

1 Response Paper – Policy S9

Purpose of Policy S9

- 1.1 The Essex Geology does not allow it to be self-sufficient in all minerals required to facilitate development, so there is a necessary reliance on imported supplies, such as hard rock, to serve the County's needs. Most imported mineral that arrives in Essex comes into the County primarily by rail and sea and the existing mineral infrastructure which makes this importation possible is a vital feature of the County's mineral supply network. These facilities are known collectively as 'mineral transshipment sites' and effectively operate as 'virtual quarries' as they are a base for mineral supply. Transshipment sites within Essex are currently specifically named through Policy S9 and are subject to Mineral Consultation Area (MCA) designations as set out in Policy S8 and Policy S9.
- 1.2 Policy S9 also acts to safeguard Coated Stone Plants. The future growth and development of Essex will require considerable quantities of concrete and asphalt. These products are produced and manufactured at secondary processing facilities across Essex which are fed by the minerals extracted from the ground. These types of facilities include coated stone plant (asphalt) as well as concrete batching plant, mortar plant and bagging plant. Supporting text to Policy S9 sets out that of the different types of secondary processing facilities, only coated stone plants are considered to be of 'strategic' importance and therefore require safeguarding.
- 1.3 There are now five coated roadstone plants in Essex (down from seven at Plan adoption in 2014) and these are of strategic importance due to the limited number serving Essex and the difficulty in finding suitable alternative sites. The reduction is due to the removal of the plant at both Wivenhoe Quarry and Suttons Wharf, and further amendments to supporting text within the Plan will be required to accommodate their removal. These coated stone plants are currently specifically named through Policy S9 and are subject to MCA designations as set out in Policy S8 and Policy S9.

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

- Title change from 'Safeguarding mineral transshipment sites and secondary processing facilities' to 'Safeguarding mineral extraction sites, and other mineral infrastructure'.
- Redraft Policy S9 such that it relates to mineral infrastructure.
- Remove the distinction between what is a strategic facility and instead applying safeguarding provisions to all existing and permitted mineral infrastructure and allocations, to align with the NPPF.
- Introduction of the requirement for non-mineral led applications made within MCA's to be required to include a Minerals Infrastructure Impact Assessment in conformity with the schedule set out in Appendix 5 of the MLP.
- Update planning context and remove detail that dates the Plan in relation to sites and facility types, remove the distinction between

strategic and non-strategic mineral infrastructure, introduce the concept of Minerals Infrastructure Consultation Areas (MICAs) as replacements for MCAs, and provide background information to highlight the importance of safeguarding mineral infrastructure and aid clarity with regards to the operation of the policy, throughout the policies supporting text.

Impact of Revisions to NPPF 2021

- 1.4 Whilst the definition in the NPPF of what constitutes sustainable development has been amended, the revisions to the February 2019 NPPF which resulted in the latest iteration published in July 2021 are not considered to impact on the review of Policy S9.

Summary of Issues Raised through March 2021 Reg 18 Consultation

- The criteria in Policy S9 in which proposals are unlikely to be opposed
- The use of recovered and reconstituted gravel, bulk construction materials, careful recycling and reusing
- Consideration of transport links and sustainable transport
- The establishment of Mineral Infrastructure Consultation Areas (MICAs)
- Application approval process, public consideration and environmental impacts
- Updated definition of Mineral Infrastructure and reference to the Agent of Change Principle in Policy S9
- Questions around the exemption criteria

Addressing Issues Arising Out of March 2021 Reg 18 Consultation

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

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

The criteria in Policy S9 in which proposals are unlikely to be opposed

- 1.1 Through the consultation a response received noted that Mineral permissions are temporary due to the nature of the quarrying and restoration operations that are carried out across a site. However, there are occasions when mineral operations may need to be slowed or mothballed relating to the quality and quantity of mineral available, restrictions relating to the operation of the site, economic downturns, or recession etc. The MWPA notes that the policy should be amended in order to cover such circumstances. Therefore, it is proposed that criteria b and c of Policy S9 will be updated as follows, “b) a temporary permission for the mineral use has expired or will expire by the time of the operation/occupation of the non-mineral development and there is

no potential for mineral use to recommence, or” and “ c) the mineral use has otherwise ceased, there is no potential for mineral use to recommence, and the site is considered unsuitable for a subsequent mineral use, or”.

The use of recovered and reconstituted gravel, bulk construction materials, careful recycling and reusing

A comment received through the Regulation 18 consultation suggested that stone covering sites (roads, pavements etc) may be superseded by technology to substitute minerals with recovered and reconstituted gravel and bulk construction materials that would otherwise be sent to incineration begin to enter the supply chain and reduce the need for minerals extraction. They also questioned that as these surfaces represent strategic importance to ECC, what steps are being taken to develop non-mineral based supplements/alternatives to minerals?

The MWPA does not provide aggregate for a specific use, it is provided to the market. There is a requirement for MWPAs to provide for the need for aggregate as set out in the NPPF. The MWPA does not have the ability to require the use of recycled material or reduce demand by not making provision for primary aggregates. Policy S4 of the Minerals Local Plan (2014) advocates reducing the use of mineral resources through reusing and recycling minerals generated because of development/ redevelopment.

Physically developing alternatives and supplements to aggregates is outside of the remit of a panning authority.

