of including an indicator in the MLP Monitoring Framework, further work was required to be undertaken in this field.

Subsequent to the MWPA making this specific request through the Regulation 18 Consultation 2021, the Environment Bill which was driving this revised approach received Royal Assent and became the Environment Act in November 2021. This created a number of mandatory requirements around ‘Biodiversity Net Gain’ including the use of a metric which will supply quantifiable data relating to development-led net gains in biodiversity which can be monitored and reported.

The Act requires Local Planning Authority’s to report on biodiversity net gain delivery. It is expected that further information on monitoring requirements will be set out in future consultations led by the Department for Environment, Food and Rural Affairs (Defra) and secondary legislation. It is recognised that this emerging legislation as it applies to the proposed monitoring regime does not accommodate the wider concept of natural capital. As such it is also recognised that an indicator assessing biodiversity net gain would not amount to a monitoring indicator quantifying natural capital gain.

However, the MWPA does not have the resources to create, unilaterally or in partnership, a robust, monitorable indicator to capture natural capital gain. This is

particularly the case where there is the potential for metrics to be created nationally in an event. Through the Rationale Report 2021, it was also recognised that as part of this Review, it may not be possible to establish a definitive indicator. Under such an eventuality, it was then proposed that consideration will be given to creating an indicator that monitors whether applications themselves explicitly promote natural capital growth/ environmental net gain through their proposals. Future revisions to the MLP can then reassess the practicality of a more definitive indicator.

As such, at this stage it is considered appropriate that the Monitoring Framework of the MLP is amended to include the national requirement to monitor biodiversity net gain through the application of the current Government supported metric, or any successor, and adopt the emerging approach as this is finalised ahead of the adoption of the MLP. The MWPA will however positively respond to any emerging guidance and legislation relating to a wider natural capital monitoring indicator as and when such guidance emerges at the national level and consider implementing this through subsequent plan reviews or via a Supplementary Planning Document if considered appropriate.

A comment received through the consultation suggested that Policy S12 is inconsistent with the NPPF which includes a presumption that great weight should be given to a heritage asset's conservation. A comment was also received which stated that Policy S12 is not in conformity with the NPPF paragraph 189. The NPPF states "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."

Therefore, criterion 5h of Policy will be updated as follows, "Where appropriate, proposals shall demonstrate the best available techniques to ensure that: ...Any loss of, or harm to, the significance of a heritage asset (from development within its setting, or from its destruction or alteration) has been addressed, in a manner proportionate to its importance and the development's impact." Whilst it is noted that the NPPF provides greater detail with regards to degrees of harm and how this needs to be taken into account with regard to the significance of the heritage asset, there is no requirement for a local plan to repeat sections of the NPPF. It will therefore be the relevant iteration of the NPPF that informs how the degree of harm upon the heritage asset should be justified based on the significance of the heritage asset.

Additionally, it was noted that criteria 5i of Policy S12 is also not in accordance with national policy as it does not distinguish between the hierarchy of international and national sites. Paragraph 175 of the NPPF states that "Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."

This is recognised in the MLP through the site assessment methodology used for suggesting Preferred Site allocations, which sets a preference for mineral development to take place on land of lower ecological value, as well as Policy DM1 and Policy S12.

Criteria 5i) of Policy S12 will also be updated as follows, “Adverse effects on the integrity of local wildlife habitats, and wider ecological networks, including the hierarchy of international, national and locally designates sites are avoided, either alone or in combination with other plans and projects,”

Through the consultation, awareness was raised of the Essex Local Nature Partnership (LNP) and this may form the basis for the development of a Nature Recovery Network (NRN) at the county scale. It was suggested that it would be helpful if a link to the development of a NRN was referenced within the Review Plan as former extraction sites have clear potential to enhance the County’s ecological networks and natural capital. The MWPA notes that the LNP is now up and running and has a Local Nature Recovery Working group and Biodiversity Net gain Working Group. ECC are awaiting Local Nature Recovery Strategies (LNRS) guidance from DEFRA, which is not likely to be received until April 2023. It is currently being assessed as to how the priorities set out in the LNP can influence the site assessment methodology for candidate sites as part of the MLP review. Appropriate references will be made to the LNP/ LNRS in the emerging MLP.

Reference to net Geodiversity knowledge gain, the enhanced study and analysis of geology and further information around geological features

Through the consultation it was suggested that Policy S12 should be amended to include reference to net geodiversity knowledge gain. Paragraph 3.189 (3.205) states that “Opportunities for habitat creation will be considered, to promote biodiversity and geodiversity, but regard still will be had for the local landscape.”. Therefore, it is not considered necessary to update the policy wording as the supporting text to each policy is just as imperative as the policy wording itself. The policy supporting text and policy are to be read as a whole and therefore, this would create duplication throughout the plan.

Another comment received suggested that Policy S12 should be amended so that criteria 5e states that important geological features will be enhanced by study and analysis of the geology exposed. It is important that geological features are maintained and preserved. Once works begin on a site, this is by way of a commercial operation, and the MWPA has no authority to request such information is recorded as part of the public record as it is commercially sensitive. The MWPA is also unable to grant public access to commercial operations. Whether members of the public would be allowed on site to provide the opportunity to maintain such features would be a business decision made by the operator. Such requests would be required to be made to them.

It was suggested through the consultation that Policy S12 should be amended to state that where practical important geological features are maintained and preserved, or replicated in another location on the site. This comment was left in relation to part 5e of the Policy. The MWPA assume that this comment is in relation to criterion 5e of Policy S12. Criteria 5e) will be updated as follows, “Where practical important geological features are maintained and preserved in a suitable location on the site,”. The MWPA do not consider the word “replicated” appropriate as this implies that the geological feature will be re-created which is not correct. It is considered that the proposed additions above are suitable.

Questions around the deliverability, quality, and flexibility of restoration

It was questioned through the consultation as to how land is restored and if carefully completed phases which avoid any permanent damage are followed. It was also stated that restoration of Preferred Sites should be sympathetic to the existing site setting and site uses, whereby restoration to agriculture should be recognised as an overarching sustainable objective alongside environmental enhancement measures that promote biodiversity net gain.

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.

A comment suggested that the MWPA do not uphold the use agreed at planning stage and not conditions for the final restoration/use. It also stated that ECC has allowed original restoration and after-use to be changed to the detriment of residents that have put up with so much. This comment was in relation to Rivenhall Incinerator.

Policy S12 ensures 'mineral site restoration and after use' which requires proposals for minerals development to demonstrate "that the land is capable of being restored at the earliest opportunity to an acceptable environmental condition to support Local Plan objectives and/or other beneficial after-uses, with positive benefits to the environment, biodiversity and/ or local communities.". The specific site mentioned, Rivenhall, does overlap with past areas of mineral working. The Rivenhall IWMF was granted permission following a call in Public Inquiry in 2009 and the site is now allocated for Waste Management in the Waste Local Plan (WLP) adopted in 2017. The WLP was subject to full public consultation and an Examination in Public.

Through the consultation a comment received stated that the policy should be supportive of revised restoration plans to existing operational sites, where importation can provide more sustainable outcomes to already consented restoration schemes, that may no longer be relevant to more recent policy drivers. Another comment received suggested that applications are revised to give less biodiversity and priority habitats than originally discussed. The MWPA would consider applications for a revised restoration scheme which would be considered on its individual merits in accordance with the Development Plan.

It was suggested through the consultation that in paragraph 3.199 (3.183) "and increase the potential for its enjoyment" should be replaced with "by restoring agricultural uses". The MWPA do not consider this appropriate. Implementing this proposed wording change would imply that restoration and after-use is restricted for agricultural uses. The PPG states that "Where working is proposed on the best and most versatile agricultural land the outline strategy should show, where practicable, how the methods used in the restoration and aftercare enable the land to retain its longer-term capability, though the proposed after-use need not always be for agriculture."

A comment received suggested that applicant needs to be specific about the relative merits of each scheme and give a commitment to delivery of these worthwhile targets. Stating that measurable numeric commitments to new areas of new priority

habitat and public access should be commitments that are binding and can be evaluated for Biodiversity Net Gain. Therefore, the numerical commitments to whatever is proposed to be delivered. As stated in paragraph 3.217 of the MLP, “where sites have been explicitly detailed as being intended to be restored to priority habitat, this commitment will remain, but other opportunities may be more appropriate for other sites.”.

It was questioned through the consultation whether water features are used as part of restoration schemes to help with irrigation, biodiversity, flood resilience and storage, and if so, how often. Restoration schemes have seen 39% of windfall site applications submitted between 1943 and March 2019 associated with the construction or operation of an agricultural irrigation reservoir, and 18% of all windfall site applications submitted between 1943 and March 2019 associated with the construction of a fishery.

It is important to remember that following the cessation of mineral working, extraction sites must be restored in conformity with their planning permission, including all conditions applied. This is relevant to all points raised above.

Particular concern was raised around a certain quarry which was Bradwell Quarry and also the Rivenhall Integrated Waste Management Facility. The comment received stated that considering the local quarry which had been going for at least 30 years, the public do not know how it is being restored and this is concerning for the other quarry that is under threat.

Bradwell Quarry has been the subject of several extensions and has been considered against all relevant policies of the MLP. Each application has included a restoration scheme, to a combination of agriculture, woodland, water and biodiversity. It is acknowledged that restoration across the later extension has been delayed due to overlap with the Rivenhall Integrated Waste Management Facility, but restoration is now ongoing. The operator, Blackwater Aggregates, when making extension applications has held pre-application exhibitions in the locality, seeking to engage the local community. In addition, the MWPA carries out consultation on the planning application in accordance with the County’s Statement of Community Engagement. With respect to transport of minerals from this site, the proximity of the facility means that direct use of rail or river transport is not practical.

Policy supporting text should include reference to restoring agricultural uses

Through the consultation concern was raised around the removal of the policy preference for restoration to agricultural land and whether this could result in greater flexibility for uses beneficial to residents (for example outdoor recreational facilities) and/or the natural environment (increasing biodiversity). The comment state that sites may be regarded as brownfield and developed for housing or industrial purposes. There is concern as to how this would impact on sites already being quarried and whether the restoration agreed/implied by policy at the time of planning consent would be honoured.

Additionally, a comment received raised concerns that whilst the removal of the policy preference for restoration to agricultural land could result in greater flexibility for uses beneficial to residents (for example outdoor recreational facilities) and/or the natural environment (increasing biodiversity), sites may be regarded as brownfield and developed for housing or industrial purposes. Further concerns included how

this would impact on sites already being quarried and whether the restoration agreed/implied by policy at the time of planning consent would be honoured.

The MWPAs have proposed to remove this from the policy to reflect the stance in the PPG and NPPF. The PPG states that “Where working is proposed on the best and most versatile agricultural land the outline strategy should show, where practicable, how the methods used in the restoration and aftercare enable the land to retain its longer-term capability, though the proposed after-use need not always be for agriculture.”.

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.

It is important to remember that following the cessation of mineral working, extraction sites must be restored in conformity with their planning permission, including all conditions applied. For sites already being worked, the restoration agreed/implied by policy at the time of planning consent would be applied. This is relevant to all points raised above.

Lack of communication between District/Borough/City Councils and ECC

- 1.1 A comment received through the consultation suggested that communication between the County Council and District/Borough/City Councils is a real problem. The MPA consults the District/Borough/City Councils on all planning applications and takes comments received into consideration in the determination of the application. District/Borough/City Councils are required by Policy S8 to consult the MPA on planning applications affecting mineral sites.

Policy should not relate to ancillary development

It was noted through the consultation that policy S12 needs to relate to new development proposals and extensions to mineral operations, however they should not necessarily relate to ancillary development normally consented through permitted development provisions nor should they apply to applications for non-compliance with planning conditions.

Policy S12 contains strong planning principles which all development should seek to accord with. Considerations will be proportionate to the nature of the development that is being applied for. Applications for non-compliance with planning conditions will be assessed under the development framework as appropriate, on a case-by-case basis.

Reference to sustainable development goals and health and wellbeing

A comment received suggested that paragraph 3.231 should include reference to long term sustainable development goals because in addition to identifying quarries as sites suitable for creating improved public access, they should also be considered

and promoted as sites for alternative uses such as renewable energy or reserved for potential residential development and/or other development opportunities dependent upon their location and setting.

Paragraph 3.231 will be amended as follows, “The Plan has a role to play in ensuring that extraction sites, once they come to the end of operation, are positively planned and restored to deliver long term sustainable development, multifunctional social, economic and environmental benefits in order to positively contribute to health and wellbeing.”.

It was noted through the consultation that reference to the indirect and psychological health impacts in respect on mineral workings in paragraph 3.222 should be removed as having no evidence basis. Paragraph 3.222 will be amended as follows, “However, the health impacts of mineral extraction are not always direct from operational activities, they can be indirect, such as fear of harm, as well as being positive, offering outdoor recreational benefits from beneficial restoration and improving the quality of life and wellbeing for communities.”

A comment received through the consultation stated that the new Health and Wellbeing section in the support text of Policy S12 needs some clarity given to the means of measuring and monitoring of the potentially adverse impacts of extraction operations on residents' health - otherwise they might just be viewed as box-ticking items. Each proposal is subject to a Health Impact Assessment (HIA) as part of the validation checklist process when the application is considered. An HIA considers the health impacts of proposed development and assesses the impact of a development on existing services and facilities. The HIA can be linked to an environmental statement in which it would then be captured and monitored. However, as a standalone HIA, this would not be monitored as part of the environmental statement. Standalone HIA's are measured when submitted and officers determine whether it is acceptable.

Protection of soils and the planting of carbon absorbing plants

Through the consultation it was stated that the soils removed from a site should still remain in situ as a land-bank should land-use change be required later. Policy S12 criteria 5a states “Where appropriate, proposals shall demonstrate the best available techniques to ensure that: a) Soil resources are retained, conserved and handled appropriately during operations and restoration. In addition to this paragraph 5.23 (5.36) in the supporting text of Policy DM1 states “Whilst temporary landscape works such as bunds or earth mounds will affect the appearance of an area, they are usually essential to reduce local visual and noise impacts or allow valuable soils to be stockpiled for future use.”.

A comment received through the consultation suggested that quarry owners must consider greenhouse effect and plant carbon absorbing plants as part of the restoration scheme. As per Policy S12, “The MPA will promote sustainable development by requiring new development, where relevant, to accord with the following principles: Ensuring minerals development makes a contribution towards reducing greenhouse gas emissions, is resilient and can demonstrate adaptation to the impacts of climatic change”. Policy S3 also states, “Applications for minerals development (including extensions to existing sites) shall demonstrate how they have incorporated effective measures to minimise and/or offset greenhouse gas emissions and to ensure effective adaptation and resilience to future climatic

changes, for the lifetime of the development (including restoration and aftercare), having regard to” and continues to set out a list of criterion.

Inclusion of information around the need to avoid adverse effects on the integrity (AEOI) of Habitats Sites

It was suggested through the consultation that reference to the ‘need to avoid adverse effects on the integrity (AEOI) of Habitats Sites’ should be included in the text of Policy S5 as it was stated in its supporting text. The MWPA do not however consider that it is necessary to update the policy wording as the MLP is to be read as a whole.

Policy DM1, which applies to all mineral developments states that “It must be ensured that there will be no adverse effect on the integrity of Habitats Sites either alone or in combination with other plans and projects. This must be demonstrated through a project level Habitat Regulations Assessment, which will be required for any future proposals requiring a decision under the MLP, which fall within a IRZ.”. As such, the issue raised in the representation is addressed through an existing plan policy.

To avoid the impression that this requirement only relates to aggregate recycling sites which are subject to Policy 5, it is proposed to remove “Any new aggregate recycling sites should avoid causing adverse effects on the integrity of internationally or nationally important wildlife sites, either alone or in combination with other plans and projects. This must be demonstrated through a project level Habitat Regulations Assessment, which will be required for any new aggregate recycling sites which fall within a Impact Risk Zone (IRZ).” from the supporting text of Policy S5 and include this in the over-arching Policy DM1.

Policy DM1 is therefore proposed to be updated as follows, “It must be ensured that there will be no adverse effect on the integrity of Habitats Sites (internationally or nationally important wildlife sites) either alone or in combination with other plans and projects in relation to all minerals development. This must be demonstrated through a project level Habitat Regulations Assessment, which will be required for any future proposals requiring a decision under the MLP, which fall within a IRZ.”

Designated heritage assets, non-designated heritage assets, the historic environment and potential loss of historical artefacts and/or archaeological finds

Through the consultation a comment received said that the policy fails to distinguish between designated and non-designated heritage assets. In cases of substantial harm to or loss of designated heritage assets it has to be necessary to achieve substantial public benefits which outweigh the harm or loss. As drafted, S12 subverts the test in the Framework by having to justify how the harm or loss outweighs the benefits.

Criteria 5h of Policy S12 will be clarified as follows, “Where appropriate, proposals shall demonstrate the best available techniques to ensure that:...Any loss of, or harm to, the significance of a heritage asset (from development within its setting, or from its destruction or alteration) has been addressed, in a manner proportionate to its importance and the development’s impact.” It is considered that this proposed amendment acts to better make a distinction between the significance of the heritage

asset and how that subsequently relates to the proportionality of evidence required to demonstrate and justify any impact.

