

REPLACEMENT MINERALS LOCAL PLAN - CONSULTATION RESPONSE GUIDANCE NOTE

This note is intended to highlight specific issues relating to the emerging policies in the Replacement Minerals Local Plan (RMLP) and the site assessment work.

Whilst the note is intended to help you consider your response in more detail, it is not intended to limit how you should reply. It sets out our view on what we feel, at this stage, it may be important to test. Your response to individual policies may touch on none, all or some of the issues set out in this note as well as raise new ones.

This note contains a list of all policies, even when there are no specific issues that the Minerals and Waste Planning Authority consider it appropriate to draw attention to. This has been done for completeness and to avoid creating the impression that we feel some policies are more important than others. At the end of this note there are questions relating to the site assessment part of the Review.

There is no requirement or expectation for you to provide a response to every question. There are also no minimum number of questions that you need to respond to, or minimum number of issues you need to address for your comments to be accepted.

Each policy in the RMLP should be read alongside its supporting explanatory text to provide context. Policies within the RMLP are taken 'as a whole', meaning that where a particular statement is made in one policy, it need not be repeated in any other policies.

Please use our online portal to reply to the RMLP consultation: <https://consultations.essex.gov.uk/planning/rmlpr-2024>

Section 1.0 Introduction	Do you have any comments on the introduction section of the Plan, especially on the importance of minerals, the minerals supply hierarchy, or whether there are any factual inaccuracies?
Section 2.0 Spatial Portrait	Do you have any comments or suggested amendments regarding the spatial portrait of Essex?
Section 3.0 The Strategy - Aims, Strategic Objectives and Spatial Priorities	Do you have any comments on the spatial vision, aims, strategic objectives, and spatial priorities for minerals development? Specific issues to consider may include: <ul style="list-style-type: none">• The aims, strategic objectives and spatial priorities, whilst updated, closely reflect those of the currently adopted Plan. Do they remain fit for purpose?
Policy S1 – Presumption in Favour of	Do you have any comments on Policy S1? Specific issues to consider may include: <ul style="list-style-type: none">• Whether this policy should be removed given that there is no longer the requirement to include it, or does it still serve a purpose?

Sustainable Development	
Policy S2 - Strategic Priorities for Minerals Development	<p>Do you have any comments on the Plan Strategy and strategic priorities for minerals development identified within the Plan?</p> <p>Specific issues to consider may include:</p> <ul style="list-style-type: none"> • Are there any other guiding principles that should be made explicit in the Plan Strategy? • The strategic priorities, whilst updated, closely reflect those of the currently adopted Plan. Do they remain fit for purpose?
Policy S3 - Climate Change	<p>Do you have any comments on Policy S3?</p> <p>Specific issues to consider may include:</p> <ul style="list-style-type: none"> • whether all the potential impacts on climate change from minerals development have been covered in the supporting text and addressed through the policy. • whether the impact on emissions/net-zero targets of the mineral development should be calculated just on the basis of the working of the mineral development or include the impact of the restoration scheme, including whether the restoration is agricultural, habitat based or built development. • whether mineral development (quarrying, recycling, transshipment) can be delivered on a net-zero basis and, if not, what steps can realistically be taken to move towards net-zero, now and in the future. • the need for a Climate Change Statement, what should go into a Climate Change Statement and whether the MWPA should standardise these. How can these be monitored and appropriate record kept?
Policy S4 - Reducing the Use of Mineral Resources	<p>Do you have any comments on Policy S4?</p> <p>Specific issues to consider may include:</p> <ul style="list-style-type: none"> • All types of development proposals should provide information on how CDE wastes will be reduced, re-used or recycled during construction and operation of the development. Would you recommend any existing guidance or alternative approaches that could provide consistency in terms of data requests and monitoring that the MWPA could consider adopting?
Policy S5 - Creating a Network of Aggregate Recycling Facilities and New	<p>Do you have any comments on Policy S5?</p>