Through the consultation a response received suggested that the MWPA control how much material is extracted over time to ensure they do not over quarry, thus leaving less for the future. This is now dependent on how much recycling continues. This area supplies the rest of the country with the most important resources needed for building and developing and will continue supplying for the foreseeable future. The response questioned whether careful recycling and reusing should be slowing this down.

Policy S4 of the Minerals Local Plan (2014) advocates reducing the use of mineral resources through reusing and recycling minerals generated because of development/ redevelopment. The MWPA does not provide aggregate for a specific use, it is provided to the market. The National Planning Policy Framework (NPPF) requires MWPAs to provide for the need for aggregate, with ‘need’ established through a prescribed methodology. As the MWPA we have no ability to ensure the use of recycled material or reduce demand. The role of the MLP is to set out a range of policies guiding minerals development in the County. Whilst it contains policies that act to facilitate additional aggregate recycling capacity and encourage the sustainable use of minerals, including minimising mineral waste, it cannot require that aggregates are not used in construction.

Consideration of transport links and sustainable transport

It was suggested through the consultation that ahead of safeguarding any site (especially footloose concrete and bagging plants) the MWPA should consider the transport links and assess whether sites are on strategic lorry routes/rail or wharf intersections, and if they are not and they can move to align with strategic lorry

routes than they should. Thus, avoiding the risk of new neighbours sterilising activity. Wholesale safeguarding of all mineral activity is opposed.

Existing mineral infrastructure will be safeguarded for the length of their planning permission, and the land will then continue to be safeguarded, if appropriate, under the provisions of Policy S9 as it is intended to be amended. By virtue of the mineral infrastructure operating, it has already been deemed an acceptable land use by the grant of planning permission. Where mineral infrastructure is associated with mineral extraction, the planning permission for that infrastructure is linked to the working of the extraction site and will likely expire at the same point in time as the associated mineral extraction permission.

Policy S5 states that new applications for mineral infrastructure will be supported where (inter-alia) they are 'located on the main road network' in proximity to growth areas.

Further, Policy S11 states that "Planning applications for new minerals development proposals or proposals that generate traffic impact and/or an increase in traffic movements, shall be accompanied by a Transport Assessment or Transport Statement". Therefore, the most proposed route will be assessed for any impacts on a case-by-case basis in accordance with the route hierarchy (as set out in the Highways Development Management Policies (February 2011)).

Through the consultation it was raised that Sustainable transport nodes are used for mineral movement in Coggeshall. The A12, A120 and Marks Tey rail depot. The movement of quarried material by HGVs is ruining the roads around Bradwell and Coggeshall and the congestion on the roads is anything but environmentally aware and protected including dust, noise, congestion of vehicle movement, these can cause major health problems.

MLP policy S11 (Access and Transportation) acts to implement a hierarchy of preference for transportation by road, which seeks to move mineral traffic onto the main road network as quickly and as efficiently as possible. The Highway Authority may then require improvement works (at the developer's expense) to upgrade the road network to accommodate HGV traffic from the site. The MWPA also has a responsibility to ensure that HGV movements do not generate unacceptable impacts on highways safety. Therefore, Policy S11 is proposed to be amended to state that "Considering any mitigation measures proposed, minerals development shall not cause: a) Unacceptable physical impacts on the highway network (e.g. kerbside or road damage), b) Unacceptable risks to the safety of pedestrians and road users, c) Unacceptable impacts on the efficiency and/or capacity of the highway network (including the trunk road network), d) Any other unacceptable highway impact.".

The establishment of Mineral Infrastructure Consultation Areas (MICAs)

A comment was received through the consultation which stated that Mineral Infrastructure Consultation Areas can only be established with community consent, renewed at a reasonable frequency.

As per the NPPF Paragraph 210 (2021), planning policies should "safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas" (Primarily in two tier areas) "and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a

presumption that the resources defined will be worked)". Mineral Infrastructure Consultation Areas (MICAs) are designated by the MWPA around existing, allocated and permitted mineral infrastructure, which itself are subject to planning application and subsequent consultation. Therefore, MSAs, MCAs and MICAs are designated through the MLP as a consequence of the presence of unextracted resource or existing, allocated and/or permitted sites for mineral infrastructure. They are not designations to be consulted on individually. Information on how they have been designated can be found in the 'Essex Minerals Local Plan Review 2021 – Report setting out the Rationale behind the Proposed Amendments – 2021' from paragraph 4.209. All Local Plans, including site allocations, are subject to a public consultation ahead of implementation.

Application approval process, public consideration, and environmental impacts

It was stated through a response received as part of the consultation that the balance in favour of non-mineral activity will likely be developed in the Planning Appeal process so the MWPA should avoid this uncertainty and cost to residents and businesses in Essex (these businesses may contribute more to the economy and social cohesion than minerals activity) or replace minerals extraction with other technology. The response questions how disputes will be fairly mediated.

All applications are assessed on a case-by-case basis. All planning applications are publicly consulted on, the Planning Officer makes their decision based on the evidence before them and conformity with the Development Plan. Policy S9, criteria d allows wider benefits to be taken into account. If the applicant is not satisfied with the decision reached then they have a right to appeal, and their case will be heard by an independent planning inspector.

Through the consultation a response received state that there is no mention of public consideration. The response stated that it is all about protecting the resource but what about the people and the residential area they have to live in. No mention is made about how awful it is to live near such an area. Applications for minerals development should demonstrate adherence to the Strategic Objectives of the MLP, including Strategic Objective 13 (7c), "To maintain and/or enhance landscape, biodiversity and residential amenity for people living in proximity to minerals development". Therefore, residential amenity for people living in proximity to minerals development is taken into account when considering proposals for minerals development.