Whilst it is noted that the NPPF provides greater detail with regards to degrees of harm and how this needs to be taken into account with regard to the significance of the heritage asset, there is no requirement for a local plan to repeat sections of the NPPF. It will therefore be the relevant iteration of the NPPF that informs how the degree of harm upon the heritage asset should be justified based on the significance of the heritage asset.

Another comment received suggested that Policy S12 should contain more explicit reference to the setting of heritage assets, the archaeological character of landscape and the archaeology of the former extraction site itself. The supporting text for Policy S12 consists of a 'Heritage' section (paragraph 3.205 (3.233)) which references how site restoration may improve "access to historic sites, enhance the setting of historic features or provide the opportunity to present the results of archaeological investigations to the general public."

The supporting text for Policy DM1 contains a 'Heritage Assets' section, as well as Policy DM1 stating that "Proposals for minerals development will be permitted subject to it being demonstrated that the development would not have an unacceptable impact, including cumulative impact with other developments, upon: The historic environment including heritage and archaeological assets". Policy S10 also states that "Applications for minerals development shall demonstrate that: appropriate consideration has been given to public health, wellbeing and safety, amenity, quality of life of nearby communities, and the natural, built, and historic environment". The MWPA consider it is also worth noting that the definition of 'Environment' in the MLP Glossary states "This include its Natural, Historic and built characteristics, as well as those aspects of the environment which are man-made".

Therefore, it is not considered necessary to update the policy wording as the supporting text to each policy provides additional context and meaning to the policy wording itself. The policy supporting text and policy are to be read as a whole and therefore this would create duplication throughout the plan.

Through the consultation it was suggested that digging out a quarry may well mean the loss of any historical artefacts and/or archaeological finds. The supporting text to Policy DM1, paragraph 5.33 (5.46) states that "Applicants preparing proposals for mineral development should refer to Historic Environment and Historic Landscape Character Assessments, Local Plan/ LDF evidence base studies, English Heritage records and information held on the Scheduled Ancient Monument Record before submitting an application". The MWPA notes that archaeological investigation by way of trial trenching will be required in areas that are considered to have historical value. Paragraph 194 of the NPPF also requires that 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' Importance...Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'

This therefore ensures that there is not a loss of any historical artefacts and/or archaeological finds.

Conclusion

Responses to the Regulation 18 Consultation 2021 with regards to Policy S12 were quite varied and included a range of different issues. A number of representations received wanted clarification around waste uses including landfilling and land raising and as a result of this, Policy S12 criteria 3 will be amended to explicitly state that waste which has no other form of re-use or recycling further up the waste hierarchy is considered acceptable in the restoration of minerals voids.

A few comments were received around public access for all in keeping with the Equality Act and the enhancement of public access. As a result of this, Policy S12 is proposed to be amended to explicitly mention any requirements to enhance outdoor recreation/public access for all in keeping with the Equality Act, to incorporate enhanced public access for all recreational users to ensure consistency with the WLP, encourage horse riding as part of active travel as well as walking and cycling, and include reference to opportunities to enhance and upgrade PROW where possible, especially with regard to the provision of Bridleways as multiuser paths.

Conformity with Natural England's Biodiversity Metric, the NPPF, Biodiversity Net Gain and Natural Capital were issues that was raised. Therefore criterion 5h of Policy S12 will be updated to align with paragraph 189 of the NPPF. Criteria 5i) will also be updated to distinguish between the hierarchy of international and national sites in accordance with national policy. It was also suggested that a link to the development of a LNP would be helpful. This is something that the MWPA are exploring.

Comments received suggested that criteria 5e should be amended to state that where practical important geological features are maintained and preserved, or replicated in another location on the site. The MWPA do not consider the word "replicated" appropriate as this implies that the geological feature will be re-created which is not correct, therefore the policy will be amended as previously discussed.

The consultation also resulted in proposed amendments to include reference to sustainable development goals in paragraph 3.231 and the removal of reference to indirect and psychological health impacts in respect on mineral workings in paragraph 3.222 as there is no evidence basis.

Criteria 5h of Policy S12 is also proposed to be amended as it was noted through a representation received that the policy fails to distinguish between designated and non-designated heritage assets.

Further comments were received through the consultation relation to the consideration of new Country Parks, questions around the deliverability, quality, and flexibility of restoration, agricultural uses, ancillary development, the protection of soils, potential loss of historical artefacts and/or archaeological finds, and the planting of carbon absorbing plants and the lack of communication between District/Borough/City Councils and ECC. Each of these issues have been discussed within this paper, however, none of these comments results in proposed amendments.

Table 1 - Schedule of Proposed Amendments to Policy S10 following March 2021 Regulation 18 Consultation on MLP Review

Old Ref	New Ref	Proposed Amendment
N/A	Criteria 5. 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.
Criteria 3	Criteria 3	Be infilled with imported materials (which have no other form of re-use or recycling further up the waste hierarchy) only at a scale necessary to achieve a beneficial restoration that outweighs any harm caused.
3.201	3.219	Improved public access to the natural environment can be provided by creating enhanced access as well as new leisure and amenity areas. This may include the creation of new green spaces (such as parks, green corridors or green wedges and woodlands), improvements to the strategic rights of way network, increased public access through the provision of footpaths and cycleways, and other outdoor recreation uses; <i>especially with regard to the provision of bridleways as multi-user paths as part of any permission granted.</i>
N/A	3.225	ensuring that public spaces are sufficiently well designed to promote active and healthy lifestyles;
N/A	3.231	The Plan has a role to play in ensuring that extraction sites, once they come to the end of operation, are positively planned and restored to deliver long term sustainable development, multifunctional social, economic and environmental benefits in order to positively contribute to health and wellbeing.
N/A	Criteria 5. H)	Any loss of, or harm to, the significance of a heritage asset (from development within its setting, or from its destruction or alteration) has been addressed, in a manner proportionate to its importance and the development's impact.
N/A	3.222	However, the health impacts of mineral extraction are not always direct from operational activities, they can be indirect, such as fear of harm, as well as being positive, offering outdoor recreational benefits from beneficial restoration and improving the quality of life and wellbeing for communities.
Criteria 5. E)	Criteria 5. E)	<i>Where practical</i> important geological features are maintained and preserved <i>in a suitable location on the site,</i>
Criteria 5. F)	Criteria 5. i)	Adverse effects on the integrity of local wildlife habitats, and wider ecological networks, including the hierarchy of international, national and locally designates sites are avoided, <i>either alone or in combination with other plans and projects,</i>

Table 2 - March 2021 Regulation 18 Consultation Responses to Policy S12

ORGANISATION	ON BEHALF OF	POLICY S12	POLICY S12	ECC RESPONSE
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:	
Runwell Parish Council (631132323)	Runwell Parish Council	Agree	N/a	N/A
W H Collier Limited (769297167/ 942768790)		Agree		N/A
CPRE Essex (665562826)		Agree		N/A
David L Walker Ltd (559449615)	Brice Aggregates	Agree (but wish to clarify)		N/A
Suffolk County Council (549043477)		Agree (but wish to clarify)	I would recommend that it is explicitly stated that waste which has no other form of re-use or recycling further up the waste	Such information can be found in the Essex and Southend-on-Sea Waste Local Plan (2017) under Policy 9 – Waste Disposal

			hierarchy is considered acceptable in the restoration of minerals voids. e.g. inert soils (not including bricks etc.)	Facilities.
Feering Parish Council (671847412)	Feering Parish Council	Agree (but wish to clarify)	The policy points are all about benefits to the environment, habitats, biodiversity, etc. Despite the pre-amble words about outdoor recreation, public access, PROWs and cycleways, the Policy does not contain any requirements to enhance outdoor recreation public access for all in keeping with the Equality Act. This MUST be included - COVID has shown the huge benefits that outdoor recreation / walking the footpaths and brings. Outdoor recreation / public access is included & supported by other ECC-Policies such as the Green Infrastructure Strategy.	Policy S12 will be updated as follows, “5. Where appropriate, proposals shall demonstrate the best available techniques to ensure that: <u>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.</u> ”.
			Where the minerals site is not Best & Most Versatile Agricultural Land, and where it is reasonably near population centres / public transport routes (e.g. Stanway, Colemans Farm) consideration should be given to creating new Country Parks with car parking & other family friendly & disabled friendly features.	Policy S12 requires proposals for minerals development to demonstrate “that the land is capable of being restored at the earliest opportunity to an acceptable environmental condition <u>to support Local Plan objectives and/or other</u> beneficial after-uses, with positive benefits to the

				environment, biodiversity and/ or local communities.” The final restoration of each site will be decided on a case-by-case basis and consulted upon as part of a planning application.
Blackwater Aggregates (623162177)		Agree (but wish to clarify)	The Rationale Report highlights that the policy should also be amended to seek ‘net biodiversity gain’ rather than ‘biodiversity gain’ to recognise that biodiversity net gain is to be made mandatory for new developments through the Environment Bill 2019. Therefore, the habitats that contribute to the delivery of “biodiversity net gain” will supersede those set out within the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016.	Although the MWPA recognise this comment, they do not agree that “the habitats that contribute to the delivery of “biodiversity net gain” will supersede those set out within the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016”. Biodiversity Net Gain is a relative concept measurement of what was on a site prior to extraction versus what is on the site post restoration. Priority habitats are set out in the SPG and are therefore capable of contributing to Biodiversity Net Gain as well as their primary goal of supporting rare species and habitats.
			Natural England’s Biodiversity Metric provides a way of measuring and accounting for biodiversity losses and gains resulting from development or land management change.	Noted.

			<p>The Biodiversity Metric is intended to work with all terrestrial and intertidal development types. It sits at the heart of the approach to future mandatory biodiversity net gain in England for developments under the Town & Country Planning Act, as set out in the current Environment Bill. It is therefore important that the metric (and the wider pallet of habitats that contribute to Biodiversity net gain) is referred to within the supportive text to Policy S12.</p>	<p>It is noted that the MPA have long promoted biodiversity and environmental net gain through its after-use and development management policies, as well as its mineral site award scheme. Further, given the temporary nature and rural location of many mineral developments, the minerals industry has long been involved in the promotion of long-lasting environmental benefits. An example is the Nature After Minerals partnership programme, led by the RSPB and supported by Natural England, the Mineral Products Association and the British Aggregates Association.</p> <p>The Rationale Report accompanying the Regulation 18 Consultation 2021 highlighted that Mineral Monitoring Indicator 11, which monitors the provision of Priority Biodiversity Action Plan habitat was too restricted in scope to act as a monitoring indicator for natural capital. It was also noted that the monitoring of natural capital was an emerging science and, although the MWPA recognised the merit of including an indicator in the</p>
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				<p>MLP Monitoring Framework, further work was required to be undertaken in this field.</p> <p>Subsequent to the MWPA making this specific request through the Regulation 18 Consultation 2021, the Environment Bill which was driving this revised approach received Royal Assent and became the Environment Act in November 2021. This created a number of mandatory requirements around 'Biodiversity Net Gain' including the use of a metric which will supply quantifiable data relating to development-led net gains in biodiversity which can be monitored and reported.</p> <p>The Act requires Local Planning Authority's to report on biodiversity net gain delivery. It is expected that further information on monitoring requirements will be set out in future consultations led by the Department for Environment, Food and Rural Affairs (Defra) and secondary legislation.</p> <p>It is recognised that this emerging legislation as it applies to the</p>
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				<p>proposed monitoring regime does not accommodate the wider concept of natural capital. As such it is also recognised that an indicator assessing biodiversity net gain would not amount to a monitoring indicator quantifying natural capital gain.</p> <p>However, the MWPA does not have the resources to create, unilaterally or in partnership, a robust, monitorable indicator to capture natural capital gain. This is particularly the case where there is the potential for metrics to be created nationally in an event. Through the Rationale Report 2021, it was also recognised that as part of this Review, it may not be possible to establish a definitive indicator. Under such an eventuality, it was then proposed that consideration will be given to creating an indicator that monitors whether applications themselves explicitly promote natural capital growth/ environmental net gain through their proposals. Future revisions to the MLP can then reassess the practicality of a more definitive indicator.</p>
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				<p>As such, at this stage it is considered appropriate that the Monitoring Framework of the MLP is amended to include the national requirement to monitor biodiversity net gain through the application of the current Government supported metric, or any successor, and adopt the emerging approach as this is finalised ahead of the adoption of the MLP.</p> <p>The MWPA will however positively respond to any emerging guidance and legislation relating to a wider natural capital monitoring indicator as and when such guidance emerges at the national level and consider implementing this through subsequent plan reviews or via a Supplementary Planning Document if considered appropriate.</p>
CEMEX (982058282)		Agree (but wish to clarify)	The Rationale Report highlights that the policy should also be amended to seek 'net biodiversity gain' rather than 'biodiversity gain' to recognise that biodiversity net gain is to be made mandatory for new developments through the Environment Bill 2019. Therefore,	Although the MWPA recognise this comment, they do not agree that "the habitats that contribute to the delivery of "biodiversity net gain" will supersede those set out within the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016".

			<p>the habitats that contribute to the delivery of “biodiversity net gain” will supersede those set out within the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016.</p>	<p>Biodiversity Net Gain is a relative concept measurement of what was on a site prior to extraction versus what is on the site post restoration. Priority habitats are set out in the SPG and are therefore capable of contributing to Biodiversity Net Gain as well as their primary goal of supporting rare species and habitats.</p>
			<p>Natural England’s Biodiversity Metric provides a way of measuring and accounting for biodiversity losses and gains resulting from development or land management change.</p>	<p>Noted.</p>
			<p>The Biodiversity Metric is intended to work with all terrestrial and intertidal development types. It sits at the heart of the approach to future mandatory biodiversity net gain in England for developments under the Town & Country Planning Act, as set out in the current Environment Bill. It is therefore important that the metric (and the wider pallet of habitats that contribute to Biodiversity net gain) is referred to within the supportive text to Policy S12.</p>	<p>It is noted that the MPA have long promoted biodiversity and environmental net gain through its after-use and development management policies, as well as its mineral site award scheme. Further, given the temporary nature and rural location of many mineral developments, the minerals industry has long been involved in the promotion of long-lasting environmental benefits. An example is the Nature After Minerals partnership programme, led by the RSPB and supported by Natural England, the Mineral Products</p>

				<p>Association and the British Aggregates Association.</p> <p>The Rationale Report accompanying the Regulation 18 Consultation 2021 highlighted that Mineral Monitoring Indicator 11, which monitors the provision of Priority Biodiversity Action Plan habitat was too restricted in scope to act as a monitoring indicator for natural capital. It was also noted that the monitoring of natural capital was an emerging science and, although the MWPA recognised the merit of including an indicator in the MLP Monitoring Framework, further work was required to be undertaken in this field.</p> <p>Subsequent to the MWPA making this specific request through the Regulation 18 Consultation 2021, the Environment Bill which was driving this revised approach received Royal Assent and became the Environment Act in November 2021. This created a number of mandatory requirements around 'Biodiversity Net Gain' including the use of a metric which will supply quantifiable data relating to</p>
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				<p>development-led net gains in biodiversity which can be monitored and reported.</p> <p>The Act requires Local Planning Authority's to report on biodiversity net gain delivery. It is expected that further information on monitoring requirements will be set out in future consultations led by the Department for Environment, Food and Rural Affairs (Defra) and secondary legislation.</p> <p>It is recognised that this emerging legislation as it applies to the proposed monitoring regime does not accommodate the wider concept of natural capital. As such it is also recognised that an indicator assessing biodiversity net gain would not amount to a monitoring indicator quantifying natural capital gain.</p> <p>However, the MWPA does not have the resources to create, unilaterally or in partnership, a robust, monitorable indicator to capture natural capital gain. This is particularly the case where there is the potential for metrics to be</p>
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				<p>created nationally in an event. Through the Rationale Report 2021, it was also recognised that as part of this Review, it may not be possible to establish a definitive indicator. Under such an eventuality, it was then proposed that consideration will be given to creating an indicator that monitors whether applications themselves explicitly promote natural capital growth/ environmental net gain through their proposals. Future revisions to the MLP can then reassess the practicality of a more definitive indicator.</p> <p>As such, at this stage it is considered appropriate that the Monitoring Framework of the MLP is amended to include the national requirement to monitor biodiversity net gain through the application of the current Government supported metric, or any successor, and adopt the emerging approach as this is finalised ahead of the adoption of the MLP.</p> <p>The MWPA will however positively respond to any emerging guidance</p>
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				and legislation relating to a wider natural capital monitoring indicator as and when such guidance emerges at the national level and consider implementing this through subsequent plan reviews or via a Supplementary Planning Document if considered appropriate.
Gent Fairhead Aggregates (871678397)		Agree (but wish to clarify)	The Rationale Report highlights that the policy should also be amended to seek 'net biodiversity gain' rather than 'biodiversity gain' to recognise that biodiversity net gain is to be made mandatory for new developments through the Environment Bill 2019. Therefore, the habitats that contribute to the delivery of "biodiversity net gain" will supersede those set out within the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016.	Although the MWPA recognise this comment, they do not agree that "the habitats that contribute to the delivery of "biodiversity net gain" will supersede those set out within the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016". Biodiversity Net Gain is a relative concept measurement of what was on a site prior to extraction versus what is on the site post restoration. Priority habitats are set out in the SPG and are therefore capable of contributing to Biodiversity Net Gain as well as their primary goal of supporting rare species and habitats.
			Natural England's Biodiversity Metric provides a way of measuring and accounting for biodiversity losses and gains resulting from development or land management change.	Noted.