Transshipment Sites	
Policy S6 - General Principles for Sand and Gravel Provision	<p>Do you have any comments on Policy S6? Specific issues to consider may include the following. Please note that the Forecasting the Need for Mineral Provision 2025-2040 Topic Paper available as part of the consultation provides more detail with regards to these policy issues.</p> <ul style="list-style-type: none"> • Is the proposed proportional uplift of 20% above the 10 year sales average justified? If not, what alternative provision rate should be pursued? • Should the policy contain a fixed plan figure (currently 3.98mtpa) or should the policy be based on an adopted formula to be used at a point in time for landbank calculations (ie the policy would currently refer to the last 10 year sales average + 20%) • Do you agree with the proposed methodology for taking account of Permitted Reserves as part of calculating mineral need? If not, how should this resource be accommodated? • No reduction in the need for primary allocations is proposed to be made on the basis of assuming an increase in mineral derived from alternative sources. Is this appropriate? • Are there any known reasons at this time why the MWPA should not assume that the import and export of minerals into its Plan area is likely to remain approximately the same? • The Forecasting the Need for Mineral Provision 2025-2040 MLP Topic Paper (<i>available on the Council website within the MLP evidence base</i>) outlines how the minerals target for the Plan has been established. Do you have any comments on the Forecasting the Need for Mineral Provision 2025-2040 MLP Topic Paper?
Policy S7 - Provision for Industrial Minerals	<p>Do you have any comments on Policy S7? Specific issues to consider may include the following</p> <ul style="list-style-type: none"> • The application of the individual provision forecasting methodologies for silica sand, chalk, brick clay and brickearth as set out in the Forecasting the Need for Mineral Provision 2025-2040 MLP Topic Paper (available on the Council website within the MLP evidence base).
Policy S8 - Safeguarding Mineral Resources and Avoiding their Sterilisation	<p>Do you have any comments on Policy S8? Specific issues to consider may include the following:</p> <ul style="list-style-type: none"> • To what extent is the prior extraction of mineral ahead of non-mineral development viable in principle? Given the requirements of the NPPF (Paragraphs 215, 216c&d and 218), what are the main barriers and how could they be overcome through a revised approach to policy or procedure? • When would be the earliest time in the ‘planning timeline’ that it would be reasonable for a Mineral Resource Assessment (MRA) to be undertaken to ensure that its findings can have a legitimate impact on the proposed development.

	<ul style="list-style-type: none"> • Are the safeguarding area thresholds for each mineral, as proposed in Table 4, justified, given the need for a proportionate approach but acknowledging that the NPPF does not set thresholds. Are there more appropriate mineral safeguarding thresholds that could be implemented to ensure resources are more effectively targeted? • Do you agree or disagree with the delineations made between 'excluded' and 'included' development for the purposes of MSA, MCA and MICA policy application? • To what extent should economic impacts be justified through the Minerals Resource Assessment as part of the practicality of prior extraction test?. • Do you agree or disagree with the approach regarding Mineral Consultation Areas, in particular their proposed extent of 100m, in light of their role as set out in Mineral Safeguarding Guidance (Paragraphs 4.3 and 4.4)? Is an alternative distance more appropriate? • Are there any potential issues to address through a MRA that are missing from the proposed example considerations in Table 4? • To what degree should bespoke, quantified assessment be required to prove/disprove a potential impact?
Policy S9 - Safeguarding Mineral Extraction Sites and Other Mineral Infrastructure	<p>Do you have any comments on Policy S9? Specific issues to consider may include the following:</p> <ul style="list-style-type: none"> • When would be the earliest time in the 'planning timeline' that it would be reasonable for an MRA to be undertaken to ensure that its findings can have a legitimate impact on the proposed development. • Are there any potential issues to address through a Mineral Infrastructure Impact Assessment that are missing from the proposed example considerations in Table 8? • To what degree should bespoke, quantified assessment be required to prove/disprove a potential impact?
Policy S10 - Protecting and Enhancing the Environment and Local Amenity	<p>Do you have any comments on Policy S10?</p>
Policy S11 - Access and Transportation	<p>Do you have any comments on Policy S11? Specific issues to consider may include the following:</p> <ul style="list-style-type: none"> • Policy S11 requires that HGV movements shall not generate unacceptable impacts on air quality (particularly in relation to any potential breaches of National Air Quality Objectives and impacts on any Air Quality Management Areas). How can this requirement be quantitatively addressed through a planning application? • Are there any potential issues to address through a Transport Statement/Transport Assessment that are missing from the policy?