Furthermore, Policy DM1 which applications for minerals development should demonstrate adherence to states 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: 2. The health and wellbeing of local residents, as well as the wider community, adjoining who could be impacted by operation of the site development".

It was also raised that mineral sites still in use have made major environmental impacts on not only the landscape but the residential areas around. Policy DM1 states that applications for minerals development should demonstrate adherence to states 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: 2. The health and wellbeing of local residents, as well as the wider community, adjoining who could be

impacted by operation of the site development”, as well as “The appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness”.

Policy S12 further requires that ‘Proposals for minerals development will be permitted provided that it can be demonstrated that the land is capable of being restored at the earliest opportunity to an acceptable environmental condition to support Local Plan objectives and/ or other beneficial after-uses, with positive benefits to the environment, biodiversity and/ or local communities. A further proposed amendment to Policy S12 states that restoration proposals need to demonstrate that *‘They enhance the form, quality of local character, and local distinctiveness of the landscape’*. Therefore, residential amenity for people living in proximity to minerals development is taken into account when considering proposals for minerals development.

Updated definition of Mineral Infrastructure and reference to the Agent of Change Principle in Policy S9

A comment received through the consultation stated that Whilst Chapter 3 of the plan makes clear what is meant by mineral infrastructure, the glossary definition could be expanded to provide a clearer explanation. The glossary definition states: “Mineral Infrastructure applies to mineral facilities that are involved in the working and distribution of mineral resources.”. They noted that the phrase ‘working and distribution’ could be read as though it’s referring to mineral extraction sites and transportation sites (rail depots and marine wharves) only. They suggested the following, “Mineral Infrastructure applies to mineral facilities that are involved in the working, recycling, processing and distribution of mineral resources.”.

The MWPA agree with this response and therefore, The Glossary definition for Mineral Infrastructure will be amended as follow, “Mineral Infrastructure applies to mineral facilities that are involved in the working, recycling, processing and distribution of mineral resources”.

Through the consultation it was noted that The text proposed in Paragraph 3.175 makes reference to the approach being in conformity with NPPF Para 182 – the ‘Agent of Change principle’ (which states that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established). The response stated that whilst support policy S9 is supported, it should be considered that the ‘agent of change’ should be referred to at part a) of the policy. The following text in capitals was suggested, “a) suitable mitigation can be demonstrated, IN ACCORDANCE WITH THE ‘AGENT OF CHANGE PRINCIPLE’, such that there is no unsatisfactory impact on the effective operation of the safeguarded facility, or...”. The MWPA agree with the suggested wording and therefore it is proposed to amend criteria a of Policy S9.

It was also raised through a response that the policy principle of the approach the MWPA are proposing for mineral safeguarding is supported, however, paragraph 3.150 (3.142), the last sentence of the proposed new paragraph is clearly, to those familiar with the topic, referring to the Agent of Change at paragraph 182 of the NPPF and is supported. However, to make this paragraph effective we believe it is important to clearly reference the NPPF paragraph and mention agent of change for the benefit of the general reader. Therefore, it is proposed to amend Paragraph 3.150 (3.142) as follows, “The NPPF Paragraph 182 – ‘The Agent of Change

Principle' is also clear that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established, and this includes mineral infrastructure."

Questions around the exemption criteria

A response received as part of the consultation suggested that the policy identifies the safeguarded mineral facilities, on proposal maps, demonstrating objectively where these facilities are in the Plan area as required by Part 17, Section 204 para. e) the NPPF 2019. It also requires consultation with the MPA on non-mineral proposals within 250m of these defined safeguarded facilities. However, as with Policy S8, there is no attempt to set out any exemption criteria that would have to be satisfied that would justify loss of a safeguarded facility to other development or an allocation in a local plan for non-mineral development. Policy S9 states "Proposals which are considered to have the potential to adversely impact on the effective operation of a safeguarded mineral site or infrastructure, including the site allocations within this Plan, are unlikely to be opposed where" and then sets out a list of criteria.

The same response also stated that non-mineral development within 250m of the safeguarded facilities or allocation for such development in local plans may have detrimental impacts on the future lawful unimpeded operation of these safeguarded facilities. Assessments to justify these other non-mineral developments or their local plan allocations could be required by the policy, or another policy alongside Policy S9, to enable ECC to effectively determine whether any exemption argued by developers through their applications or local authorities through their local plan allocations, are justified or not. The safeguarding SPD above (see respondents comment under Policy S8 Q2) addresses this process in more detail. Policy S9 states "Non-mineral led applications made within Mineral Infrastructure Consultation Areas are required to include a Minerals Infrastructure Impact Assessment in conformity with the schedule set out in Appendix Two of this Plan (except for those developments defined as 'Excluded' in the same Appendix)". Appendix Two is "The Implementation of Mineral Resource and Infrastructure Safeguarding Policy". Therefore, it is not considered necessary to amend Policy S9.

Conclusion

It was suggested through the consultation that the criteria in Policy S9 that covers proposals which are considered to have the potential to adversely impact on the effective operation of a safeguarded mineral site or infrastructure are unlikely to be opposed, does not take into consideration occasions when mineral operations may need to be slowed or mothballed relating to the quality and quantity of mineral available, restrictions relating to the operation of the site, economic downturns, or recession etc. Therefore, the MWPA are proposing to amend criteria b and c of Policy S9.