			<p>The Biodiversity Metric is intended to work with all terrestrial and intertidal development types. It sits at the heart of the approach to future mandatory biodiversity net gain in England for developments under the Town & Country Planning Act, as set out in the current Environment Bill. It is therefore important that the metric (and the wider pallet of habitats that contribute to Biodiversity net gain) is referred to within the supportive text to Policy S12.</p>	<p>It is noted that the MPA have long promoted biodiversity and environmental net gain through its after-use and development management policies, as well as its mineral site award scheme. Further, given the temporary nature and rural location of many mineral developments, the minerals industry has long been involved in the promotion of long-lasting environmental benefits. An example is the Nature After Minerals partnership programme, led by the RSPB and supported by Natural England, the Mineral Products Association and the British Aggregates Association.</p> <p>The Rationale Report accompanying the Regulation 18 Consultation 2021 highlighted that Mineral Monitoring Indicator 11, which monitors the provision of Priority Biodiversity Action Plan habitat was too restricted in scope to act as a monitoring indicator for natural capital. It was also noted that the monitoring of natural capital was an emerging science and, although the MWPA recognised the merit of including an indicator in the</p>
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				<p>MLP Monitoring Framework, further work was required to be undertaken in this field.</p> <p>Subsequent to the MWPA making this specific request through the Regulation 18 Consultation 2021, the Environment Bill which was driving this revised approach received Royal Assent and became the Environment Act in November 2021. This created a number of mandatory requirements around 'Biodiversity Net Gain' including the use of a metric which will supply quantifiable data relating to development-led net gains in biodiversity which can be monitored and reported.</p> <p>The Act requires Local Planning Authority's to report on biodiversity net gain delivery. It is expected that further information on monitoring requirements will be set out in future consultations led by the Department for Environment, Food and Rural Affairs (Defra) and secondary legislation.</p> <p>It is recognised that this emerging legislation as it applies to the</p>
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				<p>proposed monitoring regime does not accommodate the wider concept of natural capital. As such it is also recognised that an indicator assessing biodiversity net gain would not amount to a monitoring indicator quantifying natural capital gain.</p> <p>However, the MWPA does not have the resources to create, unilaterally or in partnership, a robust, monitorable indicator to capture natural capital gain. This is particularly the case where there is the potential for metrics to be created nationally in an event. Through the Rationale Report 2021, it was also recognised that as part of this Review, it may not be possible to establish a definitive indicator. Under such an eventuality, it was then proposed that consideration will be given to creating an indicator that monitors whether applications themselves explicitly promote natural capital growth/ environmental net gain through their proposals. Future revisions to the MLP can then reassess the practicality of a more definitive indicator.</p>
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				<p>As such, at this stage it is considered appropriate that the Monitoring Framework of the MLP is amended to include the national requirement to monitor biodiversity net gain through the application of the current Government supported metric, or any successor, and adopt the emerging approach as this is finalised ahead of the adoption of the MLP.</p> <p>The MWPA will however positively respond to any emerging guidance and legislation relating to a wider natural capital monitoring indicator as and when such guidance emerges at the national level and consider implementing this through subsequent plan reviews or via a Supplementary Planning Document if considered appropriate.</p>
Resident (850344129)		Agree (but wish to clarify)	The Rationale Report highlights that the policy should also be amended to seek 'net biodiversity gain' rather than 'biodiversity gain' to recognise that biodiversity net gain is to be made mandatory for new developments through the Environment Bill 2019. Therefore,	Although the MWPA recognise this comment, they do not agree that "the habitats that contribute to the delivery of "biodiversity net gain" will supersede those set out within the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016".

			<p>the habitats that contribute to the delivery of “biodiversity net gain” will supersede those set out within the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016.</p>	<p>Biodiversity Net Gain is a relative concept measurement of what was on a site prior to extraction versus what is on the site post restoration. Priority habitats are set out in the SPG and are therefore capable of contributing to Biodiversity Net Gain as well as their primary goal of supporting rare species and habitats.</p>
			<p>Natural England’s Biodiversity Metric provides a way of measuring and accounting for biodiversity losses and gains resulting from development or land management change.</p>	<p>Noted.</p>
			<p>The Biodiversity Metric is intended to work with all terrestrial and intertidal development types. It sits at the heart of the approach to future mandatory biodiversity net gain in England for developments under the Town & Country Planning Act, as set out in the current Environment Bill. It is therefore important that the metric (and the wider pallet of habitats that contribute to Biodiversity net gain) is referred to within the supportive text to Policy S12.</p>	<p>It is noted that the MPA have long promoted biodiversity and environmental net gain through its after-use and development management policies, as well as its mineral site award scheme. Further, given the temporary nature and rural location of many mineral developments, the minerals industry has long been involved in the promotion of long-lasting environmental benefits. An example is the Nature After Minerals partnership programme, led by the RSPB and supported by Natural England, the Mineral Products</p>

				<p>Association and the British Aggregates Association.</p> <p>The Rationale Report accompanying the Regulation 18 Consultation 2021 highlighted that Mineral Monitoring Indicator 11, which monitors the provision of Priority Biodiversity Action Plan habitat was too restricted in scope to act as a monitoring indicator for natural capital. It was also noted that the monitoring of natural capital was an emerging science and, although the MWPA recognised the merit of including an indicator in the MLP Monitoring Framework, further work was required to be undertaken in this field.</p> <p>Subsequent to the MWPA making this specific request through the Regulation 18 Consultation 2021, the Environment Bill which was driving this revised approach received Royal Assent and became the Environment Act in November 2021. This created a number of mandatory requirements around 'Biodiversity Net Gain' including the use of a metric which will supply quantifiable data relating to</p>
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				<p>development-led net gains in biodiversity which can be monitored and reported.</p> <p>The Act requires Local Planning Authority's to report on biodiversity net gain delivery. It is expected that further information on monitoring requirements will be set out in future consultations led by the Department for Environment, Food and Rural Affairs (Defra) and secondary legislation.</p> <p>It is recognised that this emerging legislation as it applies to the proposed monitoring regime does not accommodate the wider concept of natural capital. As such it is also recognised that an indicator assessing biodiversity net gain would not amount to a monitoring indicator quantifying natural capital gain.</p> <p>However, the MWPA does not have the resources to create, unilaterally or in partnership, a robust, monitorable indicator to capture natural capital gain. This is particularly the case where there is the potential for metrics to be</p>
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				<p>created nationally in an event. Through the Rationale Report 2021, it was also recognised that as part of this Review, it may not be possible to establish a definitive indicator. Under such an eventuality, it was then proposed that consideration will be given to creating an indicator that monitors whether applications themselves explicitly promote natural capital growth/ environmental net gain through their proposals. Future revisions to the MLP can then reassess the practicality of a more definitive indicator.</p> <p>As such, at this stage it is considered appropriate that the Monitoring Framework of the MLP is amended to include the national requirement to monitor biodiversity net gain through the application of the current Government supported metric, or any successor, and adopt the emerging approach as this is finalised ahead of the adoption of the MLP.</p> <p>The MWPA will however positively respond to any emerging guidance</p>
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				and legislation relating to a wider natural capital monitoring indicator as and when such guidance emerges at the national level and consider implementing this through subsequent plan reviews or via a Supplementary Planning Document if considered appropriate.
GeoEssex (538324742)		Agree (but wish to clarify)	<p>Policy S12 Mineral Site Restoration and After-Use with positive benefits to the environment, biodiversity – add geodiversity – and/or local communities.</p> <p>Add statement in box ‘Provide net Geodiversity knowledge gain’.</p>	Paragraph 3.189 (3.205) states that “Opportunities for habitat creation will be considered, to promote biodiversity and geodiversity, but regard still will be had for the local landscape.”. Therefore, it is not considered necessary to update the policy wording as the supporting text to each policy is just as imperative as the policy wording itself. The policy supporting text and policy are to be read as a whole and therefore, this would create duplication throughout the plan.
Coggeshall Residents Against the Quarry (449012745)		Agree (but wish to clarify)	The significant rewording and additions, with a consequent strengthening of this policy, is welcomed. In particular, the need for restoration schemes to reflect local objectives for growing natural capital together with green and blue infrastructure strategies is an important improvement. As well as	Noted.

			recognising the potential positive benefits for the environment and biodiversity, the impact on local communities in relation to the distinctiveness of the landscape, setting of heritage assets etc cannot be underestimated. In this respect, the inclusion of a substantial new section on health and wellbeing (Para 3.222 of the Amended Plan onwards) addresses key issues that were overlooked in the adopted MLP and provide a more rounded and robust strategic framework for future decisions.	
Coggeshall Parish Council (598729813)	Coggeshall parish council	Disagree (please clarify)	It is only natural that extraction is temporary and land has to be restored. How this is restored is critical and has to be carefully done and completed in phases as this avoids any permanent damage as enhancement is the aim. This is very true but does it really happen. Before a quarry how beautiful was the area? Most people wouldn't know or remember what it was like.	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.
			for this section of the Plan below: 3.209 Should a proposal be for an after-use, which would interfere/conflict with a restoration/aftercare condition attached to a mineral/landfill permission, then two applications may need to be made. One to the District/Borough/City Council for the use proposed and the other to the County Council for the amendment/variation to the approved aftercare scheme. The County and District/Borough/City Council should consult each other to ensure co-ordination of the respective decisions. THIS IS A REAL PROBLEM – they provide inadequate security for residents.	The MPA consults the District/Borough/City Councils on all planning applications and takes comments received into consideration in the determination of the application. District/Borough/City Councils are required by Policy S8 to consult the MPA on planning applications affecting mineral sites.
			ECC must agree and uphold the use agreed at planning stage and not dilute conditions for the final restoration / use. ECC and BDC cannot be pitched against each other by well-funded lobby groups i.e. Gent Fairhead etc	Following the cessation of mineral working, extraction sites must be restored in conformity with their planning permission, including all conditions applied.
			Introduce target species and habitat	It is noted that the MPA have long promoted biodiversity and environmental net gain through its after-use and development

				<p>management policies, as well as its mineral site award scheme. Further, given the temporary nature and rural location of many mineral developments, the minerals industry has long been involved in the promotion of long-lasting environmental benefits. An example is the Nature After Minerals partnership programme, led by the RSPB and supported by Natural England, the Mineral Products Association and the British Aggregates Association.</p> <p>The Rationale Report accompanying the Regulation 18 Consultation 2021 highlighted that Mineral Monitoring Indicator 11, which monitors the provision of Priority Biodiversity Action Plan habitat was too restricted in scope to act as a monitoring indicator for natural capital. It was also noted that the monitoring of natural capital was an emerging science and, although the MWPA recognised the merit of including an indicator in the MLP Monitoring Framework, further work was required to be undertaken in this field.</p>
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				<p>Subsequent to the MWPA making this specific request through the Regulation 18 Consultation 2021, the Environment Bill which was driving this revised approach received Royal Assent and became the Environment Act in November 2021. This created a number of mandatory requirements around 'Biodiversity Net Gain' including the use of a metric which will supply quantifiable data relating to development-led net gains in biodiversity which can be monitored and reported.</p> <p>The Act requires Local Planning Authority's to report on biodiversity net gain delivery. It is expected that further information on monitoring requirements will be set out in future consultations led by the Department for Environment, Food and Rural Affairs (Defra) and secondary legislation.</p> <p>It is recognised that this emerging legislation as it applies to the proposed monitoring regime does not accommodate the wider concept of natural capital. As such it is also recognised that an</p>
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				<p>indicator assessing biodiversity net gain would not amount to a monitoring indicator quantifying natural capital gain.</p> <p>However, the MWPA does not have the resources to create, unilaterally or in partnership, a robust, monitorable indicator to capture natural capital gain. This is particularly the case where there is the potential for metrics to be created nationally in an event. Through the Rationale Report 2021, it was also recognised that as part of this Review, it may not be possible to establish a definitive indicator. Under such an eventuality, it was then proposed that consideration will be given to creating an indicator that monitors whether applications themselves explicitly promote natural capital growth/ environmental net gain through their proposals. Future revisions to the MLP can then reassess the practicality of a more definitive indicator.</p> <p>As such, at this stage it is considered appropriate that the Monitoring Framework of the MLP</p>
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				<p>is amendment to include the national requirement to monitor biodiversity net gain through the application of the current Government supported metric, or any successor, and adopt the emerging approach as this is finalised ahead of the adoption of the MLP.</p> <p>The MWPA will however positively respond to any emerging guidance and legislation relating to a wider natural capital monitoring indicator as and when such guidance emerges at the national level and consider implementing this through subsequent plan reviews or via a Supplementary Planning Document if considered appropriate.</p>
			<p>Restoration and after-use – residents need the confidence that when the trucks stop the restoration will be of high quality and in line with the original planning permission, Too many times ECC has allowed original restoration and after-use to be changed to the detriment of residents that have put up with so much. E.g. Rivenhall Incinerator.</p>	<p>(Comment moved from Policy S3, question 1) Policy S12 ensures ‘mineral site restoration and after use’ which requires proposals for minerals development to demonstrate “that the land is capable of being restored at the earliest opportunity to an acceptable environmental condition <u>to support Local Plan objectives and/or other</u> beneficial after-uses, with positive benefits to the</p>

				environment, biodiversity and/ or local communities.”. The specific site mentioned, Rivenhall, does overlap with past areas of mineral working. The Rivenhall IWMF was granted permission following a call in Public Inquiry in 2009 and the site is now allocated for Waste Management in the Waste Local Plan (WLP) adopted in 2017. The WLP was subject to full public consultation and an Examination in Public.
Kelvedon & Feering Heritage Society (677892382)		No comment		N/A
Thurrock Borough Council (97704900)	Thurrock borough Council	No comment	No additional comment.	Noted.
Strutt & Parker (891506607)	G&B Finch	No comment		N/A
Danbury Parish Council (280262551)		Not Answered	Danbury Parish Council is concerned that whilst the removal of the policy preference for restoration to agricultural land could result in greater flexibility for uses beneficial to residents (for example outdoor recreational facilities) and/or the natural environment (increasing biodiversity), sites may be regarded as brownfield and developed for	Following the cessation of mineral working, extraction sites must be restored in conformity with their planning permission.

			housing or industrial purposes. The Council is concerned how this would impact on sites already being quarried and whether the restoration agreed/implied by policy at the time of planning consent would be honoured.	
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ORGANISATION	ON BEHALF OF	POLICY S12	POLICY S12	ECC RESPONSE
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:	
Runwell Parish Council (631132323)	Runwell Parish Council	Agree	N/a	N/A
W H Collier Limited (769297167/ 942768790)		Agree		N/A
Epping Forest District Council (465807458)		Agree	EFDC also welcomes that the Plan acknowledges that great importance is attached to the wood-pasture of Epping Forest and that the Green	Noted.