	<ul style="list-style-type: none"> To what degree should bespoke, quantified assessment be required to prove/disprove a potential impact?
Policy S12 - Mineral Site Restoration and After-Use	<p>Do you have any comments on Policy S12? Specific issues to consider may include the following:</p> <ul style="list-style-type: none"> Are there any perceived issues with the requirement to calculate Biodiversity Net Gain for mineral development using the DEFRA metric.
Section 4 – The Approach to Identifying Preferred Mineral Sites for Primary Mineral Extraction	<p>Do you have any comments on this Section? The Assessment of Candidate Sand and Gravel Sites report within the MLP evidence base will be used to inform the selection of minerals site allocations for a future version of the MLP. The draft findings of this assessment are to be subjected to consultation. Preferred allocated sites have therefore not been selected at this stage and allocation policies are yet to be written. Please see the Candidate Site Assessment section of the Review on our website (www.essex.gov.uk/minerals-review) to understand how sites are to be allocated in future versions of the Plan.</p>
Policy DM1 - Development Management Criteria	<p>Do you have any comments on Policy DM1? Specific issues to consider may include the following:</p> <ul style="list-style-type: none"> Have all potential adverse impacts been covered?
Policy DM3 - Primary and Secondary Processing Plants	<p>Do you have any comments on Policy DM3? Specific issues to consider may include the following:</p> <ul style="list-style-type: none"> Draft MLP Policy DM3 has been amended to include requirements for both primary and secondary processing plants, resulting in the removal of adopted MLP Policy DM4. Are there any specific policy tests that could be applied to justify the importation of non-indigenous material into a site for primary and/or secondary processing?
Policy IMR1	<p>Policy IMR1 has been removed from the MLP and replaced with information on the approach to monitoring and reviewing the Plan. Specific issues to consider may include the following: Do you have any comments with regards to the current set of indicators set out in the Monitoring Framework, including thresholds and data sources?</p> <ul style="list-style-type: none"> Are there any other indicators that should be included or removed?
Appendix Two	<p>Do you have any comments on Appendix Two? Specific issues to consider may include the following:</p>

	<ul style="list-style-type: none"> • Do you agree or disagree with the proposed consultation measures between LPAs, the MWPA and developers? What alternatives could be considered? • Do you agree or disagree with the delineations made between ‘excluded’ and ‘included’ development for the purposes of MSA, MCA and MICA policy application? • To what extent should economic impacts be justified through the Minerals Resource Assessment as part of the practicality of prior extraction test?. • Are there any potential issues to address through a Mineral Resource Assessment that are missing from the proposed example considerations in Table 7? • Are there any potential issues to address through a Mineral Infrastructure Impact Assessment that are missing from the proposed example considerations in Table 8? • To what degree should bespoke, quantified assessment be required to prove/disprove a potential impact?
Appendix Three	Do you have any comments on Appendix Three?

Assessment of Candidate Sand and Gravel Sites	<p>Do you have any comments on the site assessment work?</p> <ul style="list-style-type: none"> • Are there any other criteria that should inform the RAG assessment? • Do you have any comments in relation to how the 16 criteria that inform the RAG site assessment have been graded? • Should any of the criteria be exclusionary criteria? • Do you have any comments with regards to how the RAG assessment grading should be used to inform the process of defining an initial list of Preferred Site Allocations? • The allocation of sites will primarily be led by the assessment results derived from the site assessment methodology presented in the ‘Assessment of Candidate Sand and Gravel Sites, 2022’ report. However, there is a need to reflect the Vision and Strategy of the MLP. How should these ‘other strategic planning matters’ influence the final list of Preferred Site Allocations? Strategic planning matters under consideration include: <ul style="list-style-type: none"> ○ spatial distribution including proximity to growth locations, ○ expected time frame for extraction, ○ avoiding concentrating allocations in a small number of sites, ○ ensuring that site allocations can meet the plan provision rate (production capacity), ○ striking a balance between extensions and new sites, ○ strategic restoration benefits, and ○ the cumulative impact of proposals in an area.
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	<p>Do you have any comments and/or suggested additions with regards to these 'other planning criteria' that will also inform site selection?</p>
	<p>Do you have any comments on the site assessment for 'XXX' site. Please refer to the appendices of the site assessment report for a detailed assessment of the sites under each criterion. Appendices are titled by the criteria addressed and include the methodology through which sites were assessed under that criterion.</p>