The use of recovered and reconstituted gravel, bulk construction materials, careful recycling and reusing were raised through the consultation. The role, responsibilities and abilities of the MWPA in relation to this have been discussed above.

Through the consultation comments were received around the need for an updated definition of Mineral Infrastructure and reference to the Agent of Change Principle in

Policy S9 and the supporting text. The MWPA agreed with comments received and therefore the Glossary definition of 'Mineral Infrastructure' will be updated and criteria a of Policy S9 and Paragraph 3.150 (3.142) of the supporting text are proposed to be amended to reference the Agent of Change Principle.

Comments were received through the consultation around consideration of transport links and sustainable transport, the establishment of Mineral Infrastructure Consultation Areas (MICAs), the application approval process, public consideration, environmental impacts and Policy S9 the exemption criteria. Each of these have been discussed above, however, there are no further proposed amendments as a result of the comments received.

Schedule of Amendments to Policy S9 following March 2021 Regulation 18 Consultation on MLP Review

Old Ref	New Ref	Proposed Amendment
N/A	Policy S9, criteria a)	a) <u>suitable mitigation can be demonstrated, in accordance with the 'agent of change' principle, such that there is no unsatisfactory impact on the effective operation of the safeguarded facility, or</u>
N/A	Policy S9, criteria b)	b) a temporary permission for the mineral use has expired or will expire by the <u>time of the operation/occupation of the non-mineral development, and there is no potential for mineral use to recommence</u> or
N/A	Policy S9, criteria c)	c) the mineral use has otherwise ceased <u>there is no potential for mineral use to recommence</u> , and the site is considered unsuitable for a subsequent mineral use, or

ORGANISATION	ON BEHALF OF	POLICY S9	POLICY S9	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	Runwell Parish Council	Agree	N/a	N/A

(631132323)				
W H Collier Limited (769297167/ 942768790)		Agree		N/A
CPRE Essex (665562826)		Agree		N/A
Thurrock Borough Council (97704900)	Thurrock borough Council	Agree	No additional comment.	Noted.
Blackwater Aggregates (623162177)		Agree (but wish to clarify)	Mineral permissions are temporary due to the nature of the quarrying and restoration operations that are carried out across a site. However, there are occasions when mineral operations may need to be slowed or mothballed relating to the quality and quantity of mineral available, restrictions relating to the operation of the site, economic downturns or recession etc.	Criteria b and c of Policy S9 will be updated as follows, b) a temporary permission for the mineral use has expired or will expire by the <u>time of the</u> operation/occupation of the non-mineral development, <u>and there is no potential for mineral use to recommence</u> or c) the mineral use has otherwise ceased <u>there is no potential for mineral use to recommence</u> , and the site is considered unsuitable for a subsequent mineral use, or
CEMEX (982058282)		Agree (but wish to clarify)	Mineral permissions are temporary due to the nature of the quarrying and restoration operations that are carried out across a site. However, there are occasions when mineral	Criteria b and c of Policy S9 will be updated as follows, b) a temporary permission for the mineral use has expired or will expire by the <u>time of the</u>

			operations may need to be slowed or mothballed relating to the quality and quantity of mineral available, restrictions relating to the operation of the site, economic downturns or recession etc.	operation/occupation of the non-mineral development <u>and there is no potential for mineral use to recommence</u> , or c) the mineral use has otherwise ceased, <u>there is no potential for mineral use to recommence</u> , and the site is considered unsuitable for a subsequent mineral use, or
Gent Fairhead Aggregates (871678397)		Agree (but wish to clarify)	Mineral permissions are temporary due to the nature of the quarrying and restoration operations that are carried out across a site. However, there are occasions when mineral operations may need to be slowed or mothballed relating to the quality and quantity of mineral available, restrictions relating to the operation of the site, economic downturns or recession etc.	Criteria b and c of Policy S9 will be updated as follows, b) a temporary permission for the mineral use has expired or will expire by the <i>time of the</i> operation/occupation of the non-mineral development, <u>and there is no potential for mineral use to recommence</u> , or c) the mineral use has otherwise ceased, <u>there is no potential for mineral use to recommence</u> , and the site is considered unsuitable for a subsequent mineral use, or
Resident (850344129)		Agree (but wish to clarify)	Mineral permissions are temporary due to the nature of the quarrying and restoration operations that are carried out across a site. However, there are occasions when mineral	Criteria b and c of Policy S9 will be updated as follows, b) a temporary permission for the mineral use has expired or will expire by the <i>time of the</i>

			<p>operations may need to be slowed or mothballed relating to the quality and quantity of mineral available, restrictions relating to the operation of the site, economic downturns or recession etc.</p>	<p>operation/occupation of the non-mineral development, <u>and there is no potential for mineral use to recommence or</u></p> <p>c) the mineral use has otherwise ceased <u>and there is no potential for mineral use to recommence</u>, and the site is considered unsuitable for a subsequent mineral use, or</p>
<p>Coggeshall Parish Council (598729813)</p>	<p>Coggeshall parish council</p>	<p>Disagree (please clarify)</p>	<p>Stone covering sites (roads, pavements etc) may be superseded by technology to substitute minerals with recovered and reconstituted gravel and bulk construction materials that would otherwise be sent to incineration begin to enter the supply chain and reduce the need for minerals extraction.</p> <p>As these surfaces represent strategic importance to ECC – what steps are being taken to develop non-mineral based supplements / alternatives to minerals?</p>	<p>The MWPA does not provide aggregate for a specific use, it is provided to the market. There is a requirement for MWPA's to provide for the need for aggregate as set out in the NPPF. The MWPA does not have the ability to require the use of recycled material or reduce demand by not making provision for primary aggregates. Policy S4 of the Minerals Local Plan (2014) advocates reducing the use of mineral resources through reusing and recycling minerals generated because of development/ redevelopment.</p> <p>Physically developing alternatives and supplements to aggregates is outside of the remit of a panning authority.</p>