			Belt covers most of Epping. In regard to the latter the emphasis of paragraph 3.237 is seen as important, namely that mineral development though not necessarily prohibited by being located in the Green Belt would need to be assessed in line with paragraph 150 of the NPPF and that 'the whole of the proposal (including after-use) shall comply with national policy'.	
Thurrock Borough Council (97704900)	Thurrock borough Council	Agree	No additional comment.	Noted.
David L Walker Ltd (559449615)	Brice Aggregates	Agree (but wish to clarify)	Policy S12 has been amended to allow for the ability to import restoration materials, which is wholly supported by BAL and recognises the sustainability benefits that such an approach can bring to the restoration of mineral workings, ensuring they are coherent with pre-extraction landforms and able to provide a range of after uses and biodiversity rather than open water and heavily undulating ground that can be formed from quarried voids without importation.	Noted.
			It is agreed that policy S12 needs to relate to new development proposals and extensions to mineral operations, however they should not	Policies S12 contains strong planning principles which all development should seek to accord with. Considerations will be

			<p>necessarily relate to ancillary development normally consented through permitted development provisions nor should they apply to applications for non-compliance with planning conditions.</p>	<p>proportionate to the nature of the development that is being applied for.</p> <p>Applications for non-compliance with planning conditions will be assessed under the development framework as appropriate, on a case-by-case basis.</p>
			<p>The policy should be supportive of revised restoration plans to existing operational sites, where importation can provide more sustainable outcomes to already consented restoration schemes, that may no longer be relevant to more recent policy drivers.</p>	<p>Following the cessation of mineral working, extraction sites must be restored in conformity with their planning permission. The MPA would consider applications for a revised restoration scheme which would be considered on its individual merits in accordance the with Development Plan.</p>
<p>Suffolk County Council (549043477)</p>		<p>Agree (but wish to clarify)</p>	<p>I would recommend that it is explicitly stated that waste which has no other form of re-use or recycling further up the waste hierarchy is considered acceptable in the restoration of minerals voids. e.g. inert soils (not including bricks etc.)</p>	<p>Policy S12 criteria 3 will be amended as follows, "<u><i>Be infilled with imported materials (which have no other form of re-use or recycling further up the waste hierarchy) only at a scale necessary to achieve a beneficial restoration that outweighs any harm caused.</i></u>"</p>
<p>Feering Parish Council (671847412)</p>	<p>Feering Parish Council</p>	<p>Agree (but wish to clarify)</p>	<p>The policy points are all about benefits to the environment, habitats, biodiversity, etc. Despite the pre-amble words about outdoor recreation, public access,</p>	<p>Policy DM1 states "Proposals for minerals development will be permitted subject to it being demonstrated that the development would not have an unacceptable</p>

			<p>PROWs and cycleways, the Policy does not contain any requirements to enhance outdoor recreation public access for all in keeping with the Equality Act. This MUST be included - COVID has shown the huge benefits that outdoor recreation / walking the footpaths and brings. Outdoor recreation / public access is included & supported by other ECC-Policies such as the Green Infrastructure Strategy.</p> <p>Where the minerals site is not Best & Most Versatile Agricultural Land, and where it is reasonably near population centres / public transport routes (e.g. Stanway, Colemans Farm) consideration should be given to creating new Country Parks with car parking & other family friendly & disabled friendly features.</p>	<p>impact, including cumulative impact with other developments, upon: Public Open Space, the definitive Public Rights of Way network and outdoor recreation facilities". The supporting text to Policy S12 contains a section on 'Outdoor Recreation' and recreational benefits are mentioned under the 'Health and Wellbeing' and 'Landscape enhancement' sections. Policy S12 states "<u>Restoration schemes shall reflect strategies across Essex, including Local Plan objectives for growing natural capital and green and blue infrastructure Strategies where relevant.</u>", this includes documents such as the Green Infrastructure Strategy. However, it is noted that Policy S12 does not explicitly mention any requirements to enhance outdoor recreation public access for all in keeping with the Equality Act. Therefore, Policy S12 will be updated as follows, "5. Where appropriate, proposals shall demonstrate the best available techniques to ensure that: <u>k) community benefits are delivered, including new or improved corridors or linkages for open space, natural</u></p>
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				<u>areas, biodiversity and Public Rights of Way, as well as new or improved opportunities for outdoor recreation.”.</u>
Essex Bridleways Association (65984435)		Agree (but wish to clarify)	Outdoor Recreation – paragraph 3.219: we note the acknowledgement of the need to enhance public access; however, this paragraph falls far short of that which is covered within the adopted Waste Local Plan (this currently mentions only walking and cycling) where paragraph 9.33 of that document requires that <i>‘Restoration schemes should, in the first instance, be seen as an opportunity to enhance and upgrade PROW where possible, especially with regard to the provision of bridleways as multi-user paths as part of any permission granted’</i> It is important that both major Plan documents adopted by ECC are consistent in their requirements and aspirations, and which concord with other adopted Plans such as the Essex Green Infrastructure Strategy and the Rights of Way Improvement Plan. We therefore ask that the requirement to incorporate enhanced public access for ALL recreational users – walkers, cyclists	Paragraph 3.219 (3.201) will be amended as follows, “Improved public access to the natural environment can be provided by creating enhanced access as well as new leisure and amenity areas. This may include the creation of new green spaces (such as parks, green corridors or green wedges and woodlands), improvements to the strategic rights of way network, increased public access through the provision of footpaths and cycleways, and other outdoor recreation uses; <u>especially with regard to the provision of bridleways as multi-user paths as part of any permission granted.</u> ” to ensure that the MLP and WLP are aligned. It is noted that Policy S12 does not explicitly mention any requirements to enhance outdoor recreation public access for all in keeping with the Equality Act. Therefore, Policy S12 will be updated as follows, “5. Where appropriate, proposals shall

			<p>and horse riders – is conditioned to the permission of any restoration scheme. This should ideally be on a definitive basis – ie forming part of the definitive public rights of way network – or if this is not practical then a permissive basis will still deliver substantial community benefits. A good example of a restoration scheme which complies with this requirement is at Sandon Quarry, Chelmsford, where following inert infill the restoration scheme comprises permissive circular routes for walkers, cyclists and horse riders.</p>	<p>demonstrate the best available techniques to ensure that: <u><i>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.</i></u>”.</p>
			<p>Paragraph 3.225 covers health and wellbeing, and the requirement to provide such benefits to all recreational user groups – walkers, cyclists and equestrians – should be embedded here also.</p>	<p>The fourth bullet point under paragraph 3.225 will be amended as follows, “<u><i>encouraging active travel, particularly cycling, and walking and horse riding.</i></u>”</p>
			<p>Similarly, paragraph 3.235 covers green and blue infrastructure and should also cover the requirement to achieve access for all recreational user groups, including horse riders.</p>	<p>This is considered to be covered by the following, “<u><i>ensuring that public spaces are sufficiently well designed to promote active and healthy lifestyles</i></u>”. “Public access” is not limited to one user group, this includes all user groups.</p>

			<p>Policy S12 – Mineral Site Restoration and After-Use: the previous points made here relate to the reasoned justification for this Policy, and it follows that the Policy should be amended to cover these points. Currently, the Policy does not contain any requirements to enhance public access at all; this is unacceptable given the huge benefits that outdoor recreation bring, (more so recently) and that which is supported by other ECC-adopted Policy Documents such as the Green Infrastructure Strategy and the Rights of Way Improvement Plan. It is also important for two similar documents – the Waste Local Plan and the Minerals Local Plan – to be consistent in their restoration requirements.</p> <p>We therefore suggest an additional point be added to this Policy thus: <i>‘Restoration schemes shall incorporate enhanced public access which covers ALL recreational users – walkers, cyclists and horse riders – in order to give something back to the local community once the scheme has been completed...’</i></p>	<p>Policy DM1 states “Proposals for minerals development will be permitted subject to it being demonstrated that the development would not have an unacceptable impact, including cumulative impact with other developments, upon: Public Open Space, the definitive Public Rights of Way network and outdoor recreation facilities”. The supporting text to Policy S12 contains a section on ‘Outdoor Recreation’ and recreational benefits are mentioned under the ‘Health and Wellbeing’ and ‘Landscape enhancement’ sections. Policy S12 states <u>“Restoration schemes shall reflect strategies across Essex, including Local Plan objectives for growing natural capital and green and blue infrastructure Strategies where relevant.”</u>, this includes documents such as the Green Infrastructure Strategy. However, it is noted that Policy S12 does not explicitly mention any requirements to enhance outdoor recreation/public access for all in keeping with the Equality Act. Therefore, Policy S12 will be updated as follows, “5. Where appropriate, proposals shall</p>
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				<p>demonstrate the best available techniques to ensure that: <u><i>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.</i></u></p> <p>Paragraph 3.219 will also be amended as follows, “Improved public access to the natural environment can be provided by creating enhanced access as well as new leisure and amenity areas. This may include the creation of new green spaces (such as parks, green corridors or green wedges and woodlands), improvements to the strategic rights of way network, increased public access through the provision of footpaths and cycleways, and other outdoor recreation uses; <u><i>especially with regard to the provision of bridleways as multi-user paths as part of any permission granted.</i></u>” to ensure that the MLP and WLP are aligned.</p>
			<p>We trust these comments will be taken into account when the</p>	<p>Noted.</p>

			document is finally reviewed and amended. We would appreciate an acknowledgement of safe receipt of this response.	
Blackwater Aggregates (623162177)		Agree (but wish to clarify)	<p>Restoration and After-use of Mineral Extraction Sites, Background:</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 working agricultural landscape.</p> <p>Therefore it is proposed that an amendment is made to the insertion within paragraph 3.199:</p> <p>Delete: ... and increase the potential for its enjoyment.</p> <p>Add: ... by restoring agricultural uses.</p>	The MWPA do not consider it appropriate to amend paragraph 3.199 (3.183) to state “by restoring agricultural uses”. Implementing this proposed wording change would imply that restoration and after-use is restricted for agricultural uses. The PPG states that “Where working is proposed on the best and most versatile agricultural land the outline strategy should show, where practicable, how the methods used in the restoration and aftercare enable the land to retain its longer-term capability, though the proposed after-use need not always be for agriculture.”.

			<p>Para 3.199: It is therefore important that recognition is given to the opportunities that minerals development may present, particularly through site restoration and after-use, to enhance and extend the natural environment <u>by restoring agricultural uses.</u></p>	
			<p>Restoration and After-use of Mineral Extraction Sites, Restoration:</p> <p>The contribution that former quarries, landfills and previously developed land across Essex has made to the local environment is demonstrated by the sites that are classified as Nature Reserves, Local Wildlife Sites or Site of Special Scientific Interest.</p> <p>Therefore it is proposed that an amendment is made to the insertion within paragraph 3.205:</p> <p>Delete: Restoration proposals for sites situated within an IRZ for Habitats Sites should avoid using putrescible waste, or be able to demonstrate that the use of such waste for infilling will not result in adverse effects on the integrity of</p>	<p>The following text was added to clarify where putrescible waste would need to be avoided, as requested through the emerging Habitats Regulations Assessment (HRA). <u>“Restoration proposals for sites situated within an IRZ for Habitats Sites should avoid using putrescible waste, or be able to demonstrate that the use of such waste for infilling will not result in adverse effects on the integrity of any Habitats Sites alone or in combination, through a project-level HRA. This is to avoid Adverse Effect on Integrity (AEOI) on those Habitats Sites, such as by preventing the encouragement of predation on protected species by gulls and crows. Proposals for land raising with waste will only be permitted where in accordance with the Policies of the Waste Local</u></p>

			<p>any Habitats Sites alone or in combination, through a project-level HRA. This is to avoid Adverse Effect on Integrity (AEOI) on those Habitats Sites, such as by preventing the encouragement of predation on protected species by gulls and crows. Proposals for land raising with waste will only be permitted where in accordance with the Policies of the Waste Local Plan</p> <p>Replace with: Proposals for landfilling and land raising with waste will only be permitted where in accordance with the Policies of the Waste Local Plan</p>	<p><u>Plan.</u>". Therefore, the following text is not proposed for removal.</p> <p>Paragraph 3.205 states "<u>The final restoration level of sites will now generally be decided on a case-by-case basis but must be sympathetic to the surrounding landscape. Infilling shall only be at a scale considered necessary to achieve beneficial restoration. This will allow the MPA to consider the relative benefits that would be realised through a specified degree of importation.</u>". Therefore, it is not considered appropriate to include "Proposals for landfilling and land raising with waste will only be permitted where in accordance with the Policies of the Waste Local Plan" as this is considered to be detailed in paragraph 3.205.</p>
			<p>Restoration and After-use of Mineral Extraction Sites, Biodiversity Enhancement and Habitat Creation:</p> <p>Natural England's Biodiversity Metric provides a way of measuring and accounting for biodiversity losses and gains resulting from development or land management change.</p>	<p>Noted.</p>

			<p>The Biodiversity Metric is intended to work with all terrestrial and intertidal development types. It sits at the heart of the approach to future mandatory biodiversity net gain in England for developments under the Town & Country Planning Act, as set out in the current Environment Bill. It is therefore important that the metric (and the wider pallet of habitats that contribute to Biodiversity net gain) is referred to within the supportive text to Policy S12.</p> <p>The proposals relating to the objective of a net gain in biodiversity should be in line with English Nature’s Biodiversity Metric and recognise that other habitats contribute to the creating a biodiverse environment across Preferred Sites, and will also be supportive of Climate Change initiatives, such as the creation of broadleaf woodland areas.</p> <p>Therefore it is proposed that an amendment is made to paragraph 3.205 by adding the following:</p> <p>However, aligned to the objective of</p>	<p>It is noted that the MPA have long promoted biodiversity and environmental net gain through its after-use and development management policies, as well as its mineral site award scheme. Further, given the temporary nature and rural location of many mineral developments, the minerals industry has long been involved in the promotion of long-lasting environmental benefits. An example is the Nature After Minerals partnership programme, led by the RSPB and supported by Natural England, the Mineral Products Association and the British Aggregates Association.</p> <p>The Rationale Report accompanying the Regulation 18 Consultation 2021 highlighted that Mineral Monitoring Indicator 11, which monitors the provision of Priority Biodiversity Action Plan habitat was too restricted in scope to act as a monitoring indicator for natural capital. It was also noted that the monitoring of natural capital was an emerging science and, although the MWPA recognised the merit of including an</p>
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			<p>a net gain in biodiversity from the restoration of the Preferred Sites other biodiverse habitats can be delivered to support and/or supplements the target of crating 200 ha of biodiverse habitats.</p> <p>The Rationale Report highlights that the policy should also be amended to seek 'net biodiversity gain' rather than 'biodiversity gain' to recognise that biodiversity net gain is to be made mandatory for new developments through the Environment Bill 2019. Therefore, the habitats that contribute to the delivery of "biodiversity net gain" will supersede those set out within the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016.</p> <p>Therefore it is proposed that an amendment is made to paragraph 3.205 to delete the following inserted text:</p> <p>... as within the Mineral Site Restoration for Biodiversity SPG (2016)</p> <p>In addition the inserted text within</p>	<p>indicator in the MLP Monitoring Framework, further work was required to be undertaken in this field.</p> <p>Subsequent to the MWPA making this specific request through the Regulation 18 Consultation 2021, the Environment Bill which was driving this revised approach received Royal Assent and became the Environment Act in November 2021. This created a number of mandatory requirements around 'Biodiversity Net Gain' including the use of a metric which will supply quantifiable data relating to development-led net gains in biodiversity which can be monitored and reported.</p> <p>The Act requires Local Planning Authority's to report on biodiversity net gain delivery. It is expected that further information on monitoring requirements will be set out in future consultations led by the Department for Environment, Food and Rural Affairs (Defra) and secondary legislation.</p> <p>It is recognised that this emerging</p>
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			<p>paragraph 3.218 should either be deleted or amended to reflect 'net biodiversity gain' rather than 'biodiversity gain':</p> <p>Either delete: Further details in relation to priority habitat provision, and how the policies should be interpreted or applied in practice, can be found in the Mineral Site Restoration for Biodiversity SPG (2016).</p> <p>Or amend to state: Further details in relation to priority habitat provision, and how the policies should be interpreted or applied in practice, can be found in the Mineral Site Restoration for Biodiversity SPG (2016), as may be amended through consultation with the Preferred Sites and key stakeholders to support interconnected proposals to deliver 'net biodiversity gain' .</p>	<p>legislation as it applies to the proposed monitoring regime does not accommodate the wider concept of natural capital. As such it is also recognised that an indicator assessing biodiversity net gain would not amount to a monitoring indicator quantifying natural capital gain.</p> <p>However, the MWPA does not have the resources to create, unilaterally or in partnership, a robust, monitorable indicator to capture natural capital gain. This is particularly the case where there is the potential for metrics to be created nationally in an event. Through the Rationale Report 2021, it was also recognised that as part of this Review, it may not be possible to establish a definitive indicator. Under such an eventuality, it was then proposed that consideration will be given to creating an indicator that monitors whether applications themselves explicitly promote natural capital growth/ environmental net gain through their proposals. Future revisions to the MLP can then reassess the practicality of a more</p>
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				<p>definitive indicator.</p> <p>As such, at this stage it is considered appropriate that the Monitoring Framework of the MLP is amended to include the national requirement to monitor biodiversity net gain through the application of the current Government supported metric, or any successor, and adopt the emerging approach as this is finalised ahead of the adoption of the MLP.</p> <p>The MWPA will however positively respond to any emerging guidance and legislation relating to a wider natural capital monitoring indicator as and when such guidance emerges at the national level and consider implementing this through subsequent plan reviews or via a Supplementary Planning Document if considered appropriate.</p>
			<p>Restoration and After-use of Mineral Extraction Sites, Health and Wellbeing:</p> <p>As previously noted: on completion of mineral operations, sites are restored to provide a number of</p>	<p>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</p>

			<p>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>Preferred Sites seek to maintain and enhance public access during development and following restoration.</p> <p>The restoration of Preferred Sites should be sympathetic to the existing site setting and site uses, whereby restoration to agriculture should be recognised as an overarching sustainable objective alongside environmental enhancement measures that promote biodiversity net gain.</p>	<p>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.</p>
			<p>Restoration and After-use of Mineral Extraction Sites, Health and Wellbeing:</p>	<p>Policy S12 seeks to ensure that following the cessation of the use of land for mineral development, the site is restored and</p>