			<p>Ahead of safeguarding any site (especially footloose concrete and bagging plants) the ECC should consider the transport links and assess whether they are on strategic lorry routes / rail or wharf intersections – if they are not and they can move to align with strategic lorry routes they should – thus avoiding the risk of new neighbours sterilising activity. Wholesale safe guarding of all mineral activity is opposed.</p>	<p>Existing mineral infrastructure will be safeguarded for the length of their planning permission, and the land will then continue to be safeguarded, if appropriate, under the provisions of Policy S9 as it is intended to be amended. By virtue of the mineral infrastructure operating, it has already been deemed an acceptable land use by the grant of planning permission. Where mineral infrastructure is associated with mineral extraction, the planning permission for that infrastructure is linked to the working of the extraction site and will likely expire at the same point in time as the associated mineral extraction permission.</p> <p>Policy S5 states that new applications for mineral infrastructure will be supported where (inter-alia) they are 'located on the main road network' in proximity to growth areas.</p> <p>Further, Policy S11 states that <i>"Planning applications for new minerals development proposals or proposals that generate traffic impact and/or an increase in traffic</i></p>
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				<p><i>movements, shall be accompanied by a Transport Assessment or Transport Statement". Therefore, the most proposed route will be assessed for any impacts on a case-by-case basis in accordance with the route hierarchy (as set out in the Highways Development Management Policies (February 2011).</i></p>
			<p>Mineral Infrastructure Consultation Areas can only be established with community consent, renewed at a reasonable frequency.</p>	<p>As per the NPPF Paragraph 210 (2021), planning policies should "safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas" (Primarily in two tier areas) "and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked)". Mineral Infrastructure Consultation Areas (MICAs) are designated by the MWPA around existing, allocated and permitted mineral infrastructure, which itself are subject to planning application and subsequent consultation.</p>

				<p>Therefore, MSAs, MCAs and MICAs are designated through the MLP as a consequence of the presence of unextracted resource or existing, allocated and/or permitted sites for mineral infrastructure. They are not designations to be consulted on individually. Information on how they have been designated can be found in the 'Essex Minerals Local Plan Review 2021 – Report setting out the Rationale behind the Proposed Amendments – 2021' from paragraph 4.209. All Local Plans, including site allocations, are subject to a public consultation ahead of implementation.</p>
			<p>The balance in favour of non-mineral activity will likely be developed in the Planning Appeal process so ECC should avoid this uncertainty and cost to residents and businesses in Essex (these businesses may contribute more to the economy and social cohesion than minerals activity) or replace minerals extraction with other technology. How will disputes be fairly mediated?</p>	<p>All applications are assessed on a case-by-case basis. All planning applications are publicly consulted on, the Planning Officer makes their decision based on the evidence before them and conformity with the Development Plan. Policy S9, criteria d allows wider benefits to be taken into account. If the applicant is not satisfied with the decision reached then they have a right to appeal, and their case will be heard by an independent planning inspector.</p>

			<p>There is no mention of this . It is all about protecting the resource but what about the people and the residential area they have to live in. No mention is made about how awful it is to live near such an area.</p>	<p>Applications for minerals development should demonstrate adherence to the Strategic Objectives of the MLP, including Strategic Objective 13 (7c), “To maintain and/or enhance landscape, biodiversity and residential amenity for people living in proximity to minerals development”. Therefore, residential amenity for people living in proximity to minerals development is taken into account when considering proposals for minerals development. Furthermore, Policy DM1 which applications for minerals development should demonstrate adherence to states 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: 2. The health <i>and wellbeing</i> of local residents, <i>as well as the wider community, adjoining who could be impacted by operation of the site development</i>”.</p>
David L Walker	Brice	No comment		N/A

Ltd (559449615)	Aggregates			
Suffolk County Council (549043477)		No comment	No comment.	Noted.
GeoEssex (538324742)		No comment	no comment	Noted.
Strutt & Parker Strutt & Parker (891506607)	G&B Finch	No comment		N/A

Table 2 - March 2021 Regulation 18 Consultation Responses to Policy S9

ORGANISATION	ON BEHALF OF	POLICY S9	POLICY S9	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	Runwell Parish Council	Agree	N/a	N/A

(631132323)				
W H Collier Limited (769297167/ 942768790)		Agree		N/A
CPRE Essex (665562826)		Agree		N/A
Medway Council (496262423)		Agree	The introduction of Mineral Infrastructure Consultation Areas and proposed amendments around the safeguarding of mineral infrastructure to ensure that sensitive or inappropriate development that would conflict with the effective operation of these sites is not located in close proximity are strongly supported. It is considered that the proposed changes will lead to an enhanced process of safeguarding infrastructure that is essential to meeting supply requirements consistent with the national planning policy.	Noted.
Thurrock Borough Council (97704900)	Thurrock borough Council	Agree	No additional comment.	Noted.
Hertfordshire County Council (131572473)		Agree (but wish to clarify)	The supporting text for Policy S9 has been amended to explain and refer to the NPPF's Agent of Change principle' and the sites and facilities classed as 'mineral	Noted.