			<p>As previously noted: 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>Preferred Sites seek to maintain and enhance public access during development and following restoration.</p> <p>The restoration of Preferred Sites should be sympathetic to the existing site setting and site uses, whereby restoration to agriculture should be recognised as an overarching sustainable objective alongside environmental enhancement measures that promote biodiversity net gain.</p>	<p>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.</p>
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			<p>In addition to identifying quarries as sites suitable for creating improved public access, they should also be considered and promoted as sites for alternative uses such as renewable energy, or reserved for potential residential development and/or other development opportunities dependent upon their location and setting.</p> <p>Therefore it is proposed that an amendment is made to paragraph 3.231 to add the following:</p> <p>... and long term sustainable development proposals.</p>	<p>Paragraph 3.231 will be amended as follows, "<u>The Plan has a role to play in ensuring that extraction sites, once they come to the end of operation, are positively planned and restored to deliver long term sustainable development, multifunctional social, economic and environmental benefits in order to positively contribute to health and wellbeing.</u>".</p>
<p>Bretts (203253168)</p>		<p>Agree (but wish to clarify)</p>	<p>Para. 189 of the NPPF state: 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using</p>	<p>1.1 Criteria 5h of Policy S12 will be clarified as follows, "Where appropriate, proposals shall demonstrate the best available techniques to ensure that: <u>Any loss of, or harm to, the significance of a heritage asset (from development within its setting, or from its destruction or alteration) has been addressed, in a manner proportionate to its</u></p>

			<p>appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'</p> <p>Part 5 h) of Policy S12 should therefore recognise the level of detail required for planning applications, as being proportionate to the assets' importance and be reworded accordingly.</p>	<p><u>importance and the development's impact."</u></p> <p>1.2 It is considered that this proposed amendment acts to better make a distinction between the significance of the heritage asset and how that subsequently relates to the proportionality of evidence required to demonstrate and justify any impact.</p> <p>1.3 Whilst it is noted that the NPPF provides greater detail with regards to degrees of harm and how this needs to be taken into account with regard to the significance of the heritage asset, there is no requirement for a local plan to repeat sections of the NPPF. It will therefore be the relevant iteration of the NPPF that informs how the degree of harm upon the heritage asset should be justified based on the significance of the heritage asset.</p>
CEMEX		Agree (but	Restoration and After-use of Mineral	The MWPA do not consider it

(982058282)		wish to clarify)	<p>Extraction Sites, Background:</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 working agricultural landscape.</p> <p>Therefore it is proposed that an amendment is made to the insertion within paragraph 3.199:</p> <p>Delete: ... and increase the potential for its enjoyment.</p> <p>Add: ... by restoring agricultural uses.</p> <p>Para 3.199: It is therefore important that recognition is given to the opportunities that minerals development may present,</p>	<p>appropriate to amend paragraph 3.199 to state “by restoring agricultural uses”. Implementing this proposed wording change would imply that restoration and after-use is restricted for agricultural uses. The PPG states that “Where working is proposed on the best and most versatile agricultural land the outline strategy should show, where practicable, how the methods used in the restoration and aftercare enable the land to retain its longer-term capability, though the proposed after-use need not always be for agriculture.”.</p>
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			<p>particularly through site restoration and after-use, to enhance and extend the natural environment by restoring agricultural uses.</p>	
			<p>Restoration and After-use of Mineral Extraction Sites, Restoration:</p> <p>The contribution that former quarries, landfills and previously developed land across Essex has made to the local environment is demonstrated by the sites that are classified as Nature Reserves, Local Wildlife Sites or Site of Special Scientific Interest.</p> <p>Therefore it is proposed that an amendment is made to the insertion within paragraph 3.205:</p> <p>Delete: Restoration proposals for sites situated within an IRZ for Habitats Sites should avoid using putrescible waste, or be able to demonstrate that the use of such waste for infilling will not result in adverse effects on the integrity of any Habitats Sites alone or in combination, through a project-level HRA. This is to avoid Adverse Effect on Integrity (AEOI) on those Habitats Sites, such as by preventing the encouragement of predation on</p>	<p>The following text was added to clarify where putrescible waste would need to be avoided, as requested through the emerging Habitats Regulations Assessment (HRA). <u>“Restoration proposals for sites situated within an IRZ for Habitats Sites should avoid using putrescible waste, or be able to demonstrate that the use of such waste for infilling will not result in adverse effects on the integrity of any Habitats Sites alone or in combination, through a project-level HRA. This is to avoid Adverse Effect on Integrity (AEOI) on those Habitats Sites, such as by preventing the encouragement of predation on protected species by gulls and crows. Proposals for land raising with waste will only be permitted where in accordance with the Policies of the Waste Local Plan.”</u>. Therefore, the following text is not proposed for removal.</p> <p>Paragraph 3.205 states <u>“The final restoration level of sites will now</u></p>

			<p>protected species by gulls and crows. Proposals for land raising with waste will only be permitted where in accordance with the Policies of the Waste Local Plan</p> <p>Replace with: Proposals for landfilling and land raising with waste will only be permitted where in accordance with the Policies of the Waste Local Plan.</p>	<p><u>generally be decided on a case-by-case basis but must be sympathetic to the surrounding landscape. Infilling shall only be at a scale considered necessary to achieve beneficial restoration. This will allow the MPA to consider the relative benefits that would be realised through a specified degree of importation.</u>". Therefore, it is not considered appropriate to include "Proposals for landfilling and land raising with waste will only be permitted where in accordance with the Policies of the Waste Local Plan" as this is considered to be detailed in paragraph 3.205.</p>
			<p>Restoration and After-use of Mineral Extraction Sites, Biodiversity Enhancement and Habitat Creation:</p> <p>Natural England's Biodiversity Metric provides a way of measuring and accounting for biodiversity losses and gains resulting from development or land management change.</p>	<p>Noted.</p>
			<p>The Biodiversity Metric is intended to work with all terrestrial and intertidal development types. It sits at the heart of the approach to future mandatory biodiversity net gain in</p>	<p>It is noted that the MPA have long promoted biodiversity and environmental net gain through its after-use and development management policies, as well as its</p>

			<p>England for developments under the Town & Country Planning Act, as set out in the current Environment Bill. It is therefore important that the metric (and the wider pallet of habitats that contribute to Biodiversity net gain) is referred to within the supportive text to Policy S12.</p> <p>The proposals relating to the objective of a net gain in biodiversity should be in line with English Nature’s Biodiversity Metric and recognise that other habitats contribute to the creating a biodiverse environment across Preferred Sites, and will also be supportive of Climate Change initiatives, such as the creation of broadleaf woodland areas.</p> <p>Therefore it is proposed that an amendment is made to paragraph 3.205 by adding the following:</p> <p>However, aligned to the objective of a net gain in biodiversity from the restoration of the Preferred Sites other biodiverse habitats can be delivered to support and/or supplements the target of crating</p>	<p>mineral site award scheme. Further, given the temporary nature and rural location of many mineral developments, the minerals industry has long been involved in the promotion of long-lasting environmental benefits. An example is the Nature After Minerals partnership programme, led by the RSPB and supported by Natural England, the Mineral Products Association and the British Aggregates Association.</p> <p>The Rationale Report accompanying the Regulation 18 Consultation 2021 highlighted that Mineral Monitoring Indicator 11, which monitors the provision of Priority Biodiversity Action Plan habitat was too restricted in scope to act as a monitoring indicator for natural capital. It was also noted that the monitoring of natural capital was an emerging science and, although the MWPA recognised the merit of including an indicator in the MLP Monitoring Framework, further work was required to be undertaken in this field.</p>
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			<p>200 ha of biodiverse habitats.</p> <p>The Rationale Report highlights that the policy should also be amended to seek 'net biodiversity gain' rather than 'biodiversity gain' to recognise that biodiversity net gain is to be made mandatory for new developments through the Environment Bill 2019. Therefore, the habitats that contribute to the delivery of "biodiversity net gain" will supersede those set out within the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016.</p> <p>Therefore it is proposed that an amendment is made to paragraph 3.205 to delete the following inserted text: ... as within the Mineral Site Restoration for Biodiversity SPG (2016)</p> <p>In addition the inserted text within paragraph 3.218 should either be deleted or amended to reflect 'net biodiversity gain' rather than 'biodiversity gain':</p> <p>Either delete: Further details in</p>	<p>Subsequent to the MWPA making this specific request through the Regulation 18 Consultation 2021, the Environment Bill which was driving this revised approach received Royal Assent and became the Environment Act in November 2021. This created a number of mandatory requirements around 'Biodiversity Net Gain' including the use of a metric which will supply quantifiable data relating to development-led net gains in biodiversity which can be monitored and reported.</p> <p>The Act requires Local Planning Authority's to report on biodiversity net gain delivery. It is expected that further information on monitoring requirements will be set out in future consultations led by the Department for Environment, Food and Rural Affairs (Defra) and secondary legislation.</p> <p>It is recognised that this emerging legislation as it applies to the proposed monitoring regime does not accommodate the wider concept of natural capital. As such it is also recognised that an</p>
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			<p>relation to priority habitat provision, and how the policies should be interpreted or applied in practice, can be found in the Mineral Site Restoration for Biodiversity SPG (2016).</p> <p>Or amend to state: Further details in relation to priority habitat provision, and how the policies should be interpreted or applied in practice, can be found in the Mineral Site Restoration for Biodiversity SPG (2016), as may be amended through consultation with the Preferred Sites and key stakeholders to support interconnected proposals to deliver 'net biodiversity gain'.</p>	<p>indicator assessing biodiversity net gain would not amount to a monitoring indicator quantifying natural capital gain.</p> <p>However, the MWPA does not have the resources to create, unilaterally or in partnership, a robust, monitorable indicator to capture natural capital gain. This is particularly the case where there is the potential for metrics to be created nationally in an event. Through the Rationale Report 2021, it was also recognised that as part of this Review, it may not be possible to establish a definitive indicator. Under such an eventuality, it was then proposed that consideration will be given to creating an indicator that monitors whether applications themselves explicitly promote natural capital growth/ environmental net gain through their proposals. Future revisions to the MLP can then reassess the practicality of a more definitive indicator.</p> <p>As such, at this stage it is considered appropriate that the Monitoring Framework of the MLP</p>
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				<p>is amendment to include the national requirement to monitor biodiversity net gain through the application of the current Government supported metric, or any successor, and adopt the emerging approach as this is finalised ahead of the adoption of the MLP.</p> <p>The MWPA will however positively respond to any emerging guidance and legislation relating to a wider natural capital monitoring indicator as and when such guidance emerges at the national level and consider implementing this through subsequent plan reviews or via a Supplementary Planning Document if considered appropriate.</p>
			<p>Restoration and After-use of Mineral Extraction Sites, Health and Wellbeing:</p> <p>As previously noted: 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</p>	<p>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</p>

			<p>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>Preferred Sites seek to maintain and enhance public access during development and following restoration.</p> <p>The restoration of Preferred Sites should be sympathetic to the existing site setting and site uses, whereby restoration to agriculture should be recognised as an overarching sustainable objective alongside environmental enhancement measures that promote biodiversity net gain.</p>	<p>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.</p>
			<p>In addition to identifying quarries as sites suitable for creating improved public access, they should also be considered and promoted as sites for alternative uses such as renewable energy, or reserved for potential residential development and/or other development opportunities dependent upon their</p>	<p>Paragraph 3.231 will be amended as follows, "<u><i>The Plan has a role to play in ensuring that extraction sites, once they come to the end of operation, are positively planned and restored to deliver long term sustainable development, multifunctional social, economic and environmental benefits in order</i></u></p>

			<p>location and setting.</p> <p>Therefore it is proposed that an amendment is made to paragraph 3.231 to add the following:</p> <p>... and long term sustainable development proposals.</p>	<p><u>to positively contribute to health and wellbeing.”</u></p>
Environment Agency (59731032)		Agree (but wish to clarify)	<p>We have inspected the document and agree with the proposed changes detailed in the document. We have included comments in regards to ecology below, which you should consider incorporating into the plan.</p>	Noted.
			<p>We feel the Essex Minerals Plan has a lot of very good policies in relation to ecology. Biodiversity gets a good number of mentions in the plan although some subsequent planning applications for restoration schemes often appear to be revised to give less biodiversity and priority habitats than originally discussed. Public access is also mentioned in the plan but we feel we have seen few schemes where any significant new public access is encouraged which rather points towards a failure in delivery of these aspirations.</p>	Following the cessation of mineral working, extraction sites must be restored in conformity with their planning permission, including all conditions applied. Schemes are not revised once agreed/granted.
			<p>Could we suggest that the applicant needs to be specific about the</p>	Following the cessation of mineral working, extraction sites must be

			<p>relative merits of each scheme and give a commitment to delivery of these worthwhile targets. We understand that time and other external factors change and so revisions of schemes may be necessary or desirable but measurable numeric commitments to new areas of new priority habitat and public access should be commitments that are binding and can be evaluated for Biodiversity Net Gain,</p>	<p>restored in conformity with their planning permission, including all conditions applied and the spatial distribution. Therefore, the numerical commitments to whatever is proposed to be delivered. As stated in paragraph 3.217 of the MLP, “where sites have been explicitly detailed as being intended to be restored to priority habitat, this commitment will remain, but other opportunities may be more appropriate for other sites.”.</p>
			<p>In North Essex there is a recognised dearth of country parks (Uttlesford District Local Plan) and popular sites like Hatfield Forest are under huge recreational pressure. The National Trust is requesting that local authorities and others develop new country parks and destinations to ease pressure and encourage people to enjoy the wider environment. In Essex, old mineral sites are probably the biggest opportunity for such exciting new developments which can be sympathetically designed in the remodelled countryside and would also present valuable farm</p>	<p>The MWPA are proposing biodiversity net gain and natural capital growth through proposed amendments to Policy S12. It must be taken into consideration that this is, to a certain degree, reliant on schemes coming forward. The MWPA does not have the ability to dictate specific restoration schemes. The final restoration of each site will be decided on a case-by-case basis and consulted upon as part of a planning application. The MLP has a role to facilitate delivery of such assets, however, the landowner is responsible for the final restoration, subject to</p>

			<p>diversification opportunities in the future. Easily combined with new priority habitat areas they would appear to be waiting to be a strategic win-win which would benefit wildlife and provide multiple benefits to people too.</p>	<p>conformity with the development plan. After use will factor into the overall viability of the scheme.</p>
			<p>Given that mineral workings will have resulted in a considerable carbon footprint it seems fitting to restore to a more sustainable land-use than intensive arable agriculture. Understandably in an emergency land could be restored to that if needed. There is always emphasis on restoring to agriculture in order to justify conservation of high grade soils. However developing many important habitats in the meantime shouldn't compromise the long term conservation of soils for future agriculture in these habitats. The soils would still remain in situ as a land-bank should land-use change be required later.</p>	<p>Policy S12 criteria 5a states "Where appropriate, proposals shall demonstrate the best available techniques to ensure that: a) Soil resources are retained, conserved and handled appropriately during operations and restoration. In addition to this paragraph 5.23 (5.36) in the supporting text of Policy DM1 states "Whilst temporary landscape works such as bunds or earth mounds will affect the appearance of an area, they are usually essential to reduce local visual and noise impacts or allow valuable soils to be stockpiled for future use.".</p>
<p>Gent Fairhead Aggregates (871678397)</p>		<p>Agree (but wish to clarify)</p>	<p>Restoration and After-use of Mineral Extraction Sites, Background:</p> <p>On completion of mineral operations, sites are restored to provide a number of environmental enhancements associated with the</p>	<p>The MWPA do not consider it appropriate to amend paragraph 3.199 to state "by restoring agricultural uses". Implementing this proposed wording change would imply that restoration and after-use is restricted for</p>

		<p>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 3.199:</p> <p>Delete: ... and increase the potential for its enjoyment.</p> <p>Add: ... by restoring agricultural uses.</p> <p>Para 3.199: It is therefore important that recognition is given to the opportunities that minerals development may present, particularly through site restoration and after-use, to enhance and extend the natural environment by restoring agricultural uses.</p>	<p>agricultural uses. The PPG states that “Where working is proposed on the best and most versatile agricultural land the outline strategy should show, where practicable, how the methods used in the restoration and aftercare enable the land to retain its longer-term capability, though the proposed after-use need not always be for agriculture.”.</p>
		<p>Restoration and After-use of Mineral Extraction Sites, Restoration:</p>	<p>The following text was added to clarify where putrescible waste</p>