			<p>infrastructure' have been clearly identified.</p> <p>The supporting text goes on to explain that the safeguarding of mineral infrastructure will be implemented through Mineral Infrastructure Consultation Areas (MICA's) and that Minerals Infrastructure Impact Assessments (MIIA) will be required where non- mineral led applications fall within MICA's (except for those applications which fall within the remits of the criteria set out in Appendix Two).</p> <p>The county council is in full support of the proposed amendments made to Policy S9 and its supporting text. Policy S9 will offer a greater level of protection to the mineral infrastructure within Essex County and the requirement for MIIA's will ensure a more robust approach to safeguarding and ensure that appropriate consideration is given to mineral infrastructure as early as possible.</p>	
			Whilst Chapter 3 of the plan	The Glossary definition for

			<p>makes clear what is meant by mineral infrastructure, the glossary definition could be expanded to provide a clearer explanation. The glossary definition states:</p> <p>'Mineral Infrastructure applies to mineral facilities that are involved in the working and distribution of mineral resources.'</p> <p>The phrase 'working and distribution' could be read as though it's referring to mineral extraction sites and transportation sites (rail depots and marine wharves) only.</p> <p>As an example, the definition could be expanded to the following:</p> <p>'Mineral Infrastructure applies to mineral facilities that are involved in the working, recycling, processing and distribution of mineral resources.'</p>	<p>Mineral Infrastructure will be amended as follow, "<u>Mineral Infrastructure applies to mineral facilities that are involved in the working, recycling, processing and distribution of mineral resources</u>".</p>
			<p>Overall, the county council supports the proposed changes to the Essex Minerals Local Plan and is in agreement with the</p>	<p>Noted.</p>

<p>Blackwater Aggregates (623162177)</p>		<p>Agree (but wish to clarify)</p>	<p>changes proposed to the plan.</p> <p>Mineral permissions are temporary due to the nature of the quarrying and restoration operations that are carried out across a site. However, there are occasions when mineral operations may need to be slowed or mothballed relating to the quality and quantity of mineral available, restrictions relating to the operation of the site, economic downturns or recession etc.</p> <p>Therefore, additions are proposed to points b (and there is no potential for mineral use to recommence) and c (and there is no potential for mineral use to recommence) of Policy S9 to state:</p> <p>b) a temporary permission for the mineral use has expired or will expire <u>and there is no potential for mineral use to recommence</u> by the operation/occupation of the non-mineral development, or</p> <p>c) the mineral use has otherwise ceased <u>and there is no potential</u></p>	<p>Criteria b and c of Policy S9 will be updated as follows,</p> <p>b) a temporary permission for the mineral use has expired or will expire by the <u>time of the operation/occupation of the non-mineral development and there is no potential for mineral use to recommence</u>, or</p> <p>c) the mineral use has otherwise ceased, <u>there is no potential for mineral use to recommence</u>, and the site is considered unsuitable for a subsequent mineral use, or</p>
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			<i>for mineral use to recommence</i> , and the site is considered unsuitable for a subsequent mineral use, or	
CEMEX (982058282)		Agree (but wish to clarify)	<p>Mineral permissions are temporary due to the nature of the quarrying and restoration operations that are carried out across a site. However, there are occasions when mineral operations may need to be slowed or mothballed relating to the quality and quantity of mineral available, restrictions relating to the operation of the site, economic downturns or recession etc.</p> <p>Therefore, additions are proposed to points b (and there is no potential for mineral use to recommence) and c (and there is no potential for mineral use to recommence) of Policy S9 to state:</p> <p>b) a temporary permission for the mineral use has expired or will expire <u>and there is no potential for mineral use to recommence</u> by the operation/occupation of the non-mineral development, or</p>	<p>Criteria b and c of Policy S9 will be updated as follows,</p> <p>b) a temporary permission for the mineral use has expired or will expire by the <i>time of the</i> operation/occupation of the non-mineral development, <u>and there is no potential for mineral use to recommence, or</u></p> <p>c) the mineral use has otherwise ceased, <u>there is no potential for mineral use to recommence</u>, and the site is considered unsuitable for a subsequent mineral use, or</p>

			<p>c) the mineral use has otherwise ceased <u>and there is no potential for mineral use to recommence</u>, and the site is considered unsuitable for a subsequent mineral use, or</p>	
<p>Bretts (203253168)</p>		<p>Agree (but wish to clarify)</p>	<p>The text proposed in Para. 3.175 makes reference to the approach being in conformity with NPPF Para 182 – the ‘Agent of Change principle’ (which states that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established).</p> <p>Whilst we support policy S9, however consider that the ‘agent of change’ should be referred to at part a) of the policy. Possible wording in capitals below:</p> <p>a) <u>suitable mitigation can be demonstrated, IN ACCORDANCE WITH THE ‘AGENT OF CHANGE PRINCIPLE’, such that there is no unsatisfactory impact on the effective operation of the safeguarded facility, or...</u></p>	<p>Policy S9, criteria a) will be updated as follow, “<u>suitable mitigation can be demonstrated, in accordance with the ‘agent of change’ principle, such that there is no unsatisfactory impact on the effective operation of the safeguarded facility, or</u>”.</p>
<p>Gent Fairhead</p>		<p>Agree (but wish to</p>	<p>Mineral permissions are</p>	<p>Criteria b and c of Policy S9 will</p>