			<p>The contribution that former quarries, landfills and previously developed land across Essex has made to the local environment is demonstrated by the sites that are classified as Nature Reserves, Local Wildlife Sites or Site of Special Scientific Interest.</p> <p>Therefore it is proposed that an amendment is made to the insertion within paragraph 3.205: Delete: Restoration proposals for sites situated within an IRZ for Habitats Sites should avoid using putrescible waste, or be able to demonstrate that the use of such waste for infilling will not result in adverse effects on the integrity of any Habitats Sites alone or in combination, through a project-level HRA. This is to avoid Adverse Effect on Integrity (AEOI) on those Habitats Sites, such as by preventing the encouragement of predation on protected species by gulls and crows. Proposals for land raising with waste will only be permitted where in accordance with the Policies of the Waste Local Plan</p>	<p>would need to be avoided, as requested through the emerging Habitats Regulations Assessment (HRA). <u>“Restoration proposals for sites situated within an IRZ for Habitats Sites should avoid using putrescible waste, or be able to demonstrate that the use of such waste for infilling will not result in adverse effects on the integrity of any Habitats Sites alone or in combination, through a project-level HRA. This is to avoid Adverse Effect on Integrity (AEOI) on those Habitats Sites, such as by preventing the encouragement of predation on protected species by gulls and crows. Proposals for land raising with waste will only be permitted where in accordance with the Policies of the Waste Local Plan.”</u>. Therefore, the following text is not proposed for removal.</p> <p>Paragraph 3.205 states <u>“The final restoration level of sites will now generally be decided on a case-by-case basis but must be sympathetic to the surrounding landscape. Infilling shall only be at a scale considered necessary to achieve beneficial restoration. This</u></p>
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			<p>Replace with: Proposals for landfilling and land raising with waste will only be permitted where in accordance with the Policies of the Waste Local Plan</p>	<p><i>will allow the MPA to consider the <u>relative benefits that would be realised through a specified degree of importation.</u></i>. Therefore, it is not considered appropriate to include “Proposals for landfilling and land raising with waste will only be permitted where in accordance with the Policies of the Waste Local Plan” as this is considered to be detailed in paragraph 3.205.</p>
			<p>Restoration and After-use of Mineral Extraction Sites, Biodiversity Enhancement and Habitat Creation:</p> <p>Natural England’s Biodiversity Metric provides a way of measuring and accounting for biodiversity losses and gains resulting from development or land management change.</p>	<p>Noted.</p>
			<p>The Biodiversity Metric is intended to work with all terrestrial and intertidal development types. It sits at the heart of the approach to future mandatory biodiversity net gain in England for developments under the Town & Country Planning Act, as set out in the current Environment Bill. It is therefore important that the metric (and the wider pallet of habitats that contribute to</p>	<p>It is noted that the MPA have long promoted biodiversity and environmental net gain through its after-use and development management policies, as well as its mineral site award scheme. Further, given the temporary nature and rural location of many mineral developments, the minerals industry has long been involved in the promotion of long-lasting</p>

		<p>Biodiversity net gain) is referred to within the supportive text to Policy S12.</p> <p>The proposals relating to the objective of a net gain in biodiversity should be in line with English Nature's Biodiversity Metric and recognise that other habitats contribute to the creating a biodiverse environment across Preferred Sites, and will also be supportive of Climate Change initiatives, such as the creation of broadleaf woodland areas.</p> <p>Therefore it is proposed that an amendment is made to paragraph 3.205 by adding the following:</p> <p>However, aligned to the objective of a net gain in biodiversity from the restoration of the Preferred Sites other biodiverse habitats can be delivered to support and/or supplements the target of crating 200 ha of biodiverse habitats.</p> <p>The Rationale Report highlights that the policy should also be amended to seek 'net biodiversity gain' rather than 'biodiversity gain' to recognise</p>	<p>environmental benefits. An example is the Nature After Minerals partnership programme, led by the RSPB and supported by Natural England, the Mineral Products Association and the British Aggregates Association.</p> <p>The Rationale Report accompanying the Regulation 18 Consultation 2021 highlighted that Mineral Monitoring Indicator 11, which monitors the provision of Priority Biodiversity Action Plan habitat was too restricted in scope to act as a monitoring indicator for natural capital. It was also noted that the monitoring of natural capital was an emerging science and, although the MWPA recognised the merit of including an indicator in the MLP Monitoring Framework, further work was required to be undertaken in this field.</p> <p>Subsequent to the MWPA making this specific request through the Regulation 18 Consultation 2021, the Environment Bill which was driving this revised approach received Royal Assent and became</p>
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			<p>that biodiversity net gain is to be made mandatory for new developments through the Environment Bill 2019. Therefore, the habitats that contribute to the delivery of “biodiversity net gain” will supersede those set out within the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016.</p> <p>Therefore it is proposed that an amendment is made to paragraph 3.205 to delete the following inserted text: ... as within the Mineral Site Restoration for Biodiversity SPG (2016)</p> <p>In addition the inserted text within paragraph 3.218 should either be deleted or amended to reflect ‘net biodiversity gain’ rather than ‘biodiversity gain’:</p> <p>Either delete: Further details in relation to priority habitat provision, and how the policies should be interpreted or applied in practice, can be found in the Mineral Site Restoration for Biodiversity SPG (2016).</p>	<p>the Environment Act in November 2021. This created a number of mandatory requirements around ‘Biodiversity Net Gain’ including the use of a metric which will supply quantifiable data relating to development-led net gains in biodiversity which can be monitored and reported.</p> <p>The Act requires Local Planning Authority’s to report on biodiversity net gain delivery. It is expected that further information on monitoring requirements will be set out in future consultations led by the Department for Environment, Food and Rural Affairs (Defra) and secondary legislation.</p> <p>It is recognised that this emerging legislation as it applies to the proposed monitoring regime does not accommodate the wider concept of natural capital. As such it is also recognised that an indicator assessing biodiversity net gain would not amount to a monitoring indicator quantifying natural capital gain.</p> <p>However, the MWPA does not</p>
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			<p>Or amend to state: Further details in relation to priority habitat provision, and how the policies should be interpreted or applied in practice, can be found in the Mineral Site Restoration for Biodiversity SPG (2016), as may be amended through consultation with the Preferred Sites and key stakeholders to support interconnected proposals to deliver 'net biodiversity gain' .</p>	<p>have the resources to create, unilaterally or in partnership, a robust, monitorable indicator to capture natural capital gain. This is particularly the case where there is the potential for metrics to be created nationally in an event. Through the Rationale Report 2021, it was also recognised that as part of this Review, it may not be possible to establish a definitive indicator. Under such an eventuality, it was then proposed that consideration will be given to creating an indicator that monitors whether applications themselves explicitly promote natural capital growth/ environmental net gain through their proposals. Future revisions to the MLP can then reassess the practicality of a more definitive indicator.</p> <p>As such, at this stage it is considered appropriate that the Monitoring Framework of the MLP is amended to include the national requirement to monitor biodiversity net gain through the application of the current Government supported metric, or any successor, and adopt the</p>
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				<p>emerging approach as this is finalised ahead of the adoption of the MLP.</p> <p>The MWPA will however positively respond to any emerging guidance and legislation relating to a wider natural capital monitoring indicator as and when such guidance emerges at the national level and consider implementing this through subsequent plan reviews or via a Supplementary Planning Document if considered appropriate.</p>
			<p>Restoration and After-use of Mineral Extraction Sites, Health and Wellbeing:</p> <p>As previously noted: 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</p>	<p>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.</p>

			<p>within a restored working agricultural landscape.</p> <p>Preferred Sites seek to maintain and enhance public access during development and following restoration.</p> <p>The restoration of Preferred Sites should be sympathetic to the existing site setting and site uses, whereby restoration to agriculture should be recognised as an overarching sustainable objective alongside environmental enhancement measures that promote biodiversity net gain.</p>	
			<p>In addition to identifying quarries as sites suitable for creating improved public access, they should also be considered and promoted as sites for alternative uses such as renewable energy, or reserved for potential residential development and/or other development opportunities dependent upon their location and setting.</p> <p>Therefore it is proposed that an amendment is made to paragraph 3.231 to add the following:</p>	<p>Paragraph 3.231 will be amended as follows, "<u><i>The Plan has a role to play in ensuring that extraction sites, once they come to the end of operation, are positively planned and restored to deliver long term sustainable development, multifunctional social, economic and environmental benefits in order to positively contribute to health and wellbeing.</i></u>"</p>

			... and long term sustainable development proposals.	
Resident (850344129)		Agree (but wish to clarify)	<p>Restoration and After-use of Mineral Extraction Sites, Background:</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 working agricultural landscape.</p> <p>Therefore it is proposed that an amendment is made to the insertion within paragraph 3.199:</p> <p>Delete: ... and increase the potential for its enjoyment.</p> <p>Add: ... by restoring agricultural uses.</p> <p>Para 3.199: It is therefore important</p>	<p>The MWPA do not consider it appropriate to amend paragraph 3.199 to state “by restoring agricultural uses”. Implementing this proposed wording change would imply that restoration and after-use is restricted for agricultural uses. The PPG states that “Where working is proposed on the best and most versatile agricultural land the outline strategy should show, where practicable, how the methods used in the restoration and aftercare enable the land to retain its longer-term capability, though the proposed after-use need not always be for agriculture.”.</p>

			<p>that recognition is given to the opportunities that minerals development may present, particularly through site restoration and after-use, to enhance and extend the natural environment by restoring agricultural uses.</p>	
			<p>Restoration and After-use of Mineral Extraction Sites, Restoration:</p> <p>The contribution that former quarries, landfills and previously developed land across Essex has made to the local environment is demonstrated by the sites that are classified as Nature Reserves, Local Wildlife Sites or Site of Special Scientific Interest.</p> <p>Therefore it is proposed that an amendment is made to the insertion within paragraph 3.205: Delete: Restoration proposals for sites situated within an IRZ for Habitats Sites should avoid using putrescible waste, or be able to demonstrate that the use of such waste for infilling will not result in adverse effects on the integrity of any Habitats Sites alone or in combination, through a project-level HRA. This is to avoid Adverse Effect</p>	<p>The following text was added to clarify where putrescible waste would need to be avoided, as requested through the emerging Habitats Regulations Assessment (HRA). <u>“Restoration proposals for sites situated within an IRZ for Habitats Sites should avoid using putrescible waste, or be able to demonstrate that the use of such waste for infilling will not result in adverse effects on the integrity of any Habitats Sites alone or in combination, through a project-level HRA. This is to avoid Adverse Effect on Integrity (AEOI) on those Habitats Sites, such as by preventing the encouragement of predation on protected species by gulls and crows. Proposals for land raising with waste will only be permitted where in accordance with the Policies of the Waste Local Plan.”</u> Therefore, the following text is not proposed for removal.</p>

			<p>on Integrity (AEOI) on those Habitats Sites, such as by preventing the encouragement of predation on protected species by gulls and crows. Proposals for land raising with waste will only be permitted where in accordance with the Policies of the Waste Local Plan</p> <p>Replace with: Proposals for landfilling and land raising with waste will only be permitted where in accordance with the Policies of the Waste Local Plan</p>	<p>Paragraph 3.205 states “<u>The final restoration level of sites will now generally be decided on a case-by-case basis but must be sympathetic to the surrounding landscape. Infilling shall only be at a scale considered necessary to achieve beneficial restoration. This will allow the MPA to consider the relative benefits that would be realised through a specified degree of importation.</u>”. Therefore, it is not considered appropriate to include “Proposals for landfilling and land raising with waste will only be permitted where in accordance with the Policies of the Waste Local Plan” as this is considered to be detailed in paragraph 3.205.</p>
			<p>Restoration and After-use of Mineral Extraction Sites, Biodiversity Enhancement and Habitat Creation:</p> <p>Natural England’s Biodiversity Metric provides a way of measuring and accounting for biodiversity losses and gains resulting from development or land management change.</p>	<p>Noted.</p>
			<p>The Biodiversity Metric is intended to work with all terrestrial and intertidal</p>	<p>It is noted that the MPA have long promoted biodiversity and</p>

			<p>development types. It sits at the heart of the approach to future mandatory biodiversity net gain in England for developments under the Town & Country Planning Act, as set out in the current Environment Bill. It is therefore important that the metric (and the wider pallet of habitats that contribute to Biodiversity net gain) is referred to within the supportive text to Policy S12.</p> <p>The proposals relating to the objective of a net gain in biodiversity should be in line with English Nature’s Biodiversity Metric and recognise that other habitats contribute to the creating a biodiverse environment across Preferred Sites, and will also be supportive of Climate Change initiatives, such as the creation of broadleaf woodland areas.</p> <p>Therefore it is proposed that an amendment is made to paragraph 3.205 by adding the following:</p> <p>However, aligned to the objective of a net gain in biodiversity from the restoration of the Preferred Sites</p>	<p>environmental net gain through its after-use and development management policies, as well as its mineral site award scheme. Further, given the temporary nature and rural location of many mineral developments, the minerals industry has long been involved in the promotion of long-lasting environmental benefits. An example is the Nature After Minerals partnership programme, led by the RSPB and supported by Natural England, the Mineral Products Association and the British Aggregates Association.</p> <p>The Rationale Report accompanying the Regulation 18 Consultation 2021 highlighted that Mineral Monitoring Indicator 11, which monitors the provision of Priority Biodiversity Action Plan habitat was too restricted in scope to act as a monitoring indicator for natural capital. It was also noted that the monitoring of natural capital was an emerging science and, although the MWPA recognised the merit of including an indicator in the MLP Monitoring Framework, further work was</p>
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			<p>other biodiverse habitats can be delivered to support and/or supplements the target of crating 200 ha of biodiverse habitats. The Rationale Report highlights that the policy should also be amended to seek 'net biodiversity gain' rather than 'biodiversity gain' to recognise that biodiversity net gain is to be made mandatory for new developments through the Environment Bill 2019. Therefore, the habitats that contribute to the delivery of "biodiversity net gain" will supersede those set out within the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016.</p> <p>Therefore it is proposed that an amendment is made to paragraph 3.205 to delete the following inserted text: ... as within the Mineral Site Restoration for Biodiversity SPG (2016)</p> <p>In addition the inserted text within paragraph 3.218 should either be deleted or amended to reflect 'net biodiversity gain' rather than 'biodiversity gain':</p>	<p>required to be undertaken in this field.</p> <p>Subsequent to the MWPA making this specific request through the Regulation 18 Consultation 2021, the Environment Bill which was driving this revised approach received Royal Assent and became the Environment Act in November 2021. This created a number of mandatory requirements around 'Biodiversity Net Gain' including the use of a metric which will supply quantifiable data relating to development-led net gains in biodiversity which can be monitored and reported.</p> <p>The Act requires Local Planning Authority's to report on biodiversity net gain delivery. It is expected that further information on monitoring requirements will be set out in future consultations led by the Department for Environment, Food and Rural Affairs (Defra) and secondary legislation.</p> <p>It is recognised that this emerging legislation as it applies to the proposed monitoring regime does</p>
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			<p>Either delete: Further details in relation to priority habitat provision, and how the policies should be interpreted or applied in practice, can be found in the Mineral Site Restoration for Biodiversity SPG (2016).</p> <p>Or amend to state: Further details in relation to priority habitat provision, and how the policies should be interpreted or applied in practice, can be found in the Mineral Site Restoration for Biodiversity SPG (2016), as may be amended through consultation with the Preferred Sites and key stakeholders to support interconnected proposals to deliver 'net biodiversity gain' .</p>	<p>not accommodate the wider concept of natural capital. As such it is also recognised that an indicator assessing biodiversity net gain would not amount to a monitoring indicator quantifying natural capital gain.</p> <p>However, the MWPA does not have the resources to create, unilaterally or in partnership, a robust, monitorable indicator to capture natural capital gain. This is particularly the case where there is the potential for metrics to be created nationally in an event. Through the Rationale Report 2021, it was also recognised that as part of this Review, it may not be possible to establish a definitive indicator. Under such an eventuality, it was then proposed that consideration will be given to creating an indicator that monitors whether applications themselves explicitly promote natural capital growth/ environmental net gain through their proposals. Future revisions to the MLP can then reassess the practicality of a more definitive indicator.</p>
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				<p>As such, at this stage it is considered appropriate that the Monitoring Framework of the MLP is amended to include the national requirement to monitor biodiversity net gain through the application of the current Government supported metric, or any successor, and adopt the emerging approach as this is finalised ahead of the adoption of the MLP.</p> <p>The MWPA will however positively respond to any emerging guidance and legislation relating to a wider natural capital monitoring indicator as and when such guidance emerges at the national level and consider implementing this through subsequent plan reviews or via a Supplementary Planning Document if considered appropriate.</p>
			<p>Restoration and After-use of Mineral Extraction Sites, Health and Wellbeing:</p> <p>As previously noted: on completion of mineral operations, sites are restored to provide a number of environmental enhancements associated with the creation of</p>	<p>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</p>

			<p>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>Preferred Sites seek to maintain and enhance public access during development and following restoration.</p> <p>The restoration of Preferred Sites should be sympathetic to the existing site setting and site uses, whereby restoration to agriculture should be recognised as an overarching sustainable objective alongside environmental enhancement measures that promote biodiversity net gain.</p>	<p>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.</p>
			<p>In addition to identifying quarries as sites suitable for creating improved public access, they should also be considered and promoted as sites for alternative uses such as renewable energy, or reserved for</p>	<p>Paragraph 3.231 will be amended as follows, "<u><i>The Plan has a role to play in ensuring that extraction sites, once they come to the end of operation, are positively planned and restored to deliver long term</i></u></p>

			<p>potential residential development and/or other development opportunities dependent upon their location and setting.</p> <p>Therefore it is proposed that an amendment is made to paragraph 3.231 to add the following:</p> <p>... and long term sustainable development proposals.</p>	<p><u>sustainable development, multifunctional social, economic and environmental benefits in order to positively contribute to health and wellbeing.</u>"</p>
GeoEssex (538324742)		Agree (but wish to clarify)	<p>5e Important geological features are maintained and preserved – add 'enhanced by study and analysis of the geology exposed'</p>	<p>It is important that geological features are maintained and preserved. Once works begin on a site, this is by way of a commercial operation, and the MWPA has no authority to request such information is recorded as part of the public record as it is commercially sensitive. The MWPA is also unable to grant public access to commercial operations. Whether members of the public would be allowed on site to provide the opportunity to maintain such features would be a business decision made by the operator. Such requests would be required to be made to them.</p>
Natural England (792269846)		Agree (but wish to clarify)	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that</p>	<p>Noted.</p>

			<p>the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>To date, Natural England has provided generic advice in response to consultation on the Minerals Local Plan Review and this advice is still relevant. The Review is largely focused on amendments which take account of changes in national planning policy and guidance since the adoption of the Minerals Plan in 2014. Natural England broadly supports these amendments but would also highlight emerging policy for nature conservation that should be given consideration at this Review stage.</p> <p>The shift in policy concerning the after use and restoration of minerals extraction sites is welcomed by Natural England as the amended policy (S12 – Mineral Site Restoration and After-use) now makes explicit the promotion of multi-functional green and blue infrastructure and natural capital growth. The Plan also identifies the</p>	
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			<p>need for restoration proposals to reflect local priorities in existing or emerging green and blue infrastructure strategies and the recently published Essex Green Infrastructure Strategy is an important evidence base in this respect.</p>	
			<p>I am aware that Essex County Council is leading on the development of an Essex Local Nature Partnership (LNP) and this may form the basis for the development of a Nature Recovery Network (NRN) at the county scale. It would be helpful if a link to the development of a NRN were also referenced within the Review Plan as former extraction sites have clear potential to enhance the County's ecological networks and natural capital. The National Habitats Network that underpins the NRN is available to view at www.magic.defra.gov.uk</p>	<p>The Local Nature Partnership (LNP) is now up and running and has a Local Nature Recovery Working group and Biodiversity Net gain Working Group. ECC are awaiting Local Nature Recovery Strategies (LNRS) guidance from DEFRA, which is not likely to be received until April 2023.</p> <p>It is currently being assessed as to how the priorities set out in the LNP can influence the site assessment methodology for candidate sites as part of the MLP review.</p>
			<p>Natural England also welcomes the specific requirement for the achievement of biodiversity net gain (BNG) in relation to the restoration of mineral extraction sites. These amendments provide greater scope for the achievement of the</p>	<p>It is noted that the MPA have long promoted biodiversity and environmental net gain through its after-use and development management policies, as well as its mineral site award scheme. Further, given the temporary nature</p>

			<p>Government's 25 Year Environment Plan as well as reflecting the likely statutory requirement for the achievement of BNG emerging from the Environment Bill. Nevertheless, given the likely requirement for at least a 10% BNG associated with new development, the policy could be clearer on BNG expectations, particularly if a BNG target is identified in the Essex Green Infrastructure Strategy. Natural England would expect BNG calculations to be based, ideally, on the Biodiversity Metric 3.0.</p>	<p>and rural location of many mineral developments, the minerals industry has long been involved in the promotion of long-lasting environmental benefits. An example is the Nature After Minerals partnership programme, led by the RSPB and supported by Natural England, the Mineral Products Association and the British Aggregates Association.</p> <p>The Rationale Report accompanying the Regulation 18 Consultation 2021 highlighted that Mineral Monitoring Indicator 11, which monitors the provision of Priority Biodiversity Action Plan habitat was too restricted in scope to act as a monitoring indicator for natural capital. It was also noted that the monitoring of natural capital was an emerging science and, although the MWPA recognised the merit of including an indicator in the MLP Monitoring Framework, further work was required to be undertaken in this field.</p> <p>Subsequent to the MWPA making this specific request through the</p>
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				<p>Regulation 18 Consultation 2021, the Environment Bill which was driving this revised approach received Royal Assent and became the Environment Act in November 2021. This created a number of mandatory requirements around 'Biodiversity Net Gain' including the use of a metric which will supply quantifiable data relating to development-led net gains in biodiversity which can be monitored and reported.</p> <p>The Act requires Local Planning Authority's to report on biodiversity net gain delivery. It is expected that further information on monitoring requirements will be set out in future consultations led by the Department for Environment, Food and Rural Affairs (Defra) and secondary legislation.</p> <p>It is recognised that this emerging legislation as it applies to the proposed monitoring regime does not accommodate the wider concept of natural capital. As such it is also recognised that an indicator assessing biodiversity net gain would not amount to a</p>
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				<p>monitoring indicator quantifying natural capital gain.</p> <p>However, the MWPA does not have the resources to create, unilaterally or in partnership, a robust, monitorable indicator to capture natural capital gain. This is particularly the case where there is the potential for metrics to be created nationally in an event. Through the Rationale Report 2021, it was also recognised that as part of this Review, it may not be possible to establish a definitive indicator. Under such an eventuality, it was then proposed that consideration will be given to creating an indicator that monitors whether applications themselves explicitly promote natural capital growth/ environmental net gain through their proposals. Future revisions to the MLP can then reassess the practicality of a more definitive indicator.</p> <p>As such, at this stage it is considered appropriate that the Monitoring Framework of the MLP is amended to include the national requirement to monitor</p>
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				<p>biodiversity net gain through the application of the current Government supported metric, or any successor, and adopt the emerging approach as this is finalised ahead of the adoption of the MLP.</p> <p>The MWPA will however positively respond to any emerging guidance and legislation relating to a wider natural capital monitoring indicator as and when such guidance emerges at the national level and consider implementing this through subsequent plan reviews or via a Supplementary Planning Document if considered appropriate.</p>
			<p>At paragraph 3.75 the Review Plan text states that “any new aggregates recycling site should avoid causing adverse effects on the integrity of internationally or nationally important wildlife sites, either alone or in combination with other plans or projects. This must be demonstrated through a project level HRA which will be required for any new aggregate recycling site which falls within an Impact Risk Zone (IRZ).”</p> <p>This addition reflects the statutory</p>	<p>The MWPA do not consider that it is necessary to update the policy wording as the MLP is to be read as a whole, and therefore, this would create duplication throughout the plan. Policy DM1, which applies to all mineral developments, states that “<u><i>It must be ensured that there will be no adverse effect on the integrity of Habitats Sites either alone or in combination with other plans and projects. This must be demonstrated through a project level Habitat Regulations</i></u>”</p>

			<p>requirements of the Conservation of Habitats and Species Regulations 2017 (in relation to Habitat Sites) but the need to avoid adverse effects on the integrity (AEOI) of Habitat Sites does not appear within the text of the relevant policy (S5 - Creating a Network of Aggregate Recycling Facilities) and it is recommended that this requirement is reproduced within the policy text to ensure conformity with NPPF requirements.</p>	<p><u>Assessment, which will be required for any future proposals requiring a decision under the MLP, which fall within a IRZ.</u>". As such, the issue raised in the representation is addressed through an existing plan policy.</p>
			<p>Moreover, the need to avoid AEOI of Habitat Sites does not apply solely to new aggregates recycling sites; it would apply to all forms of new minerals-related development (mineral extraction; site restoration etc) and this would indicate that the text should be reproduced or cross-referenced in all relevant policies, such as S6 – General Principles for Sand and Gravel Provision, S7 – Provision for Industrial Minerals.</p>	<p>Policy DM1, which applies to all mineral development, sets out a criterion that states that "It must be ensured that there will be no adverse effect on the integrity of Habitats Sites either alone or in combination with other plans and projects. This must be demonstrated through a project level Habitat Regulations Assessment, which will be required for any future proposals requiring a decision under the MLP, which fall within a IRZ.". All development proposals are subject to Policy DM1.</p> <p>To avoid the impression that this requirement relates only relates to aggregate recycling sites which are</p>

				<p>subject to Policy S5, it is proposed to remove “Any new aggregate recycling sites should avoid causing adverse effects on the integrity of internationally or nationally important wildlife sites, either alone or in combination with other plans and projects. This must be demonstrated through a project level Habitat Regulations Assessment, which will be required for any new aggregate recycling sites which fall within a Impact Risk Zone (IRZ).” from the supporting text of Policy S5 and include this in the over-arching Policy DM1.</p> <p>Policy DM1 is therefore proposed to be updated as follows, “<u><i>It must be ensured that there will be no adverse effect on the integrity of Habitats Sites (internationally or nationally important wildlife sites) either alone or in combination with other plans and projects in relation to all minerals development. This must be demonstrated through a project level Habitat Regulations Assessment, which will be required for any future proposals requiring a decision under the MLP, which fall within a IRZ.</i></u>”</p>
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			<p>The existing policies require that such development is “environmentally suitable” (S6) and “environmentally acceptable” (S7) but given the statutory obligation on Competent Authorities to avoid AEOL of Habitat Sites, these terms don’t seem sufficiently robust and may not be entirely consistent with paragraph 177 of the National Planning Policy Framework.</p>	<p>It is proposed that Policy S5 will be updated as follows, “Such proposals shall be permitted in the following preferred locations, provided they do not cause unacceptable highway harm, are environmentally acceptable and <u>when the proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan</u> in accordance with other policies in the Development Plan for Essex.”</p> <p>Policy S7 is also proposed to be amended to reflect this.</p> <p>As MLP Policy DM1 applies to all mineral developments, this ensures that the requirement to avoid AEOL of Habitat Sites is clear.</p> <p>However, this is not considered relevant to Policy S12 as policies S5 and S7 are proposed to be amended accordingly.</p>
			<p>The updated HRA of the Mineral Local Plan Review addresses this issue in the executive summary where it states: “The recommendations to amend or</p>	<p>The supporting text to Policy S12 states that “<u>Restoration proposals for sites situated within an IRZ for Habitats Sites should avoid using putrescible waste, or be able to</u></p>

			<p>add text to (the above) policies do not exclude the need for project-level HRA but enables a conclusion of no adverse effects on integrity at the Plan level, because the identified risks to Habitats Sites have been removed at a strategic level. Project level HRA provides a means of checking for any further risks unforeseen at the Plan level, and for developing project-specific mitigation measures in greater detail within a project-level Appropriate Assessment.”</p> <p>However, in the interests of clarity and consistency Natural England recommends that suitable wording is added to relevant policies. This wording could follow the amended wording in 5 (i) of amended Policy S12 which states:</p> <p>‘Adverse effects on the integrity of internationally or nationally important wildlife sites are avoided, either alone or in combination with other plans and projects.’</p> <p>Alternatively, the wording could follow the proposed new text for amended policy DM1 –</p>	<p><u>demonstrate that the use of such waste for infilling will not result in adverse effects on the integrity of any Habitats Sites alone or in combination, through a project-level HRA. This is to avoid Adverse Effect on Integrity (AEOI) on those Habitats Sites, such as by preventing the encouragement of predation on protected species by gulls and crows. Proposals for land raising with waste will only be permitted where in accordance with the Policies of the Waste Local Plan.</u>”. The MWPA do not consider that it is necessary to update the policy wording as the MLP is to be read as a whole, and therefore, this would create duplication throughout the plan. Policy DM1 also states that “<u>It must be ensured that there will be no adverse effect on the integrity of Habitats Sites either alone or in combination with other plans and projects. This must be demonstrated through a project level Habitat Regulations Assessment, which will be required for any future proposals requiring a decision under the MLP, which fall within a IRZ.</u>”. Policy DM1 sets out a criterion that proposals for</p>
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			<p>Development Management Criteria which states:</p> <p>'It must be ensured that there will be no adverse effect on the integrity of Habitats Sites either alone or in combination with other plans and projects. This must be demonstrated through a project level Habitat Regulations Assessment, which will be required for any future proposals requiring a decision under the MLP, which fall within a IRZ. '</p>	<p>minerals development will be subject to, all DM1 is applied to all applications.</p>
<p>Heatons (451589647)</p>	<p>Tarmac</p>	<p>Agree (but wish to clarify)</p>	<p>It is considered that part 5 (h) of Policy S12 requires amending to be in accordance with the NPPF and recognition that significance of impact upon heritage assets has different tests dependent upon the significance of the asset. There is a distinction between designated and non designated assets.</p>	<p>1.4 Criteria 5h of Policy S12 will be clarified as follows, "Where appropriate, proposals shall demonstrate the best available techniques to ensure that:...<u>Any loss of, or harm to, the significance of a heritage asset (from development within its setting, or from its destruction or alteration) has been addressed, in a manner proportionate to its importance and the development's impact.</u>"</p> <p>1.5 It is considered that this proposed amendment acts</p>

				<p>to better make a distinction between the significance of the heritage asset and how that subsequently relates to the proportionality of evidence required to demonstrate and justify any impact.</p> <p>1.6 Whilst it is noted that the NPPF provides greater detail with regards to degrees of harm and how this needs to be taken into account with regard to the significance of the heritage asset, there is no requirement for a local plan to repeat sections of the NPPF. It will therefore be the relevant iteration of the NPPF that informs how the degree of harm upon the heritage asset should be justified based on the significance of the heritage asset.</p>
Essex Local Access Forum (504988967)		Disagree (please clarify)	Whilst there is some mention of public rights of way, the general protection and enhancement of public access and the provision of public open space for informal	Paragraph 3.143 states that after-uses of mineral extraction should “ <u>contribute to an attractive sense place, including: public open space and rights of way</u> ”. Paragraph