<p>Aggregates (871678397)</p>		<p>clarify)</p>	<p>temporary due to the nature of the quarrying and restoration operations that are carried out across a site. However, there are occasions when mineral operations may need to be slowed or mothballed relating to the quality and quantity of mineral available, restrictions relating to the operation of the site, economic downturns or recession etc.</p> <p>Therefore, additions are proposed to points b (and there is no potential for mineral use to recommence) and c (and there is no potential for mineral use to recommence) of Policy S9 to state:</p> <p>b) a temporary permission for the mineral use has expired or will expire <u>and there is no potential for mineral use to recommence</u> by the operation/occupation of the non-mineral development, or</p> <p>c) the mineral use has otherwise ceased <u>and there is no potential for mineral use to recommence</u>, and the site is considered</p>	<p>be updated as follows,</p> <p>b) a temporary permission for the mineral use has expired or will expire by the <i>time of the</i> operation/occupation of the non-mineral development, <u>and there is no potential for mineral use to recommence, or</u></p> <p>c) the mineral use has otherwise ceased, <u>there is no potential for mineral use to recommence</u>, and the site is considered unsuitable for a subsequent mineral use, or</p>
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			unsuitable for a subsequent mineral use, or	
Resident (850344129)		Agree (but wish to clarify)	<p>Mineral permissions are temporary due to the nature of the quarrying and restoration operations that are carried out across a site. However, there are occasions when mineral operations may need to be slowed or mothballed relating to the quality and quantity of mineral available, restrictions relating to the operation of the site, economic downturns or recession etc.</p> <p>Therefore, additions are proposed to points b (and there is no potential for mineral use to recommence) and c (and there is no potential for mineral use to recommence) of Policy S9 to state:</p> <p>b) a temporary permission for the mineral use has expired or will expire <u>and there is no potential for mineral use to recommence</u> by the operation/occupation of the non-mineral development, or</p> <p>c) the mineral use has otherwise</p>	<p>Criteria b and c of Policy S9 will be updated as follows,</p> <p>b) a temporary permission for the mineral use has expired or will expire by the <i>time of the</i> operation/occupation of the non-mineral development, <u>and there is no potential for mineral use to recommence, or</u></p> <p>c) the mineral use has otherwise ceased, <u>there is no potential for mineral use to recommence,</u> and the site is considered unsuitable for a subsequent mineral use, or</p>

			<p><i>ceased and there is no potential for mineral use to recommence,</i> and the site is considered unsuitable for a subsequent mineral use, or</p>	
<p>Coggeshall Parish Council (598729813)</p>	<p>Coggeshall parish council</p>	<p>Agree (but wish to clarify)</p>	<p>Mineral planning authority control how much material is extracted over time to ensure they do not over quarry leaving less for the future. This is now dependent on how much recycling continues. This area supplies the rest of the country with the most important resources needed for building and developing and will continue supplying for the foreseeable future. Surely careful recycling and reusing should be slowing this down.</p>	<p>Policy S4 of the Minerals Local Plan (2014) advocates reducing the use of mineral resources through reusing and recycling minerals generated because of development/ redevelopment. The MWPA does not provide aggregate for a specific use, it is provided to the market. The National Planning Policy Framework (NPPF) requires MWPA's to provide for the need for aggregate, with 'need' established through a prescribed methodology. As the MWPA we have no ability to ensure the use of recycled material or reduce demand.</p> <p>The role of the MLP is to set out a range of policies guiding minerals development in the County. Whilst it contains policies that act to facilitate additional aggregate recycling capacity and encourage the sustainable use of minerals,</p>

				including minimising mineral waste, it cannot require that aggregates are not used in construction.
			<p>Sustainable transport nodes are used for mineral movement for this area it is .A12,A120 and Marks Tey rail depot. The movement of quarried material by HGVs is ruining the roads around Bradwell and Coggeshall the congestion on the roads is anything but environmentally aware and protected including dust, noise, congestion of vehicle movement, these can cause major health problems</p>	<p>MLP policy S11 (Access and Transportation) acts to implement a hierarchy of preference for transportation by road, which seeks to move mineral traffic onto the main road network as quickly and as efficiently as possible. The Highway Authority may then require improvement works (at the developer's expense) to upgrade the road network to accommodate HGV traffic from the site. The MWPA also has a responsibility to ensure that HGV movements do not generate unacceptable impacts on highways safety. Therefore, Policy S11 is proposed to be amended to state that</p> <p><i>“Considering any mitigation measures proposed, minerals development shall not cause:</i></p> <p><i>a) Unacceptable physical impacts on the highway network (e.g. kerbside or road damage),</i></p> <p><i>b) Unacceptable risks to the safety of pedestrians and road</i></p>

				<p>users,</p> <p>c) <i>Unacceptable impacts on the efficiency and/or capacity of the highway network (including the trunk road network),</i></p> <p>d) <i>Any other unacceptable highway impact.”.</i></p>
			<p>The sites still in use have made major environmental impacts on not only the landscape but the residential areas around.</p>	<p>Policy DM1 states that applications for minerals development should demonstrate adherence to states 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: 2. The health <u>and wellbeing</u> of local residents, <u>as well as the wider community, adjoining who could be impacted by operation of the site development</u>”, as well as “The appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness”.</p> <p>Policy S12 further requires that ‘Proposals for minerals</p>