			<p>recreation is lacking in the Minerals Plan - it is not specifically mentioned in the policies. Policies must explicitly set out that increased and enhanced public access must be provided in perpetuity at the end of the extraction. Where possible, the increased access within a site should include improved links with the public rights of way network and public open space outside the site. The public access should be permanent and not time limited, although long term permissive access could be a possibility. In general, any mention of "amenity" should be explicitly expanded to include public access (for leisure and recreation). The COVID pandemic has demonstrated how important access to open space is for public health and wellbeing.</p> <p>Public access must be for ALL people in keeping with the Equality Act - so for walkers, cyclists, horse riders and as far as it practicable, for mobility, sensory & mentally impaired people, people with children in buggies, people in wheelchairs / mobility scooters, carriage drivers, socially</p>	<p>3.225 states that "<u>Health and wellbeing from restored sites can be encouraged and improved by: ensuring that public spaces are sufficiently well designed to promote active and healthy lifestyles</u>". Policy DM1 also states that "Proposals for mineral development will be permitted subject to it being demonstrated that the development would not have an unacceptable impact, including cumulative impact with other developments, upon: Public Open Space, the definitive Public Rights of Way network and outdoor recreation facilities". It is not considered necessary to update the policy wording as the policy supporting text and policy are to be read as a whole and therefore, this would create duplication throughout the plan. However, it is noted that Policy S12 does not explicitly mention any requirements to enhance outdoor recreation public access for all in keeping with the Equality Act. Therefore, Policy S12 will be updated as follows, "5. Where appropriate, proposals shall demonstrate the best available techniques to ensure that: <u>k</u>)</p>
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			<p>disadvantaged residents and people dependent on public transport.</p> <p>In keeping with the Equality Act and the British Standard for Gaps, Gates and Stiles, there should be no stiles and no steps. The use of gates, preferably not kissing gates, should be kept to a minimum. The aim is accessible barrier-free routes and public open spaces.</p>	<p><u>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.”.</u></p> <p>The MWPA cannot require access to public land, once works begin on a site, this is by way of a commercial operation, and the MWPA has no authority to request such access. However, it is proposed that paragraph 5.48 (5.35) will be updated as follows, “Minerals development can affect public rights of way, open spaces and informal outdoor recreational land. Public access to such routes and areas may be restricted for health and safety reasons and to prevent criminal damage. Where rights of way are affected, arrangements for their temporary or permanent diversion must be put in place as part of proposals <u>to ensure that PROW remain usable at all times or provide satisfactory alternative routes. Alternative paths and any necessary diversions of existing paths will be required to be</u></p>
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				<p><u>in place prior to the closure of the existing PROW. The closure of a PROW, where no alternative route is provided, will not normally be acceptable.</u> This will apply to definitive routes used by cyclists, horse riders and walkers that either cross or are close to a site. Restoration of mineral workings may provide an opportunity to provide new or enhanced rights of way and outdoor recreational uses. <u>Restoration schemes should, in the first instance, be seen as an opportunity to enhance and upgrade PROW where possible, especially with regard to the provision of Bridleways as multiuser paths as part of any permission granted. In all cases, restoration schemes should provide for access which is at least as good as that existing before workings began.</u>" .</p> <p>An Equality Impact Assessment is carried out on the Plan at each stage of regulation/consultation, so when the plan is adopted, it has an accompanying EqIA. An EqIA ensures that protected groups are not discriminated against.</p>
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			<p>Policy S12 - Mineral Site Restoration and After-Use:</p> <p>The text preceding the policy is positive about community spaces and improvements to outdoor recreation and public rights of ways. However, the actual policy wording does not contain any requirements to enhance outdoor recreation or public access. This MUST be included - COVID has shown the huge benefits that outdoor recreation brings. Outdoor recreation, public access and an improved PROW network is included in & supported by other ECC Policies such as the Rights of Way Improvement Plan and the Green Infrastructure Strategy.</p> <p>Where the minerals site is not Best & Most Versatile Agricultural Land, and where it is reasonably near population centres / public transport routes, consideration should be given to creating new Country Parks with car parking & other family friendly & disabled friendly features.</p> <p>The following additions below (in capitals) regarding public access are</p>	<p>The MWPA cannot require access to public land, once works begin on a site, this is by way of a commercial operation, and the MWPA has no authority to request such access. However, it is proposed that paragraph 5.48 (5.35) will be updated as follows, “Minerals development can affect public rights of way, open spaces and informal outdoor recreational land. Public access to such routes and areas may be restricted for health and safety reasons and to prevent criminal damage. Where rights of way are affected, arrangements for their temporary or permanent diversion must be put in place as part of proposals <u>to ensure that PROW remain usable at all times or provide satisfactory alternative routes. Alternative paths and any necessary diversions of existing paths will be required to be in place prior to the closure of the existing PROW. The closure of a PROW, where no alternative route is provided, will not normally be acceptable.</u> This will apply to definitive routes used by cyclists, horse riders and walkers that either cross or are close to a site.</p>
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			<p>requested by ELAF in the Policies:</p> <p>ADD enhancements to the PROW network and public access for all: Mineral extraction sites shall:</p> <p>6. <i>BE RESTORED TO INCORPORATE ENHANCED PUBLIC ACCESS FOR ALL USERS – WALKERS, CYCLISTS, HORSE RIDERS INCLUDING PEOPLE WITH DISABILITIES IN KEEPING WITH THE EQUALITY ACT. WHERE POSSIBLE THE DEFINITIVE PUBLIC RIGHTS OF WAY NETWORK SHOULD BE ENHANCED BOTH WITHIN THE SITE AND ADJACENT TO THE SITE.</i></p> <p>ADD the potential for Country Park creations: Mineral extraction sites shall:</p> <p>7. <i>BE CONSIDERED FOR THE CREATION OF COUNTRY PARKS ACCESSIBLE FOR ALL WHERE THE LAND IS NOT BEST AND MOST VERSATILE AGRICULTURAL LAND AND WHERE THE SITE IS NEAR A CENTRE OF POPULATION.</i></p>	<p>Restoration of mineral workings may provide an opportunity to provide new or enhanced rights of way and outdoor recreational uses. <u>Restoration schemes should, in the first instance, be seen as an opportunity to enhance and upgrade PROW where possible, especially with regard to the provision of Bridleways as multiuser paths as part of any permission granted. In all cases, restoration schemes should provide for access which is at least as good as that existing before workings began.</u>.</p> <p>Paragraph 3.230 states “<u>Using green assets such as country parks and potential major development opportunities, such as new Garden Communities, to support the health and wellbeing of residents is a new concept for the council, but it is recognised that the opportunities to improve health and wellbeing could be significant.</u>”. Therefore, it is not considered necessary to update the wording of Policy S12 as the MLP is to be read as a whole and therefore, this would create duplication throughout the plan.</p>
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<p>Historic England (1059771550)</p>		<p>Disagree (please clarify)</p>	<p>MINERAL SITE RESTORATION AND AFTER-USE:</p> <p>Inappropriate restoration, aftercare and after-use also have the potential to have major adverse impacts on the setting of heritage assets and may significantly reduce the 'legibility' of the landscape and its historic character.</p>	<p>Noted.</p>
			<p>Policy S12 - Mineral Site Restoration and After-Use sets out the expectations in relation the historic environment and restoration / after-use. This requires that proposals demonstrate that “any loss of, or harm to, the significance of a heritage asset (from development within its setting, or from its destruction or alteration) has a clear and convincing justification”. As drafted this wording is inconsistent with the NPPF which includes a presumption that great weight should be given to a heritage asset’s conservation - this is irrespective of whether any potential harm amounts to harm, total loss or less than substantial harm.</p>	<p>1.7 Criteria 5h of Policy S12 will be clarified as follows, “Where appropriate, proposals shall demonstrate the best available techniques to ensure that:...<u>Any loss of, or harm to, the significance of a heritage asset (from development within its setting, or from its destruction or alteration) has been addressed, in a manner proportionate to its importance and the development’s impact.</u>”</p> <p>1.8 It is considered that this proposed amendment acts to better make a distinction between the significance of the heritage asset and how</p>

				<p>that subsequently relates to the proportionality of evidence required to demonstrate and justify any impact.</p> <p>1.9 Whilst it is noted that the NPPF provides greater detail with regards to degrees of harm and how this needs to be taken into account with regard to the significance of the heritage asset, there is no requirement for a local plan to repeat sections of the NPPF. It will therefore be the relevant iteration of the NPPF that informs how the degree of harm upon the heritage asset should be justified based on the significance of the heritage asset.</p>
			<p>The policy also fails to distinguish between designated and non-designated heritage assets. In cases of substantial harm to or loss of designated heritage assets it has to be necessary to achieve substantial public benefits which outweigh the harm or loss. As drafted S12</p>	<p>1.10 Criteria 5h of Policy S12 will be clarified as follows, "Where appropriate, proposals shall demonstrate the best available techniques to ensure that:...<u>Any loss of, or harm to, the significance</u></p>

			<p>subverts the test in the Framework by having to justify how the harm or loss outweighs the benefits. Please amend the policy to more accurately reflect the tests in the NPPF.</p>	<p><u>of a heritage asset (from development within its setting, or from its destruction or alteration) has been addressed, in a manner proportionate to its importance and the development's impact."</u></p> <p>1.11 It is considered that this proposed amendment acts to better make a distinction between the significance of the heritage asset and how that subsequently relates to the proportionality of evidence required to demonstrate and justify any impact.</p> <p>1.12 Whilst it is noted that the NPPF provides greater detail with regards to degrees of harm and how this needs to be taken into account with regard to the significance of the heritage asset, there is no requirement for a local plan to repeat sections of the NPPF. It will therefore be the relevant iteration of the NPPF that informs how the</p>
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				<p>degree of harm upon the heritage asset should be justified based on the significance of the heritage asset.</p>
			<p>With reference to the overarching principles set out in this section, it is worth emphasising that restoration and after-use is about more than just reducing impacts on the historic environment. It is about using the historic environment and historic landscape characterisation and landscape character assessments to inform restoration and to enhance and plan positively for the historic environment. When planning ahead for restoration, it is important that the setting of heritage assets, the historic character of landscape and the archaeology of the former extraction site itself are given due consideration and we would expect to see more explicit reference to this in policy S12.</p> <p>Landscape characterisation techniques can inform decision-making, enabling restoration to reflect or harmonise with the character of the surrounding landscape. The results of</p>	<p>The supporting text for Policy S12 consists of a 'Heritage' section (paragraph 3.205 (3.233)) which references how site restoration may improve "access to historic sites, enhance the setting of historic features or provide the opportunity to present the results of archaeological investigations to the general public.". The supporting text for Policy DM1 contains a 'Heritage Assets' section, as well as Policy DM1 stating that "Proposals for minerals development will be permitted subject to it being demonstrated that the development would not have an unacceptable impact, including cumulative impact with other developments, upon: The historic environment including heritage and archaeological assets.". Policy S10 also states that "Applications for minerals development shall demonstrate that: <u>appropriate consideration has been given to public health,</u></p>

			<p>archaeological investigation, in advance of and during extraction programmes, can provide evidence of past land use that can help to inform decisions on appropriate future land use. The supporting text for the policy would be strengthened by making an expanded reference to the historic environment and the role that it can have to play in shaping restoration plans.</p>	<p><u>wellbeing and safety, amenity, quality of life of nearby communities, and the natural, built, and historic environment.</u>”. The MWPA consider it is also worth noting that the definition of ‘Environment’ in the MLP Glossary states “<u>This include its Natural, Historic and built characteristics, as well as those aspects of the environment which are man-made.</u>”.</p> <p>Therefore, it is not considered necessary to update the policy wording as the supporting text to each policy is just as imperative as the policy wording itself. The policy supporting text and policy are to be read as a whole and therefore, this would create duplication throughout the plan.</p>
			<p>Recommendation: Amend the policy to more accurately reflect the tests in the NPPF. Amend supporting text and policy to reference the opportunities for the historic environment and landscape character assessment to inform future restoration of sites (much of the text currently relates to ecology).</p>	<p>Addressed through responses provided above.</p>
Coggeshall	Coggeshall	Disagree	Restoring the land to improve on its	Noted.

Parish Council (598729813)	parish council	(please clarify)	previous use is really important.	
			The policy states when the land is stripped the top soil is taken away and saved on one side. This has to be put back last as it's the top soil.	Agreed, criteria 5a of Policy S12 states "Soil resources are retained, conserved and handled appropriately during operations and restoration,".
			Infill must be decided on but the correct material must be used to create the correct habitats, bio diversity and suitability for the local area.	Agreed, criteria 3 of Policy S12 states "Mineral extraction sites shall be infilled with imported materials only at a scale necessary to achieve a beneficial restoration that outweighs any harm caused".
			Site restoration involves the removal of temporary buildings, plant equipment unless they extend the site.	Noted.
			The quarry owners must also consider greenhouse effect so plant carbon absorbing plants.	As per Policy S12, " <u><i>The MPA will promote sustainable development by requiring new development, where relevant, to accord with the following principles:</i></u> Ensuring minerals development makes a contribution towards reducing greenhouse gas emissions, is resilient and can demonstrate adaptation to the impacts of climatic change". Policy S3 also states, "Applications for minerals development (<u><i>including extensions to existing sites</i></u>) shall demonstrate how they have incorporated effective measures to minimise

				<p><i>and/or offset</i> greenhouse gas emissions and to ensure effective adaptation and resilience to future climatic changes, <i>for the lifetime of the development (including restoration and aftercare)</i>, having regard to” and continues to set out a list of criterion.</p>
			<p>Water features can be included and may help with irrigation, biodiversity, flood resilience and storage. It could be open to the public as public lakes, footpaths, country park, woodland a park. All of these ideas are great but does it happen? If you do not see the quarry and what was there before how will you know if it’s an improvement or was it worth it?</p>	<p>Following the cessation of mineral working, extraction sites must be restored in conformity with their planning permission.</p> <p>Restoration schemes have seen 39% of windfall site applications submitted between 1943 and March 2019 associated with the construction or operation of an agricultural irrigation reservoir, and 18% of all windfall site applications submitted between 1943 and March 2019 associated with the construction of a fishery.</p>
			<p>Digging out a quarry may well mean the loss of finding out if there are any historical artefacts archaeological finds.</p>	<p>The supporting text to Policy DM1, paragraph 5.33 (5.46) states that “Applicants preparing proposals for mineral development should refer to Historic Environment and Historic Landscape Character Assessments, Local Plan/ LDF evidence base studies, English</p>

				Heritage records and information held on the Scheduled Ancient Monument Record before submitting an application.”. This therefore ensures that there is not a loss of any historical artefacts and/or archaeological finds.
			Considering the local quarry which had been going for at least 30 years , the public do not know how it is being restored and this is concerning for the other quarry that is under threat	Bradwell Quarry has been the subject of several extensions and has been considered against all relevant policies of the MLP. Each application has included a restoration scheme, to a combination of agriculture, woodland, water and biodiversity. It is acknowledged that restoration across the later extension has been delayed due to overlap with the Rivenhall Integrated Waste Management Facility, but restoration is now ongoing. The operator, Blackwater Aggregates, when making extension applications has held pre-application exhibitions in the locality, seeking to engage the local community. In addition, the MWPA carries out consultation on the planning application in accordance with the County’s Statement of Community Engagement. With respect to transport of minerals

				from this site, the proximity of the facility means that direct use of rail or river transport is not practical.
Mineral Products Association (339717535)		Disagree (please clarify)	<u>Restoration and After-use of Mineral Sites</u>	Paragraph 3.222 will be amended as follows, " <u>However, the health impacts of mineral extraction are not always direct from operational activities, they can be indirect, such as fear of harm, as well as being positive, offering outdoor recreational benefits from beneficial restoration and improving the quality of life and wellbeing for communities.</u> "
			<u>Health and Wellbeing</u>	
			<u>Para 3.222</u>	
			The reference to the <i>indirect and psychological</i> health impacts in respect on mineral workings should be removed as having no evidence basis.	
			<u>Policy 12 – Mineral Site Restoration and After-Use</u>	The MWPA assume that this comment is in relation to criterion 5e of Policy S12. Criteria 5. e) will be updated as follows, " <u>Where practical important geological features are maintained and preserved in a suitable location on the site,</u> ". The MWPA do not consider the word "replicated" appropriate as this implies that the geological feature will be re-created which is not correct. It is considered that the proposed additions above are suitable.
			Part 4e) of the policy needs rewording as follows to make it effective;	
			Proposed Changes (deletions in strikethrough ; new text in bold)	
			<i>Where practical important geological features are maintained and preserved, or replicated in another location on the site,</i>	
			Part 5 h) is not in accordance with Nation Policy (para.189) in that it does recognise the proportionality	1.13 Criteria 5h of Policy S12 will be clarified as follows, "Where appropriate,

			<p>required in respect of an assets importance. Proposed rewording as follows;</p> <p>Proposed Changes (deletions in strikethrough; new text in bold)</p> <p><i><u>Any loss of, or harm to, the significance of a heritage asset (from development within its setting, or from its destruction or alteration) has a clear and convincing justification, taking into account that details supplied for the justification should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance,</u></i></p>	<p>proposals shall demonstrate the best available techniques to ensure that:...<u>Any loss of, or harm to, the significance of a heritage asset (from development within its setting, or from its destruction or alteration) has been addressed, in a manner proportionate to its importance and the development's impact.</u>"</p> <p>1.14 It is considered that this proposed amendment acts to better make a distinction between the significance of the heritage asset and how that subsequently relates to the proportionality of evidence required to demonstrate and justify any impact.</p> <p>1.15 Whilst it is noted that the NPPF provides greater detail with regards to degrees of harm and how this needs to be taken into account with regard to the significance of the heritage asset, there is no</p>
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				<p>requirement for a local plan to repeat sections of the NPPF. It will therefore be the relevant iteration of the NPPF that informs how the degree of harm upon the heritage asset should be justified based on the significance of the heritage asset.</p>
			<p><u>Part 5 i)</u> is not in accordance with national policy as it does distinguish between the hierarchy of international and national sites. The text should be reworded accordingly to make it sound.</p>	<p>Paragraph 175 of the NPPF states that “Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.”</p> <p>This is recognised in the MLP through the site assessment methodology used for suggesting Preferred Site allocations, which sets a preference for mineral</p>

				<p>development to take place on land of lower ecological value, as well as Policy DM1 and Policy S12.</p> <p>Criteria 5i) of Policy S12 will also be updated as follows, “Adverse effects on the integrity of <u>local wildlife habitats, and wider ecological networks, including the hierarchy of international, national and locally designates sites</u> are avoided, <u>either alone or in combination with other plans and projects.</u>”</p>
Strutt & Parker (891506607)	G&B Finch	No comment		N/A
CPRE Essex (665562826)		Not Answered	<p>The significant rewording and additions strengthen this Policy. In particular, the need for restoration schemes to reflect local objectives for growing natural capital together with green and blue infrastructure strategies are very welcomed. As well as recognising the potential positive benefits for the environment and biodiversity, the impact on local communities in relation to the distinctiveness of the landscape and setting of heritage assets is extremely important.</p>	Noted.
			As is the new Health and Wellbeing	Each proposal is subject to a

			<p>section - but there needs to be some clarity given to the means of measuring and monitoring of the potentially adverse impacts of extraction operations on residents' health - otherwise they might just be viewed as box-ticking items.</p>	<p>Health Impact Assessment (HIA) as part of the validation checklist process when the application is considered. An HIA considers the health impacts of proposed development and assesses the impact of a development on existing services and facilities. The HIA can be linked to an environmental statement in which it would then be captured and monitored. However, as a standalone HIA, this would not be monitored as part of the environmental statement. Standalone HIAs are measured when submitted and officers determine whether it is acceptable.</p>
<p>Danbury Parish Council (280262551)</p>		<p>Not Answered</p>	<p>Danbury Parish Council is concerned that whilst the removal of the policy preference for restoration to agricultural land could result in greater flexibility for uses beneficial to residents (for example outdoor recreational facilities) and/or the natural environment (increasing biodiversity), sites may be regarded as brownfield and developed for housing or industrial purposes. The Council is concerned how this would impact on sites already being quarried and whether the restoration</p>	<p>The MWPA have proposed to remove this from the policy to reflect the stance in the PPG and NPPF. The PPG states that "Where working is proposed on the best and most versatile agricultural land the outline strategy should show, where practicable, how the methods used in the restoration and aftercare enable the land to retain its longer-term capability, though the proposed after-use need not always be for agriculture."</p>

			<p>agreed/implied by policy at the time of planning consent would be honoured.</p>	<p>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.</p> <p>Following the cessation of mineral working, extraction sites must be restored in conformity with their planning permission, including all conditions applied.</p>
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