				<p>development will be permitted provided that it can be demonstrated that the land is capable of being restored at the earliest opportunity to an acceptable environmental condition <u>to support Local Plan objectives</u> and/ <u>or other</u> beneficial after-uses, with positive benefits to the environment, biodiversity and/ or local communities. A further proposed amendment to Policy S12 states that restoration proposals need to demonstrate that <u>'They enhance the form, quality of local character, and local distinctiveness of the landscape'</u>.</p> <p>Therefore, residential amenity for people living in proximity to minerals development is taken into account when considering proposals for minerals development.</p>
<p>Mineral Products Association (339717535)</p>		<p>Agree (but wish to clarify)</p>	<p>Safeguarding Mineral Extraction Sites and Other Mineral Infrastructure:</p> <p>The MPA support the policy principle of the approach Essex</p>	<p>Paragraph 3.150 (3.142) will be amended as follows, "<u>The NPPF Paragraph 182 – 'The Agent of Change Principle'</u> is also clear <u>that existing businesses and facilities should not have</u></p>

			<p>CC are proposing for mineral safeguarding but have the following comments;</p> <p>Par 3.150: The last sentence of the proposed new paragraph is clearly, to those familiar with the topic is referring to the Agent of Change at paragraph 182 of the NPPF and is supported .However, to make this paragraph effective we believe it is important to clearly reference the NPPF paragraph and mention agent of change for the benefit of the general reader.</p>	<p><u>unreasonable restrictions placed on them as a result of development permitted after they were established, and this includes mineral infrastructure.”</u> .</p>
			<p><u>Policy 9 – Safeguarding Mineral Extraction Site and other Mineral Infrastructure</u></p> <p>The MPA supports this policy however we believe the agent of change should be mentioned in this policy notwithstanding the reference in para.3.175 to make the policy effective. It is suggested that the wording of part a) of the policy is altered as follows;</p> <p>Proposed Changes (deletions in</p>	<p>Policy S9, criteria a) will be updated as follow, “<u>suitable mitigation can be demonstrated, in accordance with the ‘agent of change’ principle, such that there is no unsatisfactory impact on the effective operation of the safeguarded facility, or”</u> .</p>

			<p>strikethrough; new text in bold</p> <p><i>suitable mitigation can be demonstrated, in accordance with the ‘agent of change’ principle, such that there is no unsatisfactory impact on the effective operation of the safeguarded facility, or....</i></p>	
Kent County Council (266388168)		Disagree (please clarify)	<p>The policy identifies the safeguarded mineral facilities, on proposal maps, demonstrating objectively where these facilities are in the Plan area as required by Part 17, Section 204 para. e) the NPPF 2019. It also requires consultation with the MPA on non-mineral proposals within 250m of these defined safeguarded facilities. However, as with Policy S8, there is no attempt to set out any exemption criteria that would have to be satisfied that would justify loss of a safeguarded facility to other development or an allocation in a local plan for non-mineral development.</p>	<p>Policy S9 states “Proposals which are considered to have the potential to adversely impact on the effective operation of a safeguarded mineral site or infrastructure, including the site allocations within this Plan, are unlikely to be opposed where” and then sets out a list of criteria.</p>
			<p>Similarly, non-mineral development within 250m of the safeguarded facilities or allocation for such development in local</p>	<p>Policy S9 states “Non-mineral led applications made within Mineral Infrastructure Consultation Areas are required</p>

			<p>plans may have detrimental impacts on the future lawful unimpeded operation of these safeguarded facilities. Assessments to justify these other non-mineral developments or their local plan allocations could be required by the policy, or another policy alongside Policy S9, to enable ECC to effectively determine whether any exemption argued by developers through their applications or local authorities through their local plan allocations, are justified or not. The safeguarding SPD above (see respondents comment under Policy S8 Q2) addresses this process in more detail.</p>	<p>to include a Minerals Infrastructure Impact Assessment in conformity with the schedule set out in Appendix Two of this Plan (except for those developments defined as 'Excluded' in the same Appendix)". Appendix Two is "The Implementation of Mineral Resource and Infrastructure Safeguarding Policy".</p>
			<p>Given that mineral importation and handling infrastructure, such as wharves and rail depots are increasingly important in the overall supply of minerals in the South East England (and it is assumed a similar case exists in the East England area) and once lost to non-mineral development generally cannot be replaced, the robust safeguarding of these facilities is considered paramount by the County Council. Loss of</p>	<p>Noted.</p>

			capacity could have a knock-on adverse effect to adjoining MPA areas and regions, therefore it is in Kent's interest that the facilities in Essex are robustly safeguarded. Under the Duty to Cooperate obligations the County Council is of the view that this is an issue that is of sufficient importance that it goes beyond this representation to the Essex Minerals Local Plan Review 2021. The County Council, therefore, wishes to remain engaged with ECC on this important mineral safeguarding matter.	
David L Walker Ltd (559449615)	Brice Aggregates	No comment		N/A
Suffolk County Council (549043477)		No comment	No comment.	Noted.
GeoEssex (538324742)		No comment	no comment	Noted.
Strutt & Parker (891506607)	G&B Finch	No comment		N/A